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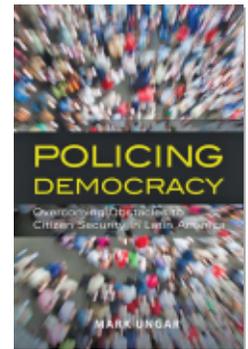
Policing Democracy

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Chapter 5

Bolivia

“Our security depends on us—we do what the community demands,” said a police volunteer confidently during his patrol in El Alto, a sprawling Bolivian city perched above the capital of La Paz. El Alto’s vibrant civil society is taking on an expanding range of self-appointed security activities, from conducting community justice forums to hanging effigies of suspected criminals, demonstrating the potential of citizen action in Bolivia, as well as the weakness of the state it is trying to supplant.

Since Bolivia’s 1982 transition to democracy, reforming citizen security has been a goal of the government that ongoing economic and political crises have not allowed it to achieve. Decentralization and a series of legal and judicial reforms in the 1990s laid a foundation for overhauling and strengthening the National Police (Policía Nacional). But the opportunity to do so was lost in the subsequent instability fueled by labor disputes, police strikes, an intensive coca eradication campaign, increasing socioeconomic inequality, territorial tensions, and the massive protests that brought down constitutional governments in 2003 and 2005. The presidency of Evo Morales, elected in December 2005 with a decisive 54 percent majority (the biggest of any candidate since the transition to democracy), provided another chance for comprehensive reform, most broadly through the country’s 2009 constitution. But the changes enveloping nearly every aspect of life in Bolivia may not extend to policing. Is it even possible, reformers ask, to transform a citizen security structure that has become steeped in corruption and administrative decay, that is distrusted by a divided society, and that is caught up in the often violent feuding among the country’s nine increasingly assertive departments (provinces)?

History

The police have always been at the center of Bolivia's history. Amid social unrest, economic crisis, and frequent changes in government, the police have been used to maintain order and carry out policy. During Spanish rule, poorly trained and abusive militias enforced the law in the Viceroyalty of Peru, which covered the western sliver of modern-day Bolivia, and the Viceroyalty of La Plata, which accounted for most of the remaining territory (most notably the wealthy silver-producing areas of Sucre and Potosí). Policing was largely a local affair comprising ad hoc and unaccountable activities geared toward keeping order. The locus of police power shifted to the department and national level after Bolivia became independent in 1825. The new republic's 1826 constitution centralized most state powers, but created police forces at the department level, backed up by military squads. To further specify police responsibilities, the government adopted regulations governing the police in 1831 and in 1845. In 1830 it created a National Guard, also at the department level, with penal and civil codes enacted the year after.

However, the failure to build on such laws by professionalizing the police allowed old practices to continue during these first decades of independence. The police became even more unaccountable and militarized during this time. In 1862 and 1874 the force was placed under the War Ministry, and in 1884 the army was given control over police discipline. Thus by the time the 1886 Police Regulation turned the police into a civilian institution separate from the armed forces, regional loyalties and military traits were ingrained in the police. Meanwhile, the ongoing political turmoil continued to dilute the measures taken to stabilize it. Defeat by Chile in the 1879–83 War of the Pacific, in which Bolivia lost access to the sea, led to drawn-out struggle between the traditional Conservative Party and the La Paz-based Liberal Party, which represented an emerging middle class. The Liberals won a civil war between them in 1898, and while ruling from 1899 to 1920 rewrote the constitution to create a balance of power among the three branches of government. They also took steps to make the police more efficient and better integrated into the state, such as through the 1910 formation of a General Office of Police in the Government Ministry.

Bolivia's defeat and further territorial shrinkage in the 1933–35 Chaco War with Paraguay precipitated the next major security sector overhaul when the returning soldiers, a mass of potentially destabilizing armed men,

were transferred hurriedly into the police. The police force itself was reorganized in 1937, when the Military Police, the Gendarmerie (Cuerpo de Gendarmería), the paramilitary Security Police (Policía de Seguridad), and the army's Carabineros (Regimiento de Carabineros) were merged into National Corps (Cuerpo Nacional de Carabineros) regiments similar to those of the military. The government also established a professional training institution, the Police School (Escuela de Policía), later renamed the National Police Academy (Academia Nacional de Policías, or Anapol). These changes—which made the police even more militarized, disciplined, and hierarchical—are now regarded by many of its officers as the origin of the authoritarian practices that followed. The police formally adopted military training and organization in 1950, which was institutionalized further with the 1951 Organic Law of Police and Carabineros.

The Chaco War also precipitated major societal and political shifts, the most significant of which was the alliance of the middle and rural working classes that led to the formation in 1941 of the National Revolutionary Movement (Movimiento Nacional Revolucionario, MNR). After it took power in the 1952 National Revolution against a U.S.-oriented oligarchy, the MNR brought far-reaching change by nationalizing the tin mines, dividing agrarian estates among former tenants and peasants, granting universal suffrage, and financing big social development programs. These reforms extended to the police, which had long been controlled by the Defense Ministry. Because most top police officers supported the 1952 National Revolution, the MNR transferred the National Police to the Interior Ministry and rewarded it with many of the drastically reduced authorities and resources of the military.

After leading the 1964 military coup, Vice President Rene Barrientos Ortuño continued most MNR policies, and his death in 1969 generated a short-lived leftist resurgence. But after taking over in a 1971 coup, army general Hugo Banzer banned left-leaning parties, suspended the powerful labor union Central Obrera Boliviana, exiled or killed thousands of political opponents, and eventually prohibited all political activity. After Banzer was forced out in 1978, the eight authoritarian regimes that ruled the country until 1982 continued to rely heavily on police power to control the population amid coups and disputed elections. But there were a few positive developments during this otherwise dismal period, such as the 1973 creation of the Feminine Police Brigade, which led to the naming of the first women officers in 1978, a year after similar steps in Honduras (Policía Nacional de Bolivia 2002). But most governments—such as that of Luis García Meza, who,

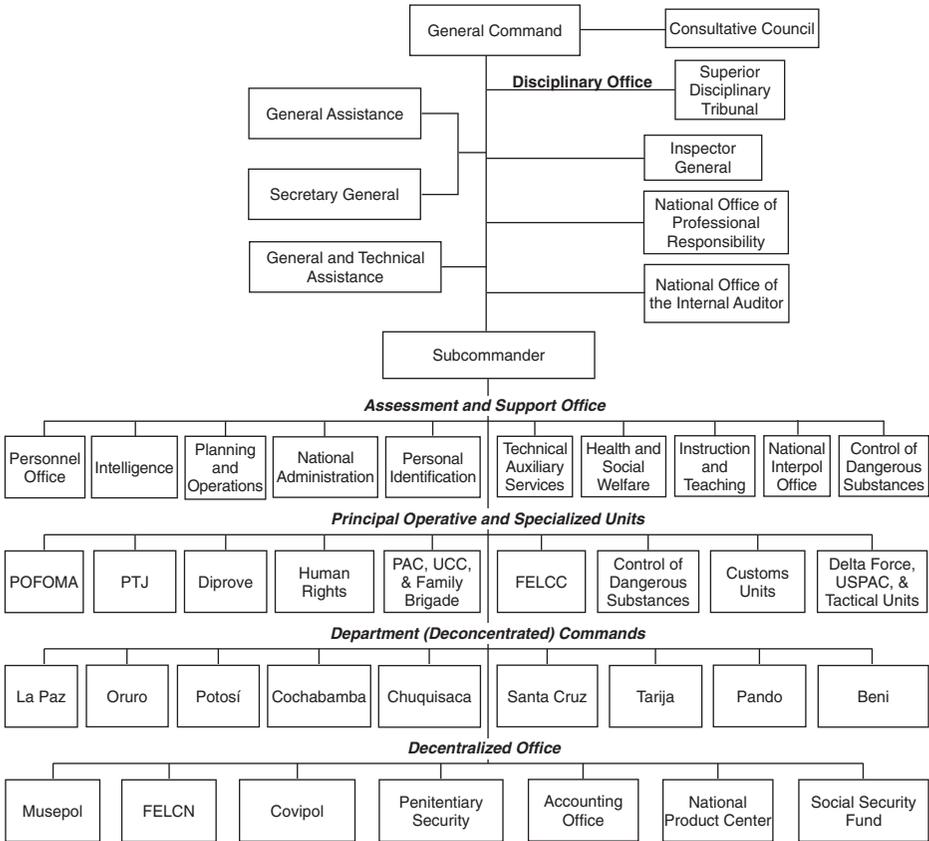
in less than a year in office, turned the state security forces into a vast drug trafficking operation—managed to lower the already low standards of Latin American politics of the time.

Citizen Security Reform

The 1982 democratic transition stopped this downward spiral and imposed a clearer organization and rules on the police, mainly through the 1985 Organic Law of the National Police (*Ley Orgánica de la Policía Nacional*, LOPN). Run by the executive branch's Government Ministry, the centralized *Policía Nacional* was put in charge of crime prevention, investigation, and prison administration in all of the country's departments (see figure 5.1). At the center of the force's wide range of bodies are four sets of national agencies (see appendix B for the full list of agencies). The first set comprise central command and control, headed by a commander general appointed by the president. The main control is the Superior Disciplinary Tribunal (*Tribunal Disciplinario Superior*), led by a commander general appointee but with autonomous regulations and procedures. The second set is made up of support units specializing in areas such as training and dangerous substances. The third set is the "decentralized" and independent units, which have been prone to corruption. The fourth set is the operative and specialized agencies, most of which the General Command has the power to create and eliminate (LOPN Article 10). One of the most important but recently formed of these national units is the Technical Judicial Police (*Policía Técnica Judicial*, PTJ), which depends in part on the judiciary and is responsible for processing suspects and investigative procedures such as evidence collection. One of the more unusual of Bolivia's police units, the Battalion of Private Physical Security (*Batallón de Seguridad Física Privada*, BSFP), is also among this set. Unlike other countries, Bolivia officially provides private security through the battalion's seven thousand officers, who had police uniforms but not police status until they went on strike in January 2007 to demand full integration and receive the corresponding salaries.

Also at the national level, Bolivia's many antiriot, antinarcotics, and antiterrorist units have been placed in several of these sets over the years. The Special Security Group (*Grupo Especial de Seguridad*, GES), in charge of reestablishing public order and responding to attacks against property, was used widely to control large public gatherings and protests, but also was known for rights abuses against vulnerable groups such as street children.

Figure 5.1. National Police Structure, Bolivia



Source: National Police of Bolivia.

The GES was central to strikes against the government in 2003, and so in 2006 it was replaced by the Tactical Police Operations Unit (Unidad Táctica de Operaciones Policiales, UT OP).¹ Organized crime was fought by means of the U.S.-formed Special Crimes Investigation Task Force (Grupo de Tarea de Investigación de Delitos Especiales, GTIDE) and the Immedi-

1. GES antiterrorism courses led to the creation in 1987 of the Multipurpose Intervention Brigade (Brigada de Intervención Polivalente, BIP) to handle “uncommon” acts such as kidnapping, hostage taking, and subversion. In the 1990s the government of Jaime Paz Zamora gave primary antiterrorist authority to the Special Elite Antiterrorist Force (Fuerza Especial Antiterrorista de Elite, FEAE).

ate Action Group (Grupo de Acción Inmediata, GAI). The GAI was dismantled by the United States in 2004 after being accused of participating in political upheavals, and in late 2007 it was replaced by the elite rapid-action Delta Force (Fuerza Delta).

Since the police were brought into antinarcotics operations in 1983, the creation of anticoca forces—which together employ to six thousand officers—has been the biggest single change to the security structure in the democratic era. The main narcotics unit is the Special Anti-Narco-trafficking Force (Fuerza Especial de Lucha Contra el Narcotráfico, FELCN) created in 1987, which has led operations in the three largest coca regions—Beni, Chapare, and the Yungas. FELCN, which has had about fifteen hundred officers, constitutes about 4 percent of the national police. In 1989 it created its own intelligence service to gather evidence on suspected traffickers. FELCN also oversees the fifteen-hundred-strong Mobile Rural Patrol Unit (Unidad Móvil de Patrullaje Rural, UMOPAR), which is known as the Leopards (although FELCN also claims that mascot). Formed in 1983 as part of four narcotics treaties signed between the United States and Bolivia, UMOPAR is based in Chapare and run by the Government Ministry through the Social Defense Secretariat (Secretaría de Defensa Social). The United States provided most of UMOPAR's funds in its first decade of existence, and those funds were not included in the published state budgets. As the source of about 95 percent of the materials for FELCN, the United States also oversees most of the selection, administration, and other services of that unit.² Much like the armed conflicts of previous eras, this extended antidrug campaign has made the “militarization of police” an ingrained part of the country's security system (Gamarra and Barrios Morón 1996).

Daily policing is the responsibility of the departmental divisions, whose structures are similar to those of the National Police to which they are subordinate. Most departments have about twenty units (see appendix B for full list), and are roughly divided between urban and rural forces. The urban force, divided into patrol and criminal investigation sections, operate police stations and local jails. Much of the rural force, including the Customs Police (Policía Aduanera), is assigned to border posts to combat smuggling and illegal crossing. Over half of all police personnel are placed in the three

2. Proportionally, Bolivia has a higher level of international involvement in its security than most countries because of its low income level and its production of illegal narcotics.

departments with the largest cities: La Paz (about 23 percent), Santa Cruz (about 16 percent), and Cochabamba (about 14 percent). La Paz and some other departments have additional units such as an Explosives Brigade (Brigada de Explosivos) and a Women's Police Brigade (Brigada Policial Femenina). Municipalities are entitled to form a police force for enforcing local ordinances, but only a few have done so, such as the Municipal Police in the capital of La Paz (Policía Municipal de La Paz). However, many other cities have formed specialized law enforcement agencies with citizen participation. Protective of their limited role in security, many mayors have gone on the defensive by opposing national plans such as the Law of the National Citizen Security System (Ley de Sistema Nacional de Seguridad Ciudadana), discussed shortly, for contradicting Bolivia's "process of decentralization and municipalization." This stance has set the stage for conflict with police officials, who say that the constitution, which centralize the police, trumps any form of local power. Lacking the kind of steady direction to steer clear of Bolivia's volatile regional tensions, citizen security has not avoided the politics of decentralization described in chapter 2. With battles between national and regional forces, it has instead exemplified and fueled them.

During the democratic era in Bolivia, the number of police officers has more than tripled, from about ten thousand in 1982 to nearly thirty-five thousand by 2009 (CEJA 2010),³ of which about three thousand are civilians in technical, auxiliary, or identification units or civilian investigator working in detection, forensics, and logistics.⁴ The national population was 8.3 million in 2001, and the ratio since then has been one officer for every 500 persons, or just over 230 officers for every 100,000 persons. The police are divided into two levels. At the lower level, making up between 78 and 85 percent of the force, are the subcommissioned officers, who can rise only as high as superior subofficial. The top set comprises the superior officials, whose ranks are identical to those of the military, from general to sublieutenant (see appendix B for a full list).

The 1985 Organic Law of the National Police altered the structure of the police, and a series of political and legal reforms in the mid-1990s altered

3. No statistics are available on how many are in the PTJ. But even the increase since 1982 has not matched the rise since independence, when there were only 1 per 100,000 persons.

4. Civilians are classified as superiors (*funcionarios superiores*) and subalterns (*funcionarios subalternos*).

its legal and political context. Bolivia revised its constitution in 1994, establishing a Judicial Council to select and oversee judges, and a Constitutional Court to rule on the constitutionality of laws and decide on high-level cases. It also created a public advocate/ombudsman (*Defensoría del pueblo*, DDP) empowered to investigate all state agencies, including the police, and send cases to the Fiscalía for prosecution. The other main agency of police accountability, the National Office of Professional Responsibility (Dirección Nacional de Responsabilidad Profesional, DNRP), is within the Policía Nacional. It was formed in 2003 to investigate wrongdoing and send cases with sufficient evidence to the Superior Disciplinary Tribunal (Tribunal Disciplinario Superior, TDS), which tries and disciplines the accused.

