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**ICITAP/PANAMA POLICE
TRAINING PROJECT
EVALUATION**

FINAL REPORT

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DICTIONARY OF ACRONYMS

AID	U.S. Agency for International Development
BOP	U.S. Bureau of Prisons
CONADEC	Comité Nacional de Análisis de Estadísticas Criminales (National Criminal Statistics Analysis Committee)
DEA	Drug Enforcement Agency
DNC	Departamento Nacional de Correcciones (National Corrections Department)
DOJ	U.S. Department of Justice
FBI	U.S. Federal Bureau of Investigation
FTO	Field Training Office
GOP	Government of Panama
GN	Guardia Nacional (Panama National Guard)
ICITAP	International Criminal Investigative Training Assistance Program
MOGJ	Ministry of Government and Justice
NAS	Narcotics Assistance Service
OFC	Officer Formation Course
OPR	Office of Professional Responsibility
PCC	Panama Canal Commission
PDF	Panama Defense Force
PM	Public Ministry
PNP	Policía Nacional de Panamá (Panama National Police)
PTJ	Policía Técnica Judicial (Judicial Technical Police)
USG	United States Government

EVALUATION METHODOLOGY

This evaluation was conducted by a team of four, including a lawyer/international development generalist as team leader, and three career police professionals. Of the latter three, one was a planning chief for a large metropolitan police force, another was an experienced criminal investigator currently serving with the counter-narcotics unit of a large state, and the third was a senior police official with extended international development experience in Latin America as an AID Public Safety Adviser. All were fluent in Spanish.

The findings are based on study of available program documentation in both Washington and in the field, and face-to-face and telephone interviews with available project participants in the U.S. Agency for International Development, U.S. State Department in Washington and the U.S. Embassy in Panama, ICITAP Headquarters in Washington and ICITAP field office in Panama, Panamanians of the National Police, the Technical Police, Department of Corrections, Public Ministry and general public. Also interviewed were American businessmen and private citizens resident in Panama, and consultants advising on the AID/Panama Administration of Justice Program. A partial list of persons interviewed is attached hereto as Annex 2, and a partial bibliography of documentation reviewed at Annex 3.

For interviews and document analysis the team spent one week in Washington and two weeks in the field during the month of May, 1994.

EXECUTIVE SUMMARY

Background

The December 1989 U.S. military invasion of Panama, called "Operation Just Cause", effectively destroyed the Panamanian police along with the Panamanian Defense Force ("PDF") of which it was a part. The underlying cause of that military action and the tragic loss of life and property resulting therefrom, was the corruption of, and abuse of power by, the Panama Defense Force. It had evolved from a civilian police force serving the public to a bloated military dictatorship ruling the country and facilitating international narcotics traffic.

The first few days of chaotic looting and lawlessness following the invasion made Panamanians (and the U.S. planners of the invasion) realize the importance of the police function in maintaining order. That disorder, combined with U.S. reluctance to continue its military presence any longer than absolutely necessary, lent critical urgency to the establishment of an effective Panamanian police force to fill the vacuum. This context of crisis led to two initial decisions: 1) to rehabilitate police components of the Panama Defense Force rather than start completely from scratch, and 2) to use the readily accessible U.S. International Criminal Investigative Training Assistance Program ("ICITAP") for the necessary police technical assistance.

The PDF police component was rehabilitated by sorting out known participants in corruption and human rights abuse, including virtually all of the senior officers and many of the junior officers. The remaining fraction of the officers combined with most of the enlisted ranks were incorporated into two new organizations, the uniformed police into the new Policia Nacional de Panamá (PNP) and the investigative police, formerly the Departamento Nacional de Investigaciones ("DENI"), into the new Policia Técnica Judicial or Judicial Technical Police ("PTJ").

ICITAP had been formed during the 1980's under the U.S. Department of Justice to provide criminal investigative training to strengthen Latin American investigation of human rights abuse cases. While ICITAP had El Salvador experience in providing some technical assistance through resident advisors, most of its experience had been in the provision of short term training courses, either in the field or in the United States. The Panama task of helping to build a complete service police institution and the management systems for planning and implementing such project were completely new to ICITAP.

The Project

From the very beginning the goal of the project has been to create a civilian police force of high professional standing that will respect human rights and contribute to the institutionalization of democracy. Toward that end there has been a continuous effort to provide training and other technical and commodity assistance to strengthen the PNP, the PTJ, and subsequently the Panama Department of Corrections ("DNC") in the performance of their respective functions.

This Evaluation

The principal purposes of this evaluation are: 1) to determine how far the Panamanian police have come in building the necessary competence and the capacity to sustain that competence, without outside assistance, 2) to review the ICITAP experience as provider of technical assistance and determine what lessons have been learned for similar situations in the future, and 3) to make recommendations for completion of the project in Panama.

The PNP

Because the PNP is the largest of the police forces by a factor of nearly ten to one, and because the function of the uniformed police is the more visible and has more impact on public order and security of person and property, the PNP has received the most attention from the start. For that reason, among other factors, the PNP appears to have come farthest in its development. The PNP has made impressive progress with its vitally important training academy, now facing the major challenge of replacing most of the officer corps which is retiring within the next few years. The PNP Office of Professional Responsibility also seems to be taken seriously with significant impact on professional attitudes and performance. The PNP's quality of service, and the attitudes with which it is provided, have earned relatively high and steadily rising approval ratings from the public.

There remains still, however, a large number of Panamanians who are apprehensive of "the same PDF people in different PNP uniforms", and even the Government's willingness to provide necessary funding has been affected by recollection of the PDF antecedents. Accustomed to the old military's first call on GOP revenues, the PNP and other police agencies have yet to build the planning and budgeting capacity to make their strongest case in competition with other GOP agencies within the GOP bureaucracy. Accustomed as military to driving vehicles until they stopped, without difficulty in replacing them, the police have been slow to build essential maintenance capability and discipline.

The PTJ

Neither in fact nor in public perception has the PTJ progressed as far as the PNP. With ICITAP help a relatively good PTJ forensic laboratory has been established, and ICITAP training has emphasized the use of evidence other than the confessions which had been the staple of criminal investigation under past practice; but the forensic laboratory is still not being used properly. This reflects continuing weakness in the training program for the organization, most of whose personnel are much in need thereof. The PTJ Academy, widely reputed to be a dumping ground, has not been given priority.

On the plus side, the PTJ Office of Professional Responsibility appears to be functioning reasonably well, indeed, PTJ professional attitudes appear to have improved over the old DENI more than is credited by the public. One particularly bright spot has been the "Integration Project" between prosecutors and investigative police, supported by AID and ICITAP respectively, to improve working relationships through on the job technical assistance in the field.

National Department of Corrections

The prison component started relatively late in dealing with a bad situation including inhumane overcrowding of a prison population vastly exceeding the capacity of the facilities. Such human rights abuse was compounded by the fact that over 80% of the occupants had not been convicted of crime, but rather were awaiting trial. A major factor in improving prison conditions will be reduction of the prison population through more efficient criminal prosecution to reduce the large backlog of defendants awaiting trial. The DNC is now completing a large new facility at La Joya; and, with the help of well planned and implemented technical assistance, is addressing prison management and policy concerns as well as training new professional prison guard forces to take the place of the present PNP details.

ICITAP Technical Assistance

Apart from the planning processes discussed below, ICITAP should be commended for its efforts to grow with the job. Good people have worked hard, both in Washington and in the field. Although still tending to rely too much on FBI personnel and federal models, ICITAP is increasing its use of state and local professionals and systems in its technical assistance to the PNP as a full service uniformed police force. There is lack of adequate follow up in the field on the ICITAP provided training and advisory services. Some such follow up should include bringing back the same trainers and consultants that provided the services originally; but also ICITAP professionals in the field should make more of an effort to get away from the office and work with the Panamanians on their own premises. Panamanians have criticized ICITAP's initial training programs especially for lack of adaptation to the Panamanian legal system and working conditions in Panama. As ICITAP has developed experience in Panama and succeeded in assigning professionals with appropriate experience and expertise, the situation is improving but still needs to be watched.

Project Planning

Planning for the project has been severely criticized from various quarters for lack of systematic analysis of needs and priorities, loose definition of objectives, and lack of verifiable indicators of project accomplishment. Planning has focussed on ICITAP inputs rather than project outputs with resulting difficulty in ascertaining whether and to what extent project purposes have been accomplished. These are valid criticisms and, although ICITAP is improving in its project planning, it is notably weak in certain critically important aspects.

There is still no overall project plan as distinct from an annual plan. ICITAP planning has been directed at the expenditure of funds for the current year after they have been allocated rather than preparing a plan in advance to provide a basis for allocation of necessary funds for completion of the project. While annual plans have their place, they should fit into an overall plan for achievement of specific, verifiable objectives as distinct from unquantified progress toward those objectives.

The most critical omission has been the lack of a real project agreement between the USG and the GOP incorporating an agreed definition of the project and the specific commitments

of the parties toward achievement of the project objectives. The December 1990 agreement may have been a useful preliminary document for recording agreement in principle in response to a compelling urgency to get a program underway as rapidly as possible. But all concerned now agree that the December 1990 "arrangement" is not sufficient for its purpose at this stage.

Lessons Learned

While fast track, simplified planning may be justified over a short term in emergencies, a long term institution building project should be subjected to more rigorous project planning design and implementation discipline as soon as reasonably feasible. A principal cost of not doing so is failure to define host country participation in project financing. This in turn risks diminished proprietorship and continued dependence with potential severe detriment to the project goal of institutional sustainability.

Principal Recommendations

We recommend as highest priority that a real project agreement be negotiated and executed between the USG and GOP. Such agreement should be based on thorough current analysis of the needs and priorities of the Panama police system, and should define project objectives and outputs in relation to the level of resources realistically to be anticipated. In so doing it should describe the total project as distinct from annual installments and record commitments of both the GOP and the USG in specific terms as to nature, timing and amount.

This process will determine the commitment of the new GOP administration to police reform in general and the purposes of this project in particular. If there is such commitment, the process will help build the essential GOP sense of project proprietorship so that it is perceived as a project of this Panamanian government, not of some previous Panamanian government, or as something passively accepted to keep the Americans happy. Further, a project financial plan which provides for increasing GOP assumption of police costs, as the U.S. contribution is declining, and an implementation plan which builds adequate institutional capacity to sustain essential functions without external support, are of critical importance to lasting achievement of the project goal and objectives.

We strongly endorse current plans for extension of the Integration Project to the Panama City/Colon metropolitan areas.

Other principal recommendations include the following:

That, in view of the vital importance of civilian professionalism in the Panama police, ICITAP and PNP continue to watch for means to build PNP professionalism and pride in their civilian police career. On the GOP side this should compensation for the Panamanian police which reflects the importance given to the profession and to the organization as a key institution of a democratic society.

That management training be provided to all officer personnel of the PNP to inculcate modern civil police management practices and principles.

That the PTJ and ICITAP place more emphasis on strengthening the management and administration of the PTJ Academy.

That ICITAP work with the appropriate authorities to help reenergize CONADEC.

That ICITAP dedicate more resources and time to monitoring and evaluating the impact of U.S. assistance in the various activities. Especially needed is more follow-up on PNP and PTJ training activities to evaluate their impact on performance.

That ICITAP consider more extended periods for consultants to provide for more follow up and oversight of practical application.

That ICITAP staff adopt a more proactive outreach approach and interface more directly with their Panamanian counterparts to establish more productive relationships and obtain more accurate feedback on the project situation.

That the USG examine alternatives to ICITAP for technical assistance to general police services and institution/system building as distinct from criminal investigative training.

