

**We Are Here to Serve You!
Public Security, Police Reform and Human Rights
Implementation in Costa Rica**

Cover: Coat of Arms of the Costa Rican Public Force, website of the Ministry of Governance, the Police and Public Security, accessed on 28 June 2007.

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We Are Here to Serve You! Public Security, Police Reform and Human Rights Implementation in Costa Rica

Wij Zijn er om U te Dienen!
Openbare Veiligheid, Politie Hervormingen
en de Implementatie van Mensenrechten in Costa Rica
(met een samenvatting in het Nederlands)

¡Estamos para Servirle!
Seguridad Pública, Reforma Policial
y la Implementación de Derechos Humanos en Costa Rica
(con un resumen en Español)

Proefschrift

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aan de Universiteit Utrecht
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door

Quirine Andrea Martine Eijkman
geboren op 11 maart 1975, te 's-Gravenhage

Promotoren: Prof. dr. P. van Reenen
Prof. dr. P. Silva
Prof. mr. C.F. Flinterman

To my daughter Theresa S.Q. Biermans

PREFACE

In the summer of 2002 I read an advertisement in a Dutch newspaper calling for researchers who were interested in participating in a project on evaluating human rights and policing in Latin America. As I had already developed a great interest in Central America as well as in the dynamics between international law, criminal law and society I applied and was selected.

Over the years I have learned about the complexities of studying human rights implementation and the police in a non-western society context. I developed a true appreciation for doing things *a la Tica* and I have lost some of my academic innocence. My book is the final result of four and a half years' work on the Costa Rica section of the project. This would certainly not have been possible without the financial assistance of the Netherlands Organisation for Scientific Research (NWO) and the support of many people across the world.

During the solitary process of writing this doctorate thesis, I was guided by three supervisors, who each taught me valuable lessons. From Prof. dr. Piet van Reenen I learned about the police, Prof. dr. Patricio Silva challenged me to develop my academic curiosity and Prof. mr. Cees Flinterman's human rights advocacy was remarkable. Furthermore, I would like to thank all my SIM colleagues and especially my fellow Phd. candidates for creating a dynamic working environment, with at least every other week some kind of social gathering. Also, I would like to express my thanks to the assessment committee, consisting of Prof. mr. Jenny Goldschmidt, Prof. dr. Martha Huggins, Prof. dr. Monica den Boer, Dr. Kees Koonings, Dr. Carlos Sojo and Dr. mr. Barbara Oomen.

I am especially grateful to the numerous friends, contacts, experts and colleagues in Costa Rica for helping me during the research process. When I first travelled to San José to prepare the fieldwork I literally did not have any network. The help of the entire family Vargas, Mario Zamora, Karen Sanabria, Alfonso Chacón, Magdalena Sepúlveda, Iván Dumani, Theo van Banning and Marieke de Ruyter de Wildt got me started and I can not thank them enough for their assistance and support!

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Along the way I was lucky enough to receive feedback on numerous occasions. The critical reflections I got from fellow Phd. candidates of the *Overleg Latijns Amerika* (OLA) were always useful. This also holds for the comments of colleagues of the Anthropology Department of the University of Utrecht, the Centre for Migration Law of the University of Nijmegen, the Criminology and the Comparative Public Administration Departments of the Free University of Amsterdam and CERES. I feel fortunate I have been able to present papers at the expert meeting 'Towards a Sociology of Human Rights' of the International Institute for the Sociology of Law in Oñati, at the Dutch Police Academy in Apeldoorn, at the 2006 VSR Annual Meeting in Doorn, at SIM's 25th Anniversary Phd. Master Class in Utrecht, at the 'Police Human Rights Strategies' Conference of the Law Faculty of the University of Utrecht in Utrecht, the 2006 LASA (Latin American Studies Association) Conference in Puerto Rico, at the 12th International Police Executive Symposium 'Challenges for Policing in the 21st Century: a Global Assessment' in Prague, at the 2004 Annual Conference of the Society for Latin American Studies in Leiden and the 2003 Conference of the Academy of Criminal Justice Sciences in Boston. Additionally, I would like to thank the Roger Thayer Stone Center for Latin American Studies of the University of Tulane and specifically Martha Huggins and James Huck, Jr., for being a guest-researcher and Rev. Timothy Scully who was so kind as to invite me to give a presentation at the Kellogg Institute for International Studies of the University of Notre Dame.

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Amsterdam,
29 June 2007

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ABBREVIATIONS AND ACRONYMS

ACES	<i>Asociación Nacional de Empresas de Seguridad y Afines y la Asociación Costarricense de Empresas de Seguridad/Association of Costa Rican private security companies</i>
AI	Amnesty International
Alpha lima	Police lawyer
<i>Amparo</i>	Proceedings at the Constitutional Court/Sala IV that assure, with the exception of personal freedom or integrity, the enjoyment of all constitutional rights
Art.	Article
Basic police training course	Six month long course to prepare police officer students for their task as law enforcement officials with the Public Force
Basic police co-validation course	In the two week long basic police co-validation course, experienced police officers study the same subjects as police officer students in the basic police training course
CAFTA/TLC	Central American Free Trade Agreement/ <i>Tratado Libertad Comercial</i>
CASC	Central American Security Commission
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984
CDR	<i>Centro de Estudios para el Desarrollo Rural - Universidad Libre Amsterdam</i>
CEJIL	<i>Centro por la Justicia y el Derecho Internacional</i>
CERES	Netherlands School of Communication Research
CIAPA	<i>Centro de Investigación y Adiestramiento Político Administrativo</i>
Civil Police Code	Modification of the General Police Law
<i>Chorizos</i>	Nickname for corrupt police officers
<i>Colones</i>	Costa Rican currency
<i>Confianza</i> system	Political clientelist system
COMBO-ICE	Costa Rican Hydroelectric and Telephone Company
Conamaj	<i>Comisión Nacional para el Mejoramiento de la Administración de Justicia/Commission to Improve the Administration of Justice</i>

Abbreviations and Acronyms

<i>Cultura de la paz</i>	Culture of peace
CWHRI	Common Wealth Human Rights Initiative
<i>Defensoria de los Habitantes</i>	Ombudsman's Office
Delta	Police unit
Flacso	<i>Facultad Latinoamericana de Ciencias Sociales</i>
FUNPADEM	<i>Fundación Para la Paz y Democracia</i>
GA	General Assembly of the United Nations
GDP	Gross Domestic Product
Gini Index	Measures inequality over the entire distribution of income or consumption. A value of 0 represents perfect equality and a value of 100 means perfect inequality
Greater Metropolitan Area	Includes San José and nearby cities (from Paraíso to Athenas to Cartago, Heredia and Alajuela)
<i>Guardia Civil</i>	Civil Guard (now the Public Force)
<i>Guardia Rural</i>	Rural Guard (now the Public Force)
<i>Habeas Corpus</i>	Constitutional Court Proceedings that challenges an individual's deprivation of liberty
HDI	Human Development Index of the United Nations Development Programme
<i>Hombres de Army</i>	Nickname for police officers
Homicide rate	The number of intentional and non-intentional violent deaths per 100,000 inhabitants in a country
HRW	Human Rights Watch
IADB	Inter-American Development Bank
ICESCR	International Covenant on Economic, Social and Cultural Rights, 1966
ICCPR	International Covenant on Civil and Political Rights, 1966
ICE	Costa Rican Hydroelectric/Telecom Company
ICITAP	United States Justice Department's International Criminal Investigative Training Assistance Programme
ICR	International Red Cross
ICJ	International Commission of Jurists
IIDH	Inter-American Institute for Human Rights
ILEA	National Statistical and Population Census Institute
INAMU	National Institute for Woman
<i>Josefino(a)</i>	Nickname for inhabitants of San José
LB	<i>Latinobarómetro</i>
Legislative Assembly	Parliament

Metropolitan Area	Alajuelita, Aserrí, Coronado, Curridabat, Escazú, Desamparados, Goicoechea, Montes de Oca, Moravia, Santa Ana, San José and Tibás
Ministry of Public Security	Ministry of Governance, the Police and Public Security
Neutral	Questionnaire category ‘I do not agree, but I do not disagree’
Ngo	Non-Governmental Organisation
<i>Nica</i>	Nickname for Nicaraguans
Non-transitional societies	Consolidated, established democracies in which change tends to be gradual
OHCHR	Office of the United Nations High Commissioner for Human Rights
O.I.J.	<i>Organismo de Investigación Judicial</i> /judicial police
PAC	<i>Partido Acción Ciudadana</i> /Citizen’s Action Party
PAHO	Pan American Health Organisation
PANI	<i>Patronato Nacional de la Infancia</i> /National Child Protection Agency
PHRS	Police Human Rights Strategy(ies)
Police Code	General Police Law
Police labour statute	Regulates labour stability and other benefits for professional police officers as civil servants
Professional police officers	Law enforcement officials of the Public Force who are graduates of the basic police training course and are part of the police labour statute, that guarantees a higher salary, career opportunities and labour stability
Public Force	Preventive police
PUSC	<i>Partido Unidad Social Christiana</i> /Social Christian Unity Party
PLN	<i>Partido Liberación Nacional</i> /National Liberation Party
Sala IV	Constitutional Chamber of the Supreme Court
Semi-autonomous fields	Social systems that are defined by their boundaries – their ability to create rules or to induce compliance with them. These social systems create rules, customs and symbols, and yet are simultaneously influenced by external rules, decisions and forces.
SICA	Central America System of Integration
TI	Transparency International
<i>Tico(a)</i>	Nickname for Costa Ricans
TLC/CAFTA	<i>Tratado Libertad Comercial</i> /the Central American Free Trade Agreement

Abbreviations and Acronyms

Traditional police officers	Experienced law enforcement official of the Public Force who are not graduates of the basic police training course and are not part of the police labour statute, that guarantees a higher salary, career opportunities and labour stability
Transitional societies	Those nations in transition from totalitarianism to liberal democracy
TSE	<i>Tribunal Supremo de Elecciones</i> /Supreme Tribunal of Elections
UDHR	Universal Declaration of Human Rights, 1948
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UN Basic Principles	United Nations Basic Principles on the Use of Force and Firearms, 1990
UN Code of Conduct	United Nations Code of Conduct for Law Enforcement Officials, 1979
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
US	United States of America
USAID	United States Agency for International Development
US State Department Report	United States of America Department of State Human Rights Country Report
WHO	World Health Organisation
WOLA	Washington Office on Latin America

CHAPTER 1 INTRODUCTION

During this research many people wondered why I studied human rights implementation within the police in Costa Rica; a state with a worldwide reputation for respecting democratic values, peace and human rights. Common questions included; ‘Why not focus on a country where human rights are really violated,’ or ‘Are not the police the violators?’ I have learned that the concept of human rights is associated with human rights violations. Furthermore, I discovered that when it comes to human rights and the police in Latin America both scholars as well as non-scholars tend to have activist, or at the very least engaged, points of view. But do they have a point? Is it necessary to study human rights implementation within the police in, what are considered, democratically ruled states that respect the rule of law and citizens’ rights?

In this book I argue that this type of empirical research is valuable. It contributes to academic debates about the dynamics between law and society. Does, for example, the implementation of human rights law lead to social change? What external factors play a role within the context of a non-transitional society¹ in Latin America? What is the effect of human rights on law enforcement officials?

Latin America is one of the most violent regions in the world (WHO, 2002). It has a recent history of authoritarianism, militarism, unequal distribution of wealth, civil wars and human rights violations. Nowadays many countries are consolidating democratic rule (UNDP, 2004a/b). Governments are being challenged to introduce effective public security and police measures, while simultaneously showing respect for citizens’ rights. To ensure law enforcement officials’ compliance with human rights, reform is being implemented throughout the region’s public security and police systems. Previous research has mostly been conducted either in western societies or in Latin American societies that are in transition towards full-fledged democracy (see sections 2.3 and 2.5). Less is known about how the police in stable democracies in the region respond to human rights reform. Within Latin America, Costa Rica’s lack of *militarismo*, respect for the rule of law and relative egalitarianism is unique. Simultaneously, there are many myths about the so-called ‘Switzerland’ of Latin America. Outsiders consider it to be an oasis of peace and stability, whereas inhabitants perceive things differently. Since the late 1990s, Costa Ricans have been experiencing increasing dissatisfaction and insecurity (UNDP, 2005/1997; LB, 2005/1996). Among others

1 Transitional societies are, ‘Those nations in transition from totalitarianism to liberal democracy. . . , thus they are democratising states with a totalitarian heritage’ (Alemika, 2003: 63). Non-transitional societies are consolidated, established democracies in which change tends to be more gradual (see section 2.5.2).

this is caused by changing socio-economic conditions, corruption scandals, immigration, the lack of police professionalism and rising crime and violence rates (see section 2.6).

Throughout my investigation I explore the implementation of human rights within the preventive police² of Costa Rica, a non-transitional society in Latin America. By evaluating the effect of police human rights strategies³ that aim to increase compliance with human rights by law enforcement officials, the underlying dynamics of law and its relation to social change become apparent. From a social change perspective my research touches upon the issue of human rights implementation and its consequences for law enforcement. Despite the public security and police reform of the last two decades, many Latin Americans continue to have modest trust in their law enforcement officials and therefore it is important to review human rights related police reform (LB, 2005/1996; Seligson, 2004). Although from a regional perspective the human rights record of Costa Rican police forces is relatively strong, citizens are somewhat sceptical about their law enforcement officials (US State Department 2005/1999; UNDP, 2005; Vargas and Rosero, 2004; Ombudsman's Office 2004/1996; CAT Report, 2000; see sections 2.5, 3.2 and 4.5).⁴ Since the 1990s, the Costa Rican police forces, like most of their counterparts in the rest of the region, have to deal with increasing numbers of crime and violence (Chinchilla, 2006; Dammert and Bailey, 2005; Frühling, Tulchin and Golding, 2003). The main preventive police force, the 'Public Force', which falls under the responsibility of the Ministry of Governance, the Police and Public Security ('Ministry of Public Security'), is being reformed into a professional, community orientated and stable police force. Implementing human rights is part of this process. Because of the intensity of the crime and violence in Latin American cities, I predominantly concentrate on the urban police (Weisheit, Falcone and Wells, 2005; Seligson, 2004). As police units of the Public Force in San José were among the first to be subjected to human rights related police reform, I discuss them in great detail.

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- 2 In this study I focus upon the implementation of human rights within a preventive police force. Most Latin American public security systems distinguish between preventive and investigative policing (Ambos, Gómez and Vogler, 2002). Preventive police forces carry a responsibility to protect public security and maintain order within society. Unlike investigative police forces, who are also known as the repressive or the judicial police, they do not perform any task after crime has occurred. From an inhabitants' perspective, preventive police forces are crucial to understand. Their uniformed officials are the most visible aspect of policing. Due to their sheer number, ordinary citizens are most likely to interact or have contact with them (see section 3.3).
 - 3 As a result of the social change that particular police reform generates, law enforcement officials are directly or indirectly stimulated to increasingly comply with human rights norms, values and/or standards. Therefore in my research they are referred to as 'police human rights strategies' ('PHRS') (Eijkman, 2007/2006a/b; Husain 2007/2006). Through PHRS the state implements human rights law within the police (see section 2.4.2 and appendix C).
 - 4 Human rights reports issued by non-governmental organisations ('ngo's') such as Amnesty International ('AI'), Human Rights Watch ('HRW') or the Washington Office on Latin America ('WOLA') hardly ever mention Costa Rican police forces or its law enforcement officials.

1.1 RESEARCH QUESTIONS

As mentioned before my book discusses the effect of implementing human rights within the Costa Rican preventive police. Even though I introduce the historical context of public security and the police, I focus on the period between 1994 and 2006. The central research question is: How do the police of a non-transitional society in Latin America respond to the implementation of human rights? The following supplementary research questions, in which I have operationalised the concept of the ‘police’ on three separate levels, the police system, police units and their law enforcement officials, has guided my study:

- Is there a relationship between public security and police reform in transitional societies and non-transitional societies in Central America?
- Which socio-political factors relate to the implementation of human rights within the Costa Rican preventive police system and urban police units of the Public Force in San José?
- Which institutional factors relate to the implementation of human rights within the Costa Rican preventive police system and urban police units of the Public Force in San José?
- From within their own social context, how do law enforcement officials of the Costa Rican preventive police system and urban police units of the Public Force in San José experience the implementation of human rights?

1.2 METHODOLOGY

The overall design of this pre-evaluative research is based upon a naturalistic inquiry. I have focused upon naturally unfolding processes and therefore my style is explorative. By exploring how the implementation of human rights within the police operates, any sort of significant outcome is captured (Barker, 1991; Patton, 1991). I try to discover relationships and patterns. In a sense the research process is data driven. It develops according to its context (Mason, 2002). This implies that I do not make a full-fledged evaluation. My results are a contribution to future evaluative research.

Because I did not develop any hypotheses, I am open to any effect of the implementation of human rights with the police, and therefore my approach towards data collection is pragmatic. I focus upon actions, situations and consequences, and adjust my methods to this form of knowledge acquisition (Creswell, 2003). The methods for this research are selected to facilitate a case study approach (Yin, 2003). These case studies are analysed with the assistance of different methods. Although the implementation of human rights within the police is studied in general, I have concentrated on a few key police and human rights themes (see section 2.3 and table 2.1). This enabled me to select several police human rights strategies. Because questions, issues and a search for patterns guide this study, my methodology is adjusted towards this approach.

The methodology is predominantly, but not exclusively, qualitative orientated. Between June 2003 and September 2006, during four separate fieldwork trips the data for this inductive inquiry were collected through open and semi-structured interviews, two questionnaires and participant observation. Official reports, judicial proceedings, laws, regulations, statistics and media reports supported the qualitative data. The different methods facilitate a broader analysis. By triangulating data sources, I consider the case studies from several angles (Jick, 1979). For example, my interviews have contributed to development of the questionnaires. Mixed data collection methods assisted the explorative nature of this inquiry.

Participant observation and interviews were my key methods of data collection. For most of the information, conducting participatory field research as well as doing interviews was crucial (see appendix A). It provided an insight into how human rights are implemented within the police. The data from the participant-observation consists of detailed descriptions of this process. By observing and having informal talks I began to understand different facets and the context of the implementation process. During the fieldwork periods I made detailed field notes of my observations. Because in participant observation the fieldworker is a research instrument, this type of inquiry is open to deviations and unanticipated variations of research strategies (Shaffir and Stebbins, 1991). I am no exception to this. As it was my first research trip abroad, my first professional contact with a police organisation and my first time in Costa Rica, I feel that I was not hindered by any strong preconceptions.

With the permission of the Minister of Public Security, the research was conducted within the safe grounds of the ministry and at several police units in Police Region 0, which covers the metropolitan area of San José.⁵ Various departments of the Ministry of Public Security cooperated. With the assistance of different police chiefs and police officers of Police Region 0, I conducted participant observation and follow-ups at two pre-selected police stations and their respective neighbourhoods as well as at other police locations.

During my two main fieldwork trips between September 2003 to March 2004 and September to December 2004, I conducted participant observation at two police stations and at the police academy (see appendix A). Every day I joined police officers in their patrol cars or spoke with the police unit staff. In January 2004, I began with a two-and-a-half month observation period at *Policía de Proximidad Hatillo Delta 11*, a police station located in Hatillo. Hatillo is a densely populated low class district of the canton, San José. In 2000 it had 55,593 inhabitants, which is about one sixth of the capital's population (Censo, 2000). Crime is relatively low in comparison to other districts of the metropolitan area of San José. The homicide rate⁶ in 2002 was 3 per

5 The metropolitan area of San José consists of the following districts; Alajuelita, Aserri, Coronado, Curridabat, Escazú, Desamparados, Goicoechea, Montes de Oca, Moravia, Santa Ana, San José and Tibás (*División Territorial Administrativa de la República de Costa Rica*, 2001)

6 The homicide rate is the number of intentional and non-intentional violent deaths per 100,000 inhabitants in a country. It is an indicator of the amount of violence in a society.

100,000, while the average for San José was 10.7 per 100,000 inhabitants (Judiciary, 2002). Delta 11 is one of the 22 police units of San José. It is considered to be a model police station. For example, between 1996 and 1997 the pilot project of the national community security programme was conducted in this district (Chinchilla and Rico, 1997). Later between October and December 2004, I spent two months at Charlie Delta, a dependence of the *Policía de Proximidad Casco Central Delta 1*, which is the police station for the city centre.⁷ Delta 1 carries responsibility for the four districts of San José centre; Carmen, Merced, Hospital and Catedral. In total it has 59,803 residents (Census, 2000). However, each day approximately one million people commute through this area (Carvajal and Alvaro, 2002). In comparison to other districts of San José the homicide rates are relatively high. The homicide rate in 2002 for the district of Catedral was 25 per 100,000 inhabitants. ‘Charlie Delta’ is located in the district of Merced, which is an area full of markets, shops, hotels and bus stops (Carvajal and Alvaro, 2002; Censo, 2000).

Although most of the police research was conducted in Hatillo and Charlie Delta, I regularly visited and interviewed law enforcement officials at other police stations within police region 0. These included different visits to Delta 6 in Curridabat, Delta 8 in Pavas, Delta 15 in Mata Redonda and Delta 18 in Escazú. Furthermore, I accompanied police chiefs on their night shifts as commander of the city and police lawyers on special operations. These special operations varied between clearing pieces of land to controlling prostitution in the public space. Incidentally I joined elite police units such as the special intervention unit for riot control tasks.

I also observed processes in other police regions and spent one month during September and October 2004 at the Central Dependence of the National Police School José Francisco Orlich B; the ‘police academy’. It is located nearby the Ministry of Public Security in San José. I joined Group 5 of the 21st Basic Police Training Course for classes and other activities. It was an exciting experience, because it made me aware of the demands of basic police training upon the police officer students. This was supplemented by observations of training classes for more experienced law enforcement officials. The students, the participants of the basic police co-validation course of October 2004 and police officers gave up their precious time to interact with me.

Additionally, I observed other stakeholders in their professional surroundings. This mostly related to the Ministry of Public Security. I spent time with public officials of the Legal Disciplinary Department, the Community Security Department, the Legal Assistance Unit, the Psychology Department and political advisors to the Minister and Vice Ministers of Public Security. It varied between joining them during courses, such as the community security classes, to observing oral hearings at the police inspection. Furthermore, I went to the special protection unit of the Ombudsman’s Office, several non-governmental organisations (‘ngo’s’), embassies, universities, research institu-

7 When I returned in July 2006, Charlie Delta no longer existed as a separate police unit.

tions, law firms and to the judiciary, where I spoke with staff members and consulted official files. After each interaction or relevant encounter, I recorded what I saw, heard and remembered in field notes.

In order to understand police officers' and other stakeholders' experiences, opinions, feelings and knowledge, I conducted 118 interviews in person (see appendix B). Ninety-three open as well as 25 semi-structured interviews were held with police officers as well as other stakeholders involved in the implementation of police human rights strategies. For interviews, I obtained the consent of the respondent. After I had briefed the interviewee I asked permission to use a tape recorder. To those who had given permission to be taped I tried to return interview transcripts. In several cases, however, I did not succeed in retracing the respondent. Through these interviews I obtained an in-depth knowledge of how police officers and other stakeholders experience the different police human rights strategies. During the second research period I focused on public officials of the Ministry of Public Security, police officers and the Ombudsman's Office, while in the third and fourth research period I emphasised interviewing politicians, diplomats, scientists, employees of ngo's, lawyers and high rank police chiefs. Both semi-structured as well as open interviews were a core element to the research.

From late September to early December 2004, a police questionnaire that I developed on the basis of my interviews and field notes was conducted among police officers of the Public Force. Police officer students, police officers of the police station Charlie Delta and police officers of the police legislation II exam of a basic police co-validation course and an arms-retraining course participated.⁸ In total there were 161 participating police officer students and 193 police officers.⁹ Respondents received the questionnaire after a group activity. After a brief explanation, I invited them to mark down their answers on a handout. On average this whole process lasted about 10 to 30 minutes. The sample was non-stratified and the total non-response 9.38 percent.

Between 8 November and 10 December 2004 a public questionnaire on the perception of the Public Force, which I developed on the basis of the police questionnaire, my interviews and field notes, was held among the population of the metropolitan area. During three weekends 516 adults were interviewed in their home by 20 trained interviewers.¹⁰ The questions were read out loud to the respondents and the interviewers marked down their answers. The interviews lasted approximately 10 to 20 minutes. As reflected in Table 1.I below the stratified sample consisted of 50 segments

8 Police officer students participated on 27 September 2004, police officers of the police legislation II exam of a basic police co-validation course and an arms-training course on 28 September 2004 and police officers of the police station Charlie Delta in San José Centre on 1, 3 and 4 December 2004.

9 Of the police respondents 259 were male and 56 female (44 respondents did not fill out this question).

10 Eight male and 12 female interviewers received a one and a half hours preparation workshop on 18, 19 and 26 November 2004.

(parts of a house block) which had been pre-selected on the basis of their socio-economic level and the total number of envisaged interviews (= one per household).¹¹

Table 1.1 Number of Segments, Houses and Respondents per Socio-Economic Level and Gender in the Metropolitan Area

	Number of Segments		Number of Houses		Respondents (row-%)	
	actual	visited	actual	visited	male	female
Lower Class	8,90	11	60,793	115	45.9	54.1
Middle Class	1,968	25	130,210	266	42.6	57.4
Higher Class	1,119	14	71,593	135	48.8	51.3
All	3,977	50	262,596	516	47.1	52.9

Sources: Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December 2004; INEC, 2000.

Each segment was considered to be lower, middle or higher class and the total number in each separate category reflects the population of the metropolitan area of San José. The sample fault error was 3.6 percent and total non-response 15.3 percent. This entire operation of operationalising as well as conducting the public questionnaire was done with the assistance of the three experienced statisticians.¹²

In order to facilitate comparison, a section of the police and the public questionnaire was similar. It involved statements to which the respondents were asked to respond on a five point scale whether they agreed or disagreed. When the questionnaires were conducted the category 'I do not agree, but I do not disagree', which I refer to in my figures and tables as 'neutral', was less of an option to citizen respondents than to police respondents. Because the police respondents participated in a written questionnaire they could opt for this category more easily. When the statements were read out to the citizens they were asked, 'I would like you to indicate me how much do you agree or disagree with the following statement?' Subsequently only when a citizen did not give an answer or they did not have an opinion on a particular statement the category 'I do not agree, but I do not disagree' was marked by the interviewer.

11 According to the National Statistical and Population Census Institute the population of the metropolitan area of San José consisted in 2000 of 1,014,441 inhabitants (48.4 percent male and 51.6 percent female) of whom 668,990 were 18 years or older (47.1 percent male and 52.9 female) (INEC, 2000). Only respondents of this last group were interviewed. For the definition of the socio-economic level the classification of INEC was used. INEC's definition is based on an article written by Johnny Madrigal (Madrigal, 2002).

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Therefore it is possible that the five point scale was not briefed clear enough to the citizen respondents. They might have felt there were four instead of five options. It could explain why citizen respondents were less inclined to opt for the neutral category than police respondents. Consequently, the comparisons that I make between the citizen and police questionnaire should be considered carefully.

To understand how police human rights strategies were initiated and implemented I analysed documents. The data varies between quotations, interpretations and excerpts from the individual data. Throughout the fieldwork period, I checked laws, official records, the internet, newspapers and other media sources for reports on public security and the police. I read official records at the Ombudsman's Office, the judiciary and the Ministry of Public Security. Document analysis gave me the opportunity to contextualise the implementation of human rights with the police in Costa Rica.

1.3 OUTLINE OF THE BOOK

The structure of the book is as follows. In total there are nine chapters. The introduction is followed by a theoretical chapter, two contextual chapters, four empirical chapters and the final reflective chapter.

After the introduction, chapter 2 briefly gives an overview of the literature on human rights implementation, the police and human rights, public security and police reform in Latin America and Costa Rica. With the assistance of the theory of semi-autonomous fields (Moore, 1973), it conceptualises how human rights law is implemented within the police, thereby focusing on the influence of both external as well as internal factors to the social fields to which law enforcement officials belong. This process is reflected in a framework of police human rights strategies. It explains how and why police officers comply and/or resist human rights implementation within their own context of the police system and police units.

In chapter 3, public security in Costa Rica is put into a comparative perspective. By reviewing the situation in neighbouring countries, I question whether public security in transitional societies differs significantly from non-transitional societies. Crime and violence as well as citizen perception of security and public security reforms in Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama are considered.¹³ This is followed by a discussion on the role of security in Costa Rican society. Highlighted are historical, socio-political and institutional developments. Last but not least, the Costa Rican framework to protect human rights is outlined.

From several angles, chapter 4 provides an insight into the Costa Rican public security system. It looks at the historical development, its fragmented organisation, the societal image of the police, the lack of resources and the obstacles to recent change. These factors contribute to the public security system's implicit and explicit checks

13 In this research Central America is considered to be Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama.

and balances. Their main objective is to ensure that the police do not become political actors. Furthermore, the role of international police cooperation and the privatisation of security is considered. The chapter ends by considering structural obstacles that hinder the implementation of public security and police reform in Costa Rica.

In chapters 5, 6, 7 and 8 I discuss the effect of implementing police human rights strategies within the police. On the basis of the literature as well as my interviews and field notes, I made a selection of key police human rights themes and of case studies of police human rights strategies (see section 2.3). The themes include police preparation (selection and training), strengthening law enforcement, police accountability and community policing. Each chapter reviews the implementation of human rights related police reforms within the police system and urban police units. Basically the analysis is structured along the lines of the police human rights strategies framework discussed in chapter 2. In all four empirical chapters I commence by introducing the case studies. This is followed by a discussion of socio-political and institutional factors. In the last sections of these four chapters, the effect of the police human rights strategies in terms of law enforcement officials' compliance or resistance to human rights is considered.

In chapter 5 on police professionalisation, the police human rights strategies police selection and training are outlined. The main issues are the socio-political and institutional impediments that obstruct the professionalisation process. Thus, rather than elaborating about the content, the context in which selection and training is implemented is discussed. This is symbolised, among others, by the small percentage of professional¹⁴ police officers and the large numbers of traditional¹⁵ police officers of whom many were socialised by the pre-1994 police system.

Reviewing the effect of police human rights strategies, which focus on improving police legal expertise, is the objective of chapter 6. Police legal training and police legal assistance are identified as key strategies to strengthen police knowledge about Costa Rican law. Resistance to the police human rights strategies: police legal training as well as police legal assistance, is partly explained by focusing on structural socio-political and institutional concerns. The role of the so-called police lawyers and their interaction with law enforcement officials is considered.

Chapter 7 discusses a classical human rights and policing theme; police accountability for individual misconduct. It focuses on the police human rights strategies, which implement police accountability. Through police accountability mechanisms police officers are held accountable. Police accountability mechanisms function internal or external to the police organisation and are legally or non-legally oriented. Basically, the implementation of these four categories of the police accountability

14 Professional police officers are law enforcement officials of the Public Force who are graduates of the basic police training course and are part of the police labour statute, which guarantees a higher salary, career opportunities and labour stability (see sections 4.3, 5.2 and 5.3).

15 Traditional police officers are experienced law enforcement officials of the Public Force who are not graduates of the basic police training course and are not part of the police labour statute, which guarantees a higher salary, career opportunities and labour stability (see sections 4.3, 5.2 and 5.3).

mechanism is discussed from several perspectives, but predominantly as experienced by police officers.

Two governmental community policing programmes that relate to improving police officers' compliance with human rights are reviewed in chapter 8. Through the community security programme and the proximity policing programme, the Ministry of Public Security implement elements of the community policing philosophy within the Public Force. The central actors in the former are the community and the local community affairs police officer, whereas in the latter it is the Public Force. Ministers of succeeding governments supported police human rights strategies, which implemented community policing programmes in Costa Rica. Both citizen and police expectations about community policing are discussed.

In chapter 9, I reflect on the preceding discussions and provide a theoretical analysis. Within a region of police involvement in human rights violations, the Costa Rican police appear to be exceptional. In comparison to other countries the paradox seems to be that this is related to the strong civil-political control over the security framework, the lack of socio-political interest and police professionalism. By studying the Costa Rican police system and urban police units of the Public Force in San José, I concentrate on the effect of police human rights strategies on police officers' compliance and resistance to human rights. From within their own social field law enforcement officials respond to the implementation of police human rights strategies. However, they operate in a context of varying socio-political and institutional developments. Therefore human rights implementation within the police can only be understood when considering both internal as well as external factors.

CHAPTER 2

HUMAN RIGHTS, THE POLICE, PUBLIC SECURITY REFORM IN LATIN AMERICA AND COSTA RICA

2.1 INTRODUCTION

In this chapter I provide the theoretical background for exploring human rights implementation within the Costa Rican police. On basis of the literature on human rights, human rights implementation, policing and human rights, public security and police reform in Latin America as well as Costa Rica, I briefly review the key concepts for this PhD. thesis. A few questions guide my discussion. How does human rights implementation affect the police? What is public security? How does public security and police reform relate to the process of democratisation in Latin America? What is the contemporary socio-political situation in Costa Rica?

2.2 A SOCIO-LEGAL PERSPECTIVE ON HUMAN RIGHTS

Despite a human rights' link with philosophy, theology, international relations, political and social sciences, research on human rights is dominated by legal scholars (Freeman, 2002). For instance, the vast majority of academic journals on human rights are legally orientated.¹ This is a consequence of the role that law fulfils in our contemporary world. In modern society, law has become a separate entity from other social phenomena.² Laws function autonomously without relying on other structures. From a structural functionalist point of view it is considered to be an instrument of social control³ (Roach Anleu, 2000). Others following Foucault's approach find that law governs societies' relationships rather than exercising social control over them (Dahaher, Schirato and Webb on Foucault, 2000). States or supranational structures use it as an instrument to create social change (Roach Anleu, 2000; Cotterrell, 1992). In that sense law has become a source of power for institutions. For human rights this instrumental approach is a way to guarantee basic respect for human dignity.

A sociological perspective on law contributes to an understanding of how human rights law is implemented; thus explaining the interaction of these basic norms with

1 See, for example: the Harvard Human Rights Journal or the Human Rights Law Review.

2 'In the lawyer's view and in the wider public view it has come to be seen as separate from the society it regulates. It has become possible to talk about law acting upon society, rather than law as an aspect of society. Thus law has become to be seen as an independent agency of social control and social direction' (Cotterrell, 1992: 44).

3 'Social control is found wherever whenever people hold each other to standards explicitly or implicitly, consciously or not; on the street, in prison, at home at a party' (Black, 1976: 105).

society. Due to a gap between the theory of human rights and its practice, this is important. By acknowledging human rights as a social phenomenon, its relationship to overall society is considered. In doing so, human rights may be considered to be a social construction, a social institution or a way of governing social relations (Donnelly, 2003; Freeman, 2002). Human rights constitute a set of norms or standards constructed through legal or other structures, which regulate the interaction between those with and those without power. The very nature of creating rules to govern society is a means to regulate relations between human beings. Thus a social scientist focuses on different aspects of human rights than a legal scholar. As Cotterrell (1992: 5) put it, 'Law is a practical craft of systematic control of social relations and institutions. Sociology is the scientific enterprise that seeks systematic knowledge of them.' Despite these differences, both law and sociology are disciplines that are concerned with the rules and norms of behaviour as expressed by human rights.

2.2.1 The Concept of Human Rights

The primary function of human rights within society is to challenge existing laws, norms, institutions or practices, while their implementation is dependent upon specific societal contexts. What is, however, expressed by the concept of human rights? To Donnelly, human rights are the rights that every man has simply because he or she is a human being (Donnelly, 2003). With their focus on the life and dignity of man, they are essentially moral rights. Although this point of view does not explain why individual people should have rights, it expresses a key human rights value, namely 'humanity'. According to Baehr these rights express universally recognised values, standards and norms that regulate the conduct of states towards citizens and non-citizens (Baehr, 2002). Concentrating upon state-citizen relations is common, because when the United Nations ('UN') introduced human rights this was the prime focus of international law.⁴ Yet, in today's global world human rights also relate to non-state actors, such as transnational companies or ngo's. Furthermore, they apply to transnational structures and human beings.⁵ By regulating the conduct of both state and non-state actors, human rights express the rights of every man.

Human rights have predominantly been recognised through legal structures.⁶ The prime reason for this development has been that the UN introduced the concept through a legal framework. Human rights are codified in international law, international customary law, constitutions and in national laws. This legal framework is part of an international political arena in which different actors pursue different interests. Despite its presumed neutrality, law is a tool of power that expresses dominant norms and values (Nadar, 2002). Just like ordinary law, human rights law is a political

4 Universal Declaration of Human Rights, 1948 ('UDHR').

5 High Level Panel Report, 2004; Declaration Vienna World Conference on Human Rights, 1993.

6 International Covenant on Civil and Political Rights, 1966 ('ICCPR'); the International Covenant on Economic, Social and Cultural Rights, 1966 ('ICESCR'); UDHR, 1948.

creation (Freeman, 2002). For example, the British Human Rights' Act implemented in 1998, was part of a constitutional reform programme of the then new Labour government.⁷ Consequently a democratic tradition that had favoured protecting human rights through political representatives, rather than through the judiciary, was abolished (Campbell, Ewing and Tomkins, 2001). It is important to be aware of the political interests involved in the development and implementation of human rights law. Despite the dominance of the law, other societal structures acknowledge human rights too. They are, for instance, reflected in educational curricula or manifests. Thus human rights are predominantly, but not exclusively a legal affair.

Even though the universal character of human rights instruments is often challenged in debates about cultural relativism, the dominant view is that human rights are universally recognised (Donnelly, 2003; Nowak, 2003).⁸ A common argument is that cultures differ and that the creation of universal individual rights is one particular, Western liberal, approach to respect core values (Freeman, 2002; Bell, Brown, Jayasuriya and Jones 1995; Aidoo, 1993; Messer, 1993). Although societies vary in the way they regulate their conduct towards inhabitants, I maintain that the concept of human rights is essentially universal. Hence I support Donnelly's (2003: 98/106) point of view as, 'A weak cultural relativist (strong universalistic),' which acknowledges universality, but allows for limited deviations on the level of implementation. A more legal argument is Nowak's (2003: 3) that states, 'What is universally valid is the principle of inalienable rights based on the dignity of human being, as are certain minimum standards recognised by international customary law or treaty law.' The main point is that governments and other actors should comply with these minimum norms, values and standards expressed in international and national human rights law in a manner that suits their tradition. Thus, for example, whether a culture has individual or communal rights is not the most important issue. What is relevant is that the content of human rights is complied with.

Human rights could be considered as a social institution constructed through legal structures. In modern society there is a need to protect vulnerable people, who concurrently with these threats, have to be defended against those same institutions (Turner, 1993). The state, and/or its laws, potentially endangers human beings, and they therefore require protection. 'The social and legal institutionalisation of human rights is the predominant modern attempt to resolve this dilemma that is inherent in modern society' (Freeman on Turner, 2002: 84). Because the social environment in which these norms, values and standards exist relates to societies' expectations of how people are supposed to behave, I consider human rights to be a social institution (Donnelly,

7 Through the Human Rights' Act, 1998 the European Convention of Human Rights became directly applicable in the English legal system. It is considered to be the English equivalent of the Bill of Rights (Halliday and Smith, 2004; Campbell, Ewing and Tomkins, 2001).

8 Declaration Vienna World Conference on Human Rights, 1993.

2003; Freeman, 2002).⁹ Respect for human dignity is a core value in today's world and thus has the potential to influence the behaviour of human beings. The principal aim of human rights is to challenge or change existing institutions, practices or norms, and especially legal authorities and laws. Although human rights are essentially extralegal, they are primarily expressed through legal structures and an extensive legal framework. Thus human rights are a social institution codified through law.

A more thorough understanding of human rights implementation may change the underlying causes of human rights violations. Human rights themselves, however, do not protect human beings against cruelty, oppression and degradation. It is when human rights are used as instruments that they truly become effective (Ignatieff, 2001). Hence, it is the implementation of human rights that is vital for ensuring respect for human dignity. Transforming society and developing structures that guarantee this protection is what is required. On a world wide level there are great differences in implementation. Some argue that this is due to cultural differences, others find it has to do more with other causes, such as economic development or special historical contexts. Accordingly, human rights instruments vary depending on the organisation and resources of society.

2.2.2 Human Rights Implementation

From a legal perspective, human rights implementation refers to the obligation of state and non-state actors to ensure compliance with human rights law. International and national human rights law imposes these obligations upon them. For example, the International Covenant on Civil and Political Rights ('ICCPR') requires a state to implement this particular human rights framework:

Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognised in the present Covenant. (Art. 2(2) of the ICCPR).¹⁰

9 Social institution, 'Refers to a system of patterned expectations about the behaviour of individuals fulfilling certain socially-recognised roles' (Parsons, 1954: 231).

10 Article ('art.') 2 ICCPR, Human Rights website, accessed on 18 November 2006.

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

1. To ensure that any person whose rights or freedoms as herein recognized are violated shall have an

Thus one of the most important human rights treaties calls upon states to create measures, which guarantee respect for the basic norms, standards and values that are protected by this Covenant. As a consequence, active or passive involvement by state or non-state actors is supposed to guarantee adherence to human rights. Actively, by enforcing human rights through the creation of legal structures, monitoring mechanisms, awareness education, facilitating advocacy, establishing dialogues, allowing access to justice, training specific groups and spreading information. Passively, this is accomplished by refraining from interfering with the active enjoyment of human rights.

Nevertheless, by concentrating upon the state as the prime actor for the protection and effective realisation of human rights, dilemmas are created. This perspective on human rights implementation focuses on the rather classic view of state-citizen relations (Donnelly, 2003).¹¹ However, in the case of non-state actors, how can compliance with human rights be ensured? In addition to these considerations, it is vital to be aware of the complexities of enforcing human rights implementation against the will of state or non-state actors.

Human rights implementation takes place on an international, national and local level. International human rights implementation mostly occurs through the UN or regional human right systems. Although their role is mostly supervisory, their instruments have preventive as well punitive characteristics (Nowak, 2003).¹² With these mechanisms, and assisted by ngo's, international bodies stimulate the enforcement and protection of human rights. Treaty bodies, for example, call for governments to submit reports on their national human rights situation. This is often supplemented by reports of civil society. In response, a treaty body will make comments and recommendations. A report of a Special Rapporteur might follow-up on this. If the situation does not improve, stronger measures such as sanctions could be initiated. In spite of this extensive framework of possibilities, it is significant to be aware of the related political factors. For instance, the implementation of human rights by the UN is a process that is subjected to political pressures (Freeman, 2002). This leads to selective attention to human rights problems, political bargaining and delays in the implementation of

effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; to ensure that any person claiming such a remedy shall have his rights thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

2. To ensure that the competent authorities shall enforce such remedies when granted.

11 This is similar to the liberal social contract notion that assumes that, 'Individuals are endowed with equal and inalienable rights. And the contractarian notion of the state as an instrument for the protection, implementation and effective realisation of natural rights is strikingly similar to the conception of the state in international human rights instruments. Both measure the legitimacy of the state by its performance in implementing human rights' (Donnelly, 2003: 35).

12 Human rights protection (including enforcement) is ensured through treaty monitoring, complaints procedures, reporting procedures or inquiry procedures. This is supplemented by individual or state complaints, state reporting, inquiry and investigation, condemnation, sanctions and as a last resort humanitarian intervention.

human rights. Although there are possibilities on an international level to enforce human rights, for political reasons these are used with caution (Nowak, 2003).¹³

Despite this international human rights framework, implementation on a national level dominates. To quote Donnelly (2003: 34), 'Human rights norms have been largely internationalised. . . , their implementation, however, remains almost exclusively national,' thus stressing the national character of realising respect for human rights. Because it demonstrates that particular society's commitment, implementation within national states prevails. Yet how do states put human rights into practice? Most have ratified binding international treaties and subsequently codified them directly or indirectly into national law. In some countries they become part of the constitution, while in others separate laws are developed. As such, international human rights law is translated on a national level. Nonetheless on a societal level respect for human rights is not only dependent upon laws, but also an effective organisation, infrastructure, fair administrative procedures and a widespread culture of rights that reflects respect for human rights norms, values or standards (Halliday and Smith, 2005).

Although legal recognition of human rights is often a first step, it is through other structures that social change is realised; the reason being that changing (individual) behaviour is complex (Cotterrell on Dror, 1992).¹⁴ Indirectly, the creation of structures like social institutions or institutional frameworks encourages the actual social change (Dror, 1971). Consequently, an indirect rather than a direct usage of law, including human rights law, facilitates how they are put to use. Hence from a socio-legal perspective human rights implementation seeks to influence social behaviour with the ultimate objective to have people comply with the norms, values or standards that human rights law portrays.

Implementing human rights remains complicated. The problem with human rights is that it is not clear which community they address and which remedies they provide (Ignatieff, 2000). There are no clear-cut solutions to successfully increase respect for human rights. Yet in order to understand human rights implementation, it is relevant to consider the societal context. Thus the kind of structures that are initiated to realise respect for human rights norms, values and standards is related to how society operates. Their effectuation, however, depends on how and in which part of society they

13 Sanction and enforced measures include among others; forced expulsion from international organisation, economic sanctions, humanitarian interventions, international criminal tribunals, the reduction or suspension of development cooperation and financial aid (Nowak, 2003).

14 Friedman and Ladinsky refer to social change as, 'Any non-repetitive alteration in the established modes of behaviour in society' (Friedman and Ladinsky 1967: 50). 'Non-repetitive because no society is static' (Cotterrell on Friedman and Ladinsky, 1992: 47). While Grossman and Grossman define it as, 'Social change is best defined by a three part continuum composed of interrelated segments...we shall call these segments the rate, the magnitude and the scope or type of change' The first segment relates to at what rate the change takes place. The second segment measures the degree of difference between two or more successive states or norm of behaviour. The third segment refers to the number of persons or groups in a society whose behaviour norms change' (Grossmann and Grossman, 1971: 3-6).

are put into practice. For example, human beings can be prevented from issuing complaints about police violence. As a consequence, individual protection and human rights implementation are affected. Throughout the globe large groups of people are socially excluded and de facto they are not able to take part in formal society.¹⁵ Brazil's *favelas* are no-go areas for the police. Because residents have no confidence in the state's capacity to guarantee their right to security, they opt to do it themselves (Dowdney, 2003; Caldeira, 2001). In addition, the implementation of human rights varies according to the organisation and resources of different states.¹⁶

2.3 THE POLICE AND HUMAN RIGHTS

When the state creates legal and other structures to implement human rights within the police system, there is an ambition to address underlying causes of police involvement in human rights violations. Citizens often associate human rights violations with the police.¹⁷ Although public perception may sometimes be tainted, reports issued by ngo's such as AI and HRW frequently mention the involvement of law enforcement agencies in human rights violations. In response to this the state initiates or is forced to create structures that seek to influence compliance with human rights norms, values and standards (Lindholt, Mesquita de Neto, Titus and Alemika, 2003; Wola, 2002b; ICPNR, 1999). The development of police human rights training, for instance, seeks to prevent police involvement in human rights violations (Stone and Ward, 2000; Brodeur, 1999; ICPNR, 1999; Light, 1993; Bayley, 1985).¹⁸ These other structures are directed towards the behaviour of law enforcement officials who, on behalf of the state, are responsible for providing security and enforcing the law. In reality, however, the promotion of human rights often does not relate to police officers' compliance with these norms, standards and values.

Over the last two decades, the international promotion and protection of human rights related to law enforcement officials has progressed. International organisations such as the UN, the Council of Europe and ngo's like the International Red Cross ('ICR'), the International Commission of Jurists ('ICJ'), the Common Wealth Human Rights Initiative ('CWHRI') and AI have developed initiatives¹⁹ to address human

15 For more information: Chant and Craske, 2003; Foweraker, Landman and Harvey, 2003; Gacitúa, Sojo and Davis, 2001; Méndez, O'Donnell and Pinheiro, 1999.

16 For more information: Halliday and Schmidt, 2005; Freeman, 2003 on Jones 1994: 160-163; Jones, 1994.

17 For a more elaborate discussion: Osse, 2006; CWHRI, 2005; Duce and Pérez Perdomo, 2003; Lindholt, Mesquita de Neto, Titus and Alemika, 2003; Huggins, Haritos-Fatouros and Zimbaro, 2002; Chevigny, 1997.

18 Ombudsman's Offices, Citizen Review Boards, Police Internal Disciplinary Departments. For more information: Chapter 7.

19 OHCHR, 2002; Rover, 1999; AI, 1998; UN Basic Principles on the Use of Force and Firearms, 1990 ('UN Basic Principles'); UN Code of Conduct for Law Enforcement Officials, 1979 ('UN Code of Conduct').

rights violations by law enforcement officials. They have mostly concentrated upon legal frameworks, selection criteria, training curricula, capacity building, accountability mechanisms, ethical codes and training programmes. Even though from a normative perspective these contributions are valuable, they are harder to substantiate in an empirical sense. For example, in Guatemala in the 1990s after the civil war, police forces were reformed and a human rights framework was introduced, and yet the involvement of law enforcement officials in human rights violations persists (Glebbeek, 2003; AI, 2001). Does the promotion of human rights relate to social change in the form of increased compliance of law enforcement officials with human rights?

2.3.1 The Role of the Police within Society

What is the role that the police fulfil within modern society? Within democratic nations police forces are the state institutions that carry the prime responsibility for law enforcement and the use of force to re-establish social order within society. Definitions on the police, or on what constitutes policing, often mention these elements of law enforcement and maintenance of social control (Manning, 1997; Skolnick, 1996; Bittner, 1975). In democratic countries law enforcement officials are subordinate to the elected government. The law, rather than political power, provides the framework for policing. Yet the police's ability to use force must be counter-balanced by, for example, implementing human rights. By prioritising service to the community, being accountable to the law rather than the government, protecting human rights and being transparent, the police supports democratic development within modern society (Bayley, 2001: 13-14).

Despite the role the police fulfil in contemporary society, policing itself is changing. The distinction between the public and private elements to policing is becoming less clear. There is a worldwide trend to separate the authority from those who police to those who actually conduct the work and to transfer governmental responsibility (Bayely and Shearing, 2001). Some studies refer to this development as 'private policing', which indicates a shift from the state as being the only provider of security within society (Kempa, Carrier, Wood and Shearing 1999). In the opinion of Bayley and Shearing (2001) the concept is broader than private security and includes non-paid forms of community crime prevention.²⁰ Thus, they argue that private policing may entail neighbourhood guards as well as local businessmen financing certain elements of police work. These developments reflect contemporary processes within society. For example, in Latin America there is an increasing flow of private financing for police forces (Frühling, 2003). Within the region private security guards are beginning to outnumber public security forces (Huggins, 2000; Kempa *et al.*, 1990). Private security affects the role of the police in society. They are no longer the only profes-

20 Bayley and Shearing (2001: 3) propose that the current process is wider than private policing because it involves the multilateralisation of the sources of both demand and supply of policing and it includes non-paid forms of community crime prevention.

sional organisation specialised in the protection of people and the maintenance of social order. It raises new issues; for example, to whom are these private security actors accountable?

According to Bayley (1985: 7-14), 'The police is a specialised, professional and public institution, which is authorised to use force to enforce the law.' Thus he refers to the task and role dimension of police institutions and its members. Other definitions mention law enforcement agencies instead of the police, because, although in most societies maintaining social order and enforcing the law is the sole responsibility of the police, in some other state agents also have police powers.²¹ For example, the military in Colombia and in Mexico is involved in the 'war on drugs'. Their operations entail traditional police duties and therefore, in this context soldiers are considered to be law enforcement officials (Moloeznik, 2003). Because within a democratic society law enforcement officials should serve the people rather than the state, an important dimension of policing is the relationship with the community (Bayley, 2001; Waddington, 1999; Kleinig, 1996b). Although the police are subjected to management by the state, they are also designed to serve the public in a non-discriminatory way (Frühling, 2003). From this perspective police-citizen's relations are an important element to police work. Thus a police officer is a public servant rather than just a crime fighter (Pollock, 1998; Kleinig, 1996a). The development of a relationship between police and citizens is essential, because within a democracy the primary task of the police is to execute laws as well to provide a service to the community (Mendes, Zuckerberg, Lecorre and Clark, 1999; Waddington, 1999).

In the modern era the police are becoming a professional governmental body (Frühling, 2003). Due to their task to enforce laws and maintain social order, they have become a specialised state agency. Professionalism may constitute various things, but within the context of the police it is reflected in the criteria for recruiting and training personnel, in rules governing promotion and retirement and in substantive interest in, and emphasis on, familiarity with and the use of technology (Rico and Chinchilla, 2006; Bayley, 1985). Essentially, it is an attempt to maintain a proper and assessable level of efficiency. To a certain extent this claim of being professional is a strategy of the police institution. It wants to defend its mandate, autonomy, self-esteem and group feeling (Manning, 1997).

Human rights law protects individuals against unlimited state power. The police as a state agency for social control have an ambiguous relationship with human rights. On the one hand, they are responsible for enforcing and respecting the law.²² In a

21 See, Annex to art. 1a of the UN Code of Conduct, 'All officers of the law, whether appointed or elected, who exercise police power, especially the powers of arrest and detention' (OHCHR website, accessed on 18 September 2006).

22 'In the exercise of his rights and freedoms everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of other and of meeting the just requirements of morality, public order and the general welfare in a democratic state' (art. 29, UDHR).

democracy this provides the police with a mandate to protect human rights, defend fundamental freedoms and maintain public order (OHCHR, 2000). On the other hand, due to their potential to use force they run the risk of violating human rights. This dilemma requires the police to use, only when it is justified, legitimate force (Neyroud and Beckley, 2001; Miller, Blackeler and Alexandra, 1997).

Obviously there are grand differences between the letter of the law and police reality. Law enforcement officials are confronted with different aspects of policing in their day-to-day job. Other than enforcement of the law, key elements to policing are the restoration of public order, providing services to the community and the prevention or detection of crime (Sheptycki, 2000; Goldsmith, 1999; Crawshaw, Devlin and Williamson, 1998; Klockars, 1985). If human rights would be considered only from a legal perspective, other relevant aspects to policing would not be addressed. Police officers walk a very thin line and therefore misconduct may occur.²³ Thus the process of implementing human rights within the police should entail basic functions of law enforcement officials.

Police reform initiated by human rights ngo's or intergovernmental organisations tends to focus on police conduct. Thus, developing respect for human rights is a key strategy. Human rights advocates usually organise training sessions, stimulate the development of codes of conduct or lobby for accountability mechanisms. However, these measures do not always reflect political or social developments, thereby not contributing to sustainable solutions such as institutional development (Call cited in Wola, 2002b). Contemporary police reform includes human rights implementation within the police. Yet, other types of police reforms such as professionalisation, decentralisation or demilitarisation are important, and have implications for human rights. Police officers themselves often claim that an investment in police material such as personnel or equipment is required to increase respect for human rights. Previous research indicates that police behaviour is complex and that extra resources do not necessarily improve police officers' respect for human rights (Bayley, 2001).

2.3.2 Human Rights and Police Standards

International human rights law expresses standards, which relate to policing. Although human rights treaties do not specifically refer to law enforcement, they are binding towards state actors including the police. As a follow-up to the ICCPR in 1966, the UN developed two ethical codes that affect law enforcement.²⁴ A selection based on key human rights standards applicable to policing is portrayed in table 2.1 (see below).

23 Involvement in human rights violations is the result of situational pressures upon the individual (Schmid, 1989).

24 UN Basic Principles; UN Code of Conduct.

Table 2.1 Overview Police and Human Rights Standards

Police and Human Rights Standards	Legal Framework	In Relation to Police Officers
Service to the Community	UN Code of Conduct	Duty to provide their professional services and protect people against illegal acts.
Adhere to the Rule of Law Procedural law prescribes the rights and the freedoms of individual persons, who may only be restricted in cases determined by the law. The demands of morality, civil order and public welfare in a democratic society should be taken into account.	Art. 29 (2) UDHR; art. 9 (1) ICCPR	Principle of legality. A duty to carry out duties imposed on them by law. Arrests may only be made on legal grounds. No involvement in corruptive acts (it undermines adherence to law).
Equal Protection of the Law Equality of all people before the law.	Art. 7 UDHR; art. 2/3 ICESCR; UN Code of Conduct	A duty not to discriminate on any grounds, gender, race, nationality, while enforcing the law. No involvement in corruptive acts (this would mean that people are treated differently). Principle of equality.
A Proportional Use of Force The right to humane treatment.	UN Code of Conduct	Duty requires the use of force when strictly necessary and to the minimum extent required under the circumstances. Requirement before using force to balance individual rights against the interests of the community and only when it is absolutely required in the context of democratic society. Always consider alternatives for using force and it should not be excessive. Firearms may only be used exceptionally and as a last resort. The principles of proportionality and necessity.
The Prohibition of Torture and Other Forms of Cruel, Inhuman or Degrading Treatment This standard may under no circumstance be restricted nor limited. Based on right to human dignity.	Art. 5 UDHR; art. 7 ICCPR; art. 1 and 16 CAT; UN Code of Conduct	An absolute obligation to respect the right to human dignity of all people including arrestees and detainees. Principle of accountability for individual police officers.
The Prohibition of Arbitrarily Taking Someone's Life The prohibition of arbitrarily taking someone's life is about the protection of the right to life.	Art. 3 UDHR UN Code of Conduct	Duty to use lethal force only when strictly unavoidable to protect life. Balance between the individual and the community as well as the consideration of other alternatives. The principles of proportionality and necessity.

Sources: Osse, 2006; Nowak, 2003, Neyroud and Beckley, 2001, ICPNR, 1999; Starmer, 1999; Kleinig, 1996b; UN, 1994.

This table concentrates on specific human rights standards in relation to policing. The rights to life, liberty, personal security and to equality before the law are civil rights, which protect individuals from state interference and violence. The first generation of civil and political rights²⁵ is predominant in this overview, while there is little emphasis upon economic, social and cultural or collective rights. The positive right of the state to fulfil, for example, the right to housing, work, food or self-determination, is vital, but the nature of the services provided by the police is not directly related to the fulfilment of economic, social and cultural rights. Additionally, these police and human rights standards do not refer to the rights of law enforcement officials. Police officers often express concerns about respect for their own rights. Obviously themes such as working conditions are crucial. They reflect the rights of law enforcement official's as citizens. Even though the human rights of law enforcement officials themselves are a relevant part of policing, the main focus in table 2.I is the police officers' behaviour in relation to law enforcement (Lindholt *et al.* 2003; EPPHR, 2000).

There is a growing trend to incorporate the aforementioned police and human rights standards at a national level (Crashaw *et al.*, 1998). Human rights implementation is realised through law, policing as well as other structures. Governments are encouraged by international and national developments to review the human rights elements of their policing policies (Frühling *et al.*, 2003; Lindholt *et al.*, 2003; Vickers, 1999; Oakley, Dziedzic and Goldberg, 1998). The prime reason is that people's right to security should be guaranteed by the state, while at the same time they should be protected against unlimited state power. Without human rights, the power that state or non-state actors have could become absolute and people would have no way of addressing their complaints about police misconduct. Hence human rights implementation is directed towards the protection of individual rights as well as to different parts of the security sector. Thus human rights implementation creates social change that affects state agents as well as state institutions (Cotterrell, 2002; Dror, 1971; Grossmann and Grossman, 1971).

2.4 HUMAN RIGHTS IMPLEMENTATION WITHIN A POLICE SYSTEM AND POLICE UNITS

When a government initiates human rights related police reform, it seeks to create social change. While keeping in mind the role of human rights and the police within

²⁵ Human rights generations refer to the development of human rights and their foundation. The first generation of civil-political rights mostly concerns the liberal rights of non-interference and democratic participation. The second generation relates to the positive obligation of the state to guarantee the enjoyment of social, economic and cultural rights. The third generation of collective rights, emphasises that the people of the South are granted collective solidarity and enjoyment of human right protection to the people of the North (Nowak, 2003: 23-25).

contemporary society, a theoretical framework assists in understanding how people relate to human rights implementation from within their own social context.

2.4.1 Semi-Autonomous Fields

By introducing human rights within the police, the state seeks to influence the behaviour of its agents. Its ultimate goal is to have police officers comply with human rights norms, values and/or standards. An option is to focus upon the social construction of police work, thus attempting to discover social processes such as interaction between police officers and the public.²⁶ In police literature this symbolic interactionist approach is referred to as the sociology of policing (Torre, 1999). There is an impressive wealth of studies on the police organisation, police reform, policing styles, police culture and police officers' responses to change.²⁷ Nevertheless, the vast majority of these studies concern law enforcement agencies in established western democracies. Interestingly the place of police institutions within the developing world has largely been neglected (Sheptycki, 1998; Marenin, 1996). Furthermore, the experiences of law enforcement officials are crucial, because successful human rights implementation depends on how they accept it (Bayley, 2001; Crawshaw *et al.*, 1998; Skolnick and Fyfe, 1993).

A theoretical approach to human rights implementation facilitates an analysis of how law enforcement officials respond to change from within their own social context. Between the macro level of implementation and the micro level of the individual police officer, there is another level of social systems where people operate and interact. According to Moore (1973), people belong to social systems that she refers to as 'semi-autonomous fields'. Thus, how law enforcement officials experience the implementation of human rights and relate to it can be understood by exploring this other level. Semi-autonomous fields are defined by their boundaries; their ability to create rules or to induce compliance with them. These social systems create rules, customs and symbols, and are simultaneously influenced by external rules, decisions and forces (Moore, 1973: 721).²⁸ In other words, while semi-autonomous fields have the capacity to make their own rules and have their own means to coerce or induce compliance, they are also influenced by outside stimuli. Within the semi-autonomous fields people develop their own rules and make sure they are kept. In this manner, social control of individuals is exercised. Concurrently, however, external forces affect the behaviour of people. For these reasons the social fields are considered to be semi-autonomous.

26 For more information: Manning, 1997; Kleinig, 1996a/b; Reiner, 1992; Klockars, 1985; Holdaway, 1983; Punch, 1985; Reuss-Ianni, 1983; Sherman, 1978; Muir, 1977; Rubinstein, 1973; Skolnick, 1966.

27 For an overview on policing in developed countries: Bayley, 2001.

28 Griffiths argues that Moore's definition combines important ideas of the legal pluralism tradition (Griffiths, 2005: 478).

In modern society the state is probably the most powerful semi-autonomous field, but society itself also consists of various semi-autonomous fields. A national police system, an urban police organisation, a police station, a neighbourhood committee are all examples. Within these social fields, groups of people regulate their own conduct and are influenced by external forces such as laws or public policies. At a police station, for instance, supervisors and colleagues show police officers how to do their work. They are more or less coerced into complying with internal informal rules on how to behave. At the same time they belong to their national police system or their police institution, which seeks to regulate their behaviour through formal regulations (Collier, 2005). These external forces may lead to resistance at the police station level. The success of the police officers' resistance is dependant on the autonomy of the particular police station. The effect of implementation is not only related to the amount of resistance, but also to the lack of enforcement within this social field (Griffiths, 2005: 484; Moore, 1973). Nonetheless, semi-autonomous fields provide a theoretical framework for understanding how police officers, who belong to particular social fields, comply with and resist human rights implementation.

Other theories also postulate the relationship between the individual and how he or she is coerced into complying with rules or other structures. Weber, for instance, refers to coercion in terms of 'legal order' (Weber, 1978).²⁹ He discusses economic systems in which private organisations exert pressure on outsiders and insiders to comply with their objectives (Weber, 1954: 18-19). Although semi-autonomous fields are not mentioned as such, private organisations respond not only to external forces, but also impose their own rules and customs. As a result, they could theoretically be considered to be semi-autonomous fields.

Despite the vast number of studies in which semi-autonomous fields have been used to study the social effect of law, there are some problems with using this theory to analyse the implementation of human rights within the police.³⁰ Firstly, it only provides a framework to focus upon a specific social context. The semi-autonomous field theory does not explain how human rights could be implemented more effectively within other police systems (Griffiths, 2005). It only provides an explanation of the status quo in a particular context. Secondly, police officers may have other motives for complying with rules; for example, religious beliefs or cultures, which are not specifi-

29 When discussing the role of law in the legitimate order, Weber argues that the means of coercion are not important. 'In any case the means of coercion are irrelevant. Even a 'friendly admonition,' such as has been used in various religious sects as a means of enforcement, is to be included if it is carried out according to laws by a specially installed staff. Another case is the use of the censure as a means of enforcing 'customary' norms. Psychic coercion has indeed become the specific disciplinary means of the church. It is thus naturally just as much a case of 'law' whether an order is upheld by a hierocratic or by a political power, whether in conformity with the rules of an association or by the authority of the head of a household. Even the rules contained in a commentary may be regarded, for this terminology, as law' (Weber, 1978).

30 For examples of direct and indirect uses of semi-autonomous fields see, for example: Griffiths and Weyers, 2005.

cally related to the semi-autonomous field they operate in. Thirdly, although the people within the semi-autonomous fields are considered as one social group, in reality there are differences between individuals. Despite these objections the concept of semi-autonomous fields is appropriate for studying human rights implementation within police systems. Semi-autonomous fields provide a basis for understanding how law enforcement officials experience human rights from within their own social field.³¹

2.4.2 Police Human Rights Strategies

In order to comprehend the effect of implementing human rights law within the police, it is important to learn what social change it generates. Because law enforcement officials are the people towards whom the change is directed, implementation should be considered from their perspective. The goal is to have police officers comply with human rights, norms, values and/or standards. Primarily human rights implementation is done through legal structures. As discussed earlier, establishing a direct relationship between law, including human rights, and changes in law enforcement officials' behaviour is complex (Cotterrell, 1992; Dror, 1971). If the state wants to ensure police officers' compliance with human rights, it creates additional structures to implement its formal laws. In the context of this thesis I refer to these other structures as 'strategies'.

Thus I define police reform initiatives that implement human rights law as strategies. Police accountability mechanisms are, for example, an important strategy for bringing the behaviour of law enforcement officials into conformity with the requirements of society (Bayley, 1985: 160).³² These formal structures allow citizens to complain about police conduct. Subsequently, police officers can be held accountable. Common police accountability mechanisms are citizens review boards, internal disciplinary units, Ombudsman's Offices and judicial control through the criminal justice system as well as medical and psychological facilities, which are directed towards individual police officers. In addition to police accountability mechanisms, the state develops other strategies that seek to prevent or at least confront human rights violations at an institutional level.³³ They include special laws, regulations, public policies, programmes or projects. As a result of the social change these police reform initiatives generate, law enforcement officials are directly or indirectly stimulated to comply with human rights norms, values and/or standards and therefore I refer to them as 'police human rights strategies' ('PHRS') (Eijkman, 2007/2006a/b; Husain 2007/2006). Thus by implementing PHRS, the state anticipates that police officers will increasingly act according to formal human rights law.

31 The approach here is that social scientists choose a small field and study it in terms of its semi-autonomy (Moore, 1973: 720).

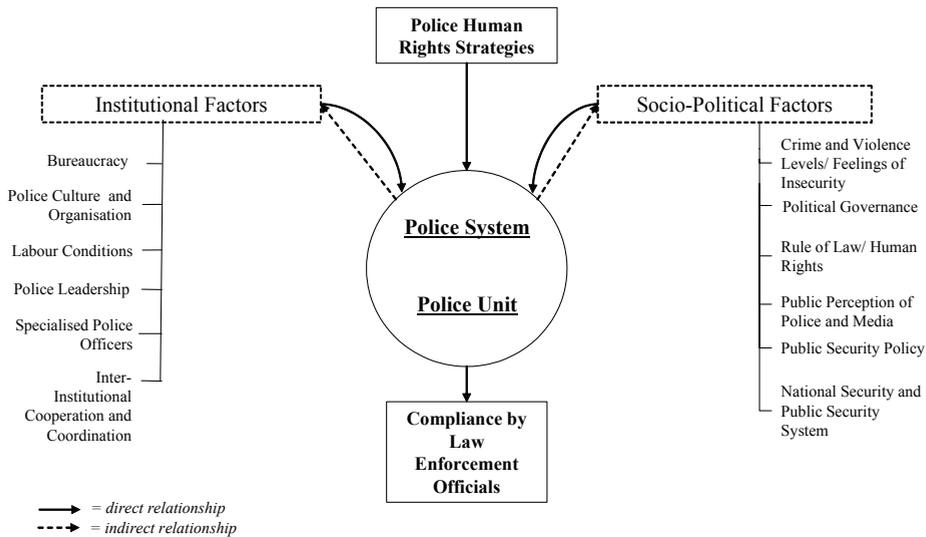
32 For more information on police accountability: Stanley, 2005; Chevigny, 2003; Neild, 2000; Stone and Ward, 2000; Brodeur, 1999; Wola, 1998; O'Rawe and Moore, 1997; Bayley, 1985.

33 For more information on strategies: ICPNR, 1999; Rover, 1999; Wola 1998.

Although the objective of the state is to influence law enforcement official conduct, it is far more realistic to acknowledge that the majority of PHRS are not initiated with the specific objective of implementing human rights. Governments have multiple reasons for police reform. They want to improve the effect of crime control or professionalise their police forces (Call cited in Wola, 2002a; Bayley, 1994). Yet the implementation of police reform can also indirectly affect human rights compliance by law enforcement officials. Hence, through PHRS the state both directly and indirectly implements human rights law.

By implementing PHRS the state attempts to create social change, which is directed towards law enforcement officials. The main objective of PHRS is to have law enforcement officials increasingly comply with human rights norms, values and/or standards. Successful implementation depends to a large extent on how they accept PHRS (Bayley, 2001; Crawshaw *et al.*, 1998; Skolnick and Fyfe, 1993). The effect of PHRS is considered within the context of the semi-autonomous field in which law enforcement officials operate. This provides a framework to study how police officers comply and/or resists human rights implementation. In this process the implementation of PHRS within a semi-autonomous field or fields is the key independent variable, while the dependent variable is enforcement officials' compliance (see figure 2.I).

Figure 2.I Framework on the Implementation of Police Human Rights Strategies³⁴ in the Semi-Autonomous Fields of the Police System and the Police Unit



34 With the notions of direct and indirect relationship I do not want to suggest that the framework represents any causality, but I want to focus on how the boxes are connected.

The main objective of introducing PHRS into the semi-autonomous fields of the police system or police units is to have law enforcement officials increasingly comply with human rights. Hence the prime focus of studying the implementation of human rights is police operational; as in what law enforcement officials think is expected of them (Bayley, 2001: 21). Various studies on police reform support this point of view. Law enforcement officials respond to change in the context of the social fields in which they operate.³⁵ For the purpose of my research I have concentrated on how police officers relate to the implementation of PHRS within two semi-autonomous fields; at a national level the 'police system' and a local level the 'police unit'. As semi-autonomous fields are defined by their boundaries and ability to create rules or induce compliance to them, I have operationalised the concepts of the police system and police units as such (Moore, 1973: 721). Hence in figure 2.I the police system and the police units are defined narrowly and may differ from what the literature considers to be a police system or police units.

The process of the implementation of PHRS within semi-autonomous fields relates both directly and indirectly to external factors. Although the actual process of implementation is primarily dependent upon law enforcement officials' compliance with or resistance to it, outside stimuli also play a role. They influence the social fields in which PHRS are introduced. The effect of the PHRS within the semi-autonomous fields of the police system and police units, is dependent upon law enforcement officials' compliance and/or resistance to it. Semi-autonomous fields are influenced by outside stimuli and therefore these, to a greater or lesser extent, affect the PHRS. For reasons of clarity I have subdivided these indirect external factors into two categories; socio-political and institutional factors. Hence the semi-autonomous fields of the police system and police units in figure 2.I relate directly to one external stimulus; the PHRS, and indirectly to the socio-political and institutional factors. Although in reality there is an indirect relationship between all the three external factors, my research focuses predominantly upon the effect of implementing police human rights strategies within the semi-autonomous fields of the police system and the police unit, which are also subjected to the influence of socio-political and institutional factors.

In the literature of human rights and policing, institutional as well socio-political factors are discussed as factors that determine police performance (Lindholt *et al.*, 2003: 21-22). Several studies indicate that when analysing human rights implementation within the police, domestic legal, cultural and political contexts are vital (Marenin, 1998; Sheptycki, 1996). Hence understanding the role of these other forces is important. According to Shearing (1994: 70-87), for instance, policing should be analysed from the perspective of street work, the organisation and state governance. The police operates at these three different but interconnected levels. There is a link with the

35 For more information on police reform: Lindholt *et al.*, 2003; OHCHR, 2002; Bayley, 2001; ICPNR, 1999; Rover, 1999; Marenin, 1998; Oakley, Dziedzic and Goldberg, 1998; Sadd and Grinc, 1994; Guyot, 1991.

semi-autonomous fields, because police officers conduct street work in the context of their organisation. As a part of a state apparatus for formal control, governance is also taken into consideration. A broader approach includes socio-political factors such as the realities of politics, police institutions and societal relations (Marenin, 1998; Goldstein, 1977). Therefore in order to study police officers responses to human rights implementation, I consider the effect of both institutional and socio-political factors.

Institutional actors are the predominant category of external forces that affect the implementation of PHRS within the police system and the police unit. Firstly, because within a police organisation one person often carries responsibility for the implementation of PHRS, key actors at an institutional level are relevant (Bayley, 2001; Skolnick, 1966). They are mostly police leaders, specialised police officers or civilian staff. At an operational level, the police chiefs are vital for ensuring compliance with laws, rules and policies (Bennett, 1997; Butler, 1992). These actors and their continuous involvement play a crucial role in implementing PHRS. Secondly, in the literature the informal organisation of policing is frequently cited as an explanation of why police officers resist change.³⁶ Manning (1997: 132) refers to police institutional culture as, 'The role considered to be core skills, cognitions and affect.' It includes, 'Accepted practices, rules and principles of conduct that are situationally applied, and generalised rationales and beliefs' (Manning, 1989: 360). In other words, it is the manner in which police officers' chiefs and colleagues expect law enforcement officials to conduct their work. They might or might not coincide with formal rules. Despite the importance of recognising the role of the informal organisation of policing on police behaviour, it is crucial to understand that, 'Police cultural practice results from the interaction of the socio-political context of police work and various dimensions of police organisational knowledge' (Chan, 2005: 339).³⁷ Thus institutional culture it is not static but constantly changing according to its context. Hence while police culture should be recognised as a factor in explaining why police officers resist or comply with PHRS, the impact of the larger institutional framework should always be acknowledged. Thirdly, reform within law enforcement agencies can only be achieved if there is a continuous institutional commitment by the police organisation as well as the responsible executive branch of government. This is demonstrated by the allocation of 'new' resources and sustained support by the police management, and also specific training to change individual behaviour has been designed (Bayley, 2001; Roth, 2000; Wola, 1998). Perhaps even more important is the reinforcement of this kind of training. In a sense, the change has to be of personal interest to the police officers (Pate, 1996; Uildriks and van Mastrigt, 1991). The institutional factors relate to the implementation of human rights at the operational level of the police.

36 For more information: Manning 1997; Reiner, 1992; Goldstein, 1990; Holdaway, 1983; Skolnick, 1966.

37 In her theoretical contribution to understanding police culture as a dynamic rather than a static process, Chan (2005) incorporates Bourdieu's (1990) concepts of 'field' and 'habitus' as well as Sackmann's (1991) framework of cultural knowledge within organisations.

The significance of particular socio-political factors varies per country. Overall important factors are public perception of the police, crime and violence levels, feelings of insecurity, political governance, the organisation of the security system, public policy on public security and the overall respect for human rights as well as the rule of law within society (Frühling, 2003a/b; Bayley, 2001). To a greater or lesser extent each factor relates indirectly to the human rights compliance by law enforcement officials. This is because they influence the overall process of implementing human rights. If there is, for example, a high increase in violence within society, public perception of the police will probably worsen.

The main objective of PHRS is to have law enforcement officials comply with human rights norms, values and/or standards. Additionally, the implementation process is influenced by socio-political and institutional factors. I use this theoretical framework for my analysis in the empirical chapters.

2.5 PUBLIC SECURITY AND POLICE REFORM IN LATIN AMERICA

Within contemporary Latin America the international development of increasing police compliance with human rights relates to large-scale public security and police reform. More specifically, public security and police reform is directed towards reforming the criminal justice system, law enforcement agencies as well improving citizen security and diminishing the role of the armed forces. Within the region there are common factors to be distinguished. Implementation, however, depends on specific socio-political contexts. There is no single organisational or doctrinal model, neither for public security nor police reform. Each approach should be reviewed for its implications for human rights within that particular society (Call cited in Wola, 2002b; Bayley, 1998).

Before considering the factors that relate to reform, I elaborate briefly on the concept of 'public security'.³⁸ After a period of authoritarian rule, the vast majority of Latin American countries replaced their national security³⁹ doctrine with a public security doctrine (Dammert and Bailey, 2005; Ramírez, 1998). The priority of state security policies was no longer national defence or civil-military relations, but public order, crime control and citizens' involvement. In a region that is in the process of consolidating democratic rule, there are historical as well political reasons for separating national security and public security (UNDP, 2004b; Zúñiga, 1994).⁴⁰ The main

38 In the literature, public security is also referred to as internal security. In English, the translation of *seguridad pública* relates to law enforcement and safety (Estévez, 2001: 2-3).

39 National security is about defence. Previously the term 'state security', which implied the protection of a political regime, was used in the Latin American context (Estévez, 2001: 2).

40 See also; the 1978 Spanish Constitution that clearly separates the defence of its national territories from public security (art. 104, Spanish Constitution, Spanish Constitution website, accessed on 4 November 2005).

objectives of the two doctrines differ.⁴¹ National security is about the maintenance of the unity of the state, the protection of the territorial sovereignty, keeping watch over the equitable economic, social and political development and guaranteeing the social peace of the population. While public security focuses on the unity of society itself, it is related to the protection of inhabitants through crime and prevention mechanisms, the defence of citizens with mechanisms to administer justice and guaranteeing overall security. Thus, for national security the prime entity to be protected is the state and its territory, while public security is about crime prevention, social order and citizens' participation.

In the literature there are a few definitions on public security. González, López and Nuñez (1994: 49) define public security as, 'The combined politics and coherent actions that guarantee public peace by preventing and repressing felonies and misdemeanours against the public order by means of the criminal control system and the administrative police.' They indicate which state actors are responsible for the maintenance of public order, thereby identifying state actors that carry responsibility for public security. The criminal justice system and the police have the duty to prevent felonies and misdemeanours; however, maintaining public order is a task that is not always classified as a crime and therefore this police duty must be included as well. Dammert and Bailey (2005: 11) define public security as, 'The protection of persons, property and democratic political institutions against both internal and external threats of violence and intimidation.' In contrast to Dammert's and Bailey's definition, González *et al.*'s definition does not specifically mention who or whom the state should protect.⁴² This is relevant, because the protection of inhabitants as well as democracy, are key elements to public security. Furthermore, respect for human rights is also related to public security (Ríos, 2004; González *et al.*, 1994). The definition of public security in the El Salvador Peace Agreement, for example, specifically refers to human rights (Basombrío, 2003; Costa, 1999).⁴³ Thus a states' internal security is clearly separated from external security. Because individual youngsters are discrimi-

41 For more information: Dammert and Bailey, 2005; Upeace, 2004; Frühling, Tulchin and Golding, 2003; Salazar, 2002; González, López and Nuñez, 1994.

42 Although in their definition on public security they do not specifically refer to people, while discussing judicial security, a related concept, the rights of individuals are mentioned (González *et al.*, 1994: 44-45).

43 Chapter II, art. 2 'The legal regime, staff training, organisational lines, operational guidelines and, in general, the institutional definition and operation of the National Civil Police shall accord with democratic principles; the concept of public security as a service provided by the State to its citizens, free from all considerations of politics, ideology or social position or any other discrimination; respect for human rights; the effort to prevent crime; and the subordination of the force to the constitutional authorities. Citizens' exercise of their political rights may not be impaired by police activities'. Chapter 1, art. 1f 'The maintenance of internal peace, tranquillity, order and public security lies outside the normal functions of the armed forces as an institution responsible for national defiance. The armed forces play a role in this sphere only in very exceptional circumstances, where the normal means have been exhausted, on the terms established in the constitutional reform approved in April 1991' (El Salvador Peace Agreement, US Institute of Peace website, accessed on 18 November 2005).

nated against, current ‘*Anti-Maras*’, youth gang, legislation in El Salvador portrays the dangers of a ‘tough’ approach on crime.⁴⁴ This development illustrates the relevance of including the protection of human rights in a definition of public security.

With the aforementioned definitions in mind, I define public security as, ‘The responsibility of states to maintain public order, to protect democratic institutions as well as society, to prevent and repress crime by means of public policy, other acts, the criminal justice system and the police, all while respecting the rule of law and human rights.’ Because not all police forces separate the judicial or investigational departments from the preventive departments, I only use the concept; the ‘police’. This, furthermore, excludes other security forces such as the intelligence service or the army. Because of the recent history of authoritarian rule and the current rhetoric of ‘war against crime’, the reference to the duty of states to protect democratic institutions and society while respecting the rule of law and human rights is important. Likewise, the role of civil society is valuable. Additionally, terrorism is not considered separately, but as an act against public order.

Unlike similar concepts, such as human or citizen security, my definition on public security does not include physical disasters or threats to individuals.⁴⁵ Human security and citizen security are frequently mentioned in relation to the concept of public security. Human security concerns the conditions that enable individuals to lead a life of freedom and of dignity (Hammerstad, 2000). This is a term often used by United Nations Development Programme (‘UNDP’) (UNDP, 1994).⁴⁶ The main focus of citizen security is people’s individual right to security. The term is used most frequently in states that have suffered from internal conflict and is associated with the absence of physical threats or risks, especially in relation to extralegal coercion by state agents.⁴⁷ The concept of public security is more limited than human or citizen security. It does not state the causes of insecurity, the particular rights of individuals nor the responsibility of the state to create the conditions that enable people to lead a secure life. Yet the term public security relates more to the prevention or repression of crime and internal order within society as a whole, thus stressing the relationship between the state and society.

44 The *Anti-Maras* Act was approved in October 2004. On 1 April 2004 the Constitutional Division of the Supreme Court of Justice of El Salvador found the *Anti-Maras* act to be unconstitutional, because it violated the basic principles of equality before the law (AI, 2004).

45 For an overview of the differences between national security, public security and citizen, inhabitant or human security, see: Dammert and Bailey, 2005: 12.

46 The United Nations Development Programme (‘UNDP’) refers to it as, ‘Human security can be said to have two main aspects. It means, first, safety from such chronic threats as hunger, disease and repression and second, it means protection from sudden and hurtful disruptions in the patterns of daily life – whether in homes, in jobs or in communities. Such threats can exist at all levels of national income and development’ (Zuñiga, 1994: 6). For more information: Upeace, 2004; Frühling, 2003: Lindholt *et al.*, 2003; Wola, 2002b; CEPAL, 1999; Oakley *et al.*, 1998.

47 For more information: CELS, 2005; Dammert and Bailey, 2005; Duce and Pérez Perdomo, 2003; Frühling *et al.*, 2003; Upeace, 2003b; CEPAL, 1999; Chinchilla, 1998; Ramírez, 1998.

2.5.1 Reform Motives

In the last two decades the vast majority of Latin America countries have reformed their public security systems.⁴⁸ This regional trend has developed due to problems with feelings of insecurity, corruption scandals, the rise of private security and the legacy of military control (Frühling *et al.*, 2003; Candina cited in Wola, 2002b). Actors such as police forces are involved in human rights violations and corruption.⁴⁹ Crime and violence continue to be pressing societal problems.⁵⁰ Average homicide rates, which are an indication of crime levels, are increasing. In 2000 the average homicide rate was 19.3 per 100,000 inhabitants, while the world wide average was 10.0 (WHO, 2002). These developments influence high feelings of insecurity among the regional population. They also affect the expectation of democracy, lead to arbitrary violence by governmental institutions and weaken overall belief in the political system (UNDP, 2004a; Méndez, O'Donnell and Pinheiro, 1999).

Furthermore, the populations' confidence in the state's ability to effectively tackle public security concerns is decreasing (Mesquito de Neto, 2002; Chevigny, 1997). A questionnaire conducted in 2003 found that 36 percent of the Latin American population and 41 percent of the Central American population have 'Little trust' or 'No trust' in the police (LB, 2004).⁵¹ This lack of faith in the police and the criminal justice system relates to the proliferation of the private security industry (Caldeira, 2000). In addition to crime and violence, other pressing socio-political problems include; poverty, social exclusion, human rights violations, diminishing support for democratic government and the failure of the rule of law.⁵² These developments pressure contemporary Latin American governments to react.

Human rights implementation within the police is part of the trend to reform public security and the police in Latin America. Human rights organisations focus on reform directed towards police conduct (Call cited in Wola, 2002b). Other police reform such as demilitarisation, depoliticalisation, professionalisation or democratic policing relate to the implementation of human rights. Any sort of effective reform should consider the dynamics between the issue of police respect for human rights, police responsive-

48 For a discussion on reform: Hinton, 2006; Rico and Chinchilla, 2006/ 2002; Dammert and Bailey, 2005; Duce and Pérez Perdomo, 2003; Ambos *et al.*, 2002; Huggins, 2002/1998; Ungar, 2002; Wola, 2002a/b/1998; Domingo and Sieder, 2001; Maier, Ambos and Woischnik, 2000; Mendez, O'Donnell and Pinheiro, 1999.

49 For more information: Frühling *et al.*, 2003; Neto, 2002; Nield, 2001; Méndez, 1999; Wola, 1998; Chevigny, 1997; Mesquito Neto, 1995.

50 For more on this theme: Rico and Chinchilla, 2006; Dammert and Bailey 2005; Hinton, 2005; Frühling, 2003b; Duce and Pérez Perdomo, 2003; Mesquita Neto, 2002; Estévez, 2001; Buvinic, 1999a/d; Koonings and Kruijt, 1999.

51 The police ranked higher than the judiciary, the President, the Legislative Assembly as well as political parties (LB, 2004).

52 For more information: UNDP, 2004a/b; Ungar, 2002; Rotker, 2002; Lowry, 2001; Caldeira, 2000; Huggins, 2000; Koonings and Kruijt, 1999; Méndez *et al.*, 1999.

ness to the security needs of the general public and police effectiveness in dealing with crime, violence as well as public order (Neild, 2003: 203-204). It is relevant for Latin America, because despite the transition from authoritarian towards democratic governments, human rights violations persist. Although they no longer affect political dissidents, they are now directed towards those who are economically and socially excluded (Méndez and Mariecurréna, 2000; Payne, Zovatto, Flórez and Allamand, 2000). Society's reaction to reform and human rights implementation appears to be contradictory. On the one hand, citizens are increasingly conscious of their human rights and demand that the state shows respect (Hillman, Peeler and Cardoza, 2002; Méndez and Mariecurréna, 2000). On the other hand, many feel that the state is not effectively dealing with crime and violence. Police accountability and police effectiveness are, for example, not considered to be parts to the same coin (Chinchilla, 2002b). Citizens are increasingly expecting the state to control society at all costs (Früling *et al.*, 2003; Mesquita de Neto, 2002).

Latin American government responses are fragmented. Strategies that aim to ensure police respect for human rights norms are implemented, while conjunctive reforms are initiated that enable the police to control society even more rigorously. The rhetoric of a 'war on crime' has led to the point that, 'Politicians sometimes abuse human rights as if it is a set of privileges for criminals' (Chevigny, 1997: 51-52). Although strategies are being developed, their impact is usually evaluated on a short-term basis.⁵³ In addition, over the years international assistance for police reforms has declined and there is a trend to revert to more authoritarian models (Neild, 2003). The consequence is that it is complicated to demonstrate any form of long-term effect related to human rights implementation within the police. Hence several studies voice the need to evaluate police reforms within Latin America.⁵⁴

During the 1990s public security and police reforms in Latin America have concentrated predominantly on the criminal justice system, the police organisation, the role of the community in preventing crime, de-politicisation and the separation between military and police forces.⁵⁵ Police reform included the creation of new civilian police forces, the decentralising of the organisation of policing, an increase in cooperation with the community and strengthening the mechanisms to monitor police activity (Chinchilla, 2003; Frühling, 2003b; Wola, 2002b; Silva, 1999). However, despite these developments, some things did not change. The military nature of the police, for instance, has mostly remained intact (Frühling *et al.*, 2003; Volger, 2002; Lösing, 1996; Bayley, 1993). The military still dominates Latin American policing. Despite good intentions within the region, democratically elected governments are failing to control police abuse of power. On a large scale, badly paid, poorly trained and disres-

53 See, for example: The Wola Reports on Guatemala and El Salvador (Wola, 2002a; Wola, 2002b).

54 See, for example: Früling *et al.*, 2003; Wola, 2002; Bayley and Shearing, 2001; HRW, 1998.

55 For more information: Rico and Chinchilla, 2006; Duce and Pérez Perdomo, 2003; Frühling *et al.*, 2003; Mesquita Neto, 2003; Domingo and Sieder, 2001; Prillaman, 2000; Méndez *et al.*, 1999; Chinchilla, 1997.

pected law enforcement officials are involved in human rights violations such as torture or summary executions without being held accountable (Candina, 2005; Méndez *et al.*, 1999; Rodley, 1999; Chevigny, 1997). Thus although in Latin America public security and police reform is implemented, problems relating to the military character of the police and the human rights violations persist.

2.5.2 Transitional and Non-Transitional Societies

Because the intensity and the extent of social change varies within Latin America, it is important to consider the specific societal contexts in which public security and police reforms are implemented. Is the reform, for example, part of a political transition from an authoritarian to a democratic ruled state? Societies in transition from authoritarianism to democracy undergo major changes, which may but are not necessarily related to post-conflict situations. According to Alemika (2003: 63) transitional societies are, 'Those nations in transition from totalitarianism to liberal democracy...., thus they are democratising states with a totalitarian heritage.'⁵⁶ They include post-conflict as well as societies that transformed from military to civilian rule peacefully. Many Latin American states are in transition towards consolidating democracy (UNDP, 2004b; Kruijt and Koonings, 2002/1999). This is reflected in the literature on public security and police reform, which focuses on the context of political transitions towards democratic governance (Garretón and Newman, 2002).⁵⁷ Latin American post-conflict societies such as Guatemala or Peru relatively recently experienced civil war or violent outbursts. Subsequently they are challenged to consolidate democratic rule, while simultaneously implementing public security and police reform (Glebbeeck, 2003; Frühling, 2003). Amidst problems like economic crises, high unemployment rates, increasing crime and violence, a military legacy, internal security forces with links to political actors and the fears of members of insurgent forces waiting to be demobilised, the process of enforcing the rule of law and reforming police systems, who are simultaneously in charge of maintaining public security, is complex (Wola, 2002b; Whitehead, 2002; Marenin, 1996). Likewise civil governments in post-authoritarian states like Argentina or Honduras have difficulties in diminishing military control over internal security, creating independent judiciaries and state accountability towards citizens (Castellanos and Salomón, 2002; Ungar, 2002).

The concept of transitional society includes all countries that are in the process of consolidating democratic rule. Transition is also linked to development. Often transitional states are either developing societies or those experiencing similar problems

56 Another definition of a country in transition, 'Undergoing significant, political and societal changes; the fall or gradual democratisation of a totalitarian state, the conclusion of a civil war, or other types of violence crisis' (Lindholt, 2003: 11).