Along with the 1999 New Penal Procedure Code (Nuevo Código de Procedimiento Penal, NCPP), many other new laws have a direct bearing on citizen security. A 1994 law that abolished imprisonment for nonpayment of debts and a 1995 law on domestic violence were among the many steps taken to strengthen basic rights. In the area of governance, new possibilities opened up with the creation of the 1994 Law of Popular Participation (Ley de Participación Popular, LPP) and the 1995 Administrative Decentralization Law (Ley de Descentralización Administrativa), followed by the creation in 2000 of local government units, Unidades Políticas Administrativas, which together made government in Bolivia more decentralized than it had ever been. Such measures were part of a neoliberal streamlining of the state bureaucracy and national economy, which included liberalization of monetary policy and, through a law on capitalization, the privatization of many public services.

Such policies in Bolivia were also an attempt by national officials, who felt constantly harassed by department governments, to give those governments a taste of their own medicine by empowering the municipalities to lodge demands from below. Although the national government retained the authority to appoint departmental governors (prefects), these laws generated more change than federal officials wanted or anticipated. Before the LPP, most of the country was made up of rural areas that fell outside municipal control, in which a group dating from the precolonial era, the *ayllu*, often helped oversee local affairs. Thus the new laws brought whole swaths of the country into the national structure for the first time. Meanwhile, the LPP transferred 20 percent of the national budget to the country's 327 municipalities and, in one stroke, increased the number of local officials from 262 to 2,900. Along with the 1996 electoral law, which allocated half of the seats in the Plurinational Legislative Assembly to local races (the other half

are department-wide), the LPP also led to a new crop of indigenous leaders who began wresting control from the large political parties. As discussed in chapter 2, decentralization can be a double-edged sword by giving local governments more responsibility than they can handle fiscally or politically. The LPP's quick creation of hundreds of municipal governments aggravated corruption by empowering less accountable local officials.

The laws also led to a surge in local citizen organizing. Most municipal governments were overseen by committees composed mainly of grassroots territorial organizations (GTOs), 13,827 of which were recognized by the government in just the first three years after passage of the LP. In some areas GTOs jumped into tasks such as participatory planning and fiscal oversight, which were two of the LPP's strengths. The *ayllu* also became stronger and more organized, particularly after the two main *ayllu* networks⁵ formed a national council, Consejo Nacional de los Ayllus y Markas del Quollasuyo, or CONAMAQ (Pacheco 1992, 225–235). Meanwhile, although privatization increased foreign investment, it also led to interest rate hikes, which, combined with a lack of visible improvement for the poor, generated massive protests. In summary, because all these legal and administrative changes brought out long-standing tensions between Bolivia's indigenous majority and its elite minority, they could not contain the pent-up demands they were supposed to channel. The national government, caught off guard, ended up more destabilized than shored up by the reforms it had brought forth.

Crime and Criminal Policy

These political tremors heightened the already growing public pressure over the rising crime and violence in the country.

Crime Rates

Bolivia's crime rate quadrupled between 1993 and 1999, to more than 200,000 cases in 1998 alone. Between 2000 and 2004 there were 21,477 registered aggravated robberies (*atracos*), or 1.4 a day.⁶ Despite a reduction

5. The Consejo Nacional del Aymaras, Kechuas, Tupi-guaraníes Unido por Ayllus y Comunidades (AKTUPAC) and the Confederación Única de Ayllus-Comunidades-Capitanías del Kollasuyo-Bolivia (CUAKK-B).

6. El Instituto Nacional de Estadística, as reported in "El rojo sangre tiñó a la gente," *La Prensa*, December 25, 2005.

in crime from 2001 to 2003, some officials calculate that the overall rate of common crime rose between 235 percent and 360 percent in the 1990s, and that crimes against property and persons have increased by at least 60 percent since 2000.⁷ But the varying estimates of crime, detailed in table 5.1, cast some doubt on the veracity of reported statistics. For example, the PTJ received just 114 homicide reports in 2000, which was clearly a gross underestimate.⁸ More contradictory of official reports, and probably more reliable than them, are victimization surveys. In 2005, for example, one in every three citizens reported that someone in their family was the victim of a crime (UNDP 2006, 8–9). Measured in citizen polls, rates of perceived insecurity are also very high, increasing by up to 10 percent each year. About 40 percent of respondents in most surveys say that crime is rising, and over 70 percent feel insecure or somewhat insecure in their own neighborhood.⁹ In another poll two out of three respondents said that the city in which they lived was insecure and only getting more so (UNDP 2006, 8–9). But such numbers probably tell only part of the story, because police say that only about three of every ten crimes are reported. Even the numbers that are reported (see table 5.1) are unreliable, with sharp fluctuations since 1992, of ten from year to year.

The inability of the National Police to bring down these crimes rates—even with a 340 percent increase in budgets during the 1990s (Mollericona 2007)—is attributed to many causes, which tend to fall into two categories. The first category includes the socioeconomic or external conditions emphasized by the police: poverty, unemployment, alcoholism, mass migration to the cities, deterioration of the family and, apparently most vexing to officers (even those stationed far from the borders), the constant “infiltration of Peruvian criminals” into the country. The other category is structural and is highlighted by civilians: the police force’s bureaucratic internal management, half-hearted recruitment and training, wholesale corruption, and

7. The estimate of 235 percent is between 1995 and 2001 (Tellería Escobar 2004, 22). The 360 percent figure covers the full 1990s decade and is from Quintana (2004, 25). Of the 161,358 registered crimes in 2003, 33,600 were common crimes (*faltas*) and 73,141 were misdemeanors (*contravenciones*). Policía Nacional, “Casos policiales registrados en el año 2003.” The 60 percent figure was furnished by Gloria Eyzaguirre, Comisión de Reforma Policial (Police Reform Commission), interview by author, La Paz, December 22, 2004.

8. Policía Técnica Judicial, “Cuadro estadístico de incidencia de casos, 2000” (sheet from Observatorio).

9. “Bolivia—Encuesta sobre dimensión subjetiva de la inseguridad,” Instituto Latinoamericano de Seguridad y Democracia, July 17, 2006, <http://www.wilsed.org/index.php>.

Table 5.1 Crime Rates in Bolivia, 1992–2007

Year	Total crimes	Crime rate per 100,000 persons	Homicide rate per 100,000 persons (number of cases) ^a
1992	28,303 ^b	410.5	n.a.
1993	58,222 ^c	824.0	n.a.
1994	76,450 ^c	1,056.4	n.a.
1995	68,163 ^c , 139,690 ^e	921.1; 1,887.7	68 ^d
1996	75,096 ^b , 241,470 ^e	989.7; 3,182.3	78 ^d
1997	142,706 ^c	1,837.3	n.a.
1998	201,520 ^c	2,534.9	28 ^d
1999	13,200 ^f , 162,700 ^e	162.3; 994.1	n.a.
2000	47,311 ^f , 209,210 ^e	571.3; 2,570.8	37.7 (3,078)
2001	43,783 ^f , 298,600 ^e	529.1; 3,662.6	35.7 (2,957)
2002	19,973 ^b –36,577 ^f	233.8–428.2	30.6 (2,610)
2003	22,875 ^b –36,162 ^f	259.7–410.6	29.1 (2,565)
2004	36,015 ^f	380.2	39.6 (3,748)
2005	32,150 ^f	317.2	n.a.
2006	35,463 ^f	337.7	n.a.
2007	38,817 ^f	357.3	9.3 (1,013)

Note: “n.a.” indicates reliable data are not available.

^a2000–2004: based on numbers of homicides reported to the PTJ; and in various copies of the Instituto Nacional de Estadística de Bolivia’s annual report, “Situación de Salud: Indicadores Básicos.”

^b1992, 1996, 2002: Policía Nacional and Instituto Nacional de Estadísticas, cited in “La delincuencia se dispara en Bolivia,” *La Prensa*, September 5, 2004; 2003: Policía Nacional, “Casos Policiales Registrados en el Año 2003.”

^c*Verde Olivo—Boletín Informativo Policial*, no. 1, 1997.

^d1995, 1996, 1998: Camara and Salama (2004, 159–81).

^eTelleria Escobar (2004, 22). These figures include misdemeanors.

^fBased on author’s calculation of number of reported crimes and national population, excluding misdemeanors.

inability to control alcohol sales. Such socioeconomic and structural problems cross over and compound each other. For example, police officers’ resentment of low pay and poor training limits their willingness to deal with social problems outside the scope of their written responsibilities. As the former commander of the La Paz police put it, officers are expected—with out much backup from other agencies—to deal with social conditions as they “deteriorate into different criminal acts.”¹⁰

This division in criminological diagnosis—fed by the combination of socioeconomic underdevelopment and unstable politics—runs particularly deep in Bolivia. The repercussions are evident in relatively straightforward

10. “Juan del Granado pide descentralización también en esta área,” *La Prensa*, January 24, 2004.

problems such as alcohol abuse, in which the different targets of blame, from the focus of the police on social conditions to the civilian focus on policing, lead to policy deadlocks. The repeated mention by top officials of an alcohol-fueled “culture of excess” reveals a deeper dimension of that division: the ingrained stereotypes and the discrimination directed by the predominantly European elite in Bolivia at the indigenous majority.

Security Plans

As successive policies fall through, public confidence and government officials fall with them. Bolivia has had twenty-six government ministers, which is more than one per year, since the democratic transition in 1982. The only consistency has been the amount of time in office; most ministers have spent about a year in their position, giving nearly every administration an equal number of ministers and years in power. Most of those ministers left as part of a presidential “fresh start” on security or felt hindered during their times in office. Thus even though President Carlos Mesa’s government minister made it through his boss’s truncated term, he complained of constant “negative interference from the political sector”¹¹ Even more numerous than government ministers have been police chiefs; twenty-three have served in that position since 1982. This frequency compounds instability in the ministry by severing continuity in the two top levels of security policy and practice.

These revolving doors have also led to a large number of citizen security plans—at least twelve since 1990. Most of these plans have embraced a wide range of goals, such as rooting out corruption, reorganizing structures, and improving education. Such ambition has often reflected the multipart makeup of most governments, which are often the product of forced negotiations among the leftist Revolutionary Left Movement (Movimiento de la Izquierda Revolucionaria, MIR), the MNR, and the Nationalist Democratic Action Party (Acción Democrática Nacionalista, ADN). Not very sturdy to begin with, many security policies then crumbled along with those shaky coalitions. Because most plans were initially prompted by a specific scandal, often the only specific proposal in them to be executed was a personnel shake-up. Under the government of Hernán Siles Suazo in the early 1980s, corruption and a lack of internal controls led to a strengthening of

11. Saúl Lara Torrico, minister of the interior, interview by author, La Paz, December 16, 2004.

discipline and the dismissal of a few dozen officers. In the late 1980s an early 1990s police abuses during detentions and incarceration led the Human Rights Commission of the House of Deputies to propose prohibition of detention without a judicial arrest (except in cases of *in flagrante delicto*) and the creation of judgeships to ensure due process. Such abuse also resulted in the prosecution of twelve officers for killings and torture

More comprehensive reforms were proposed during the 1989–93 government of Jaime Paz Zamora, again spurred by corruption scandals such as the forty officers fingered by the U.S. Drug Enforcement Administration for their involvement in narco-trafficking. Such reforms included decentralization; higher salaries; reorganization of the radio, investigation, transit, and other units; and improvements in discipline, internal affairs, and cadet education. New and increasingly creative forms of corruption—such as police charging for nonexistent supplies as well as nonexistent police ordering actual supplies—spurred another leadership change during the 1993–97 government of Gonzalo Sánchez de Lozada. Some of Lozada's attempted structural reforms, such as his 1994 proposal to create police modules to “deconcentrate” the force, never got off the ground. But his series of judicial reforms, as this chapter discusses, turned out to be transformative for the criminal justice system and had far more of an impact on policing than earlier plans focusing on citizen security.

Even more audacious outbreaks of corruption prompted even more ambitious reform under the elected 1997–2001 government of Hugo Banzer. Early in the new administration the chief commander of the police force was accused of dipping into the Cooperative Police Mutual Fund (Mutual de Cooperativas de la Policía, Mucopol), and his acquittal and return to the police prompted an exodus by top police officials. To assuage them, in 1997 Banzer modernized the police's administration and gave them many new vehicles. This development led to the Government Ministry's 1997 Citizen Security and Protection Plan for the Family and to complementary laws that created a new transit code, new regulations for private security, a law on arms possession, removal of some police from administrative duties, and structural deconcentration to increase the police presence in the *barrios*. Most significant, the Citizen Security and Protection Plan aimed to bolster citizen participation through formation of the School Brigades, the Neighborhood Security Brigades, and the Group of Civilian Support for the Police (Grupo de Apoyo Civil a la Policía, GACIP), discussed later. In 1998 the police floated a “Strategic Plan” to better target crime through Immediate Action Police Units (Unidades Policiales de Acción Inmediata) and

more regional flexibility in policy implementation¹² Because it improved police efficiency, this proposal laid the groundwork for Decree 25477 of August 1999, grandly dubbed a “Restructuring of the National Police,” which advanced early plans through changes such as salary increases and a new accounting system. Also in 1999, the Integral Plan of Security and Community Participation moved forward on deconcentration of policing, and the Plan of Community Participation tried to strengthen discipline in order to address the mounting complaints of “irregularities” in police activity.

But, as before, most of these proposals ran aground, and one of the few provisions actually carried out was another purge of the top ranks. In contrast to such efforts at greater transparency and accountability was a greater militarization, such as through the 2000 Plan Ciudadela (Citadel Plan), which brought soldiers into the policing of major cities around the country and likely inflamed regional resentments in areas such as Santa Cruz, as discussed shortly (Bolivia Press 1999, 6). More community-minded but equally militarized was the 2001 Plan Tranquilidad (Tranquility Plan), which brought the army and police together to attack “factors that generate neighborhood lack of tranquility,” such as alcohol consumption by minors (Tellería Escobar 2004, 24). Even the 1999 Integral Plan of Security and Community Participation brought the military into this wider (and arguably more intrusive) realm of law enforcement.

Although many plans provided a lot of new equipment and some included long-needed salary hikes, few dealt with training or other underlying weaknesses. Furthermore, despite the new powers and material, higher officials were frustrated by what they regarded as the government’s sluggish responses to crime, such as the long delays in passing the Citizen Security and Protection Plan.¹³ They also resented being shut out of policymaking, including proposed revisions of the Organic Law as well as officer expulsions. For example, when five generals and a vice minister kept a planned 1999 purge tightly under wraps to avoid condemning to “civilian death” the officers slated for dismissal, their secrecy triggered opposition that neutralized otherwise strong support for the citizen security plan (CEDIB 1999).

After President Banzer resigned because of poor health in August 2001, citizen security policy grew both more comprehensive and more militarized under his successor, Jorge Quiroga. Following policies such as the Plan of

12. Juan Alfaro Velásquez, “Plan de Seguridad Ciudadana,” *Bodas de Plata*, no. 1, April 1998.

13. Editorial, *La Gaceta Jurídica*, July 28, 2000.

Reinforced Citizen Security (Plan de Seguridad Ciudadana Reforzada), the Quiroga administration gave the military many new police authorities, mainly by incorporating the Military Police (Policía Militar, PM) into street policing. Although PM officers were proscribed from being armed or holding suspects in military facilities, they could make arrests in the presence of the police. The ministers of government and of defense formed a Committee of Citizen Security Policies to evaluate the plan, which reflected an emphasis on traditional policing. Such approaches led to operations and policies such as the 2002 Citizen Security Emergency Plan, which deployed hundreds of police officers and army soldiers to La Paz, Cochabamba, and Santa Cruz.