L. BACKGROUND

A. BEFORE "JUST CAUSE"

1. The Panama Police

Over the decades prior to December 1989, the role of the Panamanian police had changed from a small force concerned with traditional police functions to a paramilitary force ruling the country in what was essentially a military dictatorship.

a. Antecedents

The function of the original "Guardia Nacional" established after independence from Colombia, was primarily police. Costa Rica to the northwest was not of a size or disposition to be a significant military threat. The primary external military threat was perceived as Colombia, the much larger neighboring country rightfully resentful of U.S. sponsored Panamanian secession. And relative to Colombia the United States was seen as providing the only military force that could defend Panamanian independence from Colombia.

b. Politicization

Over the years weak and corrupt political regimes motivated the Guardia Nacional into the all too common Latin American military tradition of perceiving itself as a political arbiter. Small and weak as the Guardia Nacional might be relative to the military of other, much larger countries, within Panama the Guardia Nacional had the organization and armed force to take power if it wanted to. Civilian dissatisfaction with the weakness and corruption of political parties and their leaders fostered acceptance, if not widespread popular support, of Guardia Nacional political intervention.

c. Militarization

The militarization of the Guardia Nacional began to accelerate following the 1968 golpe by Guardia Nacional leaders Omar Torrijos and Boris Martinez who preempted incoming President Arnulfo Arias, upon learning that he planned to replace them. Torrijos then prevailed over Martinez and ruled the country behind a facade of civilian presidents until Torrijos himself was killed in 1980 and was succeeded by Manuel Noriega.

During the Torrijos years the new Panama Canal treaty was negotiated providing for transfer of the canal to Panama in the year 2000. This tended to accelerate militarization of the Guardia Nacional which started seeing itself as the military defender of the canal, and changed its name to "Panama Defense Force". The U.S. government seemed to go along with such militarization of the Panamanian Defense Force through the cooperation of the U.S.

Army's Southern Command based in the Canal Zone. The Panama Defense Force looked to the Southern Command as military role model.

d. Corruption

The Torrijos regime had a strongly populist program of government benefits for the people, particularly the poor, from whom Omar Torrijos and most of the Guardia Nacional had come; but the Guardia Nacional succumbed at an accelerating pace to the corruption of power. Under the Noriega regime, the corruption, particularly involvement with the drug trade, steadily worsened. Perversion of the political process became even more blatant as Noriega manipulated the 1986 election results to place in power his own candidate, Nicholas Ardeto Barletta. Noriega then summarily deposed Barletta when Barletta sought investigation of the murder of a principal political opposition leader, which murder Noriega himself was suspected of having ordered. When Noriega's candidate obviously lost the 1988 election to the Endara slate, Noriega had the election voided.

The corruption and repression of the Noriega military dictatorship with increasingly adverse impact on U.S. interests in drug interdiction and Panama Canal security, ultimately led to the U.S. invasion on December 20, 1989, with consequent substantial destruction of property and loss of life, particularly for the Panamanians.

2. ICITAP

As indicated by its name, ICITAP was originally created to provide training in criminal investigation, for which its FBI derived staff was well suited. Its creation responded initially to a need for assistance to El Salvador, and eventually other Latin American governments, to strengthen their capability for investigation and prosecution of human rights abuse.

In El Salvador, ICITAP had gained some experience in institutional development through its work with the Special Investigation Unit ("SIU") of the Salvadoran police. That unit had been created as an elite investigation unit to deal with serious crimes in El Salvador, particularly those involving serious human rights abuse. Thus ICITAP's El Salvador experience did not include the development of all police functions, but rather only the criminal investigation function for a Salvadoran institution whose purpose and function are similar to those of the FBI.

B. POST "JUST CAUSE"

1. Chaos and Crisis

The U.S. invasion under the code name "Just Cause" led to complete elimination of the Panama Defense Force. A few hundred were killed and the remainder either deserted or were

put in prison camps. Eliminated along with the PDF was the police function included therein, the street cops and the traffic directors as well as the infantry and the armored cars. Unfortunately, the U.S. planners of the invasion had not properly anticipated the resulting police vacuum. For a few days chaos reigned, with property loss through looting and arson substantially comparable to, if not exceeding, the destruction wrought by the invasion itself.

Thus, of necessity, the U.S. military assumed the police functions to restore and maintain public order. For various reasons, however, U.S. policy favored withdrawal of U.S. military presence as rapidly as possible. Apart from the distasteful image of U.S. military conquest, the highly visible, uniformed U.S. military presence tended to undermine the credibility of the new Endara government.

In order to avoid repetition of Panamanian military dictatorships in the future, and other costly "Just Cause" type operations to rectify such situations, U.S. policy strongly favored creation of a professional civilian police force, motivated to serve rather than rule, which would not abuse its power for economic gain or for political intervention.

2. Compromised Response

The tension between these two policies forced a compromise whereby new Panamanian police forces would be formed immediately, but constituted largely from personnel of the PDF. The new Panamanian government, with some assistance from U.S. government personnel, both civilian and military, who knew the PDF personnel, screened the former PDF people. Weeded out were PDF personnel known to have been corrupt or abusive of human rights, including most senior officers and many of lower ranks; the remainder were incorporated into the new police forces. Personnel of the old Departamento Nacional de Investigaciones, "DENI", were incorporated into the new Policía Técnica Judicial, "PTJ", and the personnel of the old PDF were incorporated into the new Policía Nacional de Panamá, "PNP".

This process proved problematical; the first PNP chief quickly had to be replaced following revelations of past improprieties, and there was substantial additional personnel turnover in the course of an extended shakeout period. The resulting organization largely constituted of "old faces in new uniforms" faced a substantial challenge in its efforts to gain credibility with the Panamanian public.

3. U.S. Assistance

At the beginning, the U.S. military continued to play a substantial role. Since most of the old PDF vehicles had either been destroyed or otherwise disappeared, the Panamanian police would go out on joint patrols with American Military Police in American military vehicles. Further to help fill the vacuum, the U.S. military provided some training and substantial amounts of equipment. Nevertheless, U.S. policy strongly favored minimizing U.S. military involvement with the Panamanian police and eliminating such involvement as quickly as

possible. It was important the new police, in developing their police functions, be taking their lead from civilians rather than the military. Everything possible should be done to inculcate civil police attitudes as well as appearance for the new PNP and PTJ.

An AID role was precluded by statutory prohibition, a prohibition with which AID was quite comfortable. AID tended to see its past involvement with police assistance as a source of controversy in critical relationships with Congress, and tending to distract AID from its "more important" economic development role.

Hence the opening for ICITAP. ICITAP was an organization of civilian rather than military police. Created as a U.S. government agency, its resources, such as they were, could readily be mobilized in support of U.S. foreign policy. Further, its leadership was much interested in, and aggressively sought, the lead role in USG provision of technical and commodity assistance to the Panamanian police.

ICITAP's strengths and weaknesses, as well as its experience, are detailed at Chapter IV *infra*. Rightly or wrongly, ICITAP got the job because it was available and quickly so, and the need was as urgent as it was important.

ICITAP has not been alone in the provision of assistance to the Panamanian police. The U.S. military, with its large presence at the U.S. bases in the Canal Zone, continued to be not only available but also very much interested in working with the Panamanian police. It fell upon the U.S. ambassador, in implementing U.S. foreign policy, to make the decisions and take the actions on a day to day basis necessary to enforce the civilian ICITAP role and keep the U.S. military involvement in the Panamanian police at a minimum.

The Drug Enforcement Agency, and the State Department's Narcotics Assistance Service also have provided, and continue to provide, substantial assistance to the counter-narcotics units and operations of the Panamanian police. The Legal Attache office in the U.S. Embassy also represents the Federal Bureau of Investigation in working with Panamanian police on cases of particular interest to the United States, but does not provide assistance as such.

Also, while AID does not assist the police directly, it does support an Administration of Justice program in Panama, which extends to support of prosecuting attorneys in the Ministerio Público or Public Ministry. Under the Panamanian civil law system, the prosecution and the police work together more closely than in the U.S. system. AID-financed training for prosecutors often includes police, and ICITAP-financed training for investigators often includes prosecutors and even judges. Thus their common interest in the criminal investigation area necessitates close coordination between AID and ICITAP, just as for their Public Ministry and PTJ counterparts.

C. PRIOR EVALUATION

FBI/OPEA 1992

In January 1991, after about a year of project implementation, the Embassy and ICITAP agreed that the project should be evaluated. The purpose was to determine whether the project goals of developing professional and civilianized Panamanian police organizations and developing offices of professional responsibility therein were being accomplished in an effective and efficient manner.

The FBI Office of Planning and Evaluation ("OPEA") was selected to carry out the evaluation. The evaluation was somewhat long in process. Work in the field extended from April of 1991 through August, and the finished product was not delivered until March 1992. The evaluation was conducted in a thorough manner, however, with special attention given to surveys of Panamanian and ICITAP participants in the program.

The evaluation included praise for ICITAP on various counts including the following: "that ICITAP had made effective progress on all of its Panama Project Plan sectors except for the Model Precinct". ICITAP was given credit for discontinuance of that model component "as an example of ICITAP's flexibility in adjusting to changing priorities as experience is gained".

Further ICITAP was credited for the amount and quality of its training in the establishment of an operational training academy for the National Police and establishment of functional offices of professional responsibility in both the National Police and the Technical Police. Also good progress was reported in procuring equipment and training staff of the Technical Police Forensic laboratory. Most important, considerable impact was noted in changing the attitude of police towards service to the Panamanian people and respect towards the laws and constitution of the country.

The evaluation did, however, note certain areas in which ICITAP should improve its performance. The evaluators found that: "ICITAP project staff is fully occupied in coordinating and implementing operational matters with minimal activity been devoted to the following: long term strategic planning; preparation of quality administrative reports; internal quality control initiatives; adequate assessment of a training and resource needs of police personal in Panama; and establishing an outreach program to enhance personal contact with National Police and Technical Police training coordinators." The evaluators suggested that these shortcomings might be addressed by reconsidering staff requirement relative to workload, resulting either in increase in staff or narrower focus of activities.

The evaluators further noted that the "project plan contains significant shortcomings which diminished its overall value as a planning document as follows: stated goals and objectives were not prioritized; no time frames were established as to when objectives should be accomplished; ICITAP did not explain its methodology in determining Panamanian law enforcement needs; there was no explanation of how the quantity of projected training courses

would satisfy Panamanian user need; the plan contained no quality control features which specified how ICITAP planned to measure and evaluate the effectiveness of its training courses and instructional staff; and the project administrative reporting procedures were very vague in terms of data content and analysis". The evaluators highlighted the need for accurate assessment of training needs as the basis for planning a training program to achieve the objective of Panamanian law enforcement self-sufficiency.

II. PROJECT DESCRIPTION

As discussed *infra* at IV.A, because of the manner in which the project was developed in a crisis situation, there is no initial clearly defined statement of goals, objectives and outputs, no detailed description of activities with time-phased implementation plan, no financial plan detailing USG and GOP resource commitments, no detailing of other specific USG and GOP commitments to the project.

Nevertheless, the one project document executed by representatives of both the USG and GOP entitled, "Arrangement Between the Government of the United States of America and the Government of the Republic of Panama Concerning Assistance in the Development of Civilian Law Enforcement Institutions", executed in December 1990, does include in its preamble a statement of "objective of the Government of Panama", which might fairly be described as the goal of the project: "To create a civilian police force of high professional standing that will respect human rights and contribute to the institutionalization of democracy". In addition, the preamble refers to "the need to integrate the police into an effective criminal justice system, particularly in the area of investigation." Subsequently, in its FY92 project description for the Panama project, ICITAP defined ICITAP's long term goals as follows:

"To assist the GOP in the development of:

- * A professional, civilian national police fully integrated into society, fully capable of insuring the protection and security of the public, and dedicated to the support of the Constitution and laws of Panama, as well as internationally recognized standards of human rights;
- * A Judicial Technical Police, capable of investigating violations of the law and performing a full range of law enforcement services while respecting the rights of citizens to due process under the law, and providing the courts with fully documented physical and testimonial evidence; and
- * A Panama Department of Corrections, capable of managing an effective and efficient penal system which meets legislative mandates, observes prisoner human rights, and complies with the United Nations and other relevant international standards."

The document then proceeds to specify FY92 ICITAP objectives, as follows:

- * "Support the continued development of training resources of the National Police and Judicial Technical Police through the provision of technical assistance, training courses, and limited equipment and materials donations aimed at strengthening their training academies and programs;

- * Enhance the capacity of Panama's civilian law enforcement institutions to engage in the planning necessary to meet public safety responsibilities with a commitment to the community and its needs;
- * Enhance the capacity of the PNP and PTJ to deliver law enforcement service to the community through procurement of motor vehicles and development of resources designed to manage and maintain a motor vehicle fleet;
- * Support the continued development of PNP and PTJ entities charged with addressing issues of individual and institutional integrity;
- * Support the continued development of specific law enforcement resources, such as hostage negotiation and special weapons and tactics teams (S.W.A.T.) designed to meet the responsibilities of the law enforcement mission with relevance to Panama's public safety priorities;
- * Enhance PTJ management and investigative capabilities for effectively carrying out the organization's criminal investigative function;
- * Initiate activities to help develop Panama's National Department of Corrections organizational, managerial, operational, and training capabilities, thereby providing fundamental improvements to Panama's correctional system and establishing a basis for continued progress in this area."