57 See, for example: Hinton, 2006; Dammert and Bailey, 2005; Glebbeek, 2003; Wola, 2002b/1999/1998; Call, 2000/1999; Costa, 1999.

(Lindholt, 2003).⁵⁸ Within transitional nations, significant political and societal changes occur, which are characterised by transformations on several levels within society (Wola, 2002b; Oakley *et al.*, 1998). Public security and police reform is part of the overall process of democratic reform in transitional societies. In this context, scholars, donors and police experts often refer to the normative framework of democratic policing, thus proposing that police agencies adhere to basic democratic elements such as transparency, accountability and respect for the rule of law (Sheptycki, 1996: 64).⁵⁹ The concept of democratic policing is somewhat abstract (Marenin, 1998). A few police reform studies in Central America, emphasise the replacement of authoritarian regime policing with democratic policing (Wola, 2002b: 2).⁶⁰ They indicate how complex police reform is in countries that are in political transition towards democracy.

In the last decade consolidated Latin American democracies also reformed their public security and police systems. In those societies reform processes tended to be more gradual, were part of a political agreement and the role of international actors as well as the military was less pervasive (Rico and Chinchilla, 2006/ 2002; Frühling *et al.*, 2003; Neild, 2003). Political agreements that led to police reform in societies that are not in transition is mostly directed towards increasing external control over the police, improving police accountability, professionalising policing, stimulating citizen participation as well as dealing with rising feelings of insecurity, crime and violence rates (Dammert and Bailey, 2005; Mesquita Neto, 2003). There are several empirical studies that discuss police reforms and human rights implementation in the context of societies in transition in Latin America.⁶¹ Change in terms of public security and policing in democracies like Costa Rica or Chile⁶² tends to be more gradual. By concentrating on non-transitional societies a comparison can be made. Considering the regional history of police involvement in human rights violations and the current trend of public security and police reform, it is important to understand how police systems in transitional and non-transitional societies react towards the implementation of human rights.

The effect of public security and police reform is dependent on many factors. Most important are the economic, the socio-political and the security situation, as well as the level of democratic governance, governmental commitment to reform, the interests of

58 They may include a clear basis for the rule of law, problems with political accountability and sharp socio-economic differences within society (Lindholt *et al.*, 2003: 12-13).

59 For more information: Mesquita de Neto, 2003; Garretón and Newman, 2002; Whitehead, 2002; Wola, 2002b; Ungar, 2002; Bayley, 2001; Marenin, 2001; Mendes, Zuckerberg, Lecorre and Clark, 1999; Bayley, 1993/1985; Goldstein, 1977.

60 For more information: Hinton, 2006; Glebbeek, 2003; Ungar, 2002; Call, 2000/1999; Arnsion, 1999; Vickers, 1999; Chinchilla, 1997.

61 See, for example: Husain, 2007; Hinton, 2006; Ungar, 2002; Glebbeek, 2003; Chinchilla and Rico, 1997; Call, 1999.

62 Chile passed the transitional phase in the late 1990s and has consolidated its democracy (Dammert and Bailey, 2005).

powerful stakeholders, the public security and police institutions and the existence of accountability mechanisms (Lindholt *et al.* 2003). Historic experiences and cultural sensitivity must also be taken into account, because they explain how people perceive public security issues (Alemika, 2003). In Latin America, sweeping public security and police reforms have often been implemented without enough consideration to these aforementioned factors.

Another dilemma is international cooperation in relation to public security and police reform. Support for police reform tends to be bilateral, while judicial reform is mostly multilateral (Wola, 2002b; Oakley *et al.*, 1998). Another issue with reform is that it is focused on transitional societies and often the positions of judicial and police reforms are not integrated (Wola, 2002b). Additionally, local problems are not always the main concern of foreign donors. International police assistance usually focuses on politically low risk activities, such as training and infrastructure with less of an emphasis on economic concerns, the sustainability of the reforms, their limited access and confidence in public security institutions in Latin America (Chinchilla, 2003/2002b; Domingo and Sieder, 2001). The kinds of reforms are also influenced by the actors who are involved in them. Which actors have proposed the reform and who is in charge of the reform? According to Mesquito Neto (cited in Wola, 2002b: 11-12), in police reform the emphasis depends on who initiated and is in charge of its execution. He separates between national actors, international actors, civil society and the government. The participation of civil society, for example, depends on their political involvement. Yet reality is more complex and therefore most of these actors one way or the other cooperate. Furthermore, he argues it differs whether police reform is part of a peace agreement, foreign intervention, political agreement or by a governmental initiative (Mesquito Neto, 2003). International actors and peace agreements often focus on a distinction between the police and the military, while national governments tend to concentrate on strengthening their control over the police and internal security forces (Wola, 2002b). In a way this reflects short-term versus long-term interests. Governments want to receive the aid and concurrently maintain order within society. In the literature there is a discussion on the differences between local priorities and those of international donors (Domingo and Sieder, 2001; Oakley *et al.*, 1998). The way in which public security and police reform is implemented relates to the different types of involved actors.

Since the 1990s, as part of an effort to reform public security and the police, PHRS are being implemented in both transitional and non-transitional societies in Latin America.

2.6 COSTA RICA

A basic introduction of Costa Rica provides the background for evaluating the implementation of human rights within the police of a non-transitional society in Latin America. As, in the following chapters public security and police reform in Costa Rica

is discussed, this section only reviews political culture and contemporary societal concerns.

2.6.1 Political Culture

The Costa Rican political system is characterised by a highly centralised approach to government, a strong support for democracy and the rule of law. Democracy was consolidated throughout the 20th century. After the last civil war in 1948 a new constitution, which clearly separated between the executive, the legislative and judiciary, was drafted. It furthermore abolished the army, limited the re-election of presidents, gave the executive less and the legislature more power (Wilson, 1998). Rather than security, which in the rest of the region was an important political issue, education and health became key priorities of successive governments (Sobrado and Saxe, 2004; Volio, 1985).

As Cortés (2003: 6) explains, there are certain myths about Costa Rican democracy:

With the abolition of the army in 1949 a series of myths were socialised... which were constructed and rooted in the same ideology: To know the myths of the ‘country of peace and democracy’, ‘a nation of teachers and not of soldiers’ and finally ‘a one hundred year old democracy’.⁶³

Reality, however, is more complex and paradoxical than it appears to be. Although one hundred years ago there was more democracy in Costa Rica than in the rest of Central America, the democratic process was limited. Widespread electoral fraud, the manipulation of elections and political clientelism was common practice (Cortés, 2003; Booth, 1998; Lehoucq, 1998).⁶⁴ Only in 1975 was the constitutional ban on anti-democratic parties lifted. From then onwards, citizens’ right to vote became universal and thereby Costa Rica became a true democracy (*Estado de la Nación*, 2001a). The difference from other Central America countries was that after the last civil war Costa Rica’s democratic political system was gradually reformed and consolidated (Booth, 1998; Paige, 1997; Yashar, 1997). This development contrasted with processes in the rest of the region, where during the mid 20th century political systems became authoritarian.

Costa Rica is a strongly centrally governed state and fragmentation characterises its political system. Most public services are run on a national level. Despite efforts to decentralise government, citizens are most likely to turn to the central government for assistance (Vargas and Rosero, 2004; *Estado de la Nación*, 2003b). Even though Costa

63 For more information: Oreamuno, 2004; Vargas and Rosero, 2004; *Estado de la Nación*, 2001a; Seligson, 2001; Biesanz, Biesanz and Zubris Biesanz, 1999; Molino and Lehoucq, 1999; Rojas, 1999; Booth, 1998; Lehoucq, 1998; Muñoz, 1990.

64 In the 1980s celebrations to commemorate one hundred year of democracy were supported by the Luis Alberto Monge administration for whom it related to the ideological confrontation with the *Sandinismo* in Nicaragua. The following administration of Oscar Arias Sánchez integrated it in its international policy (Cortés: 36-37).

Rica's democracy is often characterised as semi-presidential and semi-parliamentarian, since the late 1970s, presidential authority has been expanding (Urcuyo, 2003; Booth, 1998; Dabene, 1992). This is reflected by the trend that the executive branch began to issue more rules and decrees than the Legislative Assembly, which was constitutionally designated legislative power (Booth, 1998; Gutiérrez, 1979; art. 105 Constitution). In comparison to the rest of the region, the presidency is considered to be rather weak (Mainwaring and Shugart, 1998). The President heads the executive branch, but has to share executive power with the Legislative Assembly, the Supreme Court and the Supreme Tribunal of Elections ('TSE'). Both the President as well as Members of Parliament are prohibited from immediate re-election (Wilson and Rodríguez, 2005).

The recent formation of a number of new political parties challenges traditional bipartism, thereby contributing to increased fragmentation within the political system. Two political parties, the *Partido Liberación Nacional*, the National Liberation Party ('PLN'), and the *Partido Unidad Social Cristiana*, the Social Christian Unity Party ('PUSC'), dominated the Costa Rican political landscape for decades. Almost alternately they ruled the country. By far the PLN has been the most stable and popular party (Booth, 1998). Opposition to the party of the illustrious founder 'Pepe' Figueres has been centred on a coalition of conservative and centralist parties that ultimately in 1990 united in PUSC. Political corruption scandals involving several former presidents and other politicians severely damaged the PLN and especially PUSC, who in the elections of 2006 received only four percent of all the votes (Casas, 2004; Biesanz *et al.*, 1999). During the elections of 2002 and 2006 a popular new political party, the *Partido Acción Ciudadana*, the Citizen's Action Party ('PAC'), emerged. It threatened the dominance of the two main political parties (Urcuyo, 2004). Among other issues in 2002, PAC campaigned on a strong anti-corruption platform.⁶⁵ Despite internal conflicts and a political scandal involving the brother of the founder, in the elections of 2006 they became even more successful.⁶⁶ With an election campaign that focused on opposition to the Central American Free Trade Agreement, the *Tratado Libertad Comercial* ('CAFTA'), they received almost 40 percent of the votes and only just became the second most powerful political party in the Legislative Assembly. In general, the lack of democratic involvement in the negotiation process of CAFTA has led to cynicism in parts of Costa Rican society (Flórez and Hernández, 2004).

Costa Rica is a democratically ruled state with no recent history of authoritarianism. Nonetheless, its citizens are beginning to express less interest in politics (Gutiérrez

65 PAC obtained 26 percent of the votes in the 2002 elections. A scandal involving the brother, Alex Solís Fallas, of the founder of PAC, Ottón Solís Fallas, has discredited the party in the eyes of some. He had been appointed as the Costa Rican Controller General and was subsequently forced to step down after a commission of the Legislative Assembly had investigated it (Legislative Assembly, 2004; *Semanario*, 7 July 2004).

66 The Legislative Assembly decides if the Central American Free Trade Agreement ('CAFTA') with the United States of America ('US') is ratified in Costa Rica (*Tribunal Supremo de Elecciones* ('TSE') website, accessed on 29 March 2006).

rez, 2004; Seligson, 2000). As in other Latin American countries support for democracy in Costa Rica is decreasing (UNDP, 2004a/b). Several recent questionnaires found that political participation is slowly declining.⁶⁷ For instance, between 1998 and 2006 turnout at the elections dropped from an average of 80 percent to 65 percent (TSE website, accessed on 29 March 2006; Payne, Zovatto, Flórez and Allamand, 2002). It seems as if citizens are becoming less interested in democratic participation. Corrupt politicians are being blamed for problems such as the deteriorating socio-economic situation (TI, 2003).⁶⁸ Citizens also complain that they see hardly any difference between old and new political parties.

Although perhaps less extreme than in other Latin American countries, political corruption and clientelism is part of the Costa Rican political culture.⁶⁹ In 2004 it became public when several scandals led to the investigation of top political leaders and public officials by the Economic Crimes Prosecutor. These include two ex-presidents of PUSC; Rafael Angel Calderón Fournier (1990-1994) and Miguel Angel Rodríguez Echeverría (1998-2002). Both have been formally charged and held in preventive detention. Calderón was involved in a case in which he received commission in relationship to a donation of the Finish Government to the Costa Rican Social Security Institute. Just three weeks after Rodríguez had been installed in his new post as Secretary-General of the Organisation of American States ('OAS') he resigned and was arrested in Costa Rica (Roderíguez, 2006). He has been accused of bribery in connection with a French telecom company, Alcatel, and the Costa Rican Electrical Institute ('ICE'), which is in charge of electricity and telecommunications. Also an Ex-President of the PLN, José María Figueres (1994-1998), had allegedly received funds from Alcatel. The son of the famous 'Pepe' Figueres, who founded the PLN, was forced to step down from his position as second-in-command of the World Economic Forum in Geneva on 29 October 2004. He has not been formally charged. Donations to the 2002 electoral campaign of former PUSC President Pacheco de la Espriella, were also investigated by the judiciary (COHA, 2004; López, 2003). The fact that top political figures were, allegedly, able to engage in such pervasive acts of corruption suggests that during these periods political clientelism was strong.

67 Vargas and Rosero, 2004; Unimer R.I., 2004/2002; *Estado de la Región*, 2003; Araya, Avendaño Flores, Carvajal, Garita Bonilla and Poltronieri Vargas, 2001; *Estado de la Nación*, 2001a; Booth, 1998.

68 Respondents were asked, 'If you have a magic wand and you could eliminate corruption from one of the following institutions what would your first choice be'? Almost one third of the respondents singled out political parties (29 percent) and one out of twenty the police (5.4 percent).

69 For more information: Rojas, 2005; TI, 2005/2003; LB, 2004/2003; López, 2003; Villasuso, Rojas and Arroya, 2003; Roja, 2003/2001; Biesanz *et. al.*, 1999; O'Donnell, 1996a; de la Torre, 1992.

2.6.2 Societal Concerns

Corruption is not only related to politics, it is also found in combination to rising crime and violence rates as well as increased inequality and migration the most pressing contemporary societal concern. Research suggests that systematic corruption exists throughout Costa Rican society (TI, 2005/2003; LB, 2004/2003; Villasuso, Rojas and Arroya, 2003; Roja, 2001).⁷⁰ Even though a lot of anti-corruption legislation has been passed and several measures have been taken, what is really necessary is a change in attitudes (*Semanario*, 3 May 2005; Salazar, 2004; Villasuso *et al.*, 2003). As a newspaper heading of *El Financiero* (4/10 October 2004) reads, ‘Corruption requires much more than legislation. New laws are not necessary if the current ones are not enforced and attitudes do not change.’

Costa Rica is considered to be a reasonably well developed country.⁷¹ Traditionally, its economy had been dependent on agricultural products such as coffee and bananas. From the 20th century, poverty has been less common in comparison to other countries in the region. Among other reasons due to an abundance of land, the scarcity of labour, the paternalism of the employers and the welfare state (Biesanz *et al.*, 1999). After the last civil war in 1948, a socio-democratic model was introduced that created one of the largest welfare states in Latin America. It was characterised by the government’s directing of the economy and its active role in development of policies (Wilson, 1998). This in turn influenced the reduction of poverty, infant mortality and the incidence of major diseases, which today is one of the lowest in the region. Nowadays, the economy has become more diverse due to industrialisation, tourism and increasing agricultural diversity. In 2004 Costa Rica ranked 45 on the Human Development Index⁷² (‘HDI’) (Human Development Report, 2004). This meant that, unlike most other states in the region, it was classified as a high development country.

Despite this relative strong socio-economic position, many Ticos consider the country to be poor and in a developing state. As the following quotations from the literature, a lawyer and a judiciary spokesman reflect:

70 Using the 2004 Transparency International (‘TI’) Corruption Perceptions Index Costa Rica scored relatively low 4.9 (TI, 2005). The TI Corruption Perceptions Index is a survey reporting the perceptions of business people, risk analysts and the general public about corruption in their country, where ‘10’ represents ‘no corruption’ and ‘0’ indicates ‘highly corrupt’.

71 For more information: Davis, Estanislao and Sojo 2004; Sobrado and Saxo, 2004; UNDP, 2003; Villasuso, 2003; *Estado de la Nación*, 2003/2002; Ruiz, Rojas, Pérez and Mora, 2002.

72 The Human Development Index (‘HDI’) was developed by the UNDP. By comparing 177 countries it measures human development in terms of education, health and a decent standard of living, thereby combining income, life expectancy, school enrolment and literacy rates. On the basis of the result the HDI index ranks all the countries from ‘1’ (High Human Development) to ‘177’ (Low Human Development) (for more information: UNDP website, accessed on 5 December 2006).

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For a poor country like ours, in development. (Ramírez, 2003: 60; Thomas, 2001).

I think that in some ways we are similar, obviously we do not have the developed level of countries in the first world. (Juan Carlos Rodríguez Cordero).⁷³

Clearly, what is necessary is more resources, our problem is the same which confronts all countries, which are on the path to development, it is the budget for resources and Costa Rica does not escape this reality. (Fabián Barrantes Rodríguez).⁷⁴

A most plausible explanation for this is that since the 1980s, a neo-liberal economic model was introduced, which is slowly but surely replacing the socio-democratic economic model (Urcuyo, 2004). Economic reform became necessary, because the implications of the oil crisis could no longer be converted by foreign loans. The internationally supported structural adjustment programmes pressured the Costa Rican government to introduce drastic reforms, which led to the transformation from a socio-democratic to a neo-liberal model (Booth, 1998; Wilson, 1998). According to Raventós (2003) there was simultaneously a process of nationalisation in which those who had the power to negotiate made it appear as if they were obliged to follow the demands of international financial institutions.⁷⁵ During the 1990s and early 2000 despite annual economic growth, neo-liberal reform caused public frustration due to the simultaneous erosion of social benefits, an increase of poverty, job loss in traditional sectors, wages stagnation and increased inequality (UNIMER, 2004; Araya, Avendaño, Carvajal, Garita and Poltronieri, 2001). In 2004, for example, approximately 21.7 percent of the population lived in poor households⁷⁶ and inequality as measured by the Gini Index⁷⁷ was 46.5 (*Estado de la Nación*, 2004; Human Development Report, 2004).⁷⁸ Sojo (2000) argues that this discrepancy between economic growth and social equality is one of the most controversial societal concerns. Fierce public resistance to the privatisation of the Costa Rican Hydroelectric/Telecom

73 Male, political scientist, Lawyer at *Consortio Jurídico Metropolitano*, Interview, 24 September 2004.

74 Male, Judiciary Chief Spokesman, Interview, 4 November 2004.

75 In the 1980s the Costa Rican government through the Minister of Treasury, the Minister of Planning, the Minister of Economic Affairs, several Vice Presidents and the President of the Central Bank negotiated mainly with three international financial institutions. The International Monetary Fund, the World Bank and USAID (Raventós, 2003).

76 Between 1992 and 2002 an average of 2.2 percent of the Costa Rican population lived in extreme poverty; those who have to live with less or the equivalent of US \$ 1.08 per day (Human Development Report, 2004).

77 The Gini index measures inequality over the entire distribution of income or consumption. A value of 0 represents perfect equality and a value of 100 means perfect inequality (Human Development Report, 2004).

78 Inequality as measured by the Gini Index was 37 in 1997 (*Estado de la Nación*, 2003).

Company ('ICE') and to the ratification of CAFTA indicates that neo-liberal orientated reform remains unpopular in certain sections of society.⁷⁹

Even though in comparison crime and violence is less of a problem in Costa Rica than in the rest of the region, the perception of insecurity is similar (Seligson, 2004; LB, 2004). During the last 20 years crime and violence indexes have increased. Between 1993 and 2003, the homicide rate rose from 4.9 to 7.0 per 100,000 inhabitants (Carranza and Solano, 2003). Citizens structurally report their sense of insecurity (LB, 2004; UNDP, 2005/1997). In a 2004 questionnaire 78.5 percent of the respondents reported that they felt insecure at a national level and 37.1 percent at a neighbourhood level (UNDP, 2005: 174).⁸⁰ These feelings of insecurity relate to rising crime and violence rates. Many Ticos perceive their government as being ineffective in controlling crime and violence as well as providing for public security. In another 2004 questionnaire, a small majority of 58 percent of the population said that they trusted their police forces, whereas 61 percent expressed trust in the legal system (Vargas and Rosero, 2004: 73).⁸¹ This reflects that crime and violence are perceived as important societal topics.

Furthermore, ethnically Costa Rica has a homogeneous society in which a high number of immigrants from within the region reside (UNDP, 2003).⁸² Its political and socio-economic stability has contributed to a more or less egalitarian society, which attracts large numbers of migrants (Sobrado and Saxo, 2004; Marin, Monger and Olivares, 2001). For instance, after the end of the civil conflict in Nicaragua, thousands of economic migrants came to Costa Rica (IOM, 2001). Currently they are by far the largest immigrant group and constitute approximately ten percent of the entire population (Marin *et al.*, 2001; Brenes, 1999).⁸³ Public policy fluctuates between repressive measures and partial acceptance. Hence the need to formulate an effective migration policy is often voiced (Sobrado and Saxo, 2004; IOM, 2001). One of the reasons for

79 For more information: *Semanario*, 19 May 2005; Cerdas, 2004; Floréz and Hernández, 2004; Araya *et al.*, 2001.

80 The nation-wide survey on citizen security was conducted in 2004 among 2,402 respondents (UNDP, 2005: 553-559).

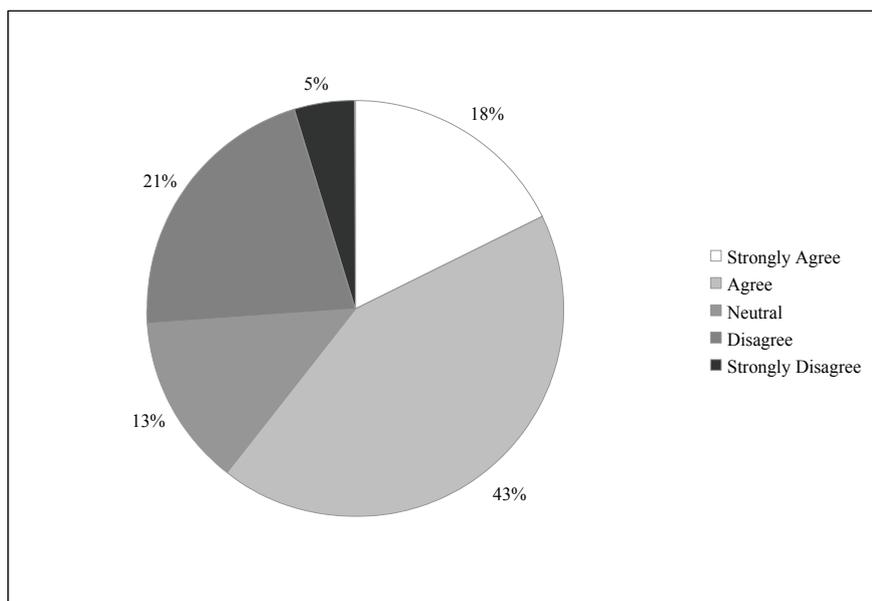
81 The nation wide survey on values, attitudes and opinions about the political culture of democracy was conducted in March 2004 among 1,500 respondents in Costa Rica (Vargas and Rosero: 13-21). The study was part of the comparative Latin American Public Opinions Project ('LAPOP') on the political culture of democracy in Latin America. Eight countries; Mexico, Colombia, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, were selected (for more information: LAPOP website, accessed on 4 March 2005).

82 The indigenous population constitutes 1.7 percent of all Costa Rican inhabitants (INEC-CCP, 2000).

83 There are different figures on the number of Nicaraguans living in Costa Rica. One of the reasons it is difficult to give an exact number is that a certain percentage resides illegally in the country. In 1998 the government estimated there were 400,000-500,000 Nicaraguan migrants living in Costa Rica of whom some 250,000 were illegal, while the total population was 3,810,179 (Bounds, 2002). Some say there are 300,000 to 340,000 Nicaraguans living in Costa Rica (Brenes, 1999). Others quote the 2000 Populations Census' number of 226,373 Nicaraguans, who resided regularly in Costa Rica (INEC-CCP, 2000).

this dual approach is that on the one hand the economy is dependent on the cheap labour the migrants provide, while on the other xenophobic feelings are present throughout society.⁸⁴ Reasons for xenophobia vary between a genuine fear of job losses, an overburdening of the social security system and a supposed relationship with increased crime rates (Vargas and Rosero, 2004; Avendaño, 2001). Violent crime is often blamed on immigrants, such as for example Nicaraguans or ‘Nica’s’, as they are sometimes referred to. However, these perceptions are unfounded. For example, between 1999 and 2003 on average only 20.3 percent of alleged homicides were committed by foreigners (Carranza and Solano, 2004: 62). This implies that the majority of suspects were Costa Ricans. Subsequently it reflects stereotype perceptions about immigrants (IOM, 2001). Figure 2.II shows a common stereotype about the involvement of foreigners in domestic violence.

Figure 2.II ‘Foreigners Cause More Domestic Violence than Costa Ricans’



Source: Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December, 2004.

84 For more information: Ramírez, 2003; Avendaño, 2001; Morales and Castro, 1999; Alvarenga, 1997

Only a minority of 26 percent of the respondents disagreed with the statement that foreigners are more involved in domestic violence. It indicates that residents of the capital feel that this type of crime is less likely to occur among Ticos. A 2003 questionnaire, however, suggests that a majority of 78 percent of female domestic violence victims was Costa Rican, whereas 20.5 percent was Nicaraguan and the rest had other nationalities (Sagot and Guzmán, 2004).⁸⁵ These types of beliefs are a response to uncontrolled immigration, which has become one of the most pressing contemporary social problems (Ramírez, 2003).

In summary, this section reviews contemporary concerns relating to Costa Rican political culture and society. Subsequently it explores the background for understanding the implementation of human rights within the police system of one of the oldest most stable democracies of Latin America.

2.7 CONCLUDING REMARKS

In this chapter I have introduced the concepts; human rights, human rights implementation, the police and human rights, the semi-autonomous fields of the police system and police units, public security, non-transitional societies, that provide the theoretical background for this book. From a socio-legal perspective, human rights are considered to be a social institution, which are expressed through legal as well as other structures. Thus the social environment in which human rights norms, values and/or standards exist relate to societies' expectations of how people are supposed to behave. Their actual implementation refers to the obligation of state and non-state actors to respect and ensure compliance with human rights at a national as well as at an international level. Within democratic nations police forces are the state institutions, which carry the prime responsibility for law enforcement and the use of force to re-establish social order. Consequently human rights implementation related to the police is aimed towards the protection of individual rights as well as to the public security sector.

The direct effect of human rights upon operational police work is hard to substantiate. Yet indirectly through the implementation of police human rights strategies, law enforcement officials are encouraged to comply with human rights. The social change that human rights implementation generates affects the police. However, this process is also influenced by a wider socio-political and institutional context. A theoretical framework such as semi-autonomous fields contributes to an understanding of how police officers comply and resist human rights implementation within the context of their own social field. Consequently, it is presumed that the dynamics involved on this level influence the process of human rights implementation on a macro level.

Academic studies on the police and human rights mostly relate to Western developed countries or in Latin America to transitional societies. Social developments in

⁸⁵ In total 58 percent of female respondents to the questionnaire reported that in the last 16 years they had at least once been the victim of physical or sexual violence.

other regions of the world differ. As a result empirical research on police reform should consider specific socio-political contexts of societies, which are in transition as well as in consolidated democracies. Within contemporary Latin America, many states have transformed their national security doctrines to public security doctrines. This has led to the large-scale reform of law enforcement agencies. The implementation of police reform is done in a context of widespread societal discontent with public security. As was the case in the past, inhabitants continue to associate the police with human rights violations and corruption. In combination with the role of law enforcement officials, these societal developments affect the process of implementing human rights within Latin American public security systems.

By discussing political culture and societal concerns, Costa Rica is introduced. This non-transitional society was selected to evaluate the implementation of human rights within the police. Its political culture traditionally emphasised respect for democracy, peace and the rule of law. Nowadays the political system of this strongly centralised state is becoming more fragmented. Contemporary societal concerns relate to corruption, the deteriorating socio-economic situation, increasing inequality, insecurity, crime and violence rates as well as increased immigration.

CHAPTER 3

IS COSTA RICA DIFFERENT? A COMPARATIVE PERSPECTIVE ON PUBLIC SECURITY IN CENTRAL AMERICA

3.1 INTRODUCTION

In order to contextualise this study on the implementation of human rights within the police of a non-transitional society in Latin America, it is crucial to review public security concerns at a regional level as well as the historical development of security. Costa Rica is an oasis of stability amidst neighbouring countries that suffer from multiple socio-political and economical problems. It is the only society in Central America in which public security and police reform is not part of a political transition towards consolidated democracy. Despite Costa Rica's differences from El Salvador, Guatemala, Honduras, Nicaragua and Panama, there are common trends in the regional public security situation.

Perspectives on security in Costa Rica have their roots in modern political and social history. The absence of *militarismo* has been proclaimed by the political elite since the late 1940s. As a Professor of Human Security explained:

There is no army and there is not so much a militarised culture. Since the tradition of the Central American countries is that they were ruled by the military for many decades and functioned below military command, this is important with regard to the Costa Rican reality. (Victor Valle).¹

Instead of *militarismo*, values such as the so-called *cultura de la paz* ('culture of peace'), democracy and the rule of law were part of the political discourse and supported throughout society. This affected Costa Rican perceptions on security, the organisation of security as well as the framework to protect human rights.

In the first section of this chapter, I explore the Central American public security context. Secondly, I discuss historical and contemporary security developments in Costa Rican society and politics.

3.2 PUBLIC SECURITY IN CENTRAL AMERICA

From a Central American perspective, Costa Rica's position appears to be exceptional. Yet contemporary societal developments such as rising feelings of insecurity, crime and violence levels affect Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua

¹ Male, Dean for Academic Administration and Professor of Human Security at the University of Peace, Interview, 10 November 2004.

and Panama alike. In the 1990s public security and police reforms were initiated and implemented within each of the six Central American states. Due to specific societal developments as well as the extent of socio-economic development, international cooperation, political stability and the human rights situation, these reforms differed per country. In contrast to the five other Central American states, Costa Rica does not have a recent history of authoritarian rule nor of civil wars. In the literature the absence of an army, its egalitarian society, high literacy rates and socio-economic as well as political stability are identified as factors that explain why the country has developed so differently from its neighbours.² Furthermore, socio-economic development, as indicated by the HDI³, varies considerably within Central America (see table 3.I).

Table 3.I Human Development Index for Central America, 2002

HDI Rank	Country	Population living below \$1 a day (%) 1990-2002	Adult literacy rate (% ages 15+)	GDP per capita (PPP US\$)	Gini index
45	Costa Rica	2	96	8,840	47
61	Panama	7	92	6,170	56
103	El Salvador	31	80	4,890	53
115	Honduras	24	80	2,600	55
118	Nicaragua	45	77	2,470	55
121	Guatemala	16	70	4,080	48
	Latin America and the Caribbean	n/a	89	7,223	n/a

Source: Human Development Report website accessed on 25 December 2006; Human Development Report, 2004.

The data portrayed in table 3.I suggest that Costa Rica's GDP per capita and adult literacy rates are among the highest in contemporary Central America. This, while inequality as measured by the Gini Index⁴, and poverty, as indicated by the percentage of the people living below one United States of America ('US') \$ a day, is among the lowest (UNDP, 2004). In 2002, with a ranking of 45 Costa Rica was the only country that was classified as having high human development. The other five were ranked as medium developed countries. With the exception of Panama, Costa Rica's socio-economic position appears to be far stronger than its neighbouring countries.

2 For more information: *Estado de la Nación*, 2002; Biesanz *et al.*, 1999; Booth, 1998; Lehoucq, 1998; Wilson, 1998; Garnier, 1990; Peeler, 1985.

3 For an explanation of the HDI, see: chapter 2, footnote 72.

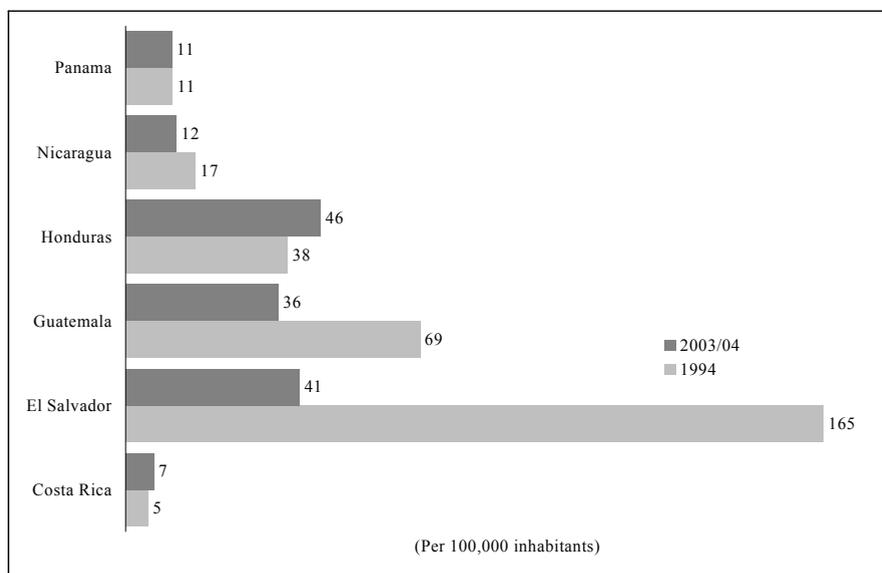
4 For an explanation of the Gini Index, see: chapter 1, footnote 77.

However, if Costa Rica’s political and socio-economic context is more favourable than the rest of Central America, is this also the case with public security? By focusing on crime and violence levels, citizens’ feelings of insecurity, trends in public security and police reform, multilateral and bilateral cooperation as well as impediments to reform, in this section I compare public security in transitional societies with a non-transitional society in Central America.

3.2.1 Crime and Violence Levels

In contemporary Central American society increasing crime and violence levels affect political and societal concerns about public security. Although there is a lack of reliable statistics, several studies suggest that crime and violence levels are rising.⁵ Almost a decade after the end of the destabilising civil wars and authoritarian rule along with widespread public security and police reform, homicide rates in Central America continued to be relatively high (see figure 3.I).⁶

*Figure 3.I Central American Homicide Rates, 1994-2004**



* 2003/04 = the 2003 rates are for Nicaragua and Panama.

Sources: Manrique, 2006; CEJA-JSCA, 2005; Judiciary, 2005; UNDP, 2005; Rodgers, 2004; Chinchilla, 2003; WHO, 2002; Call, 2000; PAHO, 1998.

5 See, for example: LB, 2004-1996; Seligson, 2004; Chinchilla, 2003; IADB, 1999b; UNDP, 1997.
 6 In 2000, for example, the world-wide average was 8.8 per 100,000 inhabitants (WHO, 2002)

Figure 3.I indicates that although Central American homicide rates are considerable, in the last decade on average they have decreased in all transitional societies, except for Honduras. Both in 1994 and 2004 there were significant differences between countries in the region. In comparison with Guatemala, Honduras and El Salvador, the low homicide rates of Costa Rica, Panama and Nicaragua stood out. All three were below the 2000 average Latin American homicide rate, which was 19.3 per 100,000 inhabitants (WHO, 2002). It is remarkable that homicide rates between transitional societies such, as for example, Guatemala and Nicaragua varied enormously. Likewise, despite differences in socio-economic and political development, the Panamanian and Nicaraguan situations did not vary dramatically from Costa Rica. It might indicate that the transitional status of a society is important, but not the only explanation why contemporary Central American homicide rates are high.

Several factors relate to the increase in crime and violence in Central America. According to scholars these include the legacy of armed conflict and human rights violations, its penetrability, the high levels of inequality, the deteriorating socio-economic conditions, the growth of organised crime and an ineffective public security system (Chinchilla, 2003; Call, 2000; Carranza, 1997). Likewise, a surplus of arms, the socialisation into violence and the inexperience of new police forces further destabilised Central American societies that are in transition towards democracy.⁷ The presence of vast numbers of ex-military men seeking jobs was a potential threat. In the region during the 1990s, a total of 464,594 combatants were demobilised (Call, 2000). Also, Central America's geographic location between South America and North America makes it attractive for transnational crime such as drugs smuggling and human trafficking (Carranza, 1997; Rico and Chinchilla, 1997). As shown in table 3.I by the Gini Index and the vast number of people living below one US \$ a day, there is a sharp difference between rich and poor. Research suggests that there is a possible link between crime rates and income inequality (Fajnzylber, Lederman and Loaya, 2002). Furthermore, in different ways the criminal justice system and the police fail to address societal problems effectively.⁸ These factors in combination with the broader political problems affect crime and violence rates in Central America. Later in this book I discuss why several of these explanations also apply to a non-transitional society.

3.2.2 Citizens' Feelings of Insecurity

Within the region, not only crime and violence levels, but also citizens' feelings of insecurity are high. This relates to socio-political concerns about public security and decreasing trust in the criminal justice system and the police. Studies show that citizen

7 See, for example: Cruz, 2005; Godnick and Vázquez, 2003; Funpadem, 2001; Marenin, 1996.

8 For more information: Rico and Chinchilla, 2006/2002; Amaya, 2005; Cruz, 2005; Chinchilla, 2003/2001; Glebbeek, 2003; Castellanos and Salomón, 2002; Wola, 2002b/1998/1995 a/b; Domingo and Sieder, 2001; Costa, 1999; Méndez *et al.*, 1999; Chinchilla and Rico, 1997.

perception of insecurity in Central America is rather epidemic (UNDP, 2005/1997; LB, 2004-1996; Seligson, 2004). Feelings of insecurity, however, do not necessarily correspond to crime (Christmann, Rogerson and Walters, 2003; Rico and Chinchilla, 2000). Steeply rising statistics on feelings of insecurity are mostly caused by property crimes. It suggests a relation between social exclusion and crime (Mendéz and Mariezcurrena, 1999). Furthermore, as reflected below in table 3.II, throughout the Central American region there are significant feelings of insecurity.

Table 3.II Citizen Perception of Security and Victimisation in Central America, 2004

	Insecurity at the National Level*	Security at the Local Level**	Victims of Crime and Physical Aggression ***	% of Victims Report to a Public Institution****
Costa Rica	94	62	15	49
El Salvador	88	58	17	33
Guatemala	87	59	13	37
Honduras	85	64	14	33
Nicaragua	90	57	15	48
Panama	91	56	15	51

Note: These data result from national surveys.

* Delinquency as a high/some threat to the country's welfare.

** Respondents feel very/ somewhat secure in their neighbourhood.

*** These numbers represent the percentage of people that reported having been the victim of any crime during the preceding 12 months.

**** Percentage of respondents who had been the victim of crime and/or physical aggression and had reported in to a public institution.

Source: Vargas and Rosero, 2004: 77/84-85.

In 2004 the percentage of respondents in Central America that felt insecure at a national level (on average 89 percent) far outnumbered those that report having been a victim to crime (on average 15 percent). Thus, citizen perception of insecurity is far higher than the actual crime rate. This situation is the same in all six countries. A slight majority of the people who participated in the questionnaire feel secure within their own neighbourhood (on average 59 percent), thus indicating a difference between citizen perception of insecurity at a national level and security in the community where people live. It is surprising that although the crime rates between the Central American states differ, inhabitant perception of insecurity and self-reported crime is comparable. There are several explanations for this apparent paradox in public perception of crime versus reality. Societies and individuals experience crime in various ways. Societal norms such as accepting violence as a common manner to resolve conflicts or supporting the excessive use of force by the police are examples (WHO, 2002). In some Latin

American countries violence has become so ordinary that from a societal perspective it is often not considered to be a crime (Koonings and Kruijt, 1999). Fear of crime is also related to media coverage (Neild, 1999b). Furthermore, deteriorating socio-economic standards relate to feelings of insecurity (Chinchilla, 2003).

There is a link between a lack of public trust in state institutions and crime as experienced by the population (Smulovitz, 2003). Table 3.II suggests that although victimisation rates are almost the same in El Salvador (17 percent) as in Nicaragua (15 percent), the percentage of victims reporting crime to the competent authority in El Salvador (32.7 percent) is lower than in Nicaragua (47.5 percent). One possible conclusion is that Nicaraguans have more confidence in their public institutions than El Salvadorians do. By considering the extent of violence, this is surprising; the homicide rate in El Salvador is almost six times higher than in Nicaragua (see figure 3.I). Thus whether citizens are inclined to report crime might also relate to how they perceive crime and whether they feel it is worthwhile reporting it. For instance, in some societies domestic violence is culturally more accepted (WHO, 2002). Hence people are unlikely to consider it a crime and subsequently report it to the competent authorities.

In summary, crime and violence differs within Central America countries, yet the depth of feelings of insecurity and trust in public security institutions is similar.

3.2.3 Public Security and Police Reform

Throughout the 1990s public security and police reforms were implemented in Central America. The transformation from national security doctrines into public security doctrines occurred in a socio-political context of high citizens' feelings of insecurity and crime rates. In a broad way reform could be distinguished in three categories; criminal justice, policing and programmes aimed at increasing civil society participation. As portrayed in table 3.III there was a strong legal emphasis.

Table 3.III Legislative Reform in Central America

New Public Security Laws	Criminal Code	Criminal Procedure Code	Police Organic Law
Costa Rica	1998	1996	1994
El Salvador	1997	1996	1992
Guatemala	1973	1992	1997
Honduras	1984*	1984	1998
Nicaragua	1974	1879	1996
Panama	1982	1986	1983**

* Substantively amended in 1998.

** Substantively amended in 1996 and 1997.

Sources: *Estado de La Región*-UNDP, 2003; Chinchilla, 2001; Maier, Ambos and Woischnik, 2000; Carranza, 1997.

During the last decade new criminal, criminal procedure or police codes were implemented throughout Central America. Reform within the criminal justice system focused on introducing a common law accusatorial approach to criminal proceedings. Also, alternative dispute resolution and the training of judges, public prosecutors and lawyers were important changes (Domingo and Sieder, 2001). Police-citizen contacts and cooperation received some governmental attention (Dakolias, 2001; Chinchilla, 1997). Programmes that stimulated citizen participation in crime prevention emerged. In 1997, for instance, twenty-five organisations began to cooperate in a Honduran Citizen's Forum on Public Security (Chinchilla, 2003; Castellanos and Salomón, 2002).

Although police reforms differed per country, there are some general trends. Table 3.III points out that in six states new police organic codes were implemented. These police codes provided a legal basis for police reforms. Overall this entailed the separation of police forces from the military⁹, de-politicisation, the strengthening of respect for human rights, professionalisation and the establishment of a police-community dialogue (Aguilera, 2003; Frühling, 2003b; Chinchilla cited in Wola, 2002a/b).¹⁰ All Central American countries emphasised the civilian nature of their police forces (Chinchilla, 2002). It was envisaged that with police reform the human rights situation would improve. Also, police professionalism, in terms of quality and efficiency of policing, was expected to increase. To a certain extent police reforms were successful in Central America; the public image of the police improved slightly, they became more accountable, attracted higher educated staff, improved career possibilities and political as well as militarily control declined (Call, 2000). However, although police involvement in human rights violations in El Salvador and in Nicaragua has become less of an issue, in Honduras and Guatemala it persisted (Cruz, 2005; AI, 2002a/b; Wola, 2002a; Call, 2000). Hence, from a human rights perspective the effect of police reform varies per country.¹¹

In each Central America state, changes were influenced by a larger socio-political context. Police reform in transitional societies like El Salvador and Guatemala was subjected to the overall process of post-conflict reconciliation, whereas in Panama, Honduras and Nicaragua it entailed the transition from authoritarian to democratic rule. For Costa Rica police reform was part of a political agreement to modernise and professionalise policing (see chapter 4). In 1989 after the invasion of the US the Panamanian government dismantled its military forces and created a new preventive police force. As part of post-conflict peace accords in the 1990s, new police forces were established in El Salvador and in Guatemala.

9 Art. 12 of the Costa Rican Constitution (Constitution website, accessed on 12 March 2004) and art. 35 of the Panamanian Constitution (Panamanian Constitution website, accessed on 12 March 2004) have abolished their armies. See also; the Framework Treaty on Democratic Security in Central America, 1995.

10 For more information: Frühling, 2003b; Wola, 2002b; Call, 2000; Méndez *et al.*, 1999; Carranza, 1997.

11 See, for example: Rico and Chinchilla, 2006/2002; Amaya, 2005; Cruz, 2005; Glebbeek, 2003; Call, 2002; Castellanos and Salomón, 2002; Wola, 2002b; Costa, 1990.

During phases of transition there are additional problems for police reform. Change creates a certain amount of social disorder, which ‘inexperienced’ police forces on behalf of the state are supposed to control (Marenin, 1996). In Honduras, Nicaragua and Costa Rica police reforms addressed existing police organisations. This had the advantage that the police expertise was preserved, yet simultaneously political and/or military actors were able to maintain their influence. Opportunities for widespread public security and police reform in transitional societies such as Guatemala tended to be far greater than in a non-transitional society such as Costa Rica (Neild, 2003). In a post-conflict context there is an immediate necessity for reform. Far reaching political commitment, societal support as well as international pressure exists, while in non-transitional societies public security and police reform is deemed less urgent by politicians and society at large (see chapter 2).

3.2.4 International and Regional Cooperation

Public security and police reform is a recurring topic in international and regional agendas. In the 1990s Central America’s post-conflict context, human rights situation, increased threats from organised crime, rising criminal rates, high feelings of insecurity and increased dissatisfaction with the way the state handles public security were factors that influenced international and regional cooperation. International actors perceived transition as potentially threatening to regional security and therefore supported Central American public security and police reform (Marenin, 1998). They had geo-political interests to protect. For political reasons international actors are also reluctant to become involved in police assistance (Benomar cited in Wola, 2002b; Sarles, 2001). What if you support potential human rights violators? The US, for example, has an ambiguous history of involvement with international police cooperation in Latin America (Wola 2002b; Huggins, 1998).

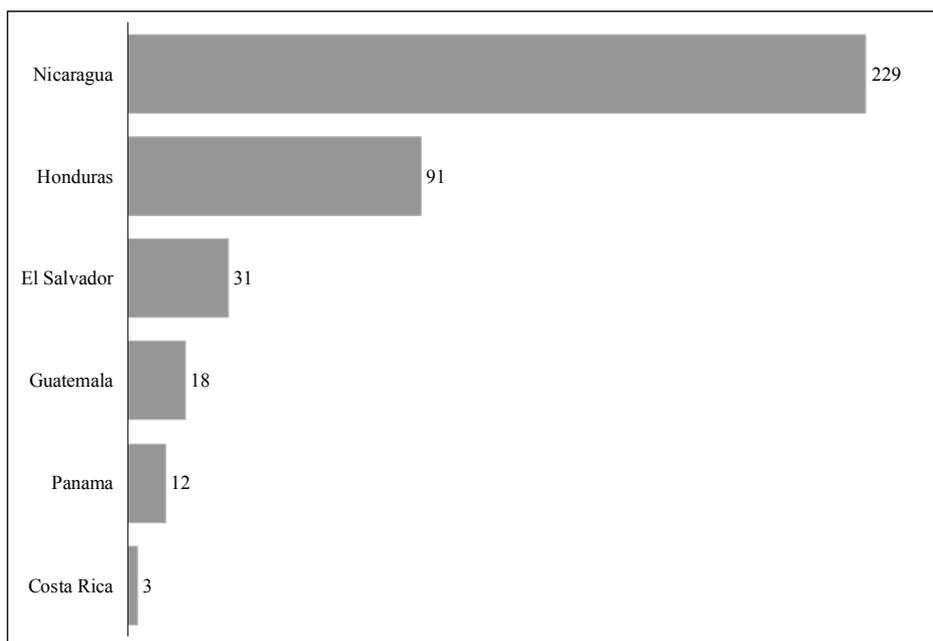
Although multilateral organisations¹² and increasingly more other countries participate in public security and police reform, the US continues to be the most important donor in Central America (Chinchilla cited in Wola, 2002b; Carothers, 2001; Booth, 1998).¹³ During the 1990s the funds of the US was mostly directed to the war on drugs, the strengthening of the criminal justice system and increasing respect for human rights. For example, El Salvador, Guatemala, Honduras, Nicaragua and Panama received assistance from the US Agency for International Development (‘USAID’) for reforms to the criminal code, the criminal procedure code, their criminal justice system and the police (Sarles, 2001). Costa Rica, like the other Central American states, cooperated with US, but received less assistance than its neighbour-

12 The UNDP focused upon eradicating poverty and considers policing to be a governance issue. The Inter-American Development Bank (‘IADB’) has programmes on justice reforms and peaceful society (Wola, 2002b).

13 Until the early 1990s the US was the primary donor in Central America (Booth, 1998).

ing countries (EC, 2002; Sarles, 2001).¹⁴ As shown in figure 3.II this is consistent with the relatively low amount of development assistance a high-income country like Costa Rica receives.

Figure 3.II Total Amount of Official Development Assistance in US \$ per Capita, 2004



Source: Human Development Report, 2006; Human Development Report website accessed on 25 December 2006.

Even though most international actors prefer to support criminal justice reforms, there are a few programmes that target the police. These international police assistance programmes focus predominantly on; training, equipment, the formation of specialised units, capacity building and community policing programmes (Wola, 2002b; Call, 2000; Marenin, 1998). Training and equipment are popular because they are considered to be politically less risky. In contrast to justice reform, police cooperation is mostly a bilateral affair. After the Peace Accords in Guatemala, for example, the new government decided to cooperate primarily with one donor; Spain. Subsequently its new police force was modelled after the Spanish police (Glebbeek, 2003; Call, 2000). Furthermore, most international donors prefer to allocate resources to transitional societies (Neild, 2003; Marenin, 1998). Table 3.IV shows that US cooperation for

¹⁴ For judiciary training, national judicial schools and alternative dispute resolution.

police development in transitional societies like El Salvador or Guatemala is substantially higher than a non-transitional society like Costa Rica.¹⁵

Table 3.IV United States Justice Department's International Criminal Investigative Training Assistance Programme in Central America, 2000-2003

	Total size of donation (US \$)	ICITAP* Programme Goals 2000
Costa Rica	400,000	Special programme that targets sex tourism and child prostitution
Panama	500,000	Integrate Technical Judicial Police into the criminal justice process
El Salvador	3,085,000	Refine new police force's procedures for preventing and responding to the most commonly committed crimes
Honduras	1,935,000	Support Implementation of the 1998 Police law
Nicaragua	900,000	Support police in implementation of new criminal and criminal procedure code
Guatemala	4,173,000	Support the new police force's development, emphasizing its Criminal Investigation Service

* US Justice Department's International Criminal Investigative Training Assistance Programme ('ICITAP')

Sources: US Department of Justice, 2003; US Department of State, 2000.

Costa Rica received a substantial amount, which was comparable to Panama, but the type of assistance was exceptional. It was directed towards a specific US foreign policy interest, i.e. decreasing sex tourism. The donations to the other five countries were allocated towards police development in general and therefore only indirectly related to US interests.

In terms of improving public security and respect for human rights, international police cooperation achieved little progress in Central America. Within the region there are several impediments to their support for police reform. An important issue according to this international police expert is, 'The ambiguous role of international donors, who are aware of the arguments for and against (international police cooperation) but

15 USAID and the US State Department have transferred the funds for police reform to the US Justice Department's International Criminal Investigative Training Assistance Programme ('ICITAP'). ICITAP focuses primarily upon police training and institution building. ICITAP budget is relatively small in comparison to the State Department's Bureau of International Narcotics and Law Enforcement Affairs (Cronin cited in Wola, 2002b: 55). Other US governmental agencies such as the Customs Service, the Secret Service, the Federal Bureau of Investigation and the Drug Enforcement Agency are also involved in international police cooperation in Latin America (Sarles, 2001: 56-57).

do not always apply it' (José María Rico).¹⁶ Aid coordination between different criminal justice and police reforms in Central America is missing (Neild, 2003; Wola, 2002b). For instance, in Nicaragua's rule of law programmes, there were 11 donors involved. Despite their overlapping interests they hardly cooperated (Salas, 2001). Also since international police cooperation primarily involves equipment and training, structural police reform was emphasised less (Wola, 2002b; Marenin, 1998). Mostly assistance was provided on a short-term basis, while in order to obtain some success long-term commitment is essential (Cronin cited in Wola 2002b). In transitional societies like Guatemala and El Salvador, police reforms were largely designed and implemented by international advisors. They had a tendency to refer to their own models and demonstrated little consideration for the local situation (Neild, 2003). This was problematic, because within any police force resistance to change is strong (Bayley 2001/1985). Thus international actors involved in police reform need to consider the local contexts (Marenin, 1998; Anderson and den Boer, 1994). In Central America, continuous local political support and civil society participation was problematic (Neild, 2003). In some cases human rights elements such as UN standards or the European Union Guidance or the Treaty on Democratic Security were hardly considered (Chinchilla cited in Wola, 2002b). These problems limited the effect of international cooperation on police reform in Central America.

At a regional level the cooperation on security increased. In the 1990s a revision of the regional strategic view on security, which distinguished between national and public security, was proposed. According to the Protocol of Tegucigalpa of 1991 a different security doctrine had to develop in the context of peace, democracy and respect for human rights. In the 1995 Framework Treaty on Democratic Security in Central America a new public security doctrine was proposed.¹⁷ Instead of a strict military definition the new security doctrine envisaged security as a condition for development, recognised that security consists of conditions resulting from a set of factors that foster human development, that security is the result of actions based on peaceful, free interaction between the government and its citizens, and it differentiated between citizen security and national security (Chinchilla, 2003). This common security view is relevant, because threats to security are now considered at a regional level. Organised crime, for instance, requires a cross border approach (Funpadem, 2003). Subsequently, different police forces began to cooperate. They, for instance, agreed to create a Central American Institute of Higher Police Studies (Call, 2000; Chinchilla, 1997).¹⁸ Despite these developments, there are also ad hoc initiatives that

16 Male, international police expert, former Professor of Criminology University of Montreal, Interview, 2 August 2006.

17 See, the Central American Security Commission ('CASC').

18 Others included: Central American Agreement for Prevention and Repression of Money and Assets Laundering to Illegal Drugs Traffic and Related Offences, 1997; Agreement Establishing the Permanent Central American Commission for the Eradication of the Illegal Production, Traffic, Consumption and Use of Narcotics and Psychotropic Substances, 1995; Mutual Legal Assistance Treaty on Criminal Matters, 1993; the Joint Declaration for the Establishment of the Central American Association of

go against the spirit of the Framework Treaty on Democratic Security. In 2005, for example, Central American Presidents agreed to cooperate in the Plan 'Central America Secure', which focused on youth criminality, human trafficking, drugs and illegal arms trade (Matul and Dinarte, 2005). Hence the process of implementing regional security instruments is also stagnating (SIECA, 2005; CRIES, 2004). Regional cooperation in terms of economic integration is becoming the priority.¹⁹ In combination with international police cooperation, regional developments have contributed to a Central American approach to public security and policing.

3.2.5 Similar Impediments

Despite some differences in the nature and context of public security and police reform in Central America, there are comparable obstacles to their implementation. Overall, 'The failure to support approaches that reflect the position of judicial and police reform as part of an integrated system of public security and law enforcement,' has been one of the main concerns (Chinchilla cited in Wola, 2002b: 49). If a new approach to policing is not followed up due to a dysfunctional and corrupt justice system, then police officers become frustrated and may opt to accept bribes. Also in Central American countries there is a general lack of expertise about public security and policing (Neild, 2003).²⁰ This is present within the government, the police and the media as well as society at large. Despite some initiatives within the region there is an absence of a clear public security doctrine or integral state strategy (Chinchilla, 2001).

There are several comparable impediments to the implementation of police reform. The most pressing are the military approach to policing, the lack of political commitment to reform, short-term international assistance, resistance of the regional elites, police involvement in human rights violations, police corruption and the creation of special police units.²¹ Within the region's transitional societies it has been common to reintroduce military assistance to the police. Guatemala, Honduras and El Salvador have authorised their armed forces to assist the police, thereby demonstrating that the military approach is still a realistic alternative to civil policing (Glebbeek, 2003; Wola, 1998). Also, the continuous existence of police barracks, pre-reform police staff, political appointments, low educational levels, lack of equipment and police efficiency remain a concern (Call, 2000; Call and Stanley, 1997). These aforementioned impediments and a lack of an integrated and successful approach to crime control, as Chinchilla (2001: 15-16) calls a 'quick-fix' mania of politicians, have been the major problems related to institutional police reform.

Police Chiefs, 1992.

19 Regional Economic Integration through SICA ('Central America System of Integration').

20 Especially there is a lack of expert knowledge on violence, violence prevention, domestic violence and other core data that could facilitate a national crime prevention strategy.

21 Rico and Chinchilla, 2006/2002; UNDP, 2005; Amaya, 2005; Cruz, 2005; Chinchilla, 2003; Glebbeek, 2003; Wola, 2002a/b; Castellanos and Salomón, 2002; Call, 2000; Costa, 1999; Call and Stanley, 1997.

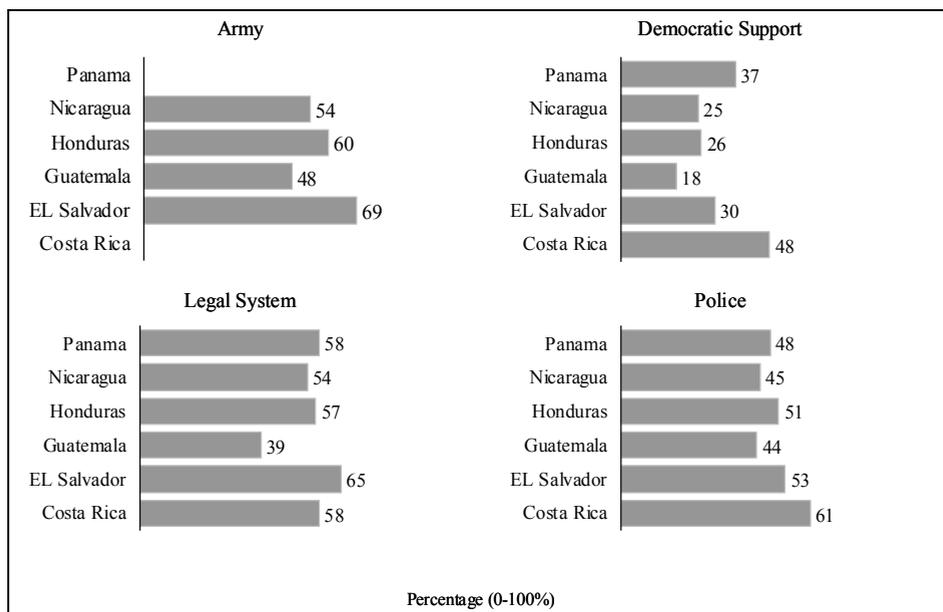
Currently all six states suffer from high crime rates and, in fact Central America is one of the most violent regions in the world (see table 3.I). The combination with the region's recent history of authoritarianism favours a more repressive police approach. Even though police reform included human rights elements, in reality it focused more upon the de-politicisation of policing and police professionalisation. Human rights themes such as police accountability, gender issues, ethnic representation within the police or community policing were not a priority (Mesquito de Neto, 2003; Wola 2002a/b; Call, 2000). It happened despite the fact that a human rights inspired approach to policing was considered to be a central element in stabilising Central America (Frühling, 2003; Wola, 2002). Furthermore, even though the nature of human rights violations has changed police involvement in human rights violations and corruption remain problematic (Call, 2000; Méndez *et al.*, 1999; Rodley, 1999). For instance, the use of mass detentions, excessive use of force, extralegal executions of socially undesirables and the formation of special brigades continue to be serious problems.²² This has occurred partly due to a necessity for more effective crime control within society (Chinchilla, 2001). Despite these worrying developments it is assumed that throughout the region overall respect for human rights by the police has increased.

Although citizens' perception of the role of the state in public security has improved, they still consider the police to be ineffective in controlling crime and violence. To a certain extent public expectations of democracy as well as public reform have been unrealistic, and these were almost impossible for the democratic governments and the police to live up to (Wola, 2002b). Citizens are sceptical about police professionalism. They opt for tougher measures on crime and private security initiatives rather than becoming involved in community programmes (Chinchilla, 2003; Wola, 2002b; IIDH, 1998). People throughout Latin America continue to have mixed feelings about security in relation to democracy (UNDP, 2004a/b). Figure 3.III shows that citizen support for stable democracy in all six countries is relatively low.²³

²² See, for example: HRW, 2005; Chinchilla, 2003/2002; AI, 2002a/b.

²³ Democratic support is measured by a combination of data on political tolerance and system support (a high level of system support might indicate the populations' recognition for the system being legitimate) (Seligson, 2004: 36-41).

Figure 3.III Levels of Public Confidence in Central American Public Security Institutions, 2004²⁴



Source: Seligson, 2004: 39/48/69-71; Vargas and Rosero, 2004: 27/42/70.

In Central America, except for Costa Rica and Panama, the peoples' trust in the military, the legal system as well as the police is higher than their support for democracy.²⁵ Citizens express more confidence in the police than in the legal system. In those countries that have an army, except for Nicaragua, it is valued higher than the police. This is consistent with other research (LB, 2004/1996). The most probable explanation is that despite the fact that security is considered to be an essential requirement of democracy, when personal security is threatened people value protection more than they support democracy (Vargas and Rosero, 2004; O'Donnell, 2003; Dahl, 1999).

Costa Rica's public security situation appears to be comparable to El Salvador, Guatemala, Honduras, Nicaragua and Panama. Throughout the region, public security reform and the implementation of human rights within the police is influenced by

24 These data are consistent with other research on confidence in democracy, the army, the judiciary and the police. See, for example: LB, 2004-1996; UNDP, 2004a; IADB, 2002.

25 These data are similar to the European Union. The 2004 Eurobarometer report states that of the inhabitants of the 25 member and candidate member states of the European Union, 63 percent tend to trust the army, 61 percent the police and 45 percent the national legal system. The way in which democracy work in their own country is supported by 54 percent of the respondents of the 15 member states of the European Union and 39 percent of the candidate member states (Eurobarometer, 2004).

rising crime and violence levels as well as high feelings of insecurity. Social change is, however, more gradual and less pervasive in a non-transitional society than in a transitional society (see section 2.5). Consequently, in order to understand how human rights are implemented within the police it is relevant to focus on the public security context. This exploration into Central American public security provides the background for analysing the Costa Rican security situation.

3.3 SECURITY A LA TICA

In addition to contemporary societal developments, the absence of a legacy of ‘*militarismo*’ has traditionally influenced the Costa Rican perspective on security. From a regional perspective Costa Rica appears to be exceptional. Nonetheless contemporary issues such as rising crime and violence levels are taking their toll. As a result socio-political views on security in the oldest most stable democracy of Latin America²⁶ are slowly changing. Costa Rica’s culture of peace in combination with the relative absence of *militarismo*, its politics, its security framework and human rights record all affect the Tico perspective on security.

3.3.1 National Security and the Absence of *Militarismo*

The non-existence of an army and subsequent absence of *militarismo* has shaped the Costa Rica vision on national security. In this respect the abolition of the army in 1949 was crucial. It eliminated the threat of politicians seeking military assistance to meet political ends (Lehoucq, 1998; Zamora, 1997; Murillo, 1981).²⁷ Throughout Latin American history *militarismo* influenced political processes and in some countries it still does.²⁸ Also, the absence of an army is considered to have shaped the character of Costa Rica’s neutral position towards external conflict (Solís, 1992; Muñoz, 1990; Neuhold, 1986). As a former Minister of Justice explained:

Costa Rica has demonstrated that an army is not necessary. In the sense that there is no regional, military problem, in that case you have small arms at the border, you have arms so that Costa Rica can defend itself. You do not need an army. We have committed the following error; we never had an ordered, professional, stable police. Some say this is an advantage, because it has been less possible in lets say moments of political conflict, a civil, electoral conflict, that this police could take up the arms and influence decisions, a coup d’état or something like that... (Fabián Volio Echeverría).²⁹

26 For more information: UNDP, 2004/1997; *Estado de la Nación*, 2001a; Lehoucq, 2001; Booth, 1998; Yashar, 1997; Booth and Seligson, 1993; Peeler, 1985.

27 Since 1919 the Costa Rican military had not played any significant role. During the civil war there was hardly any struggle. In 1945 it consisted of 1,000 men, had one unit with light combat vehicles and was equipped with American weapons (Muñoz, 1990; Høvik and Solveig, 1985: 350).

28 For more information: Upeace, 2004; Koonings and Kruijt, 2002; O’Donnell, 1973; Nunn, 1967.

29 Male, Lawyer at Bufete Odio & Raven, Interview, 4 November 2004.

Nonetheless, there have been exceptions to Costa Rica's neutrality approach. Although it remained neutral in the 1980s, the government was dependent on American economic aid and was pressured to cooperate with the Reagan administration's anti-communist policy in Central America (Honey, 1994; Sojo, 1991; Neuhold, 1988). On Costa Rican territory there were controversial military programmes. These were directed towards the Sandinista regime in Nicaragua. A US run military base was created for the police, the *Guardia Civil*, at Murciélago, in the province of Guanacaste (see section 4.2). Costa Rican police officers were also led and trained by US Army Green Berets (Honey, 1994). In the late 1980s when President Arias Sánchez's administration initiated the Central American Peace Accords, this policy was reversed. He promoted peacemaking through supporting the process of democratisation (Booth, 1998; Moreno, 1994).³⁰ In 2003 the President broke with the tradition of neutrality. He supported the 'Coalition of the Willing' to invade Iraq (IPS, 2003). This position was reversed one year later when the Constitutional Chamber of the Supreme Court ('Sala IV') declared it unconstitutional.³¹ Thus Costa Rica's neutral position is more ambiguous than it appears at first sight.

Due to abolition of the army, the police was the only state agency in charge of public security, and, in case of emergency, national security (Zamora, 1997; art. 8 Police Code; art. 12 Constitution).³² Thus, since 1949 the police have been responsible for the protection of the constitutional order. In the past this inspired a militaristic approach to policing.³³ There have been periods in contemporary history that the police, or at least certain sections of it, were militarised (Chinchilla, 2003; Urcuyo, 1986). As a political scientist explained:

30 In 1986 Oscar Arias Sánchez became the President and began to actively promote regional peace. This resulted in five Central American countries signing a Peace Accord also referred to as the 'Esquipulas' Accord. Later that year he received the Nobel Peace Prize. After the President stopped cooperating against *Sandinismo* in Nicaragua, the US cut economic assistance in 1987 (Booth, 1998: 164/188).

31 On 27 of August 2003, the Constitutional Chamber of the Supreme Court ('Sala IV') ruled that this governmental action was unconstitutional. The Ombudsman's Office and the Lawyers Association had filled complaints for unconstitutionality (Sala IV, No. 03-4699-0070 CO/ Voto 03-9072, 27 May 2003; Sala IV, No. 03-4699-0070 CO/ Voto 03-9073, 27 May 2003). The White House Website still lists Costa Rica as one of the 49 countries that are publicly committed to the 'Coalition of Willing' (White House website, accessed on 26 May 2005).

32 'The army as a permanent institution is abolished. There shall be the necessary police forces for surveillance and the preservation of the public order. Military forces may only be organised under a continental agreement or for the national defence; in either case, they shall always be subordinate to the civil power; they may not deliberate or make statements or representations individually or collectively (art. 12 Constitution, Constitution website, accessed on 5 March 2005).

33 See, for example: Rico, 1997; Zamora, 1997; Diálogo Centro-Americano, 1998; Urcuyo, 1986; Volio, 1985.

Is Costa Rica Different: A Comparative Perspective on Public Security in Central America

Before we have had an intermediate period, which was during the Central American wars, when the police had more a military touch. During the *Sandinistas* period, for example, there existed the North Battalion, which protected the borders with Nicaragua. It consisted of 1500 soldiers³⁴, not police officers, who had received military training. In the beginning of the 1990s after the Central American wars they were dismantled and the new process of police modernisation began. (Constantino Urcuyo Fournier).³⁵

During the early 1980s with the threat of spreading regional civil unrest the Costa Rican government became concerned with national security (Honey, 1994; Høvik and Solveig, 1986). Consequently, in those years the priority of the police was national security. Today, despite extensive police reform, there is confusion about military aspects to Costa Rican law enforcement (Rico, 2003; Urcuyo, 1986). Police agencies have responsibilities for tasks that in most countries would be considered military. The Border Police unit of the Public Force, for instance, guards Costa Rica's territory. Some of their weaponry could classify as military equipment.³⁶ Also, in times of war all police officers are constitutionally obliged to defend the country. Furthermore, there is a compulsory military element to police training (art. 12 Constitution).³⁷ Nonetheless, this military touch to policing, especially during exceptional eras, does not imply that all Costa Rican police forces de facto are or have been an army, as this quotation by a Professor of Human Security suggested:

Look, about the police or about how Costa Rican security is run, there are various myths, such as a police. Firstly, the military officers within the region say that it is not sure there is no army in Costa Rica, there is an army. No, because the military is not only about having arms and uniforms, the military is a concept about how to organise society, that is *militarismo*, when you have a country where the Director of Migration, the Director of Statistics, the Director of Telegraphs, the Director of the Postal Services and the Minister of Labour are from the army and the police is militarised, you impregnate *militarismo* within society. The public sector converts into a militarised space, this is not the case in Costa Rica. (Victor Valle).³⁸

34 Actually they were a special police section of the preventive police force the *Guardia Civil*, the 'Northern Battalion', located at the border with Nicaragua (Urcuyo, 1986).

35 Male, Political scientist at *Centro de Investigación y Adiestramiento Político Administrativo* ('CIA-PA'), former PUSC Member of Parliament, former presidential advisor, Interview, 17 November 2004.

36 In the 1980s the Northern Battalion of the *Guardia Civil* at the Northern Border with Nicaragua had machine guns, M-16's, Uzi's and a Galil (Urcuyo, 1986: 110). According Police Code the 9 mm pistol or the .38 calibre revolvers are the official police weapons. In 1997, the different Costa Rica police forces had an armoury of 22,000 pieces, including 7000 M-1 semi-automatic rifles, 6000 M-16 rifles (left over from Vietnam), plus minus 200 AK-47 rifles and a few mini Uzi machine guns, which may be used only in special circumstances (art. 41 Police Code; art. 70/71 Police Regulation of the Ministry of Public Security; Rico, 2003; Zamora, 1997; Mora Salas, 1995) (Research diary, September 2004).

37 A three week semi-military course at the Murciélago base in Guanacaste is part of the basic police training course (Research diary, September 2004; see chapter 5).

38 Male, Dean for Academic Administration and Professor of Human Security at the University of Peace, Interview, 10 November 2004. Traditionally in Central America the military and the police have maintained a close relationship and the military characteristics of the police were reflected in its

Thus, even though in 1980s there was far less *militarismo* than in neighbouring countries, Costa Rica was neither completely demilitarised nor did it lack security agents who were in charge of defending national security (Høvik and Solveig, 1986). The difference is that these security forces were under complete civil-political rather than military control. Currently, as was the case in the past, Costa Rica's foreign policy of neutrality is challenged by international political developments.

3.3.2 Socio-Cultural Views

Despite the increased relevance of the topic of security in Costa Rican society, most Ticos continue to identify with the values such as portrayed by the culture of peace; pacifism and neutrality. The 'culture of peace' as opposed to the 'culture of war' is a concept that has been adopted by UN Educational, Scientific and Cultural Organisation ('UNESCO') and the General Assembly ('GA') of the UN. It is defined as involving, 'Values, attitudes and behaviour that reject violence, endeavour to prevent conflict by addressing root causes and aim to solve problems through dialogue and negotiation' (Rivera, 2004; UN Resolution, 1999; Adams and True, 1997). Throughout the 20th century in Costa Rica an anti-military culture developed, which is commonly known as the culture of peace (Biesanz *et al.*, 1999; Volio, 1985). The culture of peace has developed as a cultural arrangement to resolve conflict in a non-violent manner (Rivera, 2004: 532). Costa Ricans' identify with this concept, but '*a la tica*' (Cortés, 2003). This is, for instance, reflected in how the topic of security was traditionally perceived by society. As this ngo representative clarified:

The public debate generated profound social resistance, because at the moment one was speaking about the theme of security, the theme acquired military connotations. Thus someone who talked about security was someone who was not looked upon well. Look, the theme acquired military connotations and this is the worst that could happen to anyone here in Costa Rica. There is a very strong anti-military culture and paradoxically the theme of security ended up being identified as a military theme. If it had been part of the political debate, it would have created a lot of resistance. (Kevin Casas Zamora).³⁹

Thus in the past Costa Ricans preferred to avoid the theme of security in political and public debate. Even though there is a difference between national security and public security or internal and external security, the concept was experienced as one and the same. All security issues were, and to a lesser extent still are, associated with *militarismo*. Hence it was a taboo. Nowadays this is reflected by a lack of knowledge about security in Costa Rican political culture as well as in society at large. For example, although there are some valuable studies on criminal justice, public policy and citizen

organisation, functions, doctrine and training (Chinchilla, 2001). For more information, see: Upeace, 2004; Koonings and Kruijt, 2002/1996; O'Donnell, 1973.

39 Male, National Coordinator for the Human Development Report, Interview, 20 September 2004.

insecurity, only a few studies are empirically based and focus specifically on security related themes in Costa Rica.⁴⁰ According to this social scientist:

There is little academic reflection upon public security. There is no significant ongoing debate. It is strongly influenced by the perception of insecurity and victimisation. Also in the media this type of sensation dominates.... There are only a few experts, who know something about the theme of security. (Carlos Sojo).⁴¹

Because the lack of expertise hinders the possibility of holding the government effectively accountable for security concerns in Costa Rica, this situation is somewhat problematic. Civil society is organised, but it focuses on specific topics such as domestic violence or drugs prevention rather than on the effect of security reforms in general. Thus there are only a few independent experts who are familiar with the theme and are therefore able to participate in a constructive dialogue with the government.

A recent incident shows the link that citizens continue to make between *militarismo* and the culture of peace. In 2002, there was fierce public resistance to the establishment of an American International Law Enforcement Academy ('ILEA') (Lindsay, 2004; Wola, 2003).⁴² These quotations from a citizen manifest and an article express the public resistance to the establishment of the ILEA on Costa Rican territory:

Citizen Manifest against the Installation in Costa Rica of the so-called International Law Enforcement Academy

The civil tradition of the Costa Rican people oblige us to promote peace, to defend human rights and provide a pacifist resolution to conflict and demilitarisation... The International Law Enforcement Academy should be understood as an American Institute on Costa Rican territory, which ignores the authority of the Legislative Assembly... The inauspicious and criminal antecedents of the Academy like the '*Escuela de las Americas*', promotes and maintains for the US' capacity to train repression and torture to military men and police officers of Latin American countries. (CIEPAC, 2004).

'School of Repression', the academy has its antecedents in the famous international school of the *Americas*, which had a military character and served to prepare the repressive framework of Latin America. (*Semanario*, 10 July 2003).

40 See, among others: UNDP, 2005/1997; Zamora, 2005/1997; *Estado de la Nación*, 2004/1999; Chinchilla and Rico, 1997; Chinchilla, 1997; Urcuyo, 1986.

41 Male, Director of Flacso - Costa Rica, Interview, 7 August 2006.

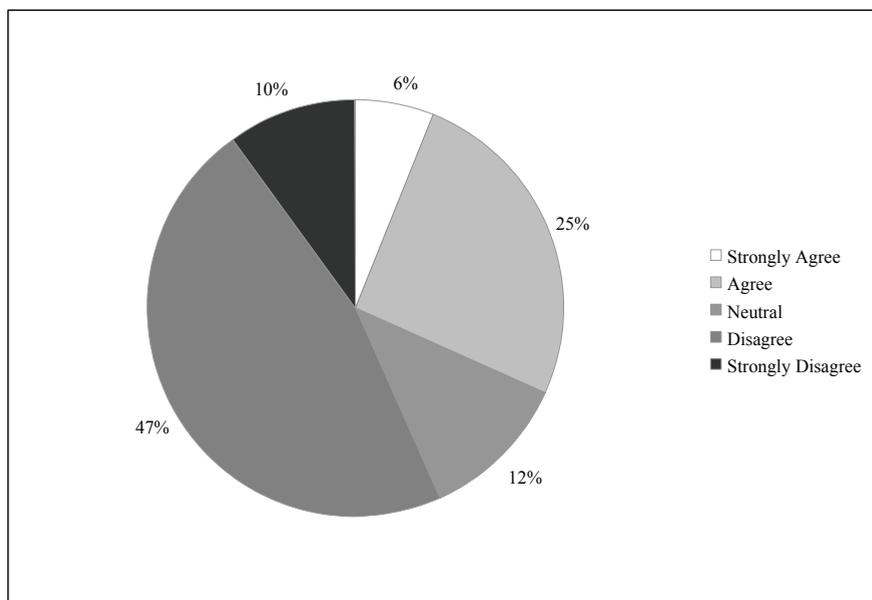
42 The US has four ILEA's, where it trains senior police officers to combat drugs trafficking, terrorism and criminality in different regions in the world (US State Department website, accessed on 28 May 2005). In 2002 Costa Rica and the US signed an agreement to locate the academy for the Latin America region in Costa Rica. The Legislative Assembly proposed additional criteria, which related to the protection of Costa Rica's sovereignty, the curricula and jurisdiction before considering the ratification of the agreement (Legislative Assembly, *Proyecto de Ley Acuerdo entre el Gobierno de los Estados Unidos de América y el Gobierno de la Republica de Costa Rica sobre una Academia Internacional para el cumplimiento de la ley, sus notas aclaratoria y su enmienda*, Expediente No. 15.215).

The two quotations represent a common point of view i.e. this type of foreign police training conflicts with traditional values of the culture of peace. Ticos remain sceptical about, perceived, threats to Costa Rican neutrality or its sovereignty. It also relates to certain types of international police training, which is considered to be militaristic or repressive. In both quotations the academy is associated with the infamous US Army 'Escuela de las Américas'.⁴³ During the 20th century thousands of Latin American soldiers and police officers, including Costa Ricans, were trained at this institution. Some of these soldiers as well as police officers would later become involved in serious human rights violations (Huggins, 1998; Høvik and Solveig, 1986). Partly due to the intensity of public resistance to the academy the US has reconsidered its proposal to its Latin American ILEA to either El Salvador or Peru (US Department of State website, accessed on 1 September 2006). This development supports the proposition that in 2004 a large section of Tico society continued to identify with the values of the culture of peace and anti-militarism.

Promoting the culture of peace is one way in which the government deals with rising insecurity feelings. Less than 50 percent of the respondents to this 2004 questionnaire conducted in San José agreed that Costa Rica currently has a cultural of peace (see figure 3.IV).

43 The US Army School of the *Americas* created in 1946 was located in Fort Gulick, Panama, and transferred in 1984 to Fort Benning, Georgia, the US. Between 1949 and 1967 approximately 2000, and in the 1980s a few 100, Costa Rican *Guardia Civil* police officers graduated from this academy. Nowadays, the *Escuela de las Americas* has been replaced by the Western Hemispheric Institute for Security (WOLA, 1997; Høvik and Solveig, 1986: 368; Volio, 1985).

Figure 3.IV 'Nowadays Costa Rica Has a Culture of Peace'



Source: Questionnaire on the perception of the Public Force in the Metropolitan Area of San José, November and December, 2004.

It suggests that *Josefinos* are worried about contemporary developments and the threat they pose to society's perceptions and values. By emphasising education both the government as well as civil society promote the culture of peace (Funpadem, 2003). For instance, campaigns on domestic violence reflect the relationship between Costa Rica's culture of peace and security (Sobrado and Saxe, 2004). The promotion of the former is used to prevent the latter. Despite these kinds of efforts, citizens' perception of the state is affected by its inability to guarantee security (UNDP, 2005).

3.3.3 Security Politics

The absence of a coherent doctrine symbolises the political approach to security. In the past, just like other Latin American countries, the Costa Rican government never really approached security with a strategic vision (UNDP, 2005; González *et al.*, 1994). After the abolition of the army in 1949 the political establishment as well as Costa Rican society did not consider security to be a concern. Hence only after it could no longer be avoided did security become a political theme. In the 1980s, due to the civil war in Nicaragua, national security became a political priority. Subsequently in the 1990s due to increased violence, rising crime rates and the need to professionalise the police, security received more political attention (Chinchilla, 2001; Diálogo

Centro-Americano, 1998). This development is illustrated by a former Minister of Public Security:

In reality it is a theme (security) that did not have a lot of importance, I dare to say there was little relevance until the 1980s. During the Central American conflict it acquired some importance; not so much as internal security, but as border security, especially at the Northern border. During the 1990s a more intense debate began that focused on two directions of the theme: Whether in the 1980s in the origin of our policy we have been militarised and the necessity to revise these politics of militarisation; Secondly, the growing violence, the increase of crime in this country and the necessity to prepare our security forces for this. (Laura Chinchilla Miranda).⁴⁴

Thus, because of societal developments security became a topic on the national political agenda. Hence, in 1994 a special commission of the Legislative Assembly investigated the incident related to the death of Wagner Segura Brenes.⁴⁵ It concluded that there was a severe public security crisis in Costa Rica and proposed drastic reform (see chapter 4). It suggests that in the past security and especially police concerns, had been avoided by the political establishment (Zamora, 1997).

Despite the increased political attention to security, there has not been a visible transformation in the Costa Rican approach to security. The theme is a reoccurring topic in successive election campaigns. Although there have been some positive developments what continues to be absent is a coherent security doctrine as well as a strategic vision on both national and public security (UNDP, 2005; Mora, 2004; Chinchilla, 2001/1997). As this ngo representative remarked:

Really for the decades there was no citizen security policy here; even today there is no document which expresses clearly what is the criminal policy of the Costa Rican state; there is none. Today, I think for the first time, it is incredible, I received a document which explains the strategy of the Ministry of Public Security. Never before has there been one. It is the first in black and white written attempt to put down the public security strategy. (Kevin Casas Zamora).⁴⁶

On a governmental level efforts have been made to formulate a national policy on security. These include the 1994 Police Code, the amendments to it in 2001, the National Integral Security and Citizen Participation Plan (2002-2006) and an executive decree of the Ministry of Public Security, which focused on citizen security (Matul and

44 Female, political scientist, PLN Member of Parliament, Interview, 5 October 2004.

45 On 19 May 1990, during an operation by the drug police and a special intervention unit ('*la Unidad de Acción Inmediata*') of the Ministry of Public Security, this 14 year old boy had been killed in Jardines de Cascajal - Paso Ancho -, San José. The case is also known as the 'Talamanca case'. See: Legislative Assembly, 1994/1992/1990; CRHRC, 1993: 35.

46 Male, National Coordinator for the Human Development Report, Interview, 20 September 2004.

Dinarte, 2005).⁴⁷ It shows that at a national level serious attempts are being made to consider security policy. Most initiatives, however, have had a short-term effect and lacked an integrated, sufficient strategy or the resources for successful implementation (Bermúdez, 2004; Mora, 2004). Another problem is the modest availability of studies on both national as well as public security. These are crucial in developing an empirically based strategic vision on security. According to a social scientist, the Ministry of Public Security does not consider empirical research to be a priority:

Politicians are specialists of opportunity. In general at the Ministry, in charge, of Public Security there is no real interest in conducting or consuming academic research on security. Police officers do not really participate. For example, I can not recall one former minister who had an entity that conducted academic research. The debate at the ministry is dominated by lawyers, who predominantly have a penal perspective. (Carlos Sojo).⁴⁸

Hence political decision-making in relation to policies on security or policing is often not empirically grounded. Technocrats at the Ministry of Public Security tend to rely on legal expertise, especially in the area of criminal law. By itself legal expertise contributes to the development of protocols and legal regulations that provide a legal basis for public security and police reforms. Yet the lack of involvement from other academic disciplines hinders the development of an inter-disciplinary and integral approach to security.

Thus, although public security and police reform has become a topic on the national political agenda, the absence of a coherent political strategy on security delays its development and implementation.

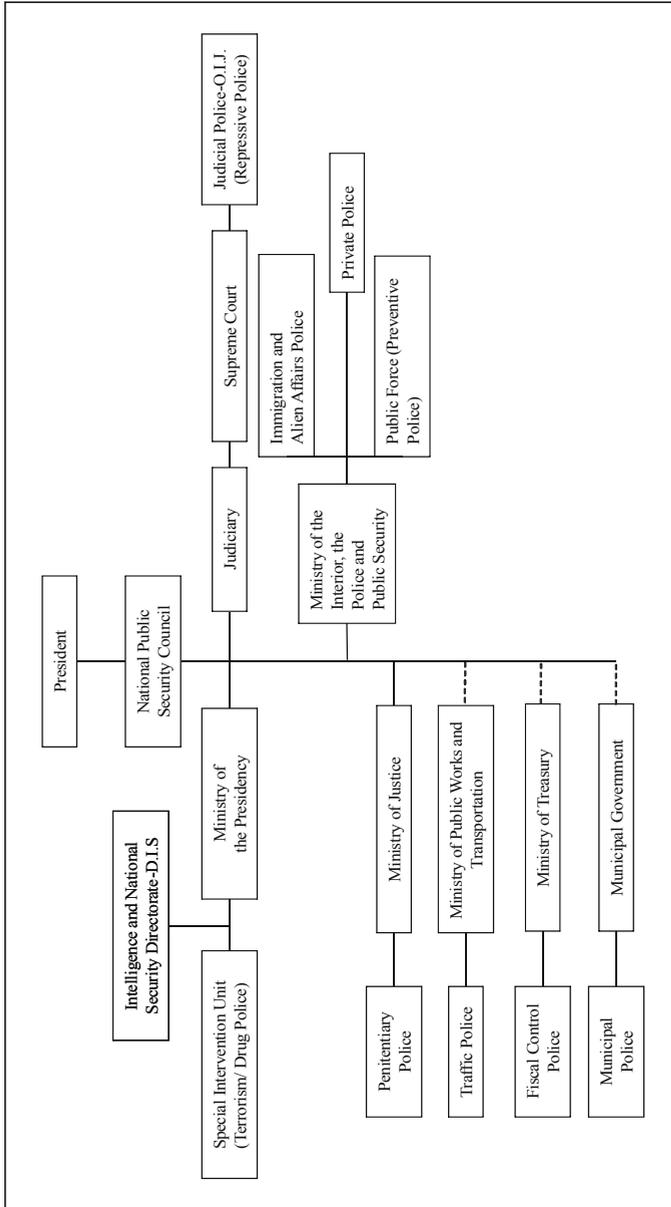
3.3.4 Security Institutions

The organisation of the Costa Rican security framework is fragmented. Therefore, it is complicated to refer to one single body that is responsible for national security or public security. Instead several bodies are united in the National Public Security Council (see figure 3.V on the next page).

The Minister of the Presidency, the Minister of Justice and the Minister of Public Security are part of the National Public Security Council, which is presided over by the President. The President also has the right to include additional members. These are mostly autonomous institutions such as the National Child Protection Agency ('PANI') or the National Institute for Woman ('INAMU'). Hence, ultimately the President is responsible for national security, whereas the Minister of Public Security

47 The Executive Decree, No.32177-SP; The '*Plan Nacional de Seguridad Intergral y Participación Ciudadana*' (2002-2006)'.
48 Male, Director of Flacso - Costa Rica, Interview 7 August 2006.

Figure 3.V The Costa Rican Security Framework



Sources: Ministry of Public Security website, accessed on 19 February 2005; Police Code website, accessed on 11 March 2005; Civil Police Code website accessed on 9 March 2005; Rico, 2003

is in charge of both national and public security (Zamora, 1997; art. 139/140 Constitution in conjunction with art. 11 Police Code).

In reality, for political reasons the distinction between national and public security fades. As with other Latin American countries, there is a tendency for Costa Rican politicians to become involved in particular security matters (Hinton, 2006). For example, by considering serious breaches of public order or criminal acts as threats to national security, the President assumes responsibility for matters that in normal situations would fall under the Minister of Public Security. This happened in the ‘Combo-ICE’⁴⁹ and in the ‘Monteverde’⁵⁰ crises. As a former advisor to the President recalled about the Combo-Ice crisis:

In terms of political instability, the Combo-ICE in 2000, for example, was an important situation... We managed this from the Presidential house, a crisis cell... The Minister of Security was the one who contributed his knowledge over the terrain of security, what was happening ‘on the field’,... they took certain decisions. If the minister did not agree he went to the President and would have said, ‘I do not agree.’ Then the President would call a meeting with a smaller group and discuss it. In the end the President would take the decision. (Constantino Urcuyo Fournier).⁵¹

During this period of massive civil disobedience the President assumed responsibility. Therefore the Minister of Public Security was directly subjected to the authority of the President. The Minister of Public Security gave his expert opinion about security, but ultimately the President would take the decision. This shows that at a political level the public strikes were considered to be a matter of national rather than public security. Likewise, in 2005 during the Monteverde crisis problems in relation to the distinction between national and public security arose. At a political, institutional and operational level there was confusion about who was primarily responsible in dealing with a bank robbery that later turned into a dramatic hostage situation (Legislative Assembly, 2006).⁵² Politicians, public officials and the police officers of the Ministry of the Presidency, the Ministry of Public Security as well as the judiciary failed to coordinate and cooperate effectively. Subsequently, in an effort to dismantle the crisis, several

49 In March and April 2000, there were massive public demonstrations against the attempts to privatise the ICE, the large, state-owned hydroelectric and telephone company. Ultimately after weeks of demonstrations the government gave in (Cerdas, 2004: 344).

50 On 8 March 2005, a dependent of the National Bank of Monteverde in Punterenas was robbed by four armed suspects. During a period of approximately 30 hours one suspect pursued to take hostages. Ultimately nine people, five hostages, three suspects and a police officer of an elite unit of the D.I.S., lost their lives. Seventeen hostages were injured (Legislative Assembly, 2006; *La Nación*, 31 January 2006 and 10 March 2005).

51 Male, Political Scientist CIAPA, former PUSC Member of Parliament, former presidential advisor, Interview, 17 November 2004.

52 Interview with the first Vice President and the Minister of Justice, Laura Chinchilla Miranda, who had been the President of the Parliamentary Commission (Female, political scientist, former PLN Member of Parliament, former Minister of Public Security, Interview, 17 August 2006).

hostages, suspects and a police officer lost their lives. An advisor to the Parliamentary Commission, who investigated the Monteverde crisis, commented:

The Ministry of the Presidency felt that it was a situation of national security and that therefore they were in charge. This was not the case. There is no legal basis for this assumption. It was not clear who was responsible. (Mario Zamora Cordero).⁵³

It reflects the realities of differentiating between national and public security at a political level. Furthermore, presidential interference with security matters appears to be a political reality.

Although not represented in the National Public Security Council, the Minister of Public Works and Transportation, the Minister of Treasury, the judiciary and Municipal Governments simultaneously carry responsibility for specific public security tasks (see figure 3.VI). The judiciary is not represented in the National Council on Public Security and thus the *Organismo de Investigación Judicial* ('judicial police' or 'O.I.J.'), which investigates criminal offences on behalf of the court, is not supervised by the executive branch (González and Ulloa, 2002; Rico, 1997; Judicial Police Code). Police officers attached to the Ministry of Public Works and Transportation and the Ministry of Treasury have duties that are not directly related to public security. Therefore, neither minister participates in the National Public Security Council. The Municipal Police, on behalf of Municipal Government, fulfil a complementary role to preventive policing (art. 74 Municipal Code). Probably due to their relative newness, their small numbers and the centralised organisation of the state, they are not considered as a security force of much importance (Urcuyo, 2004; Booth, 1998; Araya, 1997). Only those ministers directly responsible for national or public security are part of the National Public Security Council.