Other proposals developed under Quiroga were carried forward after Sánchez de Lozada was elected again to the presidency in 2002. In early 2003 the new government's 34 million boliviano (\$4.25 million) Integral Plan of Citizen Security and Public Order was put into effect. It included a 40 percent increase in the police budget, a National Citizen Security Fund (Fondo Nacional de Seguridad Ciudadana), a 15 percent increase in the number of police officers (and more of them on the streets), changes in the police academy curricula, better coordination, and, to round it off, a citizen security "system" made up of a hundred different programs. Councils from the country's departments were involved in forming the plan, but, in a major strategic error, local governments were not. Municipal officials soon criticized the plan for not empowering departmental and district security councils to implement it, and the Federation of Municipal Associations of Bolivia (Federación de Asociaciones Municipales de Bolivia) and the mayor of La Paz, along with the department heads, rejected any possibility of earmarking part of their budgets for security or the purchase of equipment for the police.¹⁴ Meanwhile, the police complained about the lack of resources to implement the plan. But the armed forces rejected the plan outright. This should not be a problem in a stable democracy, but in Bolivia it was a setback because of the military's growing police powers.

Nevertheless, much of the plan got past these institutional and political blows and culminated in the August 2003 National System of Citizen Security Law 2494 (Ley de Sistema Nacional de Seguridad Ciudadana 2494). This landmark law established a National Security System to develop and coordinate policy through national, departmental, and provincial citizen security councils that brought together representatives of the police, civil so-

14. "Alcaldías no tendrán que pagar el plan de Seguridad Ciudadana," *Correo del Sur*; November 1, 2002, http://www.correodelsur.net/2002/1101/w_nacional17.shtml.

ciety, and three government branches. It established a National Council of Citizen Security and Public Order (Consejo Nacional de Seguridad Ciudadana y Orden Público) to reduce corruption, strengthen internal police communications, and gradually reintroduce neighborhood police stations. The council would also emphasize better cooperation between the police and the armed forces in rural areas (a legacy in part of the Committee of Citizen Security Policies) and the development of pilot programs in urban areas (see Mollericona et al. 2007, 31). Amid subsequent institutional failure and political uncertainty in the country, many of the plan's programs were transferred to the 2003–7 Institutional Strategic Plan (Plan Estratégico Institucional 2003–7),¹⁵ whose lineup of objectives included better education, housing, and health services for the police; improvement of the police's public image; modernization of the National Office of Personal Identification; creation of a Police Treasury (Tesoro Policial) to centralize and control police finances, with authority to audit all of their sources; an Institutional Practices Unit (Unidad de Gestión Institucional); a 40 percent increase in officers and a distribution of them through new evaluations; economic incentives and rewards for officers; a new Disciplinary Regulation (Reglamento de Disciplina); and rigorous application of the Career Regulation (Reglamento del Plan de Carrera) and Law 178, known as Ley Safco, which laid out financial oversight of state agencies. As with earlier efforts, however, these plans were too ambitious, but the more technical provisions did survive those that were either very general or focused on institutional change. For example, the number of police officers had jumped to 29,000 by 2006, though with few of the improvements in their professional lives promised by these laws. Carlos Mesa, who assumed the presidency after Sánchez de Lozada was forced out of office in October 2003, had expressed his commitment to police reform as the 2002 vice presidential candidate. But once Mesa assumed office, his need to control rather than improve the police took precedence, because police strikes had triggered Lozada's downfall. Scaling down expectations, Mesa pushed to strengthen the internal disciplinary system as well as the academy curricula, primarily through more emphasis on legal education. With his presidential term cut short as well, this approach proved to be a prescient one.

Evo Morales's electoral mandate loosened these constraints, allowing him to lay out a new citizen-oriented paradigm of law enforcement rooted

15. "7 políticas del Plan Estratégico de la Policía 2003–2007," *La Razón*, May 16, 2003.

in legislation such as the LPP. Signaling a policy commitment to citizen security, Morales also elevated the General Office of Citizen Security (*Dirección General de Seguridad Ciudadana*), created in 2000, to the rank of a vice ministry. But as the president questioned the practices of the police and other political institutions through his efforts to “re-found” the Bolivian state, smoldering regional tensions came to the forefront, often erupting in armed confrontations over departmental control of the police. Policing was also central to the rebellion of the four eastern departments—Santa Cruz, Beni, Tarija, and Pando—which are whiter and richer than the highland departments in the West. After declaring autonomy from the central government in December 2007, the departments ground the legislature to a halt and voted for autonomy in 2008. Leading the rebellion was Santa Cruz, which covers over a third of national territory, contributes 40 percent of the nation’s tax base, and earns over half of its GDP.¹⁶ Santa Cruz also complains about the fact that the only police academy is in La Paz. Moreover, the La Paz Department has over 12,000 officers for a population of 2.35 million, whereas Santa Cruz has just 2,700 officers for nearly 2.39 million people and a territory three times as large as La Paz (Quintana 2004, 42). Santa Cruz provides about 46 percent of the National Police budget, but just 30 percent of the funds sent find their way back to Santa Cruz.¹⁷ The lion’s share of the rest stays in La Paz. According to statistics provided by the Santa Cruz members of the national legislature, the department’s police force receives about three million bolivianos a year, amounting to under 10 percent of the 35–45 million bolivianos in annual police earnings nationwide. Human resources are marked by a similar imbalance. Two-thirds of officers are from La Paz Department, and only 5 percent are from Santa Cruz (although Santa Cruz politicians claim it is just 1 percent). Thus the lack of clarity in police finances stokes not only corruption but also departments’ perceptions that they are being cheated.

As a result of such disparities, Santa Cruz wants its own force, or at least many of its own policing agencies, such as a separate department police academy. It has also proposed creation of an external control unit comprised

16. The eastern and southern departments of Santa Cruz, Beni, Pando, Chuquisaca, and Tarija, which together have been demanding more autonomy from the central government, make up over two-thirds of the national territory.

17. These budget numbers are disputed. Some Santa Cruz congressional delegates assert that their department receives about three million bolivianos a year, which is about 10 percent of all police income. “La policía desnuda su pobreza y admite que hay corrupción,” *El Nuevo Día*, November 20, 2002.

of judges who would investigate allegations of corruption in the police administration and operations.¹⁸ In 2004 the Santa Cruz legislative delegation announced its intention to push through the Law of Budget Deconcentration and Collected Resources (*Ley de Desconcentración Presupuestaria y de Recursos Recaudados*), which would have permitted each departmental commander to administer resources for his or her department. A lot of resources find their way from the national treasury to unknown recipients who are not known “because corruption is institutionalized,” said one legislator. Moreover, in Santa Cruz the police complain that, because they often have no funds, they have to plead with the electric and water companies to provide service to their stations. Thus a central demand of Santa Cruz is a deconcentration of national funds to allow payments to be coordinated between the local government and the police, which Santa Cruz officials hope would also prevent delays in payments from the national treasury to the police. Although the budget deconcentration bill was approved by the House of Deputies and sent to the Senate, it was never enacted, primarily because of political instability and the fact that any change would reduce funds for the rest of the country.

Reform and Political Change

Bolivia’s large physical size and ethnic diversity have long made centralization ineffective, and more recent political changes have made it outdated as well. The president’s Movement to Socialism (*Movimiento al Socialismo*, MAS) Party lacks the two-thirds majority in the legislature to completely halt the push for decentralization by the eastern departments,¹⁹ whose referendum votes for autonomy require Morales to compromise with them. The Constituent Assembly that formed the 2009 constitution kept the national police force intact, but it entertained different levels of police decentralization, from a nominal administrative deconcentration to a complete division into autonomous state forces, as in federal countries. Such proposals continue to aggravate federal-department relations, because little short of complete autonomy would satisfy powerful sectors in many departments. More decentralization thus appears inevitable, but it will not necessarily be beneficial. Under such politicized conditions, any arrangement would prob-

18. *Movimiento Autonomista: Nación Cambia*, “Policía y Seguridad Ciudadana,” <http://www.nacioncambia.net>.

19. MAS won half of the vote in the July 2006 election of a Constituent Assembly, giving it 135 of the 255 seats.

ably be rushed, multiplying the weakness of the existing system and almost certainly leaving poor states such as Potosí and Oruru with diminished police services. Not surprisingly, most top police and government officials are against any kind of decentralization at all. Several oppose it because of the difficulty of implementation, and one colonel at the Escuela Superior de Policías said the police are against it mainly because of the inequalities it would produce. However, just as with community policing, that stance often clashes with those of officers on the ground. As those officers point out ceaselessly, the requirement that all decisions be approved centrally slows down effectiveness and responsiveness to the highly changing and localized problems of citizen security. As one officer put it, "If you have a problem in an outlying department like Beni, you have to go to the center to resolve it." By the time support does materialize, he adds, the problem has worsened, leading to yet more drawn-out requests.

Like his predecessors, Morales also faces a restless citizenry and volatile police-society relations. The police continue to be ranked as the country's most (or second most) corrupt and untrustworthy institution. In a 2001 poll, 65 percent of respondents said policing was poor, 30 said it was regular, and just 5 percent regarded it as good.²⁰ Five years later, less than one-third of Bolivians approved of the police's performance, and fewer than 40 percent could ascertain how the police was responding to insecurity in their neighborhoods. As a result, about half of all citizens said they do not report crimes and turn instead to a growing range of alternatives (UNDP 2006, 9–11). "We just know how to deal with these problems a lot better," said one El Alto resident at a community justice meeting. "How can we trust a police that just comes to break up our demonstrations? Where are they at other times?"²¹ Facing expectations for broad and participatory problem-oriented reform, Morales's commitment to change must be accompanied by concrete improvements that do not lessen daily security.

Even though the police are aware of society's frustrations and expectations, they often view themselves as the victims. Three-quarters of police acknowledge society's lack of confidence in them, but nearly the same proportion also reports being assaulted by a citizen (UNDP 2006, 3). As in Buenos Aires and other areas with high police death rates, officers often turn questions about citizen confidence into discussions about citizen antago

20. "El desempeño policial se mide por los resultados," *La Razón Digital*, April 28, 2005, <http://www.la-razon.com>.

21. Community Justice Council, El Alto, July 28, 2007.

nism. Officers say that state agencies and rights groups, in their zeal to document violence by police, ignore its use by citizens. Grieving over office deaths in the line of duty, one official asked, “How has [society] responde to this holocaust of the servants of law and order? With a dense and heavy silence. It seems that no one cares that a police is killed. Human rights organizations, which raise thick dust clouds when an anti-social is eliminated in a police operation, have [been] desperately mute.”²² Informally, many officers say that the daily grind of social conditions and hostility sends them on a descent into increasingly violent tactics. Many admit that they often respond to an “ungrateful” population with “brutality authoritarianism, and violence.”²³ Forms of such abuse include forced entries without warrants, illegal confiscations, extrajudicial shootings, and beatings. And the most common targets are poor women, youth, detainees, *campesinos*, and community activists. Reflecting the kind of socioeconomic singling out practiced in many countries, often such abuses are based on officers’ assessments of citizens’ statuses and their corresponding proclivity to dispute police action. As part of their daily policing, for example, subcommissioned officers in Bolivia routinely extort money from small businesses, entertainment halls, brothels, criminal gangs, detainees, and street merchants. Even many street officers who acknowledge that they take out their job frustrations on residents in “chaotic” neighborhoods such as Pura Pura in La Paz (see map 5.1 later in this chapter) put themselves last on their list of those responsible for violence during policing—after their bosses, politicians, citizens themselves, and human rights groups.

Explaining a lot of these police-citizen tensions are officers’ work conditions. Exploitation and low pay, in particular, have led to frequent and very violent police strikes, walkouts, and takeovers of government buildings. Seventeen strikes were held between 1982 and 1997, twelve just between 1997 and 2002, and six in 2002 and 2003 (Quintana 2004, 29). These strikes grew in political threat as they grew in frequency. On February 12, 2003, in one of the biggest outbreaks of civil disorder since the 1952 revolution, the government was nearly toppled when military troops tried to stop youths from breaking presidential palace windows during protests against spending cuts and a new income tax. When the protesters were joined by police officers on a wildcat strike, soldiers used tear gas, and the police responded

22. Miguel Vásquez Viscarra, *Verde Olivo—Boletín Informativo Policial*, no. 9, 1995, segundo semestre.

23. Col. Jaime Gutiérrez Terrazas, director of human rights, Policía Nacional, interview by author, La Paz, July 13, 2000.

in kind in an armed confrontation that injured hundreds of people and killed twenty-seven. In October 2003 another flare-up of unrest stemming from similar conditions forced the president out of office

The involvement of police officers in such unrest, along with the feeble institutions that it has overwhelmed, makes it difficult for any police force to handle new challenges to public order in Bolivia. Such violence has also boiled over into the issues of coca and gas. Because coca was one of the few relatively secure sources of rural income during the economic liberalization of the 1980s and 1990s, its eradication was limited. However, the year after he was elected president in 1997, Banzer put forth a U.S.-funded Dignity Plan (Plan Dignidad) that created a new batch of military police units to eliminate illegal coca in targeted areas. Among them were the U.S.-funded Joint Task Force (JTF), a joint police and military operation formed in 1998, and the Expeditionary Task Force (ETF), a fifteen-hundred member joint police and military operation formed in 2001 and backed by existing police units such as the Unidad de Policía Ecológica (Ecological Police Unit). Supported by separate drug courts and prisons, these new forces militarized and complicated the country's fragile judicial system and its police structure. As Plan Dignidad expanded, it cost the economy about \$500 million each year (Farthing and Kohl 2001, 36), and its clumsily applied crop substitution programs provided few of the promised alternatives for coca growers (*cocaleros*). It also incited even greater violence, because the JTF and other security forces responded to protests with states of siege, mass detentions, and armed battles with *cocalero* self-defense committees, which accounted for most of the 150 killings by police since 1990 (Quintana 2004). As a result, the JTF forces were downsized, and the ETF was liquidated in July 2002 after losing U.S. funding.

On the heels of these problems emerged another one. More directly destabilizing to Bolivia's democracy were the massive and unrelenting protests over plans to build a gas pipeline through Bolivia's historical enemy, Chile. These protests hastened the collapse in 2003 of the government. Whereas the drug war blurred policing with military operations, the gas protest blurred it with political protests. Most police were moved from their regular duties to help break up and prevent the road blocks, demonstrations, and other forms of physical protest that were bringing the country to a halt. There was little choice but to physically deploy officers at that point, and yet the government's failure to anticipate the protests also made such a response inevitable and ineffective.

Applying a wider critique, many Bolivian police officers say that there has never been an effort to define *internal security* in ways that allow a dis-

inction among the many causes of violence, from economics to internal emigration, and therefore promote the development of different policies. In one office's view, the "Doctrine of National Security," in which a repressive response is applied to threats against public order, is the only one that exists. The failure to develop alternatives has thus allowed this Cold War relic to continue as a convenient off-the-rack response for blocking forms of societal agitation that, channeled into less confrontational forms, might help the police find ways to prevent them from building in the first place. President Morales and his cabinet ministers involved in security agree that such embedded approaches are a major challenge, but they struggle to find compelling and workable frameworks to replace them without risking political instability.²⁴

Police Training

The foundation for workable new approaches is education. Curricula and training improvements not only help incorporate criminology but also help transform the police from below. Bolivia has three main police education academies. The first is the Universidad Policial "Mariscal Antonio José de Sucre" (Unipol), created in November 2006 as the successor to the office-level National Police Academy (Academia Nacional de Policía, Anapol).²⁵ Unipol is composed of three academic centers. One provides basic police training degrees (*grados de técnicos medio*) for entry-level ranks (*tropas*); another gives superior-level degrees (*grados de técnico superior*); and the campus in La Paz grants a bachelor's degree in police science—students choose to specialize in criminal investigation, transit, or order and security. Unipol also offers courses in criminal law, penal and civil investigation, criminology, ballistics, laboratory science, narcotics, traffic, counterinsurgency, and human and public relations.

The second academy is the Basic Police School (Escuela Básica Policial, Esbapol) founded in 1994 for subcommissioned officers. Its courses range from patrol to investigation. Officers in the lower ranks can also attend classes at the School of Perfecting and Specialization of Police Classes (Escuela de Perfeccionamiento y de Especialización de Clases de Policías) in Cochabamba.

24. Evo Morales, president, and Juan Ramón Quintana, minister of the presidency, interviews by author, La Paz, September 18, 2006.

25. Based on two semesters for one of four specializations: judicial policing, order and security, transit, or intelligence.