Project planning is critiqued in detail in Section IV.A *infra*. Suffice it to note at this point that despite lack of specificity as to outputs, this statement of ICITAP objectives does emphasize building Panamanian police capacity for 1) training 2) planning 3) delivery of services, and 4) enforcement of professional responsibilities. Otherwise the latter three of the seven objectives are broadly stated relative to the PTJ and the Department of Corrections and the "continued development of specific law enforcement resources".

III. CURRENT STATUS OF POLICE ORGANIZATIONS AND FUNCTIONS

A. NATIONAL POLICE

1. Function

As mentioned previously, "Operation just Cause" brought an end to the existing Panama police establishment, leaving a total law enforcement void. The GOP, assisted by ICITAP, set about the development of a completely civilian professional police force to provide law enforcement services and to maintain order in support of the new Panamanian democracy.

The Policia Nacional de Panamá (PNP), is the principal law enforcement agency in Panama. The PNP is a uniformed police agency and is responsible for daily law enforcement functions, such as maintenance of order, community patrol, movement of traffic and initial response to crimes. There are more than 12,000 commissioned and non-commissioned police officers, a large organization by any measure. ¹

Typical of Latin America, there are many police stations scattered throughout the provinces. Most of those stations are small, one-floor affairs situated along principal highways; they normally house a small contingent of police whose mobility is limited by lack of transportation. They commonly walk or take public transportation to areas where a police presence is requested or becomes necessary.

Although most police are on foot patrol there appears to be a fundamental change from the posting of police to a specific location to allowing foot patrol and random movement in an area. This concept is somewhat foreign to Latin American law enforcement but appears to be taking hold.

Traffic enforcement continues in the Latin American model. Most traffic enforcement is conducted by foot patrolmen who flag motorists to the roadside and check paperwork, sometimes resulting in citations. There is virtually no motor patrol to expedite traffic flow and to stop violators by using emergency lights or siren.

¹ The personnel organization hierarchy is that commonly found in Central and South American police agencies, as well as the US military services. Officers are police at the ranks of second lieutenant and above, while sub-officials or NCOs are sergeants and below. There is a clear class distinction between officers and NCOs.

Unlike many North and Latin American counterparts the PNP is not a full-service agency, in that it performs no criminal investigation.² Otherwise, the PNP is considered the first line of defense against criminality in Panama. In under four years of operation the PNP is a functioning police force. Although not operating at modern U.S. or European standards the PNP has developed to the point where its institutionalization is not in doubt. When a citizen calls for help the police will, in most instances, actually respond, albeit somewhat slowly because of lack of police vehicles, especially outside the metropolitan areas. PNP officers maintain a professional appearance. Although PNP personnel receive no explicit uniform and equipment general orders, the uniforms are usually worn in an appropriate manner. Police on the beat have benefited from an adequate civil police academy. The Office of Professional Responsibility (OPR) function has been adequately publicized and the citizenry interacts more favorably with the police, knowing there is a working apparatus in place to investigate acts of misconduct. Citizens view the officers as more polite, humane and competent than PDF officers were.

2. Management and Administration

a. General

The goal of establishing a new civil police force in Panama represented an enormous challenge in organization, administration and logistics. Weaknesses in these areas continue to be manifest in the infrastructure and operations of the PNP. Problems are apparent in the centralization of recruitment and selection of personnel, effective civil police training, a just and equitable civil police disciplinary system, procurement, planning, maintenance of vehicles and equipment, standardization of civil police policies and procedures, establishing functional decentralized offices, information systems, and the design of programs to accomplish the purposes for which the PNP was created, i.e. to provide efficient civil police services to the public at large in a humane and professional manner and to enforce the laws with equity and integrity.

b. Organization and Personnel Administration

The PNP organizational structure has a defined chain of command respected by its personnel, and an administration becoming perhaps too bureaucratic, with abundance of paperwork and seals of approval. There is a clear cut division of labor and officers in charge of specific offices enjoy more than the average power for managers, but the concept of delegation of authority has not yet taken hold with most PNP officers and managers. In most cases, the man in charge still approves the most menial of tasks or actions. The organizational structure does not clearly define the concept of line and staff or patrol functions as practiced in U.S.

² A technical exception would be allegations of criminal wrongdoing by PNP employees. These are investigated by the PNP Office of Professional Responsibility. Otherwise, criminal investigation is the responsibility of the PTJ as described in III B below.

and European police agencies.

Examination of the organizational charts and conversations with command personnel in Ancon reveal a PNP administration that is sufficient, if a bit top-heavy. Sub-commissioners command provincial police regions, a system that seems to work adequately. Sub-commissioners also command the other discrete staff components. For example, there is a sub-commissioner heading the field training officer program.

Many of the duties are still executed in the military way. For example, the office of the Inspector General writes the Department "general orders", a duty normally carried out by the planning function in civilian organizations.

Recommendation: That an assessment be made of the basic (line) operations of the PNP and their relative effectiveness, focusing on the services provided to the public; performance of the police; organization and administration; deployment; and management and supervision. Such assessment should include identification of problems and recommendation of solutions. It is suggested that Spanish speaking U.S. experts in police administration, management and operations work with appropriate Panamanians on such an assessment. Planning for emergencies should be included.

Although evaluation of performance is an important factor motivating quality performance in any organization, and ICITAP has provided technical assistance for personnel evaluation systems, there does not appear to have been adequate follow up to produce any impact. We are aware that a draft personnel evaluation system was drafted and passed to ICITAP for distribution to the PNP for its consideration. It included a simple boilerplate evaluation form, a personnel counselling form and draft general orders providing instruction for forms completion. This workproduct could have been used to begin a basic promotional system, but there is no record that the information was ever acted upon by the Panamanians.

Recommendation: That ICITAP and PNP leadership follow up on establishment of a personnel evaluation system.

c. Written Directives

The PNP suffers from an inadequate directives system. Further, PNP leadership in general seems unaware of the need and utility thereof. PNP personnel are provided little information in writing. Even on initial recruitment, personnel receive no written materials other than training handouts at the Police Academy.

The PNP organization does have some written policies and directives but they are not compiled in a systematized manner. The directives manuals consist of four blue binders with the PNP insignia, numbered Volumes I-IV, available only to the top officials. The large binders are capable of holding 700 pages, but it appears that the volume most full contains approximately 30 pages. There are said to be 200 of the "manuals" nationwide; however,

sub-oficiales do not have daily access to them. That means that the majority of the police are unable to access written information telling them how to do their jobs.

The directives are mostly administrative, and define the organizational hierarchy of the agency. The general orders contain diagrams of organizational elements and some uniform regulations. There is a directive that has photographs of the uniform and related accoutrements. There are virtually no directives dealing with actual police operations, e.g., how to handle an animal bite incident, or protecting the public at the scene of a hazardous materials leak, etc.

Also, even those directives which do exist are not well organized. An integrated directives system serves agencies which have more than one facility or are otherwise decentralized. A unified numbering system permits agencies of the relatively large size of the PNP to keep track of directives. An examination of previous ICITAP Panama work shows different directives, with different numeration systems, for at least the following: Use of Force Policy, Reaction Team Procedures, Police Academy Instruction, and Personnel Evaluation System. A proliferation of written directives without central control and uniform numeration tends to create more confusion than control.

Recommendation: That ICITAP help PNP and PTJ establish central control points for written directives systems. In the PNP a logical choice would be the Direccion de Planificaciones or Planning Office.

Current PNP planning leadership seems concerned that no written directives manuals are in general circulation and is considering the use of small handbooks of a type carried by Colombian and Venezuelan officers as a practical approach.

The bedrock foundation for any organization is its codified rules and regulations. ICITAP consultants, working with a National Police policy development team, drafted proposed rules and regulations as a PNP General Orders Manual in December 1990. We found no record of GOP feedback and no mention of a general order manual in quarterly ICITAP reports. The compiled work of the former policy group was found seemingly forgotten on a bookshelf in the office of the Inspector General. The process appears to have involved too much work by the consultants, with not enough input by the Panamanians to build proprietorship in the results. This, combined with lack of ICITAP follow up has left a significant void which should be filled.

Recommendation: In view of the usefulness of written directives, and since ICITAP consultants and the PNP's own policy group have already done considerable work on them, that ICITAP and PNP follow through on efforts in this area, including PNP commitment to make use of the results.

d. Communications

Communications pose a logistical and budget problem for the PNP. While detailed examination of communications is outside the scope of this evaluation, we note that radio communications do exist at a basic level. Examination of the PNP communications room reveals a nationwide radio link, apparently a 200+ mhz non-trunked simplex frequency, able to handle basic communications nationwide.

For telephone communication, the lack of national digital transmission capability prevents the PNP from benefitting from certain computerized communications applications, such as computer-aided dispatch or mobile information terminals.

A more basic problem is that some police facilities don't even have telephone communications. Because of vulnerability to theft of copper telephone lines in sparsely settled areas, the Police Academy at Gamboa, an important police component headed by a subcommissioner, has had no telephone service for several months.

Internal communications functions appear to be adequate. Headquarters Ancon has a telephone/intercom system. PNP also uses written memoranda in a reasonably effective manner, although we noticed that many memoranda were not serialized or otherwise tracked for later accountability.

e. Planning and Budgeting

There is a budget office at PNP headquarters in Ancon, which appears to be the link between the Ministry and the PNP. The budget preparation process is uncertain, but local offices do a fair job of watching the figures for the particular components. For example, at the Police Academy the budget officer was able to state that there were no funds this fiscal year for routine maintenance or upgrading of the Academy roadways, although this had been sought. The Panamanians have experience in operating budgets; they appear less capable in strategic budgeting.

Although the planning function should be a vital part of police administration, it is still weak in the PNP. The newly arrived head of the Planning Department in PNP headquarters, Ancon, stated that there is relatively little work done in this Department.

Recommendation: That budget, procurement and planning be considered as an area of concentration for ICITAP training and advisory services.

3. Training

a. Background

Training is the single most important management tool for development of the proper attitudes and the basic and specialized skills to function as civil law enforcement officers. Following "Operation Just Cause" and the organization of a new Panama National Police, the

urgent need for training of police personnel was recognized and the establishment of a civil police training academy in Panama became a top priority for the PNP and ICITAP.

(1) The PNP Academy

The PNP Academy was founded in September 1990 within a dynamic political environment and a difficult public safety situation. The urgency of the need demanded training police personnel and getting them out on the streets of Panama City and other urban areas as soon as possible. The first director of the PNP Academy, now PNP Inspector General, Sub-Commissioner Francisco Alvarez describes the situation as one of "confusion and intensive work." Initially, there was nothing to work with according to Alvarez. He believes this was ICITAP's most important period of collaboration and praised the assistance provided by ICITAP. He senses that ICITAP personnel have since then distanced themselves from assistance to the Academy and other areas.

The PNP Academy is located in a former Canal Zone compound in Gamboa. The facility has about twenty buildings of different sizes. The facility includes large fields and areas used for outdoor training and as a parade ground. The surrounding terrain is heavy tropical vegetation and the ample area permits the operation of an open air firearms range. In the development stages, the establishment of the Academy required an urgent build-up including the design and modification of existing structures into classrooms, living quarters for students and mess facilities. The preparation of training programs, curriculums, training materials and the acquisition of visual aids and training equipment such as transparency projectors, flip charts, video projectors, and firearms training simulators was largely assisted by ICITAP. The selection of administrative staff and instructors was also accomplished with ICITAP assistance.

The capacity of the PNP Academy has steadily increased to accommodate from 200 to 500 students. However, beyond 300 to 400 students the facility becomes overcrowded, especially in the dormitories where bunks are spaced inches apart in an open warehouse configuration. Poor ventilation and a shortage of latrines and showers is also a serious problem. The academy mess hall is in need of expansion to accommodate more students for meals especially during the noon meal.

According to Academy personnel, the firearms training simulator (FATS) is inoperative. Thus, this training is in limbo with no help in sight because the PNP continues to depend on ICITAP to assist with the cost of repairs.