Inter-institutional coordination and cooperation between the institutions responsible for security is ad hoc and dependent on political will. According to the Vice Minister of Governance, 'If the Public Prosecutor's Office, the Minister of Public Security and the Minister of Justice are dedicated to coordinating security, periodical meetings under the supervision of the General Prosecutor are organised' (Ana Eugenia Durán Salvatierra).⁵⁴ If a political administration is not committed, then each institution carries out its own task; the Public Prosecutor's Office is in charge of developing criminal policy and criminal investigation as well as prosecutions, the Ministry of Public Security for national and public security as well as preventive policing and the Ministry of Justice for the implementation of the Court's decisions. In relation to the cooperation between the Ministry of Justice and the Ministry of Public Security, the first Vice President, who is also the Minister of Justice, remarked:

53 Male, lawyer, advisor to the Ombudsman's Office, former Director of the Community Security Department of the Ministry of Public Security, Interview, 10 April 2006.

54 Female, lawyer, former Director of the Legal Migration Department, Interview, 21 August 2006.

There hardly existed an institutional relationship. There was little communication between the part of the Ministry of Justice that is responsible for penitentiary and the Ministry of Public Security, which is responsible for citizen security....Although in concrete actions there was communication and coordination, penitentiary is not considered to be a part of public security policy. There are no common values between public security and prison personnel. Nor are there institutional policies, which guarantee this kind of relationship. Therefore in the end it is dependent on the initiative of individual hierarchs. (Laura Chinchilla Miranda).⁵⁵

Cooperation and coordination between different actors in the security chain is reliant on political commitment. Thus if hierarchs, ministers, the public prosecutor or police chiefs, value it, then it happens.

In a certain way the institutional framework of security is one of Costa Rica's '*idiosincrasias*'.⁵⁶ There is a cultural pattern of expressing distrust of concentrated authority (Biesanz *et al.*, 1999). It partly explains why there is not one specific governmental body in charge of security.⁵⁷ Another explanation is the fear of creating a militarised or police state (Rico, 1997). By having one single police agency, there is the potential of it becoming too powerful (Rico, 2003; Urcuyo, 1986). It could become a political threat. As this quotation by a former Minister of Justice explained:

It is because if the police would manifest in political terms and use its police authority, it would practically be an act of extension, practically a coup d'etat. This is also prohibited by the Constitution, thus the answer is this: The police had absolutely no relevance in the political life of the country! (Fabián Volio Echeverría).⁵⁸

In this manner, civil-political control over the security actors is maintained. Lastly, this institutional structure is also the result of the state's ambiguous approach to security. The absence of a clear national or public security doctrine, the cultural disdain for authority and the fear of *militarismo* shaped the fragmented institutional framework of security.

3.3.5 Human Rights Protection

Overall human rights, constitutional rights and the rule of law is respected by the Costa Rican government. Both the state and its citizens strongly support the rule of law as well as the values portrayed by human rights treaties and the Constitution. In case of

55 Female, political scientist, former PLN Member of Parliament, Interview, 17 August 2006.

56 'Ticos have long insisted that foreign influences be valued carefully as to whether they fit into 'our idiosyncrasies...Rejecting or accepting innovations according to this criteria have to some extent controlled the degree and direction of change to create their own version of modern society' (Biesanz, *et al.*, 1999: 285).

57 This fragmentation also exists in Costa Rican politics and in governmental institutions (Urcuyo, Pacheco, Chinchilla, Saborío, Echnado and Casas, 2004).

58 Male, Lawyer at Bufete Odio & Raven, Interview, 4 November 2004.

human rights violations there is a reasonably well functioning legal framework through which effective remedies are obtained. From an international, regional and national perspective Costa Rica is committed to human rights. It is a state party to most major international and regional human rights treaties (UN Human Rights website, accessed on 9 November 2005; CEJIL, 2004; *Estado de la Nación*, 2001a).⁵⁹ Under art. 7 of the Constitution, international instruments are directly applicable in national rulings on constitutionality. Also, the seat of the Inter-American Court of Human Rights is located in San José. Thus, as a state Costa Rica is committed to the human rights legal framework.

At the national level the most important human rights protection mechanisms are the Sala IV and the *Defensoria de los Habitantes* ('Ombudsman's Office'). They supplement the criminal justice system, which is subordinate neither to the executive nor the legislative power. The judiciary is considered to be functioning independently (Hernández, 2003; Roja, 2003; González, 2001; art. 9 and 154 Constitution). Like most other Latin American countries, Costa Rica has a civil law tradition. Thus it considers written laws as its primary legal resources. Due to recent reforms to criminal code and criminal procedure code, the common law inspired adversarial approach has gained importance and therefore the Costa Rican criminal justice system is considered to be mixed (Rico, 2003; Redondo, 1997; see table 3.III).⁶⁰

The *Ministerio Público* ('Public Prosecutor's Office') investigates cases before they are tried at the criminal courts. It is supported by the O.I.J. who are specialised in investigating serious crime and collecting evidence (Rico, 1997; Judicial Police Code). The weaknesses of the Costa Rican criminal justice system relate to its overburdening, the slow processes of cases and the fact that almost 40 percent of the incarcerated population is in pre-trial detention (UNDP, 2005; US State Department 2004/1999; González, 2001).⁶¹ The primary reason for this is that despite an increase in the number of criminal cases, the judiciary is not compensated in terms of resources (Rojas, 2003; *Estado de la Nación*, 2001). Nonetheless, from a regional perspective Costa Rica is considered to have one of the most efficient criminal justice systems in the region (Carranza and Solano cited in *Estado de la Nación*, 2004).

Both the Ombudsman's Office and Sala IV are the human rights remedies, through which inhabitants file complaints against violations of their human rights and/or constitutional rights by security forces. The Ombudsman's Office was created in 1993 to protect the rights and interests of citizens. Any inhabitant may issue a complaint concerning their dealings with the government or private entities (art.12 /14 Ombuds-

59 The United Nations Human Rights website, accessed on 8 June 2005.

60 In 1995 the Costa Rican government and the IADB agreed to formulate a programme to modernise the administration of justice (Legislative Assembly Law No.7496; Rojas, 2003).

61 In 1999, 39.5 percent of the Costa Rican prison population was awaiting trial. Costa Rica has one of the highest numbers of imprisonment rates, 117 per 100,000, in the Central American region (International Centre for Prison Studies website, accessed on 9 June 2005; Ungar, 2003; CAT, 2000).

man's Office Law).⁶² At Sala IV, a citizen can file for *amparo* or *habeas corpus*, while it also rules on the constitutionality of laws or actions (*Estado de la Nación*, 2000). The *amparo* and *habeas corpus* proceedings are an easily accessible and cheap way for all people to protect or safeguard their human or constitutional rights (Law on Constitutional Jurisdiction; art. 48 Constitution).⁶³ Sala IV is considered to be effective in protecting human or constitutional rights. Yet, because of its juridical activism there is a certain risk of it contributing to the juridicalisation of Costa Rican politics (Wilson and Roderíguez, 2005; Villasuso, Rojas and Arroya, 2003). Also, due to an overload of cases the system is becoming overburdened.⁶⁴ Even so, Sala IV as well as the Ombudsman's Office are the remedies against violations of human and/or constitutional rights by the security forces.

Although Costa Rica is hardly mentioned in the annual reports of human rights organisations such as AI or HRW, there are some structural human rights concerns. Most frequently reported are a lack of respect for socio-economic rights, abuse of authority by law enforcement officials, child prostitution and the freedom of speech.⁶⁵ Labour rights of police officers are, for instance, violated regularly. Their salary is relatively low, the police barracks are often in poor condition, the numbers of hours they work are extremely high and many work in communities far from their families (UNDP, 2005; Ombudsman's Office Report, 2004/1999; see chapter 5).

Several surveys indicate that Ticos feel that their government generally respects their human and/or constitutional rights. (LB, 2004-1996; Vargas and Rosero, 2004;

62 The Ombudsman's Office is the public office that investigates the manner in which public administration and its officials have conducted themselves in the performance of their public duties. His or her review and possible recommendations assist citizens to resolve their problems with governmental institutions such as the police. The Ombudsman's Office stimulates the government to respect citizens' human rights and to promote proper administration. Even if resources in society are scarce it can stress the importance of equal distribution and transparency in government. Furthermore, through a follow-up process it attempts to prevent similar situations from reoccurring. In 2003, 1,927 citizen complaints were filled at the Ombudsman's Office (Ombudsman's Office, 2005/2000; *Estado de la Nación*, 2003; Ombudsman's Office Law).

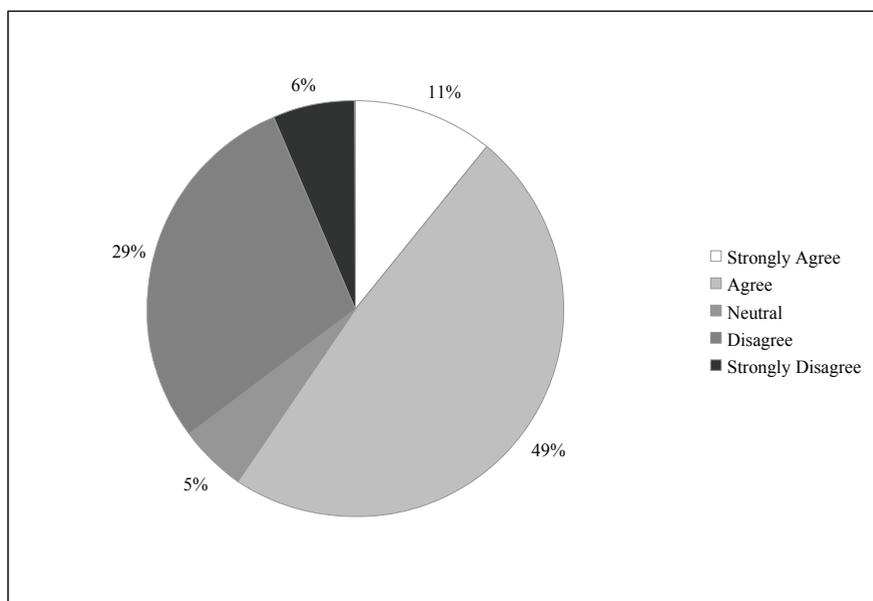
63 The *amparo* proceeding assures, with the exception of personal freedom or integrity, the enjoyment of all constitutional rights. If someone wants to challenge his deprivation of liberty, he or she will have to file for *habeas corpus* and not *amparo*. Sala IV must rule quickly; however, not without hearing the injured party or receiving a response from the responsible agency or public official. For *habeas corpus* the complainant must be heard in person. In order to avoid criminal responsibility, the competent authority must comply with a ruling of Sala IV. Both proceedings require a minimum of formality. Only a written fax, email or piece of paper with personal details, a description and evidence of the alleged acts and the public servant or authorities is required. Even though it is not necessary to have exhausted other legal remedies, the aim of the proceedings is not to solve legal issues that are to be dealt with by other procedures. Basically, the objective of *amparo* is to re-establish the enjoyment of basic rights that have been violated by agents of the executive (Constitutional Jurisdiction Code; Constitution).

64 In 1990 there were 1,398 resolutions, while in 2003 there were 13,935 resolutions issued by Sala IV (*Estado de la Nación*, 2003).

65 For more information: Ombudsman's Office, 2005/2000; US State Department 2005/1999; Wilson and Roderíguez, 2005; Biesanz *et al.*, 1999.

Araya *et al.*, 2001; Booth, 1998). Furthermore, values portrayed by human rights and the rule of law enjoy widespread support among the population. Figure 3.VI suggests that despite societal frustration with increasing crime and violence rates, the majority of respondents support the view that every person, including those who commit crimes, has basic rights.

Figure 3.VI 'The People who Commit Crimes Have the Same Constitutional Rights as other Citizens'



Source: Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December, 2004.

Almost 60 percent of the respondents agree that all people, including criminal suspects, are equal before the law. This was almost equally divided among socio-economic classes. Divided per higher class, middle class and lower class neighbourhoods; 63 percent, 59 percent and 57 percent respectively agreed with this statement. Hence, this suggests that there is a reasonable appreciation by Costa Rican society for human rights and constitutional rights. However, in recent years, partly due to corruption scandals, the support for the judiciary and the police has been declining (UNDP, 2005/2000; Roja 2003/2001; Villasuso *et al.*, 2003). Many Costa Ricans consider corruption to be a tremendous socio-political problem that also affects the judiciary, police forces as well as penitentiary staff. Because corruption concerns the unequal application of the rule of law, it relates to the protection of human rights (Buckley, 2002; art. 7 UDHR).

In summary, Costa Rica's legal framework to protect human and constitutional rights is functioning reasonably well. Despite some major human rights issues, citizens express trust in it.

3.4 CONCLUDING REMARKS

In this third chapter, I have explored the Central American public security context and socio-political perspectives on security in Costa Rica. As most research on public security and police reform has focused on transitional societies, it is valuable to understand processes in a stable consolidated democracy within the region. Despite the vast political and socio-economic differences, there are common public security developments in Central America. Costa Rica is faced with similar public security concerns as its neighbouring countries. Due to it being a non-transitional and a relatively developed society, it receives far less international assistance than its neighbours. Even though crime and violence rates in Costa Rica are lower than in the rest of the region, citizens' feelings of insecurity and trust in state security institutions such as the police are similar.

In comparison to the rest of Central America, the role of security in Costa Rican politics and society has been limited. One of the consequences was the absence of an integral vision on both national as well as public security. This lack of a Tico perspective on security influenced the development of the institutional framework, which is organised in a fragmented manner, thereby aiming to prevent the possibility of establishing a militarised state. Since the 1990s, security has increasingly received more societal as well as political attention. Particular developments led to widespread public security and police reform. Nowadays concerns in relation to national and public security prevail, therefore, the effect of reform is at times limited. Human rights protection in relation to public security and police issues in Costa Rica is reasonably well established. Citizens are willing to consult with human rights mechanisms such as the criminal justice system, the Ombudsman's Office and the Constitutional Court to ensure respect for their human and/or constitutional rights.

CHAPTER 4

THE CHECKS AND BALANCES OF A FRAGMENTED PUBLIC SECURITY SYSTEM

4.1 INTRODUCTION

During an interview on the role of public security in politics, a political scientist reflected on the traditional and contemporary checks and balances of the Costa Rican public security system:

In theory, in 2006 the clientelist system ends and this will give more autonomy to the police. How it used to work was that posts at the Ministry (of Public Security) and within the police were distributed among political parties, to their supporters. This mechanism was a legacy of the civil war of 1948. It was the manner in which the triumphant maintained control. The post-1948 police was more, it was in command over legitimate force in society. Today the police are more autonomous, there are police officers with established positions and mechanisms, like a system of merits, contests, training and police experience, etc. It is very clear to the police that they should not intervene with politics. Before, there was always the fear of police autonomy. With the 1994 Police Code, the two political parties (PLN and PUSC) allowed a significant advancement and this created police autonomy, not political, but in police (operational) actions. (Constantino Urcuyo Fournier).¹

In this quotation the development of public security and modern policing in Costa Rica is outlined. Throughout the 20th century, checks and balances within the public security system prevented the Ministry of Public Security and the police from becoming powerful political actors. Since the end of the civil war the government had controlled the police through political clientelism, whereas drastic public security and police reform implemented in the early 1990s created new checks and balances. Similar to the past, the goal was to prevent the police from becoming involved in Costa Rican politics. They continued to be the state agency in charge of exercising legitimate control over violence in society; yet their professional operational autonomy was no longer considered as a socio-political threat.

In contrast to most other Latin American states, Costa Rica does not have an army; therefore, since the last civil war its police forces alone have been responsible for law enforcement, the maintenance of social order and national security. This apparent absence of *militarismo* influenced the institutional framework of public security. Historically civil-political control was exercised centrally. Fragmentation characterised

¹ Male, Political Scientist at CIAPA, former PUSC Member of Parliament, former presidential advisor, Interview, 17 November 2004.

the structure of the public security system. With the new Police Code in 1994 this slowly but surely changed. Public security and policing have increasingly become a socio-political concern. Widespread public security and police reform influenced the development of public security, the police, societal perceptions and the context in which PHRS are implemented.

Before discussing the Costa Rican approach to law enforcement, the roots of the contemporary public security system and especially the preventive police are reviewed. This historical overview provides a background for understanding the motives for public security and police reform. The process of implementing police professionalisation in terms of recruitment, selection and training is addressed extensively in the following chapter. After introducing the institutional framework, societal impressions of the police and impediments to public security and police reform in Costa Rica are outlined.

4.2 THE HISTORY OF THE PUBLIC SECURITY SYSTEM

Modern policing in Costa Rica developed according to the post-civil war security situation. After 1949 the state abolished the army and reorganised its public security system. It thereby diminished the possibility of the ministers in charge of security or the police from becoming powerful political actors. Basically by abolishing the army, the government reformulated the national political vision on security. Consequently, in the 1949 Constitution the police became the state agency through which the state exercised legitimate internal and external control over violence (art. 12 Constitution). As discussed in the last chapter, Costa Rica did not really develop an integral vision on national or public security and this also affected policing. Out of fear of concentrating legitimate power to use force, Costa Rica, like other Latin American countries, did not develop a coherent public security system (Rico, 1997). Instead, different security actors existed simultaneously. The Costa Rican police model was, and to some extent still is, characterised by division and differentiation.

In order to protect the rule of law and prevent authoritarianism, the state dispersed legitimate power to use force. Each minister carried responsibility for its own security agency. During the 1950s and 1960s, five ministers were in charge of seven police agencies (Urcuyo, 1986).² This diversification of police discretionary powers led to the fragmentation of public security institutions. Within the Costa Rican public security system there were several overlaps. Each police agency, for example, had its own mandate. Yet there was no legal basis for this fragmented institutional organisation

2 The Minister of Public Security was responsible for the *Guardia Civil*, the Immigration Police and the Detectives Unit, the Minister of Government for the *Guardia Rural*, the Minister of Treasury for the Fiscal Guard and the Minister of Transport for the Traffic Police. In the 1960s a security agency was established under the Minister of the Presidency and in 1973 the Judicial Police was created to replace the Detective Unit, which had previously fallen under the Minister of Public Security (Høvik and Solveig, 1985: 362; Urcuyo, 1986).

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(Volio, 1985).³ Preventive policing, for example, was the responsibility of two separate police forces. As a former Minister of Justice explained:

The universal thesis of Costa Rican politics was to maintain two separate ministries; the Interior/Government and Public Security. The interior police, the urban security force; the *Guardia Civil*, and the exterior police, the rural security force; the *Guardia Rural*. By having two police agencies public security was weakened. No minister was sufficiently powerful to have two police agencies. As a guarantee, to prevent this from happening, they were different bodies, with different names, different uniforms and different buildings. (Fabián Volio Echeverría).⁴

This differentiation between urban and rural policing influenced the development of Costa Rican preventive policing.

Most visibly were the differences in the operational structure and territorial dispersion of each of the seven agencies in charge of public security. Police organisations like the *Guardia Civil* were centrally structured (Urcuyo, 1986: 19).⁵ Others, such as the Judicial Police, enjoyed a semi-central and the *Guardia Rural* a decentral structure. This related to their functioning internally as well as external inter-institutional coordination. The amount of autonomy for police chiefs varied per police agency. Subsequently there were severe problems related to the operationalisation of policing.⁶ From an organisational perspective pressing concerns were the lack of labour stability, the duplication of functions, the lack of communication and cooperation, the multiple command structure and the high turn over of police personnel (Zamora, 1997; Biesanz *et al.*, 1999; Høvik and Solveig, 1985). In general there was a lack of human, material and technical resources (Urcuyo, 1991/1986).⁷ Furthermore, from a societal perspective police officers hardly enjoyed status. As this former Minister of Public Security made clear, 'It was not looked upon as an important job..., always very badly paid, they did not have preparation, there was no sense of unity, solidarity like in the military or a more organised police force such the Chilean *Carabineros*' (Laura Chinchilla Miranda).⁸ Thus, organisational and societal problems were aggravated by the absence of an *espíritu de corps* within public security agencies.

3 This is one of the reasons why a uniform Police Code was proposed in 1994 (Legislative Assembly, *Comisión de Asuntos Agropecuarios y de Recursos Naturales, Comisión Especial nombrado para que investigue todo lo relacionada con la muerte de menor Wagner Alfonso Segura Brenes*, expediente 10,943).

4 Male, Lawyer at Bufete Odio & Raven, Interview, 4 November 2004.

5 Costa Rica is a centrally organised state.

6 Like in the pre civil war army, where soldiers were replaced every four years, after every election new police officers were hired (Høvik and Solveig, 1985).

7 In the 1980s Costa Rica had approximately 8,000 to 9,000 police officers. For example, the *Guardia Civil* consisted in 1949 of 1,200 police officers; in 1969 of 1,800 police officers; in 1978 of 4,300 police officers; in 1985 of 3,566 police officers; and in 1997 of 4,360 police officers (Urcuyo, 1986: 10-11; Neuhold, 1985: 87-88).

8 Female, political scientist, PLN Member of Parliament, Interview, 5 October 2004.

Organisational development was hindered by rivalry and political appointments at all levels of the public security system. Especially with strategic positions, political appointments prevented the police agencies from becoming professional bodies or political actors (Zamora, 1997). Moreover rivalry between the ministries and police agencies was strong and prevented an adequate interagency cooperation and communication (González and Ulloa, 2003; Echeverría, 1998). Thus, although the basic structure and geographical dispersion of the Costa Rican public security institutions varied, their development was hindered by similar problems.

4.2.1 Maintaining Civil-Political Control

By dispersing civil-political control, the public security system was checked and balanced (Zamora, 1997; Urcuyo, 1986; Volio, 1985). In a small society like Costa Rica, it prevented the public security bureaucrats as well as the police from becoming influential in politics and society. Various political actors carried responsibility for law enforcement, yet at the central governmental level there was a lack of coordination. As a result, in the 1960s a new public security strategy was developed (Høvik and Solveig, 1986). The goal was to centralise civil-political control and to strengthen the security apparatus. A Ministry of the Presidency was created to coordinate civil-political control over security. The President, as a chief of staff, assumed a direct control of command over the Costa Rican security apparatus. In other words civil-political control over the public security system became more centralised and top down.

Simultaneously the Legislative Assembly exercised civil-political control. This counter-balanced the executive power. Members of Parliament were known for their fear of supporting *militarismo* and therefore were careful in allocating funds to public security (Høvik and Solveig, 1985).⁹ Consequently, international military and police cooperation became important for the Costa Rican public security system (Volio, 1985). Thus, both the executive as well as the legislative powers exercised strong civil-political control. Basically the political approach was characterised, and to some extent still is, by clientelism and a short-term strategic vision (Mora, 2004; Høvik and Solveig, 1985). This situation was reflected by the lack of labour stability for public officials at the Ministry of Public Security as well as police officers. As this Professor of Human Security clarified:

9 During 1950-1977 Costa Rica received a total of US \$ one and a half million from the US Foreign Military Sales and between 1950-1967 almost US \$ two million through the US Military Aid Programme. In the 1970s the budget allocated to public security by the Legislative Assembly varied between 2.6 percent and 3.9 percent of the expenditure of the central government, while in 1983 it was reduced to 2.2 percent and in 1984 to 2.6 percent. In 1980s the US Military Aid granted US \$ 10 million. This was the equivalent of two thirds of the central government public security budget (Urcuyo, 1986: 10; Høvik and Solveig, 1985: 367).

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In the last 50 years, one of the characteristics of Costa Rica was not to have a permanent police. Everybody was well informed that in general every four years there was an alternative government and the executive power would replace all police officers. Because in those days there was a lot of bi-partism, you had the police entering and leaving depending on which government was in power. The proposed model was a model very *a la Tica* and functioned accordingly. (Victor Valle).¹⁰

Political clientelism was another way to exercise civil-political control over the police. Each new government appointed its own bureaucrats and police officers. Therefore, police officers were not able to maintain their positions for long periods of time. Subsequently, through political appointments, the public security system was checked and balanced. For example, after each election many public officials at the Ministry of Public Security and police officers, including senior officers, were replaced (Zamora, 1997; Volio, 1985). This was not as dramatic as it might appear at first sight. A considerable percent of police officers would return with the following government. The Professor of Human Security continued:

By virtue of 30 years when they were mature people, they were people with a great police experience, it is presumable that they exercised this profession while entering and leaving for 15 years. Thus they acquired experience, because during each period they received foreign courses or somebody came and taught specific courses. Police officers on all levels would know that they had to leave the government. Because it was known that four years later they would return there was no temptation to be authoritarian or arbitrary, nor to take offence of the civilian law. (Victor Valle).¹¹

Labour instability was one of the tools through which civil-political control was exercised. Bi-partism has dominated Costa Rican politics for decades. Two major political parties have almost ruled alternately. Therefore, after each election they appointed public officials and police officers, who were loyal to their party (Booth, 1998; Høvik and Solveig, 1985).

Another aspect of checks and balances was the internal hierarchy within the police. Senior police officers, for example, were not able to obtain a military rank higher than colonel (Høvik and Solveig, 1985: 252). It was believed that due to the non-existence of senior military ranks, no strong officer corps could develop. As police officers were susceptible to political loyalties, the organisation of policing became thoroughly politicised (Rico, 2003; Urcuyo, 1986). Even though it appears inefficient to replace police officers every four years, this process is consistent with Costa Rican political culture, the pre-civil war military structure and legal provisions that prohibit the immediate re-election of politicians (Urcuyo *et al.*, 2004; Booth, 1998).

10 Male, Dean for Academic Administration and Professor of Human Security at the University of Peace, Interview, 10 November 2004.

11 Male, Dean for Academic Administration and Professor of Human Security at the University of Peace, Interview, 10 November 2004.

Consequently in the post-civil war political landscape, the Ministry of Public Security and police agencies could not develop into significant political actors (Zamora, 1997). The system of checks and balances made it virtually impossible for police officers to intervene in national politics. Political interference with security forces in national politics was a serious threat in neighbouring countries. Due to the dispersion of power, Costa Rican political actors were prevented from asserting long-term influence over the public security apparatus. Thus, although the public security system has been thoroughly politicised, strong civil-political control prevented the politicians, bureaucrats and the police from becoming important political actors.

4.2.2 Repressive Military Characteristics

Even though in the region Costa Rica stood out for not having an army, its public security system was, like most other Latin American countries, affected by *militarismo* (Volger, 2002). The post-1948 public security system was characterised by its repressive and military nature. Although the army had been abolished in 1949, Costa Rica's police forces were influenced by military doctrines (Echeverría, 1998; US State Department Report, 1998). The extent of it varied per police agency. Nonetheless, internally all were organised along military lines (Urcuyo, 1986).¹² The new *Guardia Civil*'s functions and organisation, for example, closely resembled those of the abolished army. Essentially the *Guardia Civil* and the *Guardia Rural* represented a repressive security apparatus whose main objective was to prevent social conflict (Høvik and Solveig, 1985). Until the mid 1970s despite repressive and military elements, policing was essentially civically orientated. Later, especially during the 1980s, the *Guardia Civil*, which was the main organisation to protect national sovereignty, became focused on national security (Urcuyo, 1986; Høvik and Solveig, 1985; Volio, 1985).

Among others, this repressive and military nature of policing was reflected in police training. In comparison to the rest of the region police agencies in Costa Rica had a solid international reputation. Human rights abuse did not systematically occur and literacy rates were relatively high (Høvik and Solveig, 1985; Volio, 1985). Even so, for Costa Rican standards a large quantity of police officers were lowly educated. As a political advisor to the Minister of Public Security explained, 'The police was a labour option for those who did not have any academic qualification, who did not have any other cause; thus, they stayed in the police' (Paul Cháves Chacón).¹³ There were three police training facilities for the preventive police; the National Police School in Alajuela, the Rural Police School in Cartago and the semi-military base in Murciélago, Guanacaste (Arroyo, 1992). Police officers of the *Guardia Civil* received training at the '*Escuela Militar*' ('Military School'), which was later replaced by the '*Escuela*

¹² This was not the case for the Judicial Police (Urcuyo, 1986: 17-18).

¹³ Male, former Lawyer with the Drug Control Police of the Ministry of Public Security, Interview, 11 November 2004.

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Nacional de la Policía' ('National Police School') (Volio, 1985).¹⁴ Concurrently police officers participated in international courses, which were hardly supervised by the Costa Rican government (González and Ulloa, 2003).¹⁵ Subsequently, many participated in military courses, which did not prepare them adequately for their law enforcement tasks. They were, for example, trained by the US army (Urcuyo, 1986).¹⁶ This international military-police cooperation was especially intensive during the 1980s. With the threat of civil war spreading from surrounding countries, Costa Rican police agencies faced problems that prevented an adequate response to national security threats. One of the consequences was that without international police assistance it had become difficult to maintain an effective public security apparatus. During the 1980s international police cooperation gradually became militarily orientated (Honey, 1985; Volio, 1985). This had a severe impact upon the police as an organisation. During the Cold War, cooperation was not with police officers but with the North American army and Costa Rican police officers went to Panama to be trained. As this PAC Member of Parliament and former Minister of Public Security highlighted:

If we look at the 60s there was a significant and progressive detachment of these public security forces, which was their original name. Except for the 1980s, there was a clear police function assumption. (Roderigo A. Carazó Zeledón).¹⁷

A period (1980s) during which the Public Force or the Costa Rican security forces began to receive a great influence of some foreign countries, especially the US. Through training they had a profile, a profile of force more military than the police. I would say the light infantry receives similar training and had equipment with arms that are not typical of the police and were fundamentally dedicated to protect and patrol the Northern border of the country. (Laura Chinchilla Miranda).¹⁸

Although the American army had trained the police before the 1980s, this had happened outside of Costa Rican territory and mostly enjoyed a civilian character (Volio, 1985). Under the Reagan administration it changed (Honey, 1994). Costa Rican police officers received military training by the US army on their own territory. Hence international police training, especially during the 1980s, reinforced repressive and military orientated styles of policing in Costa Rica.

14 In 1975 the National Police School was created and in 1977 supplemented with the *Instituto Superior de Estudios Policiales* ('Superior Institute of Police Studies') for the higher ranks (Volio, 1985).

15 For the preventive police there was; the National Police School in Alajuela, the Rural Police School in Cartago and the Muciélago base in the north-western province of Guanacaste (Arroyo, 1992).

16 Between 1964 and 1974 Costa Rican security forces received assistance through the US Aid public safety programme, while the *Guardia Civil* was assisted by the US Military Mission, which had been established in 1941 (Høvik and Solveig, 1985: 363).

17 Male, former Ombudsman, Interview, 6 October 2004.

18 Female, political scientist, PLN Member of Parliament, Interview, 5 October 2004.

The roots of the contemporary public security system are found in its historical development, which was characterised by fragmentation, strong civil-political control and its repressive character.

4.3 MOMENTUM FOR CHANGE

Although for a long time any hint of public security and police reform had been rejected as *militarismo*, it was initiated in the early 1990s (Biesanz *et al.* 1999). The main factors that led to change were the fragmented organisation of public security, the military and repressive style of policing, police involvement in abuse of authority, poor labour conditions, the lack of labour stability and professionalism.¹⁹ Thus in conjunction with regional trends, public security and police reform were implemented in Costa Rica. In socio-political discourse this process is often referred to as ‘police professionalisation’.

4.3.1 Motives for Reform

During the 1990s and early 2000 Costa Rica implemented widespread public security and police reforms. This affected civil-political control over the public security system and the manner in which operational policing was conducted. Like its neighbouring countries, the creation of a police organic law was the basis for widespread reform (see table 3.III). This Police Code, which in 2001 was amended with the Civil Police Code, was the most pervasive change to the public security system since 1949.²⁰ A special commission of the Legislative Assembly developed it. This commission investigated incidents of police abuse of authority and most systematic deficiencies of the public security system (Legislative Assembly, 1994/1992/1990). Similar to the Costa Rican Human Rights Commission, it concluded that there was a severe police crisis and therefore proposed widespread change (CRHRC, 1993).²¹ As these quotations of two Members of Parliament show, there was political consensus about public security and police reform:

In the early 1990s the debate formally entered the national agenda with an investigating commission of the Legislative Assembly. This commission studied the theme of the (different) police forces, the security agenda of the country and recommended new legislation (the 1994 Police Code). (Laura Chinchilla Miranda).²²

19 For more information: González and Ulloa, 2003; Rico, 2003; Echeverría, 1998; US State Department Report, 1998; Chinchilla, 1997; Zamora, 1997.

20 See: Figure 3-VI; Rico, 2003; Diálogo Centro-Americano, 1998; Chinchilla, 1997; Zamorra, 1997.

21 Legislative Assembly, 1994: 5-15. For more information: Zamora, 1997; CRHRC, 1993.

22 Female, political scientist, former Minister of Public Security, Interview, 5 October 2004.

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The 1994 Code, the political parties accepted this mechanism. The two great political parties created a significant advance. It did not signify that the police received political autonomy. I think they got the autonomy to exercise their specific police function, but not the autonomy to take political action. (Rodrigo A. Carazó Zeledón).²³

The main political parties; the PLN and PUSC, accepted the new Police Code that symbolised the reform process. The Legislative Assembly opted to address the crisis in public security by pervasive legal reform. In Costa Rican political culture, proposing new laws is a common way to address political or societal concerns (Biesanz *et al.*, 1999). It reinforces the legal and formal political approach to addressing social conflict. Likewise, by improving police labour conditions the reform initiatives attempted to decrease political clientelism, otherwise known as the ‘*confianza* system’ (Legislative Assembly, 1994/1992/1990; see section 5.4). By placing 25 percent of the police officers over a 16-year phase on a regular footing, they attempted to ensure that 50 percent of the newly trained police officers would be appointed by each of the ruling political parties. Thus as suggested in the quotation in the introduction, it was estimated that by 2006 approximately 75 percent of the police officers was professionally trained and employed on a permanent basis. By codifying policing into one single law, the Legislative Assembly attempted to create more stability within Costa Rica’s public security system. Furthermore, the Police Code recognised the police labour statute, which regulates labour stability for police officers as civil servants, and the professionalisation of policing (González and Ulloa, 2003; Echeverría, 1998; art. 44/59 Police Code). Thus, by developing a new police code the Legislative Assembly implemented public security and police reform.

In contrast to most transitional societies in the region, the Costa Rican public security system was only partly reformed. In comparison to post-conflict societies such as El Salvador and Guatemala, change was less drastic (see section 3.2). For instance, the fragmentation of the public security system continues. As this political scientist explained:

The strategy of the 1994 Code was to separate police functions. To create a ‘checks and balances’. What is important in this field, is that the police without political ambitions respects civil authority. This process did not commence with the 1994 Code. (Constantino Urcuyo Fournier).²⁴

Actually the implementation of the new Police Code in 1994 and the later amendments to it reconfirmed the fragmented organisation of the public security system. In contrast to public security and police reform in some transitional societies like El Salvador and Guatemala, in which for example new centralised police forces were created, in Costa Rica the existence of several police agencies in charge of preventive policing was

23 Male, former Ombudsman, Interview, 6 October 2004.

24 Male, Political Scientist at CIAPA, former PUSC Member of Parliament, former presidential political advisor, Interview, 17 November 2004.

maintained. Thus, although in Costa Rica, as in the rest of Central America, public security and police reform was initiated, the motives and extent of it were less pervasive.

4.3.2 Human Rights Dimensions

From a human rights perspective, public security and police reform in Costa Rica was important. They inspired a more human rights orientated approach towards maintaining public security. This included the implementation of several PHRS. The new police code, for instance, incorporated the UN Code of Conduct, the ICCPR and the American Convention of Human Rights; thus, acknowledging the importance of international human rights standards (González and Ulloa, 2003; Rico, 2003; art. 10 Police Code). However, as was the case in many of its neighbouring countries, there were other objectives to reform than increasing police compliance with human rights. In the literature, it is also referred to as police professionalisation or police modernisation (Rico, 2003; Diálogo Centro-Americano, 1998). Whether the public security and police reforms had an explicit or implicit human rights objective, what is most important is their effect upon police officers' compliance with human rights.

In comparison to the rest of the region, Costa Rica's police forces have a reputation for showing respect for human and constitutional rights. There are, however, some instances of police involvement in human rights violations. Yet they do not occur systematically (Ombudsman's Office 2004/1994; US State Department Report, 2002; CAT report, 2000). There are various police accountability mechanisms. In general citizens, who make a complaint, do not have to fear police persecution (see chapter 7). In the late 1990s according to the Ombudsman's Office about 10 percent of those detained knew the reason for their arrest (Ombudsman's Office 2004/1994; Muñoz, 1998). The Public Force is occasionally involved in this form of detention or arrest, which has no legal grounds, is contrary to regulations, incompatible with human dignity or with the right to liberty and security of all people (CAT Report, 2000; art. 88/89, Police Code). Police aggression mostly consists of physical and psychological abuse and both the Public Force as well as the Judicial Police are involved (Ombudsman's Office, 2004/1994; US State Department, 2002/2001). According to reports the Public Force occasionally harasses adolescents, sex workers, ethnic minorities and immigrants (Ombudsman's Office 2004/2000; UNICEF/ University of Costa Rica, 1999).

Also, violent encounters between the police and residents of impoverished neighbourhoods occasionally occur (Ombudsman's Office 2004/2000). In 2004 a protest got out of control in *el Carpio*²⁵, an impoverished neighbourhood of San José (*La Nación*, 31 January 2004). This happened after the police had tried to break a roadblock. These

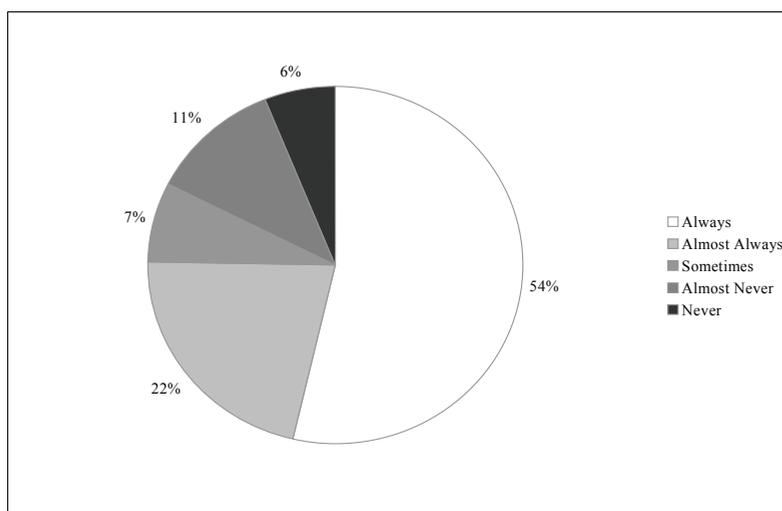
25 A densely populated neighbourhood of San José, where 30,000 residents live of whom many are Nicaraguan immigrants. The neighbourhood is policed by one small police unit (Ombudsman's Office 2004: 163).

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types of incidents usually relate to an insufficient integral approach to public security. Other societal issues are addressed by the government through the police. By cooperating with civil society it is developing initiatives to improve the protection of society. A considerable amount of police officers participate in courses on topics varying from intra-family violence²⁶ to HIV-AIDS²⁷ (Conamaj, 2003). Because law enforcement officials were sensitised through special training courses and other activities, this affects policing.

In contrast to some other Latin American countries, Costa Ricans do not really fear the police, nor do they expect their law enforcement officials to violate human rights and/or constitutional rights. Respondents to the questionnaire reflected in figure 4.Ia agree that there is a link between policing and human rights in Costa Rica.

Figure 4.Ia 'Human Rights Are Part of Police Work'



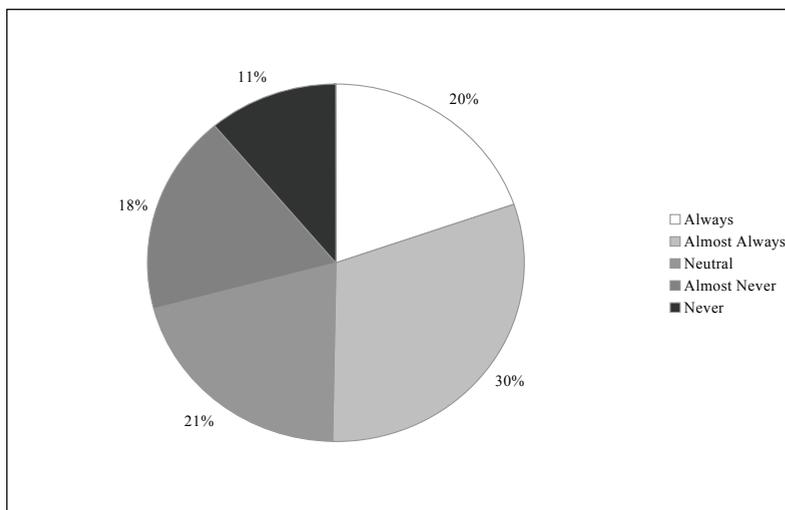
Source: Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December, 2004.

26 The Ministry of Public Security in cooperation with the *Comisión Nacional para el Mejoramiento de la Administración de Justicia* ('Conamaj') and assistance of the *Agencia Española de Cooperación Internacional* developed a programme on inter-family violence, which included training courses for police officers, the assignment of special police officers, who are in charge of domestic violence and other measures to prevent inter-family violence (CONAMAJ, 2003). Conamaj is a commission to improve the administration of justice. Different entities such as the Judiciary, the Legislative Assembly, the Ministry of Justice, the General Controller, the Law Faculty of the University of Costa Rica reside in it. One of their goals is the fight against corruption (Research diary, 26 November 2003).

27 Costa Rica does not have a national strategy to prevent HIV/ AIDS within the Public Force. There is a project to prevent HIV-AIDS infection with a special focus on police officer recruits at the Police Academy (UNAIDS website, accessed on 28 June 2005).

Approximately 75 percent of *Josefinos* supported the point of view that human rights are part of police work. Furthermore, in figure 4.Ib, below, almost half of the respondents agreed with the statement that Public Force police officers respect constitutional rights.

Figure 4.Ib 'Police Officers of the Public Force Respect People's Constitutional Rights'



Source: Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December, 2004.

Public perception on the police and human rights corresponds with the amount of trust a modest majority of Costa Ricans express in their police forces (see figure 3.III). This also relates to their respect for human rights and/or constitutional rights (Vargas and Rosero, 2004; Booth, 1998). Subsequently, despite some incidents, from a societal perspective the Costa Rican police have a reasonably good human rights reputation.

Reforms addressed many different facets of the Costa Rican public security system. The main objectives were to professionalise, depoliticise, demilitarise, decentralise policing and regulate governmental cooperation with the private security sector (Urcuyo, 1998; Chinchilla, 1997; Rico, 1997; Zamora, 1997). As stated in the quotation in the introduction, from a socio-political perspective police reform continued to emphasise the separation between politics and policing. It included the improvement of police training, labour stability, labour conditions of police officers as well as inter-organisational communication and co-operation. These institutional objectives relate to human rights and they create the context for successful implementation of PHRS. In Costa Rica, probably the most crucial PHRS were the police training courses, the

community policing programmes, the establishment of the police legal assistance unit, the police accountability mechanisms, the gender and equality policies, the adoption of civil ranks and the development of selection criteria (see appendix C).²⁸

4.4 THE PUBLIC SECURITY FRAMEWORK

Due to its fragmented organisation, the Costa Rican public security framework is complex. For example, similar to other Latin American countries, policing is organised functionally (Vogler, 2002). This entails a distinction between the phases before and after the criminal act. Policing during these two distinct phases is referred to as; preventive and repressive policing. The distinction is derived from the post-colonial legal system, which is based on the European continental law tradition (Friedman and Pérez-Perdomo, 2003). Despite some recent common law adversarial reforms, most Latin American criminal justice systems, including the Costa Rican, maintain an inquisitorial orientated pre-trial phase (Rico, 2003).²⁹ Within an inquisitorial pre-trial phase there are two stages that are served by different police forces. During the stage before and just after crime has been committed the preventive police carry responsibility. Their primary task is to prevent crime as well as to maintain public security. This police force is, therefore, referred to as the ‘preventive’ or the ‘administrative’ police (Tijerino, 1994). The next stage is the formal pre-trial investigation, which is conducted by a judicial officer; either an investigative judge or a public prosecutor. During this investigation the Judicial Police assists the judicial officer, who is in charge of the investigation. This police force is also known as the ‘judicial’, ‘investigative’ or ‘repressive’ police (González and Ulloa, 2002). Thus the inquisitorial pre-trial proceedings consist of two stages that are served by distinct police forces, who either prevent or repress crime (Damaška, 1973).

In terms of separation of powers; the *trias politica*, the preventive police fall under the responsibility of the executive power, whereas the repressive police under the judiciary. Hence, at least in theory, the former is more susceptible to political influence than the latter. This is relevant because control over Latin America’s police forces is usually exercised at a central or federal level (Volger, 2002). Common law police systems tend to be organised more decentrally. Therefore in comparison, Latin American politicians, who have in the past been susceptible to military influences, are powerful actors in public security at a national level (Ahnen, 2006; Hinton, 2006; see section 2.5). Thus there is always a risk of politicians using a centralised police force

28 Appendix C presents a non-exhaustive overview of PHRS, which relate to human rights and preventive policing in Costa Rica.

29 In contrast to the inquisitorial system, the main focus of the adversarial or accusatory criminal procedure is the trial itself and not the pre-trial proceedings (Damaška 1973: 563). In an adversarial model the pre-trial phase is dominated by the investigation of the police as well as the defence lawyer. They collect evidence that will prove or disprove the defendant’s guilt. Once the investigatory stage has ended, an indictment is formulated to which the defendant enters a plea of ‘guilty’ or ‘not guilty’ (Pizzi, 1999).

to serve their own political interests. In Costa Rica the public security system is organised in a fragmented manner, thereby averting a concentration of civil-political power.

4.4.1 Policing and the Public Force

Several public security actors carry responsibility for policing in Costa Rica. At an organisational level each has a separate mandate (art. 12 Constitution; Police Code). As can be seen in figure 4.IIa on the next page, all police agencies, except for the Judicial Police, fall under the responsibility of the executive power.

The Public Force is the largest preventive police force of Costa Rica and is attached to the Ministry of Public Security (art. 21/22 Police Code). It is in charge of preventive policing, citizens' security and in case of emergency the protection of national security. It can be considered as one of the most important Costa Rican police forces. In 2003 it consisted of 10,125 police officers of whom 9,809 worked for the Public Force (UNDP, 2005: 191). This amounts to approximately 68 percent of the national police capacity. In addition to the 11 regional sub-directions and 93 Delta's, the Public Force consists of numerous special units (see figures 4.IIa and 4.IIb on the next two pages). These include the Drug Control Police, the Coast Guard, the Special Support Police, the Police Legal Assistance Unit and the Voluntary Reserve Police. All units of the Public Force are under the political responsibility of the Minister and two Vice Ministers of Public Security. Additionally, the Migration Police has a status apart and falls under the Vice Minister of Governance and the Police.³⁰ Hence, the institutional framework of the Public Force reflects the fragmented organisation of the Costa Rican public security system.

The organisation of preventive policing as conducted by the Public Force is complex. In theory the numerous units have separate duties, but in practice they overlap. For instance, local Public Force units are sometimes forced to respond to situations for which they have not been adequately prepared. During incidents such as the Monteverde crisis³¹, it took considerable time for special assistance units, which are located in San José, to arrive and assume control of the situation (Legislative Assembly, 2006). Furthermore, at an operation level the chain of command between the units of the different ministries becomes blurred and everyone responds to his or her own chief (UNDP, 2005).³²

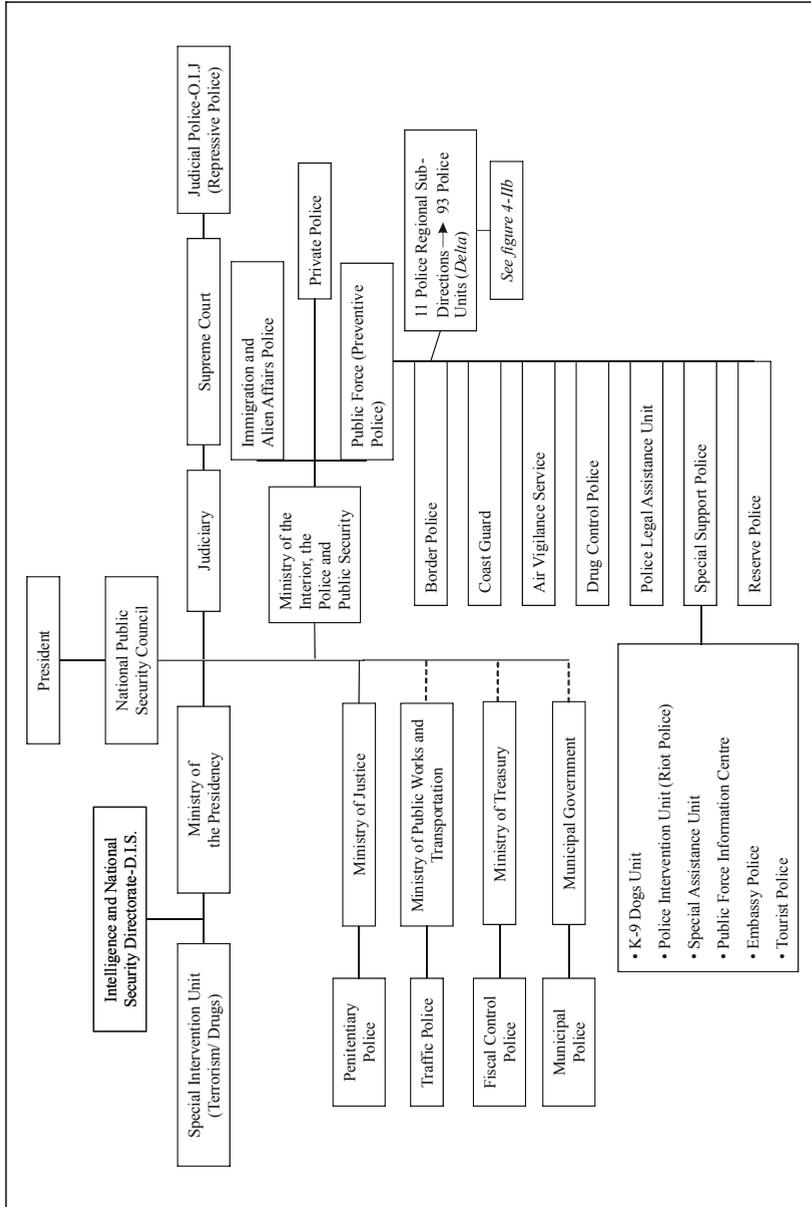
30 At the Ministry of Public Security there is a separate direction of Governance and the Police, which has a migration department (Migration department website, accessed on 28 April 2006).

31 For an explanation of the Monteverde crisis, see: chapter 3, footnote 50.

32 Interview with the first Vice President and the Minister of Justice, Laura Chinchilla Miranda, who had been the President of the Parliamentary Commission that investigated the Monteverde crisis (Female, political scientist, former PLN Member of Parliament, Interview, 17 August 2006).

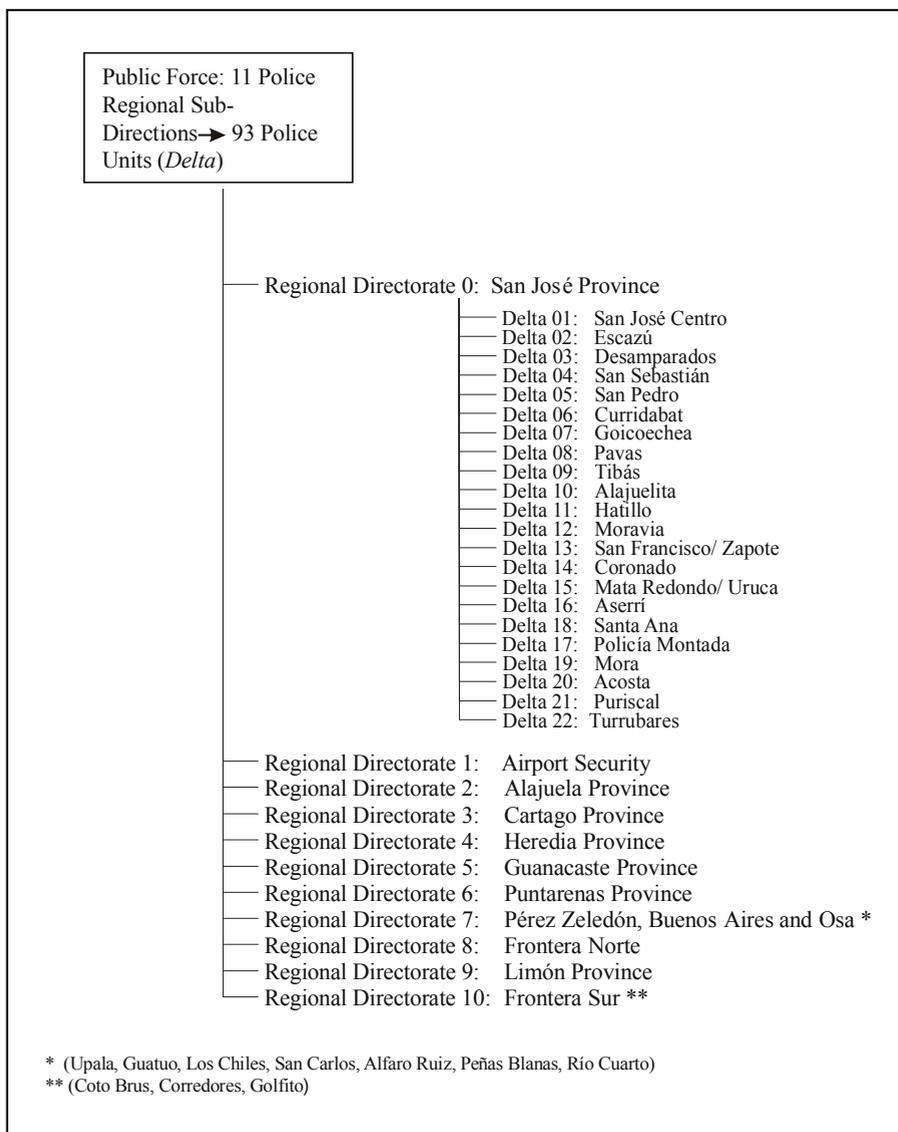
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Figure 4.IIa The Costa Rican Public Security System



Sources: Ministry of Public Security website, accessed on 19 February 2005; Police Code website, accessed on 11 March 2005; Civil Police Code website, accessed on 9 March 2005; Rico, 2003.

Figure 4.IIb Regional Sub-Directions and Police Delta's of the Public Force



Sources: Ministry of Public Security website, accessed on 19 February 2005; Police Code website, accessed on 11 March 2005; Civil Police Code website, accessed on 9 March 2005; Rico, 2003.

Hence internal cooperation and coordination is required. A step in that direction is that since the last administration almost all Public Force units wear the same uniform. To their uniform are attached three badges with the Costa Rican flag, their name and the badge. Thus, at least in appearance, there is unity within the Public Force.

Likewise there is external coordination and cooperation between the Public Force and other police agencies (see section 6.4). Often when there is a public security threat several police forces are simultaneously involved. Therefore, while working, the different police forces are likely to encounter one and other. The Public Force, for instance, often cooperates with another preventive police force; the Traffic Police, which falls under the Ministry of Public Works and Transport (art. 32 Police Code). Its 702 police officers regulate and control traffic (Rico, 2003). At a municipal level the Municipal Police tasks are to safeguard the law and to look after the safety of the inhabitants (art. 74 Municipal Code). They supplement the work of the Public Force and are predominantly concerned with minor offences. Even so, they have the authority to detain people and carry a gun. Legally the Municipal Police is considered to be a police force. Partly due to this development, one can see that in Costa Rica there is an effort to decentralise public security. In 2005, three municipalities had their own police forces, which consisted of a total of 377 police officers (UNDP, 2005). Hence their number is considerable lower than the Public Force. In relation to municipal policing problems usually entail police officer involvement in abuses of authority, the lack of training and the financing of local policing (Ombudsman's Office, 2001; CAT Report, 2000). Cooperation with the repressive police force is more common. The Judicial Police are under the supervision of the public prosecutor and investigate criminal acts (Rico, 1997; art. 3 Judicial Police Code). In theory the two police agencies complement each other. Yet, in practice repressive and preventive policing overlaps (González and Ulloa, 2002; see section 6.4). Therefore inter-institutional cooperation and coordination is required. Institutional efforts are being initiated to develop the coordination between the different police units. In 2006, for instance, a national council to coordinate cooperation between public security actors was created (*La Nación*, 17 December 2006; Interview, Ana Eugenia Durán Salvatierra).³³

4.4.2 The Minister of Public Security

From a socio-political perspective the Minister of Public Security and the Public Force have strong ties. Since 1949 the Ministry of Public Security³⁴ has carried responsibility for national and public security. It was in charge of the largest preventive police force; the urban *Guardia Civil*. Its rural counter part, the *Guardia Asistencia Rural*, fell under the Ministry of the Interior and the Police. In the late 1970s these two Ministries merged into the 'Ministry of the Interior, the Police and Public Security'. Only in 1995, almost two decades later, were the two police forces placed under one com-

³³ Female, former Director of the Legal Migration Department, Interview, 21 August 2006.

³⁴ The Ministry of Public Security replaced the old Ministry of War (Urcuyo, 1986: 13).

mand; the Minister of Public Security (Zamora, 1997).³⁵ Traditionally, the Ministry of Public Security has neither been a stable nor a politically powerful institution. Thus, even though the Minister of Public Security is in control of a large part of the security apparatus, he or she is not a strong actor in Costa Rican politics. In comparison to the rest of the region this is important, because in some countries the security apparatus is headed by powerful political actors (Ahnen, 2006; see section 2.5).

One of the major issues was that until the 1990s most Ministers of Public Security had little experience in the field of national or public security. This is important, because Costa Ricans, including police officers, consider the Minister of Public Security to be the country's top cop. In socio-political conversation the ministry and the Public Force are often referred to as one and the same institution. Thus when people discuss the 'Ministry of Public Security', they often mean the Public Force and vice versa. In these two quotations below a police officer talks about her day-to-day police work, while a local political advisor refers to the police leadership:

Well the work that you do in the Ministry of Public Security is very important from the police point of view. We do different types of work. If we go on patrol, we are going to do an investigation or risk losing the case. Truly! If we have to, we face any problem. The Ministry has trained us enough for all these situations. (Police officer).³⁶

Supervision by the highest command of police hierarchs at the Ministry of Public Security. Specifically, the minister, Mr. Minister himself. (Marisol Fonseca Portilla).³⁷

Even though both the police officer and the municipal advisor were discussing the police, they refer to the ministry and Minister of Public Security. The police officer said that she was trained by the ministry to do police work, whereas the municipal advisor wanted ministerial supervision of senior police leaders. Furthermore, it suggests that in socio-political discourse, no real distinction is made between the Minister of Public Security and the Public Force. It is influenced by the historically strong civil-political control over the police. Recently there is a trend to appoint more experienced individuals as ministers. The former Minister of Public Security; Rogelio Ramos Martínez, for example, used to be the Director of the National Intelligence and Security Directorate (see figure 4.IIa).³⁸ Another issue was the continuity of political power and police leadership. On average since 1948 a Minister of Public Security remained in office for two years.³⁹ Subsequently there was discontinuity in the political approach to public security.

35 Even though the two ministries have joined, de facto they operate separately. There are three Vice Ministers, of whom two are in charge of Public Security and one of Governance and the Police.

36 Female, early 50s, 23 years with the Public Force, Interview, 8 March 2004.

37 Female, municipal security advisor, Interview, 4 March 2004.

38 Ministry of Public Security website, accessed on 28 June 2005.

39 Between 1948 and 2005 there have been 48 Ministers of Public Security of which seven have stayed in power longer than two years (Ministry of Public Security website, accessed on 28 June 2005).

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In relationship to the Public Force, the Minister of Public Security is influential. He or she directly appoints senior police commanders and is in charge of the Public Force (see figures 4.IIa/b). As a political advisor to the Minister of Public Security clarified:

The structure functions in the following way. There is a Director General of the Public Force, which is, as they say; the chief of staff...As police chief he has the highest uniformed rank, after this are the politicians; the minister, the vice ministers and the 'confidential positions'. There exists an excellent relationship between the minister and the police chief of the Public Force. The Director of the Public Force is a confidential position of the minister, it is his operational right arm. Equally the regional directors are confidential positions, the Director of the Coastguard is a confidential position, the Director of the Drug Police is a confidential position. In a certain way you could say that I am also appointed confidentially. (Paul Chaves Chacón).⁴⁰

By law, the Minister of Public Security has the right to appoint the most powerful police chiefs (Chinchilla, 2001; art. 140(1) Constitution in conjunction with art. 59 Police Code; Police Regulation, Police Organisation Regulation).⁴¹ Hence, de facto he or she exercises civil-political control over the Public Force. In reality, due to political alliances and institutional dynamics, the minister is sometimes pressured to accept candidates who in reality oppose his or her authority. This is checked and balanced by the possibility of transferring such police leaders to other positions within the ministry. As a former advisor to the President recollected:

However, if we recall the law; the liberty of the President of the Republic was to remove a superior power (a confidential position). Thus...the way in which the superior positions are appointed, is the way to exercise control. One of the things when we drafted this Police Code was that not all power would be concentrated in one single police hierarchy. (Constantino Urcuyo Fournier).⁴²

In other words, similar to the President by appointing 'confidential' staff at key positions, the Minister of Public Security exercises civil-political control (see section 5.4). According to quoted advisor, this prevents the police hierarchy from becoming too powerful. Additionally, some police leaders are not part of the police labour statute and can therefore be fired. A former Minister of Public Security made this clear:

40 Male, former Lawyer with the Drugs Control Police of the Ministry of Public Security, Interview, 11 November 2004.

41 Art. 140(1) Constitution, 'The following are joint powers and duties of the President and the appropriate cabinet minister: 1) to freely appoint and remove members of the law enforcement forces, employees and officials who hold positions of trust, and others as determined in very qualified cases by the Civil Service Law'.

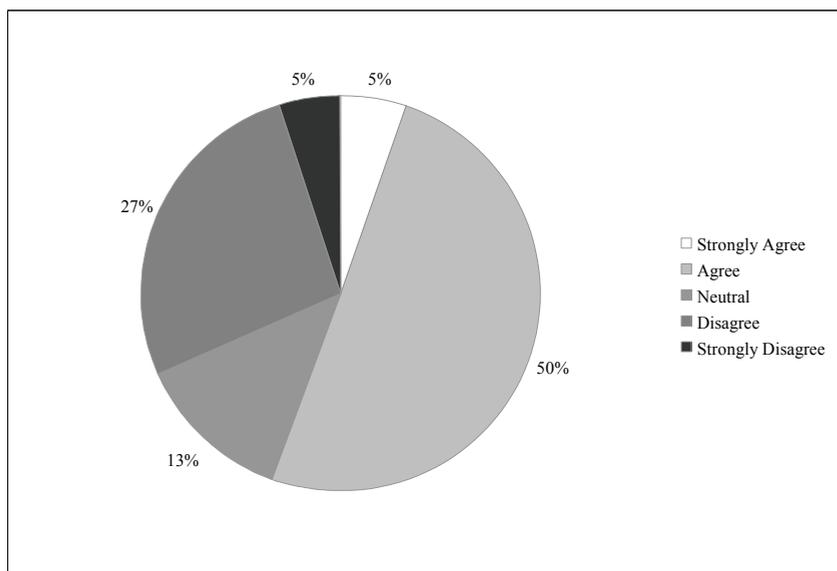
42 Male, Political Scientist at CIAPA, former PUSC Member of Parliament, former presidential advisor, Interview, 17 November 2004.

Basically, I would say there has never been a police caste with sufficient force to manage the Ministry (of Public Security). Every four years the caste changed and at any moment the minister could remove them without the police force becoming a threat to this minister. (Laura Chinchilla Miranda).⁴³

Because of this labour instability the Ministry of Public Security has traditionally been an institution that is susceptible to political influence (Rico, 2003).

In general, society appears to be somewhat content with the main institution in charge of public security. Despite hindrances in the implementation of public security and police reform, citizens appreciated the task that the Ministry of Public Security is fulfilling. As figure 4.III, below, shows, a small majority of the capital's population is satisfied with its work.

Figure 4.III 'The Ministry of Public Security Does a Good Job in the Fight Against Crime'



Source: Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December 2004.

In relation to the fight against crime, 55 percent feel that the Ministry of Public Security is performing one of its major tasks adequately. Even though these results do

43 Female, political scientist, PLN Member of Parliament, Interview, 5 October 2004.

not imply that citizens feel secure or approve of how public security is dealt with, they do reflect an image of an institution that is trying its best.

In summary the Minister of Public Security exercises civil-political control over public security in Costa Rica and his or her relationship with the Public Force is intense.

4.5 SOCIETAL PERCEPTIONS OF THE POLICE

From a regional perspective the image of the police in Costa Rica appears to be relatively good. As an international police expert explained:

In Costa Rica civil society still, as in whichever other country in the region, does not have an enemy, hostile, image of the police. The police is more a public official like any other. One does not see this panic, one does not see (a police officer as a) person who will attack you or who make people disappear or indiscriminately kill people... They have a proximity, a better relationship between the police and the people. (Eliás Carranza).⁴⁴

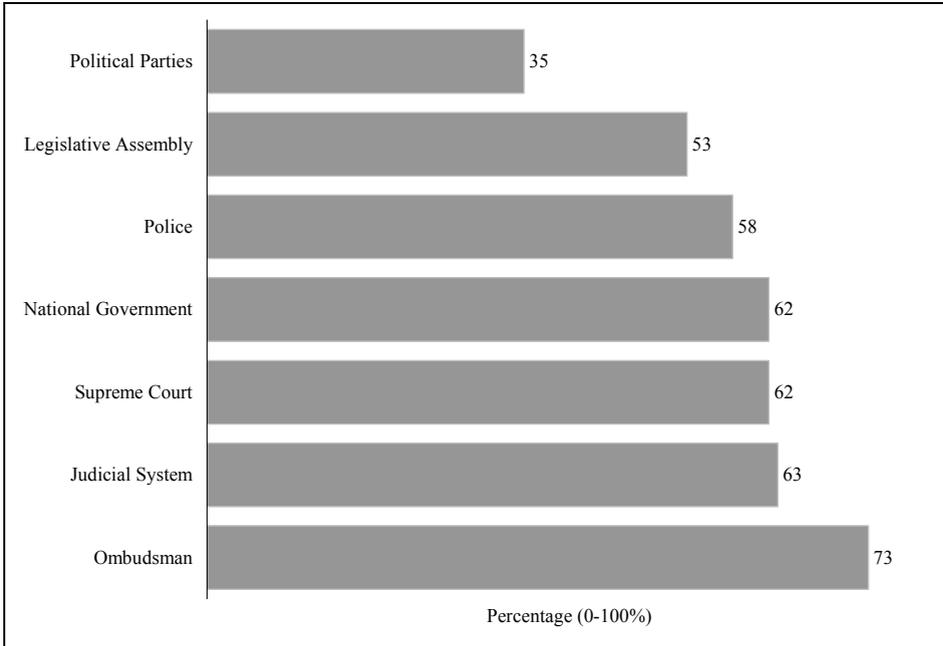
This quotation sheds light on how the police is perceived by society at large. Contrary to other Latin American citizens, Ticos do not seem to fear their police forces. Yet, fear is not the same as trust; do citizens trust their police forces?

4.5.1 Public Trust

In comparison to the rest of the region, Costa Ricans have a relative high amount of faith in their police forces (LB, 2004/1996; Vargas and Rosero, 2004; see figure 3.III). Trust in the police is similar to other state institutions. As shown in figure 4.IV, 58 percent of the respondents to a 2004 national questionnaire reported that they trusted the police.⁴⁵

44 Male, Director General of the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders, Interview, 26 November 2004.

45 For more information about the questionnaire, see: chapter 3, footnote 81.

Figure 4.IV Trust in Public Institutions in Costa Rica

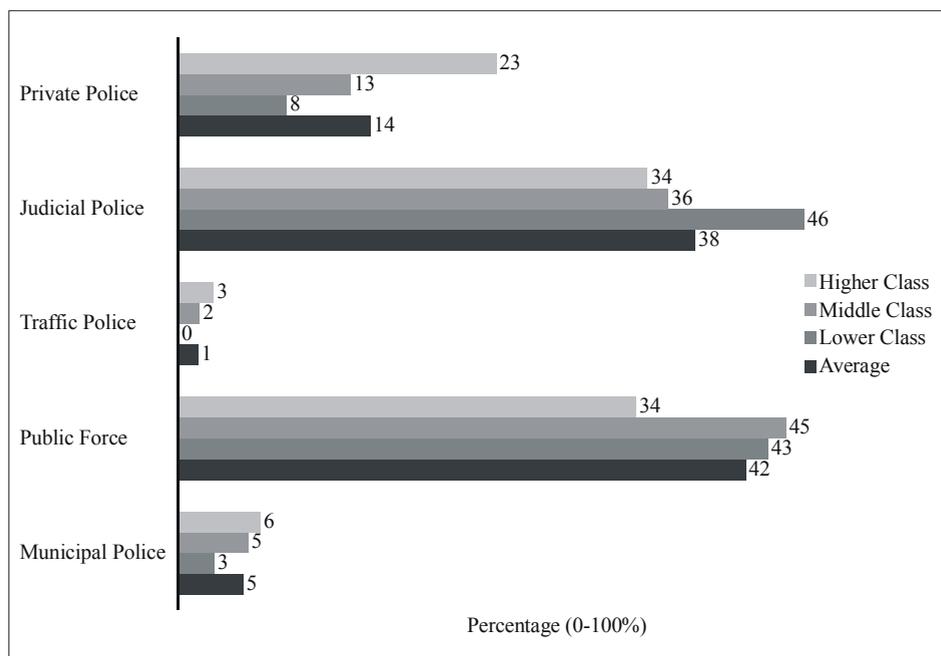
Source: Vargas and Rosero, 2004: 73.

Although this score of 58 percent is modest, citizen trust in some other public institutions is comparable. For instance, 63 percent of the respondents, expressed confidence in the judicial system. It suggests that public trust in the police is similar to other state institutions. Due to the fragmented organisation of the public security system, it is complex to interview Ticos on their perceptions of the police as such. In other words, in which police organisation do Costa Ricans express trust; the Public Force, the Traffic Police, the O.I.J. etc. (see figure 4.II)? For example, in another 2004 questionnaire, confidence in the Judicial Police was reported to be considerably higher than the Public Force (UNDP, 2005: 179). It confirms a common public perception in Costa Rica that the O.I.J. is far more trustworthy than the preventive police.

When I interviewed *Josefinos* on which Costa Rican institutions in charge of public security they trusted the most, their responses varied. Both the Public Force as well as the Judicial Police were mentioned frequently (see figure 4.V).⁴⁶

⁴⁶ Because respondents were allowed only to select one response, it does not necessarily imply that they do not trust the other four police forces.

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Figure 4.V Trust in Public Security Institutions in the Metropolitan Area⁴⁷

Source: Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December, 2004.

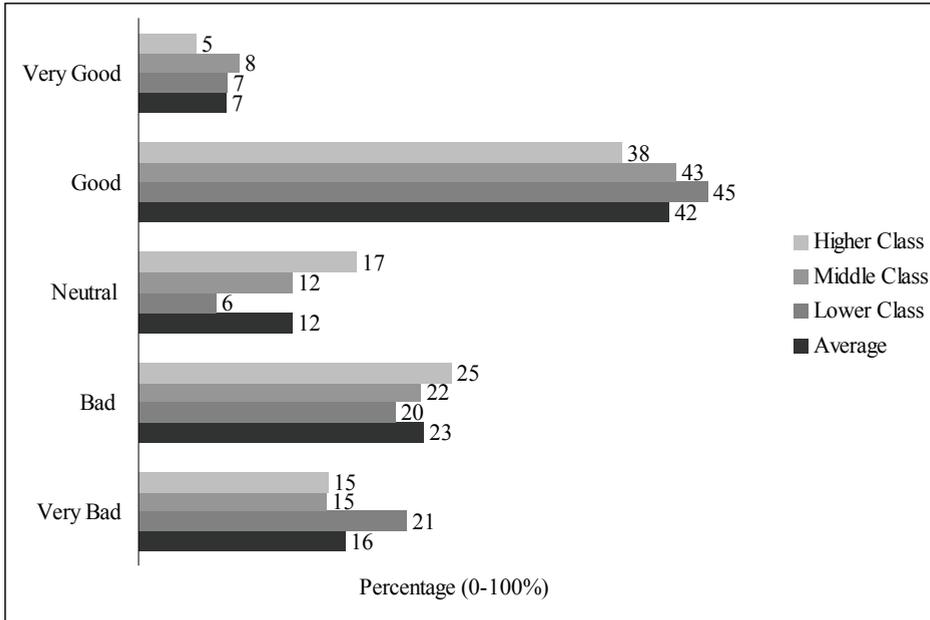
On average 42 percent of *Josefinos* picked the Public Force and 38 percent the O.I.J. These two choices were divided slightly differently per socio-economic class. Among the lower classes 43 percent stated that they trusted the Public Force the most and 46 percent the Judicial Police, whereas 45 percent of the middle classes mentioned the Public Force and 36 percent the Judicial Police. These numbers were slightly higher than the higher classes; 34 percent referred to the Public Force and 34 percent to the Judicial Police. As almost 23 percent, which was nine percent above the average, stated that they trusted the private police the most, it might suggest that respondents of the higher socio-economic classes have considerably more faith in private security (see section 4.5.2). In conclusion, inhabitants of the metropolitan area consider both the O.I.J. as well as the Public Force to be trustworthy public security institutions.

Thus to a certain extent *Josefinos* trust the police at a national level, but what about local perceptions? How do they value for the service in the communities in which they reside? As reflected in figure 3.II the differences between the perception about security

⁴⁷ The private police is not a public security institution, but they are subject to the supervision of the Ministry of Public Security.

at the national and the local level vary. Figure 4.VI shows that almost half (49 percent) of the inhabitants of the metropolitan area feel that the service of the Public Force in their neighbourhood is good.

Figure 4.VI Public Force Service at the Neighbourhood Level



Source: Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December, 2004.

Thus at the local level almost half of the residents of San José approved of the service of the Public Force. Respondents of the lower and middle classes appreciated it slightly more than the higher classes did. This could also explain why a higher percentage of the higher class residents of the metropolitan area express trust in the private police.

4.5.2 Police Corruption

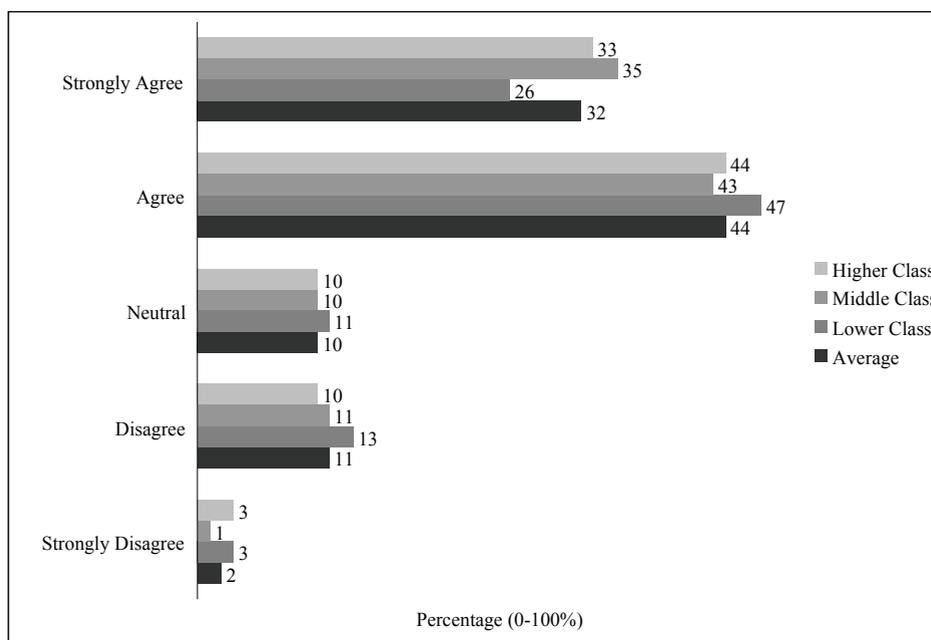
Perception about the police is partly influenced by police involvement in corruption. Taxi drivers in San José often refer to the police as ‘*corruptos*’ or ‘*chorizos*’⁴⁸, which is slang for corrupt police officers. As with other governmental institutions, many

48 Research diary, 23 February 2004.

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Costa Ricans are of the opinion that the Public Force is corrupt (*Estado de la Nación*, 2005; see section 2.6.2). According to a recent study only 20.1 percent of the respondents felt that the police in general consist of honest people (UNDP, 2005: 58-559). Similarly 23.1 percent considered judges to be honest. Thereby, indicating that negatively societal views on the honesty of police officers do not differ extremely from other public security actors. When residents of the metropolitan area were asked whether police officers of the Public Force accepted bribes, a vast majority of 77 percent agreed with this statement (see figure 4.VII below).

Figure 4.VII 'Police Officers of the Public Force Accept Bribes'



Source: Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December, 2004.

The higher and middle classes felt that this situation was slightly more likely than the lower classes. It might indicate that they have more economic power to pay for bribes or that police officers believe that more is to be gained when soliciting bribes from wealthier citizens. Tourists, for example, are presumed to be easy targets. Illegal migrants are also victims of police extortion. They hardly report these kinds of abuses of authority to the competent authorities.⁴⁹ Furthermore, when police officers do not

⁴⁹ Research diary, 15 August 2006.

report their encounters with illegal immigrants, it is difficult to exercise some sort of control over it (Ombudsman's Office, 2004).

Public perception on police corruption is also influenced by specific incidents. Wide-published scandals leave an impression that all public security actors, including the police officers of the Public Force, are corrupt. For example, the results portrayed in figure 4.VII, were probably influenced by the political corruption scandals that were revealed during the period the questionnaire was conducted (see section 2.6). In relation to this phenomenon a police officer of the Public Force, who regularly interacted with local communities (see chapter 8), remarked:

In reality, in Costa Rica a lot of credibility in the police has been lost. The people do not believe in the system to administrate justice (the criminal justice system). Thus, individuals do not denounce, do not go to the courts or do not want to talk with you. Even better, if there are one or two cases of corruption, they think that all police officers are corrupt. (Community affaire police officer).⁵⁰

Reflecting on the effect that individual corruption cases have on public perception of the Public Force, the quoted police officer hinted that citizens have lost faith in the criminal justice system. This is very likely to affect public willingness to complaint about police corruption and thus hold law enforcement officials accountable. During my fieldwork, police officers would often wonder if citizens who solicit bribes are not part of the problem, suggesting that in Costa Rican society it is acceptable to blame corruption on public officials, without considering the role of the citizens themselves.⁵¹

As in the past recent scandals reveal that police corruption continues to exist at an institutional level. Historically, police involvement in corruption was a widespread practice. As this police officer explained:

In the old days with the *comisarias* (former name of police units) people would pay to become a chief. The most import *comisaria* would cost the most. Every chief has his confidential personnel, who inform him what is happening. Before the chief would have police officers patrol certain areas and receive benefits.⁵²

It suggests that individuals would pay to become police leaders and then use their position to solicit bribes. These bribes were collected by police officers, who the police chiefs entrusted; 'confidential personnel'. During my fieldwork, although usually off the record, present-day corruption by police officers was reported.⁵³ Because of police professionalism and police accountability mechanisms (see chapters 5 and 7), it is nowadays believed to be less prevalent.

⁵⁰ Interview, 13 January 2004; see chapter 8.

⁵¹ Interview, 11 February 2004; Research diary, February 2004.

⁵² Research diary, 23 February 2004.

⁵³ Interviews, 12 March and 3 December 2004; Research diary, 20/22/23 February 2004.

Not only individual low rank police officers, but also police leaders are involved in police corruption (*La Nación*, 10 May, 20 June, 26 June, 17 July and 14 December 2006).⁵⁴ These scandals suggest that within the Public Force there has been an institutional atmosphere that tolerates this kind of behaviour. It affects public opinion about public security. Even though these allegations of corruption are serious and are under investigation by the judiciary, there was also a political element to them. All of these incidents were revealed after a change in government; the PLN took over from PUSC. Hence, there is likely to be some sort of political interest. Why, for instance, were senior police officers not held accountable earlier? Furthermore, the fact that some of these are high rank police chiefs and were appointed through the political *confianza* system means that there is an indirect link with the Minister of Public Security.

4.6 OBSTACLES TO REFORM

Since the early 1990s, there have been some impediments to reforming the Costa Rican public security system and the police. Although the Police Code was an example of an integral approach to reform, successive initiatives lacked this. As shall be discussed more elaborately in the following empirical chapters, obstacles to implementing police reform, including PHRS, were a lack of sustained political support, of institutional commitment, poor labour conditions and the deteriorating public security situation (Mora, 2004; Chinchilla, 1997). Since 1994, successive governments have voiced their commitment to public security and police reform (Chinchilla, 2004). Nonetheless, this process develops slower than envisaged. Specific impediments affect the implementation of public security and police reform. Likewise there are two socio-political developments, a lack of resources and the privatisation of security, which influence the socio-political context in which change is introduced.

4.6.1 Supplementing Resources with International Police Assistance

Despite increasing socio-political importance of public security, there has not been a sufficient increase in the allocation of resources. Therefore international police assistance is a supplementary source of income for the Ministry of Public Security. Between 1995 and 2004 the number of police officers working for the Ministry of Public Security increased from 8,629 to 9,825 police officers (*Estado de la Nación*, 2004/1995). However, per 100,000 inhabitants the total number decreased from 249 to 235.2 police officers. The former Minister of Public Security, Rogelio Ramos, stated that the Public Force needed at least 5,000 extra police officers (*La Nación*, 6 February 2006). Although the Minister of Public Security, Fernando Berrocal Soto, announced that during the Arias administration he would attract 4,000 extra police officers and,

54 The first Vice Minister of Public Security, Rafael Ángel Gutiérrez, Interview 17 August 2006.

thereby, expand the Public Force by 40 percent, it is unlikely that there are sufficient resources to do so (*La Nación*, 4 May 2006).⁵⁵

From a governmental perspective, education and health continue to be key priorities (Sobrado and Saxe, 2004). During the last decade the budget of the Ministry of Public Security increased in absolute numbers. In comparison with other governmental institutions, however, the budget of the Ministry of Public Security is modest. In 1990 the Ministry of Public Security received 1.8 percent of the total central government budget, whereas in 2003 it was 2.1 percent (*Estado de la Nación*, 2003: 95-96). Similarly in 1990 governmental expenditure on education was 20.8 percent and in 2001 21.1 percent (Human Development Report, 2004). The 2001 budget of the Ministry of Public Security was 29,294,502.1 Colones.⁵⁶ This was far less than the judiciary, which received 47,038,670.6 Colones and the Ministry of Education with 250,647,600.7 Colones.⁵⁷ Furthermore, a recent report concluded that the Ministry of Public Security spent 84 percent of their budget on salaries and administration in the fiscal year 2002-2003 (UNDP, 2005). Hence, only a fraction was allocated to policing or the implementation of reform. These numbers indicate that although public security and policing have increasingly become more important, in terms of the national budget it is not a governmental priority.

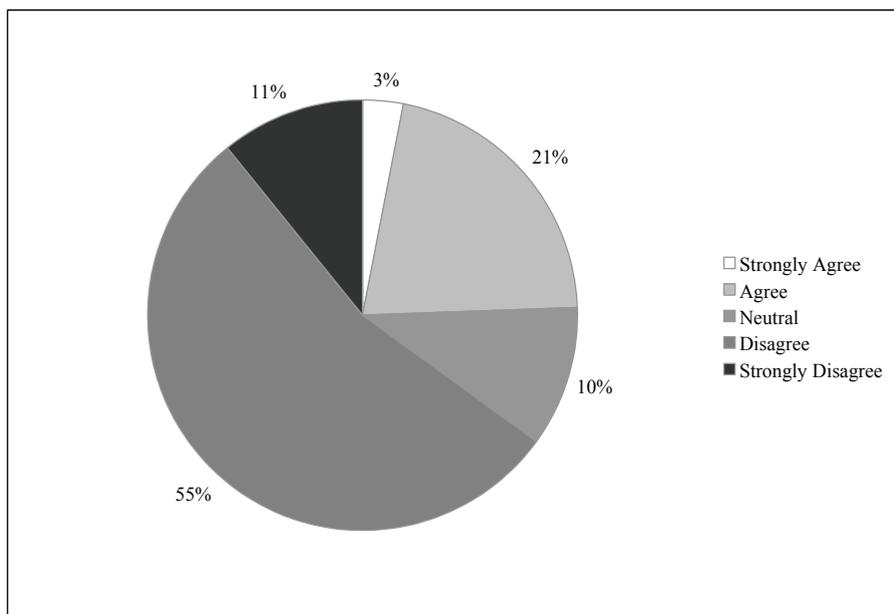
Society also feels that there are not enough resources allocated to public security. In this questionnaire only 24 percent of the San José respondents felt that the Public Force has sufficient resources to conduct preventive policing.

55 Laura Chinchilla Miranda, Female, political scientist, former PLN Member of Parliament, former Minister of Public Security, Interview, 17 August 2006.

56 On average in 2001 one US \$ was the equivalent of 328.87 Colon (Bounds, 2002; General Controller of the Republic of Costa Rica website, accessed on 18 July 2005).

57 General Controller of the Republic of Costa Rica website, accessed on 18 July 2005.

Figure 4.VIII 'The Public Force Has Enough Resources'



Source: Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December, 2004.

It proposes that citizens understand that there are limits to what the Public Force can do. Costa Rica is a small developing society. Therefore, the costs of maintaining a police force are relatively high. Cooperation in terms of regional security and international police cooperation is supplementary to government expenditures (see section 3.2).

As public security is not a top priority for the government, international police assistance is crucial for the implementation of public security and police reform. Traditionally, international aid has influenced Costa Rican policing. Donors ensure that more resources are available than the government is willing, or able, to allocate. In the past bilateral police cooperation consisted of donations of new equipment and police training. Throughout the 20th and 21st century, for instance, hundreds of police officers participated in international training courses provided by the US army and other international actors (Wola, 2005; Høivik and Solveig, 1986; Urcuyo, 1986; see section 3.3.1). As these quotations of an employee of an international organisation and a political scientist suggested:

During a lot of time the training of the Public Force depended almost completely on international cooperation... Thus if international cooperation came from Taiwan, a group of police officers was sent there to be trained. If Taiwan offered a course on ideological warfare, this was what they were trained for, if not with Israel. If this did not continue they went to Chile to be trained by the *Carabineros*; with the *Carabineros* of Pinochet! (Kevin Casas Zamora).⁵⁸

The Spanish influence has been important. In a cooperation programme with the Spanish police, they (the Costa Rican police) cooperated with police officers. During the Cold War the cooperation was not fundamentally with police officers, but with the North American army... Supposedly they were police officers, but they were police officers who received training in military tactics and contra-insurgency. (Constantino Urcuyo Fournier).⁵⁹

Thus on the one hand international police cooperation supplements resources, but on the other it entails risks. The police interact with military actors and with security forces from authoritarian ruled states or police forces, which have a more repressive style of policing. Subsequently, practices may be learned that collide with the anti-militaristic culture of Costa Rica.

Although in the past the US was the primary donor to the police, other international actors are also becoming involved in public security in Costa Rica. International police cooperation, currently, consists of specialised training, material support and expert advice. During the 1990s, the number of different partners involved in international police cooperation increased.⁶⁰ Costa Rican law enforcement officials have followed training courses among others in countries such as the US, Spain, Taiwan, Japan and Chile (Wola, 2005; Rico, 2003; Cháves, 2001). Simultaneously, international experts teach specialised police training on Costa Rican territory.

Since the late 1990s, bilateral relations with Spain and the US have been intense. In 1998, for instance, the Spanish and the Costa Rican government signed a bilateral agreement. The main objective was police modernisation and it involved US \$ 20 million (Díaz, 1998). Although several Costa Rican police forces were targeted, it mostly benefited the Public Force. This was probably because it is the largest police force and needed to change the most. Primarily, the focus of the cooperation with Spain was police professionalisation. They, thereby, assisted with the development of police selection and recruitment standards, basic and specialised training, new equip-

58 Male, National Coordinator for the Human Development Report, Interview, 20 September 2004.

59 Male, Political Scientist at CIAPA, former PUSC Member of Parliament, former presidential advisor, Interview, 17 November 2004.

60 Among others the European Commission, UNAIDS, Germany, Canada, Colombia, Chile, Spain, the US, France, Japan, Taiwan and South-Korea (UNAIDS website, accessed on 28 June 2005; CONAMAJ, 2003; EC, 2002; Cháves, 2001).

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ment and operational police work.⁶¹ It included, for example, the establishment and training of a special riot police squad, the *Unidad Intervención Policial* ('UIP'), which is modelled after the UIP unit of the Spanish National Police.⁶² Most visible was the proximity policing programme, which decentralised policing and increased police visibility at the neighbourhood level (see chapter 8). This shows the extent and scale of international police cooperation in Costa Rica. Another important bilateral partner, the US, supports anti-drug policing, programmes against child prostitution and human trafficking (US Department of Justice, 2003; US Department of State, 2000). Hence international police cooperation assists with the development of the Costa Rican public security system.

There are other disadvantages linked to international police cooperation. The police are influenced by foreign, sometimes military, styles of policing. Spanish Civil Guard cooperation with Guatemala, for instance, has been criticised (Glebbeck, 2003). It did not consider the local police context enough. International police cooperation often involves buying equipment from the donor's country and therefore leads to dependency and clientelism (Call, 2000). The cooperation with Spain, for instance, gave the Costa Rican government the opportunity to buy police equipment at a reduced price (Díaz, 1998). On the one hand, this is a positive development. On the other hand, it creates the necessity to continue to use Spanish equipment. Furthermore, there is the potential risk of political corruption. As a representative of Conamaj⁶³ remarked in relation to Spanish police cooperation with the Ministry of Public Security, 'It seems as if the coordinator (the Police Representative of the Spanish National Police) almost has a free hand on what to spend money on. The criteria are not being met. They bought cars without permission. Conamaj is responsible for the supervision. On this level of aid there is corruption.'⁶⁴ Despite this kind of risk, the Ministry of Public Security and the police tend to be positive about possible international police cooperation. It is an important source of extra income. The quotation suggests that donors determine what money is spent on and that, in practice, control by the Costa Rica authorities is difficult to exercise.

Although in comparison with the past international police cooperation is more coordinated and less focused on military aspects, Ticos remain sceptical. Many, for example, opposed the establishment of the American led ILEA on Costa Rican soil

61 Both the Spanish National Police Force and the *Guardia Civil* send police experts and instructors to Costa Rica. Simultaneously, Costa Rican police officers received specialised training, for example on inter-family violence and proximity policing in Spain. The AECI assisted with reforms directed towards the improvement of selection and recruitment criteria, police basic training, specialised training, the Civilian Police Code, 2001 and the Programme *Policia de Proximidad* (Interview, 6 December 2004).