The third academy is for higher officials holding the ranks of lieutenant colonel and above. The Superior Police School (Escuela Superior de Policías, ESP) was established in 1973 for training in managing departments, operational units, and educational institutes. The ESP offers postgraduate courses and one-year programs for serving officers so they can specialize in areas such as laboratory science, intelligence, administration, and command. Both civilian and police professionals serve on the faculty, though budget restraints have created a permanent imbalance in that ratio in favor of police insiders.

Overall, recruitment standards for the academies have steadily improved since the days when admission depended on political connections. Medical, physical, and psychological examinations as well as general knowledge tests for applicants were introduced in the 1980s. In 2004 the government's "new police education system" (Resolución Suprema 222297) not only created Unipol, but, along with the police's 2003–7 plan, expanded course offerings and standardized curricula that had long been subject to uncoordinated changes by both government reformers and police chiefs. While needed, such efforts are still just a beginning. For one thing, recruitment remains highly unrepresentative—that is, it does not reflect Bolivia's sharp socioeconomic and racial divisions. Eighty-one percent of officers and higher civilian employees are from the middle or upper classes, whereas 82 percent of subofficials are from middle or lower classes, and a majority are from the indigenous groups that constitute three-quarters of the population. An estimated 60 percent of the lower ranks are Aymara, the main ethnicity in Western Bolivia. The poor pay, lack of prestige, and often insufferable working conditions at this level attract few people outside of these low-income sectors, and lead to high turnover among those who do join. Unipol graduates can theoretically be promoted to the top rank of general, but an Esbapol graduate can rise only to *suboficial*. Meanwhile, most of the entrance requirements to Unipol, which vary according to specialization and level, remain out of the reach of most Bolivians. By contrast, officers are commissioned by means of graduation from Unipol, by transfer from the army, through direct political appointment for demonstrated ability, or through outright patronage. Most civilians are also political appointees, and they usually but not always have some relevant experience. Seventy-seven percent of lower-tiered officers have said they considered entering Unipol, and 70 percent said they would still do so if given the opportunity (UNDP 2006, 5).

Ethnic, hierarchical, and other divisions in the police are mirrored by the gap between the police academies' actual functioning and their potential. Although each school received relatively good assessments (77 percent for

Anapol, 67 percent for Esbapol, and 57 percent for the ESP), 86 percent of serving officers believed it was important or very important to reform the educational system through measures such as better synchronization with actual police work and between upper - and lower-level training (UNDP 2006, 5). Training has in fact been gradually strengthened since the late 1990s, such as through more flexible scheduling and integration of the police's educational system into the Superior Studies level of the National Education System, which have made it more open and academically rigorous. But police education remains inadequate. For example, although Unipol is divided into specializations, it is criticized for its paucity of offerings in areas such as penitentiary administration, accountability, community policing, and public relations. And even though Unipol has continued to scale down emphasis on physical preparation, a process that began at Anapol, training remains centered on arms use and violence control. Stalled in many predemocratic conceptions, education overall is thus still largely regarded by police and civilian officials alike as militarized. The legal education that cadets receive is based on rote and formalistic readings of the law, giving short shrift to critical thinking and social issues. For example, human rights are not discussed in any real depth in any of the Organic Law's 138 articles, and so the subject is not well integrated into coursework. Thus even a concerted push from the outside to improve police preparation on rights, such as the DDP's efforts to strengthen course material and to open human rights offices within police stations, has had a limited impact.

Any narrowing of the gap between lower-rank and upper-rank education may end up coming not from improvements for lower-ranked officers, but from the deterioration of the higher police academy. Almost since Unipol's inauguration, hopes for improvements have been crumbling along with its infrastructure. The academy's students are crammed into crowded dormitories where they sleep in triple bunks, eat food with no nutritional value beyond its calories, and queue every morning in long lines for the bathroom.²⁶ "By the time we get to class, we're exhausted," confided one cadet on condition of anonymity. Because of the reputation Unipol is acquiring, many students and instructors suspect, applications dropped in 2008 and are unlikely to go back up. Conditions at Esbapol are not much better. Cadets complain that the food and equipment budgets are stretched beyond capacity, often to accommodate the sixty or so extra students admitted each year through politically connected *padrinos* (local godfathers).²⁷ More serious,

26. Unipol officers and cadets, interviews by author, La Paz, July 24, 2007.

27. Esbapol officials and cadets, interviews by author, La Paz, July 30, 2007.

physical abuse of cadets has become an expected part of the Esbapol experience. One cadet there mentioned regular beatings and other forms of humiliation, but investigations by the DDP and other agencies seem to catch only the worst of fenders. Conversations with current students and recent graduates invariably turn to the assaults they have suffered, but they and their superiors often excuse and tolerate such abuse as fitting preparation for a life of policing. Students who put up with such ordeals are thus particularly resentful to find themselves directing traffic ten hours a day. And mistreatment does not usually stop once they get onto the force. In a study by the UN Development Programme, just 13 percent reported they had never been subjected to insults, 23 percent said they had never been unjustifiably arrested or sanctioned, and 23 percent said they had never been overworked. Of those who complained of such treatment, only one in four was satisfied with the process of redress. Conditions are particularly bad for women; one in three reported being sexually assaulted, and three-quarters of the time by their direct superiors. More than half of the police, at all levels, did not have confidence in their leadership and felt unrepresented by the General Command. Overall, between 75 percent and 85 percent of officers said their work conditions were decidedly substandard and precarious (UNDP 2006).

Officer Promotion Policies

This discontent extends to procedures of ascension in the ranks. As in other Latin American countries, promotion in both the commissioned and sub-commissioned ranks is far clearer and fairer on paper than in reality. Administered not by the Office of Instruction and Training (Dirección de Instrucción y Enseñanza) but by the Personnel Office (Dirección de Personal) promotion differs among ranks but is based primarily on two areas. The first is exams, which most officers can take after completing a minimum time in their rank of between four and six years.²⁸ The second area is a point system; officers gain points for different tasks and contributions.

Similar standards and promotion tests also apply to subcommissioned officers. In reality, though, as several officials claim, because of *entrenche*

28. Since 2000 officials have asked for this period to be extended to seven years. Officers are tested on statistics, crime laboratory science, intelligence, planning, penal process law, shooting, and physical education. About 25 percent of Anapol graduates reach the ranks of major or lieutenant colonel. Officers who do not ascend within the slated time stay in the police until completing thirty years of service. Subcommissioned officers are given exams on subjects such as police procedures, physical security, and criminal investigation.

favoritism each year's promotion process is a "total war" that is "contaminated by disputes."²⁹ Despite efforts by the Morales government to make promotion to the top ranks more transparent, three-quarters of police officers believe that the system is neither honest nor consistent (UNDP 2006, 7). In addition to the well-known practice of paying for good grades on the exams, the number of ways in which to earn points has grown so large as to render merit nearly meaningless. "Even participation in an event, no matter how insignificant, has points," says one official. And a bumper crop of points is awaiting those who have or can develop connections at the Personnel Office "because there you can arrange things for your friends and allies." As a result, many promotion files are filled with a "very impressive number of points. "But when you do a more rigorous analysis," say officers who have tracked promotion, "it's garbage."³⁰

Helping to inflate the artificial point bubble is the lack of opportunity to earn real ones. Mundane and often mind-numbing routines waste the first crucial years on the job. Just as many new police officers in countries like Argentina stand on a corner all day (see chapter 6), many of Bolivia's street police spend most of their shifts directing traffic. In La Paz Department, for example, new officers are put on the street, either on foot patrols or in traffic duty, with little chance to develop citizen relations. Many of those who endure those tasks are then rewarded with more exciting motorized patrols, which by their nature limit the kinds of citizen contacts on which problem-oriented policing is built. With enough seniority, officers then move into administrative work in areas such as identification or finance.³¹ But even at these higher levels the constant rotation prevents officers from developing the expertise in geographic or technical areas that helps improve both their own work and that of their units. Built into the promotion process, then, is an association of street policing with the lower-level ranks and desk jobs with the higher-level ranks. The result is an administration-heavy security force. The estimates of employees working in administration vary widely—the police report 15 percent and DDP personnel estimate 36 percent. Differences in how "administration" is defined—which seems to be a bone of contention practically everywhere—explain much of this disparity. Some

29. Officials on condition of anonymity, interviews by author, La Paz, December 2004 and July 2007.

30. Alfonso Ferrufino, former government minister and current executive director of FUNDAPPAC (Fundación de Apoyo al Parlamento y a la Participación Ciudadana), interview by author, La Paz, December 16, 2004.

31. Col. H. James J., comandante, Policía Nacional, Departamento La Paz, interview by author, La Paz, December 22, 2004.

officials define administration as tasks carried out only by actual administrators, while others try to calculate the administrative time put in by all officers. Supporting the latter approach, nearly all officers say they spend far too much time fulfilling administrative requirements. The solution for most of them begins with installing more decentralized police operations and replacing the officers who are doing administrative work with civilians. In 2003 the new police commander announced a “rationalization” to send ten thousand police officers working primarily in administration into the street—particularly into those taken over by criminals because of the absence of the police.³² But onetime “rationalizations” are not much help if they do not address the deeper set of internal incentives and how they continue to widen splits between street and office work on top of the already rancorous division between officials and subofficial

As in other countries, they will also have little impact without changing the rotation practices. Because ascension in the ranks requires a certain amount of time in different units, personnel rotations halt accumulation of the expertise needed to overcome material limitations. Even mid-ranking PTJ officers, who seem to appreciate the chance to work in different areas of policing, say that a resulting lack of expertise is the one of their biggest staff defects. Their bosses in the agency, who want their officers “to begin and die in the PTJ,” have pushed for revision of the promotion system to encourage investigative expertise and to minimize lateral movements.³³ Such plans, however, have yet to be incorporated in actual legislation. Without such changes and without supportive technology such as crime maps, the PTJ remains reactionary not by choice but by necessity, thereby considerably slowing any move toward problem-oriented policing.

Police Management

Poor management marks other areas of the policy as well. A proliferation of agencies within the force has created much duplication and overlap (see figure 5.1). Many units work in the same areas, and, more often than in other countries, additional ones are formed to deal with new security issues. At times such expansion and flexibility are needed. For example, the Multi purpose Unit (Unidad de Polivalentes) is usually ensconced near the U.S.

32. “Vientos de cambio en la Policía,” *La Razón*, September 20, 2003.

33. Rolando Fernández, chief, Policía Técnica Judicial, interview by author, La Paz, December 20, 2004.

Embassy in La Paz to deal with street protests, but it has been moved out to residential neighborhoods such as Pura Pura that suffer from at least a dozen violent crimes each day. However, the Polivalentes seem to be of limited help there, in part because they are frequently moved with other units back to the city center and main roads to break up protests. More important, their lack of both permanence and community policing also limits any positive impact they might have in residential neighborhoods.

Smaller and newer police units are usually spared from such continual shifts, but only because they lack the personnel to be moved around. Their bare-bones staff, however, subjects them to other problems, such as being forced to be appendages to other agencies. Because the Human Rights Office had only one official and one secretary for many years, it has been slated for integration into the Personnel Office. Other new offices struggle to carry out their basic tasks. Even the small 150-member Tourist Police (Policía Turística), which has the straightforward mission of providing security for foreign travelers (usually through prior agreement with tour groups), is rife with problems. Although this unit has taken concrete remedial steps such as setting up kiosks at bus stations and other transport sites, it lacks foreign language capacity, equipment, and coordination with other state tourist services. It is also known for its delayed responses to calls for assistance and its poor knowledge of the streets and tourist spots. If it was not burdened by such limits, however, this unit could test the notion of combining traditional and problem-oriented policing by helping to identify tourism-related patterns of crime. Instead of dispersing responsibility, the functional proliferation discussed in chapter 2 could be used to test ideas in policing by letting new units take innovative approaches.

Such an approach could also shore up criminal statistics, which have long been patchy. After years of demand, the police created a Kardex Archive to consolidate crime statistics and related information. But officers say that poor information-gathering capacity in many parts of the country, particularly in rural areas, makes these numbers unreliable. The source of such unreliability is the spectrum of capacity among stations: some have only paper, some have only typewriters, and many of those with computers lack statistical software. As a result, complete and dependable information gathering by and sharing among the PN's disparate units, beyond their separate submissions to a central archive, remains a long way off. And no one wants to guess at the *cifra negra* (unreported crimes), although the Government Ministry's very conservative estimate is well over 50 percent. Officials maintain that the lack of information is not a technical problem but a polit-

ical one: the police do not want information to be public because it would expose failures and create unattainable expectations. For example, with the justification that it would sow confusion, in July 2004 the commander general ordered all units to withhold information unless approved from the top. Many officers would like to see a more concerted effort, ideally in conjunction with the judiciary, to bring together information on individual crime records, previous arrests, sentences served, and chronic offenders, with that on businesses, arms registries, wanted persons, prison records, and drivers' licenses. Such cross-referencing would support both policing on the ground and processing in the courts. In addition, although the number of cases reported to each division is made public, the number resolved is not. That additional piece of information could help diffuse the endless debate over accusations about the release of dangerous criminals.

Affecting any kind of improvements in statistics gathering as well as other areas of police functioning is money. Although the hard numbers vary, properly directed funding is inarguably low, as the condition of police facilities and services demonstrates. Health and other social programs, according to one chief, are in a state of "putrification." Better technology is the first problem cited by the La Paz Department chief, who says he needs basic equipment such as radios. Officers in nearly every other unit and station also emphatically point out the low supplies of materials. Stations in El Alto, Sucre, and Santa Cruz all lack typewriters, paper, vehicles, uniforms, and other daily necessities. As an example of their desperation, some officers even buy candles for the wax they need for stamps on administrative forms. Successive directors of the PTJ, arguably the most important single police unit, constantly bring up material limitations. The PTJ lacks its own operational budget, and all of its funds come out of the General Command, which they legitimately claim makes it subject to politicized and unanticipated alterations that complicate planning. At PTJ headquarters in La Paz, equipment is outdated, the physical plant is deteriorating, and officers must work in cramped small rooms. One former PTJ chief says that his regular allowance for 1,000 liters of gas falls well short of the 2,500 needed—with the difference coming out of his officers' pockets.³⁴ The PTJ is virtually absent in much of the country's rural areas, and even lacks personnel in many urban centers. Its chiefs say they need twice as many staff members in cities such as Santa Cruz, where the police also complain about the lack of *fin*

34. "La Policía desnuda su pobreza y admite que hay corrupción," *El Nuevo Día*, November 20, 2002.

cales during their night and weekend shifts. Another PTJ director pointed to the lack of experts in different areas of investigation, from crime scene protection to forensics. As discussed in previous chapters, such an uneven presence of different agencies skews the kind of security that citizens receive, mainly by limiting the civil rights and investigative components of criminal justice.

In such stultified police structures, police finances are wasted and opaque in part because of centralization. The commander general controls everything in La Paz, and the departments lack their own operative budgets, forcing many local chiefs to cultivate their own corruption networks and *padrinos* (local godfathers). Not surprisingly, department officials have long demanded their own budgets, and 93 percent of police believe that each department should have them as well (UNDP 2006, 8). In addition, over half of police officers do not regard the management of money as transparent and say that they do not know what their chiefs do with the money (UNDP 2006, 8). Along with weak oversight and evaluation, both external and internal, the frustration resulting from such limits brings out the worst tendencies in police practice. For example, the PTJ and criminal justice officials lose documents, fabricate evidence, and routinely skirt due process procedures. Instead of simply blaming penal process code requirements, many say they cut these corners just to get through the day.