Recommendation: That ICITAP make clear to their Panamanian counterparts that future maintenance and repair of the equipment provided by ICITAP must be the responsibility of the Panamanians.

The PNP Academy appears to need assistance in organization, budgeting and programming. Administration is hampered by a lack of telephone service, transportation, data processing,

and record keeping. The firearms range could have a better design but the range is functional. The absence of overhead cover significantly limits any firearms training during the rainy season in Panama.

Despite the dynamics of the political situation in the wake of "Operation Just Cause," the urgent need to create a police training academy was satisfied and served the purpose of training police personnel as quickly as possible to get them operational. Whether the police personnel initially trained have performed as well as should be expected has not been formally assessed. Some shortfalls in performance have been reported, but some level of error by the new police force is understandable.

Despite three changes in directors of the PNP academy in three years, the institution has enjoyed excellent progress, developing its facilities, expanding training programs, and increasing the staff and quality of instructors as well as administrative personnel. Still, the PNP Academy requires further development as a civil police training institution. There is definite need to upgrade the quality of training especially in such key subject matter as civil police operations, the proper use of force, human relations, law, management and supervision. Military idiosyncracies continue to pervade the training programs and environment of the PNP Academy, and military posturing creates a negative image for the PNP. For this reason a forceful effort is needed at all levels to minimize the traditional military customs and practices of the PNP through training.

New civil police concepts and practices must, however, fit into the Panama criminal justice work culture and environment or they will not be acceptable. The PNP academy is considered the best channel to promote civil police techniques and to inculcate new recruits with public service concepts. The key is that PNP personnel accept their civil police role, albeit that U.S. notion of civil police administration may never catch on due to strong cultural differences. Several top PNP officials suggested that U.S. police concepts not be imposed on a Panama culture because they may not work.

Among them was Sub-commissioner José Antonio Gómez, the second director of the Academy. Gómez, who is currently assigned as chief of the Panama Canal Detachment (Policía Canalera), says ICITAP very capably met the need for resources and assistance, but its representatives did not integrate as fully into the work environment as U.S. military personnel working with the PNP.

Gómez expressed concern that the PNP Academy is still not producing quality police officers because of training program deficiencies. Strong public reaction to a training death incident has forced some softening of the regimen and Gómez, like many other PDF veterans, sees a relationship between the toughness of the training and the quality of discipline instilled. He also believes that the Academy should include more management training for all personnel in supervisory positions, and especially for senior officers.

The current training priority for the PNP Academy is the development and implementation of

an officers training course called "Curso de Oficiales" (Referred to as "Officer Formation Course" by ICITAP). This course is designed to provide new officers at the grade of Second Lieutenant for the National Police. About 75% of mid-level managers and line officers will be eligible for retirement by 1995. As a consequence, approximately 100 new PNP officers, or more will be needed to replace officers that retire. According to PNP Academy officials, the first "Curso de Oficiales" for 40 candidates is scheduled from July to December of 1994.

The criteria for the selection of cadet officers are as follows:
rank of sergeant in the PNP, high school graduate, age forty or younger, and recommended by his or her superior officer. The educational requirement can be waived by specific request of the candidate's commanding officer, but not the requirement to be a sergeant in the PNP.

A proposal to include college graduates desiring to pursue a police career as officers in the PNP was rejected by the PNP Director. Most police departments in the United States exercise a similar policy; supervisors must come up through the ranks. In Panama however, entry into the PNP officer corps of college graduates without military background might help strengthen the civil police orientation of the institution. For "civilianizing" the PNP this may be a missed opportunity. Under the present criteria, only veterans of the former PDF would have the fifteen years of experience necessary to qualify for the Officer Formation Course.

In addition to the Officer Formation Course the Academy has developed three other principal types of course:

- Basic Recruit Training, designed with ICITAP assistance to prepare recruits as police. Initially, a brief transition course of 120 hours was provided to PNP policemen transferred from the old PDF. The present 16 week course includes basic topics on police fundamentals and techniques. Drill in military formation and goose step are part of this training.
- Basic In-Service Training, designed to provide continuing education in police skills. This includes firearms training, communications, traffic control, crowd control, etc.
- Professional Development, designed to provide supervisory and management training.

The records of the PNP Academy reveal that a total of 125 courses have been conducted at the Academy since 1990 and a total of 5518 individuals have completed the training provided. The highest number of training courses is nine for basic recruit training, followed by security training with eight. The Academy also provided special training programs for private security guards at a nominal fee.

The Academy does not maintain records on ICITAP sponsored seminars or specialized training. This data should be included in PNP training records and the personnel records of PNP personnel. According to ICITAP records, from January 1990 to March 1994; 2,187 participants from the PNP have received training in (1) ICITAP sponsored courses (unidentified subject areas, (2) law enforcement conferences, scholarships and seminars, and (3) forensic training, scholarships and internships.

(2) Field Training Officer ("FTO") Program

The FTO Program is the sole ongoing effort to evaluate the performance of PNP personnel in the field and to identify weaknesses in the existing basic training program of the Academy. The FTO Program also provides in-service training to personnel in the provinces. The FTO program concept is recognized as valid and important for training personnel and evaluating the effect of training upon performance.

The central office of the FTO Program is located in the PNP Headquarters building and information on activities is effectively posted on data boards. In charge of the program is Major Tomas García, an FBI National Academy graduate, who appears to be a very competent and professional officer intent on doing a good job.

In his view the FTO concept is not working, primarily because of lack of institutional support. Further he explained that, although the ICITAP-financed help from the Houston Police Department in setting up the FTO program inspired hope, the program execution was not adjusted to fit Panama's needs and limited resources.

Major García cited a serious problem with the bureaucracy and the need for assistance in resolving budget problems. His budget is so inadequate there is no funding even to procure necessary forms for FTO activities and paper for reports. Per diem for FTO personnel traveling to the provinces is grossly inadequate. Personnel have to use their own money for program expenses. Further, although the per diem allowable is reimbursed after travel is completed, the processing is so slow as to impose significant hardship on personnel who have advanced their own funds.

Since personnel assigned to the FTO Program lack vehicles and funding to travel in connection with their FTO duties, scheduling of follow-up activities is substantially hindered. Hundreds of recruits who have completed their basic training and been assigned to the field have never had their performance evaluated.

FTO instructors are obliged to work long hours as a result of the lack of resources and support. Although enthusiasm remains high, hard work goes unrecognized. For example, distinctive pins for FTO Program graduates have been a source of pride for police personnel, but these are no longer available. Apparently the pins were originally provided by ICITAP, but the FTO Program has no alternative way of obtaining the pins.

b. ICITAP Assistance Proposed for 1994/1995

ICITAP documentation indicates the assistance planned for the police academy and training programs contributes toward the broad goal of the "Development of the Panama National Police." Several training activities are identified in draft program documents developed by ICITAP for 1994/95:

- **Basic Recruit Training**

Four weeks of technical assistance for the PNP Academy to review the present recruit training curriculum in order to make improvements or modifications. Dates of implementation, changes desired or resources needed are not identified.

- **Firearms Training**

ICITAP to review firearms training and its effectiveness through the ICITAP/Panama Liaison Officer. Additional instructors in firearms to be provided as needed. It is not indicated whether the use of force policy will be included in the firearms portion of the training.

- **Advanced and Specialized Training**

Training to develop additional instructors, as well as instruction in police survival tactics and patrol techniques. Included are an unspecified number of weeks on physical training, defensive tactics, arrest procedures and stress management. Four internships planned, dates and locations not specified.

- **Police Management and Supervisory Training Programs**

(1) **Officer Development Course (Officer Formation Course)** A working group will develop a six month curriculum for the new "Curso de Officials" (Officer Formation Course), based on materials from the Federal Law Enforcement Training Center, Northwestern Traffic Institute, the Salvadoran Police Academy and others. Resource persons for this purpose will be identified by ICITAP. Sixteen weeks of U.S. technical assistance is programmed for curriculum development, to select instructors and generate training materials. ICITAP will also provide equipment and materials for the Officer Formation Course to include course manuals, and desks, chairs, blackboards and other materials for new classrooms constructed by the GOP. After completion of the first course, working group members, instructors and consultants will review performance to identify possible improvements in quality and effectiveness.

(2) **First Line Supervisory Training**

For a two week course in supervisory training at the level of sergeant to be given four times, ICITAP will provide six weeks of technical assistance to design the course and eight weeks of technical assistance for the preparation of instructors.

(3) **Police Management Courses**

ICITAP will offer a two week "Command Officer Course" for Captains and First Lieutenants in police management for officers "requiring additional management skills to handle increased responsibility." Also, three PNP officers will have 12 week internships in the Command and Staff Course at the Northwestern University Traffic Institute.

- **Professional Development Course**

ICITAP proposes training for personnel responsible for administration, logistics, and

accounting to improve skills such as computer use, organizational methods and techniques and time management: twelve weeks for administrative and technical personnel, in planning, administration, budgeting and procurement; and six to eight sponsorships to attend law enforcement meetings and conferences such as the Committee for the Accreditation of Law Enforcement Agencies (CALEA) and the International Association of Chiefs of Police (IACP) Conference. Participation in accreditation has been questioned elsewhere in this evaluation. In any event, the description of all this training is non-specific, and does not reveal what the training is intended to accomplish. Why the U.S. should provide this type of training and why the training is needed is not clear.

• Administration of other Training Programs

Twelve weeks of technical assistance will be provided for four week "decentralized training" courses in administrative and technical skills. ICITAP will provide desks, chairs, blackboards and air conditioners for a new training site away from the PNP Academy to conduct in-service training that can not be accommodated at the PNP Academy. The distance from the PNP Headquarters to the PNP Academy has been a distinct logistical disadvantage for in-service training.

• Infrastructure Development

To expand training capabilities, construction materials and equipment will be provided to expand the dining/mess facility and administrative offices, and to prepare an additional unspecified number of classrooms at the PNP Academy.

c. Conclusions and Recommendations

The PNP Academy is currently a viable organization, generally capable of sustaining a satisfactory level of basic training required for a civil police organization. However, the quality of training has not been measured in depth, and should be. Further, in any event, there is still need for selective U.S. material and technical assistance to refine training programs and improve the quality of training, the training environment and management of the institution and to improve the capabilities of the Academy to impart civil police competence and attitudes at all levels of the Panamanian police. To withdraw at this point might jeopardize U.S. efforts to develop a civil police force in Panama capable of supporting a democracy.

With continued U.S. assistance for training, the negative military influences of former PDF members in the PNP should diminish as new officers and personnel are recruited for the police. In addition, the basic strength of the Panamanian police is found in the uniformed services, its orientation, and ability to deal with increasing crime effectively and to serve the civil police needs of the Panamanian populace. This must be primarily addressed through training at the PNP Academy.

ICITAP provided crucial impetus and vital assistance to establish the PNP Academy. In the

aftermath of "Operation Just Cause" the urgency to establish a training institution for the new PNP led to deficiencies in planning and in defining the commitments of the GOP. A master plan that defines the needs, organization, resources needed and key objectives of the PNP Academy in regard to training programs and specific commitments of the USG and GOP is lacking.

Recommendation: That the PNP, assisted by ICITAP consultants, conduct an assessment of the PNP Training Academy in order to determine current needs and priorities and how U.S. assistance can best be utilized.

Recommendation: That specific planning for U.S. assistance to the Police Academy be accomplished in conjunction with appropriate PNP officials with an understanding of expectations; what is to be accomplished; and total ICITAP and GOP inputs needed to accomplish objectives.

Recommendation: That an experienced, professional staff member of ICITAP be assigned to provide oversight and technical assistance needed for training projects. This person must have the expertise to interface effectively with PNP staff members to provide expert advice, obtain feedback, review progress and ensure that commodities provided support defined objectives. Input from the ICITAP advisor can ensure that instructors trained by ICITAP are properly used as instructors, that curriculums are continuously developed in line with civil police needs, i.e. the proper use of force, operating within the law, etc., that commitments are met, and that development of infrastructure, systems and human resources advances as planned.

Recommendation: That all PNP personnel receive the standard basic training course or a modified version for those that have received only the 120 hour transitional course. Figures provided indicate that over 40 percent of PNP personnel have not received the standard police course at the PNP Academy. Priorities for training should be established based on a yearly program schedule and training capacity. According to PNP Academy officials, more instructors and training equipment are needed if more students are scheduled.