62 The National Police Corps falls under the responsibility of the Ministry of the Interior and the State Secretary for Security (*Ministerio del Interior y del Secretario de Estado para la Seguridad* (Spanish Ministry of the Interior website, accessed on 11 July 2005).

63 For more information about Conamaj, see: footnote 26.

64 Interview, 26 November, 2003.

(see section 3.3.2). Thus, within society there is resistance to international police cooperation.

4.6.2 Privatising Security

The privatisation of security is an ongoing process that is increasingly affecting the public security system. In 2005, for example, the amount of money spent on private security was seven times the budget of the Ministry of Public Security (UNDP, 2005). As in many other Latin American countries, private security companies are beginning to outnumber public security forces (Huggins, 2000; Kempa, Carrier, Wood and Shearing, 1999). Between 2000 and 2006 the number of registered private security guards in Costa Rica rose from 1,200 to 18,000 (*La Nación*, 18 July 2006; *Estado de la Nación*, 2004/1994).⁶⁵ Additionally there are private police officers who operate in the informal security sector. The government is making an effort to supervise this development.⁶⁶ Because some private security companies refrain from registering with the Ministry of Public Security, this is a challenge (Cháves, 2001; CAT, 2000; art. 29/30 and 90 Police Code). Furthermore, police hierarchs are often associated with private security companies. For example, Rafael Ángel Gutiérrez, who in 2006 was appointed as the first Vice Minister of Public Security, had previously been employed by the private security industry (*La Nación*, 5 May 2006).⁶⁷

This development of private security affects the role of the state. If private actors, even partly, fulfil tasks that are the responsibility of elected governments, civil-political control over public security diminishes. An essential difference between public and private security is that governments prevent crime through punishment, whereas non-governmental actors do so by regulating access and exclusion (Bayley and Shearing, 2001). Consequently questions arise over democratic legitimacy and the state monopoly to use violence. Currently, the Costa Rican government is seeking increased cooperation with private security companies. In 2006, for example, a covenant was signed with 18 major companies that envisaged the participation of private security guards in public security (*La Nación*, 18 July 2006). Due to their numbers and their resources, they are perceived as welcome supplements to public security resources.

As in most parts of the world, the proliferation of the private security industry in Costa Rica is demand driven. Due to increased feelings of insecurity, high crime rates and public frustration with public security, Ticos are looking for alternatives to the

65 All these private security guards work for one of the 18 companies that are associated in *la Asociación Nacional de Empresas de Seguridad y Afines* y *la Asociación Costarricense de Empresas de Seguridad* ('ACES').

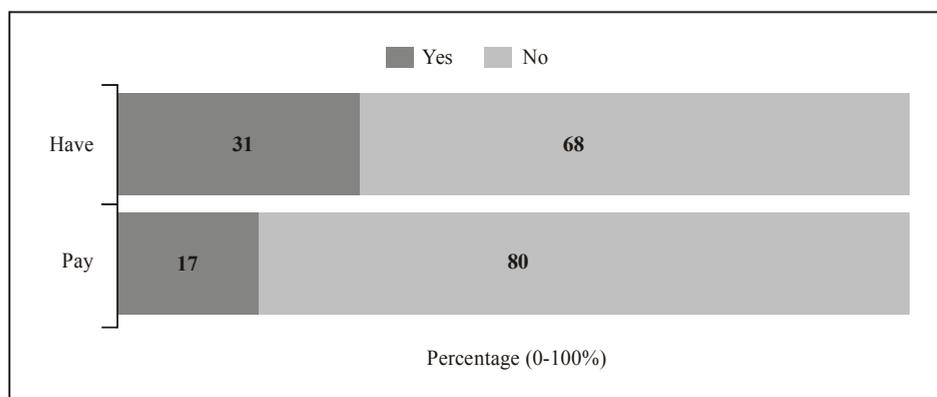
66 Law on the Private Security Services, No. 8395, 2004. In 2001, 247 private security companies received licenses, whereas in 2005, 413 private security companies (Ministry of Public Security website, accessed on 3 May 2006).

67 As required by law, when he accepted his new post at the Ministry of Public Security, he resigned as an advisor to a private security company.

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police (Smulovitz, 2003; Bayley and Shearing, 2001). One of their options is to invest in private security. In this context, private security guards supplement the work of the Public Force. As show in figure 4.IXa, in 2004 31 percent of metropolitan inhabitants had private security in their neighbourhood, while 17 percent actually paid for their services.

Figure 4.IXa Private Security at the Neighbourhood Level

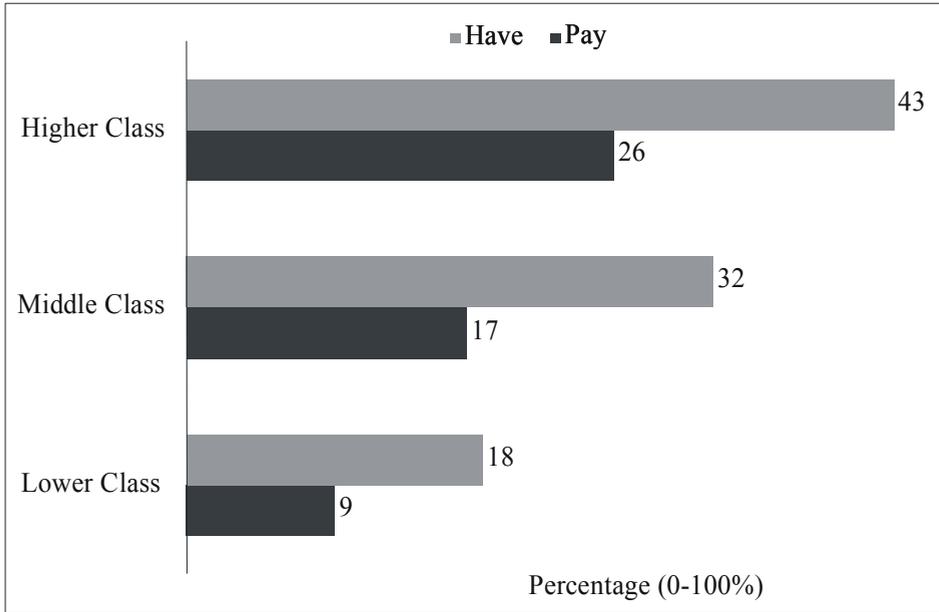


Source: Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December, 2004.

As supported by other studies, almost one out of five citizens in the metropolitan area pays for private security (Vargas and Rosero: 81).⁶⁸ Hence, the vast majority of citizens do not rely on this kind of service. Although, as perhaps expected, private security is mostly an option for the higher classes, it is present in neighbourhoods throughout San José. Figure 4.IXb shows that 43 percent of the higher class respondents, 32 percent of the middle class and 18 percent of the lower class, had private security in their neighbourhood.

⁶⁸ Vargas and Rosero's (2004: 16/81) conclusions are broader, they apply to the greater metropolitan area of San José, which includes the capital and nearby cities (from Paraíso to Athenas to Cartago, Heredia and Alajuela). At the national level 16.5 percent pay for private security services.

4.IXb Private Security at the Neighbourhood Level According to Socio-Economic Class



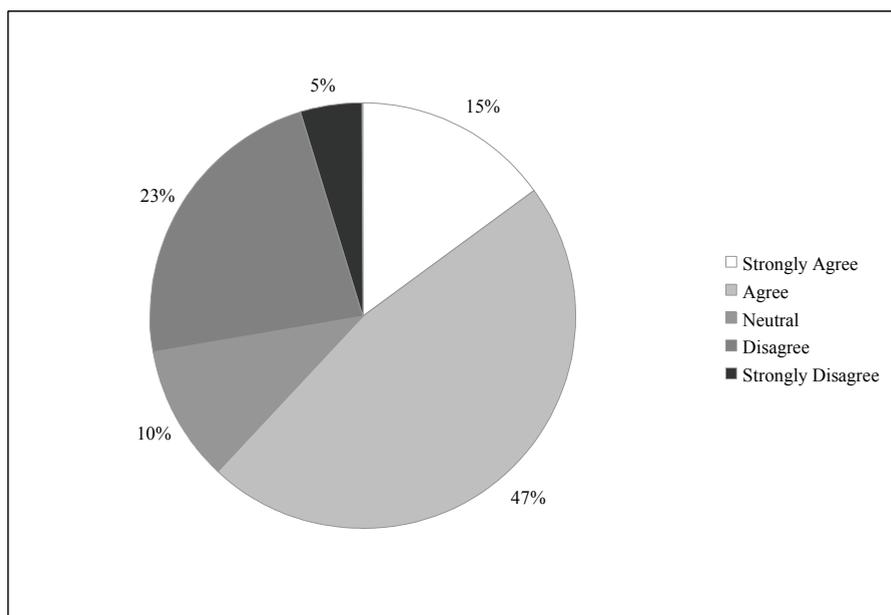
Source: Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December, 2004.

These results suggest that in Costa Rican society there is a trend to invest in protection by private police officers. The only difference is that more residents of higher class neighbourhoods than middle and lower class have private security. In 2004, 26 percent of the higher class and nine percent of the lower class respondents paid for protection by private police officers. Thus, *Josefinos* with different socio-economic backgrounds perceive private security as an alternative or supplement to the police.

In terms of dealing with crime and citizens, however, prefer the Public Force. Inhabitants of the metropolitan area express more confidence in state security actors than in private security guards. Figure 4.X shows that a small majority (62 percent) of the respondents consider the Public Force to be more effective than the private police.

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Figure 4.X 'In the Fight Against Crime the Public Force Does a More Effective Job than the Private Police'



Source: Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December, 2004.

Hence, for crime control tasks they feel that the Public Force should continue to be in charge. Thus, in terms of their own security, citizens have more confidence in state security than in private security forces. This conclusion was almost equally supported among the socio-economic classes.

One of the consequences of the privatisation of security is that the role of the preventive police forces changes. If at a neighbourhood level public security is maintained by private police officers, then the government is tempted to focus on crime control. Yet the main task of preventive police forces is to prevent, not repress, crime. A police organisation such as the Public Force prevents crime by being proactive involved in local public security. Rather than only reacting to crime, this entails frequent communication and interaction with the community (see chapter 8). Furthermore, when due to privatisation of security governmental accountability structures are affected, there is a risk of unequal distribution and the quality of protection could change (Smulovitz, 2003; Bayley and Shearing, 2000).

Although private security is becoming more important in Costa Rican society, citizens consider it to be supplementary to the police.

4.7 CONCLUDING REMARKS

To some extent the historical roots of the Costa Rican public security system function as contemporary checks and balances. Out of fear of the creation of an authoritarian state, the organisation of the police was dispersed and civil-political control became strong. This led to fragmentation and politicisation within the public security system. From the civil war in 1949, there had been little socio-political concern for public security as well as the police. Traditionally police officers enjoyed low status, were poorly trained and depended on political clientelism. In the 1980s, with the threat of civil wars in surrounding countries this changed. Increasingly the police became more repressive and militarised. This situation in combination with other factors caused far reaching public security and police reforms.

Change within the public security system was symbolised by the implementation of a Police Code in 1994. Although the human rights record of the Costa Rican police was relatively strong, in the early 1990s there was a momentum for change. Motives varied between a lack of police professionalism, labour stability to increasing crime and violence rates as well as high feelings of insecurity. Political consensus and societal pressure enabled the Legislative Assembly to propose far-reaching changes. This process set reforms in motion within the Costa Rican public system. It contributed to a more professional approach to policing and created the basis for developing PHRS. Nowadays, public perception of public security and the police is changing. Both at the national and local level citizens, to some extent, confide in the services provided by the Ministry of Public Security. Simultaneously, the private security sector has developed.

Despite the reform, the fragmented institutional framework of the public security system was preserved. The Minister of Public Security continues to exercise civil-political control over the security sector and his or her relationship with the main preventive police force, the Public Force, is strong. As Costa Rica's highest civil authority, the Minister of Public Security is considered to be the country's top cop. Due to the merges of the *Guardia Civil* and the *Guardia Rural* into the Public Force, ministerial influence over Costa Rican public security has actually increased. As of today, many public security and police reforms are still in a preliminary phase. Change is implemented slowly and encounters socio-political resistance. The allocation of state resources to public security remains modest. Although this is somewhat compensated for by international police cooperation, it affects the context in which PHRS are implemented. Hence, within the public security system traditional checks and balances such as the fragmented organisation of policing, strong civil-political control, a lack of resources and labour instability persist. These checks and balances influence the context in which PHRS are implemented within the Costa Rican police.

CHAPTER 5

PROFESSIONALISING A NEW GENERATION: POLICE SELECTION AND TRAINING

5.1 INTRODUCTION

The implementation of the PHRS police selection and training within the police is assumed to enhance police professionalism in Costa Rica. Police professionalism entails ‘The most important strategy employed by the police to defend their mandate and thereby to build self-esteem, organisational autonomy and occupational solidarity and cohesiveness’ (Manning, 1997: 120-121). These objectives are similar to the aims of many bureaucratic organisations (O’Donnell, 2004; Weber, 1978). It presupposes that if rank and file police officers work according to formal rules and regulations this will enable the organisation to plan and control policing according to predefined outcomes. In different academic fields professionalism has various meanings. Within the police, it is mostly reflected in the criteria for recruiting and training personnel, in police accountability, in rules governing promotion and retirement and in substantive emphasis on the use of technology as well as crime statistics (Manning, 1997: Bayley, 1985: 50; see chapters 2 and 7).¹ Thus, among other things police selection and training enhance police professionalism; yet, what is their effect in terms of human rights?

Police selection and training carried out according to particular criteria is assumed to improve police officers’ compliance with human rights. Therefore, in this research they are considered as PHRS. In the literature they are often mentioned as contributing to increased police officers’ compliance with human rights.² The human rights movement emphasises the importance of police selection and training.³ International actors, governments and ngo’s lobby for the implementation of these particular two PHRS. Although few empirical studies show a direct relationship between police selection and training and an increased compliance with human rights, it is assumed that there is an indirect effect (AI, 2006; Wola, 1998). This is especially the case when human rights training or education⁴ is focused on the formal aspects to policing such as acquiring technical skills and legal knowledge as well as informal aspects such as subculture and

1 The professionalism discourse is, for example, popular in fields such as education and medicine. For more information: Kucewski, 2004; Hargreaves, 1994.

2 For more information: AI, 2006; O’Rawe, 2005; Neyroud and Beckley, 2001; Rover, 1999; Crawshaw *et al.*, 1998; Wola, 1998; Dubois, 1997; O’Rawe and Moore, 1997.

3 Art.10 CAT; art.18/20 UN Basic Principles; Guidelines for the Effective Implementation of the UN Code of Conduct.

4 There is a difference between training and education. The former is focused on the acquiring of technical skills, whereas the latter is more generic and challenging (O’Rawe, 2005: 945).

attitudes (Chan, 2005; O’Rawe, 2005). Furthermore, there is a link between human rights, police professionalism and police ethics (Neyroud and Beckley, 2001; Wola, 1998).⁵

Overall, the few studies on police reform in transitional societies in Latin America show reservations concerning the effect of police professionalisation in terms of the implementation of police selection and training (Glebbeck, 2003; Wola, 2002; Call, 2000). Until the mid 1990s Costa Rica, just like many other countries in the region, enjoyed a history of clientelist approaches to the recruitment, promotion and firing of police officers, who depended on their loyalty to politicians, colleagues or other actors (Husain, 2006; Mora, 2004; Fröling, 2003). This situation, in combination with the low levels of education and the quality of police training, created police forces that were ill-prepared for their task (Rodley, 1999). In the sense that they were politically appointed, low educated, poorly trained and did not have labour stability, police officers of the Public Force were not professional (Zamora, 1997; Arroyo, 1992).⁶ Since the implementation of widespread public security and police reform in the 1990s, this is slowly changing. However, does the implementation of the PHRS police selection and training, increase police officers’ compliance with human rights in a non-transitional societal context?

In this chapter I discuss police selection and training. Because the implementation of these two PHRS within the Costa Rican police system and police units of San José has been delayed, I concentrate predominately on explaining why this has occurred. Subsequently the main focus is the context in which the PHRS are implemented. Police officers’ compliance and resistance to police selection and training is considered, but institutional and socio-political factors enjoy priority.

5.2 PROFESSIONALISING THE NEW GENERATION

Since the 1990s, public security and police reform has been implemented to professionalise the Costa Rican police (Urcuyo, 1998; Chinchilla, 1997; Rico, 1997; Zamora, 1997). As indicated, the government deemed it necessary to create a stable, more educated and better trained Public Force. It was more or less assumed that these conditions would create a context in which police officers’ compliance with human rights would improve. Since 1996 the objective of the government has been to professionalise, over a period of 16 years, the entire Public Force (Chinchilla and Rico, 2006/2002; Zamora, 1997). Basically the aim was to train all preventive police officers and ensure eligibility for labour stability. In Costa Rica this process is referred to as

5 When police officers resist the human rights discourse, it is sometimes more productive to talk about police professionalism or police ethics.

6 The distinction between term ‘professional’ and other workers has been made in the literature. For example, a study among state employed Chilean hospital workers distinguished between professional and non-professional workers. ‘Professional’ workers had a higher income, enjoyed more prestige, had job satisfaction, were higher educated and had received more formal training. (Segal, 1969: 376/ 379-380). For more information: Feldman, 1976; North, 1972.

the ‘professionalisation of policing’ (Matul and Dinarte, 2005; Rico, 2003; *Diálogo Centro-Americano*, 1998).⁷ In practice this is more or less understood as improving police training and stabilising labour conditions. The slogan used by the Ministry of Public Security for this kind of police reform is ‘Professionalising the New Generation’ (Matul and Dinarte, 2005: 11).⁸

During interviews, politicians and other stakeholders often said they had the impression that policing in Costa Rica had become more ‘professional’ over the last decade. In socio-political discourse, this translates to police officers of the Public Force participating in basic police training and enjoying labour protection. ‘Traditional’ police officers are either experienced law enforcement officials, who before 1992 participated in semi-military training, or those who did not receive any sort of basic police training. They do not have stable employment. Graduates of the basic police training course meet the most important criteria to become part of the police labour statute (González and Ulloa, 2002; art. 52/53 Police Code). Therefore, they stand a better chance of earning stable employment as well as earning an increase of 25 percent in salary and, thereby, become ‘professional’ police officers. Hence, the Public Force consists of so-called ‘professional’ and ‘traditional’ police officers. Traditional police officers, of whom a large percentage has considerable police experience, participated in police training courses, but lack an integral introduction to being a law enforcement official. Thus, being a police professional is perceived from both an institutional as well as a police technical perspective.

In this section I introduce the PHRS police selection and training.

5.2.1 Police Selection

Because of the development and enforcement of police selection standards in the mid 1990s, the personnel of the Public Force is slowly but surely becoming more professional. Even though all pre-1994 preventive police forces had recruitment and selection criteria, they were, for political reasons, not strictly enforced (Arroyo, 1992; Urcuyo, 1986). Nowadays the Ministry of Public Security has a special section within the Human Resources Department that is in charge of recruiting and selecting police officers. Selection criteria include minimum educational standards of the third year of secondary school, a background check with the judicial register or criminal records, two recommendation letters, an interview and medical, psychological and physical exams (González and Ulloa, 2002; art. 59 Police Code).⁹ These criteria do not apply

7 Speech by President Miguel Ángel Roderíguez at the graduation ceremony of the 16th Basic Police Training Course, 9 November 2001 (Midplan website, accessed on 16 January 2006).

8 ‘The Community Security Experience in Costa Rica’, speech of the first Vice Minister of Public Security, María Fullman Salazar Elizonde, 7 September 2004.

9 The Ministry of Public Security developed psychological and occupational profiles for the Public Force; Ministry of Public Security Occupational Profile of the Police in Costa Rica, 2002; Ministry of Public Security Psychological Profile of the Police in Costa Rica, 2002 (Research diary, 18 November 2004).

to traditional police officers, who participate in the *curso técnico básico por convalidación* ('basic police co-validation course'). In the two week long basic police co-validation course experienced police officers study the same subjects as police recruits in the six month long basic police training course.¹⁰ The basic police co-validation course is organised two or three times a year and involves one week of classes and one week of exams. In order to participate, police officers need their identity card, a minimum education of three years of high school and the permission of their police chief.¹¹ Furthermore, since 2001 there are also special selection criteria for police officers who want to participate in police rank, training or international courses (art. 57/89 Police Code).¹² These include education criteria, a clean record and recommendations by chiefs. Although the staff of the police academy is involved in selecting police officer students for the basic police training course and for other courses, they do not have the ultimate say. This remains the responsibility of the Ministry of Public Security.

5.2.2 Police Training

Both professional and traditional police officers receive human rights related training. According to law there are three general criteria that police training should meet (art. 88 Police Code). Firstly, it requires a permanent and professional character. Secondly, courses have to be validated by the Ministry of Education. Thirdly, it should not have a military character and be civic, democratic and human rights orientated. Although the UN Committee Against Torture in its concluding observations to Costa Rica's country report found that it lacked specific police training on the prevention of torture, in most areas such as migrants rights, sex-workers rights, women's rights, non-discrimination and use of force, the quality of the police human rights training is considered to be relatively good (UN CRC, 2005: para.51-69; CAT Report, 2001: para.418-452).

Despite the quality of police human rights training, only professional police officers enjoy a basic introduction into the theory and practice of human rights and policing. In the six month long basic police training course, 56 hours are spent on human rights. Additionally there are classes on police skills, law and humanities, which have human rights dimensions (see appendix D).¹³ The humanities course on inter-personal relations, for example, sensitises police officers about how to develop contact with citizens without emphasising power relations. From the first basic police training course, these classes develop with the input of police academy staff, police

10 Between May 2002 and May 2003 there were 273 graduates of the basic police training course, of whom 112 had participated in the basic police co-validation course (the MPS Annual Report, 2003a: 53; Research diary, 27 and 28 September 2004).

11 Research diary, 27 September 2004.

12 The Police Code, 1994 was amended in 2001. For more information: Ministry of Public Security website, accessed on 19 June 2006.

13 Ministry of Public Security website, accessed on 21 June 2006.

officers, universities, ngo's and external experts.¹⁴ In 2004, the IIDH, for instance, collaborated with the police academy to reform police human rights training.¹⁵ Recently, follow-ups to human rights classes in the basic police training course have been developed for the police rank courses. These include eight hour classes on the rights of migrants, children, community policing and conflict resolution. Thus, nowadays professional rank and file as well as high rank police officers, receive human rights training.

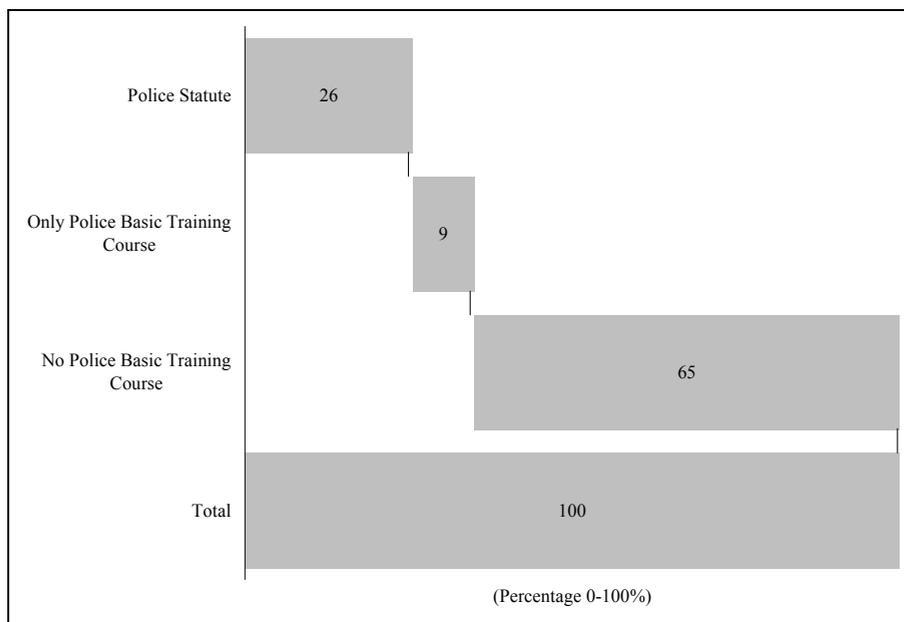
Although most traditional police officers have missed an integrated introduction to human rights, they probably participated in courses on related themes. For human rights training, traditional police officers rely on special training courses or workshops. Between 1995 and 2003 traditional police officers participated in human rights related courses such as domestic violence, the use of firearms or community policing (see appendix C). There are few reliable statistics on the number of participants in these courses. For some, such as the firearms or domestic violence course, it is likely that most police officers of the Public Force have at least participated in it once. Yet the majority of courses tend to be taught to smaller groups of police officers; therefore, it is difficult to make statements about how many traditional police officers have been trained in human rights. Overall, the Ministry of Public Security allocated its training resources to urban police forces and especially to professional police officers.

5.3 POLICE PROFESSIONALISATION IN PRACTICE

In reality, the implementation of the PHRS police selection and training, is rather ambiguous. Despite the objective to professionalise the entire Public Force over a period of 16 years, in which four different governments would each train 25 percent, the implementation process is slow and delayed by several factors. As shown in figure 5.I there continues to be a relative large number of 74 percent of traditional police officers in the Public Force.

14 The police academy cooperates, among others, with the University of Peace, *Universidad Estatal a Distancia de Costa Rica*, the Inter-American Institute of Human Rights, the judiciary, the Spanish National Police and UN-Aids. See, for example: CONAMAJ, 2003; Vargas, 2001; Ombudsman's Office, 1998.

15 News statement issued by the Press and External Relations Department of the Ministry of Public Security (Ministry of Public Security website, accessed on 2 March 2004).

Figure 5.I Number of Professional Police Officers in the Public Force, 2003

Sources: UNDP, 2005; MPS, 2003a; Obando cited in *Estado de la Nación*, 2003: 96; Rico, 2003; *La Nación*, 24 March 2003.

As above in figure 5.I, approximately 35 percent (3,402 police officers) of the Public Force has participated in the basic police training course. A majority of 65 percent (6,317 police officers) are not professionally trained and therefore do not meet an important criterion to become part of the police statute. It implies that in 2003, during the third government period since the police reform, almost two-thirds of the Public Force have not participated in the basic police training course. Subsequently they remain to be taught the basics of human rights. As only 26 percent (2,492 police officers) had joined the police statute and are therefore professional police officers, a vast majority did not qualify for labour stability (see section 4.6). These police officers are de facto deprived of integral follow-ups to the basic human rights training and developing a police career.

5.3.1 Labour Opportunities

In general most police training is directed towards professional police officers. As they are the 'New Generation', the Ministry of Public Security opts to invest the scarce available resources in training higher educated permanent staff. Although there have been opportunities for traditional police officers to participate in the basic police

training course, these are modest (MSP, 2003a). The trend is to attract higher educated recruits. In the past, special training courses were organised for traditional police officers, whereas a small number participated in the regular basic police training course.¹⁶ Nowadays more and more traditional police officers are expected to pass the basic police co-validation course.¹⁷ Often, traditional police officers are experienced, but low educated.¹⁸ Even if they are motivated to retrain, a considerable number do not meet the selection criteria for the basic police training course. Therefore the police academy also participates in special courses and stimulates police officers to participate in adult primary and secondary education (MSP, 2003a: 45).¹⁹ However, as in 2004 approximately 55 percent of the Public Force did not meet the educational criteria of the third year of secondary education, this is only an option for educated traditional police officers (UNDP, 2005: 197). Hence, for the group with low education, including the de facto illiterate police officers, it remains difficult to catch up (*Semanario*, 4 November 2004; Obando cited in the *Estado de la Nación*, 2003). Thus there are efforts to involve traditional police officers, but most available resources are invested in higher educated recruits.

The factors that delay the implementation of police selection and training are diverse. They mostly relate to institutional dynamics and the lack of sufficient resources. Despite the professionalising of policing, it is challenging to recruit suitable candidates and keep them within the Public Force. The societal status of police officers is modest (see section 4.5). Figure 5.IIa shows that almost half (49 percent) of the residents of San José stated that they would be delighted if one of their relatives would work for the police.

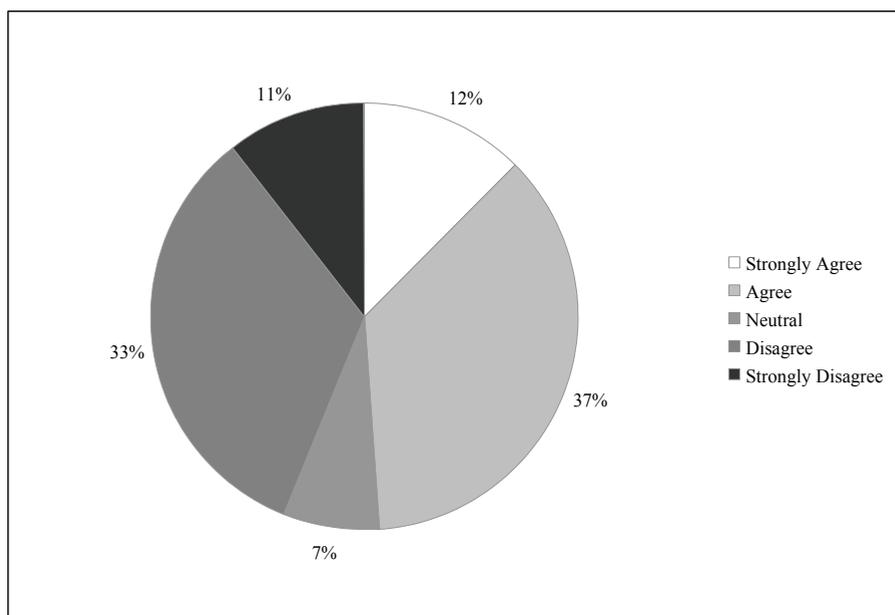
16 The 19th Basic Police Training Course, for instance, was especially reserved for traditional police officers. (Interview, 29 September 2004; Research diary, 16 September 2004).

17 Research diary, 27 and 28 September 2004.

18 According the Human Resource Department of the Ministry of Security it is now policy to train new police officers before they are sent to police units (Research diary, March/October/November 2004).

19 Interview, 2 December 2004.

Figure 5.IIa 'I Would Be Pleased if One of my Relatives Would Work for the Public Force'



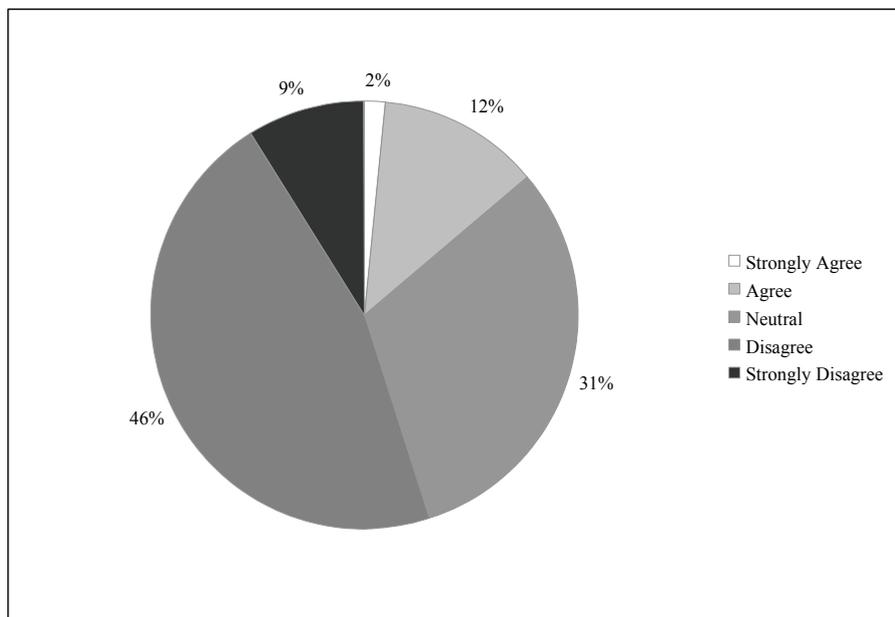
Source: Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December 2004.

Although these data do not directly indicate that these respondents want to work for the Public Force, half of the inhabitants of the capital would appreciate it if their relatives would do so. It was only slightly higher in the middle (51 percent) and lower classes (53 percent), thereby suggesting that they are at least open towards the possibility of doing police work. This is a positive development, because in the past police officers enjoyed little status.

Yet, society does not consider the salary to be very good and therefore one wonders whether in reality enough qualified citizens are interested in becoming police officers. Even though over the last decade unemployment figures have risen, there are favourable alternatives to working for the Public Force.²⁰ Salaries in the private security sector are, for example, assumed to be higher. As shown in figure 5.IIb, only 14 percent of the metropolitan area agreed with the statement that police officers of the Public Force are paid well.

²⁰ Between 1993 and 2003 unemployment rose from 4.1 to 6.7 percent (*Estado de la Nación*, 2003).

Figure 5.IIb 'Police Officers of the Public Force Are Paid Well'



Source: Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December 2004.

Police salaries are higher than in the past, but in comparison to the rest of society they are somewhat low. The minimum wage in 2001 for government services was US \$ 297. In the same year a police officer who entered the Public Force earned approximately US \$ 273 a month (Rico, 2003). By becoming part of the police labour statute, a 25 percent increase in salary is earned. The salary also increases according to the educational level of a police officer. However, the majority of police officers lack appropriate education and training and are therefore excluded from the statute (art. 52/53, Police Code). In surrounding countries this development is more or less comparable. Overall the methods to recruit and select police officers have been professionalised, but throughout Central-America it remains challenging to attract suitable candidates (Glebbeck, 2003; Wola, 1998). The salary for rank and file police officers in Costa Rica is in relative terms one of the lowest in Central America (Call, 2000: 23). Nonetheless, the objective of the Ministry of Public Security is to recruit educated youngsters. In practice this is a slow process. In 2006, still 20 percent of police officers of the Public Force was 50 years or older (*La Nación*, 6 August 2006).

Additionally the Public Force has difficulties motivating professional police officers to stay. In relation to this a public official of the Ministry of Public Security remarked, 'Due to the low salary and the working conditions, there is a tremendous

efflux in the police. Perhaps in Canada or Holland it is more stable, but here...²¹ Like most law enforcement officials, professional police officers resist labour conditions such as long working hours and being deployed away from their homes (Ombudsman's Office, 2000/2001).²² During informal conversations with police recruits and police officers, I learned that being forced to work overtime without compensation was common practice at the police academy, police units throughout San José and the UIP (see figures 4.IIa/b). Although in special circumstances it is understandable that police officers have extra duties, quite often the reasons are more of a political nature (art. 70 in conjunction with art. 8 Police Code). This included so-called special operations, international conferences, soccer matches etc. To illustrate, regular police officers in San José work 12 hours shifts (two days during day-time, two days at night and two days off), yet each year during December they are forced to work up to 16 hours per shift.²³ While police labour conditions have slightly improved since the police reform, in reality it remains a controversial issue. In successive annual reports the Ombudsman has mentioned the violations of socio-economic rights of police officers. Problems such as a lack of adequate working conditions, authoritarian labour relations, sexual harassment, the punitive character of the internal disciplinary system and the effective organisation of police labour unions are frequently referred to (Ombudsman's Office, 2004/ 1995; Muñez, 1998). Since the early 1990s, police labour conditions have improved, but specific problems persist.

As professional police officers are higher educated, their chances of finding work outside the police are probably better than those of traditional police officers. Despite having labour stability they opt to leave the Public Force. During my fieldwork I encountered many young, higher educated, professional police officers who were contemplating on leaving the Public Force to become Judicial Police Officers, private security officers, teachers etc.²⁴ Commenting on this development an administrator at the Police Academy reflected, 'Today we are stricter in selecting, initially many people did not come because of vocation, no they came because they needed the money, a job to sustain their family, but when there was another opportunity they left and we lost the investment' (see section 5.6.2).²⁵ He felt that since, police selection had been improved they were now able to pick people who really wanted to become police officers. One of the consequences of this development is that police recruits, who from the day they start their basic police training are considered to be police officers and receive a salary, have to sign a contract that obliges them to finish the course.²⁶ In this

21 Research diary, 17 August 2006.

22 Interview, 1 October 2004.

23 Research diary, 22 November and December 2004.

24 Research diary, 30 November, 2003, 8, 20 February and 8 October 2004.

25 Interview, 30 September 2004.

26 In 2000, the costs of training a professional police officer was estimated to be 1,800,000.00 Colones (approximately US \$ 38,000.00). If a police recruit fails to meet the conditions of the contract ('*contrato de adiestramiento*') he or she has to pay for the course.

manner at least the Ministry of Public Security does not lose the investment of training a police recruit.

5.3.2 The Police Academy

Police instructors at the police academy staff said that they felt at times that some recruits did not meet the selection criteria or lacked the motivation to become police officers.²⁷ During the 23rd basic police training course, for example, only 63 percent of the police recruits graduated. When the course commenced there were 240 police officer students. After three months a group of 53 were expelled. This group successfully protested at Sala IV and were deployed to work as police officers. They had to be given the opportunity to participate in the following basic police training course. On the 30 October 2004, the students of the 23rd basic police training course graduated. Of the 169, who had been allowed to participate in the final exams 18 police officers did not graduate (Research diary, 21 and 28 September, 16, 28 and 30 October, 2004). A police instructor commented on this situation:

Many lacked discipline or failed more than three exams. For some of them it is just a way to sustain themselves. They do not really want to be in the police. Being in the police is a way of life. Do you know what happened at the Chilean Embassy?²⁸ In the next course all recruits will have their school diploma. In this group the Ministry said all but 12 had finished their secondary education, but we found out that many more did not have it. We now want higher educated people.²⁹

By saying that these police recruits lacked the discipline or failed exams, he concluded that they were not really dedicated to becoming police officers. Perhaps they simply needed the job. The quoted police instructor also implied that there were irregularities in the police selection procedures. In informal conversations, police instructors and other stakeholders more than once repeated that a certain percentage of police recruits were accepted by the Ministry of Public Security for political reasons.³⁰

Likewise corruption and clientelism at the police academy is a concern. For example, in October 2004 a police captain was arrested for selling exams to private security guards (*Diario Extra*, 25 October 2004). Police officers also hinted that strings have to be pulled to participate in courses at the police academy. This does not necessarily mean that corruption in relation to training is widespread, but that in addition to meeting the professional selection criteria one might need political or institutional support. At the police academy I observed a conversation between a

27 Interview, 29 September 2004; Research diary, 16 September 2004.

28 In July 2004, in response the killing of three Chilean diplomats by a 54 year old traditional police officer on embassy duty, the Ministry of Public Security responded with new policies directed to recruit higher educated police officers (*La Nación*, 16 December 2004).

29 Research diary, 21 September 2004.

30 Research diary, 21 September 2004 and 11 April 2006.

police instructor and a police officer, who was participating in the basic police co-validation course. The police officer said, 'I want to be in the basic police training course. I can not help you, go and speak to Colonel S., he used to be at the police academy or Captain H., do you know him?', responded the police instructor.³¹ The quoted police instructor stated that he was not able to help him, but that he should try his luck with these two well-connected politically appointed police leaders. It appears innocent, but it reveals that to a certain extent clientelism persists within the Public Force. On a regular basis I listened to police recruits and police officers, who stated that in addition to meeting the professional criteria they needed support from someone with contacts. Among others they mentioned this in relation to the basic police training course, the international courses, the rank courses, the specialised course and specific positions.³² This conversation with a professional and a traditional police officer, illustrates this practice that is otherwise known as 'trafficking of influence'.³³

I was in one of the first basic police training courses. Before that I was in the police for five years; later I went to study for a few years in Chile.³⁴ 'Were you one of the best students of your class?', I asked. He responded, 'That is what they say,' and smiled. He was silent for a moment and continued, 'Also you have to speak to certain people'... We proceeded to talk about high level positions in the Public Force and he said, 'Some posts are political; the Director of the Public Force, the Director of the Police Academy, regional directors... One of the guys who went to Chile is now a vice regional director, others are political'. I remarked, 'So you know who is political and who is not.' The two police officers started laughing. The professional police officer said, 'I have a career. I studied so I am prepared....But what about the scholarships?,' I asked. He answered, 'If there are three scholarships, two are political and one is for 'real' police officers.'³⁵

By emphasising that he had studied and had a career, the quoted professional police officer communicated that he considered himself to be a 'real' police officer. In contrast there are police officers whom he classified as 'political'. Because of their political contacts these law enforcement officials are selected for scholarships. Yet even he, a professional police officer who met the selection criteria to go to Chile, needed something extra; the support of 'certain people'. This may, for example, entail that in order to be allowed to apply for the scholarship, he had to obtain support from powerful actors within the Ministry of Public Security. He hints that to make a professional career, police officers also rely on clientelist practices. The quoted police officer acknowledges the political nature of top positions within the Public Force. Simultaneously, he recognised that someone whom he considers a real police officer,

31 Colonel H. and Captain S. are pseudonyms (Research diary, 26 February 2004).

32 Research diary, 12, 14, 15 and 20 September 2004; Interviews, 2 and 8 December 2004.

33 Research diary, 17 August 2006.

34 In the 1990s and early 2000s, the Chilean government provided scholarships for Costa Rican police officers to be trained at the police academy of the *Carabineros* in Chile (Interview, 8 November 2004; Chaves, 2001).

35 Male, mid 30s, 15 years in the Public Force, Research diary, 16 September 2004.

became a vice regional director. Thus, possibly due to the professionalisation process, possibilities have been created for some professional police officers. However, to a certain extent they too require political backing. This suggests that the informal pre-1994 clientelist system and the new professional system function simultaneously and affect professional as well as traditional police officers (see sections 5.4 and 5.5).

The majority of police training, and thus the human rights related courses are provided for at the police academy.³⁶ Like most other courses, the human rights related classes or workshops are taught in an institution which has a semi-military legacy. As this former Vice Director of the Police Academy explained:

The structure of the Public Force as well as the police academy is based on national security...that of the US army. Therefore people have to be available for 24 hours. At the police academy a lot depends on the mentality of the director. Some prefer national security, *militarsimo*, others have different priorities. (Mario Zamora Cordero).³⁷

In the quotation he refers to past influence of the US army on preventive policing as well as police training. Also he acknowledged the role of the director in changing the environment of the police academy. Nowadays police officers enjoy their training within a somewhat authoritarian environment. At the police academy, low rank police officers must salute the high ranks.³⁸ During the first three weeks of their basic police training course, police recruits receive a semi-military training at the Murciélago base in Guanacaste (art. 12 Constitution). This is followed by a four and a half month period at the police academy and a one month supervised internship at police units around Costa Rica.³⁹ At the police academy, police recruits are divided into *pelotones* ('squads') of 30 to 40 students with structures that to a certain extent reflect the hierarchy of a police unit (see section 5.5.3).⁴⁰ Each *pelotón* has their student-chief and three vice chiefs. Because they attach a piece of white robe instead of a blue order to their uniform, these four are distinguishable from other recruits. Their task is to maintain order within their group. Although the curriculum of the basic police training course is diverse and includes police practical, humanities and legal subjects, police recruits spend considerable time on a daily basis being drilled. Before and after classes they march, line up and participate in military boot camp type activities. Thus recruits are socialised into the hierarchal structure of the Public Force. They are taught to obey orders. During a human rights class I observed police officer students doing a role play on police corruption and illegal immigrants:

36 In Costa Rica the police academy has three sections; one in San José, one in Coronado and one in Murciélago, Guanacaste (Ministry of Public Security website, accessed on 19 June 2006).

37 Male, lawyer, advisor to the Ombudsman's Office, former Director of the Community Security Department of the Ministry of Public Security, Interview, 10 April 2006; Research diary, 11 April 2006.

38 Research diary, 8 and 13 September 2004.

39 Interview, 29 September 2004.

40 Research diary, 8, 13 September, 7 October and 6 November 2004.

They were supposed to enact the same scene twice; once demonstrating how to respect human rights in this sort of situation and once how not to. There was a lot of excitement when classmates dressed up as Nicaraguans showed up at the imaginary border. During the sketch, the students who played the role of the police officers pretended to arrest the immigrants for not having the appropriate documentation. Both times they obeyed their fellow classmate, who played the role of the police chief. The first time the chief made the immigrants pay '*chorizo*', a bribe, to all police officers involved, while the second time he explained their rights to them and then decided what to do.⁴¹

While this was only one class, this example sheds light on how police officers are taught to respond to these kinds of situations. Decision-making, even if it means becoming corrupt, is done by those who are higher-up in the police hierarchy; in this case the student police chief. The sketch shows how relatively easy it is to become implicated, despite a basic police training course, in illegal conduct. Basically what is communicated to the recruits is that the chief decides what to do. The message is that obedience to police hierarchy is crucial. Yet, as professional police officers are more highly educated and better trained, one could expect them to make certain decisions on their own (Torre, 1999). For instance, it is more or less assumed that they receive fewer complaints for abuse of authority than their traditional colleagues (Muir, 1997). Thus, police human rights training is provided for, but it is taught in a semi-authoritarian environment.

5.3.3 Obstacles

Furthermore, several other factors hinder the implementation of the PHRS. Firstly, the lack of available resources for police training. Between 2000 and 2003 the Ministry of Public Security spent slightly more than 0.3 percent of its total budget to police training (UNDP, 2005: 196). On an annual basis, this meant that approximately 15.3 percent of the Public Force received some form of training. Hence only a fraction was allocated to the implementation of this PHRS. Secondly, the frequent cancellation of classes is a point of concern for the police academy. It, for example, affects the basic police training course. The causes vary among strikes, soccer matches, national festivities, international conferences, additional workshops or any other issue that the Public Force management considers to be important. In order to compensate for the loss of time, the Ministry of Public Security regularly extended the basic police training course by a few months.⁴² Despite the compensation, many subjects are effectively shortened. As a law teacher explained, it also influenced the human rights course:

⁴¹ Research diary, 26 February 2004.

⁴² Research diary, 20 November 2003, 26 February, 8 and 14 September 2004.

In general we have problems; for example, the basic police training course lasts six months, but because there is constantly something important, it is almost always cut to four or five months... There are subjects such as human rights that we unfortunately can not give priority to. In our (legal) area the human rights course is affected, because it is the last of the four courses we teach. Thus when they cut time, this course is shortened. Even though now some importance is attached to human rights, still 12 hours of the 56 hour long course is cut....⁴³

He commented on the effect of reducing the number of classes on human rights. This interview was conducted during the 23rd basic police training course. Yet other basic police training courses also had to deal with the cancellation of classes. The 20th basic police training course, for example, lasted nine months, but still, almost 75 percent of the human rights classes were cancelled.⁴⁴ Thus, at the police academy recruits de facto received far less training in human rights than planned in the curriculum (see appendix D).

Although the quality of police training has dramatically improved in the last decade, the lack of institutional cooperation and coordination hinders its implementation (see section 6.4). In the operationalisation of human rights training, this becomes apparent. Currently, higher educated police instructors and civilian staff occupy teaching positions at the police academy. The top management consists of public officials of the Ministry of Public Security, whereas the vast majority of teaching staff are fulfilled by mid rank police officers. During my fieldwork there was a distinction between police instructors, who identified with the Public Force and those who did not.⁴⁵ This affected human rights training. Those who considered themselves as real police officers wore police uniforms, whereas the others dressed in civilian clothes. Once during a conversation with an experienced uniformed police instructor he pointed at a younger colleague, who wore civilian clothes, and remarked, 'It is not because he does not want to wear his police uniform; he has a bachelors' degree, but he is not dedicated.'⁴⁶ He questioned his younger colleague's commitment to the police. To a certain extent this division between those who do and do not identify with the Public Force correlated with educational levels of police instructors as well as the department they taught. The staff of the legal department all had degrees, wore civilian clothes and they were referred to as '*Licenciado*'.⁴⁷ These lawyers were assigned to the police academy but most continued to identify with the Ministry of Public Security. In the humanities and police skills areas the majority of the staff considered themselves to be police officers, wore uniforms and were addressed by their rank. Educational levels in these two departments varied considerably. Roughly, there was also a

43 Interview, 4 October 2004.

44 This class graduated on 10 March 2004 (Interview, 4 October 2004; Research diary, 26 February, 8 September 2004 and 20 November 2003).

45 Interview, 1 October 2004.

46 Research diary, 29 September and 1 October 2004.

47 Research diary, 20 November 2003 and 26 February 2004.

distinction between younger professional police instructors and more experienced traditional police instructors. Younger professional police instructors mostly had bachelor's degrees and recently had participated in international police training courses, whereas experienced police instructors are generally lower educated and in the past participated in international military training courses (see section 3.3). These differences between the staff affected both police human rights training and internal cooperation at the police academy. During their classes, civilian orientated staff had a difficult time relating to police issues, whereas many police instructors are focused on authoritarian aspects of policing.⁴⁸ Substantively, it is therefore difficult to coordinate human rights classes between all the departments.

In relation to police selection and human rights training improvements have been made, but their implementation remains challenging. At the police academy, hindrances can be summarised as follows; the lack of inter-institutional cooperation, civilian orientation of policing, priorities, time, adequate resources and the different educational levels of police recruits.⁴⁹ However, no matter how pressing these issues were, they mostly relate to external factors. Because of its dependence on the Ministry of Public Security, there are only small things the police academy can do. To a large extent this relates to political commitment as well as institutional support from police hierarchs. The importance of their support is reflected by what I observed at the police academy when I returned almost two years after I had done my fieldwork:

During this period the police academy had had two new directors, the dependence in Coronado was closed, two basic police training courses had been organised and the basic police co-validation course was suspended.⁵⁰ Furthermore, a certain percentage of staff had been transferred. For example, three of the five law teachers were not there anymore. The present director had come when the PLN took office. He participated in an evaluation conducted by specially appointed public officials. As explained by the first Vice Minister of Public Security, Rafael Ángel Gutiérrez, one of their prime objectives was to improve the quality of the basic police training course and cut down its length from six to approximately four months (three weeks of military training at the Murciélago base and three months at the police academy).⁵¹ This was necessary because during this four year government period, 4,000 new police officers (1,000 per year) would have to be trained.⁵²

The situation at the time suggested that police training is taught in the context of an institutional atmosphere that is influenced by political priorities. In this particular case, the new PLN government wanted to expand the Public Force by 40 percent and thus train 4,000 new police officers. This objective has consequences for the quality of

48 Interview, 1 October 2004.

49 Interview, 1 October 2004.

50 In August 2006 approximately 100 police recruits participated in the 25th basic police training course.

51 During this interview the first Vice Minister of Public Security gave me a document stating the general objectives of the reform to the basic police training course (Interview, 17 August 2006).

52 Research diary, 14 and 17 August 2006.

selection. As a public official involved in the selection procedure remarked, ‘Standards are lowered, because of the pressure to hire people. This government is more concerned with quantity than quality!’⁵³ Due to this pressure it is likely that the ministry has to accept candidates with a modest educational background. Despite the objective of improving the quality of basic police training, it is questionable whether this is possible during a period of four, instead of, six months. For instance, human rights related courses such as legal training and community policing were to be cut significantly (almost 63 percent per course).⁵⁴ These kinds of development show how vulnerable the full and long-term implementation of PHRS are.

5.4 DUALITY WITHIN THE POLICE SYSTEM

Despite police professionalisation, political clientelism and patronage continues to exist and therefore influences the implementation of PHRS. Political clientelism is part of the political culture in Costa Rica (Rojas, 2005; Villasuso *et al.*, 2003; Roja, 2003/2001; see section 2.6). Political clientelism is defined as, ‘The distribution of resources or promises of by political office holders or political candidates in exchange for political support’ (Gay, 1990: 648). Traditionally the Ministry of Public Security has been an institution that is susceptible to political clientelism and patronage (see chapter 4). Nowadays, simultaneously with professionalisation, political clientelism continues to affect the police. Thus, professionalisation as well as political clientelism influences the implementation of police selection and human rights training (Mora, 2004: 189). In this section the duality of these developments and their effect upon the implementation of PHRS within the police system and urban police units is considered.

5.4.1 Political Discourse on Professionalisation

When talking about police professionalisation, Costa Rican politicians usually refer to the public security and police reform that affected the police system in the 1990s. As discussed earlier, this process was set in motion with the 1994 Police Code (see chapter 4). A police expert and former Vice Director of the Police Academy explained:

Professionalisation was only a label that the Commission of the Legislative Assembly gave to the political process of police reform in 1994. It was to mark a moment in history. The first basic police training course was a sign of it, but for professionalisation more than basic police training was needed. (Mario Zamora Cordero).⁵⁵

53 Research diary, 17 August 2006.

54 Research diary, 14 and 17 August 2006.

55 Research diary, 11 April 2006.

In this quotation it becomes apparent that in political discourse the process of police professionalisation is primarily associated with training. During interviews, politicians and other stakeholders often expressed that the development of selection criteria and the basic police training course, addressed concerns related to both the lack of police professionalism and respect for human rights. Yet the implementation of these PHRS is hardly monitored.

Continuous political support for police professionalisation, and in particular police selection and training, has been ambiguous. Similar to other Latin American countries there is political resistance towards public security and police reform in Costa Rica (Hinton, 2006; Frúling 2003c; Call, 2000). This relates for example to the continuation of international police cooperation with countries like Chile or the US. For historical and cultural reasons, politicians question the necessity of the Public Force being trained by the *Carabineros* or the US Army (Høvik and Solveig, 1985: see sections 3.3 and 4.2). During a conversation on police professionalisation with a Member of Parliament, she and her political advisor stated:

The professionalisation of the Ministry of Public Security is repressive. You see police officers completely dressed up in their uniforms. Policing in Costa Rica has become more repressive! The Ministry of Public Security is educating police officers by having them trained by Chileans and Israelis, but we are not the *Carabineros*! They are incorporating military elements! Repressiveness is not part of Costa Rican culture, it is imported from outside! (Margarita Penón Góngora and her political advisor).⁵⁶

They associated police training with the historical repressive character of policing (Zamora, 1997; Urcuyo, 1986). Traditionally, in Costa Rica the absence of *militarismo* has shaped the national vision on security and policing. In this respect the abolition of the army in 1949 was crucial (Lehoucq, 1998). According to the quoted Member of Parliament and her political advisor, international cooperation interferes with the anti-militaristic culture of Costa Rican society (Diálogo Centro-Americano, 1998; see chapter 3).⁵⁷ Between 1999 and 2003, for instance, the US army through their Southern Command trained 1,243 Costa Rican law enforcement officials (Wola, 2004: 2). Why did this happen?

Due to the lack of resources and expertise, there was little alternative for training other than through international police cooperation. During the late 1990s and early 2000, there was modest financial commitment to police selection and training. Both the government as well as the Ministry of Public Security had different public security priorities. Consequently, as had been the case in the past, for professional training the Ministry of Public Security partly relied on international police assistance. As Costa Rica, unlike its neighbouring countries, is not a society in transition, there were not

⁵⁶ Interview, 22 September 2004.

⁵⁷ Among other countries, Costa Rican law enforcement officials have been trained with support of the American, Spanish, French, Taiwanese, Japanese and the Israeli government (Wola, 2005; Rico, 2003; Chaves, 2001).

many opportunities for international police cooperation. Hence, to some extent the government accepted whatever assistance was available (see sections 3.3 and 4.6). This led to situations in which, despite the anti-military character of society, repressive police cooperation continued. Thus, although in some respect international police assistance is crucial for police professionalisation, it also interferes with Costa Rican culture.

5.4.2 Maintaining the *Confianza* System

Politicians support the PHRS police selection and training, but also continue with political clientelist practices (Bermúdez, 2004: 201; Mora, 2004: 189; Arroyo, 2003: 220).⁵⁸ Thus to some extent despite the reform in the 1990s, the politicisation of policing persists. Some politicians support PHRS, while others continue with clientelist practices (Bermúdez, 2004: 201; Mora, 2004: 189; Arroyo, 2003: 220).⁵⁹ This is expressed through political favours or appointments within the Public Force. During my fieldwork, police officers mentioned that in order to participate in international police training courses they needed to obtain political contacts.⁶⁰ Also, in relation to career development, police officers made claims that at times they required ‘extra’ assistance. Some attributed their lack of professional career opportunities to having little political support. I also encountered traditional law enforcement officials, who joined the Public Force after the police reform. To illustrate this, of the 25 police officers I conducted semi-structured interviews with, 12 were traditional police officers of whom six had entered after 1996 (see appendix B).⁶¹ Other forms of political clientelism within the Ministry of Public Security relate to help in the selection procedure⁶², getting particular jobs, the avoidance of accountability, transfer help and aid with police training courses. These examples show how political processes can hinder the full implementation of PHRS in Costa Rica.

Political clientelism concerns not only traditional but also professional police officers. Is the current situation therefore significantly different from the pre-1994 police system? According to a Professor of the University of Costa Rica parallel to professionalisation political clientelism persists within the Ministry of Public Security:

58 Research diary, 13 and 16 September 2004.

59 Research diary, 13 and 16 September 2004.

60 Research diary, 15 and 16 September 2004; Female, mid 30s, five years in the Public Force, Interview, 30 September 2004.

61 These six police officers had been respectively three, five (two police officers), seven or eight (two police officers) years with the Public Force. Among them there were two or three who most likely did not meet the educational selection criteria of the Ministry of Public Security (Research diary, March/October/November 2004).

62 At the time, this was under investigation by the General Controller of the Republic of Costa Rica (Interview, 6 October 2004).

The situation in the Ministry of Public Security is not different from any other ministry in Costa Rica. The rules of the game are just different. Parallel to the system of professionalisation, the *confianza* system, which has priority, remains intact and therefore hinders development. (Ciska Raventós Vorst).⁶³

This quotation reflects the existence of parallel structures within the Ministry of Public Security. On the one hand the police system is professionalised. On the other hand political clientelism, or as it is referred to by the quoted professor the ‘*confianza* system’, continues to exist. Thus the organisation of the professional police system and the clientelist system are ‘parallel hierarchies’, which both relate to the implementation of PHRS (Campbell, 1964: 261). The clearest example is that, at first, professionalisation only affected the rank and file level, whereas police leaders are still appointed politically.

Even though a percentage of police chiefs continue to own their appointment to political patronage, there are attempts to professionalise the police leadership (Mora, 2004; US State Department Report, 2002; Chincilla, 2001). It is too early to determine whether it has had a lasting effect (Police Civilian Code). Late in 2004, for example, some regional directors of the Public Force who did not meet the new professional criteria were replaced (*La Nación*, 2 December 2004). At least one, who until then had been one of the most influential regional directors, was transferred to police headquarters.⁶⁴ As this police commander got another senior position within the Public Force, it suggests that the political attempt to professionalise the police leadership is inconsistent with the result. Two years later the majority of these ‘professional’ regional directors had been replaced or transferred; and the aforementioned police commander had become a regional director in another region.⁶⁵ The Regional Director of San José, for instance, was transferred to Alajuela (see figure 4-IIb). His replacement, a former Vice Commander of the Military Police, had left the police in 1986. It reflects that despite efforts to professionalise senior police leadership, governments continue to appoint their own confidential personnel.

Clientelism persists within the police system because it is a way to exercise control. From a political perspective there is little faith in the neutrality of senior ‘professional’ police leaders. A political scientist felt that, as in the past, politicians consider clientelism to be a way of maintaining civil control over the police. (Constantino Urcuyo Fournier).⁶⁶ They fear police autonomy and therefore they want to prevent the police from becoming too powerful. Hence political clientelism is believed to serve a particu-

63 Research diary, 14 September 2004.

64 In the organisation chart of the Public Force his name appears as one of the four police commanders who fall directly under the Director General of the Public Force and are in charge of police administration, special operations, finances and executive chief police officer (Ministry of Public Security website, accessed on 18 January 2006).

65 Research diary, 8 and 17 August 2006.

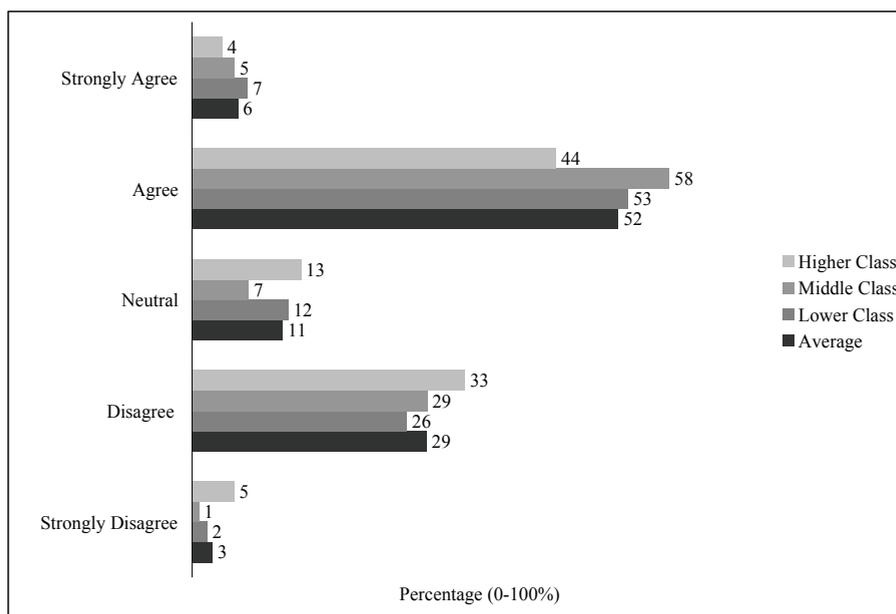
66 Male, Political Scientist at CIAPA, former PUSC Member of Parliament, Interview, 17 November 2004.

lar function and subsequently affects the implementation of PHRS. Thus in contrast to the past, currently both political clientelism and professionalisation affect the police system.

5.4.3 Citizens' Perception of Professionalisation

In relation to police professionalisation and political clientelism, citizens play an important role. Most desire a somewhat professional organisation, while a few seek political favours. Generally, citizens are aware of governmental efforts to professionalise the police. In the capital, almost 55 percent perceived the Public Force as a professional organisation (figure 5.III).

Figure 5.III 'The Public Force Is a Professional Organisation'



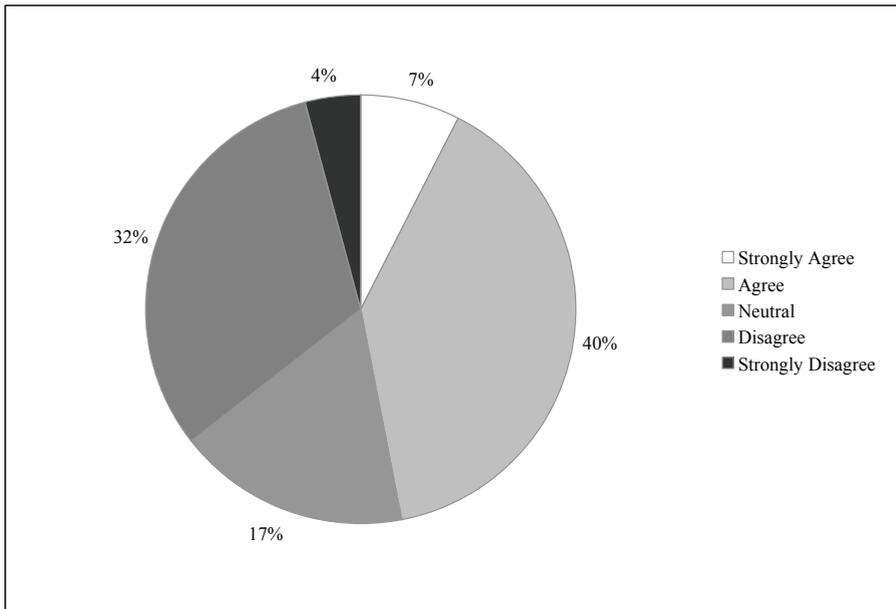
Source: Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December 2004.

Only a small majority, on average about 32 percent, disagreed with the statement. It was slightly higher (38 percent) among the highest socio-economic classes, thereby indicating that a reasonable percentage of the capital's population does not seem to have the impression that the Public Force is a professional organisation. In a recent questionnaire that was conducted at the national level, only 20.7 percent agreed with the statement that the Public Force acts professionally (UNDP, 2005: 558). This

reflects a more pessimistic view of the quality than of the organisation of policing. Thus, citizens appear to distinguish between the police organisation and the services they provide. As the results in figure 5.III are more favourable than the national questionnaire, it could indicate that *Josefinos* appreciate the police reform efforts, but that overall Costa Ricans are still sceptical about the professionalism of the preventive police.

Citizens' perception on police professionalisation is mostly influenced by their impressions of police training. In the past law enforcement officials, were perceived as low educated and ill-prepared for their task (see section 4.2). Almost 10 years after public security and police reform was initiated, 47 percent of *Josefinos* feel that police officers are sufficiently trained for their task.

Figure 5.IV 'Police Officers of the Public Force Are Prepared for their Work'



Source: Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December 2004.

Figure 5.IV suggests that society acknowledges the value of police professionalisation in terms of training. In San José, approximately half of the lower and middle classes agreed with the statement, whereas the higher classes were more reserved. Almost one third of the respondents did not agree. It indicates that a lot remains to be done before the Public Force is perceived as a true professional organisation. Especially, since at

the national level 33.9 percent of the population feel that police officers of the Public Force are not sufficiently educated (UNDP, 2005: 180).

By seeking political favours, citizens undermine professionalisation efforts (see chapter 8). Sometimes local stakeholders lobby politicians, at other times a few seek some sort of preferential treatment. This is often related to police selection and training.

5.5 INSTITUTIONAL PRIORITIES

For the Ministry of Public Security and the leadership of the Public Force, police selection and training are crucial aspects to police professionalisation. Nonetheless, these PHRS are implemented in a context of competing institutional priorities. In this section it becomes evident in the implementation and follow-up to police training. In theory the minister and police chiefs are committed to PHRS, but in practice key police leaders are more ambivalent. The effect of police leaders' resistance differs within the internal hierarchy of the police system and at the urban police unit level.

5.5.1 Professionalising Dinosaurs

Like any other reform related to policing, the implementation of police selection and training is dependent on the support of the police leadership (Frühling, 2003c; Bayley, 2001). This concerns police leaders at all levels of the police hierarchy. For the enforcement of any PHRS, committed leadership is important. This enables change throughout the police institution (Bayley, 2001; Mastrofski, 1999). When the police leadership considers, for example, police selection and training to be an asset to policing, they are more likely to support police officers' compliance with human rights. However, as the implementation of PHRS challenges police chief's authority, the police leadership also resists police professionalisation.

Higher educated and professional police officers are mostly found among the rank and file rather than in the police leadership of the Public Force. This is because at first the police hierarchy had not been subjected to the process of professionalisation (Colón, 1998). Throughout the 1990s and the early 2000s many high and mid rank police officers continued to be appointed through political clientelism (Chinchilla, 2001). The Legislative Assembly in the late 1990s, for instance, rejected a proposal to end the practice of politically appointing mid and high level police commanders (Call, 2000). As this former Minister of Public Security clarified:

With the police reform in Costa Rica...because the law did not include the superior ranks, the professionalisation began from below and not from above. This process created a conflict...We had people who entered with a new vision, with a new doctrine, truly, with disciplinary elements, which were different and we had an old guard of commanders that resisted accepting this change. Thus, they boycotted, let's say the youngsters, who left the academy. They assigned them to tasks which did not correspond, did not authorise to do training; these types of conflicts. (Laura Chinchilla Miranda).⁶⁷

Recently there have been initiatives to professionalise the top positions in the Public Force. The Ministry of Public Security also developed special courses and requirements for each police rank (Civil Police Code).⁶⁸ Furthermore, in 2001, the minimal educational requirements of police commanders were raised (Civil Police Code). A police commander with less than 15 years of police experience needs a bachelor's degree. Consequently, in November and December 2004, nine regional directors of the Public Force were replaced by specially trained commanders (*La Nación*, 9 November and 2 December 2004; Civil Police Code). In 2006 the new Minister of Public Security, who belonged to another police party, replaced and/or transferred the majority of these regional directors.⁶⁹ Hence, the lasting effect of these initiatives to professionalise the Public Force management remains uncertain.

Thus, even though the police is professionalising, this process is only slowly beginning to affect the top positions in the police system. There are more professional police officers to be found within the low and mid ranks than in the superior ranks of the Public Force. Some top positions are now slowly but surely being filled by higher educated 'professionals', not professional police officers, but former police lawyers, political advisors, Judicial Police officers, intelligence officers or public officials from the Ministry of Public Security.⁷⁰ Nonetheless, all top police leaders, whether professional or not, are appointed through the political clientelist system and a fair number of so-called dinosaurs prevail. As this former police instructor remarked:

There are many police commanders who stay and these are called 'dinosaurs'. Some of them do not extinguish and stay. For years they have been working here and they are tough old mentalities; including repressive operational policing, little consideration for certain constitutional guarantees. They have been isolated; the only detail is that they keep a lot of power. (Senior Police Leader of the Public Force).⁷¹

Because of their usually low educational levels and modest professional expertise, these powerful older experienced police commanders are not always fully devoted to the implementation of PHRS. During their careers, many received little human rights

67 Female, political scientist, PLN Member of Parliament, Interview, 5 October 2004.

68 Ministry of Public Security website, accessed on 21 June 2005.

69 Research diary, 2 August 2006.

70 Interviews, 2, 8 and 9 December 2004.

71 Interview, 6 October 2004.

training.⁷² Some support police selection and training, but others feel more like this regional director, who was replaced because he did not meet the ‘new’ professional criteria, ‘Here they replace experienced people for others who only did a six month long course. This is not enough’ (*La Nación*, 9 November and 2 December 2004). He feels that police experience does not equal what is taught to more educated police leaders in specialised training. Nonetheless, ‘dinosaurs’ can be powerful actors within the Public Force and therefore have to be reckoned with. When talking about this, a former Vice Director of the Police Academy stated:

Chief P.H. is one of those old chiefs; ‘dinosaurs’. Internally he divides the resources; so, for example, I like you and therefore I will give you two patrol cars. I worked with him at the police academy he used to run it like a *comisaria* (a former police unit). (Public Official of the Ministry of Public Security).⁷³

This senior police leader exercised his power by dividing resources; thereby, he was able to exercise control over chiefs, who were lower in the police hierarchy. Because of their internal power, ‘dinosaurs’ influence the professionalisation process and therefore can not be ignored by reformists. Due to strong hierarchical structures within the police system and at the police unit level, police officers who maintain low positions do not have enough power to implement PHRS. Hence, the role of superior police leaders is crucial.

In comparison to traditional police officers, professional police officers have a higher education, receive more police training and sometimes enjoy better labour conditions (salary, training possibilities etc.). As many police leaders do not meet the new criteria, the process of professionalisation threatens their authority within the professional police system. Having authority relates to one’s position within the power structure of the police organisation as well as having individual authority (Reuss-Ianni and Ianni, 1983: 304). Professional police officers are believed to question the police chief’s decision-making capacity (see section 6.4). Also, professional police officers are very slowly, but surely, becoming mid rank police leaders.

In other words, top police leaders support police professionalisation, but simultaneously experience professional police officers as threatening to their position.

5.5.2 Opposing Interests

Even though the police management supports the professionalisation process they also hinder the implementation of police selection and training. Police leaders resist their effect by setting priorities that interfere with police training. This becomes evident, for example, with the frequent drafting of police recruits from the police academy. With the justification that it was good to gain operational experience, top police leaders

⁷² Research diary, 26 February 2004.

⁷³ P.H. is a pseudonym (Research diary, 6 October 2004).

regularly assigned police recruits to do ordinary as well as special police tasks.⁷⁴ This was done in addition to the police practical training, which is part of the curriculum of the basic police training course (see appendix D). Like many other law enforcement officials, police recruits were compelled to do extra work without being sufficiently compensated.⁷⁵ In special circumstances it is understandable that police recruits help out, but due to a structured lack of personnel, material resources and planning it appeared to be systematic. For instance, throughout the time that I spent at the police academy, police recruits were more than often ordered to assist the police in the city centre of San José. This happened on weeknights and over the weekend. Once I was present when the police chief of San José gave a lecture and his sub-commander briefed police recruits who were about to patrol the streets. The police chief invited the police recruits to ask questions:

One asked, ‘Will we be working with experienced police officers?’ His response was, ‘Very good question; Juan is your name is it not? No, tonight you will be working with each other.’ Later during the briefing the sub commander of Delta 1 said, ‘You are going to work in a part of San José where everyone who is on the street after 8 o’clock is either a crook or working in the sex-industry.’⁷⁶

In this type of assignment it is more the exception than the rule that police recruits work directly with experienced police officers. They usually patrol with each other and only interact with police leaders. Despite the fact that the police recruits are still in training, they often get similar responsibilities as experienced police officers do. Furthermore, in relation to police training there is little coordination between the police academy and the management of the Public Force. During police practical training as well as extra assignments, police recruits were hardly supervised. Much of the time, police instructors of the police academy did not accompany police recruits on external assignments. A police instructor commenting on this remarked:

Here the students leave with others without being supervised. By order of the Ministry (of Public Security), they are collected by people who have nothing to do with the police academy. They do the work of others. With us, the Public Force, there is this weakness; we do not see how they develop in the work they are assigned to do. Today they are doing this practical training and not a single instructor went. (Police instructor of the police academy).⁷⁷

There are various reasons to why the police academy staff did not supervise police recruits outside the grounds of the police academy. The main reason was that at the time of the research the ministry considered the police academy staff to be civilian;

⁷⁴ Research diary, 14 September 2004.

⁷⁵ Research diary, September and October 2004

⁷⁶ Research diary, 24 September 2004.

⁷⁷ Interview, 29 September 2004.

therefore it was not willing to cover the so-called ‘police risks’ costs, which is insurance for professional police officers (art. 85 Police Code).⁷⁸ Another was that many extra assignments were not communicated in advance to the police academy. The role of the Director of the Police Academy is also crucial. Is he or she able to resist pressure from senior police leaders? This lack of institutional communication hinders the process of implementing PHRS.

Although the police academy is involved in the selection of police officers, the Ministry of Public Security carries the responsibility for the process. Ultimately, public officials in consultation with senior police leaders, and not the police instructors, decide who is and is not hired.⁷⁹ Therefore, many who take the decisions in relation to police selection lack police professional and operational experience. This is true for public officials as well as senior police leaders. In 2004, the Director of the Police Academy, for example, was a biologist, who, apart from having been a political advisor to the Minister of Public Security and being a reserve police officer, did not have any police experience (*La Nación*, 10 August 1998).⁸⁰ Other than his professional background, one wonders why he is considered to be qualified to make decisions in relation to police selection. Probably due to corruption problems related to police selection, the minister preferred a top-down approach (*La Nación*, 7 October 2003). When talking about these issues and the hierarchy within the Public Force a police expert explained, ‘It is very vertical; this is common in Latin America. We do all sort of things to prepare, to help, but we do not want to sign nor confirm.’⁸¹ This vertical approach is common throughout the police system and at the police unit level. Quite often during my fieldwork police officers would justify doing something or avoid responsibility by saying, ‘I have permission from the Minister (of Public Security) or the Director of the Public Force to do this that.’⁸² Both the minister and the top-management of the Public Force frequently made decisions or took direct responsibility for relatively minor issues. One of the consequences of this approach is that on the one hand, politicians and the ministry want to professionalise, but on the other, in terms of selecting police officers they do not trust the Public Force to act as a professional organisation.

5.5.3 Police Unit Chiefs

The effect of the PHRS selection and training is partly exposed at the police unit level by the chief. Under his or her supervision professional police officers work side by side with the often more experienced traditional police officers. Within San José, chiefs of Delta’s, which is now the official name of police units, are gradually becom-

78 Interview, 29 September 2004; Research diary, 16 September 2004.

79 Interview, 30 September 2004.

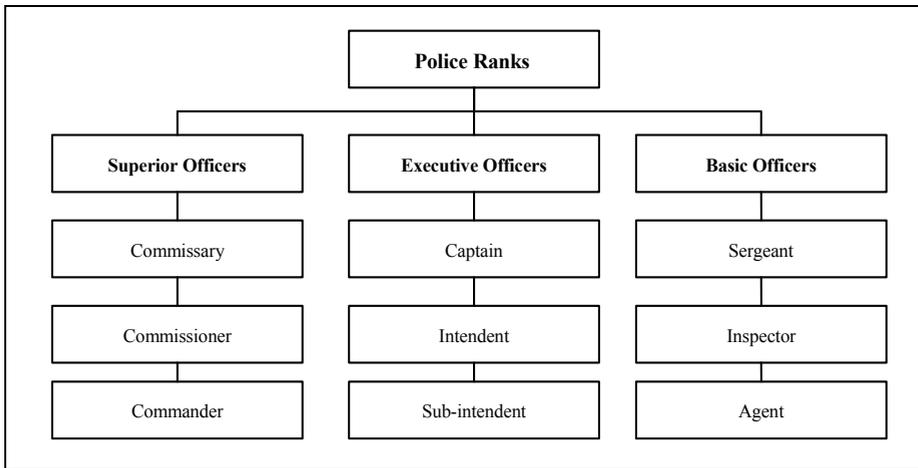
80 Research diary, 16 September 2004.

81 Research diary, 6 October 2004.

82 Interviews, 22 March and 8 December 2004; Research diary, 16 September 2004.

ing more professional. In 2004 among the 22 police station chiefs of the capital, there were highly educated individuals and many career police officers, of whom a few had participated in the basic police training course (see figure 4.IIa/b).⁸³ Approximately one fourth had been police lawyers or instructors at the police academy. There were a couple of traditional police officers and the rest were professional police officers. There was a great variety of police ranks in the police region of San José. Among the police chiefs there were captains, intendents, sub-intendents, sergeants, inspectors, agents and even police lawyers (see figure 5.V below).⁸⁴

Figure 5.V Professional Police Ranks



Source: Art. 56 Civilian Police Code.

Police ranks do not always reflect a police chief's experience or educational level. For example, at one of the police stations where I did my fieldwork the police chief was a sergeant, but several high rank police officers served under her command.⁸⁵ The primary cause was that despite the professionalisation efforts, experienced traditional police officers kept the equivalent of their former 'military'⁸⁶ ranks (Ombudsman's Office, 2000/2001). Furthermore, although courses have to be taken to obtain a certain rank, as in the past, some police officers have a higher rank for political reasons. For instance, a few months later, the aforementioned sergeant became a captain.⁸⁷ At the

83 Four commanders, two captains, four intendents, two captains, eight sergeants and one agent. There were three police lawyers, who were police chief (Research diary, 4 March 2004).

84 Research diary, 4 March 2004.

85 Research diary, 10 February 2004.

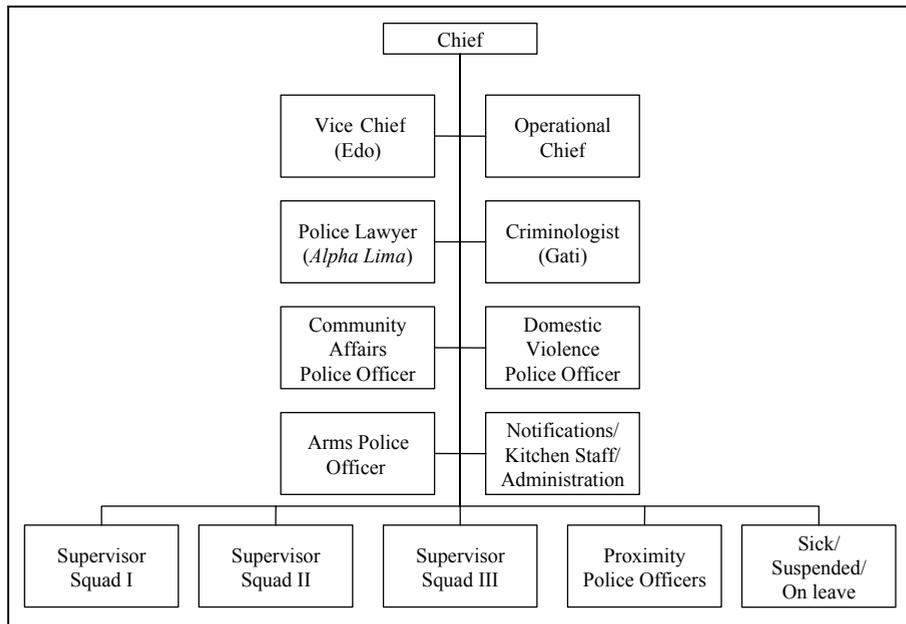
86 Until 2001 police ranks of the Public Force were the same as the US army.

87 Research diary, 15 September 2004.

time of my research, in the police region of San José there was a preference for police chiefs with a background of career police officers or external professionals. The majority of professional police officers, however, stand little chance of ever becoming a police chief. On the one hand this is related to their educational backgrounds and the slow implementation of police professionalisation, on the other they lack the political contacts. Due to the emphasis on professional police leader training and the rank courses, this is expected to change. The question that remains is: Who is selected for these courses and will they systematically lead to the appointment of professionally trained police leaders?

As is the case within the police system, at the police unit level the *confianza* system continues to exist too. Formally the hierarchy within police stations seems clear. In almost every police station I visited in San José, the names and photos of all police officers were clearly exposed as reflected in figure 5.VI.

Figure 5.VI Hierarchy at the Police Unit Level



Sources: Research diary, 6 February, 7 October and 6 November, 2004.

The police unit chief is assisted by a fair number of other police leaders; the vice chief,⁸⁸ the operational chief, the supervisors and specialised police officers (see

⁸⁸ This function was eradicated in 2006 (Research diary, 8 August 2006).

appendix E). In most interviews, professional and traditional rank and file police officers as well as other staff recognised the supreme authority of the chief.⁸⁹ Other formally appointed police leaders such as the vice chiefs or the supervisors were mentioned less. Rank and file police officers mostly related to the chief, who was called '*jefe de puesto*'. In contrast, many, especially the traditional police officers, resisted the vice chief, the specialised police officers and the administrative staff. This resistance was probably fuelled by the fact that the fulfilment of these positions was determined by the Ministry of Public Security rather than the police chiefs. Additionally, informally police officers sometimes paid respect to older, experienced police officers who enjoyed a high rank (see section 5.6). In a couple of police stations in San José, police chiefs only appointed professional police officers in police leadership positions, whereas in others professional status was not a defining criterion.

In general many police officers obtained key positions ('*puestos de confianza*'), through the *confianza* system.⁹⁰ In other words, except for the specialised police officers, the chief decided who became the operational chief, police supervisors etc. Thus, who became someone within the internal hierarchy of the police unit mostly depended on the chief's outlook on policing. At one of the police stations where I did my fieldwork, all key positions were filled by professional police officers, whereas in the other, only a few. Within police units every police chief has his own confidential personnel. As this traditional police officer explained, 'The chief has its confidential staff, you know if you tell them something the chief will find out.'⁹¹ Thus, the chief exercises his or her control by appointing trusted police officers in key police operational positions. Also the chief decided which accountability cases were sent to the Legal Disciplinary Department and who was allowed to participate in police training courses, thereby influencing the development of careers. As this professional police officer explained:

There are supposedly equal opportunities for scholarships and training, but the ones who go to courses never meet the right criteria. To get scholarships there are requirements; however, in the end the people whom the chief wants to send always go.⁹²

She basically stated that despite the professional criteria, the role of the chief in the selection for police training is most crucial, thereby emphasising clientelist relations between the chief and his subordinates (Weingrod, 1968). Thus at the police unit level social relationships are maintained by emphasising the formal hierarchy in combination with the informal *confianza* system.

Although the professionalisation process leads to less frequent transferrals of police chiefs, it is still common for senior police leaders to replace them. For instance,

⁸⁹ Interviews conducted in March 2004.

⁹⁰ Research diary, 22 and 23 February 2004.

⁹¹ Research diary, 23 February 2004.

⁹² Female, mid 30s, five years in the Public Force, Interview, 30 September 2004.

between December 2004 and August 2006, 75 percent of the police chiefs of San José were replaced.⁹³ This San José police chief remarked, ‘When I came here there were problems. There had been many police chiefs and little labour stability.’⁹⁴ Ironically, he had been a chief and was drafted from another police station in San José, and a half year after the interview he had left the Public Force. Another high rank police officer had been a police chief and an instructor at the police academy, but now he was patrolling the streets. He commented on his situation, ‘I am a professional, but I belong to another political party. I have participated in international police courses and taught. I used to be a chief, but these days I am walking the streets.’⁹⁵ He attributed his task degradation to his political affiliation. The consequence of the instable position of police chiefs is that the hierarchy of a police unit constantly changes. Most police chiefs select their own confidential staff. Thus, the consequence of frequent transfers of police chiefs is that the internal hierarchy within the police unit is constantly disrupted.

Police chiefs have also their own styles of running police units. At one police station where I did my fieldwork, the entire hierarchy as exposed in figure 5.V was reflected (for others see appendix E). This in itself was an extraordinary situation, because due to a general lack of staff the majority of San José police stations does not have such a wide range of human resources. The chief was a highly educated professional police officer who entrusted subordinates to run the police unit.⁹⁶ Nonetheless, police leaders were replaced every so often. In the course of 2004, for instance, four different police officers occupied the position of operational chief; whereas in the other station the police chief preferred stability in key positions, but as he did not want a vice chief or operational chief, he only delegated power to police supervisors, thereby surpassing the formal hierarchy of police units.⁹⁷

The most important consequence of implementing PHRS is that the position of police chiefs is becoming more stable, but in comparison with the past, they are not as powerful as they used to be. They no longer enjoy absolute authority. Nowadays at the police unit level there are other police officers with access to expert knowledge or information. In addition to professional police officers, specialised police officers such as the community affairs police officer and the police lawyers are aware of human rights and/or upholding professional standards. These specialised police officers are appointed by the Ministry of Public Security and are perceived as not being loyal towards the police chief. Therefore it is assumed to be more difficult to exercise control over specialised police officers. From this perspective the power of the police chief has become less absolute. A police chief reflected on this development by stating:

93 Research diary, 8 and 15 August 2006.

94 Interview, 22 March 2004.

95 Research diary, 15 November 2004.

96 Research diary, 4 March 2004.

97 Research diary, 6 October 2004.

In the past the chief enjoyed a vote of confidence; today not. Even better, I could be charged, because tomorrow a subordinate goes there (to the Legal Disciplinary Department of the Ministry of Public Security), makes a police report about sexual harassment and I receive a complaint. Henceforward we have to go to the Legal Department to see who is saying the truth.⁹⁸

He resisted the involvement of the Ministry of Public Security because it collided with the authority of police chiefs. Interference by the bureaucracy of the Legal Disciplinary department is experienced as a threat by most police officers (see chapter 7). Due to the professionalisation process, police unit chiefs are enjoying less power and this creates institutional resistance within the units. To avoid outside interference, police unit chiefs prevent professional police officers and specialised police officers from gaining authority.

In this section, I have discussed how and why the priorities of the Ministry of Public Security, and especially the police leadership of the Public Force, affect the implementation of police selection and training. PHRS are implemented admits competing institutional demands and police leaders' resistance. Even though police professionalisation is slowly creating an environment for police officers' compliance with human rights, partly due to police leadership it is effect not as direct as expected.

5.6 TRANSFORMING *HOMBRES DE ARMY* INTO POLICE PROFESSIONALS

By transforming the Public Force into an organisation consisting of police professionals, it is presupposed that law enforcement within the police system and urban police units is planned and controlled more efficiently. This implies, for example, that compliance with human rights is enforced through PHRS, such as police selection and training. The professionalisation process affects the discretion of rank and file police officers, who are inclined to support efforts that improve law enforcement, but are less enthusiastic about changes that are directed towards controlling their work (Newburn, 2005: 235; Manning, 1997: 162-163). Consequently, at the police unit level police officers' resistance to change is bound to arise (Bayley, 2001). Although this occurs among professional and traditional police officers alike, it is more challenging for the latter to adjust. A Costa Rican rock group calls police officers '*Hombres de Army*'⁹⁹ (armymen), it refers to the militarist style of policing, which due to the professionalisation of policing is expected to change. Because traditional police officers were socialised by a police system that advocated a more repressive approach to policing, they identify strongly with military norms, values and practices such as hierarchy and obedience (see section 6.5). In the past this was the way in which police officers' compliance was ensured.

⁹⁸ Interview, 16 March 2004.

⁹⁹ In their song '*Linda Costa Rica*' the ska rock group *El Guato* refers to police officers as *Hombres de Army* (Research Diary, 2 December 2004). For more information: *El Guato* website, accessed on 18 November 2006.

In this section police officers' experience with police selection and training is reviewed. Thereby focusing on the consequence that the process of professionalisation has had for law enforcement officials at the police unit level.

5.6.1 Modest Opportunities

Overall, the introduction of police selection and training increased hopes for police officers to have a professional career. By participating in the first basic police training courses, experienced police officers expected to improve their salary and obtain labour stability.¹⁰⁰ When the basic police training course was introduced, there was some scepticism within the Public Force. For example, police officers were reluctant to go to the police academy. Although in the beginning the whole Public Force was to be subjected to the professionalisation process, this emphasis changed over the years. Currently, the priority is the training of recruits.¹⁰¹ Traditional police officers are stimulated to improve their education level, but even if they meet this criterion it has become more difficult to participate in the regular basic police training courses.¹⁰² Their only alternative is the basic police co-validation course, which for reasons explained before is challenging (see section 5.2.2). Thus, as figure 5.1 shows, many police officers of the Public Force are unable to pass the exams of the basic police training course and therefore it is impossible to be included in the police labour statute. Hence, traditional police officers stand little chance to improve their labour situation.

Despite the fact that the situation of professional police officers is somewhat more favourable, they have their own concerns. For many there is little systematic opportunity to develop their 'professional' career. For participation in police rank or training courses, they rely heavily on the approval of their chiefs, who, due to a chronic lack of human resources, are not always keen to send staff away for long periods of time. In this context short training courses or workshops are less of an issue; usually they only last a few days. Furthermore, after graduation from the basic police training course, police recruits encounter labour conditions that they had not expected when they applied to the Public Force.¹⁰³ Most learn quickly that at the police station level, the rules of the game tend to be somewhat different from what they were taught at the police academy (see section 5.6.2). During an interview, a professional police officer explained what happened to her when she graduated from the police academy in the late 1990s:

100 Research diary, 11 September 2004.

101 Research diary, 18 November 2004.

102 The 19th basic police training was organised especially for experienced traditional police officers, who were motivated to study (Research diary, 16 September 2004).

103 Interview, 6 October 2004.

At the police station where I was sent, I was the first woman. I did not like it. I was the only one with studies (the basic police training course). They did not want to work with me; it was a corrupt Delta with a lot of *machistas*. I did not study to become a cook! I was not hired to do that! Five years ago it was worse. Now, due to the new law, it is changing and improving. They know you can denounce them.¹⁰⁴

This quotation reflects the difficulties professional police officers encounter when they are sent to police units for the first time. Except for some police units in San José, they are the minority. Internal resistance to gender and professionalisation is expressed by assigning trained police officers to duties that do not match their educational background. The quoted law enforcement official's refusal to work as a cook aggravated her situation. She thereby disrespected existing power structures. Furthermore, as she communicated that because of her studies she was different, other police officers who may also be assigned to these kinds of duties, were likely to be offended.¹⁰⁵ Although she had encountered fierce resistance from fellow police officers, at the same time she recognised, later in the interview, that things were changing. Nowadays sexual harassment within the Public Force is taken more seriously and it is possible to file complaints.¹⁰⁶ In the end, with the assistance of an influential police leader, she was able to transfer.¹⁰⁷ As for ordinary rank and file police officers this is difficult, she relied on the informal *confianza* system to do so.