As in Honduras and other countries, privatization stands out in contrast to such shortages. Within Bolivia's police, many chiefs assign their officers to private concerns, a large number of which are owned by police officials. In addition, many officers supplement their low salaries with off-hours work for private businesses. But unlike other countries, Bolivia officially provides private security through the police's Battalion of Private Physical Security. As mentioned above, the battalion's officers lacked official police status until a 2007 strike that, by threatening to expose practices the government preferred to keep under wraps, succeeded in achieving their demands.³⁵

Although private firms are crowded out of the market by the battalion and have even gone on strike to protest the fee of 20,000 bolivares to obtain a license, their numbers have also mushroomed. About a hundred have formed in La Paz since 2000, and the second-largest city, Santa Cruz (where

35. In February 2002 some La Paz officers denounced the commander general for renting out police officers for private businesses and homes, with the earnings going to the police chiefs.

the first private firm was formed in 1982), has about twenty-two such agencies. Cochabamba has over sixty firms, but fewer than twenty belong to the Security Enterprise Association (Asociación de Empresas de Seguridad). Officials and analysts agree, however, that the actual numbers are much higher in view of the fact that an estimated 30 percent of the population uses private agencies (García Soruco 2003, 12). Whatever the numbers, because of the lack of formal regulations until 2002 the government did not accurately document or oversee these businesses. And the Security Enterprise Federation scoffs at the regulations that have been adopted, such as a prohibition on carrying arms, saying that the regulations are only intended to prevent private firms from competing with the battalion.³⁶ Finally, even though they are clearly filling a gap, private security firms also open up a other channel of corruption through favoritism by public officials toward private clients.

Accountability, Corruption, and Discipline

All of these financial distortions, from a lack of gasoline to an overabundance of private police, are just part of what Bolivian police officers uniformly but anonymously view as a “profound” and “systemic” corruption that essentially constitutes a form of “organized extortion.”³⁷ All three of the principal types of police corruption discussed in chapter 2—extortion among the lower ranks, illegal practices in particular police agencies, and the misappropriations pervading financial transactions—plague the Bolivian police. At the top, of the over twenty police commanders between 1982 and 2004—almost one for every year of democracy—eighteen were forced out because of crime, cover-ups, or other forms of malfeasance.³⁸ Under

36. The April 2002 Regulation on Private Security Enterprises (Reglamento de Empresas Privadas de Seguridad) and the Supreme Resolution 221126 on Private Security Enterprises prohibit the use of arms by private security enterprises.

37. Members of the Police Reform Commission, interviews by author, La Paz, December 22, 2004.

38. Between 1999 and 2004 four former police commanders were prosecuted after being relieved of their duties in response to accusations of corruption: Ivar Narvaez Rocha (1998–99), who was part of the accusations against the former president of the Cooperative Police Mutual Fund (Mutual de Cooperativas de la Policía Mucopol) for allegedly stealing \$435,000; José Luis Medina (1999–2000) for stealing \$500,000; Wálter Osinaga (2001) in the Prosegur case; and Wálter Carrasco, commander general of the police, who was investigated in 2002 for a firearms purchase of \$1.8 million. In September 2004 Jairo Sanabria, another commander general of the police, resigned in the

their loose watch many agencies have integrated corruption into their operations, such as overcharging “up to a million dollars, easily” in contracts with companies providing arms or other provisions.³⁹ At the lower levels, seven out of ten officers report corruption in their own units, and 65 percent say that denouncing it would have negative repercussions on their jobs (UNDP 2006, 8).

Police control over its own finances has allowed corruption to penetrate the core of security budgets, not just skim their tops. In fact, the details of police accounting are “not known” to the Government Ministry.⁴⁰ Even the minister does not receive full income reports from the police!⁴¹ And the police chief claimed in 2002 that he does not know where all the money actually goes.⁴² Although nearly every official complains about how much higher the military budget is compared with the police budget, the Government Ministry receives the second biggest chunk of the national budget, after the Defense Ministry.⁴³ Of that ministerial budget, a little over 80 percent goes to the police each year.⁴⁴ That police budget increased from 106 million bolivianos in 1982 to nearly 1.10 billion bolivianos in 2005 (about \$136.85 million by that year’s exchange rate of eight bolivianos to the dollar) and to 1.34 billion bolivianos in 2009 (a little over \$192.66 million by that year’s exchange rate of 6.95 bolivianos to the dollar).⁴⁵ Most of the

face of accusations—less than a month after the newly appointed government minister ratified his position while announcing plans to eliminate police corruption. *Bolivia—FBIS Report*, August 19, 2004; Quintana (2004, 27).

39. According to a high-ranking Interior Ministry official on condition of anonymity.

40. José Arancibia Mollinedo, retired police official, interview by author, La Paz, December 15, 2004.

41. Juan Palacios V., “El Gobierno fiscalizará las recaudaciones de la Policía,” *La Prensa*, December 13, 2004, 6a.

42. “Instituciones piden la descentralización del dinero de la Policía,” *El Nuevo Día*, November 21, 2002.

43. Despite allocations such as the \$26 million Citizen Security and Protection Plan in 1999, and even though the police have 70 percent more personnel than the armed forces, the police budget in the democratic era has been on average only about 60 percent the size of the military budget. The military received \$240 million in 1995, compared with the \$140 million for the police the same year.

44. Of the rest, the ministry’s administration uses 14 percent, the Immigration Service 1 percent, and the Vice Ministry of Social Defense, in charge of antitrafficking policy, an additional 3 percent (Treasury Ministry, Vice Ministry of Budget and Accounting [Ministerio de Hacienda, Viceministro de Presupuesto y Contaduría]; FULIDED 2004).

45. Figures for 1982 and 2005: Ministerio de Hacienda, Viceministro de Presupuesto y Contaduría; FULIDED (2004). Figure for 2009: “Rada desmiente a Costas sobre pre-

money, amounting to between 66 and 81 percent of the Government Ministry's budget, goes to personnel services, which cover salaries and "social contributions."⁴⁶ The 56 percent growth in the police budget in nominal terms between 2000 and 2004 in fact stemmed primarily from a 96 percent increase in personnel expenditures that was driven by a 50 percent rise in both the number of police officers and their salaries; the expenditures on nonpersonnel services fell by 21 percent between 2000 and 2005 (FULIDED 2004, 11, 14).

So even accounting for inflation (which has ranged from 5 percent to 9 percent), it is clear that the security budget has risen steadily and substantially in the democratic era. Less clear to outside accounting and potential internal whistleblowers alike is where all that money has gone. Specifically, there is a serious discrepancy between official expenditures and actual salaries. Roughly, the personnel budget amounts to \$2,445 per police official. In the upper ranks a sublieutenant starts out with a monthly salary of about \$200, rising to about \$300 a month six years later. The annual salary for the police chief is about \$20,000; top officials earn \$6,000–12,000 year, and a detective earns about \$3,200 a year (García Soruco 2003). Subject to one of Latin America's lowest rates, lower-ranking officials earn well

supuesto para seguridad ciudadana y le insta a dejar las 'palabrotas,'" *Los Tiempos*, June 25, 2009, <http://www.lostiempos.com/diario/actualidad/nacional/20090625/rml>. The National Department of Control and Income (Departamento Nacional de Fiscalización y Recaudaciones), established in June 1986, is a decentralized agency in charge of carrying out Article 117 of the Police Law, which details the destination of funds. Between 2000 and 2004, primarily because of a 96 percent increase of expenditures in personnel services, the Government Ministry's budget increased by 56 percent in nominal terms (FULIDED 2004, 11–14). Between 2001 and 2005 the police budget rose by just under 62 percent, from 516 million bolivianos to 838 million bolivianos.

Budget numbers vary according to the source. The police budget for 2004, for example, ranged from 812 million bolivianos (\$103.5 million), according to some officials to 930 million bolivianos (about \$115.7 million), according to the Ministerio de Hacienda, Viceministro de Presupuesto y Contaduría, and FULIDED (2004). According to the DDP, the public security budget rose 165 percent between 1993 and 2003, and according to the police, its budget rose 47 percent from 2002 to 2006. In 2000 the police budget was 479 million bolivianos (about \$79 million). It rose by 47 percent to 704 million bolivianos in 2006 (\$87 million). Adjusting for inflation, the increase was just 9 percent. There are differences between the "security" and "police" budgets, but they closely approximate each other.

46. In 2001, 81.3 percent of the total security budget was devoted to personnel services.

under \$2,400 a year.⁴⁷ Many street officers in the capital are paid as little as \$1,300 annually. Put together, these salaries do not add up to that line item in the annual budget. Based on the number of police each year on which these budgets are allocated, salaries for subcommissioned officers (at an average of \$2,000 each) add up to \$52 million at most and for the officers and civilians (at an average of \$9,000 each) to \$8.5 million at most. All together, then, actual salaries amount to a maximum of just over \$60 million, well below the average of \$70 million allocated each year since 2000.

Outside of the main budget, the finances of particular police agencies constitute a second form of corruption. About 10 percent of the police budget is earmarked for equipment, but several mid-ranking officers say that these funds are dwarfed by monies from nonbudgetary sources that are free from rigorous accounting, such as ID cards and fines. And as they outstrip the official budgeted funds for materials, these additional sources have been turned by certain units into lucrative rackets. Investigations into the Customs Control Unit (Unidad de Control Operativo Aduanero) exposed officers receiving salaries after being fired and contraband-laden trucks crossing bridge without police checks—lax supervision that has allowed international car smuggling networks to take root in Bolivia.⁴⁸ Four notoriously corrupt agencies appear to be the headsprings of most corruption: the Police Housing Council (Consejo de Vivienda Policial, Covipol), which receives 12 percent of funds collected by the police and is in charge of obtaining home improvement and mortgage loans for its members; the Benevolence Society (Mutual del Seguro Policial, Musepol), whose thirty thousand members (mostly active police and retired police and their families) support the country's some six thousand retired officers; Mucopol, which helps its nineteen thousand members acquire provisions at "reasonable" prices; and the Anti-Car Theft Unit (Dirección de Prevención contra el Robo de Vehículos, Diprove), which is in charge of preventing and investigating motor vehicle theft. The security battalions of five cities—La Paz, Cochabamba, Santa Cruz,

47. Luis Pedraza, Government Ministry official, interview by author, La Paz, December 17, 2004. "La Policía desnuda su pobreza y admite que hay corrupción," *El Nuevo Día*, November 20, 2002. These salaries are constantly eroded by inflation. Proposed income tax increases in February 2003 ranging from 7 percent to 13 percent that would have further eroded that minimum salary triggered violent strikes by the police unions. "10 Die as Bolivian Troops Fire on Striking Police and Protesters," *New York Times*, February 13, 2003.

48. "El contrabando no deja de actuar pese al escándalo," *La Razón*, September 22, 2004; "El escándalo no cesa en la Policía, revelan sueldos fantasmas," *La Razón*, September 24, 2004.

Tarija Sucre, and Oruro—are corrupt as well. Against these agencies alone complaints of about a hundred significant “irregularities,” ranging from il legal charges to criminal heists, are lodged each year.

Such unruliness has motivated many attempts to bring these entities under control. But the most ambitious one, a 2000 effort to fuse Musepol, Mucopol, and Covipol into one bureau responsible for police officers’ social welfare, went nowhere. These units are all particularly resistant to such restructuring because each of them, unlike the departmental police, manages its own budget, which includes both official and unofficial income sources. The LOPN delineates fourteen forms of police income, officially directing 15 percent to a Government Ministry account and 85 percent to a special National Treasury account.⁴⁹ But in practice many charges not specified in the LOPN, such as for parking spaces and firearm licenses, bring in millions of unreported dollars. On top of that is money taken from police raids, “contributions” from communities, PTJ charges to issue police records and residential registrations, and sundry fees charged by Diprove, the Tourist Police, and the Road Police (*Policía Caminera*). According to police and state officials, most of those funds do not arrive at their intended destinations and remain unaccounted for at the discretion of their respective units’ chiefs.

As bad as these agencies are, they do not hold a candle to the Office of Personal Identification (*Servicio de Identificación Personal*), which each year charges citizens to issue, renew, and replace about eighteen million drivers’ licenses, ID cards, registrations, firearms licenses, certificates of good conduct, and other documents.⁵⁰ The police do not make public the amount that they make from the documents. But according to government records, 384,000 persons apply for a new ID card each year. In La Paz alone, over 230,000 people—six out of every ten residents—lose their ID (the majority more than once) every year and go to the ID office to request a new one.⁵¹ At 17 bolivianos each, all these new and renewed cards bring in a hefty 6.5 million bolivianos (nearly \$1 million) annually. With so much cash at stake,

49. Of the money in that account, 58 percent goes to a Complementary Fund, 30 percent for maintenance of police buildings and equipment, and 12 percent to Covipol. Articles 117 and 118, *Ley Órgánica de la Policía Nacional*; *Movimiento Autonomista: Nación Cambia*, “Policía y Seguridad Ciudadana,” <http://www.nacioncamba.net>.

50. Article 27 of the Organic Law says that “the National Office of Personal Identification is in charge of granting ID cards, exercising control of migration, maintaining the registries of criminal records and of residence.”

51. Of them, only 20 percent—about 76,000 persons—are going for the first time. A roughly similar number of people renew expiring cards each year. According to one press investigation, about 1,600 cards are issued daily.

battles rage continually between the police and the National Identification Registry (Registro de Identificación Nacional, RIN), created in 1998 as a autonomous agency under the Ministry of Justice and Human Rights, to take control of national identifications. This protracted struggle has exposed irregularities, such as duplications of nearly 650,000 ID cards, which RIN said was proof of the current ID system's "inefficiency, inefficacy and corruption."⁵² In 2002 former police chief Ívar Narváez (who was confirmed as police chief in 1998 despite objections based on corruption charges) was held responsible by the Comptroller General of the Republic (Controlaría General de la República, CGR) for 4 million bolivianos in missing funds, and in 2004 Musepol's former president was charged with appropriating 20 million bolivianos. Neither case, however, led to any trial or discovery of the funds. In March 2005 the elections for Musepol chief were canceled amid rancorous accusations of corruption. The two leading candidates revved up the accusations again four months later, just before elections, with one accusing the other of mishandling \$6 million and the other saying his rival did the same with \$3 million.

Only a complete break of police control over their finances, say officials, can end the "climate of institutional cannibalism."⁵³ For two-thirds of police officers and three-quarters of citizens, in fact, citizen security reform must be centered on the eradication of corruption (UNDP 2006, 13). Toward that end, the Sole National Registry (Registro Único Nacional, RUN) project was created as an alternative accounting system that would exclude police from the management of citizens' personal data. In 1993 the Interior Ministry strengthened the Civil Registry system and the data bank of the Electoral Court. But the RUN plan did not lead to actual changes. In 2003 Law 2152 moved RIN into the National Electoral Court, but the police's Identification Office retained technical operations. Article 14 of Law 2152 authorized RIN to establish an ID system to provide a single, secure ID card to every citizen—ordering the transfer to RIN of all of RUN's archives and data. This move triggered very strong resistance by the police, and in the end neither RUN nor RIN lasted. Since then, steps to change the system have managed to complicate it without wresting control from the police. The Mesa government's Law 2616 allowed for "exceptions" to obtain a birth certificate—a requirement for getting an ID card—by allowing a per

52. "La Policía ofrece un sistema de identificación sofisticado," *La Prensa*, July 30, 2000.

53. Luis Ossico Sanjinés, former vice president, interview by author, La Paz, December 16, 2004.

son to simply present two witnesses before a Civil Registry notary to obtain a birth certificate. In early 2007 the Morales government enacted Supreme Decree 28626, part of the Government Ministry's "I exist, Bolivia exists" program, which grants free ID cards to undocumented citizens based on "just the verification of the Civil Registry database without the need to physically present a birth certificate." But the program only covers new IDs and its director admitted it would be difficult to prevent people from being registered under both systems. The director of the ID office heavily criticized this decree, saying that it allows foreigners to obtain IDs and others to have two of them.

Police corruption is also individual—not just institutional. Most officers agree with the estimate by one former air force colonel who worked with different police units that 90 percent of police officers are corrupt and together rake in millions of unaccounted-for dollars each year.⁵⁴ High-ranking officers in the PTJ and other units regularly extract money for speeding up or slowing down court cases, covering up crimes, and ignoring illicit activity by powerful people. Police at all levels are also involved in kidnapping, robbery, organized crime, contraband, and the trafficking of drugs, arms, and cars. Many minor charges against citizens are often trumped up. Although punishment for most misdemeanors is limited to a fine, many police arrest and fine violators in a manner often proportional to their incomes.⁵⁵ Arbitrary and unjustified detentions by the PTJ, Transit Police, FELCN, and the Citizen Conciliation Unit (Unidad de Conciliación Ciudadana) are, according to the DDP, the principal type of complaint against the police. Even police officers have pointed out the lack of guidelines for these units (Mancilla Cárdenas 1998). Related forms of abuse are detentions without food or legal access, often after mass roundups that are campaigns to "clean the city" before a holiday. The extent of corruption was demonstrated in 2003, when, literally days after the Interior Ministry purged the 290 officials running Palmasola Prison for taking about \$200 from prisoners to leave the prison for weekend jaunts, the same practice was up and running under an entirely new staff. A network of car traffickers operating out of the same prison was exposed a whole year before the government shut it down.