Recommendation: That ICITAP through appropriate channels, encourage the acceptance of qualified college graduates into the PNP officer training program. This program could be initiated as a pilot program with practical police training in the field as part of the training requirements. Under the present criteria, the requirement that only those PNP members with fifteen years of service can qualify for the officer course limits the candidates to former members of the PDF. Mixing in highly qualified individuals from outside the PNP may help make the officer corps more adaptable to civil police service. Thus civil police institutionalization would be strengthened.

Recommendation: That management training be provided to all officer personnel of the PNP to inculcate modern civil police management practices and principles. Management training is intended to educate supervisors, managers and commanders in the principles of modern

police administration, public and human relations, motivation, resource management, planning, budgeting and increasing productivity through effective leadership. Without standardized police management training, the PNP will function in the incongruent shadow of the PDF, eventually weakening further the morale and strength of the organization.

4. Office of Professional Responsibility (PNP)

a. Findings

The PNP Office of Professional Responsibility (OPR) is one of the most crucial organizations to instill professionalism in the new Panama civil police. The OPR mission is to ensure the integrity of the PNP and its operations by investigating allegations of corruption, human rights abuses, crime, complaints against the police and violations of policies and procedures by its members. The OPR was established with the assistance of ICITAP in November of 1991 and presently has twenty-five employees assigned, of which twenty-two are investigators. The Chief of the OPR reports directly to the Director of the National Police. At this time, the unit appears to operate with satisfactory effectiveness and independence within the PNP organization.

Since its inception, Mr. Lee Colwell, ICITAP consultant and former Deputy Director of the FBI, provided technical assistance to design an operational framework and to organize and train personnel assigned to the unit. Mr. Don Leighton, ICITAP staff member, also maintained limited contact with the organization. The chief of the unit, Licenciada Marisela Osorio J., expressed high praise for the ICITAP assistance.

Licenciada Osorio appears to be a capable administrator who understands the critical aspects of OPR investigations and the environment in which the unit operates. There is a general consensus that the OPR has helped root out some abuses and corruption within the PNP that could have become serious issues. Data indicates that the PNP OPR has investigated about 1000 cases since its inception. The majority involve abuse, corruption or misbehavior. Many cases investigated by the OPR have resulted in terminations or criminal action against policemen involved. Eighty-two people have been terminated as a result of OPR investigations since 1991. According to the OPR Chief, their case load is increasing.

The OPR has gained a favorable reputation within the police and PNP personnel appear to understand and accept the unit's mission. The OPR and its activities have helped improve the public perception and image of the PNP.

The OPR operates similar to an Office of Internal Affairs in a U.S. law enforcement agency. Cases are initiated as a result of information or complaints received from several sources: citizen complaints, anonymous phone calls, field training officer personnel, anonymous FAX reports, fellow officers or supervisors, news media, and OPR leads. In criminal cases where police personnel are found to be connected, OPR officers have the authority to effect an arrest and/or relieve the officer involved of his weapon and badge.

Policies have been developed that require the cooperation of police personnel with the OPR during investigations. In addition, excellent cooperation appears to exist between the Offices of Professional Responsibility of the PTJ and the PNP. Some cases are handled jointly. Resources for the investigation of important cases are often shared by the two offices with the required confidentiality apparently preserved. It seems the three C's of an investigation (cooperation, coordination and communication) are commonly practiced by both organizations to a high degree.

b. Conclusions and Recommendations

The OPR appears to have achieved good success as an effective and independent office capable of investigating corruption, police brutality and abuse, and in helping to maintain integrity in the PNP organization. However, it is doubtful that the unit in its present form and capabilities can successfully investigate complex cases of high level corruption, drug conspiracies or money laundering. For such cases the organization would require strengthening and special training. Depending on U.S. objectives in Panama, training in the development and use of informants and in undercover operations might be considered for some members of the OPR and special investigation equipment provided. Drug testing for members of this unit should be encouraged. This is presently not done according to the Chief of the OPR.

Training in investigations was requested by the Chief of OPR for about thirty people to improve the overall capacity of the unit to handle complex and sensitive cases such as high level corruption. Security within the unit is considered lax such as to risk compromising such investigations. Assistance in improving the security of the office and its activities is needed. Because of the importance of the OPR to the prevention of human rights violations, police brutality and abuse, we recommend that ICITAP consider continuing technical and commodity assistance to upgrade the investigative capabilities of the OPR and its ability otherwise to function more effectively in its role.

5. General Issues

a. Lack of an Organic Law

Currently, there is no organic law establishing the PNP. The PNP operates on the basis of Presidential Decree 20. Even without the organic law in place it appears that public law enforcement is working at a satisfactory level. The lack of such set legal foundations does, however, seem to frustrate the PNP's internal efforts to institutionalize policies and procedures. They rationalize that it would be futile to invest resources in work that could be invalidated by the new law when it comes.

Further, PNP officials indicate that it is difficult to administer certain operations without such a law, e.g., the establishment of career ladder components and disciplinary regimen. Also, absence of such law can affect the standing of PNP personnel relative to third parties, e.g.

situations of damage or injury resulting from use of force.

For example, in March 1993, the Supreme Court ruled that whenever Panamanian law enforcement officers are involved in a shooting resulting in injury or death they should be placed on no-pay status until the internal investigation is complete. The ramifications of such a policy are significant. The policeman, already underpaid, receives no income pending the outcome of the investigation and legal proceedings, which may take a year or more. With this possibility looming, police will understandably be more reluctant in confronting situations where the use of deadly force might be required. Furthermore, undue hesitation on the part of a police officer in a lethal force situation could give the criminal the advantage to harm the officer. The PNP has already lost over ten policemen in the line of duty since its inception and crime is on the increase.

Recommendation: That the Organic Law for the PNP be pushed at the highest levels to ensure that the PDF is history and the PNP can develop within a legal framework complete with a career ladder and its own civil police disciplinary code.

b. Morale and Welfare

The state of PNP morale, perceived principally through informal conversations with officials and sub-officials, is marginal. Most see a need for higher pay and more benefits. Although pay has risen at least three times in four years, there is still much room for improvement. Indexing to cost of living should be considered.

The issue of appropriate pay for PNP personnel is part of a complex GOP-wide compensation problem and beyond the scope of this evaluation. However, morale is also affected by working conditions. Improved management and relationships, better fleet administration, and improvement of police facilities as recommended elsewhere in this report for operational reasons, should also be pursued for their impact on morale.

c. Accreditation

ICITAP is investing substantial resources toward accreditation of the PNP by the Commission of Accreditation for Law Enforcement Agencies, ("CALEA"). Accreditation requires a commitment of resources at levels not practicable for the GOP, to achieve objectives which, at the margins at least, are probably not realistic nor worth the effort in the Panamanian context.

Recommendation: That, because of the stringent requirements and the expense, the accreditation effort be considered for termination at this point.

Recommendation: That ICITAP stop sponsoring attendance at CALEA quarterly meetings. These meetings are not worthwhile for Spanish-speaking PNP officials who will not be involved in an accreditation effort. Even most American police agencies attend only one

meeting per year.

Lastly, ICITAP Panama spent more than \$18,000 to translate the entire CALEA Standards Manual. That Manual changed entirely April 1, 1994. If ICITAP considers accreditation to be a legitimate organizational development tool for other Spanish-speaking police agencies, the cost should be shared more equitably.

d. Use of Force Policy

The PNP policy development group developed a draft use of force policy that covered a number of pages, and goes into substantial detail on a force continuum and prohibited strike areas on the human body. The 2nd quarter CY 91 ICITAP report mentions that the use of force policy developed by the PNP policy development group had been approved by the Attorney General and PNP Director. A check of a number of officers at PNP Headquarters in Ancon revealed that none were aware of the existence of such policies.

Recommendation: That because of the importance of use of force policy, ICITAP follow up on its drafting, adoption and dissemination.

e. Decentralization

The team has detected tension in this project between the traditional Latin American use of many small roadside police stations and U.S. and European models which tend to reduce the number of police stations and use modern means of air and surface transportation to provide necessary coverage.

Obviously, in order to work, the traditional Latin American model requires more people and facilities and the modern US-European model requires more investment in transportation. We should not assume that models developed in the relatively high labor cost, low capital cost industrial nation economies are necessarily appropriate to lower labor cost, higher capital cost economies of less developed countries such as Panama. On the other hand, what was appropriate in Panama one hundred years or even ten years ago may not be appropriate now.

Recommendation: That ICITAP and PNP contract for appropriate cost benefit analysis to determine the extent to which, if at all, Panama might improve coverage and response capability by cutting back on personnel and facilities in favor of more vehicles and communications equipment. Such analysis should be sufficiently sophisticated to take into account social, cultural and political as well as economic values.

Recommendation: That such analysis be performed as part of an overall long term capital budget plan before any substantial further investment in vehicles or police stations. This sort of analytical capability may or may not be worth developing within the PNP Planning Office over the long term. The alternative is to hire it done by expert consultants. Over the short term in any event, this task is probably best done by consultants and is probably within the

competence of Panamanian consulting firms.

f. Civilian vs. Military Attitudes

A primary objective of the project is to institutionalize in the Panamanian police professional civilian attitudes and procedures as distinct from the military attitudes and posturing which prevailed under the Panama Defense Force. The Team was impressed that the younger and newer entries to the PNP indicate strong commitment to the civilian police role, while older officers especially still tend to look back with nostalgia for the "good old days" when the PDF was running the country with commensurate pay and privileges for their officers and ready access to funds for facilities and equipment.

Also, in the course of its work the Evaluation Team heard various criticisms of the PNP concerning the seeming continuance or resurgence of indicia of militarism. Such references included the khaki color of the standard uniform, the military fatigue type uniform worn around PNP headquarters, the shoulder weapons worn around PNP headquarters, the close order drill and particularly the goose stepping for graduation ceremonies at the Police Academy.

During our interviewing PNP leadership defended the fatigues and shoulder weapons around PNP headquarters as desirable in order to provide defense against attack upon the facility and the high PNP officials there. The strenuous nature of training at the Police Academy including the emphasis on close order drill, goose stepping and sharp appearance they justify as measures to enhance discipline in the organization. They claim that the more laid back Panamanian culture, combined with the low level of education of many applicants, tends to require a higher level of emphasis on discipline and means to achieve discipline than might be necessary with civilian police forces in the United States. And, in fairness, the members of the Evaluation Team are aware of substantial emphasis on good marching and sharp appearance in recruit training for U.S. civilian police as well.

During our interviewing PNP leaders tended to say, without prompting, the right things concerning their pride in being civilian police. One of the strengths of the ICITAP program has been that the association with prestigious and highly professional U.S. civilian police organizations, such as the FBI and leading state and local police forces, has helped develop PNP belief and pride in the importance of the civilian police function. And of course, critical to sustaining pride in performance will be continued strong support for PNP efforts to build and sustain their professional competence following the departure of ICITAP and U.S. financial support for the police function.

Recommendation: That in view of the vital importance of civilian professionalism in the project goal, ICITAP and PNP continue to watch for means and opportunities to help build PNP pride and professionalism in their civilian police career. On the GOP side this should include extra effort to see that the overall compensation provided to the Panamanian police reflects the importance given to their profession and organization as a key institution of a

democratic society.

6. ICITAP Assistance

The most critical priority for ICITAP continues to be the development of the PNP based on a civilian police foundation. ICITAP's 1990 Program Description refers to "certain [ICITAP] recommendations to the Government of Panama on organizational structure, function, description and general police policies." However, the documentation on the assistance proposed by ICITAP relative to organizational structure and other items mentioned does not seem to be available. Rather the planning document describes general activities and emphasizes training for the PNP.

A model precinct was also proposed in the same program description to "transform one of the most difficult precincts (Police Area A) into a model police operation with the expectation that successful practices will expand to other precincts. This task will include training, equipment, and full-time technical assistance." This objective was apparently abandoned because of Panamanian concerns for seeming favoritism and disagreement between U.S. and Panamanian officials as to how those concerns should be addressed.

ICITAP's 1992 Panama Program document describes the following assistance to the PNP:

Training and Training Resources Development	\$ 900,000
Management and Administration Development	\$2,000,000
Vehicle Procurement	\$1,000,000

This evaluation Team was not able to determine the extent to which project goals and objectives were accomplished with the funds invested in the PNP. As in other areas, there was no clear articulation of quantifiable objectives to help define what was to be done, the resources needed, and what was to be achieved in terms of end impact.