Additionally, police recruits are often sent to police units distant from their places of residence (Ombudsman's Office, 2004/1995). Although to some extent the Ministry of Public Security tries to incorporate preferences, this is challenging. For instance, at Charlie Delta police station, there was a shift of police officers who all came from the rural northwestern province of Guanacaste. In 2001 they participated in the 14th basic police training course (Ombudsman's Office, 2000: 177-178). As a group they were sent to work in the city centre of San José, where they worked 11 day shifts, from 12 o'clock noon to 10 o'clock at night, then had three days off to travel home.¹⁰⁸ By 2006 the situation of the majority had not substantially changed.¹⁰⁹ For financial reasons police officers who live far away from home usually live in barracks at the police units where they work. This prevents daily interaction with their family as well as the communities they serve. One of the explanations for this development is that many police officers come from rural areas, which are not densely populated. They, therefore, have fewer opportunities to do police work close to home. Another reason police units in the capital have such a disproportionate amount of professional police officers

104 Female, mid 30s, five years in the Public Force, Interview, 30 September 2004.

105 During my fieldwork I encountered many female police officers who were working as cooks.

106 Gender, Equality and Fairness Policy, Ministry Public Security, 2003; Code Against Sexual Harassment, Ministry Public Security, 2003 (appendix C).

107 Research diary, 13 September 2004.

108 Research diary, 12 October 2004.

109 Research diary, 15 August 2006.

is that it is a high crime area and this group has police risk insurance.¹¹⁰ Political power also plays a role. Since the early 1990s, for instance, the average homicide rate of Limon has exceeded that of San José (UNDP, 2005). However, the distribution of law enforcement officials seemed to favour the metropolitan area, and especially some of its important districts. For instance, at the police station of Hatillo, Delta 11, the crime rate was considered to be relatively low, but in comparison to Delta 6 in Curridabat and Delta 8 in Pavas, there were far more law enforcement officials (see figure 4.IIb).¹¹¹ Most likely this is caused by political priorities. Hatillo is a residential lower middle class area, whereas Curridabat and Pavas are districts with some wealth, but simultaneously contain numerous poor areas (*Estado de la Nación*, 2005). Moreover, it was common knowledge that the number of professional police officers in San José was far higher than in the rest of Costa Rica and that the police station of the city centre, Delta 1, was with more than 80 percent a special case.¹¹²

5.6.2 Adapting to Cultural Change

Because law enforcement officials identify with the institutional norms, values and practices of the social field in which they operate, it is challenging to cope with change that is directed towards the informal organisation of policing. The informal occupational culture partly explains why police officers resist the professionalisation process within the police system and at the police station level. It is crucial to understand that police culture is produced by ‘The interaction of the socio-political context of police work and various dimensions of police organisational knowledge’ (Chan, 2005: 339).¹¹³ Thus, the police culture of the semi-autonomous field in which police officers operate is influenced by socio-political and institutional factors as well as law enforcement officials themselves (see figure 2.I). As it is constantly subjected to change it requires that police officers are able to adapt to situations quickly.

In general, within police units traditional police officers had more difficulties adjusting to cultural organisational change caused by police professionalisation.¹¹⁴ Primarily, because it interfered with their ‘former’ position within the organisation and the way in which they used to conduct their work. At the police stations where I did fieldwork, I encountered several mid rank police officers who in the past had enjoyed

110 Interview, 18 February 2004; Research diary, 1 November 2006.

111 In 2000 Hatillo had 55,593 residents and in 2002 a homicide rate of 3.0 per 100,000. Curridabat had 64,513 residents and a homicide rate of 2.0. Pavas had 81,095 residents and a homicide rate of 9.0 (Judiciary, 2002; Censo, 2000). In 2004 Hatillo had 103 operational police officers, of whom 43 were professional police officers and one-third did not meet the educational selection criteria of the Public Force. At the end of 2003 Curridabat, had 84 police officers of whom 19 were professional police officers. Pavas had 76 police officers, of whom eleven had recently graduated from the 20th basic police training course year (Research diary, 6 February, 14 March, 8 October 2004 and 5 November 2003).

112 Interviews, 27 February, 2 and 8 December 2004.

113 For more information: Reiner, 2000; Manning 1997; Goldstein, 1990; Holdaway, 1983; Skolnick, 1966.

114 Interview, 20 February 2004.

some level of responsibility but who were now patrolling the streets. For these traditional police officers, the process of professionalisation entailed losing their former status. Secondly, they felt that many younger professional police officers did not sufficiently respect their authority, which, on the basis of their seniority, they felt they were entitled to. Although professional police officers are aware of this situation, they similar to their traditional colleagues were concerned with appeasing their direct chief.¹¹⁵ How the chief related to cultural change influenced most police officers. These kinds of loyalties tend to be short, because police chiefs are replaced often. Hence, whether police officers are able to adapt to the changes that PHRS generate altering institutional norms, values and practices is dependant on a variety of things.

The implementation of police selection and training affects the formal rules as well as the informal rules of policing. For example, in the past, participation in (international) training courses was a common way for police chiefs to honour law enforcement officials. Nowadays, even though the support of the police unit chief is required, technically every Costa Rican police officer, independent of their performance, can be sent to police training courses. This interferes with informal internal values and norms of the police unit, which portrayed that the most dedicated, experienced and best performing police officers should go. The role of the chief remains crucial, but he or she can be overruled by higher police leaders of the Public Force. Additionally, within police units there was a widespread belief that in terms of training, inexperienced professional police officers were preferred over experienced traditional police officers.¹¹⁶ For many longer term international and rank courses, this was the case, the reason being that there are selection criteria and therefore not everyone is allowed to participate. Traditional police officers usually fail to meet these criteria.¹¹⁷ Therefore they are de facto excluded from professionalising themselves and developing their career. Because it interferes with the internal organisation of policing, this is something that creates anxiety at the police unit level.

Many powerful and less powerful police officers felt that vocation rather than educational backgrounds or job records, should be the criteria to determine whether someone was qualified for a particular task or sent to training courses (see section 7.5). As Reiner (2000: 89) put forward, 'A central feature of cop culture is a sense of mission. This is the feeling that policing is not just a job but a way of life with a worthwhile purpose, at least in principle.' It reflects that from the perspective of police officers, good law enforcement officials are dedicated to their work as if it were a religious calling. During speeches to police recruits at the police academy, in interviews, and in regular conversation, 'vocation' was frequently communicated as one of the most important criteria of being an outstanding police officer.¹¹⁸ I learned that it entails; someone who was willing to sacrifice himself or herself on behalf of the

115 Interviews, 7/18 March 2004.

116 Interviews, 7/18 March 2004.

117 Ministry of Public Security website, accessed on 1 November 2006.

118 Interviews, 25 February, 29 September, 1 October 2004; Research diary, 24 September 2004.

police institution, who does not question authority, and is willing to do any task or to go anywhere without complaining about the risks of having his or her personal life interfering. As a former police commander remarked:

The nice thing about being a police officer is when you have ‘vocation’. There are people who have a tough life, but it is a great opportunity for people who are dedicated to the service. There are always problems if you have someone in a position who has no vocation.¹¹⁹

He stressed that without vocation, being a police officer is not rewarding for either the individual or the police institution. Questioning an individual police officer’s vocation was simultaneously a manner to neutralise complaints. During a psychology workshop, about 20 police officers were asked by a psychologist of the Ministry of Public Security to prioritise their problems. They mentioned in descending order; working hours, labour conditions, the chief and the food.¹²⁰ During the discussion on excessive working hours, a professional police officer commented on his police chief who had questioned his vocation after he had complained about being forced to work overtime, ‘Vocation! Why should I care if the chief is divorced and never sees his children? I think this is a lack of respect for me and my work, I want to see my children’. He thereby implied that by questioning his commitment, police chiefs persecute ‘difficult’ police officers, who complain about being forced to do extra work. The quoted law enforcement official feels that being a good police officer does not mean that due to overtime he is not able to establish a family life.

5.6.3 Professional versus Traditional Police Officers

On the surface the difference between professional and traditional police officers is not apparent in day-to-day police work. Both have the same tasks and responsibilities. The only things that distinguish the two categories of law enforcement officials are salary, labour protection and usually years of experience. Increasingly complex tasks such as specialised police or administrative work are being assigned to professional police officers, who due to their educational level are expected to do better. With police leadership positions it depended on the chief.¹²¹ Does he or she value training, education, skills, vocation, experience, rank or confidence? In one of the police stations, where I did my fieldwork, all the supervisors were professional police officers, whereas in the other none (see appendix E). Overall, police ranks, experience, vocation, or training did not appear to be defining characterises for the kind of work police officers did. This was somewhat frustrating to law enforcement officials, who identified with these particular values. Since in comparison to the past police officers can

¹¹⁹ Interview, 1 October 2004.

¹²⁰ Research diary, 22 and 24 November 2004.

¹²¹ Interview, 7 October 2004.

no longer be fired so easily, control was usually exercised by task assignment, giving extra duties or transferring a police officer. Confidential personnel were appointed to key positions. Consequently, the police unit chief is to a certain extent able to exercise control.

Like so many of their international colleagues, police officers of the Public Force believe that police work is learnt on the streets and not by police training (Bayley, 2001: 20). Professional and traditional police officers value police training, but simultaneously feel that the police academy does not adequately prepare law enforcement officials for their task. When I asked a professional police officer what kind of training had been important for her, she replied:

For me as a police officer, when I did the basic police training course. It was about becoming a professional police officer. At the academy they, perhaps, do not so much teach you to be a police officer. No! A police officer you become on the streets! It is the theoretical part; the law, human rights, violence and other things, what in certain situations are worthwhile. The longest, most boring courses I have been in ... The basic police training course is to train police officer in professional quotation marks (' '). In nine months you do not become a professional police officer!¹²²

Although she acknowledged the role of the long and tedious subjects, she insisted that one essentially learns police work by doing it. This has, for example, implications for human rights, because new colleagues observe and reproduce experienced police officers' compliance with these norms, standards and values. One of the consequences of recognising police experience is that the role of peers in teaching police work is essential (Bayley, 2001; Reuss-Ianni and Ianni, 1983). When policing new police officers work with colleagues, who socialise the new police officers into what they think he or she must know. As one traditional police officer said, 'I think you learn police work on the streets, you learn from your colleagues. I have learnt police work by means of my colleagues.'¹²³ He thereby emphasised that he had learnt the job by interacting with his police colleagues. This implies that it is translated by the organisational subculture into a tool for policing. It affects police training, because to law enforcement officials policing is conducted in the way colleagues do it. Due to the conviction that police work is essentially learned by doing it, there is a large group of traditional police officers who resist participation in basic police training.¹²⁴ Why would an experienced police officer want to do a course that teaches him something he or she is already familiar with?

Although these preconceptions are recognised by the police academy, they have difficulties adjusting to everyone's needs. Police recruits and experienced police officers require distinctive approaches. A police instructor commented on concerns related to the training of traditional police officers:

¹²² Female, 29, nine years in the Public Force, Interview, 10 March 2004.

¹²³ Male, 33, five years in the Public Force, Interview, 9 March 2004.

¹²⁴ Interviews, 29 September and 1 October, 2004.

The problem is always when you teach a group of older (experienced) police officers, is that they do not want to accept orders from younger people. Thus you have to begin psychologically. Now there is the option to take the (basic co-validation) course, where they study at home or at work to pass the basic police training course, but that does not generate results either.¹²⁵

As the quoted police instructor feels that experienced law enforcement officials do not accept 'orders' from staff at the police academy who often are higher educated and younger, he concluded that they are difficult to teach. Their resistance is created by the fact that police instructors are often less experienced streetwise than these police officers themselves. This is a reason for traditional police officers to question their expertise. Even though police instructors are aware of these kinds of sensitivities and according to the quoted police instructor deal with the psychology of it, it is problematic. Especially since the alternative, the basic police co-validation course, is short and the focus on self-study is not suitable for police officers, who in most cases have not studied for quite some time. Subsequently, the majority of traditional police officers will only become acquainted with human rights through special workshops or training courses that lack the basic and internal introduction which is provided in the basic police training course.

Furthermore, the police academy is aware of the importance of preparing police recruits for actual street work. Therefore, the police training courses include supervised practise at police units. However, during these kinds of exercises there is little emphasis on supervision or learning. During supervised practice, police recruits tended to work side by side and interacted predominately with police commanders. At one police unit where I spent a lot of time, I regularly witnessed police recruits assisting regular evening patrols. Most of the time they worked with each other and there was hardly any interaction or communication with ordinary police officers.¹²⁶ The situation at the U.I.P. was similar.¹²⁷ Like any other law enforcement official, they were briefed and then set out to work. I witnessed hardly any sort of reflection on what they were doing or the use of events that happened as a learning experience. Thus, although the objective of supervised practise for police recruits is present, in reality follow-up is challenging for the Public Force.

In summary, at the police unit level professional and traditional police officers are equal, but in terms of developing their career the former are in a better position. Consequently, transforming *Hombres de Army* into police professionals is challenging.

125 Interview, 4 October 2004.

126 Research diary, October and November 2004.

127 Research diary, 15 September 2004.

5.7 CONCLUDING REMARKS

The process of implementing police selection and training within the police system and at an urban police unit level is delayed in Costa Rica, and therefore in this chapter I focused more on the context rather than the content of PHRS. Consequently, although police officers' reasons for compliance and resistance to police selection and training were considered, they were analysed less rigorously than the institutional and socio-political factors. Despite the political commitment to professionalise the Public Force, the numbers of resources allocated to PHRS remain modest. Due to different priorities, politicians and senior police leaders delay the effect of basic police training, which among other things affects human rights courses. For example, classes at the police academy were cancelled regularly. Like other police officers, police recruits have to cope with challenging labour conditions such as long working hours. The environment of the police academy focused on educating police recruits and socialising them to respect the hierarchical structures. The full implementation of police selection and training are objectives that are slowly developing. Politicians and the public do not really seem to be concerned with the delays in the implementation process. Consequently, as only a small percentage of police officers enjoyed basic police training, it has implications for the overall effect of human rights on the police system and at the police unit level.

The role of police leaders is essential for the successful implementation of police selection and training within the police system and at a police unit level. Senior police chiefs tend to engage in police reform in an ambiguous way. They want to professionalise preventive policing, but simultaneously experience it as a threat to their authority. Despite the fact that the entire police system was subjected to professionalisation, this has not affected dramatically the position of police hierarchs. Even though senior police leaders are replaced and transferred as often as police unit chiefs, due to political support a certain percentage is able to sustain their position within the Public Force. For professional and traditional police officers alike, chiefs are crucial for the day-to-day work and, to a lesser extent, for career development. Selection criteria enable a small number of professional police officers to move up within the hierarchy of the Public Force.

PHRS were crucial contributions to professionalising the Public Force, yet their implementation only partially generated change within the police system and at a police unit level. Within the police system there are parallel hierarchies, which reflect professionalism as well as political clientelism. It appears as if police reform is predominately delayed by socio-political and institutional factors. Perhaps the objective of professionalising the Public Force within due course is simply too great for a small, developing society. A relative large number of experienced police officers are very unlikely to ever participate fully in basic police training. The situation of these traditional police officers reflects the duality of the police system. On the one hand, they are part of a police institution that has professionalised. On the other, they do not meet the selection criteria to participate in training courses and obtain labour stability.

Professionalising a New Generation: Police Selection and Training

This means that in order to improve their situation they should focus on increasing their educational level, but in practice they rely more on the informal *confianza* system. Professional police officers tend to meet selection criteria, but additionally require police leadership support and therefore to a lesser extent they rely on clientelist practices. Furthermore, as the majority of professional and traditional police officers do the same work, this causes friction at the police unit level.

CHAPTER 6

AROUND HERE I AM THE LAW!

STRENGTHENING POLICE OFFICERS’ COMPLIANCE WITH THE RULE OF LAW

6.1 INTRODUCTION

In the quiet surroundings of Delta 1 (the police station of San José centre), I had just started interviewing an *alpha lima* (a police lawyer), when a police officer entered her office without knocking.¹ As he held his police radio he asked, ‘There is a man in a bar with an *arma blanca* (a large knife), can we shoot him?’ The *alpha lima* responded, ‘When you shoot, you will have a problem.’ As he continued to listen to the incoming messages on the police radio, the police officer held his breath. The police lawyer suggested, ‘Perhaps we should call the negotiators.’ The police officer and the police lawyer then left the office.²

The police officer was confronted with a situation that was rapidly developing into a crisis; the suspect proceeded to kill a man and later on took several hostages in the city centre of San José.³ He sought advice on the legitimacy of using firearms. By suggesting an alternative, namely contacting negotiators, the police lawyer questioned whether the use of firearms was necessary and proportionate (art. 3 UN Code of Conduct; Police Code). In a nutshell the dialogue between the law enforcement official and the *alpha lima* reflects the potential effect of implementing PHRS within the police. The police officer faced a dilemma; on the one hand he had to act, but on the other he needed specific legal advice on how to do so. The fact that he consulted with the police lawyer suggests that he is open towards seeking legal assistance.

Like any other police force in the world, the Costa Rican Public Force has the responsibility to protect society and enforce its laws. Definitions on the police or what policing constitutes refer to these elements of law enforcement and the maintenance of social control.⁴ In order to ensure this law enforcement officials have, as long as it is justified and legitimate, the right to use force (Neyroud *et al.*, 2001; art. 1/3 UN Code of Conduct). The above dialogue shows how particular PHRS are implemented

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- 1 Police legal assistance in Spanish is *apoyo legal*. In police radio communications the first letter would be transmitted by means of a code system based on the phonetic alphabet of the US military; a - alpha and l - lima; *alpha lima* (US Military website, accessed on 2 January 2006).
 - 2 Female, four years in the Police Legal Assistance Unit, Interviews, 6 and 26 February 2004; Research diary, 26 February 2004; *La Nación*, 7 February 2004.
 - 3 Later on after having negotiated with the Judicial Police and the Public Force, the hostages were released. As the suspect tried to flee in a van he was shot twice in the back by police officers of the Judicial Police force and a Special Intervention Unit of the National Intelligence and Security Service (‘DIS’) (*La Nación*, 7 February 2004; see: figure 4.II).
 - 4 See, for example: Marenin, 1998; Manning, 1997; Bittner, 1975; Skolnick, 1966.

with the Public Force. As part of a larger effort to reform public security the Costa Rican government is implementing police legal training and police legal assistance within its police system and at an urban police unit level. Similar to accountability mechanisms, the objective of these two PHRS is to improve police officers' compliance with the rule of law (see chapter 7). In this context the concept of the rule of law is understood as, 'Whatever law exists, is written down and publicly promulgated by an appropriate authority before events meant to regulate it, and is fairly applied by relevant state institutions' (O'Donnell, 2004: 33). This implies that the police as a state institution is expected to fairly and independently enforce laws and protect society. In order to do so, law enforcement officials have, as long as it is justified and legitimate, the right to use force (Neyroud *et al.*, 2001; Miller *et al.*, 1997; art. 1/3 UN Code of Conduct; see table 2.I and appendix C).⁵ 'Around Here I Am the Law' reflects the process of transforming traditional police officers of the Public Force into professional public officials whose core business is enforcement of the law.

This chapter aims to broaden the analysis of implementing PHRS within the police system and at an urban police unit level. Firstly, I begin by introducing police legal training and police legal assistance. Secondly, I analyse socio-political factors, which are relevant for their implementation. This is followed by considering the institutional factors in the third section. Fourthly, the experiences of law enforcement officials with police legal training and police legal assistance are reflected upon. In the last section, I discuss the effect of the implementation of PHRS, which aim to increase police officers' compliance with the rule of law.

6.2 THE LAW AND NOTHING BUT THE LAW!

Police legal training and police legal support were implemented with the aim to directly increase police officers' compliance with human rights norms, values and/or standards. In contrast to accountability mechanisms, which emphasise holding police officers accountable for their actions, these two PHRS focus on improving police legal expertise (see chapter 7). Police legal training and legal expertise relate to human rights such as respect for the rule of law and equality before the law (see appendices C en D). Thus in order to strengthen the rule of law during operational policing the Costa Rican government implemented police legal training and police legal support. Below I briefly describe these two PHRS.

5 International human rights provisions concerning law enforcement and law enforcement officials are fully recognised by Costa Rican law (art.22 and 24/37 Constitution; art.10, 40, 56 and 60, Police Code; Sala IV, No.3020-2000). Also see: González and Ulloa, 2002; Duarte Delgado, 1998; Rico, 1998; Arroyo Gutiérrez, 1992.

6.2.1 Police Legal Training

Although in the previous chapter I have discussed police training and the problems related to professional and traditional enforcement officials, in this section I focus specifically on legal training. Before the public security and police reform of the 1990s police legal training for the preventive police enjoyed little priority. Nowadays police legal training is increasingly becoming more important for police officers of the Public Force. For instance, 18 percent of the six month long basic police training course is reserved for legal preparation (see appendix D).⁶ During the rest of the course police recruits enjoy police skills, humanist and practical training. Within the legal track there are four subjects; police legislation I, police legislation II, human rights and the formation of police reports. It is taught by instructors, who have a legal background and ends with written examinations.

Many police recruits experience difficulties in passing the legal exams. Especially the subjects police legislation I and police legislation II are considered to be complicated.⁷ This is related to their educational backgrounds, the frequent cancellation of classes and the technicality of the legal courses. Traditional police officers, who participate in special basic police training, experience similar problems. For example, in the two week long basic police co-validation course traditional police officers are taught two hour classes on each of the four aforementioned legal subjects (see section 5.2). In comparison, during the basic police training course police recruits receive a total amount of 190 hours of legal classes.⁸

Furthermore, to have any lasting effect, police legal training must be reinforced (Bayley, 2001; Mastrofski, 1999; Wola, 1998). As this traditional police officer who lacked his colleagues' awareness of human rights explained:

Because within the police one is only partly prepared. In the area of law there is a lack of training. You do not know, because nobody has told you so! Laws emerge, for instance, the Code on Sexual Discrimination was signed in 2000 and only a very small number of police officers know about this law. The Domestic Violence Code is new too!... Many have taken courses in all the processes related to domestic violence but the law is going to change, going to be updated. It would be good if the same police officers, who were taught about domestic violence, would also learn more about the rest as well as new developments.⁹

In other words the legal knowledge of police officers should be developed as well as updated, further enhanced and reinforced. To a certain extent the value of this is recognised by the Public Force. Specialised and refresher courses are taught at the

6 In total 190 hours out of a total of 1,050 hours (Ministry of Public Security website, accessed on 19 December 2005).

7 Research diary, 20 September 2004.

8 Ministry of Public Security website, accessed on 19 December 2005.

9 Male, mid 30s, five years in the Public Force, Interview, 9 March 2004.

police academy as well as at the police unit level. In percentages, the total amount of legal training during refreshers or specialised courses at the police academy is between 5 to 35 percent.¹⁰ Generally these courses are taught by police instructors with a legal background or external judicial experts. They end with written examinations. In recent years, for example, intra-family and domestic violence has become a socio-political priority. Consequently a large percentage of both professional and traditional police officers have participated in workshops on the implementation of the Domestic Violence Code.¹¹ In addition to these specialised and refresher courses, police lawyers and other legal experts provide workshops on specific legal topics at the police unit level (art. 38i Police Code).¹² Overall, police legal training develops and reinforces basic legal expertise of law enforcement officials.

6.2.2 Police Legal Assistance

The police legal assistance unit and its police lawyers, who are also referred to as *alpha limas*, advice police officers on legal matters relevant to their work. In the 1990s it was initiated and in 2001, with a revision of the 1994 Police Code, recognised by law.¹³ The police legal assistance unit is part of the Public Force and is located at the police headquarters on the premises of the Ministry of Public Security (Ministry of Public Security website, accessed on 19 December 2005). It consists of approximately 50 to 60 police officers with a legal background. They have a special status within the Public Force (art. 38 Police Code). This is symbolised by the fact that although these police lawyers wear police uniforms, they do not have an official police rank (art. 56 Police Code). Instead they attach a label with a special legal symbol on their uniform. Furthermore, because of their professional status as law graduates they enjoy benefits such as special working conditions and a relatively high salary in comparison to other police officers (art. 37/39 Police Code).¹⁴ Some of the police lawyers whom I interviewed had also been police station chiefs. One explained that he preferred being a police lawyer because it was less stressful and he had considerably more spare time.¹⁵ Another returned to being an *alpha lima*, because of the salary and as she explained, ‘When you are a chief you do not have time to be a police lawyer.’¹⁶

10 Ministry of Public Security website, accessed on 19 December 2005.

11 Two important public campaigns were; the Ministry of Public Security and Conamaj inter-family violence campaign for the Public Force and the Ombudsman’s Office in cooperation with the Finnish Government campaign ‘*Conozcamos la ley contra la violencia doméstica*’, which was part of the Project to Promote and Spread Human Rights within Costa Rican Communities (Conamaj, 2003).

12 Interviews, 26 February, 2 and 9 March 2004.

13 Civil Police Code, which reformed art. 37 and 38 of the Police Code.

14 Research diary, 28 November 2003.

15 Interview, 1 March, 2004; Research diary, 23 February 2004.

16 At the police station in San José, where the *alpha lima* had been a police chief there was no separate police lawyer. (Research diary, 10 February 2004).

Although all the police lawyers have the same responsibilities, they are distributed differently over the various police regions. In San José, almost every police station has its own police lawyer, whereas in rural areas they tend to work at the police regional level (see figure 4.IIb and appendix E).¹⁷ At the station or region level, police lawyers work independently from the local police hierarchy.¹⁸ They report to the centralised bureaucracy of the Ministry of Public Security. Police lawyers have a variety of responsibilities; to advise police officers on legal and policing issues, to develop technical criteria related to policing, to give legal advice when the circumstances reasonably require it, to advise police officers in criminal, in habeas corpus or in *amparo* procedures, to give legal and technical training, to recommend how to respect constitutional safeguards while maintaining social order and to advise the police management in legal and police issues (art. 37 Police Code). In the day-to-day reality of policing, the tasks of an *alpha lima* are diverse. As these two police lawyers explained:

You help police officers to make up police reports. This is a very important part! If there is a good police report, there will be perhaps success at the Public Prosecutor's Office. You teach the police official that for contraventions, you can not detain anybody! You take the personal data and make the police report on the spot... I review the books of the radio supervisor and the guardsman, so I can tell the police supervisors what is missing. Read all the police reports, so that you are able to teach each police officer... In disciplinary issues we do not have any responsibility, but in case there is a disciplinary fault we have the duty (in our personal capacity) to communicate this... Besides this, the obligation is to always be alert; if there are people in the cells, who are these detainees? How many reports exist? Has the drugs been taken to the public prosecutor? All this is the work of the police lawyer...¹⁹

To help the police in the sense that there is not only someone who support them legally, but also whether police action was good, it limits the possibilities that there will be problems; abuses of authority, illegitimate detentions, *amparo* proceedings, administrative issues and disciplinary measures, afterwards... We can advise citizens, who have problems with the police. In police-citizen contact we say, 'We are lawyers and because it is established by law the case is such or such.' When this is clear, they calm down, because what is done is legal.²⁰

Police lawyers have different tasks, but their advice on the legality of police actions is the most crucial. It involves assisting, supervising and educating police officers to improve everyday compliance with the rule of law. In addition to this there are other responsibilities such as supporting police-citizen contact, preventing systematic police errors and facilitating contact with other criminal justice actors. For instance, police

17 Research diary, 28 November 2003; Interviews, 11 December 2003 and 3 March 2004.

18 Interview, 1 March 2004; Research diary, 10 February 2004.

19 Female, four years in the Police Legal Assistance Unit, former police chief, Interview, 2 March 2004.

20 Female, four years in the Police Legal Assistance Unit, Interview, 6 February 2004.

lawyers regularly consult with public prosecutors.²¹ From a legal perspective, the role of the *alpha lima* is to advise police officers on how to improve the quality of law enforcement.

By implementing the PHRS police legal assistance, the Costa Rican government emphasises the development of police legal expertise within the police system and police units of San José.

6.3 THE POLICE SHOULD ENFORCE THE LAW!

Costa Rican politicians and society are becoming more focused about police officers' compliance with the rule of law. Since the 1990s, the role of the police has been subjected to intense criticism and there is concern about the need to professionalise police legal expertise. Among others politicians felt that police officers were low educated and lacked proper legal training. Citizens are increasingly more demanding about public security and slowly but surely are becoming aware of the necessity of developing and improving police legal expertise.

6.3.1 Depth versus Breadth: Political Priorities in Strengthening Law Enforcement

In order to increase police officers' compliance with the rule of law, the Costa Rican government advocated the improvement of police legal expertise. Nonetheless, continuous political support for police legal training and police legal assistance has been ambiguous. Similar to other countries in Latin America there is political resistance towards the consequences of public security and police reform (Früling 2003b; Call, 2000). Politicians support PHRS and simultaneously continue with clientelist practices (Bermúdez, 2004; Mora, 2004; Arroyo, 2003; see section 5.4). During my fieldwork I spoke with several police officers who while working as police officers had obtained their law degrees, but found it difficult to have this diploma officially recognised by the Ministry of Public Security and become *alpha limas*.²² They attributed this to the lack of political support. Due to their police operational experience they probably are suitable candidates. It reflects how political clientelism hinders the development of police legal expertise in Costa Rica.

Additionally, the Ministry of Public Security prefers short-term to long-term approaches to improving police officers' compliance with the rule of law. As the process of training all Public Force police officers would take at least 16 years, investing in police legal assistance was more likely to produce immediate results (CAT Report, 2000). From a short-term perspective it was more attractive for the Ministry of Public Security to recruit and train a relative small number of law graduates, than

21 Interviews, 26 February and March 2004.

22 This while the combination of police experience and professional training is considered by many to be an advantage (Interview, 1 October 2004; Research diary, 3 December and 28 November 2004).

the long-term commitment of professionalising the entire Public Force. Under Minister Rogelio Ramos Martínez, who belonged to the PUSC, the continuity of the police legal assistance unit was guaranteed.²³ Furthermore, despite the increased number of professional police officers, a large percentage of the Public Force remains to be taught the basics of Costa Rican law (see figure 5.I). Costa Rica appears to invest its scarce resources for public security in the depth rather than in the breadth of the police organisation.

To a certain extent this investment in the depth of the police organisation is stimulated by external factors. International donors and civil society prefer to support specialised legal courses. Both advocate workshops and courses on specific legal topics, often related to human rights. In recent years societal developments that led to specialised legal training included the rights of sex workers, inter-family and domestic violence, rights of migrants with HIV-AIDS and child sex crimes (UNAIDS Website, accessed on 28 June 2005; Tico Times, 2 December 2004; CONAMAJ, 2003; Ombudsman's Office, 2000). However, the effect of this kind of specialised legal training is limited, if law enforcement officials do not participate in basic police training.

6.3.2 Citizens' Perception on the Need to Develop Police Legal Expertise

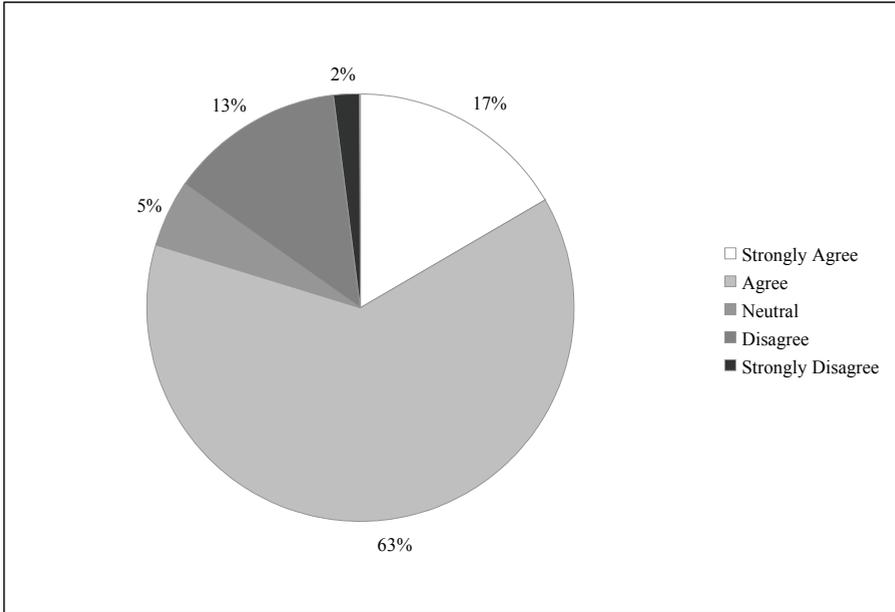
Since the last decade, citizens have become more aware of the need to develop police legal expertise. Before there had been little public interest in this kind of police professionalisation. In the 1990s society demanded public security and police reform, which among other initiatives led to the PHRS that addressed police officers' compliance with the rule of law and citizen involvement in policing (see chapter 8). In the 1990s, for instance, an Ombudsman's report stated that a high percentage of arrestees did not know the reason for their arrest (Muñez, 1998). This was one of the reasons for the Ombudsman's Office to launch a public campaign about basic human rights in relation to policing (Ombudsman's Office, 1999/2000).²⁴ Another objective of this campaign was to create more citizen awareness about police accountability (see chapter 7). In addition to this there was a variety of public campaigns addressing societal concerns such as intra-family violence (Sobrado and Saxe, 2004).²⁵ These public campaigns created a climate where citizens were sensitised about the role that law fulfils in policing. As figure 6.I shows only 15 percent of *Josefinos* does not consider the law and legal regulations as the most important in the work of a police officer of the Public Force.

23 See: Civil Police Code.

24 The project was called 'Promotion and Spreading of Human Rights in Cost Rican Communities' and sponsored by the Finnish government (Ombudsman's Office, 1999: 463).

25 Between 2002 and 2004 many police officers of the Public Force were trained about the Domestic Violence Code. The campaign of the Ministry of Public Security and Conamaj included the development of legal courses, task assignment and the systematisation of public policy.

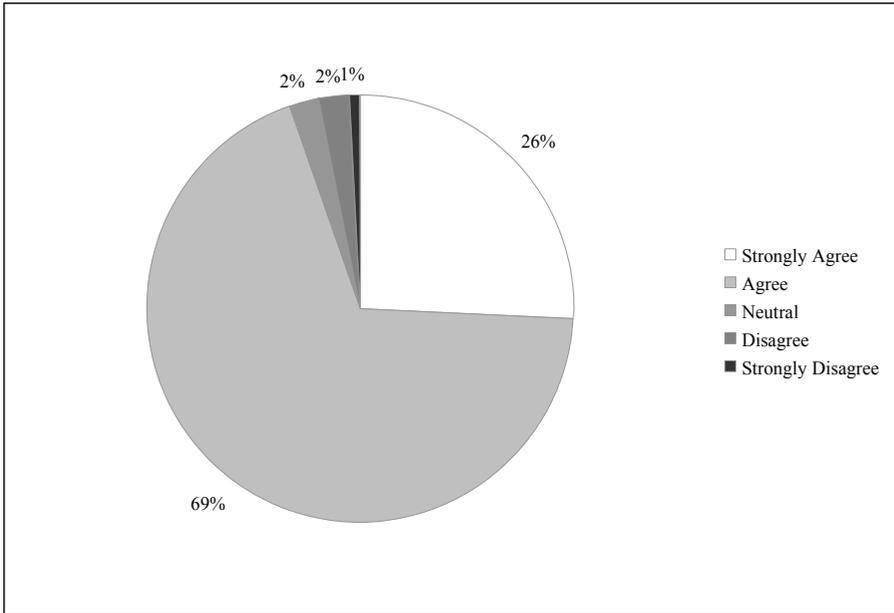
Figure 6.I 'In the Work of a Police Officer of the Public Force Laws and Legal Regulations Are the Most Important'



Source: Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December 2004.

It indicates that citizens value the role of law in police work. This was especially the case among the lower classes of which 88 percent of the respondents supported the statement. In the middle and higher classes it was approximately 76 percent. Even though this does not necessarily mean that they support police legal training and police legal assistance, respondents acknowledged the need to develop police legal expertise. When asked whether they felt that in the work of a police officer legal assistance was necessary, 95 percent of the respondents agreed (see figure 6.II).

Figure 6.II 'In the Work of a Police Officer of the Public Force Legal Assistance Is Necessary'



Source: Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December 2004.

Hence one could argue that within the metropolitan area there is considerable support for legally assisting police officers of the Public Force. Differences per class were only by a margin of two percent. It suggests that citizens feel this necessary and consider legal expertise to be an asset to law enforcement. In the metropolitan area citizens are therefore inclined to support PHRS, which stimulate the development of police legal expertise.

In summary, in this section I discussed the Costa Rican government's efforts to improve police officers' compliance with the rule of law.

6.4 ALL FOR ONE AND ONE FOR ALL!

Competing institutional interests hinder and facilitate the implementation of PHRS within the Costa Rican police system and at an urban police unit level. Primarily, the Public Force is one of many actors in the criminal justice system. In order to ensure public security and enforce the law it has to coordinate and cooperate. Because the implementation of police legal training and police legal assistance involves several criminal justice actors, it relates particularly to these two PHRS. Furthermore, as the

organisation of the Costa Rican criminal justice system is fragmented, inter-institutional cooperation and coordination is at times complex (see figure 4.II). This influences the Public Force's relations with others in the criminal justice system and affects the implementation of police legal training and police legal assistance.

6.4.1 Inter-Institutional Coordination

One of the effects of implementing police legal training and police legal assistance is that they improve the possibilities for inter-institutional coordination. In order for the criminal justice system to function properly inter-institutional coordination between the police, the public prosecutor and the judiciary is necessary (O'Donnell, 2004). Police legal expertise is believed to increase the quantity and quality of input to criminal proceedings as well as their efficiency. A police lawyer reflecting on this process, stated:

We came out of a necessity; not so much of the police, but of the judicial system. Why? Due to poor police action or in the follow-up to police action, on many occasions legal issues arose. As a consequence of which the criminal process was hindered. For many reasons a person was never tried; the maltreatment of evidence, the incomplete identity of the detainee etc....²⁶

Thus police legal assistance, but also police legal training was implemented to strengthen the rule of law during preventive police tasks. Police officers of the Public Force in their day-to-day work are expected to enforce and to comply with laws as well as to facilitate criminal prosecution. To function properly the criminal justice system requires police input. In this context PHRS are implemented to improve police officers' compliance with the rule of law.

Police legal assistance increases the possibilities for successful inter-institutional coordination between the Public Force and other actors within the criminal justice system.²⁷ These other institutions include but are not limited to the public prosecutor and the judiciary. As this police lawyer explained:

²⁶ Male, four years in the Police Legal Assistance Unit, Interview, 25 February 2004.

²⁷ Interview, 2 March 2004.

Firstly, because now the judiciary, the courts, attach a little more value and interest in police reports. There have been various meetings and numerous encounters, where we met with public prosecutors and judges and they explained to us what they expect from the police. They, on the one hand, more or less indicate what they would like to be written in police reports and how we, without affecting the subsequent criminal process, according to the law, could comply with our police duties. On the other hand, we explained to the judges about policing and the delicacy of working on the streets. They also do not know about numerous situations that are happening on a daily basis. Sometimes they only apply the law. These encounters bring the two closer and improve the work. There is also this confidence and credibility towards the judiciary and the police.²⁸

According to this police lawyer inter-institutional contact between the Public Force and the judiciary, as well as the public prosecutor, has been established. Probably due to this increased form of inter-institutional contact between the Public Force and the judiciary, the quoted *alpha lima* feels that there is more respect for police input. He gives the example of police reports. While this is true during my fieldwork I also learned that the quality of police reports and the lack of proper basic education continued to be a concern. This is related to the considerable number of traditional police officers, a lack of proper police training, the position of police lawyers within the Public Force and police resistance to PHRS. Furthermore, there is little communication about what is taught by the police and other institutions.²⁹ This suggests that although the first steps towards inter-institutional coordination have been taken more could be done to intensify this.

Despite public security and police reform resistance towards inter-institutional cooperation persists. As in the rest of Central America reform law enforcement agencies find it difficult to cooperate with other actors in the criminal justice system (O'Donnell, 2004; Chinchilla, 2001). This is partly explained by institutional priorities. As the main mission of the Public Force is to protect public security, serving the rest of the criminal justice system it is not their only task. They also have to prevent crime, ensure citizens' security and provide overall service to the community. In other words as an institution the Public Force's interests are broader than serving other criminal justice actors. Developing police legal expertise is one of several professional challenges for the Public Force. In Costa Rica police resistance towards inter-institutional cooperation has been acknowledged, but it continues to affect effective coordination within the criminal justice system. By improving the legal expertise within the Public Force, the Costa Rican government has created a basis for strengthening inter-institutional coordination. Nevertheless, there is some institutional resistance towards coordination within the criminal justice system.

28 Male, four years with the Police Legal Assistance Unit, former police chief, Interview, 1 March 2004.

29 Interview, 1 October 2004.

6.4.2 Inter-Institutional Cooperation

The implementation of PHRS, which aim to strengthen police officers' compliance with the rule of law, is influenced by cooperation between several public security actors. Police legal assistance and police legal training affect the Public Force's relationship with other police agencies. Although in Costa Rica the different police agencies cooperate, there is also competition. In general it is the task of the preventive police forces to protect security and of the Judicial Police to investigate crime (see section 3.3.5). In theory the two police agencies complement each other. In practice, because their work overlaps, inter-institutional cooperation is necessary. This especially relates to law enforcement. The Public Force is, for instance, usually the first to arrive on a crime scene, and thereby influences the O.I.J.'s collection of evidence (see figure 4.II). The Public Force and the Judicial Police both recognise the importance of cooperation between the two law enforcement agencies (González and Ulloa, 2002).

Once during my fieldwork I accompanied a police chief who that particular night was the commander in charge of San José:

We visited a crime scene, of a man who had died after he had tried to cross a high way. When we arrived a Red Cross ambulance and a patrol car of the Public Force were already there. The police chief instructed the Public Force police officers to protect the crime scene against bystanders and the press. By then I had witnessed several people including Public Force police officers walking towards and looking at the deceased. Within an hour or so three cars of the Traffic Police, a special section of the Judicial Police, the voluntary Public Force and another public official had arrived. I observed all police officers except those of the O.I.J. collecting the names of each other as well as the witnesses. I wrote down in my research diary; to me as an outsider it appeared as if each police agency performed its own task; the Public Force protected the crime scene, the Traffic Police regulated traffic and the Judicial Police collected evidence.³⁰

There seemed to be a lack of coordination between the different law enforcement agencies. All present police officers did what according to the law their police agency was required to do. They made sure that they interacted with other police agencies only when strictly necessary. It led to a situation where witnesses talked to police officers of different police agencies. Except for the collection of each other's names, there was no apparent effort between the police agencies to collectively deal with the situation. Instead each police agency collected, what from their perspective was necessary.

On the one hand, the development of police legal expertise within the police system and at an urban police unit level facilitates the quality of cooperation with other police agencies. Due to improved police legal training, police officers are taught the basics of preventive and repressive policing. Public Force police officers, for example, participate in specialised courses taught by the Judicial Police. On the other hand,

³⁰ Research diary, 18 March 2004.

because the Public Force is increasingly professionally empowered, it fuels existent rivalries. Due to the improved police legal training and police legal expertise the differences between the O.I.J and the Public Force become less apparent. This emancipates the Public Force as an institution, which for legal expertise is no longer solely dependent on others within the public security system. As, for instance, the recent efforts to combat child sex crimes show, the Public Force as well as the Judicial Police is developing specialised legal knowledge in this field (Tico Times, 2 December 2004; MPS, 2003a). It indicates that competition between the Costa Rican police forces influences internal cooperation and therefore coordination within the public security system.

Although since the commencement of public security and police reform inter-institutional cooperation has become obligatory, in practice for the Public Force it is complicated to effectively do so (art. 75k Police Code). Inter-institutional cooperation is hindered by traditional rivalries between police agencies (González and Ulloa, 2002; Echeverría, 1998; see section 4.2). This influences the management of different police responsibilities. It is expressed by police officers fulfilling tasks according to the organisational sub-culture they are accustomed to (Bayley, 2001; Manning, 1989/1977). During a patrol with three police officers of the Fiscal Control Police, I asked a 25 year old professional police officer, 'Are you a driver?' The police officer behind the steering wheel laughed and responded:

'No in the Fiscal Control Police we are equal, I do the same work as they do.' He pointed at one of his two colleagues. 'Today, I am just driving.' What is your rank?, I asked the police officer, who sat next to him. He responded, 'In the Fiscal Control Police it is not like the administrative police, it does not matter we do not use police ranks.³¹ Here we value education!' Later the third police officer, a police captain, who had worked for the Public Force, remarked 'It is common practice within the Public Force that police officers have a job as a driver.'³²

This dialogue shows that the *modus operandi* in the Public Force is different from the Fiscal Control Police. At the police unit level most Public Force police officers have designated tasks such as cooks or radio supervisor (see appendix E).³³ Thus, for example, on patrol one police officer acts as a driver, while the other is in charge of operational policing. Only when strictly necessary do they cooperate.³⁴ As the quotation above shows the police officers of the Fiscal Control Police do not have these specific divisions of tasks. Instead they work as a team towards a common goal. This

31 According law all the police agencies except for the O.I.J. and the Municipal Police have the same civilian ranks (art. 56 Police Code). From this perspective there is no difference between the Fiscal Control Police and the Public Force (art. 21/22 and 27/28 Police Code). The educational requirements to enter the Fiscal Control Police are higher than those of the Public Force.

32 Research diary, 7 December 2004.

33 Research diary, 6 February 2004.

34 Research diary, January-March 2004.

approach is part of a more holistic and integral philosophy towards law enforcement. If it would also become the *modus operandi* in the Public Force, than the possibilities for successful cooperation with likeminded police agencies would increase. In other words, the different law enforcement agencies would speak the same professional language. This is related to the necessity for the Costa Rican government to define an integral long-term strategic vision on public security (Mora, 2004).

Due to institutional resistance, inter-institutional cooperation within the Costa Rican public security system is complex (Chinchilla, 2001). As in the rest of the region this kind of police reform is hindered by a lack of political will, adequate resources and strategies directed towards reforming police subculture (Hinton, 2006). In the long run, intense cooperation between the Costa Rican police agencies would probably facilitate more successful inter-institutional coordination. This would create a climate that would strengthen the possibilities for successful implementing PHRS within the police system and at an urban police unit level.

6.4.3 Competing Interests

Like any other public security reform related to policing, the implementation of PHRS within the police system and the urban police units is dependent on the support of the police leadership. This concerns police leaders at all levels of the police hierarchy. For the enforcement of PHRS the role of a committed leadership is important. They are able to enforce change throughout the police institution (Frühling, 2003b; Bayley, 2001; Mastrofski, 1999). When the police leadership considers police legal expertise to be an asset to policing, they are more likely to support PHRS that stimulate police officers' compliance with the rule of law.

In Costa Rica continuous support of police leaders for police reform is ambiguous. Because the implementation of PHRS is perceived by some police leaders as a challenge to their authority, they are tempted to resist the development of police legal expertise. The fear of professional competition also influences the relations between police leaders and police lawyers. An *alpha lima* found that in the beginning police chiefs resisted police legal assistance:

On the part of the police chiefs there was some resistance... Because a person came who perhaps knew a little bit more in the professional field. Some commanders, particular chiefs felt a little jealous. Instead of helping, they believed we came to remove them from their posts, to take away or control their decision-making powers.³⁵

Police leaders' resistance was based on the potential threat of police lawyers becoming police chiefs and their perception of police leader authority. As in recent years police lawyers have become chiefs, the suspicion of police leaders is somewhat founded.

³⁵ Female, four years in the Police Legal Assistance Unit, Interviews, 6 and 26 February 2004; Research diary, 26 February 2004.

Also, due to the creation of police legal advice the decision-making power of chiefs has become less absolute. Police legal advice interferes with their sense of enjoying full authority at the police unit level. This police chief, who was the chief of a police station in San José, explained how he felt about *alpha limas*:

Still a lot has to change. The role of the police lawyers is to give advice. But there are some police lawyers who give the impression that they want to be chiefs, carry responsibility... They are professionals, but the police perspective is different! Reality is what happens in the streets and not behind an office desk! First and foremost they have to be police officers and then lawyers, but they claim to be lawyers and then police officers....³⁶

This quoted police chief resented what he experienced as the interference from police lawyers with policing. Also he questioned the loyalty of *alpha limas* towards the police. He feels that police lawyers are primarily concerned with the enforcement of laws and not with operational reality. Although he acknowledged their professional status, by saying that they should be police officers and then police lawyers he questioned their loyalty to the Public Force. One of the reasons for police resistance to *alpha limas* is that the chief's authority at the police unit level is no longer absolute (see figure 5.VI and appendix E).

In addition, at the police unit level police lawyers operate relatively independent. They are advisors who, because they are accountable to the Police Legal Assistance Unit, are not subjected to the internal hierarchy of the police station. In comparison to other police officers, this makes it more difficult for police chiefs to exercise social control over *alpha limas*. Yet despite their relative independence, it is in the interest of police lawyers to have good relations with police leaders. For the successful implementation of police legal advice the police leader support is essential. As this police lawyer, who after having been a police chief returned to her position as an *alpha lima*, remarked:

Everything depends on the mentality of the chief. For me, this is the central idea in whatever police station. If the chief feels legal advice is necessary then you can do great work. But if the chief does not take the police legal advice into account, then you are marginalised behind your office desk.³⁷

Hence, for the successful implementation of reform such as police legal assistance the support of the police leadership is necessary (Bayley, 2001). At the police unit level, the chiefs determine whether police legal assistance is tolerated and this affects the role of the *alpha limas*.

36 Male, late 50s, over 30 years with the Public Force, Interview, 2 December 2004.

37 Female, four years with the Police Legal Assistance Unit, former police chief, Interview, 2 March 2004.

The implementation of police legal training and police legal assistance is dependent on the support of the police leadership. Resistance to the development of police legal expertise by police leaders is related to what is experienced as a threat to their position within the police system and at the police unit level.

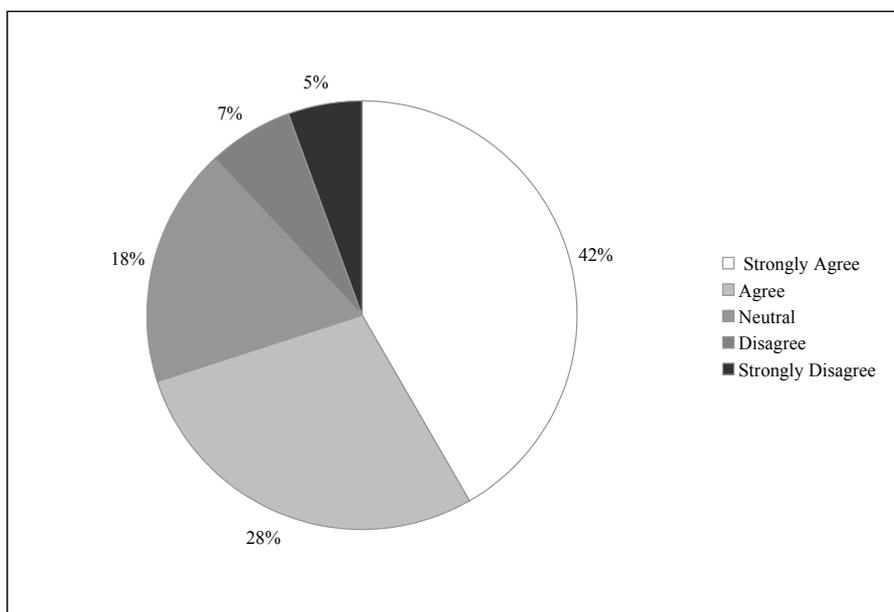
6.5 ON BECOMING A LAW ENFORCEMENT OFFICIAL

Police officers' perceptions influence how PHRS, which stimulate the development of police legal expertise, are implemented. The goal of police legal training and police legal expertise is to improve law enforcement officials' compliance with the rule of law. Whether this is successful depends on how police officers relate to these PHRS. In this section, I address police legal training and police legal assistance from a law enforcement officials' point of view, thereby focusing on compliance and resistance at the police unit level.

6.5.1 The Relevance of Developing Police Legal Expertise

Police officers of the Public Force are in general terms open towards developing legal expertise. During interviews both professional and traditional police officers indicated that more police legal expertise is necessary in the Public Force. As the diagram in figure 6.III below shows 70 percent of police respondents agree with the statement that the law or legal regulations are important for the work of a police officer of the Public Force.

Figure 6.III 'In the Work of a Police Officer of the Public Force the Law or Legal Regulations Are the Most Important'



Source: Questionnaire on the Implementation of Human Rights within the Costa Rican Police, September and December 2004.

This suggests that although in this question an aspect of social desirability plays a role, a majority of the police officers value the role that laws or legal regulations fulfil in their work. Specialised legal assistance is also appreciated by rank and file police officers. When talking about police lawyers, this professional police officer, who had a bachelor's degree in criminology, stated:

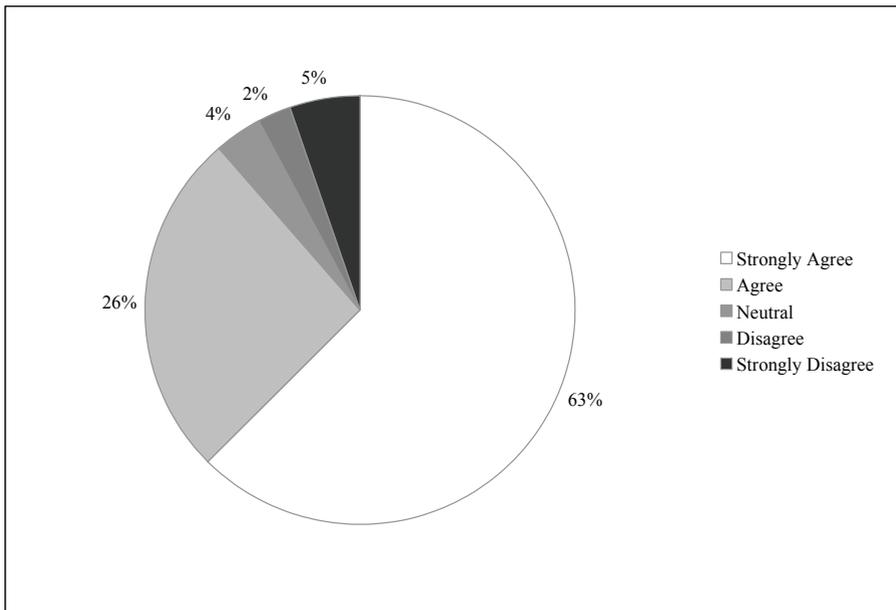
I think that her presence (the police lawyer) is important. In reality there are many different legal topics that we do not always deal with the way we should. You have a general understanding of police situations, but sometimes in particular situations you have to make a more careful study, be more specific in relation to which articles or how to apply the law.³⁸

The quoted police officer acknowledged the value of police lawyer's assistance in his work. According to him police officers have a basic understanding about laws, but for technical legal issues they rely on the expertise of the police lawyer. This perception

38 Male, mid 40s, four years in the Public Force, Interview, 8 March 2004.

is supported by figure 6.IV, in which 89 percent of the police respondents agreed that police legal assistance is necessary.³⁹

Figure 6.IV 'In the Work of a Police Officer of the Public Force Legal Assistance Is Necessary'



Source: Questionnaire on the Implementation of Human Rights within the Costa Rican Police, September and December 2004.

Hence rank and file police officers value the role of police legal assistance in police work. Nonetheless during interviews many law enforcement officials mentioned that although they appreciated the assistance of police lawyers, what they really needed was; more police legal training. In relation to this a traditional police officer remarked:

The police lawyer, the *Licenciada*, is always there to consult rapidly about laws and new regulations. Sometimes it is good, because she helps us to prepare, to act better in terms of knowing the law and serving society. I think what is lacking is legal training!⁴⁰

39 When citizens were asked the same question 95 percent agreed with the statement (Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December 2004).

40 Male, mid 30s, five years in the Public Force, Interview, 9 March 2004.

Just as other law enforcement officials the quoted police officer valued technical legal assistance, but concurrently wants more police legal training. This was something that both professional and traditional police officers desired.

In terms of developing legal expertise within the Public Force, there are differences between professional and traditional police officers. Both participate in special legal training courses such as the firearms training course. Traditional police officers, however, have a handicap. They lack an integrated introduction into the Costa Rican law. This is something, which professional police officers have enjoyed in the basic police training course. It was frequently mentioned as a problem by the police academy staff and police lawyers.⁴¹ During a firearm retraining course I attended at the police academy, a considerable amount of the class consisted of traditional police officers.⁴² Consequently the legal instructor had to manoeuvre between updating the knowledge of some police officers, while introducing others to the basics of Costa Rican law and the regulations on the use of firearms.⁴³ One of the consequences is that training courses are delayed and focus on basic rather than specialised legal knowledge. Furthermore, traditional police officers become aware of specialised topics without having the opportunity to sufficiently link it to a general understanding of the law. This traditional police officer said, 'What they teach at the police academy is nothing more than superficial... There are very few courses. They come and name things, but there is not enough time.'⁴⁴ He feels that the few police training or specialised courses at the police academy are shallow and rushed. Although in some cases this is true, another explanation could be his low educational level and the fact that he did not participate in the basic police training course. This situation exists, because of the delays in implementing PHRS.

In general during interviews professional police officers, who participated in the basic police training course, valued legal training, but simultaneously felt that the police academy does not prepare law enforcement officials adequately. When I asked this professional police officer about police training, she replied:

41 Interviews, 1/4 October 2004.

42 In July 2004, in response to the killing of three Chilean diplomats by a 54 year old traditional police officer on embassy duty, the Costa Rican government reinforced participation in the police firearms retraining course (*La Nación*, 16 December 2004). This had not happened structurally. By law is obligatory to participate every two years in the police arms retraining course (Research diary, 27 September 2004).

43 The firearms retraining course for 22 police supervisors of the Police Region of San José lasted two days; with a theoretical and a practical part. The legal class was two hours and included basic international human rights law such as the UN Code of Conduct, the Costa Rican Constitution and the criminal justice system. This was followed by case studies, a written exam and police technical training; safety measures and using and firing firearms (Research diary, 27 and 28 September 2004; Interview, 1 October 2004).

44 Male, early 30s, three years in the Public Force, Interview, 9 March 2004.

Within the basic police training, to become a professional police officer, they teach law, that is to say professional ethics, police ethics, Christian ethics, human rights, like at university. Certain situations, legislation, human rights, violence and many other things, which are worth it. Of all these courses you learn a little. You will perhaps apply it only once during this lifetime. Thus when somebody approaches me and says something, which was invented I am not silenced. They teach you a lot, but from my perspective becoming a police officer you learn on the street.⁴⁵

Although the quoted police officer acknowledged the role of police legal training courses, she insisted that police work is essentially learnt while doing it (see section 5.6). This professional police officer recognised the self-empowerment that legal training had given her. She even gave an example about someone who attempts to fool her, thereby showing how professional police officers can benefit from education. The quoted police officer, however, also stated that she learnt only a little bit about everything. Hence police legal training is somewhat appreciated by professional police officers and yet the craft of becoming a police officer is acquired somewhere else. A police legal instructor at the police academy more or less confirmed what the professional police officer stated.⁴⁶ To him police legal training at the police academy was too technical and should include more real life case studies. Furthermore he lacked the predominant legal approach to human rights training. Therefore within the basic police training course, it should be mainstreamed within the humanist and police skills tracks.

Police officers support the development of police legal expertise, but they value police legal training more than police expertise. Both professional and traditional police officers would like to have more legal courses, but simultaneously they do not hold police training in high esteem.

6.5.2 Rationalising Responses

Even though law enforcement officials support the development of police legal expertise, this does not necessarily mean that the change generated by PHRS leads to increased police officers' compliance with the rule of law. As police legal training is temporary and *alpha limas* are merely advisors, it is up to the individual police officers to comply with the laws and legal regulations. In the reality of day-to-day policing, law enforcement officials are ambiguous about changes within the police system and in urban police units (Bayley, 1994; Goldstein, 1990). Police officers' resistance to change has multiple reasons. In relation to the implementation of PHRS it is likely that the change they generate is not perceived to be in their interest (Bayley, 2001; Trojanowicz and Bucqueroux, 1990). For instance, interaction with police lawyers could reveal a police officer's low educational level and this is something that law enforcement officials are not keen to reveal. The amount of compliance and resistance

45 Female, late 20s, nine years in the Public Force, Interview, 10 March 2004.

46 Male, mid 50s, over 20 years in the Public Force, Interview, 1 October 2004.

to the implementation of police legal training and police legal assistance relates to police officers' perspectives on PHRS.

The aim of implementing the two PHRS is to increase police officers' compliance with the rule of law during operational policing. Law enforcement officials' compliance is expressed by police officers' adherence to human rights. This entails that they consider the just enforcement of laws as an important part of their day-to-day work. Other motives for complying with these two particular PHRS include improving the quality of policing and police reports, inter-institutional cooperation, adhering to ethical standards, police leader support and professional development. This professional police officer summarised his motive for cooperating with the *alpha lima* as problem prevention:

The police lawyer helps you when you write the police report; to qualify the criminal offence, a good redaction, this helps, officially. When I pass on the detainee, there are less problems at the courts.⁴⁷

To him the PHRS police legal assistance is a success, because it prevents problems with other actors in the criminal justice system. Problems in this context relate to the court rejecting police input. As a consequence of the poor quality of police reports cases are dismissed. Improving the quality of police reports, therefore contributes to more inter-institutional coordination. For a rank and file law enforcement official this has direct and indirect advantages. Directly, if the arrest leads to follow-ups, the police officer feels that he or she is supported by the judiciary. It contributes to more professional self-esteem, increased efficiency and effectively leads to less external complaints about police officers. Indirectly, because of these reduced complaints there are fewer issues with police leaders, who face less external criticism about the quality of police reports. This could influence increased possibilities for a positive assessment and even promotion. Thus PHRS could prove to benefit police officers, who do not immediately relate to compliance with human rights.

Despite these benefits, there are also many reasons why police officers of the Public Force resisted the implementation of police legal training and police legal expertise. These related to police officers' experiences with change as well as individual interests. In relation to the implementation of these two particular PHRS, police officers' motives to resist included a lack of citizen respect for police authority, gaps between theory and practice, and a lack of resources, education, training or support from the criminal justice system. Even though some of these problems relate to more structural socio-political and institutional concerns, they are an everyday reality for law enforcement officials with police units of the Public Force in San José. Hence they influence how they relate to change. Other experiences are affected by the powerful informal subculture of policing (Goldstein, 1990). In relation to police legal training this professional police officer remarked:

47 Male, mid 40s, four years in the Public Force, Interview, 8 March 2004.

When we are at the (police) academy they instil another world where we are the authority, etc, but when we enter the streets, you see a completely different world, where you work with limited resources! You work, like some units do with little material resources, any sort of protection for us such as weapons. Most importantly there is the law. In Costa Rica the law says: You can protect life or defend the rest! If you have to eliminate a person to protect others, because this person is going to harm various people, than we have to kill the person. Ok, if you always do it like a police officer, you are going to find yourself in tedious legal processes, where the government does not give you a lawyer who is going to defend you, you get a public lawyer, who already has so many cases, and you are seen as just an extra case. The police officer remains alone with his problems, he has to live without psychological help, any support. Due to this I think that police officers in some places are, sometimes, scared to act.⁴⁸

When talking about police legal training, his resistance to the change becomes apparent. The quoted police officer expressed it by rationalising; not doing it according to the book, and by refraining from action; becoming passive. Police officers' resistance is according to him primarily caused by factors such as the gap between police training and police reality. The difference is that on the streets you do not have the kind of authority that exists within the artificial environment of the police academy. As a result of police training he had expected more respect for his authority as a public official. This can be translated into what Skolnick refers to as; the police officer's resentment for being taken for granted and not being respected by the society he serves (Skolnick, 2005). It suggests that among others police legal training is not perceived as preparing law enforcement officials adequately for the realities of police work. The quoted police officer mentions other factors such as the limited availability of resources. He cites Costa Rican law as a source of protection for police officers, thereby perceiving it as extra help for police officers in the fight against crime (Bayley, 2001). On the one hand he acknowledged the importance of maintaining the rule of law and protecting society, on the other he experiences the system as being unfair towards police officers. Feeling let down by the society they serve as well as the system is a common cited motive for police officers' resistance to change. With this justification of not always doing it the way a law enforcement official should, he rationalised police officers' active resistance towards PHRS, which seek increased compliance with the rule law. In order words by not doing things according to law or legal regulations, police officers sometimes have less trouble in getting the job done.

Passive resistance of police officers towards the effect of implementing PHRS is expressed by law enforcement officials refraining from action. Van Maanen refers to this in the context of rank and file police officers and describes it as to 'lay low and do not make waves' (Van Maanen, 1988/1975/1973). They, as the quoted police officer indicated, fear the consequences of their actions and therefore become scared to act. The result is that police officers become indecisive and avoid particular people or areas. In certain situations they do not want to carry individual responsibility and

48 Male, mid 20s, four years in the Public Force, Interview, 10 March 2004.

project this towards others within the police system or police units. A traditional police officer's avoidance of responsibility became clear as he explained why he wanted the presence of a police lawyer:

The police lawyer should always be there...Firstly, because not all the cases are the same, there are small details that you perhaps do not see and for them this could be important. You understand, at the police academy they teach you superficially. Therefore it is good to have a *Licenciado* (police lawyer) or someone who is specialised in that particular area. More or less how to act in particular cases, let us say in aggressive situations, there is especially a great deal of emphasis on domestic violence cases, but these are delicate cases that you do not really know about.⁴⁹

He wants to cooperate with the police lawyer, but also showed signs of dependency on police legal assistance. By arguing that the police academy does not adequately prepare a law enforcement official the quoted police officer justified his desire to have a police lawyer present at all times. Even though police lawyers are there to advise police officers, there are limits to their possibilities to do so. Their main task is to give specialised advice. Furthermore, to a certain extent police officers, especially after having participated in specialised legal courses, should take responsibility for basic law enforcement issues. Although the content of his justification is supported by police lawyers as well as the police academy staff and there is not enough coordination between what is taught at the legal courses of the basic police training course and in specialised and/or refresher courses, it still amounts to passively resisting the implementation of PHRS.⁵⁰ By relying strongly on police legal assistance, police officers avoid taking responsibility for their own actions and on a long-term basis there is no increased law enforcement officials' awareness of human rights.

Yet for rank and file police officers passive resistance to PHRS is a way of protecting individual interests. By refraining from action in particular situations there is less potential for problems. These vary between public complaints about an abuse of authority or a note by a police leader in the personal file of a police officer. Consequently a personal file will not be contaminated and this is in the interest of the police officer. For instance, having a clean record is a requirement for becoming part of the police labour statute or to apply for rank courses. Therefore promotion is more likely when a police officer is somewhat cautious in applying the rule of law during operational policing.

6.5.3 They Are Lawyers, Not Police Officers!

'They Are Lawyers, Not Police Officers' is a common heard expression among police officers, who resist police legal assistance.⁵¹ By qualifying *alpha limas* as outsiders in

49 Male, early 30s, three years in the Public Force, Interview, 9 March 2004.

50 Interviews, 26 February and 1 October 2004.

51 Research diary, 10 February 2004.

the world of policing, they obtain a status apart at the police unit level. On the one hand law enforcement officials appreciate the assistance of police lawyers, but on the other they want to protect policing as they know it. This professional police officer explained why he felt *alpha limas* were not really police officers:

I feel that the people who give legal assistance in the Public Force, are recent graduates, who indeed have knowledge about the law, but have little police experience and often do not know what really matters; how to help the police officer, how to give advice. They are only and exclusively there to advise the police. Normally when there is a situation in which a police officer has already acted he does not know if he has committed a criminal offence or infringed the law in such a way that it amounts to an abuse of authority, that is where I say that legal advice should also be there to help us with our problems, and not to cause problems... Let say, at night, this lawyer should be a police officer who is there with us. He, however, says, 'we are not going to do this, do not enter, do not detain this person,' but the police officer has the experience. Do you understand! We can not do anything with a person from university who has learnt heaps of materials. We know how to act in certain situations. If you fetch such a person, the only thing they bring with them is theory, theory and theory! They do not have anything practical... I feel that police lawyers, should be police officers, not only lawyers.⁵²

Essentially the quoted police officer questioned police lawyers' solidarity towards fellow law enforcement officials. Police solidarity reassures police officers that they stick together against external threats or investigations (Goldsmith, 2000). Legal assistance sometimes interferes with what law enforcement officials, on the basis of their police experience, believe is the right thing to do. In theory every decision is the individual responsibility of a police officer, but in practice police lawyers, especially if they are supported by the police hierarchy, are powerful. Law enforcement officials are more than often told to obey the advice of an *alpha lima*. At one of the police stations where I carried out my fieldwork, I frequently witnessed supervisors ordering police officers to consult with police lawyers.⁵³ The quoted police officer summarised this as; being told what to do by a university educated professional without police experience. It annoyed him, because he perceived it as an interference with his authority as a police officer. An experienced traditional police chief clarified this point of view:

52 Male, early 30s, four years in the Public Force, Interview, 10 March 2004.

53 Research diary, October and November, 2004.

Within the police, there is something sacred; the principle of authority. This means that absolutely no one interferes or questions an arrest made by a police officer or his version of what happened. A police lawyer, who tells a police officer: 'Do not do it like this, but like that,' discredits his authority... Many police lawyers try to change the police version of what happened, but this is the responsibility of the police officer! He was the one who was there... Many police lawyers take decisions that do not correspond... They should never tell a police officer, 'Put it down like that,' and say 'It is a contravention!,' ... Older police officers, like myself, know the difference between a contravention and a criminal offence, but even if it is a contravention, I am not going to release the person (the suspect). That is the job of the public prosecutor... Many police lawyers have the barbarity to change this! That is taking away the authority of the police officer.⁵⁴

This quoted police chief experiences police legal assistance as potentially threatening to individual authority of police officers to make decisions. According to him law enforcement officials, at least the older ones, have sufficient knowledge about criminal law and *alpha limas*, just like all other police officers, should not question seniority within the Public Force. It is as if he is saying, 'Do not tell me how to do my job!' The advice of police lawyers interferes with the informal codes of police culture.⁵⁵ Police culture in this context includes as Chan (2005: 360) suggests, not only internalised rules and values, but also the structural conditions of policing. Many traditional police officers feel that they are experienced enough to know about the rule of law and this should not be questioned, especially not by younger colleagues or inexperienced police lawyers. It implies that during police work one is at all times expected to support one's colleagues. Hence, in the quotation the issue is not whether it was a contravention or a criminal offence, what is relevant is the police officer's version of what happened. This point of view reflects the police officers' perspective, Around Here I Am the Law. The process of implementing PHRS reveals the complexities of trying to improve police officers' compliance with the rule of law at the police unit level. The police chief's expectations of respect for individual authority and for seniority are based on the informal working rules of policing. Consequently, if the change that police legal assistance creates interferes with these kinds of attitudes, beliefs or values, than police officers are very likely to resist this type of PHRS (Marks, 2003).

Furthermore, as mentioned earlier, the success of police legal assistance depends on police leaders, police lawyers as well as the police officers' willingness to cooperate. Generally speaking during my fieldwork I learned that rank and file police officers who seek legal assistance do not directly turn to *alpha limas*. While encountering problems during law enforcement they are more likely to request help from police leaders or colleagues. When I asked this professional police officer who within the police unit contacts the police lawyer, he replied:

54 Male, late 50s, over 30 years with the Public Force, Interview, 2 December 2004.

55 For more information on police sub-culture: Chan, 2005; Reiner, 2000; Waddington, 1999; Manning, 1997; Reuss-Ianni and Ianni, 1983; Goldstein 1980.

The one who is in control of the situation is the one who at that moment has the highest command. If there is a group of colleagues, in the case when it has not defined who has the command, it is the supervisor and also the operational commander. Automatically in this the case the operational commander is in charge of realising the procedures, the calls and he is in control of a range of things. Thus the one in charge is the one who has the highest command (not rank). The other colleagues always come to you to ask for advice.⁵⁶

The quoted police officer's explanation is that law enforcement officials following the internal hierarchy of the police organisation are more likely to ask police leaders for advice. This is the way policing is organised and in his perception this also applies to police legal assistance. The contradiction of the Public Force is that the majority of professionally trained law enforcement officials are found among the rank and file police officers and that many police leaders have not participated in the basic police training course. In one of the police stations where I carried out my fieldwork all police supervisors were experienced police officers, but none were professional police officers and therefore are very likely to have lacked an integral and basic introduction into Costa Rican law (see figure 5.VI and appendix E). This is a problem, because police officers turn to police leaders and colleagues for advice.

There are several other reasons why police officers might be inclined to resist *alpha limas*. These relate to power relations, class as well as educational differences. Most police officers perceive police lawyers as highly educated middle class professionals, who enjoy excessive labour benefits.⁵⁷ For instance, the salary of a police lawyer is approximately three to four times what a rank and file police officer earns. At the police unit level the difference in power between the police lawyer and police officers is expressed in terms of legal expertise as well as the relative amount of freedom an *alpha lima* has to conduct his or her work. Many police officers stated that rather than simply telling others what to do, they would prefer police lawyers to focus more on legal education (O'Rawe, 2005: 945).⁵⁸ This shows that police officers are inclined to perceive their encounters with police lawyers as somewhat authoritarian rather than seeing it as an opportunity to improve the quality of their work.

In summary, even though in theory it might appear to be self-evident that police officers support the development of police legal expertise, reality is more ambiguous. Law enforcement officials both comply as well as resist the kind of change that these PHRS generate. Many police officers feel that on the one hand the development of police legal expertise is necessary, but on the other find police legal training to be insufficient. Even though PHRS such as police legal assistance is appreciated and to a certain extent improves the quality of law enforcement, at the police unit level *alpha limas* are resisted because they interfere with the informal organisation of policing.

56 Male, mid 40s, four years in the Public Force, Interview, 8 March 2004.

57 Police salaries are higher than before, but in comparison to the rest of society they are still relatively low (see section 5).

58 Interviews, 1 October and 22 November 2004.

6.6 CONCLUDING REMARKS

With the implementation of police legal training and police legal assistance the Costa Rican government emphasised the importance of developing police legal expertise within the Public Force. These two PHRS increase and reinforce basic legal expertise among law enforcement officials. From a legal perspective police legal assistance relates to the quality of law enforcement. This is done by strengthening police officers' knowledge about law enforcement and by contracting police lawyers who advise police officers on legal matters. By implementing police legal expertise the government attempts to improve police officers' compliance with the rule of law. 'Around Here I Am the Law', reflects the process of transforming traditional police officers into professional police officers whose core business is the enforcement of laws, including human rights law.

By focusing on socio-political and institutional factors as well as police officers' resistance, the complexity of implementing PHRS within the police system and urban police units became apparent. The Costa Rican government struggles with a sustained long-term follow-up to the public security and police reform initiated during the last decade. Due to the pressures of fluctuating public demands and limited resources, the priority has become specialised legal assistance. Whereas police lawyers fulfil an important need, for police officers' understanding of the rule of law the enforcement of police legal training is crucial. Governmental efforts appear to be guided by short-term rather than long-term motives. This explains why they invest scarce available resources in police legal assistance rather than in police legal training. In other words, PHRS that focus on the depth of the police organisation are preferred over those that invest in the breadth of the police organisation. Furthermore, the objective to appoint police leaders on the basis of their merits rather than political connections requires commitment from all political actors. This in combination with adapting PHRS to the realities of day-to-day policing would probably create a more suitable context for strengthening police officers' compliance with the rule of law. In terms of strengthening police officers' awareness about the rule of law the effect of police legal training and legal expertise is noticeable. However, the long-term sustained socio-political and institutional commitment towards their implementation is vulnerable.

Perhaps the most fundamental question remains: Has at the police unit level the implementation of police legal training and police legal expertise influenced police officers' compliance with the rule of law? In recent years laws and legal regulations have become a more integral part of day-to-day policing within the Public Force. A couple of years ago there were hardly any professional police officers. Nowadays more police officers have participated in the basic police training course and have therefore been taught the basics of Costa Rican law. At the police unit level police legal assistance, at least in the capital, is available. Due to the creation of police lawyers inter-institutional coordination has intensified and contacts with other actors in the criminal justice system have slightly improved. On the one hand acknowledging the necessity to have *alpha limas* reflects a more professional approach towards law enforcement,

while on the other it diverts attention from what the police system so desperately needs; adequate resources, more professional police officers, an integrated and coherent approach towards reform and a stable police leadership. Although the public security and police reform have addressed these concerns, at an institutional level there is little strategic vision on how to realise this. This affects the potential success of the PHRS police legal training and police legal assistance.

For rank and file police officers resistance to the change that the PHRS generate is a way to protect individual as well as group interests. Due to their active and passive resistance they preserve the status quo within the police system and the urban police units. Police legal assistance is, for instance, resisted by some police officers because although it improves the quality of the work, it also interferes with the familiar way of working. At the police unit level compliance with the informal codes of police culture guarantees, especially for traditional police officers, continuity and stability. The new generation of professional police officers, are generally higher educated and better prepared for their task as law enforcement officials in the 21st century. Most law enforcement officials irrespective of their background view policing as something that is learned on the streets. As a result within the police unit, experienced police officers maintain their status and can therefore influence how policing is conducted. This means that they can be powerful actors of compliance as well as resistance to change. In combination with the support of police leaders, they determine how and to which extent the change that PHRS generate is complied with. Thus police officers' compliance with the rule of law relates to the PHRS police legal training and specialised legal advice, but the most important factor within the police system and urban police units is sustained institutional support.

CHAPTER 7

A POLICE OFFICER'S PERSPECTIVE ON BEING HELD ACCOUNTABLE

7.1 INTRODUCTION

During an evening patrol while driving, two traditional police officers talked about abuse of authority and the process of being held accountable:

In the old days it was better. There were no human rights or the Ombudsman's Office. People respected our authority... Before the chief and the Minister (of Public Security) would support you... You could just arrest someone if he looked suspicious. Since Sala IV decided this is unconstitutional, the police has lost its authority and Costa Rica's security is gone... You were not allowed to talk about to citizens. Now you are immediately accused of committing an abuse of authority.¹

These law enforcement officials feel that PHRS that implement police accountability within the police system and urban police units does not correspond with police reality as they used to know it. From the point of view of these traditional police officers, police accountability mechanisms such as the Ombudsman's Office and Sala IV prevent them from doing a proper police job. They are accustomed to other times. When they remember police accountability playing a different role, citizens respected police authority and police officers are believed to have had more institutional support. Their comments on the process of being held accountable made me realise how important it is to understand accountability from a police officers' perspective. Thus, in addition to considering socio-political and institutional factors, the perspective of those who are expected to comply with human rights is crucial. Although the literature on police accountability is extensive, little is known about implementing accountability in the context of a non-transitional society in Latin America.²

Accountability is one of many possibilities for increasing police respect for human rights and for holding individual law enforcement officials responsible for their actions. It ensures that law enforcement officials are held answerable to the community they serve (Bruce and Neild, 2005; ICPNR, 1999). As Bayley (1985: 10) defines the concept, 'Accountability is the process whereby the behaviour of the police is brought into conformity with the requirements of the encapsulating society.' Police officers are expected to comply with human rights requirements and to explain their actions to

¹ Males, late 30s and 40s, 17 and 10 years in the Public Force, Research diary, 1 March 2004.

² For more information: Chevigny, 2003; Neild, 2000; Stone and Ward, 2000; Brodeur, 1999; O'Rawe, 1997.

someone, usually through a formal structure. In terms of their service to the community, they are required to give account of their conduct when performing police work. The use of force, for example, is justified as long as it is necessary and proportionate. Police officers who use it should give proper account of it (Bennett and Daniels, 1997). This entails reporting it to, for instance, a superior. Police accountability ensures that the police provides a responsive, effective and respectful service to the community (Bruce and Neild, 2005; ICPNR, 1999).

The concept of police accountability has both legal and societal connotations. Legally, police accountability relates to law, or rule, based compliance by police officers (Light, 1993). Normative prescriptions to the police are expressed thus through laws or regulations. At an international level this is reflected by, for example, the UN Code of Conduct. From a societal perspective, police accountability relates to what the community expects from the police. Societal requirements of policing relate to public expectations. This varies between particular circumstances or locations. Citizens in rural communities, for instance, have other police priorities than those in urban communities. In that sense, police accountability is about norms as tolerated by the people the police serve. Basically, police accountability is a form of controlling police officers' misconduct on the basis of laws and societal expectations, enforced through police accountability mechanisms.

The main focus of this chapter is the perspective of police officers on PHRS, which implement accountability within the police system and urban police units. Their point of view is important, because police accountability mechanisms aim to increase police officers' compliance with human rights. This process is set in motion by PHRS that implement police accountability and is in the second section discussed in the context of Costa Rica. This is followed by an analysis of relevant socio-political factors and institutional, in the third and fourth section, whereas police officers' perspectives on police accountability are reviewed in the fifth section. In the final section, I reflect on the implementation of the PHRS police accountability mechanisms within the Costa Rican police system and police units of the Public Force in San José.

7.2 POLICE OFFICERS' IMPRESSIONS

By introducing specific mechanisms, PHRS implement police accountability. Police officers are held accountable through a series of police accountability mechanisms (ICPNR, 1999). As reflected in Table 7.I, below, there are legal and non-legal police accountability mechanisms, which function externally or internally to the police organisation.

Table 7.1 Police Accountability Mechanisms

	External to the Police Organisation	Internal to the Police Organisation
Legal Resolution	<ul style="list-style-type: none"> – Criminal verdict – Constitutional ruling – Civil ruling 	<ul style="list-style-type: none"> – Administrative sanction – Disciplinary sanction
Non-Legal Resolution	<ul style="list-style-type: none"> – Ombudsman recommendation – Parliamentary inquiry/commission – Civilian review boards' recommendation – Ngo report – Media report – Investigation by the public prosecutor 	<ul style="list-style-type: none"> – Supervision/ Management – Peer pressure – Code of Conduct – Statistics (number of complaints per police officer) – Reports (use of force) – Counselling – Training

Sources: Stone and Ward, 2000; Brodeur, 1999; Light, 1993; Bayley, 1985.

There is a difference between legal and non-legal approaches to police accountability issues. This is because the former are directed towards specific act of misconduct and provide a formal structure to evaluate police officers. The latter concerns changing the police context in which the acts of misconduct occurred. From a preventive perspective, non-legal accountability mechanisms are considered to be more effective in changing police officer behaviour (Chan, 2005; Brogden, Jefferson and Walklate, 1998). Where there is criminal activity, the legal external accountability mechanism should always have priority since police officers must obey the law in the same way as other citizens do (Lindholt *et al.*, 2003; O'Rawe, 1997). Furthermore, it is not uncommon for police officers to be held accountable by different accountability mechanisms simultaneously. For instance, a citizen complaint about verbal aggression can lead to an investigation both by the Ombudsman's Office and disciplinary measures by the police organisation. This raises the issue of double jeopardy.

For Public Force police officers, accountability is something that routinely interferes with regular policing.³ While contact with accountability mechanisms is rare, when it happens being held accountable is perceived as a nuisance that hinders operational police work. From a police perspective, what happens at the police unit level is more important. Many police officers feel that if they do what they are supposed to do nothing can go wrong. During an interview, one experienced traditional police officer stated, 'I always say, if you just do your job nothing can go wrong.'⁴ He

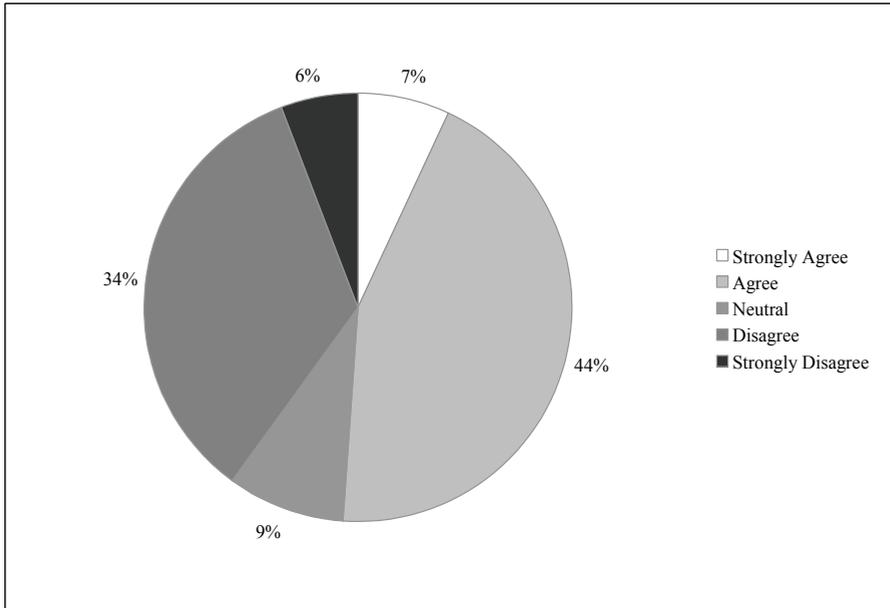
3 By no means have I intended to suggest that all police officers' experience is alike. Individual police officers differ in their points of view of police accountability; I am merely analysing police officers' experience at a group level.

4 Male, early 40s, 17 years in the Public Force, Research diary, 8 March 2004.

stressed that it was the responsibility of all law enforcement officials to do their police job properly, and that if only colleagues abided by what is asked, they would not get into trouble and it would not be necessary to hold them accountable. During their careers, many police officers are never involved in misconduct and are not very likely to personally experience being held accountable.

Furthermore, police accountability mechanisms may succeed or fail to hold law enforcement officials accountable. Also, because incidents for which police officers could be held accountable are only occasionally reported, it is hard to give exact information about police accountability. For instance, a small majority (51 percent) of police respondents to this questionnaire agreed with the statement that police abuse of authority is only sometimes reported (see figure 7.I).⁵

Figure 7.I 'Citizens Report Police Abuse of Authority Sometimes'



Source: Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December 2004.

Law enforcement officials feel that citizens rarely complain about police involvement in abuse of authority. It could suggest underreporting by citizens or that police officers

5 Art. 329, Criminal Code, 'A public official who abuses his position to order or commit any arbitrary law such as to impugn the rights of any person, will be punished by imprisonment of three months to two years.'

are unaware about the extent of the complaints concerning abuse of authority. It is difficult to obtain specific statistics on police involvement in abuse of authority. Only the Ombudsman's Office and the US State Department Human Rights reports refer to it on a regular basis.

Costa Rican police accountability mechanisms are as diverse as in most other countries. Despite the wide variety, during interviews law enforcement officials mostly referred to internal accountability mechanisms such as the police chief, peers control or disciplinary proceedings. External accountability mechanisms mentioned were the criminal justice system, the Ombudsman's Office, the Constitutional Court and the media. This does not imply that other accountability mechanisms, such as a code of conduct, do not exist. It primarily reflects what police officers experience in their professional reality. In practice, especially in serious cases, law enforcement officials are held accountable by several accountability processes simultaneously. In addition to the criminal code, which is applicable to every inhabitant of Costa Rica, there are disciplinary regulations. These disciplinary regulations distinguish between minor and grave faults.⁶ The former can be dealt with by police chiefs, while the latter require an investigation by a special department of the Ministry of Public Security. Serious faults range from violations of the criminal code to the use of drugs. Human rights violations are usually classified as an abuse of authority. This includes, but is not limited to, excessive use of force, verbal aggression and arbitrary arrest or detention.

7.2.1 External Legal Accountability Mechanisms

Although police officers may be held accountable by external legal accountability mechanisms, it is not often that they have personal experience with them. On the rare occasion when they do, it mostly concerns the criminal justice system and the Sala IV. There are several reasons why external legal accountability mechanisms were hardly mentioned during interviews. The majority of acts of misconduct would not qualify as criminal offences. Therefore the likelihood of police officers ever being subjected to criminal investigations is less strong than for disciplinary proceedings.

Being held accountable by the criminal justice system is viewed as threatening by law enforcement officials. To be subjected to a process in which police officers are normally on the 'right' side is alienating and they always run the risk of losing their job. The police organisation marginally supports police officers who are under criminal investigation. The police legal assistance unit, for example, provides some legal advice to police officers (art. 38 Police Code). However, this is not the same as having an attorney. Some police officers charged with a criminal offence go into debt

⁶ Art. 72/75, Police Code. See, also: Ministry of Public Security (1997), *Instructivo de Procedimiento para Sancionar Faltas Leves de Los Cuerpos Policiales Adscritos al Ministerio de Seguridad Pública*, San José; Ministry of Public Security.

to obtain a private attorney instead of using a public defence attorney.⁷ One professional police officer explained the situation of a colleague:

I had a colleague who, during a robbery, was hit by a bullet in his chest. He pulled his gun and opened fire. He hit the thief in the head and the thief died. My colleague was detained while he was in hospital. When he left the hospital he was taken into custody, the court opened a judicial case for homicide, and to defend himself the Ministry (of Public Security) helped in absolutely nothing; he had to take a mortgage on his house to pay an attorney. A very good private attorney was hired to defend him, and after one and a half year he was free. The ministry, however, never said to him, 'We are going to help you, we are going to take an attorney of the ministry to assist you!'⁸

Police officers perceive these kinds of situations as unfair. The lack of support by the employer, in combination with the problems inherent in Costa Rican criminal proceedings, is frustrating for police officers (see section 3.3).

7.2.2 External Non-Legal Accountability Mechanisms

During interviews on external non-legal accountability mechanisms, police officers occasionally referred to the Ombudsman's Office. Any Costa Rican inhabitant, including police officers, may make complaints against the government or private entities. In an effort to protect the human rights of citizens and to promote good administration, the Ombudsman's Office investigates how the public administration and its officials carry out their duties. Such reviews, possibly with recommendations, help citizens to resolve their problems with governmental institutions such as the police. Through a follow-up process, it attempts to prevent similar situations from reoccurring. In 2003, 1,927 citizen complaints were filed at the Ombudsman's Office (Ombudsman's Office, 2005/2000; *Estado de la Nación*, 2003; Law on the Ombudsman's Office).

The Ombudsman's Office provides recommendations on accountability issues. One of the reasons that police officers in interviews did not mention the Ombudsman's Office frequently is that they hardly ever come in contact with it. There are no hearings and there are only written case reports. Since the Ombudsman's Office is supplementary to the constitutional and legal powers of the judiciary, it cannot replace those proceedings (art. 12 Law on the Ombudsman). If the Ombudsman's Office concludes that a right has been violated, it usually makes recommendations. In practice, these are supplementary to decisions made by other police accountability mechanisms.