Mutual protection among officers against these and other outside accusations may actually be reinforced by the Bolivian police's dual rank divi-

54. Freddy Camacho, interview by author, La Paz, July 28, 2007.

55. "Infractores son doblemente sancionados: Arresto y multa," *La Prensa*, October 9, 2003.

sion. In addition to the police's blanket denials, officers in the lower corp have created another line of defense against accusations from their superiors. One police general wrote in the police bulletin *Verdo Olivo* that "many honest police, because of a false sentiment of 'solidarity' and 'esprit de corps,' extend a protective veil to protect comrades discovered in illicit activities, [thereby] making themselves inoperable" in terms of promoting clean policing.⁵⁶ Poor remuneration exposes as well as causes corruption, with many police officials maintaining a lifestyle that could not be possibly supported by their salaries.⁵⁷ Unpunished, such practices become only more appealing to other officers

For most of the last two decades, inquiries into such abuses lacked teeth, and even investigations into twenty-five of the police's seventy-seven senior commanders were not concluded. Requesting anonymity many officials say that financial officials in the Government Ministry either are corrupt or have "no control" over police finances. But targeted efforts by the three main accountability agencies have led to some improvements. The Office of the Comptroller General can oversee police income through its authority to audit the financial, administrative, and operational functions of a public entity virtually without conditions, as stipulated by Articles 41–48 of Ley Safo. But by most accounts, including those of officials of the Internal Audit (Auditoría Interno), the CGR's primary investigative unit, the CGR has not exercised its powers with any real effectiveness.⁵⁸ Fed up with the police force's free financial ride, the Government Ministry announced in late 2004 its intention to hire a private firm to reorganize the "disorganized and chaotic" financial system of the police. Although the focus was on IDs and drivers' licenses, some of the plan's sting was taken out by the ministerial assurance that the police would remain in charge of their finances. In early 2008 a bolder step was taken when the police commander requested a CGR audit of Musepol over the last ten years. As in other areas of reform, this request may prove more effective by having the police itself investigate past practices before moving on to a new system.

Similar advancements have been made in the accountability over police abuse. The biggest agency authorized to act on this issue is the DDP whose

56. Gen. Willy Arriaza Monje, "En la hora de la prueba," *Verdo Olivo—Boletín Informativo Policial*, no. 9, 1995, segundo semestre.

57. Luis Pedraza, Government Ministry official, interview by author, La Paz, December 17, 2004.

58. Members, Police Reform Commission, interviews by author, La Paz, December 2004.

extensive public outreach and education programs have been accompanied by a high level of popularity. The *defensoría del pueblo*'s meticulous documentation of abuses and corruption has laid the groundwork for improvements in human rights protections. The agency also has helped the country overcome a political crisis by facilitating negotiations among political parties and between the government and protestors. Based primarily on following through on the hundreds of complaints it received, the agency assessed its work between 2001 and 2006 to be between "good and optimal" (Defensoría del Pueblo 2006, 4). On citizen security however, the DDP has been constrained by obstruction and stonewalling by the executive and the inefficiency of the courts, which are slow to take up the problems the DDP exposes. Ana María Romero de Campero, the *defensora* who served from 1998 to 2003, complained of having to constantly undertake legal recourse against unconstitutional state actions such as intrusions on citizen privacy and the use of clandestine agents. Her demands for lists of prisoners helped force the police to stop holding prisoners for more than the legal twenty-four-hour limit. In public opinion as well as in policy this stance often put her on the unpopular side of the division between human rights and citizen security. For example, she was greeted at a neighborhood meeting by a crowd jeering "*defensora* of delinquents!"⁵⁹ Toward the end of her term she charged the legislature with "dirty tricks" and the executive of blocking her reelection. Her successor, Waldo Albarracín Sánchez, a longtime human rights leader, has more cooperative relations with the government, but he does not pursue as many kinds of abuse as Romero did.

Within the police are several layers of oversight of general and individual officer functioning. The Inspector General (Inspectoría General de la Policía Nacional) uses investigations, monitoring, and other instruments to check police services and finances. The Office of Professional Responsibility (DNRP) investigates wrongdoing and send cases with sufficient evidence to the Superior Disciplinary Tribunal, which tries and disciplines the accused. The DNRP had been known as the place "where complaints die," and most efforts to strengthen it tended to fall short.⁶⁰ In 2002, for example, the police chief fired the entire staff of the Personnel Office as part of an effort to facilitate corruption reporting and to ensure that the points for promotion actually meant something. Although the point system gained some legitimacy, reports

59. Ana María Romero de Campero, ombudsperson, interview by author, La Paz, July 12, 2000.

60. Alfonso Ferrufino Valderrama, interview by author, La Paz, December 16, 2004.

of corruption did not exactly begin to flow. But prodding by the United States led to modification of the police Disciplinary Code with new guidelines and funds to increase efficiency and strengthen due process—for example, by prohibiting preventive detention. As a result, in 2004 the number of cases processed by the TDS doubled and the time in which complaints were processed plummeted from up to ten years down to under ten days.⁶¹ Moreover, the average number of annual discharges resulting from the disciplinary process nearly tripled, from twenty-eight to seventy-nine.

Within the judiciary, action against police has also grown bolder. Encouraged by the government firing of four police chiefs for corruption and involvement in crime in 1997, the Fiscalía became more willing to prosecute high-level corruption cases, including the first-ever conviction of police generals. A serving colonel and two former generals were sentenced in December 2004 to four years in prison for failing to prevent the holdup of a Prosegur company security truck, in which three people were killed, or to arrest the perpetrators. One reason for this rare legal success was that it was part of a longer investigation into a band of bank robbers led by a former police colonel. The prosecutor had obtained false documents and questionable testimony by the generals. This conviction demonstrates the importance of enabling police officers to follow information leads that may be valuable for both specific cases and security in general (see chapter 7)

Although the DDP has publicized abuses and the DNRP and Fiscalía have prosecuted them, even an accumulation of cases does not mean a reversal of underlying practice. Aside from the few high-profile prosecutions in fact, the vast majority of cases handled by the internal disciplinary system—seventy-four of the seventy-nine in 2006—have been for desertion among the lower ranks, along with misdemeanors by officers, which are handled by internal Police Courts (Juzgados Policiales). This situation again reflects and deepens the two-tier system biased against the lower ranks. The police's internal code of sanctions has only furthered this tendency by targeting individual over institutional practice. For example, the controversial 2000 code limited officers' access to the media and forbade a range of behavior such as political militancy, "forming groups within the agency," homosexual relations, and "living with someone with a bad reputation."⁶² A 2003 revision backpedaled a bit through measures such as in-

61. Officials requesting anonymity, interviews by author, La Paz and Sucre, December 2004.

62. Resolución Suprema 220080, November 1, 2000; "El Defensor del Pueblo y

roducing oral trials and strengthening due process for accused officers⁶³ Wanting to bolster more formal accountability units as well, many official recommend forming an ombudsman within the police and returning sanctioning power to the Judicial Council.

Criminal Justice

In Bolivia, as in other countries, the failure to put the courts into good working order has also undermined citizen security. The judicial reforms of the 1990s attacked some of the judiciary's worst problems, such as by designating a special court to hear constitutional issues and by ensuring more social protection for the rights of women and children. In addition, the MP Law of 1993 gave the Fiscalía authority over criminal investigations. But continuing inefficiency and chaos in the criminal justice system, marked by chronic strikes by judicial personnel, led the Ministry of Justice and Human Rights to take the bigger step of enacting the New Penal Procedure Code in 1999. A landmark reform that began operating in May 2001, the new code replaced written trials with oral trials, moved investigative authority from the police and judges to the *fiscales* and set up a process of four judicial stages: preparatory, oral trial, appeals, and sentencing. The investigation and trial preparation are carried out by prosecutors under the investigative court's supervision. Detainees must be turned over to a *fisca* and an instruction judge (*juez de instrucción*), who determines detention or release. The *fisca* has six months to investigate, and then may propose an alternative sentence, ask for a plea bargain, or present the case before a sentencing court judge. The trial is then carried out in a sentencing court, led, in cases in which the penalty is more than four years' imprisonment, by two sitting judges and three citizens. Preventive judges (*jueces de instrucción cautelares*) may intervene in the preparatory stage and may decide on alternatives (usually called *medidas cautelares*) to trial, and Juzgados de Ejecución Penal oversee the postverdict processes.

The benefits of the NCP became clear very quickly. The average time devoted to a case fell from between two and six years to about a year, and

DD.HH. critican las nuevas reglas aprobada por el gobierno," *La Razón*, December 2, 2000.

63. Reglamento de Faltas Disciplinarias y sus Sanciones para la Policía Nacional, Resolución Suprema 221886, July 31, 2003.

from 2002 to 2004 the number of convictions rose 63 percent and the number of processed cases quadrupled, from 306 in 2002 to 1,300 in 2004.⁶⁴ Aided by U.S. and internationally funded training, the number of oral trials rose from 480 in 2002 to 594 in 2003 and to 764 in 2004.⁶⁵ Public Ministry (Ministerio Público, MP) and DDP staff members also say that the number of cases rejected by the MP for defects in investigation has been reduced, the rate of MP requests for alternative measures has increased, and the number of detentions exceeding the legal time limit has been halved. Most judicial officials also believe that corruption in the judiciary has been reduced under the NCPP. Although they cannot cite specific evidence or studies, almost all of them mention a noticeable reduction in bribes and forms of preferential treatment during the criminal justice process. In the experience of public defender Ramiro Molina and several of his colleagues,⁶⁶ the reduction in such obstacles has, in turn, reduced the length of time between clients' arrests and hearings. As discussed in chapter 7, identifying such points of tension can go a long way toward unclogging the long criminal justice process.

Despite an abundance of training for police and prosecutors as well as educational programs for the public, implementation of the NCPP has been slowed by inadequate funds, interagency coordination, judicial infrastructure, and political support. Internal agencies overseeing criminal procedures, such as the MP Inspector General's office, have been weak, causing many judicial districts to lag behind on implementation. The creation of implementation councils was delayed in La Paz, where local authorities balked at what they regarded as an imposition. As a result, the promising results produced in the NCPP's first years slowed, stretching out the forty

64. At the end of 2002, 291 sentences were passed down, rising to 408 in 2003 and 764 in 2004. Comisión Nacional de Implementación de la Reforma Procesal Penal, Comité Ejecutivo de Implementación, *Avances en la Justicia Penal—Informe Estadístico* (June 2001–June 2002). The average duration of the investigatory stage is 336 days and that of the accusation and oral trial is 134 days (Riego Ramírez 2005).

65. Most U.S. training was conducted by the Illicit Crop Monitoring Program of the UN Office on Drugs and Crime through Management Science for Development (MSD) and the U.S. Agency for International Development. According to ICITAP's director, the program's work in Bolivia has changed, not "only from training to development but also in the development of the whole judicial system—not just the police." ICITAP was "trying to change the whole focus" by training judges and prosecutors (Executive Office for United States Attorneys 1996). There has also been extensive U.S. support for institutional strengthening of the judiciary (MSD 2003).

66. Ramiro Molina and colleagues, interview by author, La Paz, December 18–22, 2004, and July 28, 2007.

five-day maximum for a trial into months. The percentage of unsentenced prison inmates also increased, jumping nearly 7 percent just between 2006 and 2007 (Riego Ramírez and Duce 2008). In most years about 20 percent of criminal charges are resolved, with rates far lower for crimes against vulnerable sectors such as women. Quarrels over who or what is culpable for such delays only extends them. Most agree that a primary cause is the poor cooperation between *fiscales* and police, which leads to a confused mix of the old and new codes or continuing use of the inquisitive approach exclusively, which, in turn, allows many delinquents to “escape trial.”⁶⁷ Several police chiefs say that “things disappear” at the MP and that the *fiscales* do not follow up or direct them well. Distortions in human resource management at the MP also undermine implementation. With just a few *fiscales* assigned to the property crimes that constitute nearly half of all charges, some *fiscales* have six hundred cases, while others have under a dozen (Ledezman Inchausti 2005). The police also say that the public defenders in the PTJ offices focus only on securing provisional liberty for detainees “above the interests” of society and victims, and that judges, in an often “arbitrary” manner, detain the accused only in high-publicity cases, but release others without taking into account “the evidence supplied, the dangerousness of the detainee or his record.”⁶⁸ Such actions then force the police to deal with additional crimes committed by released suspects, halting or reversing the NCPP’s quicker pace. *Fiscales* throughout the country have been assigned to night shifts since implementation of the code, but the police complain that they are not there at times of high crime. Many NGOs working on judicial reform also criticize the MP, primarily for not developing a strategy for implementing the code or even offering practice in the basic defense and accusatory procedures of oral trials.⁶⁹ As in other countries, the NCPP absorbs much of the blame by being “very guaranteeist” and lenient on detainees. And once charges of releasing criminals are brought into the mix, the debate moves from the procedural to the political, halting the arc of criminal justice reform before evaluation of practice can be used to improve it.

Meanwhile, public defenders, *fiscales* and others claim that police officers are not willing or able to act outside of their own institutional hierar-

67. Gen. Oscar Molina, interview by author, La Paz, December 18–22, 2004.

68. José Velarde, “El Nuevo Código de Procedimiento Penal,” *Revista de la Policía Nacional*, no. 230-2002, 8–9.

69. Ximena Vázquez and María de los Ángeles Loayza, Centro de Estudios sobre Justicia y Participación (Center for Justice and Participation Studies), interview by author, La Paz, December 14, 2004.

chy. Instead of coordinating with *fiscales* the pressure is simply too strong on lower-ranking officials to communicate only with their chiefs, who, after all, are the ones who control their promotion and salary. As some judges acknowledge themselves, the police have a lot of influence on judges, and together they often resist applying the new code's presumption of innocence. Asserting that the Fiscalía has "no control" over the police, one prosecutor said that "access to information is precarious" and that the judicial police often delay sending it to prosecutors. Because "*fiscale* depend on the current government in power, there is no independence," he added.⁷⁰ "Although the *fiscal* is in charge of cases, the police officers send their material to their bosses instead. We ask for sanctions against them, but often times they are not taken. Sometimes the police even shut the *fiscale* out physically from police stations. Sometimes the police extort those reporting the crime." In addition, as a legislative investigation documented, pressure is routinely put on the *fiscale* who are investigating police and military involvement in drug trafficking (Human Rights Commission 1995). Police chiefs, who are in the best position to correct such actions, often answered interview questions about such issues by focusing on procedure. Above all, they said that the real problem was that their personnel were simply not trained sufficiently to implement the new code rules on gathering evidence, interviewing suspects, and protecting crime scenes. Some officials tried to be more objective, seeing problems on all sides. Most of his colleagues, said one *fiscal* "will get the crime report, read the final part and provide an opinion of about four lines. However, the police manage the whole file. As a result, the same culture continues, the same as the old system, with the majority of officials [and their practices] not changing."⁷¹

Like accountability, better performance by the NCPPs is most likely to flow from specific measures that show concrete results by shoring up relations among police, judges, and *fiscales*. Examples are providing more and better-managed PTJ resources and giving judges more time to conduct "careful and exhaustive revision" of PTJ investigations.⁷² The Institute of Forensic Investigations (Instituto de Investigaciones Forenses, IDIF), which often does not complete its work because of a lack of resources, and which often illegally charges families for its services, also needs more personnel and oversight. Police officers merit greater support as well. The law mandates that a

70. William E. Alave Laura, public prosecutor, interview by author, La Paz, 17 December 2004.

71. Ibid.

72. *Bodas de Plata*, April 1998, 74.

police officer carrying out an investigation cannot be pulled into other activities that delay it, but in fact officers are often sent at short notice to provide security at a soccer match, prevent the building of blockades by protestors, or (a perennial complaint of Bolivian officers) do traffic duty. Such practices, which are the individual-level equivalent of moving units around (as discussed earlier in relation to the *Polivalentes*), also inflate administration by creating paperwork and other processes that officers have to fulfill.