Recommendation: That an ICITAP Program Analysis Group be formed to work with appropriate Panamanian representatives to assess specific goals and objectives within the overall context of the program. Priorities should be established and measurable objectives developed in line with such selected priorities. ICITAP can not cover the broad range of needs for the PNP and should concentrate on civil police infrastructure development, improvement of management and civil police training.

Also ICITAP should reach out more for U.S. experts in organization and administration of civil police organizations that can assist in infrastructure development. ICITAP appears to have relied excessively on local individuals with no development experience and only a basic knowledge and understanding of civil police management and operations. Further, since the inception of the program, local individuals do not appear to have reported their activities in writing, and their work has not been evaluated. Some hiring appears to have been based on friendships more than qualifications.

B. JUDICIAL TECHNICAL POLICE

1. General

The Judicial Technical Police of Panama, known as the PTJ (Policía Técnica Judicial), has primary criminal investigative responsibilities in the country and is the FBI equivalent in terms of national investigations, mission and jurisdiction. The predecessor agency to the PTJ, the Panama Departamento Nacional de Investigaciones (DENI), was dissolved following the U.S. invasion of Panama in December 1989. The PTJ was structured to function under the Public Ministry as a new agency. Its organization and mandate is governed by an organic law enacted in July, 1991. Several hundred members of the former DENI and PDF were incorporated into the new PTJ organization with an initial strength of about 575. The current personnel strength of the PTJ is about 1200. The DENI had a sinister and nefarious image as a political investigative strong arm for the PDF. The PTJ has a somewhat better reputation; public distrust remains, however.

Since the start of this police project the overall technical and commodity assistance provided to the PTJ has been less than for the PNP, and justifiably so, since the PNP is a much larger organization whose function is considered of higher priority. The PNP is the uniformed police service in Panama while the PTJ conducts criminal investigations. In essence, the PTJ, under the supervision of the Public Ministry and its prosecutors (fiscales), is primarily responsible for the preliminary investigation of all major crimes. This includes responsibility for investigating complaints and effecting arrests. By law, any criminal investigation undertaken by the PTJ must be submitted to the Fiscalía (Public Ministry) within eight days.³

Although specific statistics involving crime in Panama were not provided to the evaluation team, everyone interviewed and in a position to understand the situation, expressed concern for a high crime rate and a significant increase in robberies and violent crime, especially in urban areas.

2. Criminal Investigation Capability

The Director of the PTJ was candid in assessing the investigative capabilities of the PTJ. On a scale of 1 to 10, the Director rates the PTJ at a level of 4 in competence to conduct criminal investigations. The investigation of complex cases of corruption, money laundering or major drug cases is considered beyond the existing capability of the PTJ. The FBI legal attache in Panama City also expressed the opinion that the PTJ investigative capabilities are very limited except for its Special Anti-Drug Force or Fuerza Especial Anti-Narcóticos ("FEAN"). This unit is supported by the Drug Enforcement Administration (DEA) in

³According to knowledgeable individuals in Panama, this is rarely accomplished and often results in investigators of the PTJ sending investigation reports to the Fiscalía in eight days to get rid of the case.

Panama, the U.S. Customs attache, and the State Department Narcotics Assistance Section (NAS). At present, the FEAN is considered to have stronger leadership and capabilities than other PTJ units. Budget projections and planning appear to be performed at a much higher level in the FEAN than in other PTJ units.

The crime laboratory that existed under the DENI was destroyed during the 1989 U.S. invasion of Panama. Since then, with ICITAP assistance the PTJ forensics laboratory has been rebuilt into one of the finest and most complete in the region. The use of the PTJ forensics lab to compile and analyze physical evidence is common and important to major criminal investigations. Standards used by PTJ forensics technicians are believed in line with U.S. standards. The laboratory presently has capabilities in document examination, hair and fiber examination, serology, toxicology, analysis of controlled substances, and ballistics. The ability of the PTJ laboratory to analyze and present evidence is accepted by local prosecutors and judges in the majority of cases and Panamanian forensics technicians are presently training forensics officers from other countries, eg. El Salvador.

ICITAP gets high credit from PTJ forensics professionals for the assistance provided in training, technical assistance and in acquiring the equipment needed. All section chiefs visited requested further assistance from ICITAP to solidify their expertise and capabilities. The laboratory is still weak in some areas of analysis and procedures. For example, a simple matter of ventilation where controlled substances are stored is a major problem since contamination of people is possible. Security is also a problem as well as training and procedures for handling the seizure of a clandestine laboratory. The PTJ forensics laboratory at present has but limited expertise in the examination and analysis of rifles, etc. Recently the PTJ ballistics section was unable to match a bullet found in a victim's body with a suspect weapon available because of insufficient expertise on the part of PTJ technicians. An FBI forensics laboratory eventually confirmed that the suspect weapon was used in the killing.

PNP personnel as well as PTJ investigators require training across the board in crime scene protection procedures, and in understanding the value of forensics. This will improve the acquisition and use of physical evidence found at crime scenes.

3. Organization and Management

The PTJ has a typical Latin American organizational structure based on the division of key functions and establishment of management positions that satisfactorily permit effective investigation of criminal cases. The structure is similar to the organization of the Technical Judicial Police (PTJ) of Costa Rica.⁴

⁴ Since 1990 the former Director of the Costa Rican PTJ has been one of the principal full-time ICITAP advisors. However, despite the importance of this position and the high cost involved, the quality of his work apparently has never been assessed by ICITAP.

The PTJ is organized with distinct branches or divisions, i.e. Homicide Division, Narcotics Division. Managers and supervisors assigned to each division carry a part of the investigation workload due to a shortage of qualified investigators, lack of training and/or because of autocratic management styles. As a result of the above and poor procedures, case management and the full use of investigative personnel is weak.

The PTJ Director and his senior office chiefs consider training in management and supervision a priority. The present PTJ management system is seen as autocratic, overly centralized, and inundated with paperwork. The coordination, communications, and cooperation necessary for efficient investigations, are considered woefully inadequate. The Director credits the FBI Academy's Law Enforcement Executive Development course for wakening him to the importance of delegation in management. We endorse the view of PTJ leadership that improvement of the management infrastructure and management training is essential to a capable and professional PTJ organization.

The PTJ operates in four (4) Judicial Districts within Panama generally working closely on investigations with the prosecutors (fiscales) depending on circumstances. Unfortunately there is a history of conflict between the PTJ and fiscales of the Public Ministry that has hampered cooperation, coordination and communication between the two agencies in conducting criminal investigations. The pilot "Integration Project" developed in Veraguas has helped resolve some of the problems between the PTJ and fiscales and significantly improved the process and quality of criminal investigation there. Integration efforts are planned for all provinces and for Panama City. We strongly endorse the inclusion of the Integration Project in USAID and ICITAP program planning for the future.

Recommendation: That USAID and ICITAP continue their work with the PTJ to extend as soon as feasible to Colon and Panama City the Integration Project of cooperation with the Public Ministry prosecutors.

There is no doubt that the leadership of the PTJ will make a difference in the future development of the organization. Turnover of leadership already affected adversely the development of Panamanian police institutions. Politicization of the PTJ as well as the PNP remains a potential problem for the professionalization of the police. There are three key positions in the PTJ that require approval of the Supreme Court of Panama after nomination by the Attorney General (Procurador General). The positions include the Director, the Deputy Director and the Secretary General of the PTJ. The recent election of a new GOP administration may produce changes in the key managers of the PTJ.

The Director of the PTJ praised ICITAP assistance and the good relationships that exist at all levels with ICITAP staff. He expressed concern, however, that there is not more management/supervisory training and case management training for supervisors and managers included within ICITAP planning. To operate beyond a basic level of competence in investigation, the PTJ needs further development in infrastructure and administration. In addition, improvements in management and the development of qualified investigators and

instructors should be considered as priorities by ICITAP.

4. Training

a. Background

The PTJ Director describes the situation of the PTJ as starting essentially from zero. Although many former DENI investigators remained in the new organization, most were not strong professionals, they often had problems working within the new system and became subject to disciplinary action. The new situation created a critical need for training PTJ personnel as professional civil law enforcement investigators. Such training was initiated by ICITAP at a temporary training site near the PTJ Headquarters, then later moved to a new PTJ academy at a permanent site.

b. The PTJ Academy

(1) Past Performance

On October 1, 1991, the PTJ established its academy at a former U.S. Navy facility near Summit Gardens in Gamboa. A three story building was remodeled to provide three classrooms, administrative offices, quarters for approximately 30 students, a kitchen and a dining facility.

Inspector Ray Martin, a former DENI officer, was appointed as the first Director of the PTJ Academy. Approximately 20 individuals were subsequently assigned to staff the institution. As personnel designated for the PTJ Academy were assessed by ICITAP consultants, they were found to have no previous experience in law enforcement or as instructors. As conflicts developed between the PTJ Director and the new Director of the PTJ Academy, the PTJ Academy acquired a reputation as a "dumping ground". Despite internal difficulties, with ICITAP assistance a basic course of 420 hours was developed to train detectives and began on June 15, 1992 with 102 students. The course apparently included extremely tough exercise sessions and harassment by instructors that continued after normal training hours. Twenty-three candidates either withdrew or were eliminated from the first course.

Six months later, a second basic course was initiated with 100 students selected for training. Training was then apparently modified to include instructors from the University of Panama, the Forensic Medical Institute, the Supreme Court and others. ICITAP assistance with training continued and instruction was provided by ICITAP instructors on the important topics of report writing, interviews, crime scene search, and firearms training. Of the 100 students that began the training 85 graduated and were apparently hired as investigators.

In May 1993 a third course was held at the PTJ Academy. Instruction on narcotics investigations, law and the limited use of force was added to the program. A total of 128

450 investigators have not been trained in a basic investigation course. He believes the PTJ Academy should expand its training capacity because adequate buildings and space are available. Lack of data and computers needed for programming was noted as a serious constraint.

Although the present situation at the PTJ Academy does not indicate strong support from the Director of the PTJ, he says that he considers training a priority. He is aware that many investigators have not received basic training. He explained that initial planning for the PTJ Academy was too rushed without sufficient thought to programs or resources needed, and instructors did the best they could under the circumstances. He explained that PTJ training is now playing catch-up in training while attempting to reorganize. He believes there is more time to plan now, to organize and to develop a competent corps of instructors and programs. This seems true but none of the above seems to be moving.

According to the PTJ Director, the first training courses given by ICITAP consultants were oriented toward U.S. practices and not Panamanian needs, and the training materials contained mostly American methodology. In fairness, however, one of the training manuals was developed by ICITAP consultant Lic. Minor Calvo, the former Director of the Technical Judicial Police in Costa Rica. At present a Panamanian magistrate and an attorney from the Public Ministry are providing technical assistance on the development of training programs.

c. ICITAP Assistance Proposed for 1994

The Director of the PTJ believes that ICITAP has been extremely helpful and good relationships exist. The PTJ Director of Training counts on ICITAP assistance to help her resolve management problems at the Academy and to assist in the future development of the institution. However, a meeting of the minds between ICITAP and PTJ leadership is necessary to carry out future programming. The 1992 objectives of ICITAP concentrated on curriculum development and development of the organization needed to accomplish training needed. However, evaluations by ICITAP or the PTJ to determine the effectiveness of the courses provided, in particular the basic course, was apparently not documented. What appears essential is a coherent plan to determine future needs of the PTJ Academy and programming for the next two years.

The current draft ICITAP planning document for FY94 defines its goal as follows: " A Judicial Technical Police capable of producing, through training, professional civilian law enforcement personnel prepared to meet organizational requirements for providing law enforcement investigative service to the community as a component of the Panamanian criminal justice system."

The same document continues to use the FY 92 objectives for the PTJ Training Division and Academy:

- Continue development of Training Department abilities to develop and support training programs.

- Strengthen basic recruit training programs.
- Enhance basic and special investigative skills of PTJ detectives through ICITAP training courses.
- Provide for professional development of PTJ personnel through conferences, seminars and management courses.
- Support improved working relations among PTJ, Public Ministry, and Judiciary.