Complaints to the Ombudsman's Office about the police usually relate to abuse of authority, police negligence or corruption (US State Department 2004/1998; Ombudsman's Office, 2004/1995). The Special Protection Unit investigates complaints and

7 The police lawyers can advise police officers (see: Chapter 6). As with any Costa Rican citizen, they have the right to public council.

8 Male, late 30s, 13 years in the Public Force, Interview, 16 March 2004.

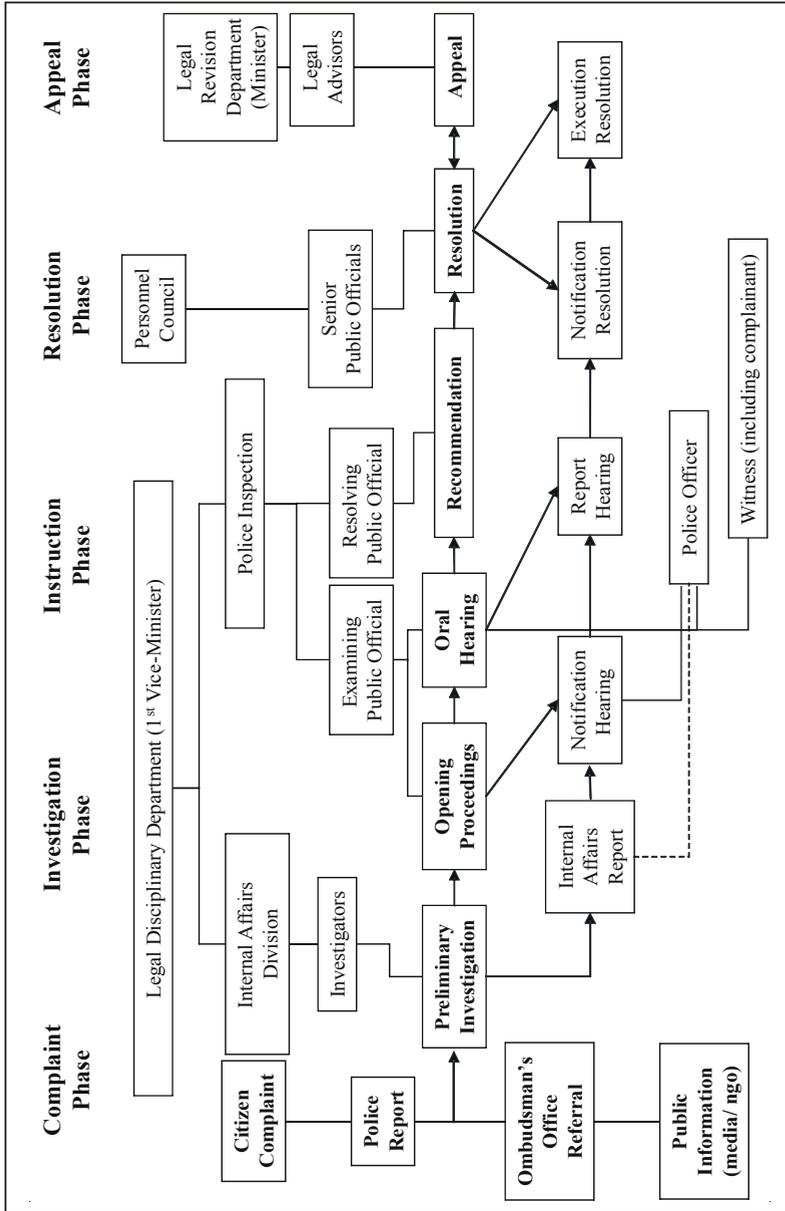
sometimes initiates suits against public officials. Serious cases are referred to the public prosecutor. A police officer who had been involved in different investigations of abuse of authority by external accountability mechanisms found the Ombudsman's Office and Sala IV to be professional; 'The Ombudsman's Office and Sala IV are very professional, they come and investigate and if they do not find evidence, they do not open a case.'⁹ This was remarkable because in most of the informal conversations or interviews on accountability, police officers almost never mentioned Sala IV. Another reason the Ombudsman's Office, and to a lesser extent Sala IV, is known among police officers is that they have recourse to it for their own problems. Both agencies deal with complaints from police officers. Usually such complaints concern violations of their socio-economic rights. For instance, in successive reports the Ombudsman's Office reported on poor working conditions, authoritarian labour relations, sexual harassment, the punitive character of the internal disciplinary system and the ineffective organisation of police labour unions (Ombudsman's Office, 2004/1995). External non-legal accountability mechanisms are often supplementary to other police accountability mechanisms.

7.2.3 Internal Legal Accountability Mechanisms

In terms of internal legal police accountability mechanisms, the disciplinary proceedings of the Ministry of Public Security fulfil an important role. Although some would consider a disciplinary procedure external to the police organisation, in this research it is considered to be internal. The ministry formally employs police officers, and links between the Public Force and the minister are close. The Legal Disciplinary Department is a special section in the Ministry of Public Security responsible for the investigation of citizens' complaints and other disciplinary measures. As shown in figure 7.II below, police accountability falls under the responsibility of the first Vice Minister of Public Security.

9 Male, late 30s, 13 years in the Public Force, Interview, 16 March 2004.

Figure 7.II Public Force Disciplinary Proceedings



Source: Research diary, 16 January 2004 and 17 June 2003, the Police Code.

The Legal Disciplinary Department is responsible for the investigation and the instruction phase of a complaint, and is the only section with which police officers come into contact personally (art. 51 Police Code). Within the Legal Disciplinary Department, two sections are concerned with police accountability; the Internal Affairs Division and the Police Inspection.¹⁰ Although the Police Inspection hears complex legal complaints, this department mostly relies on the Internal Affairs Division to hear citizen complaints. The Internal Affairs Division is also responsible for conducting preliminary investigations and collecting evidence. In cases of less serious faults such as, for example, not reporting to work, a case is immediately transferred to the Police Inspection. After the investigators of the Internal Affairs Division have concluded their investigation, they send a preliminary report to the Police Inspection, whose examining public officials will proceed by formally opening the administrative disciplinary proceedings. The examining public officials inform the police officer(s) about their alleged misconduct and organise hearings. They prepare a file for the resolving public officials, who will proceed to analyse the file and prepare a recommendation for the ultimate decision. The Personnel Council takes this decision. Because a police disciplinary procedure affects the relationship between the employer and employee(s), the complainant is not a party to the formal proceedings. The complainant is only involved as a witness. The police officer has the right to file an appeal with the Legal Revision Department, which in contrast to the Legal Disciplinary Department falls under the responsibility of the Minister of Public Security.

When during the research police officers talked about being held accountable, they mostly referred to internal legal police accountability mechanisms. The disciplinary proceedings of the Ministry of Public Security were mentioned most frequently. Procedural issues, the length of the disciplinary procedures and other frustrations were reported by those who have been subjected to disciplinary procedures by the Ministry of Public Security. Law enforcement officials find it frustrating that complainants and other witnesses often do not appear at the hearings, but, whether on or off duty they are obliged to attend. If a witness does not appear, the investigation is affected and hearings postponed.¹¹ Moreover, police officers, and in rare cases, their attorneys, are not able to question witnesses. This leads to prolonged investigations. The maximum time allowed to investigate a serious fault is two years.¹² The statistics reflected in table 7.II show that in 2002 94 investigations of abuse of authority investigations were conducted by the Legal Disciplinary Department.¹³

10 Figure 7-I clarifies the entire process from the issuing of the actual complaint to the executing of the disciplinary sanction.

11 The complainant is only involved as the complainant and possibly as a witness.

12 *Dictamen 015-2003, del 27 Enero del 2003, de la Procuraduría de la República.*

13 In 2002 there were 2,677 cases in the Legal Disciplinary Department (Statistics of the Legal Disciplinary Department of the Ministry of Public Security, 2002, Research diary, 17 February 2004).

Table 7.II Ministry of Public Security Abuse of Authority Statistics, 2002

<i>No. of Cases</i>	Illegal Use of Force	Arbitrary Detention	Arbitrary Arrest	Verbal Aggression	Total
<u>Resolution</u>					
Archived	1	2			3
Dismissed	8	5	1		14
Lose of Cause	2	1			3
Suspension 10 days		2			2
Suspension 8 days		1		2	3
Suspension 15 days	3				3
Suspension 30 days	1				1
Waiting for Instruction	37	16	6	5	64
Written reprimand				1	1
Total	52	27	7	8	94

Source: Research diary, 17 February 2004.

From the above table can be deducted that abuse of authority, such as illegal use of force, can lead to sanctions. Furthermore, 64 cases under investigation for abuse of authority were still in the instruction stage and were at risk of expiry.¹⁴ If this time period was exceeded, the case was likely to be discontinued. Table 7.II also indicates that, if proven, grave faults such as illegal use of force can lead to the dismissal of the police officers. In 2002, eight police officers were dismissed for this type of abuse of authority.

Many law enforcement officials believe that their side of the story has no credence with the Legal Disciplinary Department. During disciplinary proceedings the police inspection and the examining officials are the only people with who they personally come in contact. The Ministry of Public Security informs police officers by letter that they are under investigation. The same process is followed at the legal resolution phase. The examining officials are mostly bachelors of law and lack police operational experience.¹⁵ Many law enforcement officials, including this police chief, believe that the Legal Disciplinary Department lacks the professional experience to conduct investigations, 'The investigation is done by a bureaucracy in which almost all people lack police experience to conduct an investigation.'¹⁶ In a sense, there is a clash between the letter of the law and police reality. Police officers sometimes have to make decisions in a split second. Many believe that an investigation requires police experience to understand whether a certain act was justified or not. By resisting

14 *Dictamen 015-2003, del 27 Enero del 2003, de la Procuraduría de la República.*

15 Research diary, 16 January and 9/17 February 2004.

16 Male, early 40s, 18 years in the Public Force, Interview, 15 March 2004.

interference from examining officials, police officers feel that they look after colleagues and themselves, thereby protecting police organisational culture from outsiders.

During a hearing by the police inspection where I was present, an examining public official questioned a professional police officer.¹⁷ He was suspected of having physically abused and illegally arrested a minor, who had been drinking a can of beer on the street around three o'clock in the afternoon. When the questions concentrated upon the alleged abusive acts, the police officer explained himself by arguing that the location is a locally well-known troubled area. The boy continuously repeated that as he was the son of an important politician, the law enforcement official could not arrest him. When the examining public official concentrated his inquiry upon the supposed abusive act, the police officer who up to then had answered with 'Yes Sir' or 'No Sir', became annoyed and remarked, 'I know this sort of behaviour is not allowed. It is this sort of thing that hinders the system.' The examining public official's response was, 'I know what it is like to work with people, I worked with the police, but I am impartial and the boy did file a complaint two hours after the arrest.'¹⁸ Basically, because the youngster had been involved in illegal conduct in a public place, the law enforcement official justified the arrest. The examining public official did not focus upon the reason for arrest, but on the alleged physical abuse. To him this was the main point, while the police officer seemed to express that the boy who had done something illegal should not have resisted the arrest. This was his justification for using force.

Another problem is that police officers are convinced that the Legal Disciplinary Department does not give equal value to the statements of witnesses and police officers. One professional police officer with a considerable amount of experience with the disciplinary proceedings explained that complainants are not sufficiently asked to substantiate their claim, 'At the ministry, anyone can go and complain and the Legal Disciplinary Department immediately opens a file and castigates without evidence, without witnesses; only on the basis of what you have stated. This is not professional.'¹⁹ Even though it takes considerable time before police officers are notified about the investigation, it does not mean that they can not include their own side of the story. In the hearings I attended at the Police Inspection, I did not observe that police officers were unable to include their evidence in the case. The official statements of police officers were recorded and they were able to bring witnesses. It is possible that police officers are not informed properly about their right to defend themselves. Perhaps some law enforcement officials are intimidated by the Legal Disciplinary Department and opt not to substantiate their side of the story. Especially traditional police officers perceive the examining officials as educated professionals. There is a sense of being unable to resist the complaint and being victimised by the system.

Because some police officers are critical of the internal legal approach, they do not cooperate fully. Police complaints against colleagues are not taken seriously enough,

17 Male, late 20s, five years in the Public Force, Interview, 4 February 2004.

18 Research diary, 21 January 2004.

19 Male, late 30s, 13 years in the Public Force, Interview, 16 March 2004.

or the attitude of fellow police officers is questioned. Some claim that there are cases in which police officers have presented false testimony. As this professional police officer explained:

They present false testimonies; false medical dictums and people who could declare against them say they saw nothing! There is a secret agreement between colleagues... Those who have committed the fault are given food for their families, so that they will not testify against the others... A lot of chiefs do not pass reports about complaints by colleagues to the police inspection.²⁰

Those police officers who give false evidence resist full participation in the internal legal accountability mechanisms. They frustrate the disciplinary system by appearing to cooperate; fulfilling their duty to testify, while simultaneously remaining loyal to their colleagues. They thus try to avoid being held accountable. It is probably at its worst in the rare case where a fellow police officer files a report. In those cases there are usually no external pressures such as media interest. The role of the police leadership in these types of complaints is crucial. Police chiefs are responsible for referring the police reports to the Legal Disciplinary Department. Some chiefs feel that it is more effective to handle police accountability issues themselves.²¹ There is a widespread belief that police officers who complain about colleagues have personal grudges and that they are disloyal to the police organisation (Manning, 1997; Reuss-Ianni and Ianni, 1983). Police resistance to the disciplinary procedures can be powerful and frustrate the operation of this internal legal accountability mechanism.

7.2.4 Internal Non-Legal Accountability Mechanisms

There are several internal non-legal accountability mechanisms through which police officers can be held accountable in the Public Force. They vary from a committed police management to peer control. Police leaders set an example by complying with and enforcing the ethical code (art. 10 Police Code).²² At the urban police unit level there are several mechanisms that facilitate the implementation of police accountability. Each police officer has a personal file, there is a wall or album with photographs of all police staff members, an entrance record book, a firearms record book and police numbered vehicles. Police officers are required to wear visible nametags and a unique police number on their uniforms. From reading the files at the Legal Disciplinary Department and the Ombudsman's Office, I learned the value of this information. Files in the Ombudsman's Office and Legal Disciplinary Department often contain witness statements in which the police code or a name is mentioned. This shows what the

20 Male, mid 30s, five years in the Public Force, Interview, 3 December 2004.

21 Male, late 50s, over 30 years with the Public Force, Interview, 2 December 2004.

22 *Reglamento de Ética de los Miembros de las Fuerzas de Policía Adscritas al Ministerio de Seguridad Pública*, No 31463, Viernes el 21 de Noviembre del 2003.

effectiveness of continuous enforcement of internal non-legal accountability mechanisms is.

At the police unit level the police chief is responsible for ensuring accountability. During interviews, police officers frequently referred to the relevance of the role of police leaders. Many said they would report irregularities to their police chief or shift supervisor (see figure 5.VI). At one of the police stations where I did my fieldwork, several police officers had stopped wearing their name-tags and police numbers. After some time the police chief ordered that this practice changed. An announcement on the notice board of the police station read, 'As of 25 October, it is compulsory to wear your police code and your nametag. If this requirement is not met there will be sanctions.'²³ From then on the police chief and supervisors began to reprimand police officers for not wearing their identification tags. This shows how, at the police unit level, regulations depend on enforcement. Though police lawyers reported playing a role in accountability, police officers hardly mentioned them (see section 6.2). This is probably because police officers report abuse of authority to their direct chief or sometimes to the Ministry of Public Security. Thus, ultimately, police leadership strongly influences the implementation of accountability mechanisms (CHRI, 2005; Stone and Ward, 2005; Wola, 1998).

On a day-to-day basis, police peer control is experienced as extremely relevant by police officers. In police work cooperation is crucial. Also the reputation of a police officer among colleagues is important (Reuss-Ianni and Ianni, 1983). At the police unit level it affects the status of law enforcement officials. For example, as cars are vital to policing, damaging a vehicle is a serious matter. It hinders police work. If a police driver is involved in a car crash, it is investigated by the Legal Disciplinary Department. There is a risk of the police officer being suspended without salary, but colleagues may also consider the damage a personal responsibility and question professional conduct. By communicating that they do not tolerate such behaviour, the issue is at least partly internally and informally resolved. Such incidents affect the reputation of the police driver and influence his or her status among peers. Police peer control is thus an informal, internal non-legal approach to holding police officers accountable.

By complying with group norms, most police officers try to avoid disapproval from colleagues. In terms of respect for human rights this has both positive and negative features. A professional police officer explained what happened to him after he tried to do something about police corruption at his former police unit, 'At the other police station I knew colleagues who were very corrupt, they threatened me and said if you denounce us then....'²⁴ Police officers, who are disloyal and violate internal group norms or codes are punished (Manning, 1997; Reuss-Ianni and Ianni, 1983). Colleagues experience it as a threat to the internal cohesion of the group. Most do not want to work with such people and avoid them. As a result they are often reassigned

23 Research diary, 8 November 2004.

24 Male, mid 30s, five years in the Public Force, Interview, 12 March 2004; Research diary, 30 January 2004.

to other duties within the police unit. Sometimes a police officer who has broken group norms is harassed or threatened by colleagues. The message to the rest of the group is; 'Do not interfere, or you will experience the same fate' (Punch, 1985). Thus, within a police unit police chiefs and colleagues prevent police officers from being held accountable for their conduct or ensure that they are.

In summary, police officers' experience with police accountability mechanisms is diverse. From the perspective of the Public Force, police accountability relates more to internal accountability mechanisms than to external accountability mechanisms.

7.3 THE ROLE OF POLITICIANS AND THE PUBLIC

In reality, in Costa Rica as in several other countries in the region, to implement police accountability is a complex process. Many public complaints about police officers are not resolved. Often PHRS such as police accountability mechanisms are not implemented properly. Effective police accountability mechanisms depend on the input of information, sureness, fairness, speed and strictness with which sanctions are implemented (Brodeur, 1999; Bayley, 1985). A general trend in Latin America is that despite public security and police reforms, being held accountable for misbehaviour is more the exception than the rule (Früling, 2001; Goldsmith, 2000; Neild, 2000). Police accountability mechanisms are overburdened, suffer from a chronic lack of material resources and are hindered by corruption (Domingo and Sieder, 2001; Chevigny, 1997). Furthermore, fear or ignorance often refrain citizens from submitting complaints. This in combination with a lack of political commitment to enforce laws leads to a situation of police impunity in Latin America (Méndez, 1999). However is the Costa Rican context similar? Is there a lack of political commitment and do citizens refrain from issuing complaints?

7.3.1 Political Commitment

Commitment to police accountability relies to a certain extent upon the government. The implementation of PHRS such as police accountability mechanisms is partly dependent on political support by the Minister of Public Security. Yet is his or her commitment to police accountability sustained? Perhaps the background to implementing PHRS is more ambiguous than it appears at first sight. On the one hand, it is in the interest of the political elite to support police reform that emphasises holding police officers accountable; on the other there is a risk that it will backfire and that law enforcement officials will turn against the political-institutional hierarchy. As Hinton (2006: 193) argues about police reform in Brazil and Argentina, maintaining the status quo has the advantage that police officers are easily manipulated. This especially concerns political interest. Furthermore, if rank and file police officers are held accountable, they probably expect the same treatment for police commanders. As the higher commanders are politically appointed, this compromises the Minister of Public Security. External accountability mechanisms also reveal problems that run the risk

of compromising the political position of the minister. It is therefore in his interest to deal predominantly with police accountability internally and on a case by case rank and file level.

Over time, political priorities in implementing PHRS change. This also relates to police accountability mechanisms and the kind of cases that police officers are held accountable for. During the last administration, for example, one of the major issues in police accountability was police corruption. Several political corruption scandals lead to a public outcry and Costa Ricans demanded action. This also affected policing (see sections 2.6, 4.5 and 5.4). In a 2004 questionnaire, almost 77 percent of the respondents in San José agreed with the statement that police officers of the Public Force accept bribes (see figure 4.VI). This implies that a large majority of *Josefinos* believe that police officers are easily corrupted. Dealing with police corruption also became a priority for the administration of President *Pacheco* (International Narcotics Control Strategy Report, 2003). Between 2001 and 2002, 420 police officers of the Public Force were investigated on corruption charges, and approximately 334 were fired (*La Nación*, 30 September 2003).²⁵ In addition to supporting police accountability mechanisms, the Minister of Public Security often appeared in the media to be doing something about corruption. This included establishing a special phone line for people to denounce corrupt police officers. He also cooperated with external police accountability mechanisms such as the Ombudsman's Office.²⁶ Thus it seems that at least on corruption charges police officers were held accountable. However, as this topic became the priority other, abuse of authority cases were delayed.²⁷ Ironically, after the elections and another political party; the PLN, came to power and several corruption scandals involving police hierarchs were revealed (*La Nación*, 10 May, 20 June, 26 June, 17 July and 14 December 2006).²⁸ This suggests the police corruption is to some extent institutionalised. The example of police corruption illustrates that political commitment for holding police officers accountable is crucial.

The Minister of Public Security is less successful in creating an independent, just and efficient environment to enforce police accountability. Due to the Police Code and reforms effort, the bureaucracy of the Ministry of Public Security was modernised. This also affected the Legal Disciplinary department and the disciplinary proceedings. Even though the investigation phase of the disciplinary proceedings has become neutral, decisions are ultimately taken by the Personnel Council (see figure 7.II). This council consists of political appointees. Despite increased labour protection for police officers and preventive measures, police accountability at the Ministry of Public Security predominately has a punitive character.²⁹ These issues, in combination with

25 A large majority of these cases involve drugs related charges.

26 Research diary, 6 February 2004.

27 It is hard to obtain exact data on the number of investigations by the Legal Disciplinary Department in comparison to the decisions by the Personnel Council (Research diary, January/March 2004).

28 The first Vice Minister of Public Security, Rafael Ángel Gutiérrez, Interview 17 August 2006.

29 Exceptions are initiatives by the Psychology Department of the Ministry of Public Security in the field of domestic violence and self-esteem (Research diary, 24 and 25 November 2004).

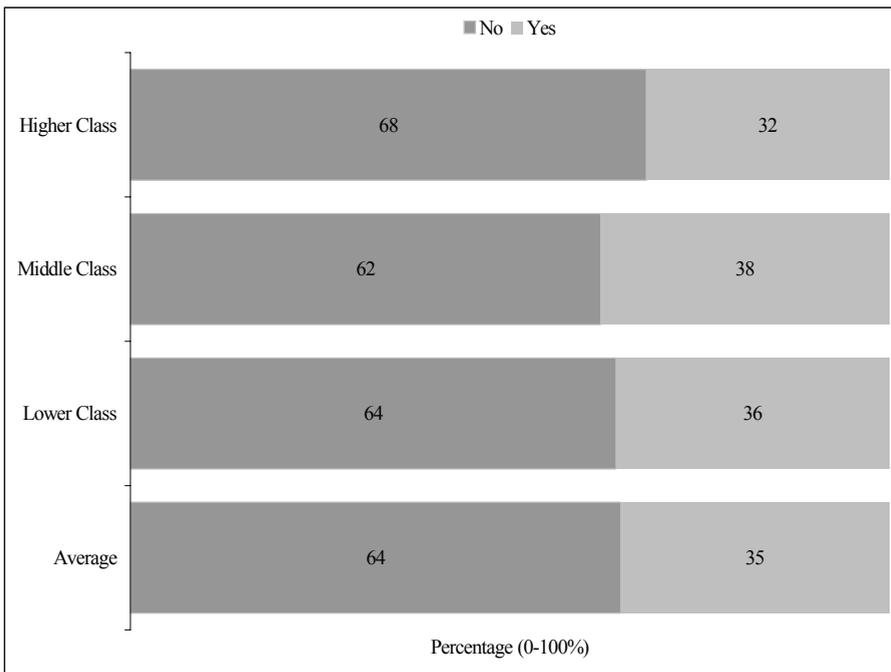
structural problems, contribute to an approach to police accountability that does not effectively deal with the underlying causes of abuse of authority.

Thus, although in Costa Rica there is political commitment towards holding police officers accountable, in reality, it is ambiguous.

7.3.2 Citizens' Awareness

Overall citizens are conscious of police accountability. As discussed in chapter 4, Costa Rican society has a relative faith in the Public Force (see section 4.5). Confidence exists despite police involvement in abuse of authority. In the capital, 36 percent of inhabitants have, at least once, witnessed an abuse of authority by the police (see figure 7.III below).

Figure 7.III Personal Witness to Police Abuse of Authority



Source: Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December 2004.

The experiences with police officers of the Public Force were more or less similar among different socio-economic classes. These data indicate that a minority of the capitals' residents have actually witnessed an abuse of authority by the Public Force.

It is unclear whether this was one or more times. Also it is hard to determine the severity of the abuse. Abuses of authority include verbal aggressions and illegal use of force. Only rarely do they amount to severe human rights violations (Ombudsman's Office, 2004/ 1995; CAT, 2000; see chapter 4). Furthermore, citizens are ambiguous about holding police officers accountable. During an interview with a representative of the Ombudsman's Office, he explained:

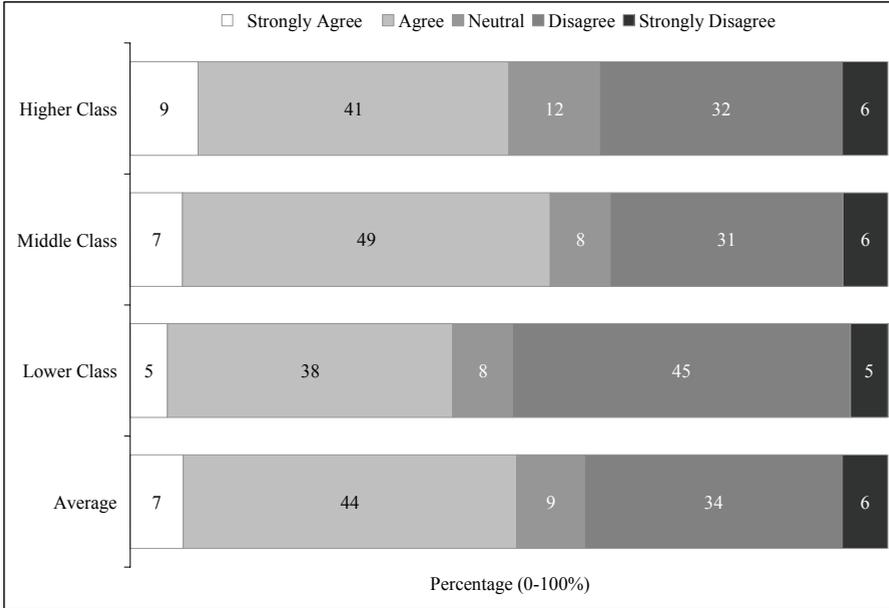
We receive two types of cases; abuses of authority and others, by citizens who want more security for police inaction. Abuse of authority occurs. We receive these complaints when police officers detain, stop people, without any legal basis. Yet they are exceptional cases... At the same time there are these public demands; the same inhabitants, expect (when they feel a person looks suspicious) the police to do something. When the police officer does nothing, citizens think this police officer is bad, unreliable; but in reality there is nothing he can do unless this person is committing a crime...³⁰

On the one hand, he acknowledged police involvement in abuse of authority, whereas on the other he suggested that citizens also have unrealistic expectations of the police. They want police officers to do things that may involve abuse of authority. If the quoted police officer arrests the person who, according to the public, looked suspicious, this would probably result in an abuse of authority. As there is no legal ground, it is an illegal arrest. Nonetheless, in these kinds of cases it is not uncommon for citizens to file complaints about police inaction (Ombudsman's Office, 2004/ 1995). Thus, even though the public holds the police accountable, they are also part of the problem.

To some extent people are confident that police officers are held accountable. Almost half of the respondents (51 percent) in the capital agreed with the statement that citizens (in case of abuse of authority) hold police officers accountable (see figure 7.IV).

³⁰ Interview, 18 February 2004.

Figure 7.IV 'Citizens Hold Police Officers Accountable for Abuse of Authority'



Source: Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December 2004.

Simultaneously, on average 40 percent have the impression that not all citizens always file complaints. Within the lower classes this percentage is even higher; 50 percent feels that abuses of authority are not always reported. As citizens have relative confidence in the Public Force, in some cases it is likely to be linked to public ignorance and/or a lack of resources (see sections 4.5, 4 .6 and 8.4).³¹

One of the issues with police accountability in Costa Rica is its centralised approach. The Ministry of Public Security, for instance, is located in San José. This makes it less attractive for citizens in other parts of the country to file complaints. Even though this is less of a problem with *Josefinos*, citizens still have to make an effort to hold police officers accountable. The following case, filed at the Ombudsman’s Office about arbitrary arrest, reflects this situation:

31 Male, Examining Public Official Police Inspection, Interview, 9 February 2004.

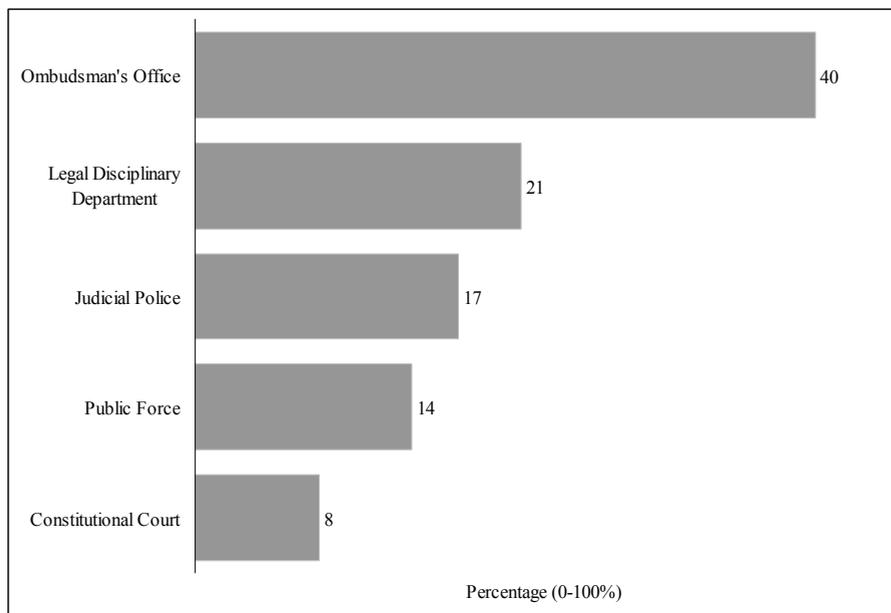
A Police Officer's Perspective on Being Held Accountable

On 11 August 2002, a 20 year old man was arrested in San José for not having his identity card present. When his mother went to the police station to complain, she was advised to go to the Judicial Police. On 19 August the young man went back to the police station to identify the police officers with the Judicial Police. On 24 August an abuse of authority complaint was filed at the Ombudsman's Office. After two written requests to the police station chief, the Ombudsman's Office on 6 April 2003 wrote a letter to the Minister of Public Security to ask for his collaboration. On 10 April 2003, they received the response of the local police chief who insisted nothing illegal happened. A month later, the ministry sent a fax to the Ombudsman's Office that stated that a complaint was filed at the Legal Disciplinary Department. On 7 June 2003, the Ombudsman's Office gave its final recommendation.³²

In this case the complainants filed their complaint, because they were not put off by time or other delays. Almost one year after the alleged abuse of authority, the case was to some extent resolved by the Ombudsman's Office; whereas, the judiciary and the Ministry of Public Security were still considering it. This suggests that citizens must be motivated to hold police officers accountable. In the aforementioned example, the mother made an effort to complain at the police station, the judiciary and the Ombudsman's Office. Many citizens are inclined to feel that this is too much hassle. In other words, there is a difference between the percentage of citizens who are aware of police abuse of authority and those who hold police officers accountable.

Citizens are more aware of some police accountability mechanisms than others. When asked to which of the following pre-selected police accountability mechanisms they would report police abuse of authority, 40 percent opted for the Ombudsman's Office, whereas 21 percent the Legal Disciplinary Department of the Ministry of Public Security and 17 percent the judiciary (see figure 7.V).

32 To ensure confidentiality the dates have been slightly adapted (Research diary, 19 January 2004).

Figure 7.V Citizens and Police Accountability Mechanisms

Source: Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December 2004.

Hence, the vast majority favoured external police accountability mechanisms. These results are somewhat consistent with other research in which people expressed trust in the judicial system, the Ombudsman's Office and Sala IV (Vargas and Rosero, 2004: 73; see figure 4.IV). Another issue with internal non-legal accountability mechanisms is that many people feel uncomfortable about complaining to local police stations. Often they are advised to go to the Judicial Police or the Ministry of Public Security. Additionally, although citizens file complaints at the Comptroller of Services of the Ministry of Public Security, they do not formally become part of the proceedings (see figure 7.II). This, in combination with length of the cases, a lack of inter-institutional communication between different accountability mechanisms and the lack of resources to conduct investigations leads to citizens losing interest in pursuing police accountability.³³ It is not uncommon for abuse of authority cases to last one or two years, or even longer.³⁴

³³ Research diary, 16, 19 and 21 January 2004.

³⁴ Since 2003, the investigation of grave faults may last two years (Ministry of Public Security, 2003a).

In summary, Costa Rican politicians and citizens are conscious of police accountability, and to some extent are willing to submit abuses of authority to police accountability mechanisms.

7.4 BUREAUCRATIC IMPEDIMENTS

There are bureaucratic impediments that hinder the effective implementation of police accountability within the police system and at an urban police unit level. Bureaucratic in this context is understood as, 'Social relations of command and obedience that are hierarchically organised on the basis of formal and explicit rules' (O'Donnell, 2004b: 160). Many of these concerns relate to the inefficiency of the Ministry of Public Security and the strong hierarchy within the Public Force. Although bureaucratic impediments affect all PHRS, they are most evident in the implementation of police accountability. Furthermore, they are by no means typical for Costa Rica. Inefficient bureaucracies and strong hierarchical organisational structures are factors that affect reform in countries throughout Latin America (UNDP, 2004a/b). The inefficiency of the Ministry of Public Security and the hierarchy within the Public Force are two main bureaucratic impediments to holding police officers accountable. To a certain extent, these actors explain institutional resistance to implementing police accountability within the Public Force.

7.4.1 Institutional Inefficiency

Inefficiency within the Ministry of Public Security delays the implementation of police accountability within the Public Force. In the late 1990s, Costa Rica, as with many other Latin American countries, modernised its bureaucracy (UNDP, 2004a: 183). Among other things it led to the formalisation of the police accountability process within the Ministry of Public Security. It especially affected internal accountability mechanisms. This is not to argue that external accountability mechanisms are not relevant, but their resolutions usually require some kind of institutional response by the ministry. Thus, for instance, if police officers are held accountable through the criminal justice system, this will lead to disciplinary measures by the Ministry of Public Security. In interviews, the most common bureaucratic impediments related to police accountability were insufficient allocation and use of resources, institutional resistance and the lack of inter-institutional coordination and cooperation.³⁵ This representative of the Ombudsman's Office explained it as:

35 Interviews, 17, 18 February and 28 January 2004.

Our recommendations are well received at the Ministry of Public Security. The problem is the implementation... If the minister thinks a particular recommendation is a good idea he delegates it to a public official, who is in charge of implementing it. At this level there are others in power, and this is where the recommendation begins to encounter problems. The process is delayed... The Legal Disciplinary Department, for example, has communication problems, internally; how they manage the cases, the investigations. The department has its problems. It lacks personnel, equipment and an organised structure. It is very centralised. It is a department with many sections, yet the power is in the hands of one single person. It has demonstrated that it is not capable of managing all the cases. The problem of this department is that it not only deals with disciplinary proceedings related to grave abuse of authority such as aggression, but also minor faults, such as police officers not showing up for work or liquor problems. For these kinds of cases they open a case....³⁶

This quotation confirms issues that were mentioned in other interviews as well. Most worrying is the centralised but simultaneously fragmented approach of the ministry towards police accountability. Although the representative of the Ombudsman's Office recognised that the minister cooperates, he points out that political commitment can not prevent bureaucratic hindrances. Overall recommendations and individual police accountability cases are followed-up upon, but during every phase the process is delayed by the lack of communication, prioritisation and resources. This causes problems because, as this police commander remarked:

Although the punishment is drastic, due process has improved, modernised; but it should last three months, not two years. During all this time this delinquent (the police officer who is allegedly involved in an act of misconduct) continues to work at the police station. We can not fire him, at least not the professional police officers.³⁷

Thus, during the police accountability process it takes considerable time before the Public Force is effectively able to deal with the situation. On the one hand this development is positive; during the investigation the rights of police officers are respected, on the other, local police unit chiefs are not effectively able to hold police officers accountable within reasonable time. Thus the inefficiency of the Ministry of Public Security causes issues at the police unit level, where, as the quoted police commander argues, 'delinquents' continue to work. Additionally, the relation between the public and the ministry is affected. Citizens may get the impression that there is no adequate follow-up to their complaints. Thus the difficulties of implementing police accountability are related to institutional inefficiency.

Another issue is the functioning of the Legal Disciplinary Department. Despite the professionalisation of disciplinary proceedings problems persist. During interviews with staff of the Legal Disciplinary Department they specifically mentioned the

³⁶ Interview, 18 February 2004.

³⁷ Male, late 50s, over 30 years with the Public Force, Interview, 2 December 2004.

bureaucracy, the lack of resources and prioritisation of cases. Investigators of the Internal Affairs Division stated specifically that there was a lack of computers and available cars,³⁸ whereas public officials of the Legal Disciplinary Department felt that more contact with the public, a prioritisation of cases and the development of expertise was necessary.³⁹ These problems, according to the staff, cause delays and in combination with pressure to meet targets is the main cause of inefficiency within the Legal Disciplinary Department.

7.4.2 Hierarchal Structures

The commitment of the Minister of Public Security and police leaders towards police accountability is crucial for its success. Yet simultaneously, the hierarchal structures within the police system and police units sometimes prevent an efficient and effective follow-up to abuse of authority. With the exception of a few cases, complaints pass several levels before they reach police accountability mechanisms. These exceptions concern high profile cases that have appeared in the media and/or involve influential people. As this event illustrates, the role of the police leadership is crucial:

On 10 November 2005, two Rottweilers killed Leopoldo Natividad Canda Mairena on the premises of a private home in Cartago. Several public officials, including seven police officers of the Public Force, witnessed this event without intervening for at least 25 minutes. The 25 year old Nicaraguan immigrant, who allegedly attempted to rob the house, died a few hours later in hospital. Later that same day the Director General of the Public Force was quoted in the newspaper *Al Día* saying, 'The police officers had not been able to intervene because they would have shot Canda.' On 19 January 2006, the Vice Director of the Judicial Police confirmed that the preliminary investigation was terminated and the case was handed over to the public prosecutor. The seven police officers of the Public Force were indicted. The Director General of the Public Force stated that disciplinary proceedings would be taken (*Al Día*, 19/20 January 2006; *Al Diario Extra*, 12 November 2005; US State Department Human Rights Report, 2005).

This high profile case was widely published and led to diplomatic tensions between Costa Rica and Nicaragua. The Director General of the Public Force initially supported the police officers, but after the investigation announced that disciplinary measures would be issued. Within two months, which was relatively expeditious, the Judicial Police finished its investigation. Furthermore, the Director General of the Public Force announced that disciplinary measures would be taken. Thus, in the end, external pressure by the media and the Judicial Police forced the police management to do something about this police inaction, which probably led to the death of this alleged

38 Males, Investigators Internal Affairs Division of the Legal Disciplinary Department of the Ministry of Public Security, Interviews, 28 January, 9 and 17 February 2004.

39 Males, Examining Public Official and Resolving Public Official of the Legal Disciplinary Department of the Ministry of Public Security, Interviews, 9 and 17 February 2004.

robber. The incident reflects the role of police hierarchs in holding police officers accountable.

Police officers who complain about their colleagues are most likely to turn to their direct supervisor and/or the police chief. If they are willing to consider it, they are likely to communicate with the next in line in the police hierarchy. This is probably the regional director (see figure 4-IIb). In practice at the police unit level police lawyers are one of the few law enforcement officials who are willing to issue complaints directly to police accountability mechanisms. Most other law enforcement officials turn to their superior or their superior's superior before issuing complaints. Conversely, if information is needed during an accountability investigation it is very common that this passes to several levels of the Public Force. As this Ombudsman's case suggests:

A young man with mental problems was arrested by two police officers of the Public Force for allegedly harassing children. He was arrested without any legal ground and a relative later stated to the Ombudsman's Office that he had been severely humiliated and mistreated at the police station. On 25 July 2002, the complaint was issued at the Ombudsman's Office. Five days later on 30 July 2002, it was declared admissible, whereas on 9 August 2002, the complainants received a personal consult at the Ombudsman's Office. On 13 August 2002, letters were sent to the Minister and the Ministry of Public Security and the complainants. As at that time the complainants only remembered the number of the police scooter and not the identity of the two involved police officers, therefore they could not be notified. On 19 August 2002, the minister sent a letter to the Director General of the Public Force. On 23 September 2002, the minister sent a letter that the regional director had been informed. On 14 December 2002, the Ombudsman's Office received a letter by the minister. This letter included a fax from the police chief of the station where the police officers worked and other documents such as copies of the logbook and a police report.⁴⁰

After the complaint was issued, it took several months for the Ombudsman's Office to get basic evidence to identify the two police officers. Even though they knew in which police station the incident had supposedly happened, their request for information was communicated through several bureaucratic layers. In the end, due to hierarchical communication structures it takes considerable time before a file can be formed and a case resolved. This could be considered as bureaucratic delay tactics; the longer citizens have to wait, the less likely it is that they will pursue their complaint. Because their employees might not be held accountable, this is in the interest of the Public Force.

40 To ensure confidentiality these dates have been adapted (Research diary, 19 January 2004).

7.5 REVIEWING OF PROFESSIONAL CONDUCT

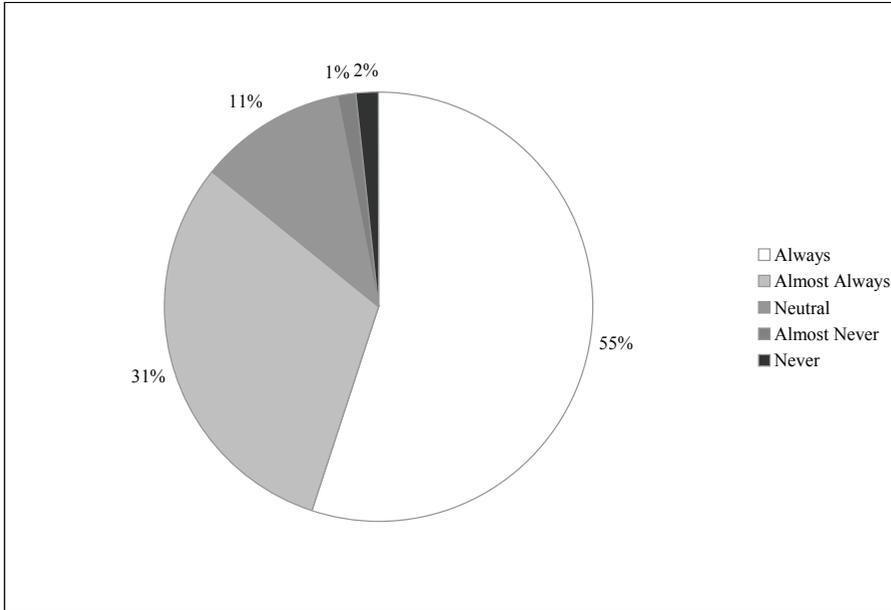
For police officers, being held accountable relates to more than just the incident of alleged misconduct, it is a review of their professional conduct. Police work is often unpredictable and police officers feel that complaints arise because people do not fully understand it. The process of being held accountable challenges their professional decision-making and authority (Skolnick, 1966). To some law enforcement officials, the issue of accountability is related to the public's lack of respect for their authority. This, in combination with inconsistent follow-ups, are reasons for resisting PHRS.

7.5.1 Obeying Orders versus Individual Responsibility

Within the police system and at the police unit level, the concept of authority is associated with respect for the job, and this affects the process of police accountability. Many, especially experienced traditional police officers, take great pride in showing respect for authority. Length of service is thought to improve police officers' skills, such as the ability to control violent situations (Fyfe, 1995; Klockars, 1995). Unquestioned obedience to a station chief distinguishes police officers from civilians. Accepting an assigned task without complaining is something to be proud of. It unites the police force in its common objective to defend society. When these experienced traditional police officers entered the Public Force they lived under a semi-militarised regime (Urcuyo, 1986). They saluted those with more authority in the police hierarchy. Police accountability was mostly applied and enforced at the police unit level by the chief. He could, for example, detain a police officer at the station. Many of these police officers only had a basic police preparation, which was militarily orientated and did not include the courses that the current generation of professional police officers receive (Diálogo Centro-Americano, 1998; Urcuyo, 1986; see section 5.2). The younger police officers, of whom many are professional police officers, are also aware of the necessity to respect authority within the police organisation and are introduced into the hierarchy portrayed by the police culture. In general, younger police officers have higher educational levels and are believed to receive fewer complaints than their experienced, mostly traditional, colleagues (Muir, 1997; Cohen and Chaiken, 1972). Yet, because of police hierarchy trained police officers also become easily implicated with abuse of authority.

Authority is related to police accountability. Theoretically all law enforcement officials are responsible for their own actions; yet, within the internal logic of the police unit, it is the chief who decides what to do. For a rank and file law enforcement official it is hard to resist a direct order, even if it means violating the law (Reuss-Ianni and Ianni, 2005: 304). As figure 7.VI shows, 86 percent of police officers agree with the statement that they must always carry out the orders of the chief.

Figure 7.VI 'Carry Out the Chief's Orders'



Source: Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December 2004.

The paradox is that being held accountable is an individual matter and does not really affect the police chief. This is experienced as being unfair. Police officers find it hard to accept accountability for a situation in which a police leader told them what to do. From a legal perspective, police accountability is an individual responsibility; however, from a police officer's perspective, professional legal and personal responsibility are two sides to the same coin. If your chief tells you to detain someone even though there is no legal ground to do so, it is hard to resist, and so they feel it is the chief's responsibility and not theirs. Thus, demonstrating that what is just according to the letter of the law is sometimes considered to be unjust by police officers.

Personal files are kept at the police unit level and accountability resolutions are entered in them. These personal files affect police careers. Because promotion is partly dependent on a clean record, some police officers opt to keep a low profile. As accountability issues influence their careers, they try to stay out of trouble. Consequently, police officers become passive in their day-to-day police work. Because complaints are usually made after police interventions, the logic is that being proactive can threaten your future. Even though citizens complain about police inaction, many law enforcement officials feel it is safer not to act or ask for a superior's permission (Ombudsman's Office, 2005/2000). One professional police officer explained, 'It is

bad because your personal file is not clean anymore; they will not send you to training courses or promote you. Who decides, what is included in the file?⁴¹ Another problem is that some personal files are more up to date than others. Despite the fact that being held accountable can affect a police officer's career, police chiefs are not consistent about including police accountability affairs in personal files.

7.5.2 Inconsistent Follow-Up

For law enforcement officials, there is inconsistency in the follow-up to accountability issues. It is hard to understand why for similar incidents some police officers are, and others are not, held accountable. At one police station where I conducted fieldwork, some police officers had been involved in a severe firearms violation. The media had reported on it and various accountability investigations had begun. One of the police officers was immediately suspended, while the others continued with their daily duties.⁴² Because all the law enforcement officials had participated in the incident, this was perceived as unfair. In reality, the Internal Affairs Division of the Legal Disciplinary Department was investigating everyone involved.⁴³ Most likely some of the others would also be subjected to disciplinary measures. The problem, however, is that police officers are not notified of the administrative disciplinary investigation until it is in the instruction phase (see figure 7.II). That is often months later, and so internal relations at an affected police unit are likely to be disturbed. By the time they are actually held accountable, most colleagues have forgotten about the precipitating incident. From a police officer's perspective the inconsistency in the follow-up is arbitrary.

Overall, accountability resolutions are perceived as punitive. Police officers state that the Ministry of Public Security almost always chooses the side of the complainant (Barker, 1999).⁴⁴ Internal legal resolutions involving a suspension with salary cut is perceived as unfair. Not only does it affect the police officer's professional status, but also his or her livelihood. During an interview, a professional police officer commented:

Like I said, they feel bored or perhaps low-spirited, because imagine what it is like; a month without salary, and there are police officers who have little children and the Mrs. You have to live and you are not able to pay; you need to secure cash. Clearly, it affects them tremendously.⁴⁵

The impact of a cut in salary can be quite high if one considers that police officers already earn a minimum wage. In interviews on administrative disciplinary proceed-

41 Male, late 20s, nine years in the Public Force, Interview, 19 March 2004.

42 Research diary, 8 and 17 February 2004.

43 Research diary, 9 February 2004.

44 In most interviews with police officers where accountability was discussed they mentioned the Ministry of Public Security as the main police accountability mechanism.

45 Male, mid 20s, five years in the Public Force, Interview, 11 March 2004.

ings, police officers expressed concerns about the selective implementation of disciplinary measures, the effect on their police careers and the loss of wages. Many police officers who have been involved in police accountability issues become disillusioned. Of those, a few withdraw and no longer want to work on the streets. They opt to do an administrative job within the safe grounds of the police station.

Another problem is that they feel their employer, the Ministry of Public Security, does not support them when the going gets tough. One professional police officer expressed this vividly:

A lot for nothing, nothing. Why? Why should I risk my life for a job where I receive punishment, suspensions, lowering of salaries? I was no longer motivated. Like I said the other day, I am not going to do things, to avoid the problems. Do you understand? A lot of police officers who have suffered problems decide to withdraw at home or at an Embassy or look after parks. Others no longer want to work in the street...If you want to do your job, you get persecuted. It is not worth it! Here I do not have to see problems. Here I am relaxed, but who is at loss?⁴⁶

The quoted law enforcement official successfully requested to be transferred and assigned to an administrative task within the police unit (see figure 5.6). He had been investigated and held accountable on several occasions through different police accountability mechanisms. This complaint had apparently been the last straw. His reaction illustrates a common police officer's point of view; the public is ungrateful for the sacrifices that law enforcement officials make on their behalf. Police officers express the view that there is much ignorance among complainants on what should or should not be complained about. And a complaint is not necessarily justified. It leads to an investigation, but for many police officers the complaint itself is related to the process of being held accountable. In general, therefore, police officers consider the effect of accountability upon their livelihoods, careers and reputation among colleagues as a serious threat.

7.6 CONCLUDING REMARKS

The process that PHRS, which implement police accountability, generate is regarded as frustrating and demotivating for law enforcement officials of the Public Force. They often feel misunderstood and victimised by the Ministry of Public Security as well as by complainants. Being held accountable is experienced as a nuisance that interferes with regular police work. It questions a police officer's professional conduct and authority. Legal and non-legal resolutions imposed through internal or external accountability mechanisms have consequences for police officers' livelihoods, careers and status among colleagues. Because they relate to their every day work, police officers tend to take the internal organisational accountability mechanisms the most

⁴⁶ Male, late 30s, 13 years in the Public Force, Interview, 16 March 2004.

seriously. In severe accountability cases, police officers are held accountable through several mechanisms simultaneously, which raises issues in relation to double jeopardy.

Police accountability has a punitive rather than preventive character in Costa Rica. Yet, the experience of police forces throughout the world shows that prevention through, for example, citizen's review boards or training, is likely to be more effective.⁴⁷ Internal legal accountability mechanisms have priority over external accountability mechanisms. This leads to modest citizen involvement in the process of holding police officers of the Public Force accountable. In comparison to internal accountability mechanisms, external accountability mechanisms fulfil a facilitator's role. Police accountability within the police system and at an urban police unit level is mostly realised through internal resolutions, so the process of police accountability becomes less transparent. Both police officers as well as citizens are expected to have faith in the internal bureaucratic approach to resolving police accountability issues. However, citizens seem to prefer external police accountability mechanisms. For the complainants as well as the police officers there is little direct personal involvement in the process of accountability.

Even though there is political commitment towards holding police officers accountable, there are several factors that delay it. The internal bureaucracy of the Ministry of Public Security and the strong hierarchical structure of the Public Force make it difficult to conduct expeditious investigations. This in combination with a lack of resources and changing political priorities has an impact on the process of holding police accountable. In general, there is a focus on rank and file police officers, whereas recent scandals suggest that the police management is also involved in misconduct. This indicates that the Minister of Public Security is willing to deal with abuse of authority, but that he or she has, for political reasons, difficulties in mainstreaming this throughout the police system and at an urban police unit level. Additionally, the fact that citizens have to make a considerable effort to complain to either the Ministry of Public Security or the Public Force, makes one wonder whether the government's commitment to hold police officers accountable for abuse of authority is as strong as is sometimes suggested.

As in the rest of Latin America, the implementation of PHRS in Costa Rica has led to an increased effort to hold police officers accountable for their acts. Within the region, large scale police accountability mechanisms have been implemented to deal with human rights violations. Due to a lack of empirical studies, the effect of police accountability mechanisms on police impunity in Latin America remains uncertain. As a result of rising crime rates and a lack of resources, many countries have other public security priorities than holding police officers accountable. Police accountability increasingly runs the risk of hindering policing. It interferes with the every day work of overstretched police organisations. Internal accountability mechanisms are

⁴⁷ For more information: Rico and Chinchilla, 2006; Stone, 2005; CHRI, 2005; Walker, 2005; Goldsmith and Lewis, 2000; Bayley, 2001; Wola, 1999/1998; ICPNR, 1999; Mendes *et al.* 1999; Walker and Wright, 1996.

dominant in Costa Rica. Emphasising more citizen participation in the process of police accountability would strengthen societal acceptance of the police. PHRS have led to the implementation of police accountability within the police system and at an urban police unit level; however, the emphasis on holding police officers accountable through internal instead of external mechanisms alienates the police from the public.

CHAPTER 8

THE LONG ROAD TOWARDS COMMUNITY POLICING

8.1 INTRODUCTION

At a community meeting organised by the local police, a middle aged lady complained to the police unit chief. The previous Friday night, she had rung the police station on behalf of a neighbour who had been harassed by a family member. She nervously laughed while saying that the police officer had not been very helpful:

His reaction was, 'We do not have time for this sort of thing!', and I explained a little more and said, 'I am a graduate of the community security course you know.' He responded, 'So what community security.' Now, I do not want to persecute this particular police officer, and I know the police lacks the resources, but still....¹

The police chief turned red. Until then she had insisted that all neighbours should always call the closest police station. Nonetheless, the police chief continued to emphasise the importance of developing citizen-police relations at the local level. This incident reflects the complexities of developing citizen-police contact. In the literature, the process of involving the community in public security is referred too as 'community policing', 'problem orientated policing', 'proximity policing' or 'community oriented policing'.² Although there is no uniformly accepted definition, most authors acknowledge the following elements; the involvement of the community in policing, developing and sustaining police-citizen relations, decentralising the organisation of policing as well as emphasising a problem-solving and a preventive approach to policing.³ All definitions emphasise the involvement of citizens and law enforcement officials in local level public security. In this chapter I refer to community policing as a process that is focused upon police service, in whatever form, to local communities.

There are many studies on community policing, several of which refer to problems varying from the resistance of police culture, organisational issues to the role that the police should fulfil in society. The vast majority of empirical research on this topic has been conducted in the US or Europe.⁴ Although there are valuable studies about the

1 Research diary, 28 November 2003.

2 For more information: Ferret, 2004; Punch, Vijver and Zoomer, 2002; Manning, 1997; Community Policing Consortium, 1994; Rosenbaum and Lurigio, 1994; Trojanowicz and Bucqueroux, 1994; Goldstein, 1990; Skolnick and Bayley, 1986.

3 For more information: Manning, 1997; Seagrave, 1996; Community Policing Consortium, 1994; Skolnick and Bayley, 1986.

4 For an overview: Bayley, 2001.

Latin America police, there are only a few that discuss the effect of community policing.⁵ Because the public security and police context in Latin America differs from the US or Europe, more empirical research about community policing is necessary. As Frühling (2003b: 11) explains, in Latin America the organisation of police systems, the low levels of police professionalism, the instable socio-economic situation and demotivation among the police officers affects the implementation of community policing programmes.

Community policing programmes are PHRS, because their objective is to reform policing so that it becomes focused on providing a service to the community. Although international human rights law does not specifically refer to law enforcement, one of the underlying principles of the UN Code of Conduct is providing a service to the community (art. 1 UN Code of Conduct). This is essential, because within a democratic society the primary task of the police is to execute laws and to serve the entire population (Mendes *et al.*, 1999; Waddington, 1999). From a human rights perspective, community policing programmes provide the context for indirectly improving police officers' compliance with human rights. It stresses police service to the community rather than reactive or militaristic policing on behalf of the state. Community policing focuses upon establishing a police climate, whereby police officers and citizens co-operate and communicate. Due to the establishment of these relationships, human rights abuses are assumed to occur less frequently. Community policing programmes provide a framework for indirectly facilitating the implementation of human rights within the police system and at an urban police unit level and therefore I consider these programmes to be PHRS.

In comparison to the rest of the region, Costa Rica has a strong human rights record and makes efforts to ensure law enforcement officials' compliance with human rights norms, values and standards. Implementing PHRS, such as a community policing, reflects this commitment. In previous research by Chinchilla and Rico (1997) a community policing programme in San José was evaluated. It showed that citizens' perception of security and of the police improved after the introduction of the community security programme in Hatillo, a lower class residential neighbourhood. However, from a long-term perspective it is not clear what the effect is of implementing these PHRS.

This chapter contributes to a broadening of the analysis of PHRS that implement community policing within the police system and at an urban police unit level. In the second section, I introduce two separate PHRS, which implement community policing within the Public Force. There is a discussion of societal and institutional factors in the following two sections. Before I conclude, the experience of law enforcement officials with community policing programmes and its relation to compliance with human rights is reviewed.

5 For more information: Rico and Chinchilla, 2006; Dammert, 2004/2002; Frühling, 2004; Costa, 1999; Wola, 1999; Chinchilla and Rico, 1997.

8.2 IMPLEMENTING A COMMUNITY APPROACH TO POLICING

In order to improve public security, professionalise policing and increase citizen participation, the Costa Rican government implemented PHRS within its police system and police units of the Public Force in San José. This included two programmes that relate to community policing. It thereby replaced traditional reactive policing with a proactive and preventive approach (Zamora, 2006; Dumani, 1999). Since the 1990s, the preventive police system has continued to be modernised, and the introduction of community policing programmes is part of a larger effort to increase police officers' compliance with human rights. This is primarily done through legal, social, political and institutional reform. For instance, art. 4 of the Police Code reads, 'The police forces will be at the service of the community.' During the last decade, successive governments initiated the '*seguridad comunitaria*' programme ('community security programme') and the '*policía proximidad*' programme ('proximity policing programme'). Neither the community security programme nor the proximity policing programme is a PHRS that was explicitly designed to implement community policing, but both contain elements of it.

8.2.1 The Community Security Programme

The primary goal of the community security programme is to decrease feelings of insecurity by organising citizens to prevent or detect crime at the local level (Zamora, 2006; Dumani, 1999; Chinchilla, 1997). In the mid 1990s, the Ministry of Public Security implemented the community security programme. This was done by creating a special department, training police officers, educating citizens and stimulating the formation of community security committees. Another element to the community security programme was the need to develop and/or improve local level citizen-police relations. It implied that in addition to educating citizens about public security, police officers of the Public Force needed to improve their communication skills. This was advocated because the community security programme required a transformation of the existing reactive military police model into a pro-active police model that emphasised service to the community (Rico, 2003).⁶ As can be seen in the next sub-section, this particular transformation occurred in 2001 with the introduction of the proximity policing programme. After a pilot project in Hatillo, San José in 1996-1997, a National Plan on Community Security was developed (Chinchilla and Rico, 1997).⁷ Later the

6 In reality, this reform was more revolutionary for Public Force police officers, who before 1995 had worked in the Civil Guard and the Metropolitan Police rather than the Rural Police, which had been accustomed to maintaining relations with the community (Chacón, 2001).

7 Ministry of Public Security, National Plan of the Community Security Programme, San José 2003.

community security programme was recognised by law and thereby continuous governmental support was guaranteed.⁸

One of the core elements of the community security programme was to involve the community as well as the police in local public security.⁹ At the Ministry of Public Security, a Community Security Department was established, where, under the supervision of the first Vice Minister of Public Security, public officials and police officers facilitated the implementation of the PHRS.¹⁰ Later, at the police station level, a police officer in charge of community affairs; the '*asuntos comunitarios*', ('community affairs police officer') was appointed (see appendix E). Citizens, civil society and municipalities would interact with the community affairs police officer, thereby establishing a relationship with the police in their neighbourhood (Chacón, 2001). By stimulating citizens to form locally based community security committees and participate in workshops such as a 20 hour community security course, these special police officers assisted the community security department.¹¹ A police instructor of the community security department of the Ministry of Public Security, in cooperation with the local community affairs police officer, organises 10 meetings per course. During these meetings, the police instructor teaches the course.¹² If a neighbourhood participates with a community security committee, a public traffic sign in the area will indicate this. After an official graduation ceremony with government officials and high rank police officers, there are follow-up meetings with the local police in which a local public security plan is discussed. Each committee has a contact person for the local police.

By 2004, at the national level a total number of 2,817 community security committees existed, and approximately 65,000 Costa Ricans had passed the community security course (Carranza and Solano, 2004).¹³ Rank and file police officers generally do not participate in the citizen community security courses. They are taught about community security during their basic police training course and/or special workshops (Chacón, 2001). Basically, the goal of the community security programme is to

8 Decree of the President and the Minister of Public Security, No 2683-SP, Published in *La Gaceta*, 11 of May 1998 and in the Civil Police Code, 2001.

9 For more information: Rico and Chinchilla 2006; Zamora, 2006/1997; Chacón, 2001; Dumani, 1999; Chinchilla and Rico, 1997; Chinchilla, 1997.

10 Since 2004 it has become an official direction of the Minister of Public Security, which is now referred to as the Direction of Community and Commercial Security. As the programme gained popularity, other courses were developed; for example, to address the needs of special groups in society such as the business community.

11 A couple of times a year, national or local graduation ceremonies are held (Research diary, 2003/2004).

12 In the first meeting, participants are introduced to their local community security police officer and/or the police chief of the Delta. The objective of the programme is that they are taught how to organise a community security committee. This is followed by workshops on community organisation, preventive measures, criminology, law, domestic violence, drugs and classes on how to organise a community. In this last session a community follow-up plan is drafted (Community Security Course, 2003).

13 'The Community Security Experience in Costa Rica', Speech of the first Vice Minister of Public Security, 17 September 2004.

decrease local insecurity feelings by organising neighbourhoods, educating citizens about public security and policing, while concurrently trying to improve police-citizen relations.

The community security programme is executed by the Community Security Department of the Ministry of Public Security in close cooperation with the local community affairs police officer, the police unit chief and the citizen security committees.

8.2.2 The Proximity Policing Programme

The proximity policing programme aims to reorganise policing so that instead of being reactive and centralised, it becomes proactive and decentralised. This implies that at the local level the police should focus on the prevention of crime rather than simply responding after a crime has occurred. The implementation of community policing through the proximity policing programme included an emphasis on the decentralisation of police work and, in order to prevent or control crime, police-citizen communication. The proximity programme of the Ministry of Public Security strongly resembles the proximity policing programme of the Spanish national police force.¹⁴

For the Public Force, the consequence of the proximity policing programme was a complete reorganisation of policing. Primarily it led to decentralisation. This was realised by introducing a singular operational organisation for the Public Force, thereby replacing police structures of the former police forces; the Civil Guard, the Rural Guard and the Metropolitan Police. As part of the proximity policing programme there were experiments to improve the labour conditions of police officers (Ombudsman's Office, 1999: 367-369). These included the establishment of an eight, instead of a twelve, hour police shift and the transfer of law enforcement officials to police stations close to their homes. Seven police regions were created, and former police *comisariás* were transformed into smaller police units. For the police region of San José this meant that instead of the seven existing *comisariás*, which each had a few hundred police officers, twenty-two smaller Delta's with less police staff were established (see figure 4.IIb). For example, the renowned police station the *Quinta Comisaría* of San José centre is now referred to as the 'Proximity Police of San José' or 'Delta 1'. The entire Public Force has been subjected to the proximity policing reform process. Police officers have been transferred to smaller police units and the basis for contact between police and citizens is professionalised. In order to be aware of what is happening at the neighbourhood level, police officers are assigned to pre-designated beat areas and are trained to communicate with citizens. This was, for example, done with verbal reference to the proximity policing philosophy. Phone calls to the police station were now supposed to be answered with 'The proximity police station of Delta so and so, how can I help...?' Since 2000, police officer students of the basic police

14 In 1998, proximity policing was introduced by the Spanish Ministry of the Interior. For more information: Rico and Chinchilla, 2006; Ferret, 2004; Interview, 6 December 2004.

training course receive proximity policing courses, whereas experienced police officers participated in special workshops (Chacón, 2001). A group of approximately 60 police trainers, including several police chiefs, were trained in Spain.¹⁵ In 2001, with assistance of the municipal government of Curridabat, a canton of San José, a pilot project was executed. After this project the proximity policing programme was implemented within the police system and at an urban police unit level.

The proximity policing programme is part of a larger effort to professionalise and modernise policing in Costa Rica.¹⁶ Other police reforms were integrated in it. For example, each Delta now has its own criminologist ('gati') and community affairs police officer, who continue to form community security committees (see figure 5.VI and appendix E). The police criminologist analyses local crime statistics. Police officers are stimulated to communicate with citizens, because this information in combination with local crime statistics is assumed to prevent and control crime at the local level.¹⁷ The idea behind this was that preventive policing would become more focused, while concurrently improving police-citizen relations. In the philosophy of proximity policing, the police and not the community is the central actor. As during a community policing conference the former Director General of the Public Force, Walter Navarro, explained, 'The police are responsible for controlling crime, whereas it is a citizen duty to provide information about local crime.'¹⁸ By introducing a proactive and decentralised approach to policing, the proximity policing programme implements crucial elements of the community policing process.

The proximity policing programme is realised by top police leaders, who are assisted by police unit chiefs, the proximity policing police officers, in collaboration with the Community Security Department and the community affairs police officer.

8.3 IMPLEMENTING A COMMUNITY APPROACH TO POLICING

During successive phases, the community security programme and the proximity policing programme have emphasised community participation in policing, the decentralisation of police organisation and the importance of preventing crime. Both PHRS were initiated by the Ministry of Public Security. The community security programme has been directed more towards citizens, whereas the proximity policing programme more to the police. Thus, in the former the community is the main actor, whereas in the latter the state, represented by the police, is. One of the consequences is that the execution of the community policing programme is primarily the responsibility of the Ministry of Public Security and the proximity policing programme is in the hands of the management of the Public Force. The main difference between the

15 Interview, 27 February 2004.

16 See: The 1999 Induction Plan '*Unete a la Nueva Generación de Policías con Visión en el Siglo XXI*' of the General Direction of the Public Force (Interview, 6 December, 2004; Chacón, 2001).

17 Interview, 20 February 2004.

18 Research diary, 18 November 2003.

community security programme and the proximity policing programme is that in the former, the police fulfils a supplementary role to maintaining security at a community level, whereas the latter relates to the organisation of policing. Before discussing the relationship between the community security programme, the proximity policing programme and community policing, the role of the government in the implementation of the two PHRS is discussed.

8.3.1 Different Paths Leading to Rome

In terms of community policing, the differences between the community security programme and the proximity policing programme relate to whom initiated it, their political vision of public security, when it was implemented and the primary objectives of the PHRS. The community security programme was developed by the Ministry of Public Security, whereas the proximity policing programme is a Spanish community policing programme that was adapted to serve the Costa Rican context.¹⁹ Hence, in terms of ownership the community security programme is more a Tico product than the proximity policing programme. The government's perspective was that this Spanish community policing model modernises preventive policing (MSP, 2003a).

The public security visions of different governments were reflected in the basic objectives of the two community policing programmes. Successive Ministers of Public Security affiliated with different political parties initiated the community security programme and the proximity policing programme. The community security programme was developed during the PLN administration of President Figueres Olsen (1994-1998) by the Vice Minister and later Minister of Public Security Laura Chinchilla Miranda. In 2001, the proximity policing programme was initiated during the PUSC administration of President Roderíguez Echeverría (1998-2002) by the Minister of Public Security Rogelio Ramos Martínez. The community security programme emphasises community involvement and thereby portrays a political message of state-citizen cooperation in public security. Whereas in the proximity policing programme the role of the state and its police forces in controlling or preventing crime is dominant. Citizens are considered to be auxiliaries. Thus in the former PHRS the community is the main actor, while in the latter the state represented by the police is. In the community security programme, the Public Force fulfils a supplementary role in maintaining public security at the local level. Basically the idea is that the community is empowered to prevent crime and decrease insecurity feelings in their own neighbourhoods. Police contact with community security committees is mostly through the community affairs police officer, representatives of the Community Security Department or sometimes the local police chief. As the proximity policing programme reorganises the police system, every law enforcement official, at least in theory,

¹⁹ Representatives of the Ministry of Public Security studied community policing in Japan and the US, and on the basis of this and the Costa Rican societal and public security context, developed their own methodology (Interview, 6 December 2004; Chacón, 2001).

becomes a proximity police officer and is responsible for maintaining police-citizen relations. Thus the impact of the programme on the police organisation is far greater. Hence the political vision of who is in charge of public security reflects the basic objectives of the community policing programmes.

The community security programme and the proximity policing programme were implemented during separate phases of police reform in Costa Rica. In many ways the former prepared the ground for the later. According to a former Vice Minister of Public Security, María Fullmen Salazar Elizonde, the community security programme was the first phase of introducing community policing, during which police-citizens relations were established; whereas in later phases the proximity policing programme facilitated local decentralised policing and citizens' assistance in preventing crime.²⁰ Both the community security programme and the proximity programme implement aspects of the community policing process. For Costa Ricans the community security programme fills an information gap, at least for citizens who participate in the community security course.²¹ Simultaneously, due to the community security programme the Public Force became aware of the importance of developing local level police-citizen relations.²² It sensitised the police to the need for reform of the organisation of law enforcement. Thus, differing aspects of each PHRS facilitated the implementation of the community policing philosophy within the Costa Rican police system and urban police units.

In the broader process of implementing community policing, the community security programme and the proximity policing programme facilitate one and other. They have in common that they seek to prevent or control crime, decrease citizen insecurity feelings and stimulate local police-citizen interaction (Carranza and Solano, 2004). After their graduation, for example, community security committees are supposed to continue their cooperation with the local police. At the governmental level this required integration instead of political competition between the programmes. Hence, the two programmes are not static, but constantly develop and adjust to new circumstances and political realities.²³ In 2002, the government recognised this and to some extent coordinated the integration between the two PHRS. This was done through public policy, the National Plan on Integral Security and Citizen Participation, the Community Security Department as well as the integration of the community security and proximity policing course at the police academy (MPS, 2003a).²⁴ Nonetheless, because of their different emphases integrating the community security programme and the proximity policing programme is challenging.

20 'The Community Security Experience in Costa Rica', Speech of the first Vice Minister of Public Security (17 September 2004).

21 The majority of Costa Ricans have not participated in the community security programme (UNDP, 2005). Public promotion of the proximity programme was modest.

22 Interview, 29 January 2004.

23 The philosophy of the community security programme is used to create other community programmes such as Bank Security or Taxi Security.

24 '*Plan Nacional de Seguridad Integral y Participación Ciudadana 2002-2006*', 2002.

8.3.2 Central versus Local Government

Although successive governments with separate political affiliations initiated the PHRS, implementation is realised through the same centralised bureaucracy. The community security programme and the proximity policing programme are top-down initiatives of the Ministry of Public Security. This resembles other centralised states such as Spain and France rather than England or the US, where local governments are in charge of implementing community policing (Ferret, 2004). It does not imply that Costa Rican municipalities or civil society are not involved in community policing, but it merely relates to which part of government is in charge. For example, in the pilot project of proximity policing in Curridabat, both the central and local government cooperated. As confirmed in a formal agreement the Ministry of Public Security and the local municipal government shared responsibility for the pilot-project. The municipality of Curridabat invested approximately eighteen million colones in material resources, whereas the Ministry of Public Security agreed to allocate the necessary human resources.²⁵ Two years later a municipal security advisor explained why she felt that the cooperation was not successful:

The first two months were good, but afterwards it became worse. Now the resources are in bad conditions. The Convention specifies that maintenance is the responsibility of the Ministry of Public Security, but even if the motorcycles were in good condition because of the lack of police officers, they would not be in the streets. Mr. Minister said he would send them, yet the human resources are still not here! (Marisol Fonseca Portilla).²⁶

According to the municipal advisor the Minister of Public Security had not kept his end of the bargain, which was to allocate the necessary human resources and ensure that police material resources were properly maintained. This lack of resources becomes apparent in the 2003 Police Report of Delta 6, the proximity police of Curridabat. It reads that for 60,889 inhabitants 84 Public Force police officers were available, of who 22 had been assigned to special protection duties (MPS, 2003b).²⁷ As a result of this they do not fulfil ordinary police duties. This means that on average in 2003 there was approximately one police officer per 1,000 citizens. Almost three times as low as the national average of one police officer per 263 inhabitants (Rico,

25 The Municipality of Curridabat invested 17,706,265.00 Colones (on average in 2001 one US \$ was the equivalent of 328.87 Colones, see; West, 2002). '*Convenio de Cooperación Entre el Ministerio de Gobernación y Policía y Seguridad Pública y la Municipalidad de Curridabat*', Informe AM-013/2001, 7 November 2001.

26 Interview, 4 March 2004.

27 In Costa Rica the houses of politicians, former politicians as well as embassies are guarded by the Public Force. Since 2004 the Ministry of Public Security has created a special embassy protection unit (*La Nación*, 16 December 2004; see figure 4-IIa).

2003). It shows how complex the implementation of community policing is when basic requirements such as adequate human resources are not present.

The quoted Municipal Advisor of Curridabat also suggested that the minister, and not the municipality, is in charge of implementing community policing at a local level. Police officers perceive this similarly. As a police officer who used to work in Delta 6 explained, ‘The Ministry (of Public Security), not the municipality, pays my salary!’²⁸ He thereby expressed his loyalty towards the central government. It suggests that local police officers do not perceive the municipal government to be a powerful stakeholder. This is also true for citizens, who consider the Ministry of Public Security to be responsible for implementing community policing.²⁹ For example, during several meetings of a community security council board, citizens said they wanted to discuss their concerns with the Minister of Public Security.³⁰ It indicates that at the local level for police officers and citizens alike the government is in charge of community policing. Hence, as is the case in many Latin American countries, the role of municipal government and civil society in community policing is subsidiary to that of the central government (Frühling, 2003b).

The pilot project of proximity policing shows that even though the municipal government cooperated with the Ministry of Public Security, they do not have a real say in preventive policing within their own municipality.³¹ One of the consequences could be that from a municipal perspective it would become more attractive to invest in local police forces rather than cooperating with the ministry. Although the government recognises the importance of decentralising public security, truly involving a local actor in community policing is a slow and complex process. The question is whether the national government is committed to decentralise public security and share power with local government and civil society.

In summary, the community security programme and the proximity policing programme were central governmental initiatives that implemented community policing with the Costa Rican police system and police units of the Public Force in San José. During successive phases, the two PHRS advocated citizen participation in local policing, the decentralisation of the police organisation and emphasised a preventive approach to policing.

28 Interview, 20 February 2004.

29 Simultaneously, however, there is a trend to decentralise public security. This is reflected by the creation of municipal police forces, who are under the supervision of local governments.

30 Research diary, 15 December 2003.

31 For municipal police forces this is different because they are paid by the municipal government (Urcuyo, 2004; Municipal Code).

8.4 IT TAKES TWO TO TANGO!

Because it takes two sides to make community policing programmes work, it is crucial to understand citizens' perspectives on these PHRS. Ticos are frustrated with increasing crime and insecurity rates as well as their government's inability to do something about them. At the local level public security is a concern and many people feel that the police are ineffective (UNDP, 2005; Ombudsman's Office, 2005/2004; Unimer 2004/2002; see section 4.5). This affects citizens' perception of the police, and therefore potentially hinders the effect of community policing. For both the community security as well as the proximity policing programmes, the willingness of citizens to cooperate with the police is crucial (Zamora, 2006; Community Policing Consortium, 1994). In the 1990s the philosophy of community policing was new for Costa Rican society; in the past the topic of security had enjoyed a low priority and the police officers enjoyed little status (see section 3.3). It is crucial, because how citizens perceive the police influences the development of citizen-police relations. Other societal aspects to the implementation of community policing are the extent to which citizens are involved in community policing and how they experience it.

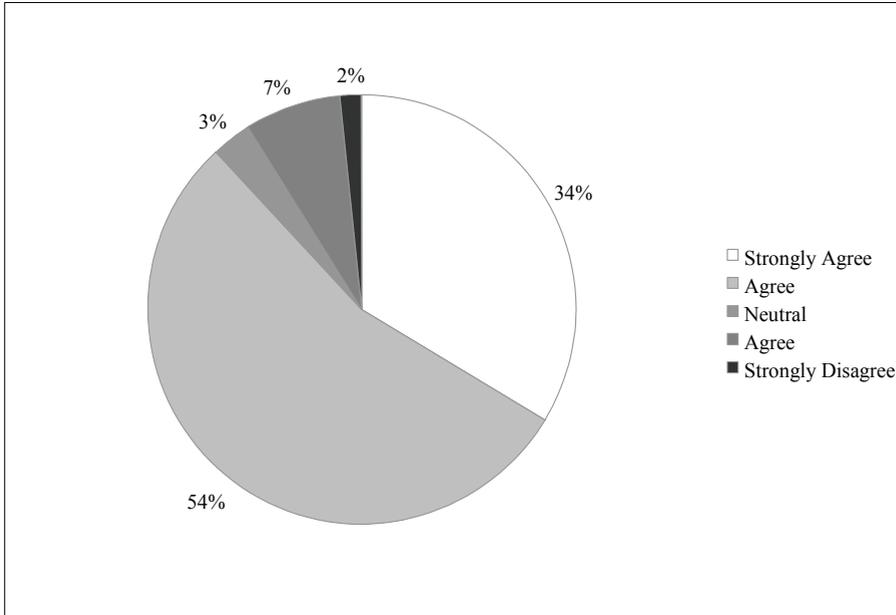
8.4.1 Citizen-Police Relations

Developing citizen-police relations is a dynamic part of the community policing process and is influenced by citizens' perception of the police. People respond to the community policing programmes in different ways. Some become involved, others resist or decline involvement. This is, however, preceded by their perception of the police. If a population is, for example, scared of their police forces, they are not likely to cooperate. Hence, the societal perspective of policing, influences the implementation of community policing.

Up to a certain level, Costa Ricans are satisfied with the police. A slight majority of Ticos trust their police forces and feel that the Ministry of Public Security does a reasonable job in the fight against crime (Vargas and Rosero, 2004; see section 4.5). At the neighbourhood level, 51 percent of the inhabitants of the San José say that the service of the Public Force is good (see figure 4.VI). It is, therefore, possible to conclude that Ticos have a modest impression of the quality and efficiency of policing.³² Despite the implementation of PHRS such as community policing programmes, there continues to be dissatisfaction with how local public security problems are dealt with. Public frustration with policing is mostly caused by insecurity feelings, rising crime rates and the ineffectiveness of policing (Zamora, 2006). In combination with the slowness of the criminal justice system, this continues to frustrate people. Nowadays, as figure 8.I shows, a majority of citizens in the metropolitan area feel that the police should be more repressive; tough on crime.

³² Interview, 6 October 2004.

Figure 8.1 'The Costa Rican People Need a More Repressive Police'



Source: Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December 2004.

In 2004, 88 percent of the citizens of the metropolitan area agreed with the statement 'The Costa Rican people need a more repressive police.' Thus, what society wants, a police force that is tough on crime, appears to contradict what the government is offering; community policing. Reflecting on this, a public official of Community Security Department who had played a role in the early phases of the community security programme remarked:

Our population has begun to have fear, is beginning to demand a more rapid response, a more aggressive answer against those who violate the law! On the one hand, there are the guarantees of the criminal justice system, while, on the other, they could have had the impression that our police is not as effective nor as efficient as it could be. To this problem, community security already tried to provide a solution.³³

The quoted public official suggested that citizens want a police force that is repressive towards criminals. This seems to be contrary to the philosophy of community policing. In reality it is not, because simultaneously to a tough approach on crime, Ticos desire

³³ Interview, 6 October 2004.

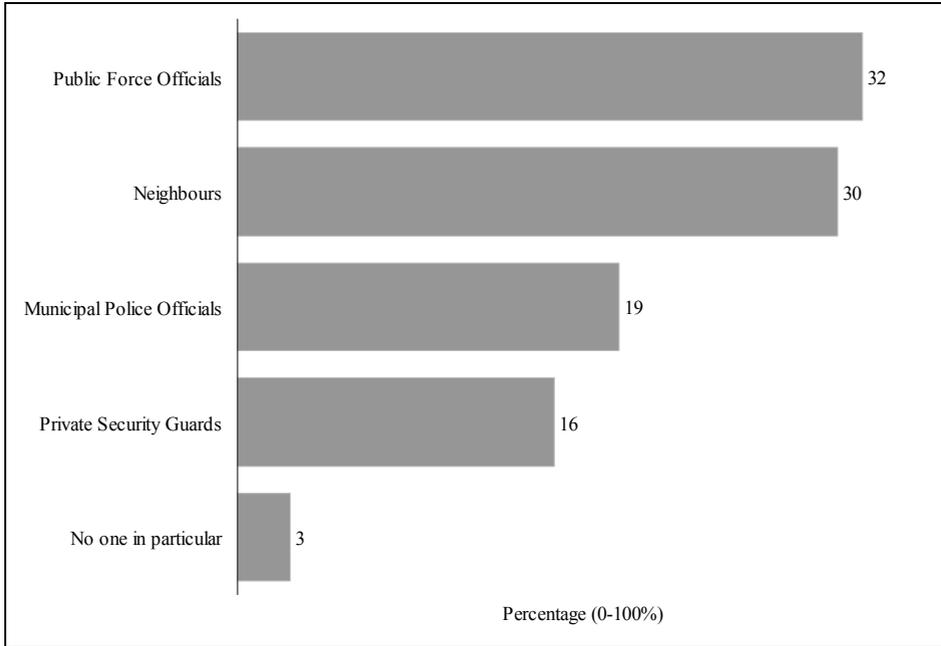
their police to be considerate of the public security issues of law-abiding citizens. Many feel that their protection, should be the police priority, and the respectful treatment of law offenders is of lesser importance. The community security programme is no longer able to influence this public point of view, whereas the proximity policing programme, with its decentralised problem solving approach, appears to be more in line with what Costa Ricans nowadays expect from the police. Hence, the same problems that lead to the implementation of community policing programmes continue to be a concern within society.

8.4.2 Citizens' Involvement in Community Policing

The government is addressing local public security needs with community policing programmes. Their success is to a certain extent dependent on citizen involvement in these PHRS. As security traditionally has not been a societal priority, citizens are step by step becoming aware of their own role in preventing crime and policing. Through the community security programme and the proximity policing programme, the Ministry of Public Security has committed itself to developing citizen-police relations, local security needs and educating inhabitants about public security and policing. Whether the government is successful in implementing community policing depends on commitment and other processes. Furthermore, in this context it is important to realise that citizens interact with state security forces on more levels than just the community where they reside. Citizen-police relations develop at work, at school as well as in other social contexts. In terms of community policing, the main point is that citizens become familiar with policing in a particular social context, whereas it is the task of the government to be aware of this.

Societal developments affect citizens' perception of who carries responsibility for their security at a community level. Figure 8.II below reflects which actors, at the neighbourhood level, citizens consider to be in charge of their personal security.

*Figure 8.II Actors in Charge of Personal Security at the Neighbourhood Level**



* The figure was drafted on the basis of three separate questions in which respondents were asked to name the first, second and third authority in charge of their security in the neighbourhood.

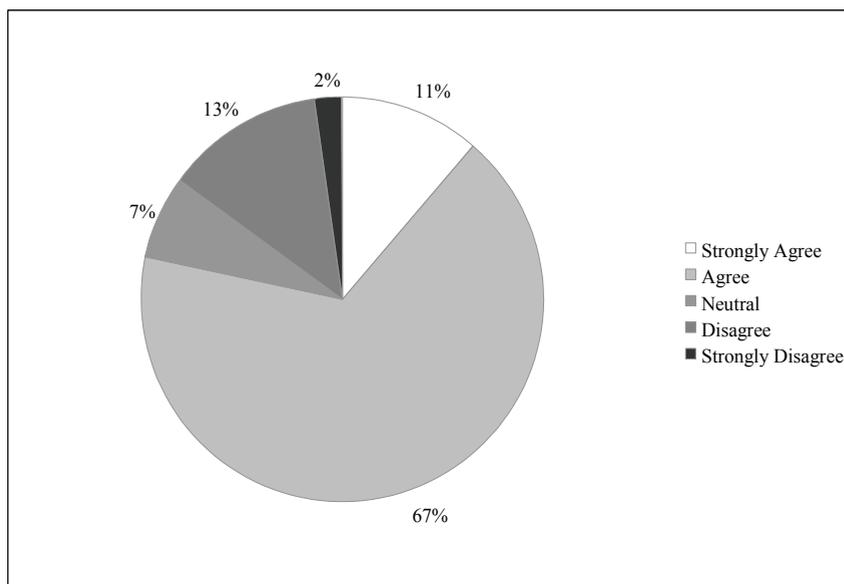
Source: Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December 2004.

For 32 and 30 percent of the respondents to this questionnaire either police officers of the Public Force or their neighbours were the most important actors in charge of their personal security. Thus, for protection in their own community, *Josefinos* relate to state security forces as well as to their neighbours. It is remarkable that 16 percent mentioned private security guards. This is consistent with the increasing importance of private security within Costa Rican society (see section 4.6.2). Approximately one third of the respondents had private security guards in their neighbourhood and 17 percent paid for these services (see figure 4.IXa). Thus, how citizens experience security at the local level is related to other societal developments affecting their community.

One option for citizens is strengthening relations with neighbours and the local police. Community policing involvement facilitates this. The question is: To what extent are Ticos willing to participate in their community? As Putnam (2000) concep-

tualises: Is there enough social capital?³⁴ According to recent research, social capital in Costa Rica is reasonably high, especially in comparison to the rest of the Central American region (Vargas and Rosero, 2004: 130-143; Seligson *et al.*, 2004). Thus it appears as if there is willingness to participate in community related meetings, to interact with neighbours and to be involved in resolving local issues. In addition to this, the success of community policing is dependant on the willingness of citizens to develop relations and cooperate with the police. As figures 8.IIIa and 8.IIIb illustrate a majority of the inhabitants of the metropolitan area feel that the community is open towards cooperating with the Public Force. In terms of providing information, 78 percent feels that this is a way in which the public can assist the police.

Figure 8.IIIa 'The Community Can Always Give Information to the Public Force'

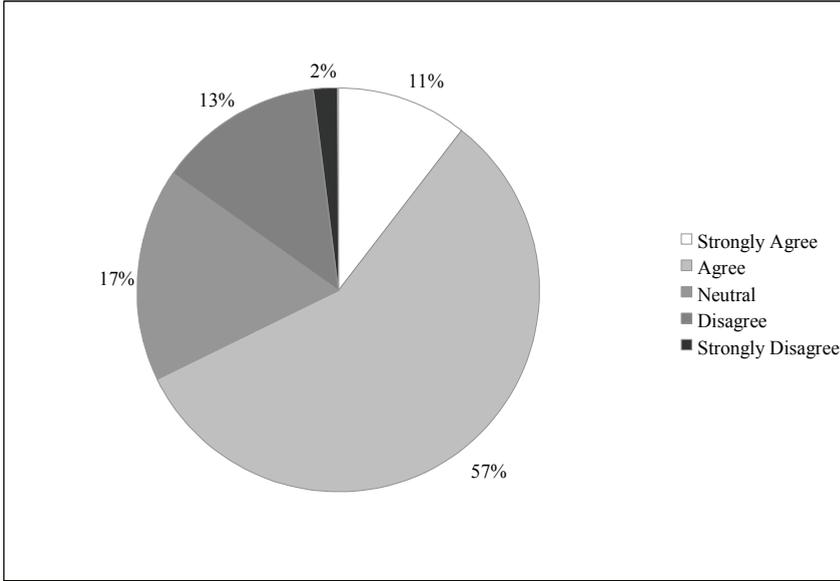


Source: Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December 2004.

Furthermore, a majority of 68 percent believes that citizen security committees support the Public Force in their work.

³⁴ Social capital refers to the connections among individuals, social network and the norms of reciprocity and trustworthiness that arise from them (Putnam, 2000: 19).

Figure 8.IIIb 'The Community Security Committees Help the Police to Do Their Work'

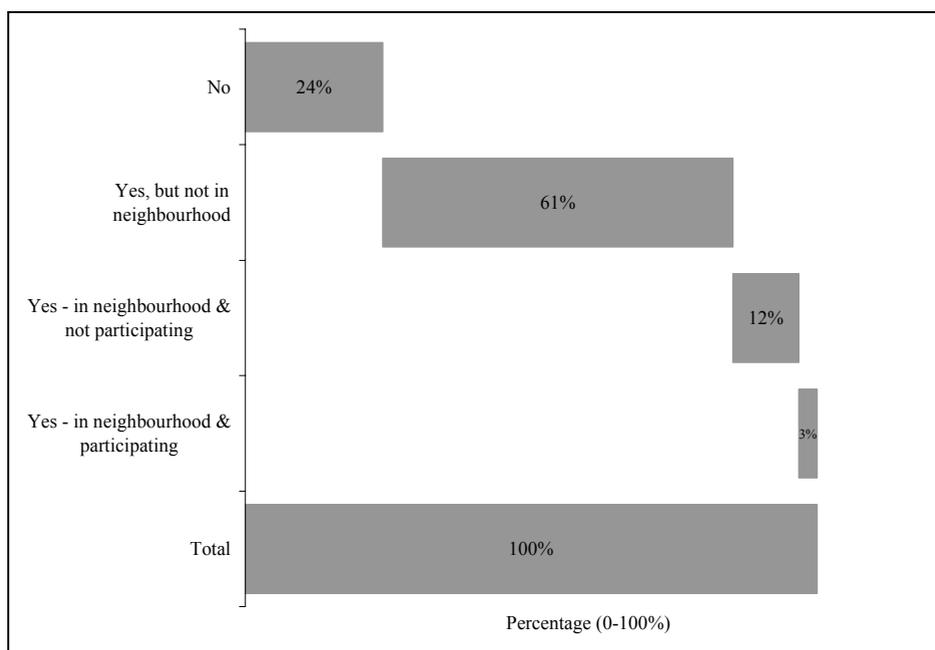


Source: Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December 2004.

This could indicate that in terms of citizen-police relations there is a certain willingness among inhabitants of the metropolitan area to be involved in community policing type activities.

In terms of citizens' awareness of the specific community policing programmes, it is more likely that citizens have heard of the community security programme than the proximity policing programme. The reason is that the former PHRS is more focused on the community, has been implemented for a longer period of time and on a larger scale. By 2004, for instance, 1,042 community security committees existed in San José (Carranza and Solano, 2004). Hence, the likelihood that citizens are aware of community security committees is quite high. As figure 8.IV shows, in the greater metropolitan area of San José only 24 percent of the respondents to the citizen questionnaire had not heard of the community security programme.