Meanwhile, more of three main sets of criminal justice officials—*fiscales*, defenders, and judges—are needed. In El Alto some court dockets are filled with up to eight hundred cases each, and many La Paz *fiscales* have about a hundred cases at any given time.⁷³ One member of the legislature concurred that “there is not sufficient capacity among current *fiscales* to implement the NCPP.”⁷⁴ Public defense—whose budget for many years was provided almost entirely by the United States—long has been at the “point of collapse,” according to NGOs, with far too few public defenders to serve the many defendants who need them, despite efforts such as the 1995 Public Defense Program aimed at strengthening public defense or creating public defense offices in underserved neighborhoods.⁷⁵ The NCPP itself needs more administration. It has few instruments for transparent tracking of cases or communications with other agencies; the Police Reform Commission estimates that the status of about 70 percent of cases is unclear at any given time and that only about one in every five cases reaches trial. Resolution rates are particularly low when victims are from more vulnerable sectors. For example, the Family Protection Brigade receives over forty reports of domestic violence each day, but the courts resolve only a few of them each year. Receiving more media attention are the reports of rejections of criminal charges, which heighten the public’s perception of impunity for criminals and deepen its suspicions of due process. Three out of four police and nine out of ten citizens believe that serious criminals such as drug traffickers and murderers do not deserve the same rights as other citizens. And six out of ten police and seven out of ten citizens approve of physical or psychological violence against delinquents during arrest or interrogation (UNDP 2006). Moreover, about a third of citizens consider it

73. “Las condenas aumentan 63 por ciento con el Nuevo Código Penal,” *La Prensa*, June 1, 2005.

74. “Exigen una política nacional de seguridad ciudadana,” *El Nuevo Día*, November 21, 2002.

75. Law 2496 of August 2003 formed the National Public Defense Service (Ley de Servicio de Defensa Pública).

reasonable to break laws in certain circumstances, and seven out of ten police agree with them.

Conditional liberty has been a big bone of contention, and probably has resulted in the declining use of alternative sentencing since enactment. As one judge put it, "Before, the rule was detention and liberty the exception. Today, it is the reverse. Society asks, 'Why do the codes' *medidas cautelares* [preventive measures, in this case to protect due process] only favor the accused and not the victims?'"⁷⁶ Responding to a backlash against the NCPP, in 2003 the heads of the three branches of government met to adjust the code to the "national reality" by "better punish[ing] crime."⁷⁷ In doing so, they mainly restricted its *medidas cautelares* in order to prevent repeat offenders from benefiting from measures that substitute for preventive detention.⁷⁸ They also modified five NC provisions and eleven penal code provisions to increase the punishment for different crimes, particularly the crime of erecting the blockades associated with political protest. Another NCPP provision criticized for undermining rights allowed the use of masked agents—a practice adopted by FELCN in acting against drug trafficking networks.⁷⁹

Such hostility to civil rights is evident in Bolivia's high rate of vigilantism, as well as in the courts' and media's treatment of it. Many police officers, as well as the citizens who volunteer with them, blame the penal code for contributing to frequent lynchings by overlooking them. For example, although the 110 lynchings reported from January 2001 to January 2003 were a record number to date, none was prosecuted.⁸⁰ The number has only increased—71 lynchings were reported in 2009 alone⁸¹—but the likelihood

76. Róger Valverde Pérez, penal instruction judge, interview by author, La Paz, December 22, 2004.

77. "Los tres poderes acuerdan modificar el Código de Procedimiento Penal," *Bolivia Hoy*, June 13, 2003.

78. "El Gobierno refuerza a la Policía con dinero, equipos y proyectos," *La Razón*, July 19, 2003; "Aumentan las penas para evitar varios delitos," *La Razón*, January 8, 2003.

79. "Los agentes encubiertos ya operan contra narcos," *Los Tiempos*, January 7, 2004. Antidrug laws often encourage such practices.

80. See Permanent Human Rights Assembly and Acción Andina, <http://www.cedib.org/accionandina/index>; "El Estado debe enfrentar a la inseguridad," *La Razón*, March 4, 2002. Thirty-six of these cases (60 percent of the total) occurred in Cochabamba and eighteen cases (30 percent) in Santa Cruz. "60 linchamientos ocurrieron en 15 meses. Pese a la cantidad, ninguno de los homicidios fue esclarecido por la Policía o Fiscalía," *La Razón*, January 9, 2003.

81. "Preocupa a ONU aumento de linchamientos en Bolivia," FM Bolivia, June 11, 2010, <http://www.fmbolivia.com.bo>.

of prosecution has not. Parallel with the lack of legal action against vigilantes is the lack of prosecution of petty criminals, who are vigilantes' primary targets. On "minor crimes, the courts let them out, and the circle repeats itself," neatly concluded one top police official. "This causes lynchings."⁸² To such charges judges have grown tired of responding that poor investigation and management are much more culpable than the NCPP. They can bring in anyone suspected of being involved in an attack, say PTJ and MP officials, but must let them go when there is no evidence to keep them. The high rate of lynchings underscores the lack of confidence in the police to maintain order, but this lack of evidence underscores the inability of the police to prosecute even cases with a lot of perpetrators and witnesses.

In the meantime, as social change outpaces state action, lynchings have become more politicized. As Goldstein (2004) and others point out, vigilantism has grown along with citizen activism in Bolivia, showing how civil society can undermine democratic standards. Thus although there were fifty-seven actual and attempted lynchings in 2007, which is about the same rate as in earlier years, there were well over a hundred media stories about them (Vaca 2009). Beyond the grisly and often sensationalistic details, such reports more and more associate lynchings with formal community justice forums and trials, which have become one of Bolivia's biggest deliverers of justice. And instead of seeing vigilantism as filling a vacuum left by the state, journalists see it as being facilitated by the state. By maligning one of Bolivia's major areas of legal reform, their reporting then diverts attention from the real judicial and socioeconomic roots of *auto-justicia* around the country.

That interdependence among new laws, judicial practice, and social pressures afflicts even laws that are limited in scope. For example, the 1999 Blattman Law, which prohibited anyone from being jailed for debt or detained for an extended period without a formal indictment, was one of the key legal reforms of the 1990s because it directly addressed inequalities in the judicial system. But it may have inadvertently allowed crime to rise because police began to not bother catching criminals that the courts were likely to release. A few months after the law began granting prisoners provisional liberty, the population in many of the country's largest detention facilities dropped by a third or more. But amid political pressures and bureaucratic hurdles, application of the law began to fade, to the point at which

82. Juan Carlos Saa Manzanata, director, Nacional de Instrucción y Enseñanza, Escuela Superior de Policías, December 15, 2004.

the prison population ended up even higher than before the law. About 55 percent of prisoners were being held for narcotics crimes, and over 70 percent of all detainees were awaiting trial. In addition, even with the NCPP the low application of alternative sentencing continues to fill up the prisons

As they become increasingly overcrowded (eight thousand people are crammed into a system with a capacity of five thousand), the prisons are characterized by violence, inhumane conditions, and a lack of services such as rehabilitation centers for minors or psychiatric hospitals. Despite reforms—such as release of debtors and untried detainees, new bail laws, and more public defenders—between 60 and 75 percent of inmates have not been charged or sentenced, according to estimates by officials in the Ministry of Justice and Human Rights. In La Paz's San Pedro Prison, all but the small number of inmates who "buy" individual cells are forced to sleep on patios and stairs. "It's like another city in here," said one inmate, "a real survival of the fittest."⁸³ The National Penitentiary and Supervision Office (Dirección Nacional de Régimen Penitenciario y Supervisión), part of the Government Ministry and the police, runs the country's prisons, assigning about four hundred officials to run them. The police do not want to be there, but the Law of Penitentiary Security (Ley de Seguridad Penitenciaria) puts them in charge. As in Honduras and other countries, rights groups then blame the police for prison conditions, and the police blame a shortage of funds.

These are just some of the reasons why officials talk about a "total loss of credibility in the judiciary."⁸⁴ However, a foundation for responding to them has been laid. A *Police-Prosecutor Functions Manual* as well as a Criminal Records Registry have finally been completed. An office that offers twenty-four-hour service to receive complaints and help crime victims, the Platform for Attention to the Public (Plataforma de Atención al Público), opened in 2007. To avoid lengthy criminal proceedings, the Unit of Immediate Reaction (Unidad de Reacción Inmediata, UDRI) conducts mediation for victims, the accused, and their lawyers to find acceptable alternatives. Using both the judicial and PTJ officials assigned to it, the UDRI also helps facilitate interagency coordination more generally.

External actors continue to help implement judicial reform as well. The Center of the Study of Justice of the Americas set up Integrated Justice Cen-

83. San Pedro Prison, interviews by author, La Paz, July 19, 2000, and August 1, 2007.

84. Franz Zilveti Cisneros, Dirección General de Seguridad Ciudadana, interview by author, La Paz, December 2004.

ters (Centros Integrados de Justicia, CIJs) in Bolivia that offer free legal information and orientation, as well as conciliation services. It also helped form the Center for Information, Orientation and Citizen Training (Centro de Información, Orientación y Capacitación Ciudadana, CIOCC), which provides support for educating citizens on human rights and providing training on the NCPP. However, like problem-oriented policing, small-scale efforts zeroing in on the bottlenecks in the process have proven the most effective. For example, the internationally funded "Support Project for Penal Process Reform" has reduced by 30 percent the number of criminal reports rejected by the MP for errors and by 40 percent those rejected by superior courts in the main cities, and it has increased by 20 percent the number of requests for alternative forms of resolution.

Community Policing

Because local efforts are often the nucleus of change in citizen security, hopes for improvement in Bolivia are riding on the many small security and justice programs being developed around the country. With its highly multicultural and mobilized citizenry, community policing is even more promising and appropriate in Bolivia than in most of Latin America. Through laws, police restructuring, and community justice forums, the government has both directly and indirectly promoted citizen-based responses since the 1990s. For example, most national citizen security legislation has prioritized citizen participation by forming councils at the national, departmental, and provincial levels through the National System of Citizen Security Law 2494 described earlier.⁸⁵ Many of these programs, however, have been compromised by politics. Although many of the citizen councils are up and running, they are heavily criticized in the communities for being composed almost entirely of government officials. The country's Neighborhood Council Federation (Federación de Juntas Vecinales, FEJUVE) has demanded more participation by grassroots organizations in these councils. Because of the growing power of local officials, along with the federal government's calls on FEJUVE to support it in times of political disturbance, such de-

85. Provinces fall under departments. The Law of Organization of the Executive, No. 2446, incorporates the General Office of Citizen Security and Crime Prevention (Dirección General de Seguridad Ciudadana y Prevención del Delito) into the Government Ministry.

mands must be taken seriously. Even so, the sheer size and variety of Bolivia's municipalities will make it a challenge to do so, particularly with the increase in these councils and the reactions that their formation can touch off. The mayor of El Alto even organized protests against the law's penalization of protests and blockages, as well as the fact that monies for public lighting go to the Electricity Superintendence while the city government must pay for lighting fixtures and residents will face higher charges.⁸⁶ Although El Alto has always been at the forefront of protests in Bolivia, it illustrates the risks of decentralization discussed in this book. Decentralization is often initiated because the central government is not strong enough, but then it must quickly demonstrate that it is strong enough to withstand the political pressures that ensue.

Because of this instability, concerted plans for community policing have not yet materialized. Although they are often inspired by national change, most programs around the country have been ad hoc local initiatives. Though usually lacking outside accountability, as discussed shortly, this bottom-up approach may actually prove more productive in the long run. The first of them emerged out of the LPP. It led to the formation of Vigilance Committees (Comités de Vigilancia), which express community concerns in general, and community security forums, which try to resolve citizen concerns in particular. The Support and Citizen Cooperation Patrol (Patrulla de Auxilio y Cooperación Ciudadana, PACC) was set up in 1994 and is led by Anapol graduates to "support citizens" through better handling of youth delinquency, homelessness, and drug addiction. The Plan of Participatory Security put forth in May 2002 was too ambitious, but the broader Participatory Vigilance Program (Programa de Vigilancia Participativa)⁸⁷ of June 2002 aimed to improve the diagnoses of the causes of crime by both police personnel and the nine thousand so-called Lookout Pairs (Parejas de Vigías) connected through cell phones. In La Paz the Citizen Security Pilot Project (Proyecto Piloto de Seguridad Ciudadana)⁸⁸ was launched in May 2004 to coordinate daily police-government inspections of places that sell alcohol. Other citizen-based units have formed in cities and departments

86. "Con la ley, al alumbrado le costará más a los vecinos," *La Razón*, August 16, 2003.

87. "9.000 celulares conectarán para la seguridad vial. El Proyecto de vigilancia vecinal empieza hoy con 4.200 serenos," *La Razón*, March 5, 2002.

88. Subalcaldía Centro (Central Submayor's Office), "Alcaldía paceña impulsa proyecto Piloto de Seguridad Ciudadana con participación vecinal," La Paz, May 19, 2004.

around the country, such as the Neighborhood Security Brigade (Brigada de Seguridad Vecinal), typically involving the heads of neighborhood councils (*juntas vecinales*), municipal officials, and the local police commission. La Paz's brigades are composed of volunteers under the direction of the PTJ and the Transit Police. Cochabamba's brigade includes about 130 families, mainly to keep order during public festivities. One of the more common groups is the School Brigades (Brigadas Escolares), composed mostly of student volunteers who help with the afterschool neighborhood policing as well with cultural and sporting events. "The school brigades allow us to get close to the parents of the students involved. Through the youth, we can get to know the parents, the big brothers, the neighbors," says the La Paz Department police chief. "This is the best way of being close to the community"⁸⁹

Structural changes within the police have also advanced community policing. One such change in many areas of the country has been construction of police modules—small kiosks for officers in areas with a low police presence. In 2000 the police's Citizen Security Plan began with the installation of about fifty police modules around La Paz and El Alto, with round-the-clock staffing. With the support of PAC, similar "green houses" were planned for Santa Cruz and Cochabamba. In addition, Cochabamba assigned many of its new officers to foot patrols and special units such as the Operative Transit Agency.⁹⁰ In La Paz, construction was approved in 2010 for new police stations to provide a range of services in high-crime areas. According to many police officers, they would like to use these changes to develop better coordination with umbrella grassroots groups, but members affiliated with those groups say that the police have not really tried. The city's multiple ethnicities and numerous citizen groups, as El Alto community policing activist Daniel Atahuichi points out, makes such coordination difficult, even for citizens and police intent on trying.⁹¹

Since the mid-1990s these programs have been complemented by the community justice councils and forums that have proliferated in Bolivia through constitutional provisions and legislation augmenting decentralized local administrative and juridical autonomy and indigenous legal norms. These forums have been part of a reassertion by the Aymara, Quechua, and Guaraní

89. Col. H. Jamés J., comandante, Policía Nacional, Departamento La Paz, interview by author, La Paz, December 22, 2004.

90. "Plan de Seguridad Ciudadana: Policía instaló 'casetas verdes,'" *La Prensa*, July 30, 2000; "Dos camionetas y un soporte humano para hacer funcionar los módulos," *Los Tiempos*, January 7, 2004.