According to ICITAP documentation, with FY 90/91 funds, ICITAP training reached 467 PTJ officers, 284 in basic investigative skills, 139 in special skills courses, and 44 in management courses. ICITAP also helped develop the current 12 week basic investigator course, and the budget requirements for the basic training program, among others.

A November 1993 ICITAP internal document concerning technical assistance identifies several areas of assistance for the PTJ in 1994. The principal areas identified in the document include:

Development of Academy and Training Programs

Two instructor development and two instructor certification courses.	\$45,000
Expenses for Academy Coordinator for three months	<u>20,000</u>
Total	\$65,000

Planning and Organizational Development

Development of an operational and procedural manual, technical assistance for Veraguas Project.	
January - March-consultant to develop manual	\$12,000
January - March-expenses for consultant, Veraguas	\$30,000
Materials for manual	<u>\$ 5,000</u>
	\$47,000

Development of Logistics System

A driving course for PTJ personnel, to protect the U.S. investment in PTJ automobiles. The Panama Canal Commission is providing training free of charge in the area of fleet maintenance.

Cost \$30,000

Institutional Accountability

There is no provision to support the PTJ Office of Professional Responsibility (OPR).

Forensic Science Development

There is no provision to support the PTJ forensics laboratory except for basic supplies.

Special Investigative Capabilities Development

This item concerns vehicle theft and criminal index computerization program, and includes development of a manual. Narcotics enforcement assistance is eliminated until additional funds are received.

Consultant to complete production of manual	\$15,000
Consultant fees for 12 months	\$20,000
Equipment and Supplies	<u>\$20,000</u>
	\$55,000

The Total Proposed is \$197,000

It is not clear to the Evaluation Team why consultant' fees vary so widely from \$1,600 to \$10,000 per month. The latter seems high.

d. Conclusions and Recommendations

The Evaluation Team does not concur with the programming described above.

Recommendation: That ICITAP and PTJ reassess training priorities along the lines indicated below.

Training of investigators and personnel is the only way to improve the ability of the PTJ to conduct effective and complex investigations. It appears the PTJ Academy is presently suffering from acute management problems and is in disarray. By her own admission, the Director of Training for the PTJ is not in control, needed resources have been denied, and training overall is at a near standstill. One ICITAP sponsored course on auto theft was underway at the Academy when the Evaluation Team visited the facility.

Recommendation: That to upgrade the PTJ Academy's capability to provide for effective and expanded training, the PTJ and ICITAP place more emphasis on strengthening the management and administration of the PTJ Academy and its infrastructure. This should include technical assistance to organize properly so that planning, programming, scheduling and operations can be effectively developed.

Recommendation: That ICITAP assist the PTJ Academy to evaluate the basic investigations course and promote basic training for all investigators.

Training is needed to improve the quality of investigations by supporting the integration of the investigative work of the PTJ with that of the Fiscales (Prosecutors) of the Public Ministry. The Fiscales prepare the complaint, prepare cases and prosecute cases. Investigations are often controlled by the Fiscales and conflicts often result that can jeopardize a case. There is already an ongoing effort through the "Integration Project" to improve the working relationships between the PTJ and the Public Ministry and thereby improve the quality of investigations.

Recommendation: That the basic training program for PTJ investigators clarify roles and define the processes for effective integration and cooperation with the Public Ministry on criminal investigations.

Planning appears lacking in terms of the strategic importance and operations of the PTJ Academy. Much has been invested in the PTJ and its Academy, but the Academy appears to be dead in the water and the capability of the PTJ to investigate major crime is assessed as low. Major crime has become a serious problem in Panama. Special training is required for personnel of the PTJ to investigate homicide cases, corruption and white collar crime, kidnapping, auto theft and narcotics cases.

Recommendation: That ICITAP emphasize further development of the PTJ Academy, the improvement of the organization and management, the acquisition of support services to program instruction, budget for training courses scheduled, and to plan the expansion of the facility to accommodate more students.

Recommendation: That ICITAP work with the PTJ and the Public Ministry to determine needs and priorities, define objectives clearly and obtain GOP and USG agreement on what is to be done and the resources to be obligated in connection with defined objectives. The PTJ should budget for the expenses of each training course with available ICITAP funding directed toward infrastructure development; i.e. expansion of facilities, procurement of training equipment, establishment of a library, additional transport, technical assistance and training by ICITAP consultants.

5. Office of Professional Responsibility (PTJ)

a. Findings

The PTJ Office of Professional Responsibility (OPR) has the same mission as the PNP OPR and was established for the same purpose in 1990/91 with ICITAP assistance. Technical assistance to develop the OPR was provided primarily by ICITAP through Lee Colwell. Don Leighton and David Wattley have also provided technical assistance oversight.

The Chief of the OPR is Licenciada Ana Bouche who appears to be a capable administrator. Fourteen employees are assigned to the OPR but only seven appear to be investigators. The OPR Office has limited security procedures and precautions that could easily compromise the conduct of sensitive investigations.

Statistics provided by the Chief of the PTJ/OPR indicate the unit has been busy since inception. Six hundred eleven complaints were investigated by the PTJ/OPR from 1990 to 1993. The majority of complaints are initiated by PTJ staff. Eighty-seven cases of corruption, 34 cases of escapes of suspects and 26 cases of police brutality were investigated during the three year period. In the last two year period, the Chief of the OPR has closed

two cases administratively. Sixty-two cases have been investigated by the PTJ/OPR thus far from January through May of 1994.

The Chief of the OPR decides what cases are to be investigated and how the investigation will be conducted. We were informed that in many cases the OPR Chief personally directs the investigation depending on the circumstances of the case. Sources of information or complaints are similar to the PNP/OPR: citizen complaints (telephonic, written or personal), anonymous phone calls, fellow officers or supervisors, news media, and requests from the PTJ Director.

The PTJ/OPR does not provide opinions or recommendations on disciplinary action that should be taken on a case and provides only the facts as developed by the investigation.

The OPR Director said that excellent cooperation and coordination exists between the OPR of the PNP and her unit. Officers/investigators are often on loan or work jointly to investigate a case. A recent example of such a joint investigation involved a PNP captain caught smuggling large amounts of merchandise from the Colon Free Zone. Other cases undertaken jointly are pending.

According to the PTJ/OPR Chief, the Unit works closely with the prosecutors of the Public Ministry to conduct investigations. As a result, they have improved procedures for preparation of cases, such as the requirement that a witness or suspect sign their statements as well as the investigator involved in the case.

The PTJ/OPR appears to have good credibility. PTJ personnel appear to understand that the unit monitors behavior of employees, performance, and possible violations of the policies of the PTJ and/or the laws of the nation.

Recruitment of OPR personnel is based on background checks, and the completion of basic training at the PTJ Academy. Personnel selected are generally new employees with legal training if possible. New employees undergo psychological and drug testing prior to assignment.

PTJ/OPR appreciates its ICITAP assistance and indicated additional needs for special training in internal affairs investigations, and commodity assistance in the form of word processors, photographic equipment, radios, and night vision devices.

b. Conclusions and Recommendations

1. The PTJ/OPR is an important factor in maintaining integrity in the PTJ, and helps address violations of human rights by PTJ employees, many of whom are former DENI personnel.

The organization is generally effective in what it does, but it is substantially limited to uncomplicated cases. There may well be other less simple cases which go undetected or are

beyond the OPR capability to investigate successfully. This can not be determined without a more detailed evaluation.

The PTJ/OPR contributes in a practical sense toward the integrity of the organization through investigations of allegations and irregularities. It also influences employee behavior and public opinion. The assistance by ICITAP has lent credibility, improved effectiveness and helped provide the stature needed by the unit to maintain its independence and obtain the respect and support of the Director.

Recommendation: That ICITAP continue limited assistance to OPR by providing special training and limited commodities, such as a computer, a few portable radios and other selected equipment.

6. ICITAP Assistance

a. Findings

U.S. assistance to the PTJ under ICITAP is difficult to trace because of the numerous activities involved and vague program documents that do not clearly specify what was to be accomplished. The 1990 ICITAP Program Description for Panama was an initial effort to define U.S. assistance. That document refers to an ICITAP assessment team that apparently reviewed the PTJ organizational charts and staffing requirements provided by the PTJ Director. Reportedly, after some further research and analysis, the ICITAP team provided recommendations, which were not available to the evaluation team. The planning document included a brief assessment of the forensic laboratory and the facilities left after the invasion, with emphasis on its lack of capabilities. The document then proposed focus on forensic science development and training, but did not specify what ICITAP planned to accomplish.

The 1990 ICITAP program document also identifies these other areas of activity for U.S. assistance:

Selection and Basic Training: An ICITAP specialist to "study the feasibility of implementing a screening program for recruits, basic courses for instructors and follow-up field training". (See discussion of results at III.B.4)

Developing Legal Basis for the PTJ: ICITAP responded to a request from the Attorney General of Panama to assist in forming a Task Force to draft an appropriate law for the Legislature "to legally place the PTJ within the Department of Justice". (ICITAP participated "as advisors to the groups" to ensure the needs of the police services are reflected in the law. An Organic Law on the PTJ was passed by the Panama Legislature.)

Miscellaneous Development Projects: To meet changing needs, the PTJ was determined in need of restructuring as follows:

- Creating an internal affairs office (OPR). (This was accomplished. See discussion at III.B.5)
- Developing a stolen vehicle section. (This is underway.)

- Reassigning personnel to areas once crime trends are developed. (Not accomplished. See discussion of CONADEC at III.D)
- Developing automated procedures for case management, evidence and national level indices. (This has not been accomplished.)
- Improving coordination between field units in Panama, the region and Headquarters in crime investigation. (The "Integration Project" helps.)
- Training in crime scene evidence and protection. (Included in training but with unsatisfactory results.)
- Development of guidelines and training for a new narcotics unit. (The FEAN is effective and viable, but with assistance of U.S. agencies other than ICITAP.)
- Creation of a section for handling juvenile crimes. (This operation is incomplete.)
- Development of a policy on liaison between the PTJ and Institute of Legal Medicine. Coroner reports are not directly available to the PTJ. (This is uncertain. The issue of cooperation and coordination between the laboratory at the Public Ministry and the PTJ laboratory should also be addressed.)

ICITAP funding programmed to assist the PTJ in FY 92 was as follows (in millions of dollars):

Training and Training Resource Development	1.3
Management and Administrative Development	.7
Vehicle Procurement	.5
Forensic Science Development	<u>.5</u>
Total	3.0

The investments made are unknown. Funding levels for FY 94 are not available.

b. Conclusions and Recommendations

ICITAP assistance to the PTJ has enabled the organization to develop an infrastructure with important components that enable the organization to accomplish its mission. The achievement of any defined objectives is difficult for the Evaluation Team to determine. Improvements are discernable, however, in infrastructure development.

Recommendation: That ICITAP continue assistance for the PTJ, to assist in improvement of management information systems, forensics capabilities, overall training and to extend the coverage of the Integration Project. It is suggested that priorities be established via the planning route and agreements on objectives and commitments be obtained in writing from the GOP. ICITAP staff could focus on specific activities that can be identified and measured in terms of end impact.

Recommendation: That ICITAP dedicate more resources and time to monitoring and evaluating the impact of U.S. assistance in the various activities. More follow-up on the

training activities of the PTJ is needed to evaluate impact of training on performance.

Recommendation: That USG influence be exerted on the GOP to obtain an increase in the budget allocation for the PTJ to expand the PTJ Academy, strengthen the OPR and continue infrastructure development.

Coordination and communication between U.S. agencies in Panama involved in drug matters is necessary to prevent conflicts and duplication of effort. This is especially true in regard to training and enforcement efforts.

Recommendation: That ICITAP and representatives of DEA, Customs and NAS continue their close coordination to enhance the effectiveness of ongoing assistance to the FEAN and other drug enforcement efforts in Panama to attack the problem.

Recommendation: That, although the narcotics trafficking problem in Panama is serious and damaging to the United States, for that reason the FEAN has access to other support, and ICITAP should focus on the overall ability of the PTJ to investigate crime.

C. DEPARTMENT OF CORRECTIONS

1. Background

Corrections is an area for assistance that can become bogged down in a quagmire of economic and political issues. Nevertheless, it is considered a critical area in the overall system of criminal justice and important to, and supportive of, U.S. democratic initiatives in Panama. Corrections in Panama is a serious problem, and in a democracy the system is linked inexorably to law enforcement efforts and the processes of the judicial establishment.