Figure 8.IV Citizen Awareness and Involvement in the Community Security Programme at the Local Level



Source: Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December 2004.

When the respondents who knew about the programme were asked about the presence of a community security committee in their own community, 15 percent said yes. Whereas, of that 15 percent only three percent indicated that they participated in a community security committee. As reflected in figure 8.IV, this means that despite high awareness, a small part of the metropolitan population is actually involved in the community security committees. Another questionnaire conducted in 2004 confirmed that 10 percent of Costa Ricans living in urban areas participated in groups organised against crime (UNDP, 2005: 559).³⁵ Even though the community security programme has been implemented on a large scale and a considerable number of citizens have passed the community security courses, their effect in terms of the long-term continuation with the community security committees and the number of actual citizens participating in the capital is modest.³⁶ Thus, one of the problems of the community

³⁵ This percentage is the number of people at the national level who to the question: 'How frequently do you participate in organised groups against crime?' responded; 'I do almost always, always'.

³⁶ A pilot study shows that in rural areas these numbers are considerably higher (Cordero, 2005).

security programme in San Jose is related to its long-term sustainability. Nonetheless, at least the community security courses sensitises and educates citizens about public security and policing. In itself, this is a positive development.

It is more difficult to maintain that because of the proximity policing, citizens were involved in this particular PHRS. From the perspective of citizens, it was another way of approaching ordinary police-citizen relations. As this programme is focused on the reorganisation of policing, citizens are most likely to notice it in their direct interaction with the police. Police officers, for instance, are trained to write down the phone number of the police station where they work and encourage people to contact the police. All this while referring to the concept of proximity policing. Citizens' experiences with proximity policing also varied per police unit. This was because to a certain extent police commanders implemented the proximity policing programme differently. In some police Delta's in San José there were, for example, special proximity police officers. They carried out specific community policing related tasks, like visiting schools (see appendix E). Whereas, in others all rank and file police officers, including the community affairs police, were responsible for the proximity policing programme. From the perspective of citizens one can question what has changed in terms of citizen-police relations since the implementation of the proximity policing programme.

8.4.3 Raising Public Expectations

Although community policing empowers citizens, many discontinued their involvement or refrained all together from engagement. Ticos were especially hesitant about the community security programme, when this particular PHRS was initiated. As a public official of the Community Security Department explained:

Now the vision of the programme is more civilian orientated. In the beginning, there was confusion about what the programme really wanted; form police auxiliaries within the community or what we are doing now? This error was often made by the same police officers, the same people, who believed that they would be converted into some sort of police within the neighbourhood. It created problems.³⁷

Costa Ricans associate public security reform such as the introduction of community policing with *militarismo* (see section 3.3). Due to media reports that community security committees were assisting the police to apprehend suspicious people, the government adjusted the programme and the message it portrayed.³⁸ Furthermore, because of a cultural tendency to avoid the topic of security there was a certain amount of societal ignorance about the notion of preventive policing (see section 3.3.2). At the beginning of the pilot project of proximity policing, for instance, people were simply

37 Interview, 28 January 2004.

38 Research diary, 21 September 2004.

not accustomed to police officers visiting their neighbourhoods.³⁹ It led to confusion and misunderstandings.

There are other reasons than the cultural perception of security for resisting the development of community policing. When, during the questionnaire in the metropolitan area, respondents were asked why they did not participate in the community security committees, their responses varied between; a lack of time, to not feeling part of the community, to the committee falling apart.⁴⁰ In this context, the president of a community security council remarked that elderly participants of the community security programme tended to be more consistent than youngsters.⁴¹ My own observation was that most participants were middle-aged or elderly people. In addition, at the community level there is some passiveness. There are people who do not feel the need to participate in a community security committee or who only do so when specifically invited by the state. For instance, after a community security course has finished, it is not uncommon for community security committees to fall apart. A former public official of the Community Security Department feels that this public passiveness, in other words, the citizens' expectation to have the state resolve all problems, is one of the major hindrances to community policing in Costa Rica.⁴² This explains why even though a considerable number of people have participated in the community security course, in 2004 only three percent of the capital's population was involved in a community security committee (see figure 8.IV).

Resistance to PHRS that implement community policing programmes is broader than passive non-engagement. There are also citizens for whom community policing interferes with their way of life. Some, therefore, resist it actively. This former proximity police officer summarised his experience with citizens who have resisted the implementation of community policing programmes:

Unfortunately, the community organisations are infiltrated with drug dealers, and other types of persons who obstruct police work...In this type of work, you visit, for example, houses; greet, talk with people. At times they invite you to have a cup of coffee or to drink a soda and if the neighbour next door had problems with this neighbour, they would call the station or 911 and say that this police officer was 5 or 10 minutes in the house...The proximity policing plan was used many times to pull out information about who sells drugs. Often when you visited a place where they sold drugs, someone would make a false call and say there were disturbances in another place...The community, if you came, and perhaps someone was part of the community security committee, a father or a mother, but their child used drugs, or consumed liquor, when you would detain this child, they would look for ways to create problems for you. Why? Because it was their child, to get preferential treatment.⁴³

39 Interview, 20 February 2004.

40 Questionnaire on the Perception of the Public Force in the Metropolitan Area of San José, November and December, 2004.

41 Interview, 14 January 2004.

42 Interview, 12 January 2004.

43 Interview, 12 March 2004.

This quotation shows that in addition to passive resistance there is active resistance to community policing. According to the quoted police officer, it is not in the interest of local criminal gangs for citizens and law enforcement officials to develop relationships. Sometimes, citizens want the police to act for their own benefit. When citizens justify these expectations on the basis of their involvement in community security committees, this creates problems for the implementation of this particular PHRS. During the citizen questionnaire, for example, a man involved in a local community security committee rang the police when some of the interviewers had begun to conduct interviews in his street. When the police arrived and did not arrest the delinquents, as he called the interviewers, he became angry and asked the police officers on whose side they were; ‘the neighbours or the criminals?’ It led to a police warning, after which the man continued to insult the interviewers. Finally the police filled a complaint against him for talking aggressively.⁴⁴ This kind of situation where a citizen security committee representative is not clear about his role and responsibilities occurs regularly. At the local level they constrain the implementation of community policing programmes.⁴⁵ In this particular street, citizen-police relations are probably affected. Another issue related to citizens’ expectation of community policing is whether the local police are able to facilitate the kind of service that according to the community policing philosophy can be expected? Involved citizens often develop into a critical mass and this influences their relationship with the local police.

Citizen-police communication about community policing activities is mostly with powerful police officers, whereas during ordinary police work people interact with rank and file police officers. At the local level powerful police officers include police station commanders, the citizen-affairs police and special police officers or the Community Security Department; in other words, police representatives who are directly responsible for implementing community policing. Their role raises public expectations about the police. In reality, not every ordinary police officer is as committed to community policing as involved citizens think they should be. Once during a public security committee meeting, citizens tried to hold the police accountable by complaining to the local community affairs police. I observed a part of the conversation as follows: The community affairs police officers remarked, ‘Among police officers there is a lack of interest to participate in community security’. An elderly lady asked, ‘Why?’ ‘Because they do not like it (the community security programme),’ continued the community affairs police officer.⁴⁶ This explanation reflects that expectations of citizens, which are justified on the basis of the community policing philosophy, do not necessarily correspond to the reality of policing in their neighbourhood. Furthermore, citizen-police relations depend on the extent to which a local police commander is truly committed to community policing. A representative of a commu-

44 Research diary, 27 November 2004.

45 Research diary, 18 June 2004.

46 Research diary, 15 December 2003.

nity security committee explained that the intensity of his contact with the local police unit chief had varied according to whom had been in charge.⁴⁷

From a citizen perspective, local integration between the two PHRS is complex. Firstly, for many the difference between the community security programme and the proximity policing programme is not clear. Secondly, those who are involved in the community security committees do not see the extra value of the proximity policing programme. During a meeting of a community security council in a suburb of San José, an elderly man told the local community affairs police officer that he was angry about the lack of proximity police communication with his community security committee, 'The proximity police officers knock on doors to ask questions, but why do not they ask me? I know everybody in the neighbourhood and I am in the community security committee. Why is there no communication?'⁴⁸ His main complaint related to the fact that involved citizens were not being recognised as key actors in the implementation of the proximity policing programme. They were treated as any other member of the community. Because of the man's active involvement in local public security, this is understandable point of view. However, special treatment for involved citizens is also problematic. It is in the interest of the implementation of community policing that all citizens, and not only members of community security committees, participate. This incident reflects that although there is an effort by the central government to integrate the two PHRS, from a local perspective it is not always successful.⁴⁹

Due to a lack or extra available resources for the implementation and changing priorities, police chiefs feel that the priority of the Ministry of Public Security is the proximity policing programme and the establishment of new community security committees. Quite often there is simply not enough material nor human resources to conduct preventive policing, and therefore at the local level maintaining relations with older community security committees is not a priority. If the ministry does not allocate enough extra resources for the implementation of community policing, this creates resistance among police officers and citizens alike (Bayley, 1994; Goldstein, 1990). In addition to this, as involved and organised citizens often become more critical of the police, police officers prefer contact with individual citizens rather than with community security committees.

Although police-citizen relations have developed with the community security programme and the proximity policing programme, citizens are not really involved in local policing. Yet, citizen involvement in PHRS that implement community policing is essential for its success.

47 Interview, 14 January 2004.

48 Research diary, 15 December 2003.

49 National Plan and Integral security and Citizen Participation integrate the two community policing programmes (*Nacional de Seguridad Integral y Participación Ciudadana*, 2002-2006; UNDP, 2005: 199).

8.5 INSTITUTIONAL ROADBLOCKS TO TRANSFORMING POLICING

Institutional roadblocks impede the implementation of community policing within the police system and at an urban police unit level. With ‘roadblocks’, I refer to all facets of the Ministry of Public Security and the Public Force that delay or hinder the implementation of community policing programmes. This varies between the institutional commitment of the government to the manner in which key actors, including the police leadership, fulfil their role. Institutional delays and hindrances to the implementation of community policing are interrelated with other PHRS; thus, for instance, insufficient police training caused by a lack of resources affects police officers’ professional development in terms of community policing. Their preparation is hindered and this influences day-to-day police work. In that sense different processes are interrelated and should always be considered in relation to one and other.

8.5.1 The Influence of Political Support on Institutional Commitment

In successive governments, different actors have carried political responsibility for community policing programmes and this affects the extent to which there is institutional commitment to the implementation process. Governmental involvement in PHRS is determined by political priorities. This, for instance, influences the allocation of state funds to public security. As mentioned before, from a political perspective public security is important; however, in terms of the total state budget the Ministry of Public Security only receives a modest part (see section 4.6.1). Furthermore, the public security vision of the minister influences the amount of money that is available for community policing programmes. Due to a general lack of resources, difficult choices have to be made. For instance, should the ministry invest in decentralising police stations or in buying new police equipment? As is the case with every other PHRS, a crucial aspect to implementing community policing is the allocation of adequate resources.

Hence, for the implementation of community policing, funds obtained through international police cooperation are more than welcome. In the past the Spanish, American, French, Taiwanese and Japanese governments have invested in community policing activities (Chacón, 2001; Cháves, 2001). In the proximity policing programme, for example, there have been close ties between the Minister of Public Security, the Director General of the Public Force and the Spanish police representative.⁵⁰ As in neighbouring countries, in Costa Rica community policing initiatives inspired by foreign assistance do not always correspond to the local police situation (Call, 2000). Although, international police cooperation contributes to the implementation of community policing from a financial perspective, there are also down sides to it.

Community policing programmes have been a political priority for three successive governments. Under the former Minister Rogelio Ramos, a vice minister was in charge

⁵⁰ Interview, 6 December 2004.

of the community security programme, whereas before him it had been the Minister of Public Security. Direct ministerial involvement in these PHRS shows that the government feels it is a priority.⁵¹ Likewise, it is an essential requirement for community policing. As a police unit chief in San José remarked, it is one of the factors for successfully implementing these PHRS.⁵² Concurrently, political participation in community policing facilitates the direct interaction with the people. This is reflected in the participation of the Minister and the Vice Ministers of Public Security and high-level police chiefs in community policing activities such as the graduation ceremonies of the community security programme. On the one hand, direct interaction shows the minister's commitment to citizen security, while on the other there is a risk of community policing programmes becoming political tools. As this public official of the Community Security Department reasoned, 'What happens is that the community security programme is also used to conduct politics. Why? Because it is a programme that has a direct relation with the people. We talk directly with the people....'⁵³ The political benefits of involvement in community policing are tremendous. A message is sent by the government to the people that their security concerns are being dealt with and that the President and the ministers successfully maintain public security. Due to the direct responsibility of the Minister of Public Security, this strategy has been apparent since the initiation of the community policing programmes. In this respect the difference between the community security programme and the proximity policing programme is related to the extent to which the Public Force leadership was involved in the implementation process. Also, the political perspective on community policing has differed between governments that were led by the PLN and PUSC. Between 1994 and 1998, a PLN government initiated the community security programme, whereas the following PUSC government began with the proximity policing programme. This affects the extent to which the minister is committed to either PHRS. Overall, the Costa Rican government and especially the Minister of Public Security support the implementation of community policing programmes within the police system and urban police units.

8.5.2 Ambiguity within the Police Hierarchy

Despite strong political involvement, there is some ambiguity within the police hierarchy towards community policing programmes. In the early phases of the community security programme, it was opposed by a majority of police commanders. However, gradually, especially with the proximity policing programme, community policing has become more accepted. For instance, the Director General of the Public Force and the Director of the Police Academy under PUSC Minister Rogelio Ramos

51 MPS Annual Report, 2003a.

52 Interview, 20 February 2004.

53 Interview, 6 October 2004.

were involved in the implementation of the proximity policing programme.⁵⁴ Nonetheless, simultaneously, resistance by the police hierarchy is a hindrance to community policing (Chacón, 2001). This resistance to community policing by top police leaders has several reasons. Firstly, community policing threatens police autonomy. As the Ministry of Public Security initiated the community policing programmes, they are supported by the minister and vice ministers and therefore these particular PHRS run the risk of establishing political and bureaucratic power over the police. Also the development of police-citizen relations can lead to increased public criticism (IADB, 1999d). These interferences with policing are experienced as threats by police leaders and therefore the community is boycotted. This happens, for example, at the level of regional directors. As a former Minister of Public Security remarked⁵⁵:

Superior police leaders did not threaten orders but boycotted policies, everything that was related to the new proximity model. Due to this type of resistance..., of a certain part of the police leadership, it was very hard to work. This is to say, there was more resistance within the high police ranks, than within the mid and low ranks. (Laura Chinchilla Miranda).⁵⁶

Obviously, as this quotation suggests the level of resistance varied within the police hierarchy, but was strongest among senior police leaders (Bayley, 2001). It hindered the implementation of community policing within the police system and urban police units. This was especially the case with the community security programme, in which the police leadership was less involved than with the proximity policing programme. Furthermore, for committed police commanders it continues to be complicated to support the two PHRS that implement community policing. This is caused by a lack of police labour stability and frequent transfers as well as other police priorities. One of the consequences of this resistance by the police hierarchy is that community policing operates within the margins of the Costa Rican police system (Zamora, 2006).

Secondly, the resistance by these top police leaders also affects the implementation of community policing programmes. As the following examples illustrate, the majority of the police officers who in the early 2000s were sent to the proximity policing training course in Spain were lower and middle level police officers.⁵⁷ One of the participants explained how this influenced the implementation of the proximity policing programme in Costa Rica:

⁵⁴ Interview, 6 December 2004.

⁵⁵ Interview, 5 October 2004.

⁵⁶ Female, political scientist, PLN Member of Parliament, Interview, 5 October 2004.

⁵⁷ Interview, 27 February 2004.

A group of 60 people went to Spain; they sent us there for a course in proximity policing, but those who were sent there did not understand the concept. They do not understand, because the system does not function like that! This is the reality, if you send 60 street police officers, they will never have the opportunity to create a department. In their units nothing will happen other than that they got to know Spain for free!⁵⁸

It led to the situation where a vast number of those who were sent to Spain lacked the power to implement community policing within the police system and police units. At the individual police station level, such as, for example, in Delta 15 in Mata Redonda, it was more successful. This was because their commander had been to Spain. Police officers who maintain low positions within the police hierarchy do not have enough power to create change and this has influenced the implementation of community policing.

A third reason is that even though some top police leaders have been committed to community policing, their support is compromised if they are not properly prepared for the community policing philosophy. Certain facets of community policing that relate to their interest will be implemented, whereas others are not. For example, they facilitate the decentralisation or modernisation of policing, but do not actively engage in reforming reactive policing. This selective implementation is related to the hierarchical structure of the police, where it is custom that those with the highest position in the hierarchy take decisions. In this respect, the Public Force could be organised more bottom-up (Stone and Ward, 2000). Thus, another roadblock to the implementation of community policing is the ambiguous position of superior police leaders.

8.5.3 Key Actors as Traffic Lights

At the police unit level there are several key actors responsible for the implementation of community policing programmes. Since the initiation of the community policing process, the role of these key actors has changed. This is related to the public security vision of the government and the development of community policing. As referred to earlier, the community security programme and the proximity policing programme differed in the way they were implemented. The community security programme is executed by the Community Security Department of the Ministry of Public Security, in close cooperation with the local community affairs police officer and to a certain extent with the police unit chief. The proximity policing programme was realised by top police leaders, who were assisted by local police chiefs, the community affairs police officer and the proximity policing police officer. Although in the two PHRS similar key actors were involved, the value of their contributions varied. In general, for community policing at the police unit level the most important actors are the police chief, the community affairs police officer and the proximity policing police officers.

⁵⁸ Interview, 2 December 2004.

Each key actor carries specific responsibilities that are related to the implementation of the community security and the proximity policing programme.

At the police unit level, the community affairs police officer is responsible for community policing. He or she has to coordinate this with the police chief and proximity police officers. Special police officers with proximity policing duties engage in tasks varying between visiting local schools to maintaining public security during community festivities. The job of the community affairs police officer is to maintain police-citizen relations and create new community security committees.⁵⁹ The public officials and the police instructors of the Community Security Department cooperate to some extent with the local community affairs police officer. Their cooperation consists of teaching the community security course and diagnosing the local public security situation. This diagnosis is done at the community level by police instructors. A former public official of the Community Security Department clarified:

Because there is a tremendous difference between an area that is socio-economically well off in comparison to an area where there are many different social classes, delinquency problems, drugs etc., the Community Security Department sends a person to do a community diagnosis, to adapt the community security plan to the real necessities of this community.⁶⁰

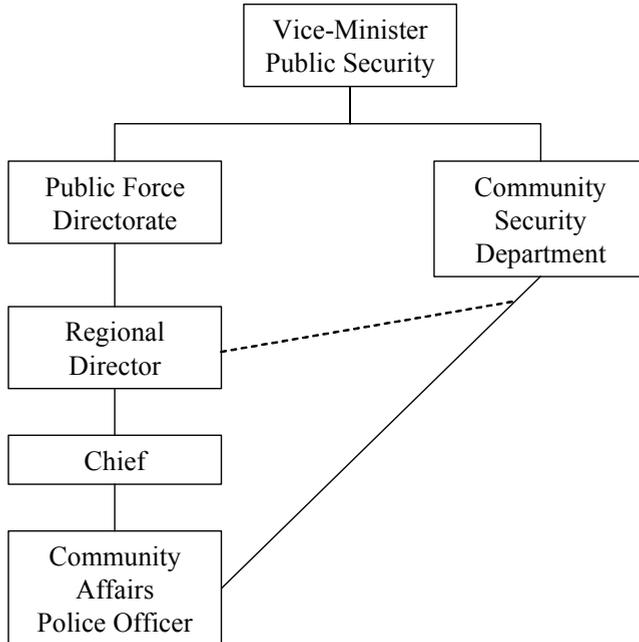
After the members of the community security committee have passed the course, they, with assistance of this local community security plan, should, at least in theory, continue to work with the local proximity police.⁶¹ From then onwards, the community affairs police officer is on her or his own. Rather than follow-up on this community security plan, the current strategy of the Ministry of Public Security is to facilitate the establishment of civil-police relations. This is the responsibility of the local community affairs police officer, who in addition to providing the information for the local security plan, is responsible for creating community security committees and maintaining relations with other citizens. As the priority of the ministry was the formation of new community security committees, contact between the Community Security Department and older ones was modest. If there was any contact at all, it usually happened on an ad hoc basis. This situation was caused by a preference of the ministry to invest resources in the quantity of committees, rather than in the quality of their maintenance. As Rico (2003) remarked, there is no systematic plan, evaluation or follow-up of the community security programme in Costa Rica and therefore it is complicated to determine its long-term success. Hence, the sustainability of police-citizen relations is jeopardised. The consequence is that the follow-up to this community policing programme becomes a matter for the local police.

⁵⁹ Research diary, 3 December 2003.

⁶⁰ Interview, 12 January 2004.

⁶¹ Interview, 12 January 2004.

The job of the community affairs police officer is to coordinate communication between the police and citizens, the committees and the Community Security Department. These three parties sometimes have different interests, and the community affairs police officer has to balance this. The community affairs police officer is accountable to several entities. Once during an interview I asked a community affairs police officer to whom he was accountable. He drew the following picture:⁶²



This drawing shows the various entities he considered himself accountable to. Perhaps what is most remarkable is what he did not draw; ‘the community’! It indicates that on a day-to-day basis, the community affairs police officer feels that he is directly responsible to his local chief and the Community Security Department, and indirectly to the police leadership and the vice minister. The relations between the police officers who are in charge of community policing and the local police chief are thus crucial for its implementation within the police.

The relations between the police officers who are in charge of community policing and the local police chief are important for the successful implementation of the PHRS. Because of power struggles between local police and the ministry, it is of great interest who has influence in the appointment of the local community affairs police officer. If the community affairs police officer is appointed by the Ministry of Public

62 Research diary, 28 November 2003.

Security, then the local police chief might question his or her loyalty. At most police units in San José, police chiefs are able to influence who becomes the community affairs police officer. Due to the frequent transfers and replacements of police chiefs, this has consequences for the position of the community affairs police officers. Furthermore, the background of the community affairs police officer is an essential element for the success of community policing. Someone with, for example, operational police experience is far more likely to be accepted by fellow police officers. In addition to police experience, this individual requires social skills to interact with citizens, as well as the professional skills to coordinate the implementation of the programme at the community level. Community affairs police officers tend to be higher educated and are interested in developing relations with citizens. Some have police operational experience, others are professionally educated, whereas a few, who are probably politically appointees, lack either of these requirements. Overall, among the community affairs police officers there was a fair mix. Due to a risk of bureaucratic control over the police, the local police chief prefers to decide who becomes responsible for police-citizen contacts. This is probably the reason that they, in addition to influencing who becomes the community affairs police officer, opt to engage ordinary rank and file police officers in proximity policing duties. Specific proximity police officers supplement the role of the community affairs police officer and are easier to control. From the perspective of police chiefs, involvement in appointing community policing police officers reduces bureaucratic influence over local police affairs.

Despite the importance of the community affairs police officers and the specific proximity policing police officers, for the implementation process the role of the local chief is most relevant. This is because within police units, the police unit chief takes the decisions. As this community affairs police officer explained:

Many times a situation is reported to us and we for one, two or three days take care of it, but than it is forgotten and once more....Thus, when I meet with the neighbours, they begin to throw tomatoes again. 'It is because you do nothing!' But it does not depend on me, and I tell them. I simply tell them what I did and that I communicated to so and so whose responsibility it is to resolve or not to resolve it. I do not have the power over the police personnel; I am in charge of community affairs I bring the information, and whether it is complied with or not is not my responsibility but that of the chiefs. They do not keep their responsibility.⁶³

Hence, as this quotation reflects, the success of community policing programmes is largely dependent on the commitment of local police chiefs (Bayley, 2001). Although police chiefs in San José hardly interfere with the tasks of the community affairs police officer or the proximity policing officers, his or her role affects how it is mainstreamed at the police unit level. Ultimately, at the local police unit level the police unit chief determines how community requests are dealt with. The chief allocates the scarcely

63 Interview, 15 March 2004.

available police resources, and therefore his or her commitment to community policing influences its implementation. One of the institutional hindrances to community policing was the frequent transfers of police chiefs. To a lesser extent, this was also the case with specialised police officers. Within a few months, for example, the police unit chief under whose responsibility the pilot project of community policing in Curridabat was implemented was transferred.⁶⁴ As Bayley (2001: 23) points out, this suggests that the instability of key actors hinders the effect of community policing.

Some police unit chiefs in San José attached more value to developing police-citizen relations than others. This is a combination of their police perspective as well as the necessity of the communities they serve. In one of the police stations where I did my fieldwork, there were only a few community policing related activities. According to the chief this was caused by the fact it was not a residential neighbourhood, the lack of resources and the low socio-economic status of the area.⁶⁵ In the other police unit the police chief was more involved in the development of police-citizen relations. This chief, for instance, frequently attended meetings with local community security committees.⁶⁶ During these encounters, which were organised by the community affairs police officer, involved citizens asked the police chief questions about law enforcement in their neighbourhood. This shows that the approach of local police chiefs influences the implementation of community policing programmes.

Within police units in San José, key actors operate as facilitators to the community security and the proximity policing programme. Yet they simultaneously hinder the implementation of these PHRS. Although all key actors are crucial to the process of community policing, at the local level the role of the police unit chief was more important for community policing than that of the specialised police officers.

8.6 POLICE OFFICERS' EXPERIENCES WITH COMMUNITY POLICING

The experiences of law enforcement officials provide an insight into how they relate to the PHRS that implement community policing within the Public Force. By focusing on police officers in their working environment, their role in the implementation process becomes apparent. This is crucial, because on the long road towards community policing, they are in the driver's seat. Ultimately, within the police system the rank and file police officers do the operational police work and the successful implementation of PHRS is dependant upon their compliance. This obviously involves more than, for example, stating that all police officers of the Public Force have become proximity police officers. It requires that police officers permanently apply the philosophy of community policing. Consequently, law enforcement officials' experience with the community policing programmes is important to understand.

64 Interview, 22 March 2004.

65 Interview, 2 December 2004.

66 Research diary, 28 November 2003.

8.6.1 The Concept According to Police Officers

Police officers understand the community policing process in a way that is relevant to their reality. From that point of view community policing is perceived slightly different from what those who initiated the community security programme and the proximity policing programme had envisaged. Several of the police officers I interviewed explained community policing in a similar way to this professional motor police officer, who came as so many Costa Rican police officers from the province of Guanacaste:

Proximity policing is like policing in rural areas in the old days; you go and talk to people. For example, the chief sends us to a commercial centre and you ask their names and telephone numbers. Also, you go to houses and speak to those groups López (the community affairs police officer) is working with. What are they called again? Sometimes they call us and give information. It is hard to distinguish between these groups and other citizens. We are also assigned to a school...last year I had a school in *15 septiembre* (a poor neighbourhood). You speak to teachers and the mothers of the children.⁶⁷

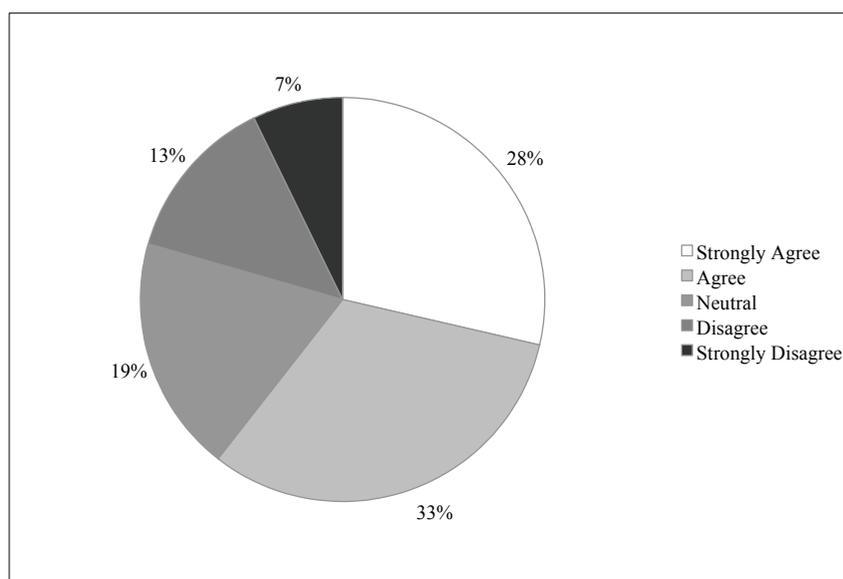
The quoted motor police officer refers to the development of police-citizen relations, which is a key element to the community policing process. By visiting local businesses and schools he established contacts with the community. Police officers relate to police leaders, because in practice they determine how an area is policed. It reflects how police officers valued the role of their police unit chief in the implementation of the community policing programmes. Many considered community policing as a specific assignment, such as visiting a school, which was not necessarily part of every day police work. Furthermore, although the motor police officer did not know what the organised groups were called, he referred to the community security committees. Primarily he saw the interaction with the committees as the responsibility of the community affairs police officer. By emphasising that he found it hard to distinguish between which citizens belonged or did not belong to the community security committees, he suggested that too him, there was no real difference between organised and non-organised citizens. From the police officer's perspective, community policing was primarily a means to establish relations with citizens.

Police officers were trained in community policing during the basic police training course or through special community policing workshops. Even though I was not able to get statistics on the exact number of law enforcement officials that were trained in either the community security programme or the proximity policing programme, it is very likely that a majority of the police officers in San José were at least familiarised with the philosophy of proximity policing. This because this particular PHRS reformed the entire organisation of policing, and therefore all police officers in San José had in

67 Male, late 30s, eight years in the Public Force, Interview, 14 March 2004.

one way or the other been involved. For example, the transformation of police *comisarias* into the Delta's meant that police officers had to learn how to work in smaller police stations, in shifts with less police officers, work in pre-assigned geographical areas and refer to proximity policing when interacting with citizens. It is harder to substantiate whether police officers were aware of the philosophy of the community security programme. In the late 1990s a considerable number of the Public Force were trained either by the police academy or the instructors of the Community Security Department (Chacón, 2001). At a minimum, this sensitised police officers about the community policing programme. As figure 8.V reflects, a modest majority of 61 percent of the police officers I interviewed for the police questionnaire felt that community security committees assisted the police.

Figure 8.V 'The Community Security Committees Help the Police to Do Their Work'



Source: Questionnaire on the Implementation of Human Rights within the Costa Rican Police, September and December 2004.

During my participatory observation period and interviews with rank and file police officers, I learned that the community security committees were not really considered to be part of ordinary policing. Especially at the police station of Hatillo, where the pilot project of community security was conducted, I was surprised that police officers were not concerned with the community security programme (Chinchilla and Rico, 1997). Law enforcement officials frequently indicated that the community security

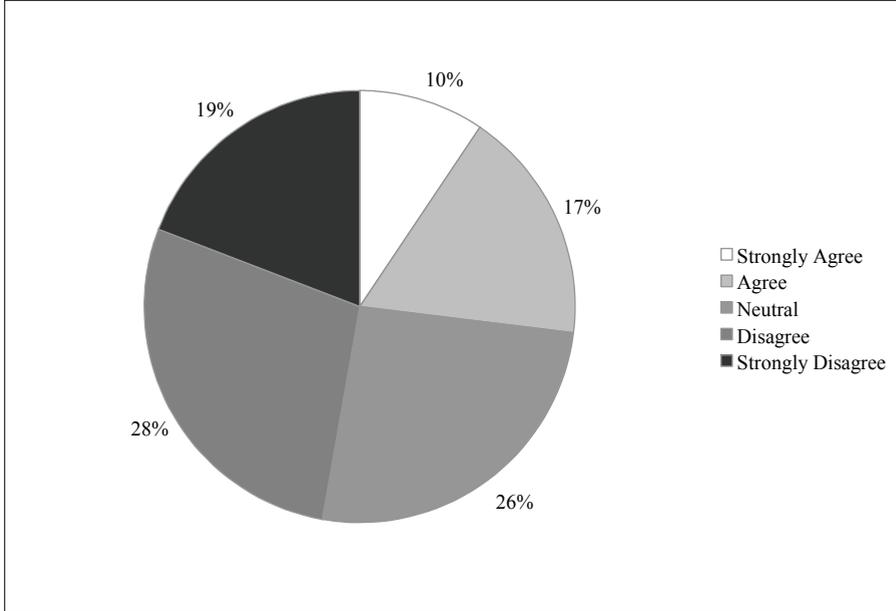
committees were not their responsibility, but that of the chief and/or the community affairs police officer. As in day-to-day policing there is more reference to proximity policing, they seemed to relate more to this community policing programme. Overall, police officers of the Public Force in San José are aware of the philosophy behind the community security programme and the proximity programme, but from their interpretation of it one can discern that community policing is still in the process of being mainstreamed within the police system. Community policing is mostly perceived as a specific police assignment rather than something that assists police officers in their ordinary work.

8.6.2 Citizens Should Respect Our Authority!

In return for their service to the community, rank and file police officers expect citizens to respect their authority. Generally speaking, police officers feel that in order to protect public security, citizens should meet their end of the bargain, which is to provide information and to respect a police officer's professional judgement. This expectation is based on the combination of danger and authority in the social role that police officers fulfil (Skolnick, 1994). Having authority relates to a police officers position within the authority or power structure of the police organisation as well as his or her individual authority (Reuss-Ianni and Ianni, 2005: 304). A rank and file police officer holds a low position within the internal hierarchy of the Public Force, where it is customary for the police officer with the highest authority to make decisions. Within this decreasing scale of authority, a rank and file police officer is not a very powerful actor. One of the aspects of policing that they can control is their own police work. In a sense, police officers' expectations of citizens relate to their experience within the police institution.

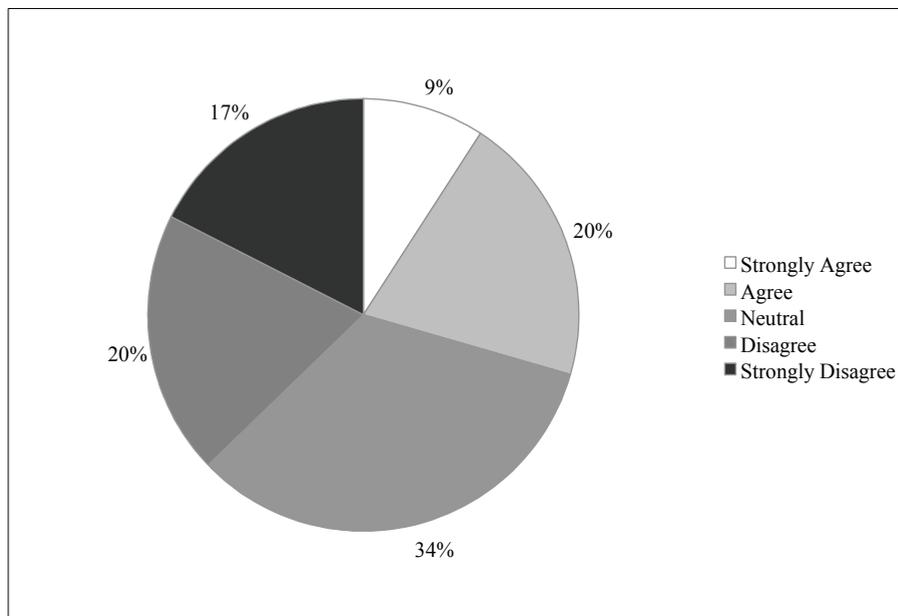
This apparent contradiction between acknowledging that the police on the one hand serve the community, whereas on the other maintaining that in order to do their work police officers must be fully in charge, was a widespread belief among law enforcement officials of the Public Force. Hence, this influences the implementation of community policing. It portrays a message of the police instead of the community being the central actor of the community policing process. Both in interviews as well as in informal talks, police officers justified this by remarking that in reality citizens are the real hindrance to community policing. They gave two primary reasons. First of all, according to many rank and file police officers, citizens do not really understand police work. This conclusion is somewhat supported by the police questionnaire in which only 27 percent of the police officers agreed with the statement that citizens understand police work.

Figure 8.VI 'Citizens Understand Police Work'



Source: Questionnaire on the Implementation of Human Rights within the Costa Rican Police, September and December 2004.

Furthermore, the second reason was that a considerable number of police officers feel that people do not respect their authority. In the police questionnaire as portrayed in figure 8.VII, only 37 percent disagreed with the statement that citizens respect police authority.

Figure 8.VII 'Citizens Respect the Authority of Police Officers'

Source: Questionnaire on the Implementation of Human Rights within the Costa Rican Police, September and December 2004.

From a police officer's perspective, citizen involvement in community policing can be an obstacle to police work. Hence, the Public Force slogan 'We Are Here To Serve You!', should be understood as something like; 'Because we, the police, take care of your public security, you have to respect us!' They do not see the community as a real actor in law enforcement. Since the introduction of community policing programmes, police officers have been sensitised about the development of police-citizen relations; but they fear outside interference with policing.

8.6.3 Police Officers' Compliance

Police officers' compliance and resistance to community policing programmes affects the implementation of these PHRS. Community policing is still in the process of being mainstreamed within urban police units, and therefore the experiences of law enforcement officials are relevant for determining their success. Although the individual experiences of rank and file police officers differ, within the police, group level responses play a crucial role. The peer group sub-culture motivates and controls police officers' behaviour (Reuss-Ianni and Ianni, 1983). PHRS address the formal structure of the police system as well as the informal culture of the police organisation (Bayley,

2001; Trojanowicz and Bucqueroux, 1994; see section 5.6.2). Through the formal structure of PHRS, whose objective it is to have police officers increasingly comply with human rights, the process of community policing is introduced. In this context, as Bayley explains (2001: 21), the prime focus is trying to understand the culture of the police organisation as in what the workers think is expected of them. From this perspective, the informal police culture influences police officers' compliance with the community policing programmes.

To which elements of the community policing process do police officers respond? In terms of this particular PHRS, rank and file police officers comply and/or resist the process of decentralising the organisation of policing, the preventive problem solving approach to law enforcement and the development of police-citizen relations. Hence, at the police unit level compliance with the community policing process entails that rank and file police officers of the Public Force cooperate with the reorganisation of policing and integrate the philosophy into their day-to-day operational police work. When possible, they communicate and develop sustainable police-citizen relations in a pro-active way. Their approach to policing becomes preventive rather than reactive. In case of any police-community interaction, they invite citizens to contact the local proximity police station and to report incidents. Within the grounds of the police stations, these rank and file community police officers are open towards sharing information to those higher up in the police hierarchy. Without fearing the reaction of their police chief or colleagues, they take responsibility for solving problems in the communities they serve. Rank and file police officers comply with community policing by applying its philosophy pro-actively in their operational police work.

Simultaneously, rank and file police officers resist the process of community policing, because the kind of change these PHRS generate is not always in their personal interest (Bayley, 2001; Trojanowicz and Bucqueroux, 1990). By avoiding, refraining or boycotting anything that is related to the development of police-citizen relations, a proactive problem solving approach to law enforcement and/or police decentralisation, police officers of the Public Force resist the development of the community security programme and the proximity policing programme. This is, among other things, expressed by a non-communicative attitude, not developing or sustaining relations with citizens, ignoring citizen security committees, not participating in police-community activities, boycotting the community affairs police officers or proximity police officers, continuing with a reactive authoritarian police style and closely obeying hierarchical structures. In the Public Force, many rank and file police officers do not accept the change that is generated by community policing programmes.⁶⁸ As this community affairs police officer remarked, 'With the programme I am happy, but I am frustrated about my colleagues. In reality the response of the colleagues is negative. In this time of change, there is not acceptance.'⁶⁹ This non-acceptance or resistance is related to certain experiences of police officers with the

68 Interviews, 14, 29 January, 12 February, 12 and 15 March 2004.

69 Interview, 15 March 2004.

community policing process. They feel that these PHRS create extra work for the police, citizens do not want to cooperate or that they are not being rewarded for their participation.⁷⁰ These are caused by inadequate preparation, police subculture, a general lack of resources, competing police priorities, inconsistent implementation and follow-up, a lack of supervision, of rank and file participation and ownership of the community policing process.

From a police officer's perceptive, citizen involvement in PHRS such as community policing programmes can thus be perceived as an obstacle to police work. They do not see the community as a real actor in these PHRS. At the most, by providing information they assist law enforcement officials in doing their work. Since the introduction of community policing programmes, police officers have been sensitised about the development of police-citizen relations, but they fear citizens' interference with policing.

When talking about police resistance to the implementation of community policing programmes, key actors as well as certain rank and file police officers reasoned that this was caused by the lack of professionalism of their colleges. They thereby distinguished between professional and traditional police officers.⁷¹ It is assumed that police professionals who have passed the basic police training course and are in general higher educated are more open to the community policing philosophy. This professional police officer explained:

For some of the colleagues it was hard, especially for those with many years of work experience. They came from a different type of police. For us, the 'New Generation', it is different. We were trained with this system of proximity policing, where the communication with people is the most important...it is a lot easier, but for the people who have many years of experience, they had to give special courses about proximity policing and how you treat people.⁷²

Either through the basic police training course or special community policing workshops, rank and file police officers in San José have been prepared for community policing. Slowly but surely, the Public Force is supporting community policing training, especially in training courses at the police academy (MSP, 2003a: 44; see appendix D). During their basic training, police officer students are trained in the philosophy of community policing. In theory, a special technical police subject prepares police officer students for the community policing process.⁷³ In practice, due to other police obligations, student classes are regularly cancelled (see sections 5.3 and 5.5). Also, as only one out of three rank and file police officers have participated in the

70 Interviews, 12, 29 January and 15 March 2004.

71 Interviews, 11 and 20 February 2004.

72 Male, late 20s years old, five years in the Public Force, Interview, 20 February 2004.

73 Other related subjects are the humanist course, interpersonal relations, and the legal course, human rights, also teach elements to the community policing philosophy (Ministry of Public Security, accessed on 19 February 2005; Rico, 2003; see: Appendix C).

basic police training course, extra workshops fulfil an important role in police preparation for community policing. Even though special workshops for traditional police officers are organised, in terms of depth and breath they can not be compared to courses provided at the police academy (Chacón, 2001; see section 5.2 and appendices D and E).

As the emphasis of the ministry was to invest scarcely available resources in the training of the so-called 'New Generation', the difference between the professional and the traditional police officers became a self-fulfilling prophecy. In other words, those who needed the preparation in community policing the most, received the least. Additionally, due to their training and in general higher educational levels, professional police officers frequently obtain positions as key actors in the implementation of community policing programmes. In response to this development, traditional rank and file police officers resisted by continuing to relate to the familiar informal police subculture (Chan, 2005; Reuss-Ianni and Ianni, 1983). When I interviewed a traditional police officer about proximity policing she explained:

Well then, before we did not have what is proximity. This project, communication, being more close to the people, I consider to be very good; but I am accustomed to other times...Already I had to overcome many difficulties. Even though the chief has shown me a different way of doing things, I can not get accustomed to a totally different command. I always have the same mentality; I do not like to get involved in things that are not my business; I very much like the respect; the discipline. This has been lost... Yes, I very much like the discipline and respect; consideration for others. However, what happens is that you give, but get nothing in return.⁷⁴

On the one hand, this traditional police officer was open towards the change that has been generated by the proximity policing programme. She welcomed increased police-citizen interaction. On the other hand, despite the reform she continued to relate to the militarised approach to policing. This was expressed by identifying with hierarchical structures and with the local police station chief as the central actor. She also expected professional police officers to comply with the discipline she was accustomed to. This is a common problem within the Public Force. Once graduates of the basic police training programme leave the police academy, they encounter the sub-culture of the police unit to which they are assigned, and within due course begin to identify with it (Bayley, 2001; Manning, 1997). In some police units, this informal working culture was based on a military approach to policing. It influences resistance to developments set in motion by the community policing programmes by both professional and traditional rank and file police officers. Also, the quoted police officer highlighted a number of changes to which she has been exposed during her career. In the last decade, the Costa Rican police system has been subjected to extensive police reform. This included, for example, the simultaneous implementation of several PHRS; the

74 Female, mid 40s years old, 14 years in the Public Force, Interview, 18 March 2004.

community security programme, the proximity policing programme, the police ethical code, the legal assistance unit, gender and equality policies, new training, recruitment and standards etc. (Rico, 2003; Cháves, 2001; see section 4.3.1 and appendix C). For some police officers there was simply too much change at the same time. Perhaps what is most striking about the quotation is that she expressed a perception that is common among traditional police officers; the lack of respect of professional police officers for their police experience. This appears to be a clear formula for how to lose potential friends and alienate traditional rank and file police officers from becoming involved in community policing (Bayley, 2001). By emphasising too strongly the role of professional police officers in the community policing process, the traditional police officers were alienated from the kind of change these PHRS generated.

In addition, contrary that what was envisaged by the proximity policing programme, this did not improve police labour conditions (Ombudsman's Office, 2000/1999: 367-369). As part of the community policing process, police officers are expected to improve their communication skills; however, within the police hierarchy they receive a different treatment than that what is expected of them when they interact with the public. As a public official of the Ministry of Public Security remarked, 'The contradiction is we want proximity policing, but we do not want an institute that is close to its people.'⁷⁵ In other words, the Public Force as an institution does not relate to its employees as it expects them to treat citizens. For example, during the basic training course, police officer students are made aware of the most important element to policing; respecting the authority of those higher-up in the organisation. They are taught to respect police hierarchy at all times and although the curriculum of the basic police training course is diverse and includes police practical, humanistic and legal subjects, police officer students spend a considerable amount of time being drilled (see section 5.3.2). As such, they are immediately socialised into the hierarchical structure of the police sub-culture, and are not stimulated to develop an independent problem solving approach to policing. Furthermore, despite the implementation of the proximity policing programme, shifts continue to last twelve instead of eight hours, and most rank and file police officers in San José live far away from their place of residence (Ombudsman's Office, 2000/1999: 367-369). This is problematic, because it prevents law enforcement officials from developing stable ties with their families. During working time, they often live at the police units. As they socialise mostly with other police officers, it hinders the development of sustainable relations with the communities they serve.

Because the change generated by the community policing process is targeted at operational policing, these mixed experiences of rank and file police officers affect the implementation of PHRS within urban police units. Police officers' compliance as well as resistance to community policing relates to the way they are treated by the police institute and whether change serves their professional interests.

⁷⁵ Research diary, 18 November 2004.

8.7 CONCLUDING REMARKS

Community policing programmes are slowly but surely creating change within the police system and urban police units. The PHRS, the community security and the proximity policing programme, aimed to strengthen police service to the community, thereby indirectly attempting to increase police officers' compliance with human rights. Since the early 1990s, the government initiated police reform, which included PHRS such as the two community policing programmes. The community security programme aims to decrease citizen feelings of insecurity by organising and educating communities, while simultaneously improving police-citizen relations. Key actors within the police system are the Community Security Department of the Ministry of Public Security, and, at the police unit level, the community affairs police officers and the police unit chief. By reorganising policing so that it becomes proactive and decentralised, the proximity policing programme implements community policing. The most important actors within the police system are the Public Force management and within police units the police chief and the proximity policing officers. Even though the philosophy of the two PHRS differs, both are central governmental initiatives that implement community policing within the Costa Rican police.

Despite the important role of the central government, its long-term commitment towards community policing programmes has been moderate. Successive Ministers of Public Security have been committed to the community security programme as well as the proximity policing programme. However, sustained political and institutional support for these PHRS is missing. Because of the Costa Rican political culture and the centralised way in which policing is organised, the role of the local government is small. In general, the community policing programmes have been well prepared and planned by the Ministry of Public Security and its Community Security Department. Yet their implementation has been rather ad hoc and sometimes inconsistent. What has been missing is an effective integrated follow-up plan that also binds future governments. It appears as if the centralised approach to community policing has bureaucratized, rather than facilitated the thorough implementation of the two PHRS. This, in combination with competing public security priorities, the lack of resources, fluctuating citizen involvement, institutional roadblocks and resistance from within the police, delays the effect of the community security and the proximity policing programme.

Even though on a large scale citizens have been sensitised about the community policing programmes, they do not have a real say in local level policing. This is related to the relatively small number of citizens who are willing to stay involved, the raised public expectations of local level public security as well as the power struggles between citizens and the police. Law enforcement officials fear citizen control over the police, and therefore, to some extent resent cooperating with civil society. This while engaged Costa Rican citizens, who are educated by the community security course, are probably interested in strengthening local level police-community relations. Because of a context of demanding police reform and a general lack of available resources, the priority of key police actors such as the local police chiefs is to increase the quantity

of involved citizens rather than investing in the quality of developing sustainable relations with the community. In order for citizens to have a real say, their role as key actors in community policing should be acknowledged by the police.

As long as it facilitates and does not interfere with operational police work, police officers at the police unit level are open to the change generated by community policing. From this point of view, the development of police-citizen relations supports police work. Law enforcement officials, however, continue to perceive the maintenance of public security as a specialised police task. According to many rank and file police officers, this point of view is not acknowledged by society. Although the experiences of rank and file police officers with community policing differs, most perceive the police and not the community as the central actor in community policing. This perception is related to the low position of rank and police officers in the police hierarchy, the structure of the police system as well as the amount of police training that police officers receive. Police officers' resistance to the community policing is often associated with the difference between professional and traditional police officers. Because the Costa Rican government invests its scarcely available resources in the preparation of police professionals, the resistance of traditional police officers to PHRS becomes a self-fulfilling prophecy. Consequently those who need training in community policing the most receive the least. Traditional police officers feel that their police experience is not valued and partly, because of that, are not open towards change. Only when all rank and file police officers are treated with more respect by the public as well as the police institution and change serves their interest, will they become more open towards community policing.

The road towards the implementation of community policing appears to be long, but if the government consistently supports key actors, recognises the role of the community, educates all rank and file police officers and strengthens their position within the police system, the implementation of the community security programme and the proximity programme could increase police officers' compliance with human rights.

CHAPTER 9 REFLECTIONS

9.1 INTRODUCTION

In the preceding chapters I have explored the implementation of human rights within the Costa Rican police, thereby focusing on the socio-political and institutional context of a non-transitional society in Latin America. Within the region, human rights implementation has become part of a larger effort to reform public security and the police. Therefore, by studying the latter development, one can understand its effect on the former. By writing this book, I would like to contribute to empirical based studies on the kind of change that human rights reform generates within the Latin American police. As a lot of valuable research has focused on transitional societies, this study concentrates on a non-transitional society. Within a region in which, after a period of authoritarianism and conflict, most countries are in the process of consolidating their democracies, Costa Rica's democratic and human rights record is a notable exception. For the most part, in this book I have focused on the effect of police human rights strategies upon law enforcement officials' compliance with human rights. While reading chapter 9, I would like to point out that implementing human rights within the police is an ongoing process that is less static than was perhaps portrayed in my book.

In the sections of this final chapter, I reflect on my central research question: How do the police of a non-transitional society in Latin America respond to the implementation of human rights, as formulated in chapter 1? Firstly, human rights were implemented within the national police system and urban police units through special laws, regulations, programmes, or projects, which appeared to have lacked sufficient preparation and implementation plans. These reform initiatives directly or indirectly aimed to stimulate law enforcement officials' compliance with human rights norms, values and/or standards; therefore, I defined them as police human rights strategies. Secondly, throughout the last decade public security and police reform in transitional and non-transitional Central American societies has been comparable. Despite relatively low crime and violence rates, political and socio-economic stability, and not having an army, citizens' perception of public security and the police in Costa Rica has been similar to that in El Salvador, Guatemala, Honduras, Nicaragua and Panama. Therefore, even though the extent and severity of crime and violence between transitional and non-transitional societies in Central America varies, I question whether it relates to citizens' perception of public security trends as well as the police as an institution. Thirdly, the paradoxes of Costa Rican public security are that despite widespread reform, fundamental characteristics of the public security system, such as its fragmented organisation, the strong civil-political control, the lack of professional

police officers, resources as well as labour instability, persist. In other words, I wonder whether public security and police reform as implemented in the 1990s and early 2000s has led to significant changes in the Costa Rican approach to security. Fourthly, due to socio-political and institutional factors, the effect of implementing police human rights strategies on police officers' compliance with human rights has been modest. Several of the pre-selected police human rights strategies are in the process of being fully implemented within the Costa Rican police system and police units of the Public Force in San José. The police professional and *confianza* systems are operating simultaneously and affect both professional as well as traditional police officers. Although the context in which law enforcement officials are operating is slowly but surely changing, social relations within the police system and urban police units continue to be influenced by an authoritarian and politicised approach to policing. From this perspective, the professional slogan of the Public Force, 'We Are Here To Serve You!', reflects a distant objective rather than contemporary reality. Finally, in the epilogue I look back on my research.

9.2 HUMAN RIGHTS IMPLEMENTATION IN THEORY AND IN PRACTICE

From a human rights law perspective, Costa Rica is a model state. It has implemented almost the entire international framework of human rights within its national legislation. As portrayed in chapter 3, inhabitants enjoy the protection of a vast number of constitutional rights and through the judiciary are able to ensure that they are respected. During the early 1990s, human rights based police reform was introduced within the Costa Rican public security system. In chapters 3 and 4 it became evident that change was primarily realised by the adoption of a new police code in 1994 and subsequent amendments to it in 2001. Despite the fact that legal recognition of public security and police reforms was important, it did not automatically lead to increased state compliance with human rights.

Even though from an empirical perspective the link between human rights related reform and reducing police human rights violations is not clear, systematic critical reflection on the effect of reform contributes to improving the kind of change that could be proposed in the future. The Costa Rican government has been implementing human rights law through police human rights strategies within the police. In addition to the police code, certain regulations, programmes and projects were developed to stimulate compliance with human rights by law enforcement officials. The concern with both the police human rights strategies and their implementation plans was that they were designed ad hoc and subjected to political developments. They lacked a long-term realistic integrated strategic vision on how to execute police reform as well as a continuous allocation of sufficient resources.

Despite several plans to implement police human rights strategies, cooperation and coordination between the different responsible actors was modest and subjected to frequent change. For example, the relations between bureaucrats of the Ministry of Public Security and the Public Force management is complex. Rather than to accept

the benefits of supplementing each others' work, there is a tendency to focus on the lack of each others' expertise. Law enforcement officials have police operational experience, whereas bureaucrats have knowledge about laws, regulations and public policies. Subsequently, problems communicating about public security arise in theory and in practice. These problems are aggravated by the fact that key positions within the Ministry of Public Security as well as the Public Force management are fulfilled by political appointees, who often lack public security expertise or police experience. It hinders the necessary long-term commitment towards implementing police human rights strategies.

9.3 PUBLIC SECURITY AND POLICE REFORM TRENDS IN CENTRAL AMERICA

Despite the implementation of public security and police reform in transitional and non-transitional societies alike, several socio-political developments have strengthened public demands for change in Central America. As discussed in chapters 2 and 3, since the 1990s both states that have experienced authoritarianism and conflict as well as established democracies suffered from rising crime rates and feelings of insecurity. Consequently, citizens and politicians are determined to confront crime with every means possible. Even though the extent and severity of crime and human rights violations varied significantly per state, the perception of insecurity, the distrust in the police force and the feelings of insecurity was comparable. For instance, the homicide rates in Honduras outnumbered those of Costa Rica, but citizens' perception of insecurity and the police did not differ significantly. Thus, within Central America public dissatisfaction with how the state ensures public security in transitional societies does not significantly differ from non-transitional societies.

Throughout the region, politicians and civil society have lobbied for similar *mano dura* approaches including new penal codes, tougher policing methods, stiffer sentences and more prisons. What distinguished transitional from non-transitional societies is how citizens, sometimes encouraged by politicians, deal with their dissatisfaction of high crime and insecurity rates. In established democracies like Costa Rica, where there is a democratic culture of respecting the rule of law, relatively modest differences between rich and poor and little social exclusion, inhabitants are likely to have more faith in the political process, the judiciary or in private security. Due to the existence of a significant middle class, a relative high number of citizens can afford to hire private security guards. Hence, reflecting a trend that security is increasingly becoming something that only the higher classes are able to afford. Citizens in transitional societies such as Guatemala express less confidence in the kind of solutions that the 'new' democratic institutions as well as the judiciary, are able to provide. In this type of post-conflict society where people remember authoritarian rule, the gap between rich and poor is extreme and there is a greater proportion of socially excluded people, popular alternatives include support for military solutions or even taking justice into one's own hands.

During the 1990s, widespread public security and police reform was implemented in all Central American nations. As part of political transition towards democracy, state security doctrines were reformed. For democratically elected governments, instead of national security, public security became the main priority of internal security politics. One of the consequences was that the state increasingly distinguished between external and internal security forces, thereby attempting to diminish the role of the military. As both soldiers as well as police officers had been involved in human rights violations, another focus became the implementation of human rights related reform within the security system. In Central America this occurred in El Salvador, Guatemala, Honduras, Nicaragua and Panama. As a non-transitional society, Costa Rica distinguished itself not so much in the objective, the kind, or the extent of the public security and police reform it initiated, but more in its motives, the strong civil-political control and modest international involvement. Unlike, for example, El Salvador, there were neither security actors with political power nor significant amounts of available donor money. Thus, although the socio-political context of transitional and non-transitional societies varied, public security and police reform trends were similar in Central America.

In terms of decreasing crime rates, human rights violations and increasing citizen confidence, the outcome of the widespread public security and police reform in Central America seems to be modest. The most pressing impediments to police reform were the continuous military approach to policing, police involvement in human rights violations, police corruption, the formation of special police units, the lack of political commitment, short-term international assistance and resistance by the regional elites. Furthermore, the continuous low level of trust in the regions' police forces remains a concern. It leads to situations where political messages communicate that there appears to be a conflict of interests; the right to security of society at large versus the individual rights of suspects. From the perspective of the honest working citizen it is almost incomprehensible why an (alleged) criminal should be protected by the criminal justice system; the citizen feels that the state forces in charge of public security have let him or her down. People ask themselves, 'On whose side is the state?'

Public frustration about the state's failure to guarantee public security influences beliefs among some politicians and citizens that human rights are a set of privileges for wrongdoers. Complaints about human rights violations are assumed to be issued by those suspected of committing a crime, and therefore, only receive modest sympathy from the masses. Even if this were true, a more pressing concern is that more often than not the police are unable to substantiate their suspicion about an alleged criminal. This leaves the suspect(s) in a vulnerable position of facing a risk of having his or her human rights violated. As several authors pointed out in chapter 2, in Latin America, on a large scale badly paid, poorly trained and disrespected law enforcement officials are involved in human rights violations without being held accountable. Usually the victims are poor and marginalised. For example, in Honduras members of *Maras* (youth) gangs run the risk of being extra-judicially executed by law enforcement officials. Hence, by committing these violations, state forces that are responsible for

the right to security for society at large and protecting the rights of individuals, become part of the problem rather than the solution.

9.4 THE PARADOXES OF COSTA RICAN PUBLIC SECURITY

The Costa Rican approach to national and public security has been more ambiguous than is often assumed. Even though the army was abolished since 1949 the state exercised strong civil-political control and the fragmented organisation of policing ensured that security actors never became powerful in politics, there were periods during the last century when police forces were influenced by *militarismo*. As put forward in chapter 3, in socio-political discourse ‘security’ has been taboo and therefore politicians and citizens were largely unaware of the extent to which security concerns affected state policy and practice. In the 1980s, due to the threat of regional armed conflict spreading and international interference, the official state policy of neutrality towards conflict was under severe pressure. Furthermore, as the majority of law enforcement officials were lowly educated, poorly trained, enjoyed little societal status, had no job security and relied on political clientelist connections, they could easily be manipulated. Also, security policy never really became a key political issue. For example, the amount of resources allocated to national and public security was modest. Consequently, for their professional development Costa Rican public security forces relied on international police cooperation.

Despite widespread public security and police reform in the 1990s, some fundamental concerns about the Costa Rican public security system persist. As described in chapters 4 and 5, the process of police professionalisation entailed the implementation of a variety of reforms that focused predominantly on police training, decreasing abuses of authority, abolishing clientelist practices, adopting a new style of policing, improving labour conditions and inter-institutional coordination and cooperation. To some extent these initiatives were successful. Police selection and training, police interaction with citizens, inter-institutional coordination and cooperation have improved. Yet simultaneously there is a gap between the theory of reform and its practice. Traditional checks and balances, such as the strong civil-political control, the fragmentation, rivalry between the police agencies, the lack of resources and labour instability continue to affect the public security system, and especially the Public Force. It appears as if there was no effective long-term public security vision on how to execute the proposed reform. This in itself is not a revolutionary finding; as the UNDP (2004a/b) report on democracy in Latin America concluded; poor implementation of reform and fragmentation are characteristic for the region.

Nonetheless, what is surprising is that even in this century, Costa Rican politicians and society at large do not seem to support or understand the underlying conditions under which the police could function very differently. What politicians and citizens want is; less crime, violence and police involvement in abuses of authority, but few have faith in the Public Force’s ability to meet their expectations. It is as if cultural resistance to organised state security remains strong. This is expressed by the fact that

the senior police leadership continues to consist of political appointees, the amounts of allocated resources remain modest, the lack of public security policy, the low status of police officers in society, citizen reliance on private alternatives and the persistence of labour instability and clientelism. People on the one hand desire a ‘professional’ police force, but on the other do not allow law enforcement officials to act as true professionals. For example, many Costa Ricans assume that by now the low ranks of the Public Force have been professionalised. In this context, the concept of professionalism is narrowly understood and refers to police training rather than, for instance, a police officer’s ability to make independent and just decisions. Whereas, in reality one out of three police officers has participated in the basic police training course and one out of five enjoyed labour stability. It also affects the police system in general, as well as the bureaucracy of the Ministry of Public Security. The senior police management is primarily concentrated on police operational matters and less with effective strategic plans of organisational development.

9.5 CONCEPTUALISING POLICE HUMAN RIGHTS STRATEGIES

By determining the effect of police human rights strategies, one tries to understand whether the implementation of human rights law within the Costa Rican police relates to change in terms of social behaviour. As a result of introducing police human rights strategies, law enforcement officials comply or resist the norms, standards and values that human rights portray. By understanding social behaviour within the social fields in which police officers operate, one is able to describe and analyse their responses to change. Within these social fields, groups of people regulate their own conduct and are simultaneously influenced by external forces and therefore they are referred to as ‘semi-autonomous’ fields. In this study, the two semi-autonomous fields are the ‘police system’ and ‘urban police units’. In addition to the police human rights strategies, which implemented formal human rights law with the police, I have categorised outside stimuli as socio-political and institutional factors.

The police system and police units are two of the many semi-autonomous fields to which law enforcement officials belong. Within these social fields, formal rules and informal rules play a role. Formal rules, such as international human rights law, seek to regulate group behaviour from the outside, whereas with informal rules, police officers internally regulate their own conduct. Chapters 5 to 8 discuss the implementation of human rights law through police human rights strategies within the Costa Rican police system and police units of the Public Force in San José. This is influenced by socio-political as well as institutional factors and affects law enforcement officials’ compliance with human rights norms, values and standards. By conceptualising how police officers respond to the implementation of police human rights strategies, it is possible to discuss; whether formal human rights law is able to create social change as in regulating and/or controlling the social behaviour of law enforcement officials.

9.5.1 A Police System and Police Units as Social Fields

So how do the semi-autonomous fields of the police system and police units function? Throughout this book I have described and analysed how the Costa Rican police has developed and is currently operating. Even though these social fields themselves are not static, by discussing some characteristics it is possible to get a general picture of how they operate. The Costa Rican police system is characterised by its fragmentation, its duality, the strong civil-political control, hierarchical structures and labour instability. Since the legal reform of the early 1990s, it has become clearer what the mandate is and what the responsibilities of the different police units are. Generally speaking, police officers are more or less aware of their duties and tasks. The fragmented structure has not fundamentally changed. Today, a small developing society continues to have a variety of police services that face challenges in coordinating and cooperating with one another. The Civil Guard, the Rural Guard and the Metropolitan Police have merged into one preventive police force; the 'Public Force'. It entails all police officers wearing the same uniform, and since the implementation of the proximity police programme, working in similarly operating police units. Functionally, the Public Force consists of numerous specialised units, and therefore the nation's largest police force is internally almost as fragmented as the entire Costa Rican public security system itself.

What the police system is and what it should be according to law diverges. It is challenging for police officers of the Public Force to operate in a dual system. As put forward in chapters 4 and 5, in Costa Rica considerable efforts have been made to reform the public security system and to professionalise the Public Force. For ordinary police officers, these are reflected in improved labour conditions, labour stability, an increase in salary, the development of selection, promotion and rank criteria, possibilities for focused police training, laws and regulations on how to police, the decreasing absolute power of the police chief and less arbitrary accountability procedures. Yet, simultaneously relics of the past persevere. These relics are primarily detected in the power struggles between the ministry, senior police leaders, bureaucrats as well as police officers and the continuation of political clientelism. Thus, as suggested in chapter 5, in addition to the 'professional police system', the so-called '*confianza* system' persists. As the professionalisation process is far from having been implemented fully, these two function simultaneously. For example, on the one hand there are 'professional' police officers who have participated in the new basic police training course, enjoy increased labour protection and salary; on the other, there are 'traditional' police officers, who are only partly prepared and do not have job security. At all levels of the police hierarchy, but especially at the rank and file level, these two types of police officers conduct similar kinds of work. In everyday work situations this creates tension, because although professional law enforcement officials are better educated, they are often less experienced and therefore according to police cultural values less qualified. With an institutional policy of favouring professional police officers for promotion and training, this creates resistance among traditional police

officers. Additionally, they are more vulnerable to political control. In middle, but especially in senior positions, the number of professional police officers is humble. Senior police leaders continue to be political appointees, and in key middle positions they tend to appoint their own 'confidential' staff. Subsequently, as many police leaders are traditional police officers, they perceive professional police officers as a threat to their position within the Public Force, and therefore they rely more on the *confianza* system than on the professional police system.

Labour instability and public policy are important tools by which civil-political control over the Public Force is maintained. Either by firing or transferring police officers, the ministry and police leaders are able to exercise social control over the police system and urban police units. Even though police chiefs are being fired less, they are still transferred frequently. Usually every Minister of Public Security appoints new senior police leaders. These may or may not have professional police experience. In turn, these senior police leaders appoint their own police unit chiefs. At the police unit level, police chiefs assign key tasks to entrusted personnel. Increasingly, candidates are obliged to meet certain selection criteria. Despite policies that give professional police officers preferential treatment, many (especially for senior positions) also rely on the *confianza* system. At all levels of the Public Force, the appointment of confidential staff has the same objective; to exercise social control over subordinates and maintain hierarchical structures.

Although politicians support police reform efforts, they do not systematically develop a long-term vision on either public security or on policing. There are several reasons why this has not progressed significantly since the 1990s. Firstly, political parties feel as if they did their share by formulating the new police code in 1994. In interviews, responses were often something like, 'Oh, but that has been dealt within the 1994 Police Code.' Politically, they do not feel accountable for the implementation process. Secondly, despite the fact that public security is a tremendous societal concern, this is really not reflected in political commitment. As put forward in chapter 2, a society that is going through economical setbacks and political corruption scandals has other priorities. Thirdly, politicians continue to distrust powerful state security forces and rely on political appointments for social control. Fourthly, among politicians and in society at large there is little expertise on public security and the police. Fifthly, there is a tendency to deal ad hoc with highly published issues such as police corruption scandals rather than with the root causes of the problems. One of the consequences is that politicians allocate modest resources to effectively implement any form of change. Thereby the realisation of reform within a police system that already had to cope with a significant shortage of resources, is rather complex.

Subsequently, the Minister of Public Security and especially the Public Force management has to make tough choices on how to allocate sparse resources. Hence, despite the political discourse of supporting police human rights strategies such as training, the reality is unpretentious. Instead of concentrating on basic police training for all the police officers, there is a preference for a select few. For example, in contrast to teaching all law enforcement officials the basics of Costa Rican law, only

those who participated in the basic police training course and approximately 50 police lawyers were trained. Furthermore, as was the case in the past, for specialised training the ministry relies strongly on international police cooperation. Although international actors are often interested in human rights related themes, there are also military and repressive types of training courses. In relation to this, the biggest setback is that the Minister of Public Security and the Public Force management are inclined to accept international police assistance without critically analysing whether the help is really necessary and coherent with other reform efforts. For instance, in the 1990s, the community security programme, which implemented certain facets of community policing, was introduced; but early in 2000, with assistance of the Spanish government another community policing programme, the proximity policing programme, was initiated. Although both programmes assisted the development of community policing within the Costa Rican police system, coordination between the two was challenging.

As a semi-autonomous field police units are characterised by their strong hierarchical structure, frequent transfer of key actors, reliance on specialised staff and police cultural practice. At the police unit level, the role of the police unit chief is crucial. Before 1994, police chiefs enjoyed almost absolute authority. For example, they were able to appoint confidential personnel in all key positions, they personally held police officers accountable, and they maintained all contact with police hierarchs. Since the police reform their authority has become less absolute. Nowadays, specialised police officers have their own alliances with the Public Force management. Among others, these include the police lawyer, the criminologist and the community affairs police officers. For ordinary police officers, the role of their police unit chief and to a lesser extent their squad supervisor remains crucial. They find it hard to disobey orders even if this means violating police regulations or the law.

As they are more highly educated and trained, one might have expected professional police officers to be more independent in their decision-making, but they too obey to the hierarchy of the Public Force. There are two explanations for this development. Firstly, the basic police training course emphasises respect for authoritarian structures. Secondly, as professional police officers are mostly inexperienced they are not likely to be appointed to key positions. Their supervisors and chiefs are often traditional police officers, who value things other than what is taught at the police academy. Subsequently, they are quickly socialised into what police leaders and colleagues feel is important to learn. The informal organisation of policing and its effect on police behaviour is otherwise known as police cultural practice. Basically, in an effort to combine theory with practice, the Ministry of Public Security has developed additional courses for middle and senior staff. However, as there are selection criteria for these kinds of courses, professional police officers have more opportunities to improve their careers. This relates to resistance among traditional police officers who feel that their position within the Public Force is under threat.

There is a frequent transfer of key actors, at the police unit level. The common way for police chiefs to exercise social control over police officers is to move them around within the unit. It is not uncommon, when a police chief commences, for him or her

to assign confidential staff to particular positions. With the specialised staff this is more challenging. Some, like the police lawyer, are appointed by the ministry, whereas others, such as the community affairs police officer, require particular skills. One way of showing discontent with specialised staff is by ignoring their work. There is a tendency among rank and file police officers to ask their superior rather than specialised police officers for assistance. To be effective, specialised police officers have to cooperate with police leaders and police officers. In order to develop and improve police-citizen relations, they need to convince the rank and file police officers of the importance to do so. With the support of the police leaders, their task becomes easier. One common concern with the specialised staff, is that police officers, including the Public Force management, feel that by making one police officer responsible, a problem has been dealt with. In reality, unless police human rights strategies are mainstreamed, they do not work effectively at the police unit level.

9.5.2 Processes of Implementation

From a socio-legal perspective, human rights implementation seeks to change police officers social behaviour with the objective of having them comply (increasingly) with human rights norms, values and/or standards. To achieve this, police human rights strategies are the tools by which formal law is introduced within the semi-autonomous fields of the Costa Rican police system and police units of the Public Force in San José. Ultimately, the way in which the police system and urban police units function influences how police officers relate to the police human rights strategies that I selected as case studies. In chapters 5, 6, 7 and 8, certain socio-political and institutional factors that affected the process of implementing police selection and training, police legal expertise, police accountability mechanisms and community policing programmes were outlined. Despite the fact that each police human rights strategy was introduced under different circumstances, there were common factors to most of their implementation processes.

These common features related to structural impediments to public security in Costa Rica and to the reform initiatives as such. Aforementioned structural concerns about public security and the police system include, but are not limited to; the lack of political vision, ad hoc decision-making, expertise, resources, professional police officers as well as the hierarchical structures, dependency on international police cooperation, excessive bureaucracy, reliance on specialised police officers, frequent replacements and institutional culture. Depending on the type of police human rights strategy, some of these factors are more relevant than others. For example, in order for police accountability mechanisms to work, they rely on law enforcement officials who are aware of Costa Rican law, their rights and what does or does not constitute an abuse of authority. Even though human rights are part of the basic police training course, specialised courses as well as workshops a certain percentage of police officers has little opportunity to participate in any of those. Therefore, there is a gap between the kind of knowledge that is necessary for the strategies to work and the knowledge

that is actually present. Thus an institutional problem of not having enough trained police officers hinders police human rights strategies, which implement police accountability. This example shows how the problems of Costa Rican public security affect police human rights strategies.

Probably a key element to the implementation of police human rights strategies is whether they were initiated as well as executed under the same political administration and ultimately recognised by law. For instance, the community security programme, police training and the police lawyer unit were initiatives that were ultimately legalised. This more or less ensured follow-up during successive administrations, especially in those of another political colour. Also, there must be clarity about which actors(s) proposed the reform, carry responsibility for its execution and provided the necessary funds. Although this differed per police human rights strategy, in general the initiation of the reform was done top-down by the Minister or the Vice Ministers of Public Security, in association with the Public Force management and/or high level bureaucrats, whereas, the execution was conducted in collaboration with either middle level subordinates from the police or the ministry. Quite often the initiators are political appointees who have little experience with operational policing and are not really aware of what has been attempted in the past. It is almost as if each administration wants to have its own police human rights strategies. To illustrate, in the mid 1990s, the community security programme that implemented elements to the community policing philosophy in Costa Rica was initiated under a PLN Minister of Public Security. Early 2000, a similar police human rights strategy, the proximity policing programme, was introduced by a PUSC administration. Despite the fact that the two strategies focused on different aspects of community policing, there was modest exchange of information or coordination between the former and the latter. It would have probably been more efficient to merge the two community policing programmes.

Although international police cooperation often makes reform possible, too often the priorities of donors and national governments diverge. In Costa Rica's case international police assistance tends to be accepted without enough consideration of what the Public Force's priorities and needs are. Should Costa Rican police leaders be trained by the US army? Should traditional police officers receive human rights workshops in domestic violence, migration or small arms, if they have not been trained sufficiently in the basics of the Costa Rican and human rights law? For instance, as inter-family violence was a tremendous societal concern, it is understandable that the Costa Rican government accepted Spanish collaboration to educate the Public Force. Yet, when teaching these specialised human rights topics, was there enough consideration of what the effect was on the educational development of traditional police officers? Essentially, the government has to choose between satisfying short-term versus long-term interests. Furthermore, how do these human rights workshops relate to what has been taught to professional police officers at the police academy? Basically, the government as well as donors have to emphasise consultation and involvement of key actors such as politicians, police leaders, rank and file police officers, experts as well as the community. In relation to the implementation of police human

rights strategies, this is done in preliminary phases, but should be continued during the entire implementation process.

9.5.3 We Are Here to Serve You!

On the basis of the data that I collected for this research, I have analysed the effect of implementing police human rights strategies upon police officers' compliance with human rights. What I am not able to do is show any causal relationship between one and the other, nor generalise my findings to the entire Costa Rican police system or even all urban police units of San José. Most of my data on law enforcement officials' response are from a few pre-selected social fields. With this in the back of my mind I wondered: How did police human rights strategies influence the behaviour of law enforcement officials as a group? In general, law enforcement officials of the Public Force, specifically at the police units of Hatillo and Charlie Delta as well as the police academy, were aware of the police human rights strategies that were selected as case studies. During informal conversations and interviews, police leaders as well as rank and file police officers explained in their own words what police selection, training, police legal expertise, police accountability mechanisms and community policing programmes entailed.

Whether and to what extent law enforcement officials related to the police human rights strategies depended on several factors. Firstly, the extent to which the pre-selected police human rights strategies had been implemented; several police human rights strategies were still in preliminary phases. This explains some responses of law enforcement officials. From my perspective at the urban police unit level the police lawyer, the community security programme and the external legal and non-legal accountability mechanisms were more or less functioning; whereas the internal legal and non-legal accountability mechanism, police selection, training and the proximity policing programme were still in the process of being fully implemented. For example, even though each police unit had its own police lawyer, the majority of traditional police officers had not participated in basic legal training, nor did police lawyers teach a lot of workshops. Therefore to many law enforcement officials the development of legal expertise was not considered a priority. Yet the objective of developing this police human rights strategy had been to create basic knowledge among police officers and specialised knowledge among police lawyers. Thus, institutional factors delay the effect of police human rights strategies that emphasise police legal expertise, thereby hindering law enforcement officials' compliance with the rule of law.

Secondly, the distinction between which police human rights strategies law enforcement officials perceived as their responsibility, varied according to how they influenced their work at the police unit level. The proximity policing programme, for example, completely reformed the organisation of preventive policing in Costa Rica, and therefore, all police officers had to adopt to a new style of policing. On the contrary, as being held accountable by external or internal legal accountability mechanisms affects individual police officers, it does not necessarily influence group

behaviour. Furthermore, some police human rights strategies were primarily perceived as the duty of police leaders and/or specialised police officers. Subsequently, during interviews rank and file police officers would state that selection, accountability, legal assistance as well as the community security programme, were the responsibility of the police chief, the police lawyer or the community affairs police officer. This is caused by the fact that at the police system and the urban police unit level, some police human rights strategies have not been mainstreamed as well as police officers' obedience to authority and passive resistance to change.

Thirdly, how police officers related to police human rights strategies depended somewhat on whether the respondents were professional police officers, their educational level and their experience, i.e. kind of position and number of years, in the Public Force. Due to their lack of training and, usually, lower educational background, traditional police officers have a harder time identifying with police human rights strategies, especially if they affect policing as they used to know it. This situation is aggravated by the fact that the change certain police human rights strategies generate appears to favour professional police officers. Characteristics such as age, gender and rank did seem to matter significantly. In terms of rank, this might seem surprising, but it is related to the institutional organisation of the Public Force. Police ranks do not necessarily reflect a police officer's educational background, experience or professional status.

Fourthly, in relation to police human rights strategies the role of the police leadership was crucial. Compliance with human rights is largely dependant upon how police leaders within the police system and urban police units relate to the implementation process. Although commitment at the senior level is necessary, police leaders' support at the police unit level seemed to be most important. On a daily basis police chiefs and supervisors, can ensure compliance by rank and file police officers. In a sense they set the example for the norms, standards and/or values by which law enforcement officials conduct their work. During informal conversation and interviews on different strategies, both professional as well as traditional police officers frequently referred to police leadership. As police unit chiefs are appointed by police hierarchs, they tended to be loyal and strictly followed orders. Hence police unit leaders are influenced by the perspective of senior police leaders, who for political reasons are ambiguous in their support of police human rights strategies. For example, as a certain percentage of police leaders do not meet the new selection criteria and are no longer able to control low rank police officers, they generated resistance. Thus, the implementation of police human rights strategies depends on the police leadership.

The effect of police human rights strategies upon police officers' compliance has been that they are becoming sensitised about the role that human rights fulfil in policing. Due to the implementation of police human rights strategies within the semi-autonomous fields of the police system and the urban police units, it is more difficult than in the past to resist the long-term influence of these formal laws. The norms, values and/or standards that they portray have become part of the everyday realities of law enforcement officials. Whether this leads to increased police officers' compli-

ance with human rights law depends on the extent the strategies are able to regulate police reality. At the police unit level, police human rights strategies such as police legal assistance and community policing programmes have been established through the creation of specialised police officers. Because they are not as powerful as police leaders, they have a difficult time mainstreaming the development of police legal expertise and/or police-citizen relations. Unless there are issues in which they are personally involved, law enforcement officials do not consider police human rights strategies their personal responsibility. They continue to obey strong hierarchical structures which may or may not lead to compliance with human rights. Hence, the police cultural practice of absolute obedience to authority influences the impact of police human rights strategies. Therefore, the role of police leaders at the police unit level as well as on the more senior level is crucial.

As many of police human rights strategies have not been fully implemented, it is difficult to speculate on their effect upon the behaviour of law enforcement officials. This situation is best illustrated by the differences between professional and traditional police officers. Despite the understandable objective of creating a higher educated and better trained professional Public Force, at the police unit level there is tension between the two. Professional and traditional police officers do similar work, but have distinctive incentives. As police human rights strategies such as police selection and training predominantly benefit professional police officers, they contribute to the deepening of this gap. They alienate traditional police officers, who have less to gain from the reform initiatives. Subsequently they proceed to rely on the alternatives such the *confianza* system, through which they can obtain positions on the basis of political loyalty. Furthermore, as long as traditional police officers are in the majority or obtain key positions in hierarchy of the Public Force, they are able to resist professional police officers and force the rank and file to behave in a way they feel is right. Although this does not necessarily mean that police officers are stimulated to not disrespect human rights, it influences the potential effect of police human rights strategies, which aim to increase compliance in a long-term and consistent way.

By determining the effect of police human rights strategies, I have explored whether the implementation of formal human rights law relates to change in the social systems in which people operate. As a result of introducing police human rights strategies, law enforcement officials within the Costa Rican police system and at the urban police unit level are increasingly encouraged to comply with the norms, standards and/or values that human rights portray. Yet, they also resist the kind of change they generate. To police officers the Public Force slogan, 'We Are Here to Serve You!', reflects how law enforcement should be, but it does not correspond with police perception of reality.

9.6 EPILOGUE

In this last section I reflect on the research that I have conducted for this book. Primarily I consider alternative routes that might have given me a perspective other than the

one I discussed in this last chapter. These relate to choices I made during the early phases of this research. As discussed in the introduction, this research is primarily a pre-evaluative study on the effect of implementing human rights within the Costa Rican police. Therefore, it is difficult to generalise its findings to other police forces in Latin America. It is primarily an exploration into the possible effect of human rights with the Costa Rican police system and a few urban police units. I consider my research to be a step in improving our socio-scientific understanding of the implementation of human rights within the police in Latin America. Critically reflecting on the relationship between how, according to international human rights law, the police should behave and what they do in social reality. Subsequently, I did not disprove any hypotheses. My study is descriptive and focused on public security and police reform that was initiated between 1994 and 2006 in Costa Rica. As the aforementioned police human rights strategies were implemented during a relatively brief period of time, it is difficult to speculate on their long-term effect or on behavioural change among law enforcement officials of the Public Force. At the most I attempted to answer research questions that were derived from the literature as well as my own research. From my reflections, hypotheses can be deduced, thereby contributing to future research on the effect of implementing human rights within the police.

If I could do this study again, I would try to focus more rigorously on my methodology during the earlier phases. When I commenced I had little experience with social scientific research, and therefore, in order to prepare I participated in several participant observation, interview and fieldwork training courses and workshops organised by the University of Utrecht, of Nijmegen, of Amsterdam, the Free University Amsterdam, the Institute of Social Studies and CERES. Additionally, I learned to conduct social scientific research by doing it as well as by regularly asking for feedback from colleagues in Costa Rica, the Netherlands and the US. Perhaps during my fieldwork periods the participant observation periods at the two pre-selected police units could have been shorter and more efficiently organised. It would have enabled me to select three instead of two police units, and thus, I would have had a greater variety of data. The number of interviews could have been less, but the quality of the earlier ones would have improved. Subsequently, it would have been possible to develop more neutral questions and generalise a few of my findings. Also I would have sought collaboration earlier with experts on public security and the police in Costa Rica. This could have at times prevented my modest reinvention of the wheel. Furthermore, it might have adapted certain socially desirable questions of the two questionnaires. For the police questionnaire, I would have spent more time developing the questions and sought for possibilities to semi-stratify the sample. Also, in order to facilitate a stronger comparison with the statement section of the citizen questionnaire, I would have conducted the police questionnaire orally. Because I developed the citizen questionnaire after finishing the police questionnaire, I feel that my experiences with the former improved the quality of the latter.

Furthermore, if I had known in 2002 what I have learned over the last few years, I might have considered selecting different case studies. Even though the police human

rights strategies; police selection and training, the development of police expertise, police accountability and community policing, were important to consider, the selection of others, such as; gender and equality policies or ethical codes, might have been less obvious. During my research these two police human rights strategies had only recently been implemented, and therefore at the time I felt it too difficult to study their effect. Possibly, in relation to human rights and security in Latin America, I would have focused on two contemporary developments; the increasing privatisation of security and the skyrocketing incarceration rates, thereby especially concentrating on the role of private security and prison guards in protecting human rights.

Nonetheless, because of the public security context, the human rights situation and its fragmented police system, Costa Rica has been a unique and atypical country to study. On the one hand, Costa Rica is one of the few countries in Latin America, which has not recently suffered from authoritarianism, has no army, has a strong human rights record and is a stable democracy. Therefore comparing human rights related police reform to societies in the rest of the region is challenging. On the other hand, I have argued that public security and police reform in Costa Rica is not as inherently different as is sometimes assumed. In order to contextualise my study, future research about the implementation of human rights within the police in Latin America should consider evaluating police human rights strategies in societies like Chile, Uruguay and Panama, which are also no longer in transition towards democracy.

SUMMARY

Over the last few decades, human rights related public security and police reform has been implemented within Latin America. Most states initiated this as part of a larger effort to transform from an authoritarian form of government to democracy. Public security instead of national security was to become the main objective of law enforcement agencies in the region. Other objectives included; the need to deal with rising crime and violence rates, high citizens' feelings of insecurity, to reduce police involvement in human rights violations and to professionalise policing. Even though there is some empirical research on public security and police reform in transitional societies in Latin America, little is known about its impact on non-transitional societies. Transitional societies are states that are in transition from a totalitarian and/or authoritarian rule to democracy, whereas non-transitional states are consolidated, established democracies, in which change tends to be more gradual. Because Costa Rica is a non-transitional society in Latin America that during the 1990s and early in the 2000s initiated widespread public security and police reform, I selected this country as the focus of my study.

My central research question is: How do the police of a non-transitional society in Latin America respond to the implementation of human rights? Hence, I evaluate how human rights related police reform was implemented within a national police system and urban police units, and how law enforcement officials responded. On the basis of qualitative and quantitative data that I collected during fieldwork periods between 2003 and 2006, I discuss public security and police reform trends in Costa Rica; with a special focus upon the effect of several police human rights strategies within the national police system and police units of the Public Force in San José.

In total there are nine chapters in my book. The introduction is followed by a theoretical chapter, two contextual chapters, four empirical chapters and a final reflective chapter. By reviewing the literature, I introduce the key concepts of my book in chapter 2. Chapters 3 and 4 provide the socio-political and institutional background for my thesis. The effect of implementing human rights within the Costa Rican police is considered in chapters 5, 6, 7 and 8. Hence, on the basis of key police human rights themes, I have selected several case studies of police human rights strategies. The themes these case studies illustrate are; police preparation (selection and training), strengthening law enforcement, police accountability and community policing. Each chapter discusses the implementation of the police human rights strategies within the national police system and urban police units. All four begin with an introduction of the case studies. This is followed by a discussion of the relevant socio-political and institutional factors. In the final sections of each chapter, the effect of the police

human rights strategies is discussed in terms of law enforcement official compliance or resistance to human rights. In the last chapter I reflect upon the preceding analysis.

On the basis of a literature review, chapter 2 considers the following concepts; human rights implementation, the police, police human rights strategies, public security and police reform in Latin America and Costa Rica. From a socio-legal perspective, human rights implementation influences social behaviour. The objective is to have people comply with the norms, standards and/or values that human rights law portrays. Over the last two decades the promotion and protection of human rights related to law enforcement has developed. Police human rights strategies are special laws, regulations, public policies, programmes, or projects developed by the state to implement human rights law. As a result of the social change they generate, law enforcement officials are directly or indirectly stimulated to comply with human rights norms, values and/or standards. By introducing police human rights strategies such as police accountability mechanisms or human rights training into the social context of police officers, the state seeks to influence their behaviour in terms of compliance with human rights. Moore (1973) conceptualises this level on which people operate and interact as semi-autonomous fields that are defined by their boundaries and their ability to create rules and induce compliance to them. Simultaneously, semi-autonomous fields are affected by outside stimuli, such as, for example, formal laws. In my study I focus upon the implementation of police human rights strategies within the semi-autonomous fields of the 'police system' and 'police units'. Obviously, the police human rights strategies are not the only external factors that influence these social fields in which police officers operate. Indirectly, socio-political and institutional factors also play a role.

Throughout the last two decades, public security and police reform was implemented within Latin America. Common motives were depoliticisation, demilitarisation, the improvement of citizen security and the reduction of crime and violence rates. In order to break with their authoritarian past, states wanted to separate their national security doctrines from public security. Public security is defined as the responsibility of states to maintain public order, to protect democratic institutions as well as society, to prevent and repress crime by means of public policy, others acts, the criminal justice system and the police; all while respecting the rule of law and human rights. Despite the initiation of public security and police reform, democratically elected governments in Latin America continue to have difficulties controlling police abuse of power.

An outline of the political culture and societal developments in Costa Rica provide the background for the rest of the book. The political system is characterised by a centralised approach to government, institutional fragmentation, a strong support for the rule of law and democratic values. Currently, traditional bi-partisanship is being challenged by new political parties. Although, less extreme than in the rest of the region, corruption and clientelism is part of political culture. Contemporary societal concerns are raising crime and violence rates, increased inequality and migration. Despite their relatively strong regional socio-economic position many Ticos (a nickname for Costa Ricans) consider the country to be in a developing state. Neo-liberal reforms

appear to have favoured the elites. This, in combination with economic reform and the reduced role of the state, has caused friction throughout large parts of society.

In chapters 3 and 4, I discuss the regional, social-political and institutional context in which public security and police reform was implemented. Even though Costa Rica has been a stable democracy since the late 1940s, the development of its state security forces was similar to surrounding countries. As in the rest of Central America, law enforcement was strongly politicised and had repressive tendencies. Due to its democratic legacy and the non-existence of an army, the main difference between Costa Rica and El Salvador, Guatemala, Honduras, Nicaragua and Panama was that policing in Costa Rica had been under complete civilian rather than military rule. During the 1990s, because of political transformation and in response to rising insecurity feelings and crime and violence rates, most Central American nations initiated public security and police reform. Traditionally, security was not a topic in Costa Rican socio-political discourse. Since the last civil war in 1948, successive democratically elected governments have allocated their resources to education and health rather than security. This preference, in combination with the state's respect for human and constitutional rights, has turned Costa Rica into an atypical country within the region.

Chapter 4 considers the checks and balances of Costa Rica's fragmented public security system. Historically strong, but dispersed, civil-political control was exercised by several different ministers. In the early 1990s, due to the fragmented organisation of public security, the military and a repressive style of policing, police involvement in the abuse of authority, poor labour conditions and the lack of labour stability and professionalism, the Legislative Assembly proposed a new police code that marked the beginning of reform within the public security system. This process is often referred to as the professionalisation of policing. Despite the Minister of the Interior, the Police and Public Security having to share power with other political entities, from an operational perspective the minister is the main actor in charge of public security. This includes Costa Rica's largest preventive police force; the 'Public Force'. Societal perceptions of the Public Force are somewhat ambiguous. Ticos do not fear their police forces, but are somewhat sceptical about their effect they and their involvement in corruption. Politicians and citizens alike are concerned with the limited availability of financial and human resources for public security. Therefore, efforts to supplement resources with international bi-lateral police cooperation and the private security guards enjoy support. Yet, at the same time citizens are concerned about the kind of international police assistance that is being offered and the increasing privatisation of security. Costa Ricans feel that public security should primarily remain the responsibility of the state.