91. Daniel Atahuichi, community policing activist, interview by author, El Alto, December 2004 and July 2007.

peoples, the country's largest indigenous groups, of their legal, cultural, and political identities amid economic uncertainty, a weak state, and massive urban migrations. Among these projects is the Justice Ministry's Justice of the Peace (*Justicia de Paz*) network; it has been formed in about 40 percent of the country's municipalities to carry out traditional forms of conflict resolution directed by judges of the peace. Backing up this network are the Integral Justice Centers (*Centros Integrales de Justicia*) formed to "de-judicialize" local conflicts. Six of these centers have been established in high-crime *E*Alto and others in the coca regions of Chapare and Yungas. In addition, since Morales's election many local officials around the country have revived the National System of Citizen Security Law by forming citizen security committees and by modifying that law to facilitate participation by societal groups.⁹²

Although such efforts are a step toward problem-oriented policing and improved police-community relations, most have been short-lived because of weak funding, institutional assistance, and citizen confidence. For example many of the civilian night patrols, the *serenazgo vecinal*, did not have the equipment needed, and the police officers in charge were not trained in how to prepare volunteers. As a result, some programs were never launched, and the volunteers in others ended up quitting.⁹³ Primarily because of the government's desire to maintain as much control as possible, the most durable "community policing" programs are those directed by police or geared toward specific objectives. Such control, though, has not been sufficient to head off abuses against citizens. Although formed mainly to provide local search and rescue services, many GACIP units morphed into cliques of powerful citizens who acted with police authorization but without the appropriate training or oversight by the specially trained *Anapol* graduates who nominally head them. PAC, also led by *Anapol* graduates, has similarly been linked to rights abuse—often with the backup of police units such as Radio Patrol 10. One probable cause of such abuse is a lack of regulation. Some police units geared toward community relations, such as the Citizen Conciliation Unit (*Unidad de Conciliación Ciudadana*, UCC), have been singled out for lacking clear guidelines in police laws and regulations such as the Misdemeanor Code (*Código de Faltas y Contravenciones*)—see Mancilla Cárdenas (1998). Beyond their own irregularities, such units have overrun some of the areas that should have been filled by citizens. In particular, the drawn-out effort to

92. "Implementarán nuevas estrategias para mejorar seguridad ciudadana," *El Diario*, April 7, 2008.

93. "El Plan de Serenazgo Vecinal empieza con fallas de coordinación," *La Razón*, April 30, 2002; "25 vigilantes renuncian al plan de serenazgo vecinal," *La Razón*, June 11, 2002.

pass a Community Justice law, which began in the mid-1990s, undermined community policing by depriving localities of much-needed forums for locally led security initiatives, which, as discussed in other case studies, can help resolve causes of crime by addressing claims for justice.

El Alto, the low-income city of 650,000 mostly indigenous rural immigrants, embodies the inherent tensions between citizen and police control in the more hastily developed community policing programs. It also exposes the deeper struggles over civil society and public space. On the one hand, the city's vibrant politics has generated a host of innovative and successful programs. In response to the city's high levels of domestic violence, for example, in June 1995 it received one of the first deployments of the Family Protection Brigade.⁹⁴ The mayor has touted the success of his city's *serenazgo vecinal* groups and the creation of a "red zone" to prevent night-life businesses—and the crimes that accompany them—from propagating. The city is also constructing police modules as part of the Safe City (Ciudad Segura) program. One of the city's police chiefs has planned an additional series of programs such as surveys of students and cultural events, so that "the police are a part of the population."⁹⁵ Meanwhile, many El Alto communities have set up a wide range of justice and security forums that have strong popular support because they are elected, utilize indigenous customs, and act rapidly.⁹⁶ Most disputes taken to these forums center around the lesser charges of violence.

On the other hand, a high level of violence often leads to actions that cut short such plans and channels. Several of El Alto's police officials estimate that about eighty people are killed each month in the city, which would translate into an astounding homicide rate of 147 per 100,000 persons. According to the national police statistics, between 2001 and 2005 an average of 3,442 crimes were committed in the city each year, which translated into a rate of 530 per 100,000 residents, or over 70 percent higher than the national average. In the face of such violence, residents have restyled potentially problem-oriented programs into instruments of violent action. Even the city's community justice forums have become channels of abuse, such as the illegal seizure of private property.⁹⁷ In some

94. *Verde Olivo—Boletín Informativo Policial*, 1995, 6, segundo semestre.

95. Maj. Hugo Morales, interview by author, El Alto, July 29, 2007.

96. For example, the Villa Bolívar "D" neighborhood junta usually solves over half of its cases in a week or less.

97. El Alto neighborhood council meetings, interviews by author August 2000, December 2004, July 2007; Ministerio de Justicia y Derechos Humanos, República de Bolivia y Centro de Asesoramiento Social y Desarrollo Legal, 1998.

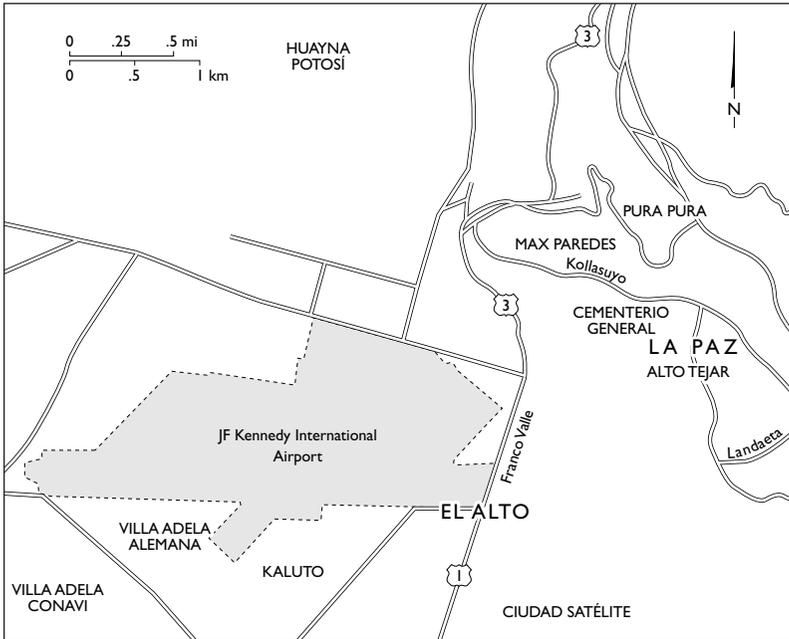
El Alto neighborhoods, justice council members even use whistles to alert each other of “criminals,” whom they then beat up or kill. Those suspects have fair warning, said one forum member in Villa Adela Conavi, pointing to the signs attached to effigies clearly announcing that “petty thief will be lynched by vendors and neighbors.” Some vigilante groupings draw inspiration from the Armed Self-Defense Brigades (*Brigadas de Autodefensa Armada*), formed mainly in El Alto during the protests that toppled the government in October 2003. Directors of the city’s 562 neighborhood councils were urged to convince “volunteer residents” to form such brigades to fight state repression with “Molotov cocktails and explosive booby traps (*cazabobos*).”⁹⁸ Although the brigades disbanded and most residents say they reject the brigades’ tactics, they seem to agree that the brigades provided a model of organized citizen forces that is still needed. Some working-class El Alto areas such as Huayna Potosí aim to attain “collective security” through neighborhood brigades whose actions and authorities are kept deliberately flexible. More middle-class El Alto areas such as Ciudad Satélite have turned to private police, which, while more limited, have still altered the neighborhoods’ public space and general atmosphere (see map 5.1).

Despite these and other practices loosely associated with community policing in Bolivia, many police officials see such practices as one way to make up for their own shortcomings. But to do so, they often add, these practices must be centered on cohesive responses to citizen-identified problems. For example, when asked about the causes of insecurity, residents in La Paz’s high-crime Pura Pura complained not just about criminals, but also about the local stores that were selling alcohol to violent individuals and the small factories that were polluting the air and the streets. Among the more long-term residents, such conditions mark the neighborhood’s descent into “chaos.” In revealing residents’ true concerns, such questions also reveal the difficulty of responding to so many issues. After all, one of the police’s biggest fears about community policing is that citizens will expect a response to each problem articulated. At the same time, residents still envision practical change, starting with more police kiosks and rehabilitation centers for offenders.⁹⁹ Less political violence at the national level may allow such projects to go forward and evolve into forms of problem-oriented policing. In fact, despite their low confidence in police officials, Bolivia

98. “FEJUVE Instruye Crear Brigada deAutodefensa,” *Indymedia*, October 17, 2003.

99. Residents, La Paz neighborhoods of Pura Pura, Villa Victoria, and La Portada, interviews by author, July 2007.

Map 5.1. La Paz and El Alto, Bolivia (counterclockwise from top left: El Alto areas of Huayna Potosí, Villa Adela Conavi, and Ciudad Satélite; La Paz areas of Alto Tejar, Cementerio General, Max Paredes, and Pura Pura)



in general seem willing to at least consider working more closely with them. Most citizens say they feel more secure with the police nearby, and only 4 percent equate police with insecurity (UNDP2006, 12)—a negligible number that sharply contrasts with surveys in countries like Brazil and Venezuela. However, clearer and better enforced standards and procedures are needed to prevent community policing from enabling the police to avoid its responsibilities or needed reforms. One way to institute these standards would be through a “System of Citizen Security Information and Alerts” that allows citizens to identify areas and times of crime risks.¹⁰⁰ This idea seems to be well received in neighborhood meetings, because it appeals to citizens’ desire for direct involvement that brings direct benefits

100. Luis Cayujra, “Opinión: Políticas públicas en seguridad ciudadana y construcción institucional,” *La Prensa*, January 23, 2005.

Cities and neighborhoods around Bolivia, in part reflecting the lack of national guidance, have been taking up this challenge in earnest since at least 2005, attempting to form systematic community policing. Santa Cruz launched a community policing program that year, and Cochabamba followed a year later. Though different than the program in El Alto, the Santa Cruz program also reflects inherent tensions over community policing. Most officials from the department want a “community police” in terms of an autonomous force geared toward its “distinct” population, but some areas have implemented less politicized programs. Plan Tres Mil, a sprawling low-income area in the southeastern section of the city with a large Guaraní indigenous population, created a security council with the participation of neighborhood groups, the police, the mayor’s office, and the district *fiscal*. Like El Alto, the Plan Tres Mil has encountered political turmoil, but its creation of a security council prior to potentially competing efforts such as justice councils has allowed community policing to focus on citizen-based prevention.

In 2006 a national deconcentration plan set up eight police districts around the country, with one hundred officials assigned to each one. These districts have been given many tasks, including “recuperating” citizen confidence, ensuring rapid arrival at crime scenes, forming citizen security brigades, and supporting citizen security schools. In La Paz the pilot Community Police Project was launched in May 2006 to build ten police centers in the Max Paredes district (see map 5.1), fund “social education” programs, and form neighborhood brigades with the participation of residents and eighty-seven police officers.¹⁰¹ FELCC provided training on how to conduct conciliation and prepare a crime report, and the Family Protection Brigade—a police unit that supports and protects the rights of victims/families—held seminars on family unity and violence. By the end of 2008, according to most estimates, crime had dropped in that area by about half. Such progress probably stemmed from the citizen participation that the initial drops in crime attracted. The reduction also attracted the attention of other high-crime zones with weak citizen groups, such as Alto Tejar and those near the Cementerio General (see map 5.1). In 2008 it also led the La Paz government to establish modules based on Max Paredes in thirty other areas of the city, and to begin supportive services via a free telephone line. Community policing also expanded in Santa Cruz and other cities in 2008 and 2009, giving it stronger roots in different parts of the country.

101. This \$119,000 project was financed by the British with the cooperation of the police and mayor’s office

In August 2006, La Paz's municipal government held a competition for proposals for the Neighborhoods of Truth Program (Programa Barrios de Verdad). The competition was aimed at the city's poorest areas to stimulate the participation of the citizens themselves in program priorities.¹⁰² As in Honduras, Argentina, and other countries, interviews revealed positive attitudes and a growing confidence among citizens and police that could sustain such efforts. In the UNDP survey in fact, 97 percent of police officers said they felt proud to be a part of their agency, and 70 percent expressed confidence in their agency (UNDP 2006).

That said, the country's socioeconomic conditions are both a vehicle and an impediment to community policing. On one level, improvements in health, education (the proportion of children in school has risen from about 25 percent to nearly 90 percent), and other areas have given Bolivians a greater ability to take part in security and other social service efforts. But there is still a long way to go. Despite steady improvements, the percentage of Bolivians living in poverty ranges from 38 percent to 63 percent, significantly higher than the regional average of 36 percent (CIDA2007). The unemployment rate is 7.8 percent, but involuntary underemployment is estimated to be as high as 40 percent. Bolivia is far and away Latin America's most unequal country in terms of income distribution, and perhaps the most unequal in the world. Among the UN-calculated ratios of the richest 10 percent to the poorest 10 percent, Bolivia has a score of 168.2, followed by Namibia at 128.2. The second most unequal country in Latin America is Paraguay, with a ratio of 65, less than half of Bolivia's. Bolivia also leads the region in its Gini coefficient of 60.1, followed by Colombia at 58.6

Bolivia has one of Latin America's youngest populations; over 40 percent of the population is under the age of 15 (Reed 1998), which magnifies the future impact of socioeconomic deprivation (Klein 2003, 251). Between 1970 and 1990 the percentage of its population living in its cities swelled from 36 percent to 60 percent, giving Bolivia one of the region's highest rates of urbanization (Hopenhayn 2004). Like other Andean countries, Bolivia is an exception to the correlation between GDP and urbanization, with GDP rates similar to those of Central America and yet an urbanization rate of 62.5 percent that is far higher. Such patterns aggravate the tensions and instability characterizing urban life. For example, officials estimate that about 60 percent of residential property is under unknown ownership,

102. "Último día para las propuestas al programa barrios de verdad," *El Diario*, September 18, 2006.

which feeds the long-running disputes between long-term residents and local state agencies about who determines use of the land underneath. In short, as long as these and other indicators of socioeconomic stability lag so far behind participatory pressures in Bolivia, community and problem-oriented policing will not be able to achieve the predictability it needs.

Conclusion

In conversations, top officials around Bolivia talk about the police's "absolute" resistance to or "functional incapacity" for reform. But as historical changes yank them forward, the police will not have much of a choice. Amid Bolivia's growing levels of citizen mobilization, they will first have to become more engaged and integrated with the population. Police repression, from routine patrols to political protest, has served less to subdue than to antagonize a society increasingly able to resist it. The police will also have to repair internal fissures, from ethnic divisions to systemic corruption, if they are to remain a cohesive force. Despite steps to improve the rights of police officers, and the promise of more under Morales, reversing professional exploitation will require a real assessment of the police force's structure. "This generation of police is totally beaten down," as one official summed up the prevailing mood, "with very little possibilities of rising up."¹⁰³

President Morales's strong reelection in 2009 gave needed political stability to the citizen security reform. But without a corresponding reinforcement of the country's economic, geographic, or societal foundation, Bolivia's reform path remains more precarious than those of most other countries. If they are not done carefully, changes in areas such as structural reorganization and control mechanisms risk fracturing the security system even more. But if they are done too reluctantly, changes are unlikely to alter the patterns in daily policing and institutional relations that have allowed the security crisis to fester. This dilemma is most evident in the standoff between the national and departmental governments that may mean the end of the National Police itself. Since the colonial era, centralization has been viewed as essential to keeping this weak state intact, particularly in the aftermath of losing wars with Chile and Paraguay. But the many financial, administrative, and policy drawbacks of a centralized police, as for most state agen-

103. Ximena A. Prudencio Bilbao, director general, Seguridad Ciudadana, interview by author, La Paz, December 21, 2004.

cies, have been increasingly apparent since democratization. Until this question is resolved, the centrifugal strain on Bolivia's unitary structure will destabilize the country. But if the police force is broken up regionally, its ability to make the transition to efficient and organized structures in contrast to its present competing and fragmented factions will depend on the ability of regional and local authorities to take advantage of the new beginning by carefully implementing the CPP and adopting problem-oriented approaches based on current community policing experiments. The consensus among reformist officers to alter traditional practices often does not lead to the next step of agreeing on what change is most needed.¹⁰⁴ But, as the next chapter discusses, regional autonomy and a concern about rights can form a foundation for lasting reform.

104. "Prudencio quiere romper los 8 fracasos de la Seguridad," *La Prensa*, November 15, 2003, <http://www.laprensa.com.bo>.