With the police selection and training, the Costa Rican government attempts to enhance professionalism within the police system and urban police units. Primarily by concentrating on institutional and socio-political factors, chapter 5 reviews the delays in their effectuation. This situation is symbolised by the fact that almost a decade after reform was initiated, only a minority of the Public Force consists of professional police officers. Professional police officers are law enforcement officials who have passed

the 'new' basic police training course and have become part of the police labour statute that guarantees a higher salary, career opportunities and labour stability. Most of their experienced colleagues are traditional police officers who do not benefit from the changes that these reforms are bringing. Perhaps the greatest paradox is that professional police officers are mostly found among the rank and file and police hierarchs continue to be politically appointed. To a certain extent, this duality within the police system explains why law enforcement officials, on the one hand, are increasingly compliant with the changes that police selection and training are generating; but on the other, proceed to relate to the pre-1994 *confianza* system of political cronyism. The delays in the implementation of police selection and training are predominantly caused by a lack of resources, planning, consistent political commitment and support from senior police leaders.

Chapter 6 reviews police human rights strategies, which emphasised the importance of developing and reinforcing police legal expertise within the police system and urban police units. Police legal training strengthens the basic legal knowledge of law enforcement officials, whereas police lawyers (also known as *alpha limas*), give specialised legal advice to police officers. In terms of strengthening police officers' awareness about the rule of law, the effect of these two police human right strategies is noticeable in Costa Rica. However, long-term socio-political and institutional commitment to their implementation proves to be challenging. Police lawyers are playing a role in improving the quality of law enforcement and in cooperating with other actors in the criminal justice system; yet, what is most important is developing police leadership's sustained support for police legal expertise and to teach the entire Public Force, not only professional police officers, the basics of Costa Rican law. At the police system and urban police unit level, some rank and file police officers resist the changes that the development of police legal expertise generates. Because police lawyers are believed to interfere with the familiar way of working, they are boycotted by many police officers. At the police station level, compliance with the informal codes of police culture guarantees, especially for traditional police officers, continuity and stability.

The main focus of chapter 7 is the police officers' perspective on the process of being held accountable. Police accountability mechanisms are police human rights strategies that implement police accountability. There are legal and non-legal police accountability mechanisms, which function externally or internally to the police organisation. According to law enforcement officials of the Public Force, internal accountability mechanisms such as internal disciplinary proceedings, the police chief and peer control were the most important. External accountability mechanisms such as the criminal justice system or the Ombudsman's Office were considered to be less relevant. Furthermore, in Costa Rica, police accountability has a punitive character that is focused upon the rank and file police officers. Even though politicians and police leaders are more or less committed to holding police officers accountable, there are several factors that impede this process; the bureaucracy of the Ministry of Public Security, the strong hierarchal structure of the Public Force, the lengthy duration of

investigations, the lack of resources and changing political priorities. Because internal, legal, accountability mechanisms have priority over external accountability mechanisms, the involvement of citizens in the process of holding police officers accountable is modest.

Police human rights strategies that implement community policing in Costa Rica are discussed in chapter 8. During successive phases of government, both the community security programme and the proximity policing programme emphasised citizen participation in local level policing, a preventive approach to law enforcement and the decentralisation of the police organisation. The community security programme is executed by the Community Security Department of the Ministry of Public Security, in close cooperation with local partners such as the local community affairs police officer, the police unit chief and the citizen security committees. The proximity policing programme is realised by senior police leaders, who are assisted by the police unit chiefs and the proximity policing police officers, in collaboration with the Community Security Department and the community affairs police officer. Despite the important role of the central government, its long-term commitment towards community policing programmes has been restrained. On a large scale citizens have been sensitised about community policing. Yet they do not have a real say in policing at the local level. This is related to the small number of citizens who are willing to stay involved, the raised public expectations of local policing and the power relationships between citizens and the police. Although police officers are open towards some of the changes that the community security and the proximity policing programme are creating, they feel that community policing is primarily the responsibility of the community affairs police officer and/or the police unit chief.

In chapter 9, I reflect upon my exploration into the implementation of human rights within the Costa Rican police, thereby focusing upon the socio-political and institutional context of a non-transitional society in Latin America. Because Costa Rica has implemented almost the entire international framework of human rights within its national legislation, from a human rights perspective it appears to be a model state. Since the 1990s, human rights related police reform has been introduced within the national police system and urban police units through special laws, regulations, programmes or projects. Yet these police human rights strategies seemed to have lacked sufficient preparation and implementation plans.

Throughout the last decade, public security and police reform in transitional and non-transitional Central American societies has been comparable. Despite relatively low crime and violence rates, political and socio-economic stability and not having an army, citizen perception of public security and the police in Costa Rica has been similar to El Salvador, Guatemala, Honduras, Nicaragua and Panama. Therefore, even though crime and violence rates between transitional and non-transitional societies in Central America vary, I question whether this relates to citizen perception of public security and the police as an institution.

The paradoxes of Costa Rican public security are that despite widespread reform, fundamental characteristics of the pre-1994 public security system, such as its frag-

mented organisation, the strong civil-political control and the lack of resources, persist. Neither politicians nor citizens seem to understand or support the underlying conditions through which the Public Force might function very differently than it traditionally has. Therefore, I conclude that public security and police reform has led to some, but not to many, significant changes in the Costa Rican approach to security. Due to socio-political and institutional factors, the effect of implementing police human rights strategies on police officers' compliance with human rights has been modest. Several of the selected police human rights strategies are in the process of being fully implemented within the police system and urban police units.

Ultimately, the way in which the police system and urban police units function influences how police officers relate to police human rights strategies. The semi-autonomous field of the police system is characterised by its fragmentation, its duality, the strong civil-political control, hierarchical structures and labour instability. What the police system is and what it should be according to law diverges. The police professional and the *confianza* systems are simultaneously operating and affecting professional and traditional police officers alike. As semi-autonomous fields, police units of the Public Force in San José are characterised by their strong hierarchical structure, frequent transferrals of key actors, reliance on specialised staff and police cultural practice.

The effect of the police's human rights strategies upon police officers' compliance with human rights is that the officers are becoming sensitised to the role that human rights fulfils in policing. Due to the implementation of police human rights strategies within the semi-autonomous fields of the police system and police units, it is more difficult now than it has been in the past to resist the long-term influence of these formal laws. Whether, and to what extent, law enforcement officials related to police human rights strategies depended on several factors. Firstly, the extent to which the police human rights strategies had been implemented. Secondly, the distinction between which police human rights strategies law enforcement officials perceived as their responsibility and which they did not. Thirdly, how police officers related to police human rights strategies depended on whether the respondents were professional or traditional police officers, their educational level and their experience, i.e. kind of position and number of years in the Public Force. Fourthly, in relation to police human rights strategies the role of the police leadership was crucial.

By determining the effect of police human rights strategies, I have explored whether the implementation of formal human rights law relates to change in the social systems in which law enforcement officials operate. As a result of introducing police human rights strategies, police officers within the Costa Rican police system and urban police units are increasingly stimulated to comply with the norms, standards and/or values that human rights portray. Yet they also resist the kind of change they generate. To police officers, the Public Force slogan, 'We Are Here to Serve You!', reflects how law enforcement should be, but it does not correspond with police perception of reality.

SAMENVATTING (SUMMARY IN DUTCH)

De afgelopen twintig jaar is in Latijns-Amerika het openbare veiligheids- en het politiesysteem onderworpen aan hervormingen op het gebied van mensenrechten. In de meeste staten waren deze hervormingen onderdeel van een poging tot transformatie van een autoritaire regeringsvorm naar een democratie. Zo moest voor rechtshandhavers in de regio de openbare veiligheid in plaats van de nationale veiligheid het belangrijkste worden. Andere doelstellingen waren onder meer de noodzaak om stijging van misdaad- en geweldsstatistieken aan te pakken, de betrokkenheid van de politie bij mensenrechtenschendingen te verminderen en het politiewerk te professionaliseren.

Hoewel er empirisch onderzoek is verricht naar de hervorming van de openbare veiligheid en de politie in transitie-samenlevingen in Latijns-Amerika, is er maar weinig bekend over de invloed die dit heeft gehad in niet-transitie-samenlevingen. Met ‘transitie-samenlevingen’ worden die maatschappijen bedoeld die zich in de overgang bevinden van een totalitair en/of autoritair bestuur naar een democratie. Terwijl ‘niet-transitie-samenlevingen’ maatschappijen zijn, waar sinds langere tijd een democratie is gevestigd en waar veranderingen meestal geleidelijk plaatsvinden. Omdat Costa Rica een niet-transitie-samenleving is, waarbinnen de afgelopen decennia hervormingen in het openbare veiligheids- en het politiesysteem zijn geïmplementeerd, heb ik mijn onderzoek op dit Latijns-Amerikaanse land toegespitst.

De centrale onderzoeksvraag is: Hoe reageert de politie van een niet-transitie-samenleving in Latijns-Amerika op de implementatie van mensenrechten? Ik evalueer hoe mensenrechten gerelateerde hervormingen worden ingevoerd binnen een nationaal politiesysteem, haar stedelijke politie-eenheden en hoe rechtshandhavers dit ervaren. Op basis van kwalitatieve en kwantitatieve gegevens die ik tussen 2003 en 2006 heb verzameld tijdens verschillende veldwerk-periodes, bespreek ik de tendensen in de hervormingen. De nadruk ligt op het effect van verschillende politie-mensenrechtenstrategieën op het nationale politiesysteem en de politie-eenheden van de *Fuerza Pública* in San José.

Mijn boek bestaat uit negen hoofdstukken. Na de inleiding volgt een theoretisch hoofdstuk, twee hoofdstukken die de context schetsen, vier empirische hoofdstukken, en een afsluitend beschouwend hoofdstuk. Op basis van de literatuur wordt in hoofdstuk 2 een aantal sleutelconcepten geïntroduceerd. In de hoofdstukken 3 en 4 wordt de sociaal-politieke en institutionele context voor dit proefschrift geschetst. Het effect van de implementatie van mensenrechten binnen de Costa Ricaanse politie wordt bekeken in de hoofdstukken 5, 6, 7 en 8. Op basis van enkele politie- en mensenrechten thema’s heb ik een aantal casestudies van politie-mensenrechtenstrategieën uitgekozen. De thema’s die door deze casestudies worden weergegeven zijn onder meer politie-

selectie en -training, de verantwoordelijkheid en de aansprakelijkheid van politieagenten ('*accountability*'), de versterking van de rechtshandhaving en gebiedsgebonden politiewerk ('*community policing*'). Ieder hoofdstuk bespreekt de implementatie van de politie-mensenrechtenstrategieën binnen het nationale politiesysteem en binnen de eenheden van de stadspolitie van San José. Alle vier de hoofdstukken beginnen met een inleiding op de casestudies. Vervolgens bespreek ik de relevante sociaal-politieke en institutionele factoren. In de slotparagrafen van ieder hoofdstuk wordt het effect van politie-mensenrechtenstrategieën bekeken. Onder effect wordt verstaan de naleving of weerstand tegen mensenrechten door rechtshandhavers. In het laatste hoofdstuk beschouw ik de voorafgaande analyse.

In hoofdstuk 2 worden op grond van een literatuuroverzicht de volgende concepten geïntroduceerd; de implementatie van mensenrechten, de politie, politie-mensenrechtenstrategieën, openbare veiligheid, en de hervorming van de politie in Latijns-Amerika en in Costa Rica. Vanuit een sociaal-juridisch oogpunt beïnvloedt de implementatie van mensenrechten het maatschappelijke gedrag. Het doel is dat mensen in toenemende mate mensenrechtelijke normen, standaarden en/of waarden gaan naleven. In de afgelopen twintig jaar heeft de bevordering en bescherming van de mensenrechten ten aanzien van rechtshandhaving zich ontwikkeld. Politie-mensenrechtenstrategieën bestaan uit bijzondere wetten, regelingen, overheidsbeleid, programma's of projecten die door de staat zijn ontwikkeld om mensenrechten te implementeren. Als gevolg van de maatschappelijke veranderingen die deze strategieën voortbrengen, worden rechtshandhavers direct of indirect gestimuleerd om mensenrechtelijke normen, waarden en/of standaarden na te gaan leven. Door de invoering van politie-mensenrechtenstrategieën, zoals bijvoorbeeld mensenrechtentrainingen, binnen de sociale context waarin politieagenten opereren, probeert de staat hun gedrag te beïnvloeden. Moore (1973) conceptualiseert dit niveau waarop mensen handelen en met elkaar omgaan als 'semi-autonome velden' die worden gedefinieerd door hun grenzen en hun vermogen om 'eigen' regels op te stellen en tot naleving daarvan aan te zetten. Tegelijkertijd worden semi-autonome velden beïnvloedt door prikkels van buitenaf, zoals bijvoorbeeld de formele wetgeving. In mijn onderzoek richt ik mij op de implementatie van politie-mensenrechtenstrategieën binnen de semi-autonome velden van het 'politiesysteem' en de 'politie-eenheden'. Uiteraard zijn de politie-mensenrechtenstrategieën niet de enige externe factoren die invloed hebben op deze sociale velden. Indirect spelen sociaal-politieke en institutionele factoren ook een rol in de semi-autonome velden waarin politieagenten opereren.

De afgelopen decennia zijn diverse hervormingen geïmplementeerd binnen het openbare veiligheids- en het politiesysteem in Latijns-Amerika. Motieven waren depolitisering, demilitarisering, de verbetering van de veiligheid van de burger, en het terugdringen van misdaad- en geweldsstatistieken. Om een breuk met hun autoritaire verleden te bewerkstelligen, wilden regeringen hun nationale veiligheids- en hun openbare veiligheidsdoctrines scheiden. 'Openbare veiligheid' wordt gedefinieerd als de verantwoordelijkheid van staten om de openbare orde te handhaven, de democratische instituten en de maatschappij te beschermen, en om misdaad te voorkomen en te

bestrijden door middel van overheidsbeleid, andere handelingen, het strafrechtelijke systeem en de politie; dit alles met inachtneming van de beginselen van de rechtsstaat en de mensenrechten. Ondanks de hervormingen blijven de democratisch gekozen regeringen in Latijns-Amerika moeite houden met het beheersen van machtsmisbruik door de politie.

Een schets van de politieke cultuur en de maatschappelijke ontwikkelingen in Costa Rica geeft de achtergrond weer voor dit boek. Het politieke systeem wordt gekenmerkt door een centralistische benadering, institutionele fragmentarisering en sterke steun voor de rechtsstaat en de democratie. Door de opkomst van nieuwe politieke partijen ligt het traditionele tweepartijstelsel onder vuur. Hoewel de situatie minder extreem is dan in andere Latijns-Amerikaanse landen, zijn corruptie en cliëntelisme onderdeel van de politieke cultuur. De stijgende misdaad- en geweldsstatistieken, de toename van zowel sociale als economische ongelijkheid en de immigratie baren zorgen. Ondanks hun relatief sterke sociaal-economische positie, vinden veel Ticos (een bijnaam voor Costa Ricanen) dat hun land zich in een ontwikkelingsfase bevindt. Neoliberaal beleid lijkt vooral gunstig uitpakend te hebben voor de elites. Economische hervormingen en de terugtrekkende rol van de staat lijden in grote delen van de samenleving tot wrijving.

In de hoofdstukken 3 en 4 bespreek ik het regionale, sociaal-politieke en institutionele kader waarbinnen de hervormingen van het openbare veiligheids- en het politieke systeem werden uitgevoerd. Hoewel Costa Rica al sinds het einde van de jaren veertig een stabiele democratie is, ontwikkelde de staatsveiligheid zich op een vergelijkbare manier als in de omringende landen. Net als in de rest van Centraal-Amerika was de rechtshandhaving sterk gepolitiseerd en had het repressieve kenmerken. Vanwege de democratische traditie en de afwezigheid van een leger was het voornaamste verschil tussen Costa Rica aan de ene kant en El Salvador, Guatemala, Honduras, Nicaragua en Panama aan de andere kant dat de politie in Costa Rica altijd onder burgerlijk gezag had gestaan in plaats van onder militair gezag. Vanwege politieke omwentelingen en in reactie op toenemende gevoelens van onveiligheid en de stijgende misdaad- en geweldsstatistieken, zetten de meeste Centraal-Amerikaanse landen gedurende de jaren negentig hervormingen in gang. Van oudsher was veiligheid geen thema in het Costa Ricaanse politieke debat. Sinds de laatste burgeroorlog in 1948 hebben opeenvolgende democratisch gekozen regeringen hun middelen eerder aangewend voor onderwijs en gezondheidszorg dan voor veiligheid. Deze voorkeur, in combinatie met de democratische traditie en het respect van de staat voor grondrechten, heeft van Costa Rica een land gemaakt dat niet bijzonder representatief is voor de regio.

In hoofdstuk 5 worden de *'checks and balances'* van het Costa Ricaanse openbare veiligheidssysteem onder de loep genomen. Het van oudsher sterke, maar verbrokkelde gezag wordt uitgeoefend door verschillende ministers. Vanwege de gefragmentariseerde organisatie van het openbare veiligheidssysteem, de repressieve aanpak van de rechtshandhaving, de betrokkenheid van de politie bij machtsmisbruik, slechte arbeidsomstandigheden, en een gebrek aan werkzekerheid en professionaliteit, stelde het parlement in 1994 een nieuwe politiewet voor die het begin inluidde van de

hervormingen. Dit proces wordt vaak aangeduid als de ‘professionalisering van de politie’. Hoewel de Minister van Binnenlandse Zaken, Politie en Openbare Veiligheid (‘Minister van Openbare Veiligheid’) het gezag moet delen met andere politieke actoren, is deze minister vanuit operationeel oogpunt de voornaamste politicus met zeggenschap over de openbare veiligheid, met inbegrip van Costa Rica’s grootste preventieve politiemacht, de ‘*Fuerza Pública*’. De manier waarop door de samenleving tegen de *Fuerza Pública* aan wordt gekeken, is ambivalent te noemen. Ticos kennen geen angst voor de politie, maar zijn wel sceptisch over hun effectiviteit en hun betrokkenheid bij corruptie. Zowel politici als burgers maken zich zorgen over de beperkte beschikbaarheid van financiële en personele middelen. Daarom ondervinden plannen om deze aan te vullen met internationale politiesamenwerking en particuliere beveiliging steun. Tegelijkertijd maken burgers zich zorgen over het karakter van internationale politiesamenwerking en de toenemende privatisering van veiligheid. Costa Ricanen zijn van mening dat de openbare veiligheid in eerste instantie een verantwoordelijkheid van de staat moet blijven.

Door middel van politie selectie en training probeert de Costa Ricaanse overheid de professionaliteit binnen het nationale politiesysteem en de stedelijke politie-eenheden te versterken. Met de nadruk op institutionele en sociaal-politieke factoren wordt in hoofdstuk 5 de vertragingen in de implementatie van deze twee politiemensenrechtenstrategieën besproken. Symbool voor deze situatie is dat bijna tien jaar na het begin van de hervormingen nog maar een minderheid van de *Fuerza Pública* uit professionele politieagenten bestaat. ‘Professionele’ politieagenten zijn rechtshandhavers die de ‘nieuwe’ basistraining voor de politie hebben doorlopen en betere arbeidsvoorwaarden, zoals een hoger salaris, carrièremogelijkheden en werkzekerheid, genieten. De meeste van hun ervaren collega’s zijn ‘traditionele’ politieagenten die niet profiteren van de veranderingen die deze hervormingen teweeg brengen.

De grootste tegenstelling is misschien wel dat professionele politieagenten zich voornamelijk bevinden onder de ‘*rank and file*’, terwijl benoemingen hoger in de politieorganisatie nog steeds politiek zijn. Deze dualiteit binnen het politiesysteem verklaart tot op zekere hoogte waarom rechtshandhavers zich aan de ene kant meer en meer houden aan de veranderingen die voortkomen uit politie-mensenrechtenstrategieën, maar aan de andere kant zich blijven identificeren met het oude cliëntelistische ‘*confianza*-systeem’. De vertragingen in de implementatie van de selectie en training van politiemensen worden hoofdzakelijk veroorzaakt door een gebrek aan middelen, planning, constante politieke steun, en betrokkenheid van de politietop.

Hoofdstuk 6 behandelt de politie-mensenrechtenstrategieën die het ontwikkelen en versterken van de juridische expertise binnen het politiesysteem en de stedelijke politie-eenheden benadrukken. Het trainen van de juridische vaardigheden van de politie versterkt de basiskennis van rechtshandhavers, terwijl politiejuristen (ook wel ‘*alpha limas*’ genoemd) juridisch advies geven aan politieagenten. In termen van het bewustzijn van politieagenten van de beginselen van de rechtsstaat is het effect van deze twee politie-mensenrechtenstrategieën waarneembaar. Op de lange termijn blijkt sociaal-politieke en institutionele steun aan hun implementatie een uitdaging te zijn.

Het belangrijkste is steun te realiseren aan de kant van de politietop en om de gehele *Fuerza Pública*, niet alleen de professionele politieagenten, de beginselen van het Costa Ricaanse recht bij te brengen. Op het niveau van het politiesysteem en van de stedelijke politie-eenheden bestaat bij de *rank en file* weerstand tegen de veranderingen die juridische deskundigheid binnen de politie teweegbrengen. Omdat de overtuiging heerst dat politiejuristen de vertrouwde werkwijze belemmeren, worden ze door veel politieagenten geboycot. Op het niveau van de politie-eenheden wordt het werken in overeenstemming met de informele codes van de organisatiecultuur, vooral door traditionele politieagenten, ervaren als een garantie voor continuïteit en stabiliteit.

Hoofdstuk 7 spitst zich toe hoe politieagenten van de *Fuerza Pública* het *accountability* proces beleven. *Accountability*-mechanismen bestaan uit politie-mensenrechtenstrategieën die verantwoordelijkheid en aansprakelijkheid implementeren. Er bestaan zowel juridische als niet-juridische *accountability*-mechanismen die ofwel intern ofwel extern aan de politieorganisatie functioneren. Volgens rechtshandhavers, zijn de interne *accountability*-mechanismen, zoals interne tuchtprocedures, de politiechef en controle door collega's, het belangrijkste. Externe *accountability*-mechanismen, zoals het strafrechtelijk systeem of de Ombudsman, werden als minder relevant ervaren. Bovendien heeft *accountability* in Costa Rica een bestraffend karakter dat met name gericht is op de *rank and file*. Ondanks het feit dat politici en de politietop *accountability* ondersteunen, zijn er verschillende factoren aan te wijzen die het proces belemmeren; de bureaucratie van het Ministerie van Openbare Veiligheid, de sterk hiërarchische organisatie van de *Fuerza Pública*, de lange periodes die de onderzoeken in beslag nemen, het gebrek aan middelen, en veranderende politieke prioriteiten. Omdat interne, juridische *accountability*-mechanismen voorrang hebben boven externe *accountability*-mechanismen, is de betrokkenheid van burgers bij het *accountability* proces bescheiden.

In hoofdstuk 8 worden politie-mensenrechtenstrategieën besproken, die *community policing* in Costa Rica implementeren. Opeenvolgende regeringen hebben met het *seguridad comunitaria* programma ('burgerveiligheidsprogramma') en het *policía proximidad* programma ('politie-nabijheidsprogramma') de nadruk gelegd op het betrekken van de burger bij lokaal politiewerk, op een preventieve benadering van rechtshandhaving, en op de decentralisatie van de politieorganisatie. Het burgerveiligheidsprogramma wordt uitgevoerd door de Afdeling Burgerveiligheid van het Ministerie van Openbare Veiligheid, in nauwe samenwerking met lokale partners, zoals de plaatselijke *community policing* politieagent, het hoofd van de politie-eenheid, en de burgerveiligheidscomités. Het politie-nabijheidsprogramma wordt uitgevoerd door de politietop, die wordt bijgestaan door de hoofden van de politie-eenheden en politieagenten. Zij zijn op hun beurt weer speciaal verantwoordelijk voor het politie-nabijheidsprogramma. Allen werken samen met de Afdeling Burgerveiligheid en de *community policing* agenten. Ondanks de belangrijke rol van de centrale overheid in de implementatie van de twee *community policing* programma's, is diezelfde overheid terughoudend gebleken in haar steun op de lange termijn. Burgers zijn op grote schaal bewust gemaakt van *community policing*, maar hebben desalniettemin geen echte

inspraak in lokaal politiewerk. Dit heeft onder meer te maken met het geringe aantal burgers dat bereid is om betrokken te blijven, de gewekte publieke verwachtingen, en de gezagsrelaties tussen burgers en de politie. Hoewel politieagenten openstaan voor een aantal veranderingen die het burgerveiligheidsprogramma en het politiebijheidsprogramma teweegbrengen, zijn ze toch van mening dat *community policing* vooral de verantwoordelijkheid is van de *community policing* politieagent en/of het hoofd van de politie-eenheid.

In hoofdstuk 9 wijd ik enkele beschouwingen aan de implementatie van mensenrechten binnen de Costa Ricaanse politie en leg daarbij de nadruk op de sociaal-politieke en institutionele context van een niet-transitiesamenleving in Latijns-Amerika. Omdat Costa Rica bijna alle internationale mensenrechten verdragen heeft geratificeerd, lijkt het een modelstaat te zijn. Sinds de jaren negentig zijn mensenrechtengerelateerde hervormingen binnen het nationale politiesysteem en de stedelijke politie-eenheden doorgevoerd middels bijzondere wetten, regelingen, programma's en/of projecten. Het lijkt er echter op dat het de implementatie van deze politie-mensenrechtenstrategieën heeft ontbroken aan voldoende voorbereiding en planning.

In de afgelopen tien jaar zijn de hervormingen van de openbare veiligheid en de politie in zowel transitie- als een niet-transitiesamenlevingen in Centraal-Amerika vergelijkbaar geweest. Ondanks betrekkelijke lage misdaad- en geweldsstatistieken, politieke en sociaal-economische stabiliteit en de afwezigheid van een leger, is de perceptie die de Costa Ricaanse burger heeft van de openbare veiligheid en de politie min of meer gelijk aan die in El Salvador, Guatemala, Honduras, Nicaragua en Panama. Dit is de reden dat ik me afvraag of, ondanks het feit dat de misdaad- en geweldsstatistieken verschillen in transitie- en niet-transitiesamenlevingen, dit te maken heeft met de perceptie van burgers.

De tegenstellingen met betrekking tot de openbare veiligheid in Costa Rica bestaan er uit dat, ondanks de wijdverbreide hervormingen, een aantal fundamentele kenmerken van het openbare veiligheidssysteem, zoals de gefragmentariseerde organisatie ervan, de sterke burgerpolitieke controle en het gebrek aan middelen, blijven voortbestaan. Noch politici, noch burgers lijken de onderliggende voorwaarden te begrijpen of te steunen die er voor zouden kunnen zorgen dat de *Fuerza Pública* geheel anders zou kunnen functioneren dan in het verleden het geval was. Mijn conclusie is daarom dat de hervormingen hebben geleid tot enkele, maar niet veel, belangrijke veranderingen in de Costa Ricaanse benadering ten aanzien van de openbare veiligheid en de politie. Mede vanwege sociaal-politieke en institutionele factoren is het effect van de implementatie van politie-mensenrechtenstrategieën op de naleving van mensenrechten door politieagenten slechts bescheiden geweest.

Uiteindelijk beïnvloedt de manier waarop het politiesysteem en de stedelijke politie-eenheden functioneren de wijze waarop politieagenten aankijken tegen politie-mensenrechtenstrategieën. Het semi-autonome gebied van het politiesysteem wordt gekenmerkt door haar fragmentarisering, haar dualiteit, de sterke burgerpolitieke controle, hiërarchische structuren, en een gebrek aan arbeidsstabiliteit voor politieagenten. Wat het politiesysteem is en wat het volgens de wet zou moeten zijn, loopt

uiteen. Het professionele politiesysteem en het *confianza*-systeem opereren nu naast elkaar en hebben gevolgen voor zowel de professionele politieagenten als de traditionele politieagenten. Als semi-autonome gebieden worden de politie-eenheden van de *Fuerza Pública* in San José gekenmerkt door een sterk hiërarchische organisatie, frequente overplaatsing van belangrijke actoren, het terugvallen op gespecialiseerd politieagenten, en de praktijk van de politiecultuur.

Het effect van politie-mensenrechtenstrategieën op de naleving van de mensenrechten door politieagenten is dat zij zich bewust worden van de rol die mensenrechten spelen in dagelijks politiewerk. Vanwege de implementatie van politie-mensenrechtenstrategieën in de semi-autonome velden van het politiesysteem en de politie-eenheden is het nu moeilijker dan in het verleden om de langetermijinvloeden van deze formele wetten te weerstaan. Of, en zo ja in welke mate, de rechtshandhavers oog hadden voor politie-mensenrechtenstrategieën was afhankelijk van verscheidene factoren, namelijk in de eerste plaats de mate waarin politie-mensenrechtenstrategieën waren geïmplementeerd, in de tweede plaats van het onderscheid tussen welke politie-mensenrechtenstrategieën door rechtshandhavers werden beschouwd als hun verantwoordelijkheid en welke niet, in de derde plaats of het professionele of traditionele agenten waren en van hun opleidingsniveau en ervaring (hun positie en het aantal jaren dat ze in de *Fuerza Pública* werkzaam waren) en in de vierde plaats de rol van politieleiders.

Door het effect van politie-mensenrechtenstrategieën te bestuderen heb ik onderzocht of de implementatie van formele mensenrechtenwetgeving invloed heeft op de veranderingen in de sociale systemen waarbinnen rechtshandhavers opereren. Als gevolg van de invoering van politie-mensenrechtenstrategieën, worden politieagenten binnen het Costa Ricaanse politiesysteem en de politie-eenheden in San José in toenemende mate gestimuleerd om de normen, standaarden en/of waarden waarvoor mensenrechten model staan na te leven. Toch bieden die ook weerstand aan het soort verandering dat zij teweegbrengen. Voor politieagenten weerspiegelt de slogan van de *Fuerza Pública*, 'Wij Zijn er om U te Dienen!', hoe de rechtshandhaving in elkaar zou moeten zitten, maar het strookt niet met de perceptie die de politie heeft van de werkelijkheid.

RESUMEN (SUMMARY IN SPANISH)

En el transcurso de las últimas décadas se ha puesto en marcha en América Latina una reforma de la seguridad pública y de la policía en relación con los derechos humanos. La mayoría de los estados inició esta reforma como parte de un esfuerzo mayor a favor de la transformación de una forma de gobierno autoritaria en una democracia. La seguridad pública, pero no la seguridad nacional, se convertiría en el principal objetivo de las dependencias encargadas de la aplicación de la ley en la región. Otros objetivos incluían la necesidad de hacer frente a los índices crecientes de criminalidad y violencia, la disminución de la participación de la policía en acciones violatorias de los derechos humanos, y la profesionalización de la policía. A pesar de existir alguna investigación empírica la reforma de la seguridad pública y la policial en sociedades transicionales en América Latina, es poco lo que se conoce acerca de su impacto en las sociedades no-transicionales. ‘Sociedades transicionales’ son aquellos estados que se encuentran en proceso de transición de un gobierno totalitario o, en su defecto, autoritario, a una democracia, mientras que los ‘sociedades no-transicionales’ son democracias consolidadas, establecidas, en las cuales el cambio tiende a ser más gradual.

Como foco de mi estudio he elegido Costa Rica por ser una sociedad no-transicional de América Latina que durante la década de 1990 e inicios del año 2000 puso en marcha una amplia reforma de la seguridad pública y la policía. La pregunta central de mi investigación es la siguiente: ¿Cómo responde la policía de una sociedad no-transicional de América Latina a la puesta en práctica de los derechos humanos? Consecuentemente, mi trabajo consiste en evaluar la puesta en ejecución de la reforma policial referente a los derechos humanos, en un sistema de policía nacional y sus unidades de policía urbanas, y a sus funcionarios a cargo de la aplicación de la ley. Se analizan las tendencias de la reforma de la seguridad pública y la policía en Costa Rica, con base en datos cualitativos y cuantitativos recopilados por mí en el transcurso del trabajo de campo efectuado en el período 2003-2006, con énfasis especial en el efecto producido por ciertas estrategias de derechos humanos para la policía que se pusieron en ejecución en el ámbito del sistema de policía nacional y de las unidades de policía de la Fuerza Pública de San José.

El libro contiene en total nueve capítulos. La introducción va seguida del marco teórico, dos capítulos contextuales, cuatro de investigación empírica y un capítulo final de corte reflexivo. Revisada la literatura correspondiente, en el Capítulo 2 se introducen los conceptos claves del libro. En los Capítulos 3 y 4 se hace un análisis de los antecedentes socio-políticos e institucionales de la tesis. En los Capítulos 5, 6, 7 y 8, se analiza el efecto de la introducción de los derechos humanos en la policía costarricense.

cense. Así, con base en temas claves del ámbito de los derechos humanos en relación con la policía, he seleccionado varios estudios de casos referentes a estrategias de derechos humanos para la policía. Los temas que ilustran los estudios de casos son los siguientes: preparación de la policía (selección y capacitación), la obligación de rendir cuentas por parte de la policía (*'accountability'* policial), fortalecimiento de la aplicación de la ley, y la policía comunitaria (programas de seguridad comunitaria y de la policía de proximidad). Estos capítulos analizan la puesta en ejecución de estrategias de derechos humanos para la policía en el sistema de policía nacional y en las unidades de policía urbanas. La parte inicial de cada capítulo consiste en la introducción del estudio de un caso, y la sección final contiene el análisis de los factores socio-políticos e institucionales relevantes y, del efecto de las estrategias de derechos humanos para la policía en términos del cumplimiento de dichos derechos o, la resistencia a ellos, por parte de los funcionarios a cargo de la aplicación de la ley. El último capítulo contiene una reflexión sobre los análisis de los capítulos precedentes.

De acuerdo con la literatura revisada, el Capítulo 2 incluye los siguientes conceptos: implementación de los derechos humanos, la policía, estrategias de derechos humanos para la policía, la reforma de la seguridad pública, y la policía en América Latina y Costa Rica. Desde la perspectiva socio-legal, la puesta en ejecución de los derechos humanos influye la conducta social. El objetivo es hacer que la gente cumpla con las normas y estándares y, además, o en su defecto, valores que la ley de derechos humanos representa. A lo largo de las dos últimas décadas se ha desarrollado la promoción y protección de los derechos humanos en relación con la aplicación de la ley. Las estrategias de derechos humanos para la policía están constituidas por leyes especiales, regulaciones, políticas públicas, programas o, proyectos desarrollados por el estado con la finalidad de poner en ejecución la ley sobre derechos humanos. Como resultado del cambio social que generan, los funcionarios a cargo de la aplicación de la ley se ven directa o indirectamente estimulados a cumplir con las normas, valores y, además, o en su defecto, estándares de los derechos humanos. Con la introducción de las estrategias de derechos humanos para la policía, tales como la capacitación en derechos humanos en el contexto social de los funcionarios de policía, el estado procura influir la conducta de estos en términos de cumplimiento con los derechos humanos. Moore (1973), conceptualiza este plano en el cual las personas funcionan e interactúan como *'campos semi-autónomos'* definidos por sus fronteras, y por su capacidad de crear reglas e inducir al cumplimiento de ellas. Simultáneamente, los campos semi-autónomos resultan afectados por estímulos externos, tales como, las leyes formales, por ejemplo. El enfoque de este estudio está dirigido a la puesta en ejecución de las estrategias de derechos humanos para la policía en los campos semi-autónomos del *'sistema policial'* y de las *'unidades policiales'*. Obviamente, las estrategias de derechos humanos para la policía no son los únicos factores externos que influyen en estos campos sociales en los que funcionan los funcionarios de policía. Los factores socio-políticos e institucionales también desempeñan un papel indirectamente.

A lo largo de las dos últimas décadas se dio impulso en Latinoamérica a la reforma de la seguridad pública y de la policía. Los aspectos comunes que sirvieron de motivación fueron la despolitización, la desmilitarización, el aumento de la seguridad ciudadana, y la reducción de los índices de criminalidad y violencia. Con el propósito de romper con su pasado autoritario, surgió el interés de los estados por separar de la seguridad pública las doctrinas de la seguridad nacional. Seguridad pública se define como la responsabilidad de los estados de mantener el orden público, de proteger las instituciones democráticas y la sociedad, de prevenir y reprimir la delincuencia por medio de políticas públicas, las acciones de otros, el sistema de justicia penal, y la policía; dentro del respeto al estado de derecho y los derechos humanos. No obstante haberse impulsado la reforma de la seguridad pública y la policía, los gobiernos democráticamente elegidos de América Latina continúan teniendo dificultades en controlar el abuso del poder por parte de la policía.

Un esbozo de la cultura política y de los desarrollos de la sociedad en Costa Rica sirven de antecedentes para el resto del libro. El sistema político se caracteriza por un enfoque centralizado del gobierno, la fragmentación institucional, un decidido apoyo al estado de derecho, y los valores democráticos. Actualmente el bipartidismo tradicional se ha visto desafiado por nuevos partidos políticos. A pesar de ser menos extremos que en el resto de la región, la corrupción y el clientelismo son parte de la cultura política. Las preocupaciones sociales contemporáneas son los crecientes índices de criminalidad y violencia, la creciente desigualdad, y la migración. A pesar de su posición socio-económica regional relativamente fuerte, muchos ticos, diminutivo con el que se hace referencia a los costarricenses, consideran el país en vías de desarrollo. Las reformas neoliberales aparentemente han favorecido a las élites. Esta situación, en combinación con la reforma económica y el papel reducido del estado ha producido una fricción entre grandes segmentos de la sociedad.

En los Capítulos 3 y 4, analizo el contexto regional, socio-político e institucional en el que se da la reforma de la seguridad pública y la policía. A pesar de ser Costa Rica una democracia estable desde finales de 1940, el desarrollo de las fuerzas de seguridad del estado fue similar al de los países vecinos. En forma similar al resto de América Central, la aplicación de la ley se caracterizaba por una fuerte politización con tendencias represivas. Debido a su legado democrático y la ausencia de ejército, la principal diferencia entre Costa Rica y El Salvador, Guatemala, Honduras, Nicaragua, y Panamá es que los servicios de policía en Costa Rica se habían mantenido bajo autoridad civil y no militar. Durante la década de 1990 debido a la transformación política y, en respuesta a los sentimientos de inseguridad e índices de criminalidad y violencia crecientes, la mayor parte de las naciones centroamericanas puso en marcha la reforma de la seguridad pública y la policía. Tradicionalmente, la seguridad no había sido un tema a tratar en el discurso socio-político costarricense. Desde la última guerra civil, en 1948, los sucesivos gobiernos democráticamente elegidos han asignado los recursos a la educación y la salud y no a la seguridad. Esta preferencia, en combinación con el respeto del estado por los derechos humanos y constitucionales ha hecho de Costa Rica un país atípico en la región.

El Capítulo 4 analiza los frenos y contrapesos del fragmentado sistema de seguridad pública de Costa Rica. El control cívico-político, históricamente fuerte, pero disperso, fue ejercido por diferentes ministerios. A principios de la década de 1990, debido a la fragmentada organización de la seguridad pública, el ejército y un estilo represivo de actividad policial, el abuso de autoridad por la policía, a las pobres condiciones laborales, y a la falta de estabilidad laboral y de profesionalismo, la Asamblea Legislativa propuso una nueva Ley General de Policía que marcó el inicio de la reforma en el sistema de seguridad pública. Con frecuencia se hace referencia a este proceso como la ‘profesionalización de la policía’ o la ‘nueva generación de policías’. A pesar de que el Ministerio de Gobernación, Policía y Seguridad Pública (‘Ministerio de la Seguridad Pública’) tienen que compartir el poder con otras entidades políticas, desde una perspectiva operativa le corresponde al Ministro el papel de actor principal a cargo de la seguridad pública. Esto incluye la mayor fuerza policial preventiva de Costa Rica, la ‘Fuerza Pública’. Las percepciones que de la Fuerza Pública tiene la sociedad son en cierto modo ambiguas. Los ticos no le temen a sus fuerzas policiales, pero en cierta medida son escépticos de su efectividad y de su participación en actos de corrupción. Políticos y ciudadanos por igual están concientes de lo limitado de los recursos humanos y financieros destinados a la seguridad pública. Por lo tanto, los esfuerzos por complementarlos con cooperación policial bilateral internacional y con guardas de seguridad privada gozan de apoyo. Sin embargo, a la vez, los ciudadanos están preocupados acerca del tipo de asistencia policial internacional que se está ofreciendo y de la creciente privatización de la seguridad. Los costarricenses sienten que la seguridad pública debería ser primordialmente responsabilidad del estado.

Con la selección y capacitación de la policía, el gobierno costarricense procura aumentar el profesionalismo en el sistema de policía y en las unidades de policía urbanas. Concentrándose principalmente en factores institucionales y socio-políticos, el Capítulo 5 analiza los retrasos que se han presentado en la aplicación de estas medidas. Esta situación se refleja en el hecho de que casi una década después de iniciada la reforma, solo una minoría de la Fuerza Pública está conformada por funcionarios de policía profesionales. ‘Los funcionarios de policía profesionales’ son funcionarios a cargo de la aplicación de la ley que han aprobado el ‘nuevo’ curso básico de capacitación para la policía (‘Curso Técnico Básico Policial’) y forman parte del estatuto de trabajo de la policía (‘Estatuto Policial’) que garantiza una carrera policial, un salario más elevado y estabilidad laboral. La mayor parte de sus colegas experimentados son ‘funcionarios de policía tradicionales’ que no se benefician de los cambios que estas reformas aportan. Quizá la mayor paradoja es que los funcionarios de policía profesionales se cuentan mayormente entre los funcionarios raras, y las jerarquías policiales continúan siendo nombradas políticamente. En cierta medida, esta dualidad en el sistema de policía explica por qué los funcionarios a cargo de la aplicación de la ley, por un lado, cada vez cumplen más con los cambios que generan la selección y la capacitación de la policía, y por otro, siguen identificándose con el sistema de confianza de clientelismo político anterior a 1994. Los retrasos para

la puesta en ejecución de la selección y la capacitación de la policía son causados predominantemente por falta de: recursos, planificación, compromiso político congruente, y apoyo por parte de los líderes de policía tradicional.

El Capítulo 6 analiza las estrategias de derechos humanos para la policía que hace énfasis en la importancia de que se desarrollen y refuercen los conocimientos legales en el sistema de policía y en las unidades de policía urbanas. La capacitación legal de la policía fortalece los conocimientos legales básicos de los funcionarios a cargo de la aplicación de la ley, mientras que los apoyos legales de la policía (también conocidos como ‘*alpha limas*’), dan asesoría legal especializada a los funcionarios de policía. En términos de fortalecer el reconocimiento del principio de derecho, en Costa Rica es notable el efecto de estas dos estrategias de derechos humanos para la policía. Sin embargo, el compromiso a largo plazo socio-político e institucional para su implementación, resulta desafiante. Los apoyos legales de la policía desempeñan el papel de mejorar la calidad de la aplicación de la ley y aportan su cooperación a otros actores en la cadena de la justicia penal; no obstante, lo más importante es desarrollar el apoyo sostenido por parte de los líderes policiales a los conocimientos legales especializados por parte de la policía y, enseñar a la Fuerza Pública entera, no solo a los funcionarios de policía profesionales los aspectos básicos de la ley costarricense. En el ámbito del sistema de policía y de las unidades de policía urbanas, algunos funcionarios de policía rasos oponen resistencia a los cambios que genera el desarrollo de los conocimientos legales en la policía. Debido a que se cree que los apoyos legales de la policía interfieren con la forma de trabajo familiar, son boicoteados por muchos funcionarios de policía. En el ámbito de la estación de policía, cumplir con los códigos informales de la cultura de la policía garantiza continuidad y estabilidad, especialmente para los funcionarios de policía tradicionales.

El Capítulo 7 está dedicado a analizar la perspectiva de los funcionarios de policía en relación con el proceso de ser considerados responsables. Los mecanismos relativos a la *accountability* policial son estrategias de derechos humanos para la policía que ponen en ejecución dicha obligatoriedad por parte de la policía. Existen mecanismos legales y no-legales relativos a la *accountability* policial que funcionan externamente o en el ámbito interno de la organización de policía. De acuerdo con los funcionarios a cargo de la aplicación de la Ley General de Policía, de los mecanismos internos relativos a la *accountability* policial, tales como procedimientos disciplinarios internos, el control del jefe de policía y de la tropa eran los más importantes. Los mecanismos externos relativos a la *accountability* policial, tales como la cadena de justicia penal o la Defensoría de los Habitantes se consideraban de menor relevancia. Adicionalmente, en Costa Rica, la *accountability* policial tiene un carácter punitivo enfocado hacia los funcionarios de policía rasos. A pesar de que los políticos y los líderes policiales están más o menos comprometidos en considerar responsables a los funcionarios de policía, existen diversos factores que impiden este proceso; la burocracia del Ministerio de Seguridad Pública, la fuerte estructura jerárquica de la Fuerza Pública, la larga duración de las investigaciones, la falta de recursos, y las cambiantes prioridades políticas. Debido a que los mecanismos legales internos referentes a la

accountability policial tienen prioridad sobre los mecanismos externos relativos a dicha obligación de la *accountability* policial, la participación de los ciudadanos en el proceso de considerar responsables a los funcionarios de policía es modesta.

Las estrategias de derechos humanos para la policía que implementan la policía comunitaria en Costa Rica se analizan en el Capítulo 8. Durante fases de gobierno sucesivas, tanto el programa de seguridad comunitaria como el programa de la policía de proximidad pusieron énfasis en la participación ciudadana en el ámbito local de la actividad policial, en el enfoque preventivo de la aplicación de la ley, y en la descentralización de la organización de la policía. El programa de seguridad comunitaria lo ejecuta la Dirección de Seguridad Comunitaria del Ministerio de Seguridad Pública, en cooperación con socios locales tales como el funcionario de policía a cargo de los asuntos comunitarios locales ('asunto comunitarios'), el jefe de la unidad de policía y los comités de seguridad comunitaria. El programa de la policía de proximidad está a cargo de líderes de policía veteranos con la ayuda de los jefes de las unidades de policía y de los funcionarios de la policía de proximidad, en colaboración con la Dirección de Seguridad Comunitaria y el asunto comunitarios. A pesar de la importancia del papel del gobierno central, su compromiso de largo plazo con los programas de la policía comunitaria ha sido moderado. A gran escala, los ciudadanos han sido sensibilizados acerca de la policía comunitaria, sin embargo, no tienen ni voz ni voto en cuanto a la actividad policial en el ámbito local. Esto tiene relación con el escaso número de ciudadanos con disposición de involucrarse, las grandes expectativas públicas en los servicios de policía local, y a las relaciones de poder entre los ciudadanos y la policía. A pesar de que los funcionarios de policía tienen una actitud abierta hacia algunos de los cambios que están produciendo los programas de seguridad comunitaria y de la policía de proximidad, ellos sienten que los servicios de policía comunitarios son primordialmente responsabilidad del asunto comunitarios y, además, o en su defecto, del jefe de la unidad de policía.

En el Capítulo 9, se hace una reflexión acerca de la investigación sobre la implementación de los derechos humanos en la policía de Costa Rica, con énfasis en el contexto socio-político e institucional de una sociedad no-transicional en América Latina. Debido a que Costa Rica ha puesto en la práctica la casi totalidad del marco internacional de los derechos humanos en su legislación nacional, desde la perspectiva de los derechos humanos es aparentemente un estado modelo. Desde la década de 1990, la reforma de la policía referente a los derechos humanos se ha introducido en el sistema policial y en las unidades de policía urbanas por medio de leyes, reglamentos, programas o proyectos especiales. Sin embargo, estas estrategias de derechos humanos para la policía aparentemente carecían de suficiente preparación y planes de implementación.

En el transcurso de la última década, la reforma de la seguridad pública y la policía en sociedades transicionales y no-transicionales de América Central ha sido comparable. No obstante los índices de criminalidad y violencia relativamente bajos, la estabilidad política y socio-económica, y la ausencia de ejército, los ciudadanos perciben que la seguridad pública y la policía en Costa Rica han sido similares a El

Salvador, Guatemala, Honduras, Nicaragua y Panamá. Por lo tanto, a pesar de que los índices de criminalidad y violencia varían entre sociedades transicionales y no-transicionales en Centroamérica, me pregunto si se relaciona con la percepción ciudadana de la seguridad pública, así como de la policía como institución.

Las paradojas de la seguridad pública costarricense son que a pesar de la reforma ampliamente extendida, persisten las características fundamentales del sistema de seguridad pública previo a 1994, tales como su organización fragmentada, el fuerte control político-civil, y la falta de recursos. Pareciera que ni los políticos, ni los ciudadanos entienden y tampoco apoyan las condiciones esenciales que permitirían que la Fuerza Pública funcionara en forma muy diferente a como lo hizo tradicionalmente. Por lo tanto, mi conclusión es que la reforma de la seguridad pública y la policía ha conducido a algunos, pero no a muchos, cambios significativos en el enfoque costarricense de la seguridad. Debido a factores socio-políticos e institucionales, el efecto de la puesta en ejecución de las estrategias de derechos humanos para la policía referentes al cumplimiento de los derechos humanos por los funcionarios de policía ha sido modesto. Varias de las estrategias seleccionadas de derechos humanos para la policía se encuentran en proceso de ser completamente implementadas en el sistema de policía y en las unidades de policía urbanas.

En última instancia, la forma en la cual funcionan el sistema de policía y las unidades de policía urbanas influye la forma en que los funcionarios de policía se relacionan con las estrategias de derechos humanos para la policía. El campo semi-autónomo del sistema de policía se caracteriza por su fragmentación, su dualidad, el fuerte control cívico-político, las estructuras jerárquicas, y la inestabilidad laboral. Existe una divergencia entre lo que el sistema de policía es y lo que debería ser de acuerdo con la ley. El sistema de policía profesional y el sistema de confianza funcional simultáneamente y afectan a los funcionarios de policía profesionales y tradicionales por igual. En su condición de los campos semi-autónomas, las unidades de policía de la Fuerza Pública en San José se caracterizan por su fuerte estructura jerárquica, transferencias frecuentes de actores claves, dependencia de personal especializado y práctica de la cultura policial.

El efecto de las estrategias de derechos humanos sobre el cumplimiento de derechos humanos por los funcionarios de policía es que dichos funcionarios están más sensibilizados en cuanto al papel que desempeñan los derechos humanos en la actividad policial. Debido a la implementación de las estrategias de derechos humanos en los campos semi-autónomos del sistema de policía y en las unidades de policía, es más difícil ahora que lo que había sido en el pasado oponer resistencia a la influencia de largo plazo de estas leyes formales. La relación de los funcionarios a cargo de la aplicación de la ley con las estrategias de derechos humanos para la policía, y la medida en que lo hacían dependía de diversos factores. Primero, la medida en que se hubieran puesto en ejecución las estrategias de derechos humanos para la policía. Segundo, la distinción entre cuáles estrategias de derechos humanos para la policía percibían los funcionarios a cargo de la aplicación de la ley como responsabilidad suya y cuáles no. Tercero, la forma en que los funcionarios de policía se relacionaban con

las estrategias de derechos humanos para la policía dependía de si los respondientes eran profesionales o funcionarios de policía tradicionales, de su nivel educativo, y de su experiencia, es decir, tipo de posición y número de años en la Fuerza Pública, cuarto, en relación con las estrategias de derechos humanos para la policía, el papel de liderazgo de la policía era crucial.

Al determinar el efecto de las estrategias de derechos humanos para la policía, he investigado si la puesta en ejecución de la ley formal de derechos humanos se relaciona con el cambio en los sistemas sociales en los cuales funcionan los funcionarios a cargo de la aplicación de la ley. Como resultado de la introducción de las estrategias de derechos humanos para la policía, los funcionarios de policía en el sistema de policía de Costa Rica y en las unidades de policía urbanas están tienen un creciente estímulo en cumplir con las normas, estándares, y además, o en su defecto, los valores que los derechos humanos representan. Sin embargo, ellos también oponen resistencia al tipo de cambio que generan. Para los funcionarios de policía el lema de la Fuerza Pública, ‘¡Estamos Para Servirle!’, refleja cómo debe ser la aplicación de la ley, pero no corresponde con la percepción de la realidad por parte de la policía.

APPENDIX A

DOING FIELDWORK

The fieldwork was conducted during separate periods in 2003, 2004 and 2006. Most of my time was spent in the capital of Costa Rica, San José. As a result of my request during an earlier preparation visit, the Minister of Public Security was so kind as to give his permission to conduct the research. Furthermore, as a gatekeeper, he assigned one of his political advisors to my project (Shaffir, 1991). This meant that I had permission to do research at the Ministry of Public Security as well as the Public Force. I quickly learned that implementing the minister's permission was more challenging than I had expected. As I gradually became more aware of political affiliations and power relations, I developed my own network. This example, below, illustrates how relevant it is to understand these processes. Once I requested permission from a police chief to conduct fieldwork at his police unit. After I explained that I had formal permission and referred to the name of one of the minister's advisors he responded by saying, 'The vice minister, not the minister's advisor, is my boss.'¹ Thereby expressing his loyalty to vice minister. That time he gave his blessings to do the fieldwork at his police unit. Later, on several occasions, it was postponed. New reasons kept popping up and in the end I decided to try my luck at another police unit. This because I had the impression that the police unit chief actually did not want me there, but did not want to say no. This illustrates the value of understanding the processes of political affiliations and power structures.

Up to 28 key informants assisted my research quest. Some contacts provided me with a network, others taught me the numerous things I needed to learn about Costa Rican society and culture. On a voluntary basis a wide range of police officers and civil servants attached to the Ministry of Public Security cooperated. Their endless patience and suggestions were highly appreciated. Also, various research assistants helped me with the transcription of interviews, the operationalisation of a questionnaire and the processing of other data.²

My presentation as a researcher depended upon the situation and those who I encountered. After a police supervisor had introduced me to a police shift as, 'The investigator from the Holland University of Laws, who is assigned to us by the Minister³,' I decided I needed to work on my presentation skills. Later on I became

1 Research diary, 3 December 2003.

2 Ivonne Batres, Ania Corrales Guadron and Luis Emilio Corrales Guadron.

3 Research diary, 16 January 2004.

aware of power struggles between respondents and myself, the researcher. If a police leader instructs his subordinates to cooperate with a young Dutch female researcher, power differences are emphasised. Being associated with the ministry or a particular police commander influenced my relationships with law enforcement officials. Once two police officers I accompanied on a night patrol duty asked whether I reported everything I saw to the police unit chief.⁴ This seemed to suggest that some of the police officers at this police station associated me with the police hierarchy. These kinds of power struggles between a researcher and the police officers, as units of analysis, affects the way the researcher is perceived and cooperated with (Griffin, 1990). Subsequently, according to the situation and context I tried to minimise power struggles.

Afterwards, I began to present myself as a Dutch student, a *licenciada* or a lawyer, who was interested in learning more about the police and human rights in Costa Rica. In case I needed to establish myself firmly, I explicitly mentioned that I had ministerial permission. This last approach worked particularly well with police commanders. Occasionally I said I worked for a human rights institute and handed out business cards. As I was not formally aligned with a Costa Rican university or institute, I had the impression that these business cards gave me the status of a *professional*. Police officers referred to me as the 'Dutch girl', the '*licenciada*' or the '*alpha lima*', a code name for police lawyers. Key informants, including police officers, usually called me by my Christian name. In overall society, being a foreign researcher with an interest in the police is considered to be strange. Police officers do not enjoy a high status and many people did not understand why I was interested in them and not in, for example, the judiciary. Needless to point out that at times it felt as if I suffered from a multiple identity crisis.

Generally, I emphasised being a foreigner. The advantage was that my background in terms of socio-economic status, education and class was less obvious. Because I did not have close social ties with institutions or organisations, I was probably considered to be a no threat. This may have led to a willingness to participate. Also as Spanish is not my mother tongue, my outsider's status immediately became apparent in conversation. In certain situations this led to misunderstandings, in others it made me vulnerable. Many police officers enjoyed teaching me Spanish. It was almost as if this reduced power differences. Occasionally, with police officers I played the role of an ignorant foreign student to compensate for my status as a professional. After it had become obvious that I was foreign, people would ask whether I was a *gringa*.⁵ After I introduced myself as a Dutch girl, reactions were usually enthusiastic. A frequent response was, 'Not American, how nice! Holland is a small country, just like ours.' There were chats about Dutch soccer players, drugs policy or flowers. The role of being a cultural outsider or friendly stranger may have increased cooperation with the research (Huggins, 2002).

4 Research diary, 20 February 2004.

5 A nickname for US citizens.

Another aspect of identity and presentation is appearance. In terms of looks I more or less blend in Costa Rican society. Frequently woman with dark hair and Caucasian looks can be seen walking around San José. Initially my clothing distinguished me, but I tried to minimise this by observing what the dress code was. Once during a discussion about *machismo* and sexual harassment at the Ministry of Public Security a female public official said, 'At work I never wear skirts, only trousers. This is a signal that you are a professional and not available.'⁶ Because of this I began to wear trousers. Furthermore, I tried to conform to the dress code of professional Costa Rican woman (Neff, 1991). On a daily basis this meant dressing sophisticated enough to conduct an interview in office surroundings, while also being able to blend in at a police station. Obviously in a police surrounding I stood out for not wearing a uniform. As a consequence of this, I acquired the role of an outside observer.

During my fieldwork, gender differences were an issue. As with many Costa Rican women, I was regularly called 'queen', 'princess', 'beauty' etc. Other conversations concerned my husband, who at the time was living in Amsterdam. According to some police officers he was a bit of a wimp for having given me permission to travel to Costa Rica 'all on my own'. Even though most police stations I visited had female police officers, being a woman was an exception. As reported in other Western police studies, the majority of Costa Rican female police officers had tasks within the 'safe' grounds of the police unit (Heidensohn, 1992; Jones, 1986). In San José, despite policies on gender and equality, this is appeared to be more the rule than the exception.⁷ The majority of female police officers I met had kitchen or administrative duties. In literature on police culture this is attributed to the masculine dominated sub-culture and *machismo* (Fielding, 1994; Heidensohn, 1992; Hunt, 1984). To be accepted by male colleagues, some female police officers develop coping strategies (Young, 1991; Martin, 1980). They do this to compensate their femininity.

As with other female fieldworkers who have done research in violent, male-dominated institutions, I developed my own coping strategies (Hunt, 1984). I did this partly through my behaviour; for instance, by showing as little fear as possible during patrol duties. Also I emphasised stereotypical masculine interests. In terms of gender differences there were also advantages to being a woman. Occasionally it helped me to get things done (Neff, 1991). This was probably due to my charm or not being considered a threat to male dominance. At other times I felt I was kept out of certain situations or not being taken seriously. Hence doing fieldwork within the police, influenced my research, but it never led to serious problems. My personal experience was that there were as many advantages as disadvantages to being a female researcher doing field work in a violent male-dominated institution like the police (Huggins and Glebbeek, 2003; Nett, 1990).

6 Research diary, 15 June 2003.

7 In 2003 the Ministry of Public Security developed a gender equality policy the 'Gender, Equality and Fairness Policy', a Code against Sexual Harassment (see appendix C).

Appendix A

I graciously declined offers from key informants to live close to their homes. The reason for doing so was that I wanted to live at a neutral location. It turned out that the different rooms and houses that I rented were in reasonably safe and well to do parts of town. My first *barrio* was in the district of San Pedro, an area with a vast number of universities and located close to the city centre. During my second fieldwork period I ended up in another part of the canton Montes de Oca, in the district of Sabanilla. This time I lived in a gated community. Every time I entered, a security guard had to open the gate. As private security is becoming a phenomenon in San José, this was a valuable experience for the research.⁸

In the beginning of the research I often forgot to memorise directions. Unlike the system of street names, which I am accustomed to, Costa Ricans will give you the part town they are from. For example, ‘San Pedro, 200 meters North, 100 East from the American Mall’. Taxi drivers became helpful guides. I took precautions and tried to get to appointments as early as possible. However, the majority of appointments were made according to *Hora Tica*, which in contrast to *Hora Americana* or exact time, implied that they, from my point of view, were delayed. After a while I learned to appreciate this. It gave me an opportunity to observe the interview settings.

Doing fieldwork among different facets of the Costa Rican public security system was fascinating and provided me with data that form the basis of this analysis.

8 31.4 percent of respondents to the Questionnaire on the Perception of the Public Force in the Metropolitan Qrea of San José, November and December 2004, reported they have private security guards in their neighbourhood.

APPENDIX B

OVERVIEW OPEN AND SEMI-STRUCTURED INTERVIEWS

Open Interviews

- 1) 18 June 2003. Alfonso Chacón Mata: Male, Lawyer with ICE, former Public Official with the Community Security Department of the Ministry of Public Security, San José.
- 2) 23 June 2003. Theo van Banning: Male, Deputy Head of Mission of the Dutch Embassy, a professor with the University of Peace, San José
- 3) 24 June 2003. Magdalena Sepúlveda: Female, Professor with the University of Peace, Ciudad Colon.
- 4) 15 November 2003. Hans Nusselder: Director CDRULA, San José.
- 5) 13 November 2003. Irma Reyes Araya: Female, Professor with the Centro de Investigación y Docencia en Educación of the Universidad Nacional Costa Rica, Heredia.
- 6) 16 November 2003. Marina Lopéz: Female, Representative of the International Red Cross, San José.
- 7) 23 November 2003. S.C.: Female, Representative of Conamaj, San José.
- 8) 8 December 2003. Daniel Matall: Male, Security Expert of FUNPADEM, San José.
- 9) 11 December 2003. A.: Male, early 20s, professional police officer, unknown number of years in the Public Force, Pérez Zeledón.
- 10) 11 December 2003. H.V.: Female, late 20s, professional police officer, one year with the Police Criminologist Unit, Pérez Zeledón.
- 11) 11 December 2003. Orwill Ruiz Pérez: Male, late 40s, traditional police officer, unknown number of years in the Public Force, regional director, Pérez Zeledón.
- 12) 12 December 2003. S.R.: Female, professional police officer, four years with the Police Legal Assistance Unit, Pérez Zeledón.
- 13) 12 January 2004. Patricia Vargas Chacón: Female, school teacher, former public official with the Community Security Department of the Ministry of Public Security, San José.
- 14) 13 January 2004. M.C.: Male, professional police officer, community affairs police officer, unknown number of years in the Public Force, San José.
- 15) 14 January 2004. Aníbal Pérez Solís: Male, President of the Community Security Council of Desamparados, San José.

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- 16) 14 January 2004. Luis Hernández González: Male, late 40s, traditional police officer, unknown number of years in the Public Force, regional director, San José.
- 17) 28 January 2004. G.A.: Male, Examining Public Official with the Police Inspection of the Legal Disciplinary Department of the Ministry of Public Security, San José.
- 18) 28 January 2004. O.Z.: Male, Examining Public Official with the Police Inspection of the Legal Disciplinary Department of the Ministry of Public Security, San José.
- 19) 28 January 2004. R.G.: Female, professional police officer, five years with the Public Force, San José.
- 20) 29 January 2004. K.S.: Female, Public Official with the Community Security Department of the Ministry of Public Security, San José.
- 21) 30 January 2004. A.A.: Female, professional police officer, Police Instructor with the Community Security Department of the Ministry of Public Security, unknown number of years with the Public Force, San José.
- 22) 2 February 2004. V.G.: Male, Police Instructor with the Community Security Department of the Ministry of Public Security, San José.
- 23) 4 February 2004. A.A.: Male, late 20s, professional police officer, Drug Police Officer, unknown number of years in the Public Force, San José.
- 24) 6/26 February 2004. G.J.: Female, professional police officer, Police Lawyer, four years with the Police Legal Assistance Unit, San José.
- 25) 9 February 2004. G.S.: Male, Examining Public Official with the Police Inspection of the Legal Disciplinary Department of the Ministry of Public Security, San José.
- 26) 11 February 2004. V.G.: Male, Police Instructor with the Community Security Department of the Ministry of Public Security, San José.
- 27) 15 February 2004. L.G.: Male, Investigator Internal Affairs Division of the Legal Disciplinary Department of the Ministry of Public Security, San José.
- 28) 17 February 2004). J.: Male, Investigator with the Internal Affairs Division of the Legal Disciplinary Department of the Ministry of Public Security, San José.
- 29) 17 February 2004. J.R.: Male, Examining Public Official with the Police Inspection of the Legal Disciplinary Department of the Ministry of Public Security, San José.
- 30) 17 February 2004. T.M.: Male, Resolving Public Official with the Police Inspection of the Legal Disciplinary Department of the Ministry of Public Security, San José.
- 31) 18 February 2004. A.P.: Male, Representative of the Ombudsman's Office, San José.
- 32) 19 February 2004. A.H.: Female, Representative of the Ombudsman's Office, San José.
- 33) 20 February 2004. O.M.: Male, professional police officer, police supervisor, unknown number of years with the Public Force, San José.

- 34) 25 February 2004. M.G: Male, professional police officer, police lawyer, four years in the Police Legal Assistance Unit, San José.
- 35) 27 February 2004. D.F.: Male, traditional police officer, police supervisor, unknown number of year with the Public Force, San José.
- 36) 1 March 2004. M.S.: Male, professional police officer, police lawyer, former police chief, four years with the Police Legal Assistance Unit, San José.
- 37) 2 March 2004. C.C.: Female, professional police officer, police lawyer, former police chief, four years in the Police Legal Assistance Unit, San José.
- 38) 3 March 2004. A.O: Male, professional police officer, police lawyer, unknown number of years in the Police Legal Assistance Unit, San José.
- 39) 4 March 2004. Manine Arends: Female, Programme Officer HIV/AIDS International Labour Organisation, San José.
- 40) 4 March 2004. Marisol Fonseca Portilla: Female, municipal security advisor, San José.
- 41) 4 March 2004. M.L: Female, professional police officer, police lawyer, one year with the Police Legal Assistance Unit, San José.
- 42) 12 March 2004. K.D.: Male, early 30s, professional police officer, unknown number of years in the Public Force, San José.
- 43) 15 March 2004. G.A.: Male, professional police officer, community affairs police officer, unknown number of years with the Public Force, San José.
- 44) 15 March 2004. S.C.: Male, traditional police officer, police supervisor, 18 years in the Public Force, San José.
- 45) 16 March 2004. A.B.: Male, professional police officer, 13 years in the Public Force, San José.
- 46) 22 March 2004. C.A.: Male, professional police officer, police chief, unknown number of years in the Public Force, San José.
- 47) 22 March 2004. E.M.: Female, professional police officer, police chief, five years in the Public Force, San José.
- 48) 14 September 2004. Ciska Raventós Vorst: Female, Professor of the University of Costa Rica, Director of the Institute of Social Investigation (IIS), San José.
- 49) 20 September 2004. Kevin Casas Zamora: Male, National Coordinator for the Human Development Report, San José.
- 50) 22 September 2004. Margarita Penón Góngora: Female, PAC Member of Parliament, San José.
- 51) 24 September 2004. Juan Carlos Rodríguez Cordero: Male, political scientist, Lawyer at *Consortio Jurídico Metropolitano*, San José
- 52) 29 September 2004. E.G.: Male, traditional police officer, Police Instructor at the Police Academy, unknown number of years in the Public Force, San José.
- 53) 29 September 2004. N.G. Male, professional police officer, Supervisor Police Instructors at the Police Academy, over 10 years in the Public Force, San José.
- 54) 30 September 2004. C.A.: Male, professional police officer, Administrator at the Police Academy, 11 years in the Public Force, San José.

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- 55) 30 September 2004. V.Q.: Female, professional police officer, Police Instructor Police Academy, five years in the Public Force, San José.
- 56) 1 October 2004. F.L.: Male, lawyer, professional police officer, Vice Director of the Police Academy, former police chief, unknown number of years in the Public Force, San José.
- 57) 1 October 2004. F.C.: Male, Criminology Teacher at the Police Academy, San José.
- 58) 1 October 2004. W.G.: Male, traditional police officer, Instructor at the Police Academy, over 25 years in the Public Force, San José.
- 59) 4 October 2004. Gisela De León: Female, Lawyer with CEJIL, San José.
- 60) 4 October 2004. R.M.: Male, Law Teacher Police Academy, San José.
- 61) 5 October 2004. Laura Chinchilla Miranda: Female, political scientist, PLN Member of Parliament, former Minister of Public Security, San José.
- 62) 6 October 2004. E.G.: Male, traditional police officer, police chief, San José.
- 63) 6 October 2004. I.D.: Male, police chief, former Vice Director of the Police Academy, police expert, San José.
- 64) 6 October 2004. Roderigo A. Carazó Zeledón: Male, PAC Member of Parliament, former Ombudsman, San José.
- 65) 4 November 2004. Fabián Barrantes Rodríguez: Male, Judiciary Chief Spokesman, San José.
- 66) 4 November 2004. Fabián Volio Echeverría: Male, Lawyer at Bufete Odio & Raven, former Minister of Justice, San José.
- 67) 8 November 2004. José Fernández Barahona: Representative of the Chilean Embassy, San José.
- 68) 10 November 2004. Victor Valle: Male, Dean for Academic Administration and Professor of Human Security at the University of Peace, Ciudad Colon.
- 69) 11 November 2004. Paul Cháves Chacón: Male, Political Advisor to the Minister of Public Security, former Lawyer with the Drugs Control Police of the Ministry of Public Security, San José.
- 70) 12 November 2004. M.C.: Female, Vice Director of the Centre for Information of the Public Force, San José.
- 71) 17 November 2004. Nathan Flook: Male, Human Rights Officer Section Politics and Economics US Embassy, San José.
- 72) 17 November 2004. Constantino Urcuyo Fournier: Male, Political Scientist at CIAPA, former PUSC Member of Parliament, former presidential advisor, San José.
- 73) 19 November 2004. Roberto Obando: Director of the Police Academy, former Political Advisor to the Minister of Public Security, San José.
- 74) 24 November 2004. Mark W.Culliane: Male, Drugs Enforcement Agency Representative, San José.
- 75) 26 November 2004. Elías Carranza: Male, Director General of the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders, San José.

- 76) 29 November 2004. Ana Helena Chacón Echeverría: Female, Vice Minister of Public Security, San José.
- 77) 29 November 2004. Rafael García: Male, Political Advisor to the Vice Minister of Public Security, San José.
- 78) 2 December 2004. I.R.: Female, Public Official of the Ministry of Public Security, San José.
- 79) 2 December 2004. J.F.: Male, traditional police officer, police chief, over 30 years in the Public Force, San José.
- 80) 3 December 2004. D.V.: Male, mid 20s, professional police officer, a community affairs police officer, four years in the Public Force, San José.
- 81) 3 December 2004. M.: Male, professional police officer, five years in the Public Force, San José.
- 82) 6 December 2004. Jesús Figón Leo: Male, Police Representative of the Spanish National Police of the Ministry of the Interior at the Embassy in Costa Rica, San José.
- 83) 8 December 2004. Morales: Male, professional police officer, regional director, La Cruz.
- 84) 8 December 2004. R.C.: Male, traditional police officer, police chief, San José.
- 85) 9 December 2004. Katia Chavarría: Female, professional police officer, regional director, Liberia.
- 86) 10 April 2006. Mario Zamora Cordero: Male, lawyer, police expert, Advisor to the Ombudsman's Office, former Director of the Community Security Department of the Ministry of Public Security, former Vice Director of the Police Academy, San José.
- 87) 2 August 2006. José María Rico: Male, international police expert, former Professor of Criminology with the University of Montreal, San José.
- 88) 7 August 2006. Carlos Sojo: Male, social scientist, Director of Flacso-Costa Rica, San José.
- 89) 17 August 2006. Laura Chinchilla Miranda: Female, political scientist, First Vice President and the Minister of Justice, former PLN Member of Parliament, former Minister of Public Security, San José.
- 90) 17 August 2006. Rafael Ángel Gutiérrez.: Male, First Vice Minister of Public Security, former Director General of the Public Force, San José.
- 91) 17 August 2006. S.R.: Male, Public Official Ministry of Public Security, San José.
- 92) 21 August 2006. Ana Eugenia Durán Salvatierra: Female, Vice Minister of Governance Ministry of Public Security, former Director of the Legal Migration Department, San José.
- 93) 6 October 2006. Ludovico Feoli: Male, Director CIAPA, New Orleans.

Semi-Structured Interviews

- 1) 8 March 2004. M.A.: Professional police officer, male, mid 40s, four years in the Public Force. San José.
- 2) 8 March 2004. M.Q.: Traditional police officer, male, early 40s, five years in the Public Force. San José.
- 3) 8 March 2004. N.C.: Professional police officer, female, early 50s, 23 years in the Public Force. San José.
- 4) 8 March 2004. P.A.: Traditional police officer, male, early 40s, 17 years in the Public Force. San José.
- 5) 9 March 2004. B.A.: Traditional police officer, female, late 40s, 14 years in the Public Force. San José.
- 6) 9 March 2004. J.A.: Traditional police officer, male, early 30s, three years in the Public Force. San José.
- 7) 9 March 2004. A.S.: Traditional police officer, male, late 40s, ten years in the Public Force. San José.
- 8) 9 March 2004. A.M.: Traditional police officer, male, mid 30s, five years in the Public Force. San José.
- 9) 10 March 2004. J.C.: Professional police officer, male, mid 20s, four years in the Public Force. San José.
- 10) 10 March 2004. J.R.: Professional police officer, male, mid 30s, unknown number of years in the Public Force. San José.
- 11) 10 March 2004. V.S.: Professional police officer, female, late 20s, nine years in the Public Force. San José.
- 12) 11 March 2004. J.L.: Traditional police officer, male, mid 40s, 21 years in the Public Force. San José.
- 13) 11 March 2004. J.M.: Professional police officer, male, mid 20s, four years in the Public Force. San José.
- 14) 12 March 2004. E.A.: Traditional police officer, male, late 30s, seven years in the Public Force. San José.
- 15) 12 March 2004. A.F.: Professional police officer, female, mid 30s, five years in the Public Force. San José.
- 16) 14 March 2004. J.M.: Professional police officer, male, mid 30s, eight years in the Public Force. San José.
- 17) 15 March 2004. J.R.: Professional police officer, male, late 20s, 11 years in the Public Force. San José.
- 18) 16 March 2004. J.A.: Traditional police officer, male, mid 30s, 13 years in the Public Force. San José.
- 19) 16 March 2004. R.B.: Traditional police officer, male, early 30s, eight years in the Public Force. San José.
- 20) 18 March 2004. D.B.: Professional police officer, male, late 20s, nine years in the Public Force. San José.

Overview Open and Semi-Structured Interviews

- 21) 18 March 2004. M.A.: Professional police officer, male, late 30s, 14 years in the Public Force. San José.
- 22) 18 March 2004. M.P.: Traditional police officer, female, mid 40s, 14 years in the Public Force. San José.
- 23) 18 March 2004. R.M.: Traditional police officer, female, mid 40s, eight years in the Public Force. San José.
- 24) 19 March 2004. M.G.: Professional police officer, male, late 20s, seven years in the Public Force. San José.
- 25) 22 November 2006. L.F.: Professional police officer, male, late 40s, five years in the Public Force. San José.

APPENDIX C

Human Rights Related Police Reform in Costa Rica*

Objective	Police Human Rights Standard	Legal Framework	Police Human Rights Strategies
Demilitarisation Decentralisation and Civilian Orientated and Community Policing	<ul style="list-style-type: none"> - Service to the Community 	<ul style="list-style-type: none"> - Police Code, 1994 - Civil Police Code, 2001 	<ul style="list-style-type: none"> - Replacement of military ranks with civilian ranks, 2001 - Community policing (community security programme, 1997 and the proximity policing programme, 2001) - Decentralisation (e.g. proximity policing programme, 2001) - Community Security Department of the Ministry of Public Security/ citizen course/ police instructor/ specialised police officer. - Specialised community affairs police officer at local police station level - Basic police training course includes courses on police administration, humanistic skill, criminal law and human rights, 1998 - Police Legal Assistance Unit Ministry of Public Security and police lawyers at a police station level, 2001 (prevention of arbitrary arrest or detention, abuse of authority, human rights violations etc.) - Pocket-size "Police Procedures" Assistance Manuel for all Personnel of the Public Force, Ministry of Public Security & the National Police Academy 1999"
Legalisation Professionalisation	<ul style="list-style-type: none"> - Adhere to the Rule of Law - Equal Protection of the Law 	<ul style="list-style-type: none"> - Police Code, 1994 - Civil Police Code, 2001 - Code Against Domestic Violence, 1996 	<ul style="list-style-type: none"> - Ministry of Public Security/ CONAMAJ inter-family violence campaign for the Public Force (legal courses, special inter-family violence police officers at local level, systematise public force approach) - Ministry of Public Security and the Intern-American Institute on Human Rights cooperation on Human Rights Education (manual, instructors preparation), 2004 - Ombudsman's Office, information campaign on the rule of law (lawyers/ rights during arrest and detention).
Recruitment Training	<ul style="list-style-type: none"> - Service to the Community - Adhere to the Rule of Law 	<ul style="list-style-type: none"> - Police Code, 1994 - Civil Police Code, 2001 	<ul style="list-style-type: none"> - Reorganisation basic police training course (new course), 1998 - Basic Police Training Course for recruits and experienced police officers, 1998 - New curricula police academy, 1998-2006 - Recruitment and selection criteria (educational level, conduct, physical, medical and psychological exams) - Rank promotions courses - Specialised training courses (e.g. domestic violence/ police administration/ migration) - Basic Police Training Course for recruits and experienced police officers, 1998 - Cooperation with universities (e.g. the <i>Universidad Estatal a Distancia</i>)

Appendix C

Human Rights Related Police Reform in Costa Rica* (continued)

Objective	Police Human Rights Standard	Legal Framework	Police Human Rights Strategies
Accountability	<ul style="list-style-type: none"> - Equal protection of the law - Adherence to the rule of law - The prohibition of torture and other forms of cruel, inhuman or degrading treatment - A proportional use of force - The prohibition of arbitrarily taking someone's life 	<ul style="list-style-type: none"> - Police Code, 1994 - Civil Police Code, 2001 	<ul style="list-style-type: none"> - Reorganisation Legal Disciplinary Department and Internal Affairs Unit, 1994-2002 - Reformulate police disciplinary procedures and sanctions, 1994 (e.g. Procedural Instruction to Sanction Minor Offences for the Police Forces Ascribed to the Ministry of Public Security, 1997) - Basic Police Training Course, 1999 - Code of Ethics of the Members of the Police Forces Ascribed to the Ministry of Public Security, 2004 - Individualise police officers and police equipment (uniforms with nametags, individual police numbers attached to uniforms, police cars with numbers, photo's at police stations, arms registration book) - Improved inter-institutional cooperation with the Ombudsman's Office and the judiciary
Use of Force	<ul style="list-style-type: none"> - A proportional use of force - Civil Police Code, 2001 - The prohibition of arbitrarily taking someone's life 	<ul style="list-style-type: none"> - Police Code, 1994 - Civil Police Code, 2001 - Police Regulation of the Ministry of Public Security 	<ul style="list-style-type: none"> - Arms control at individual police stations - Training courses (biannual) - Arms Instruction - Police unit specialised in the use of force (UIP, Special Intervention Unit, K-9, the Centre for Information of the Public Force)
Professionalisation	<ul style="list-style-type: none"> - Socio-economic rights - Equal protection of the law 	<ul style="list-style-type: none"> - Police Code, 1994 - Civil Police Code, 2001 - Gender, Equality and Fairness Policy, Ministry Public Security, 2003 - Code against Sexual Harassment, Ministry Public Security, 2003 	<ul style="list-style-type: none"> - Labour stability (police labour statute) - Improve labour conditions (salary, working conditions) - Preventive police forces (Guardia Civil/ Guardia Rural/ Metropolitan Police) placed under one command (Public Force) - Medical and psychological council - Reformulate police disciplinary procedures - Recruitment and promotion criteria (courses, minimal standards) - Criteria police leadership - Police officers dossier - Gender, Equality and Fairness Policy, Ministry Public Security - Inter-institutional cooperation (creating legal basis for the National Security Council, defining police mandates) - Regional police co-operation

* This overview is not exhaustive and covers the period 1994-2006. The majority of the Police Human Rights Strategies relate to the Public Force, which falls under the responsibility of the Ministry of Public Security.

Sources: Police Code; Website of the Ministry of Public Security, accessed on 30 June 2005; US State Department Report, 2004/1997; González and Ulloa, 2003; Rico, 2003; Biesanz *et al.*, 1999; Urcuyo, 1998; Chinchilla, 1997; Rico, 1997; Zamora, 1997; CRHRC, 1993.

APPENDIX D

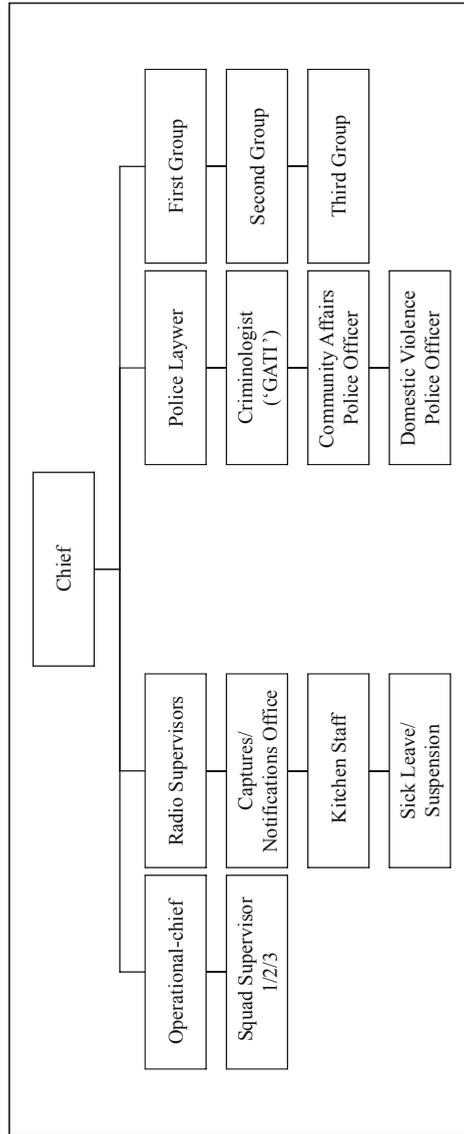
Selection Criteria and the Curriculum for the Basic Police Training Course

Selection Criteria	Police Practical Training (180 hours)	Police Skills Courses (500 hours)	Humanistic Courses (180 hours)	Legal Courses (190 hours)
Ministry of Public Security Human Resources Department A Costa Rican citizen / nationalized citizen No police record 18 years or older Medical examination Psychological exam A copy of the identity card The original and two photocopies of the high school diploma (title) Two passport photographs The original driving license and a copy of the driver's license Bank Account Two recent recommendation letters If you are an ex-police officer, you have to hand in a reference letter from the last police unit you worked in	Military Training <i>El Murelelego</i> (Guanacaste)	Principles and functions of the police Citizen security Discipline and courtesy Police intervention techniques Riot control Closed order Defence use of firearms Facilities security Risk areas procedures Urban locations Police communication Criminology Traffic safety Drugs Disaster preparedness First aid Self-defence Non-urban locations	The state and democracy Inter-personal relations Intra-family violence Police deontology English	Police legislation I Police legislation II Human rights The formation of police reports
Police Academy Secondary school Diploma (at least, to the third year) A Costa Rican citizen or nationalized citizen Updated curriculum vitae A copy of the identity card A copy of the driver's license Six passport-sized photographs Copy birth certificate 6 months probation Interview Physical test	Police Unit Supervised Practise	Human Rights Dimension Citizen security Discipline and courtesy Police intervention techniques Riot control Defence use of firearms Self-defence	Human Rights Dimension The state and democracy Inter-personal relations Intra-family violence	Human Rights Dimension Police legislation I Police legislation II Human rights The formation of police reports

Source: website of the police academy, http://www.msp.go.cr/escuela_policia/basico.html, accessed on 12 March 2004/ 28 October 2006

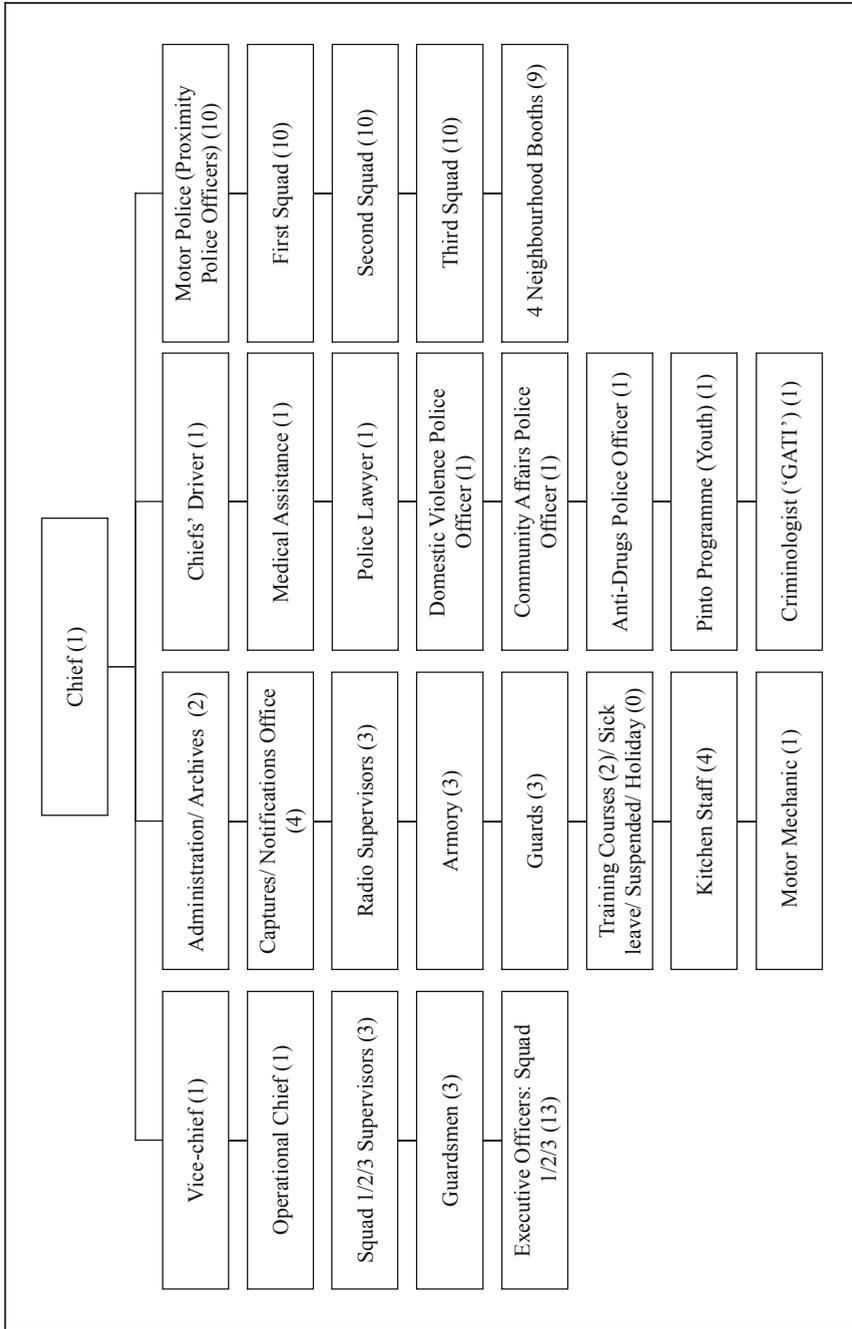
APPENDIX E

**Hierarchy Tree
Police Unit, Pavas Delta 11, 8 October 2004**

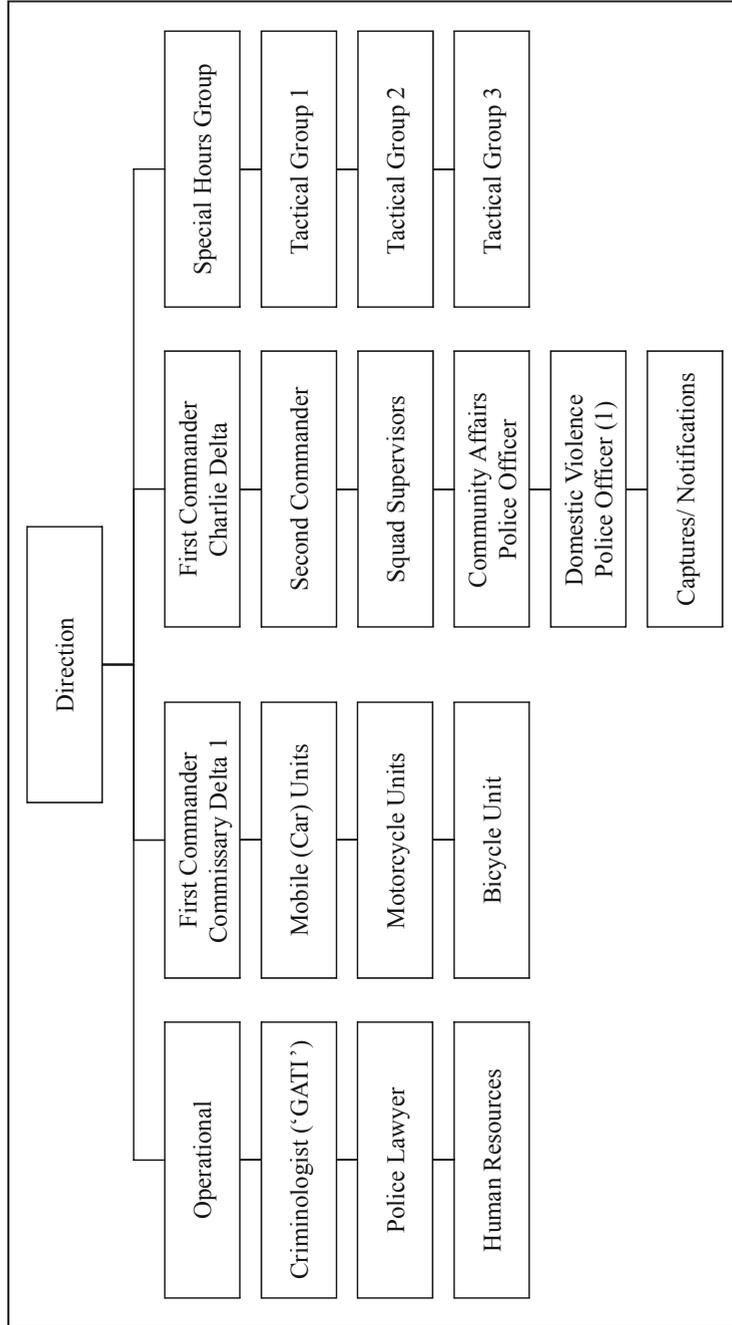


Appendix E

**Hierarchy Tree
Police Unit, Hatillo Delta 11, 6 February 2004**



**Hierarchy Tree
Police Unit, Casco Central - San Jose Centre Delta 1, 6 November 2004**



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<http://hdr.undp.org/reports/>

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International Centre for Prison Studies

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