The corrections facilities in Panama are greatly overcrowded and the prison population is increasing at the rate of 1,000 new inmates per year. Attendant to the overcrowding are inhumane conditions of incarceration, brutal treatment of inmates, a gross disregard for inmate programs, sanitation problems, and the entire spectrum of organization, administration and staffing problems. A principal part and cause of the problem is the backlog of people incarcerated that have not been tried for their alleged crimes or not been sentenced after their trial. In some institutions, over 80% of the inmates have not received due process. These conditions in turn create a high potential for violence in correction facilities. Disturbances and riots occurred at La Modelo and David in the past two years.

Historically, the causes of these bad conditions have been lack of funds appropriated for corrections and apparently a general disregard for the plight of the inmates by GOP legislators in the budgeting process. Cruel prisons also served the punitive interests of the former military dictatorships. Many former National Guard officers and others that were involved in or were suspect of subversion and coup attempts against Generals Torrijos and Noriega

wound up in Coiba, an infamous island prison located approximately 200 miles from Panama City.

The need for help in the corrections area is extensive. For this reason, priorities must be established with emphasis on specific objectives. The existing corrections system has a nebulous chain of command and organizational structure at best. The funds available to the National Corrections Department ("DNC") to improve conditions in prisons are not adequate. The expenditure per inmate per year is less than \$100. The prison system and its facilities are described in more detail at Annex 1.

The situation presents an opportunity to help the GOP initiate and sustain improvement and reform in corrections such as to produce major changes in the treatment of inmates.

2. U.S. Assistance

United States assistance in the corrections area was initiated approximately a year after "Operation Just Cause." Such assistance in corrections is based on Section 551(a) of the Foreign Service Appropriations Act (P.L.108-87) which provides funding to improve penal institutions and rehabilitation of offenders in Panama.

In February of 1991, a team of four corrections professionals from the National Institute of Corrections (NIC) and the U.S. Federal Bureau of Prisons traveled to Panama to survey Panamanian Corrections Institutions. The assistance was requested by the Panamanian Government and supported by ICITAP. The team's survey report emphasized the deplorable state of Panamanian correction institutions and made various recommendations for U.S. assistance. Subsequently, four top officials of the Panama corrections system, including the DNC Director, Lic. Nilka de Saenz, visited the United States to study operations at U.S. corrections institutions and to observe U.S. methodology and corrections administration.

Responding to the perceived need for continued corrections assistance to support U.S. administration of justice objectives in Panama, a U.S. corrections expert, Mr. Robert DeChene, was assigned on permanent status to assist in corrections matters under ICITAP on October 1, 1993.

A visit to Panama in February 1994, by Mr. Larry Craven, an Associate Warden at the Federal Correctional Institution in Balstrup, Texas, centered on a review of conditions at five major Panamanian prisons and on developing recommendations on security issues, operational policies, and procedures. The conclusions reached by Craven confirm critical problems of overcrowding, a backlog of pretrial detention and sentencing and the severity of conditions that prevail in Panamanian corrections facilities.

In April 1994 ICITAP sponsored a strategic planning seminar including top officials of the Panama Department of Corrections, which covered mission statement, organization and key policies for corrections.

A Project Description for this portion of the ICITAP program and funding in the amount of \$126,000 was included in ICITAP program documents for 1993. Program documentation for FY 1994 cites several broad areas of assistance defining proposed input and desired outcome. However, major objectives and time frames for accomplishing major objectives need to be more clearly defined. Funding for this project in 1994 is estimated at \$250,000 to accomplish institutional development goals, and reforms in facility operations and procedures. This included technical assistance, training and commodity support.

3. Factors in Program Development

The present GOP budget for corrections covers prisoner maintenance, employee salaries and overhead. Funds for training or institutional development are extremely limited or non-existent.

The situation in the Panama Corrections Department will require an assessment by prison experts, with Panamanian participation to address proper organization, inadequate staff, overcrowding of inmates, a need for additional facilities, training for DNC personnel, security risks at all facilities and chronic problems in administration and tracking systems.

Corrections facilities are desperately needed to increase prison capacity by at least 1,000 beds. The locations must be studied and needs assessed on what can be planned realistically based on a forecast of inmate population. Crime in Panama City, Colon, and David is reportedly increasing and more arrests are severely overcrowding prison populations in Panama.

Because of the broad range of problem areas, ICITAP assistance should focus on identified priorities and definition of measurable objectives that integrate with firm GOP commitments.

Corrections officials believe professional development of the system and training of corrections officers will improve treatment of inmates, prison conditions and the overall management of facilities.

The system is presently corrupted somewhat by politics with appointment of political hacks. With a new government recently elected in Panama, replacement of key corrections officials trained by ICITAP is very possible.

4. ICITAP Assistance Planned for FY 1994

Program documentation presently available for the ICITAP/Panama corrections program for 1994 represents a planning document designed for the "Development of the Panamanian Department of Corrections (DNC)." Within this broad goal two major objectives are identified.

1. Objective A: Organizational Structure and Planning Capability.

The outcome sought by ICITAP is, " a national Department of Corrections with a clearly defined mission capable of developing sound goals and policies to manage its penal system in accordance with internationally recognized standards."

Progress to Date:

ICITAP has provided technical assistance in planning and organizational development to support the infrastructure development of La Joya Prison. This institution is intended to serve as a model for the development of corrections facilities throughout Panama. La Joya is a new facility located at a former PDF military base known as Fort Cimarron about 50 miles from Panama City. The recent inauguration of the prison has provided more space for inmates. Security policies and procedures being implemented at La Joya are expected to be expanded to other Panamanian prisons. Two key corrections officers assigned to La Joya have completed training through ICITAP at a U.S. federal prison and will assist in this endeavor.

Ten key correctional officials have participated in a workshop conducted by the chief of strategic management for the U.S. Bureau of Prisons and during the workshop identified major goals for the DNC, including the creation of a new Penitentiary Law and the need for construction of new prisons. During the past year, the ICITAP corrections consultant reviewed inmate human rights issues and recommendations were provided to the DNC that meet United Nations and other internationally accepted standards.

For 1994, ICITAP strategy to achieve objective A includes technical assistance, training and commodity support for the following program elements:

- Overall strategic planning: ICITAP will provide assistance in the development of the DNC mission statement, goals, objectives, strategic planning, development of policies and procedures and organizational development.
- Replacement of PNP personnel with a DNC civilian staff to perform custodial duties: The 1995 GOP budget to fund DNC positions to replace PNP at La Modelo Prison, and two women's prisons in Panama and Chiriqui, and the 1996 budget to replace PNP with DNC officers in the prisons at Renacer and David.
- Development of strategy and ideas on inmate work programs for Panama.
- Development of guidelines for a universal inmate classification system at major prisons: In order to decrease the inmate population, ICITAP will pursue with the DNC a review of appropriate inmate cases for release on parole at two-thirds of sentence completion.
- Program implementation: ICITAP will provide technical assistance in security by a U.S. Bureau of Prisons expert, and several internships for Panamanian DNC officials in U.S. correctional institutions.

2. Objective B: Security and Operational Development

The outcome proposed is "a National Department of Corrections with correctional personnel well-trained in the basic correctional techniques, along with a core of instructors capable of maintaining training proficiency for 'all' custodial personnel."

Progress to Date:

An unspecified number of entry level officers received training and familiarization with contemporary corrections concepts and procedures under the auspices of ICITAP. One hundred and forty officers were trained in basic corrections-techniques. Ten employees were selected to function as instructors and to provide training to all DNC personnel. These instructors will form the cadre for a proposed DNC training academy. With ICITAP assistance, the DNC has developed and implemented a code of conduct for corrections personnel, disciplinary procedures, post orders and emergency plans at La Joya, a major project in the plan for institutional development.

Proposed Strategy:

The ICITAP planning document identifies technical assistance and training for the further preparation of corrections instructors. Also, ICITAP, through the U.S. corrections advisor, will monitor and help provide quality control for the training conducted by those instructors.

In addition, technical assistance will be provided for the development of a modern secure records system and a management program for facilities and maintenance.

5. Conclusions and Recommendations

1 Several assessments of the prison situation by ICITAP consultants provide a grim picture of conditions in Panama's corrections facilities. We concur that the improvement of the generally deplorable conditions of prisons in Panama is a human rights opportunity as perceived by Panamanian officials. The assessments substantiate the need for a major GOP effort requiring external assistance. Without firm commitments from the GOP, U.S. assistance will be ineffective in the achievement of substantial reform, especially at the strategic level.

Recommendation: That GOP commitments be specific in relation to defined objectives, documented and signed by appropriate GOP officials within an overall project agreement.

2. This project impacts significantly on human rights issues and the crime problem in Panama. The program appears to be off to a very good start with strong collaboration between ICITAP advisers and Panamanian officials. GOP officials perceive that ICITAP assistance is critical to sustain efforts of reform in Panama corrections. The current Director of Corrections in Panama praises the work of ICITAP, particularly that of Mr. Robert

DeChene, the U.S. Corrections expert assigned to the project. In a visit to La Joya prison, we observed that Mr. DeChene is greatly respected by his counterparts and his assistance is counted on. He speaks Spanish fluently and is considered very effective in working with Panamanian counterparts. U.S. objectives, however, in the corrections area must be realistically and precisely defined.

Recommendation: ICTAP should support continuity in management personnel, especially those trained with U.S. assistance.

3. Due to current limitations on funding, the principal priorities for U.S. assistance must be determined and efforts concentrated on the achievement of defined measurable objectives and sub-objectives.

Recommendation: ICTAP should select priorities for U.S. assistance in corrections, define specific objectives clearly and establish criteria for measurability.

4. The funding planned for corrections at the level of \$250,000 for FY 94 will permit full time services of a corrections advisor to assist in (a) institutional improvement, improvement in administration and treatment of inmates, and (b) development of the La Joya facility to improve prison conditions and to provide additional space for 1,000 inmates. The funding level proposed will provide corrections training (internships) at U.S. prisons and other institutions.

Recommendation: That U.S. assistance to Panama for the improvement and reform of corrections be continued for FY 94 and FY 95 at a reasonable level as justified by the ICTAP. An increase in funding is not recommended at this time unless other exigencies develop.

Recommendation: That internships be sought by ICTAP at appropriate state prisons or city detention facilities that are closer in size to Panama prisons and where Spanish fluency is available.

Recommendation: That commodities support specific objectives and be realistic for Panama prisons. Critical commodities are vehicles appropriate to transport prisoners, communications, security equipment (i.e. metal detectors) and equipment needed to start up prison industry programs.

D. COMMITTEE FOR THE ANALYSIS OF CRIMINAL STATISTICS

The National Committee for the Analysis of Criminal Statistics (Spanish acronym "CONADEC") was formed to better capture crime analysis data and model this data capture after the U.S. National Crime Information Center ("NCIC").

The original Field Incident Report Form ("FIRF"), a simple one-page affair shaped like a citation book, was used in the model precinct, but was later abandoned in favor of the newer incident report developed by CONADEC. The newer Incident Report is intended to provide the basis for data capture for a uniform crime-reporting system.

The CONADEC function of gathering criminal statistics is essential for effective planning of police programs and evaluation of performance. During our interviews, however, we learned that CONADEC has become moribund because of malfeasance and/or other failure of performance by key Panamanian personnel.

Recommendation: That ICITAP work with the appropriate authorities to help reenergize CONADEC.

E. EXTERNAL PERCEPTIONS

For democratic institutions such as the court system and the police, public perception of performance and attitudes can be as important as the fact thereof. The facts of good performance and attitudes are, of course, a major factor determining public perception. But, no matter how good the performance or the attitudes, for the courts or for the police, if those institutions are not generally perceived as competent and credible, their effectiveness, and the effectiveness of the government under which they serve, is substantially weakened.

To gain a sense of external perceptions of the police, the evaluation team included among its interviews a broad spectrum of people outside the police and government of Panama, including academics, journalists, human rights activists, business people, lawyers, and other private citizens, both Panamanian and American residents in Panama. We inquired concerning their perception of the police in various aspects, including police respect for citizens and their rights, police vulnerability to corruption, and public confidence in police competence.

Without exception, there was general perception of improvement in both the PNP and the PTJ over the situation before December 1989 and a notably favorable dynamic of continuous improvement over the period from January 1990 to the present. Equally consistent was a distinction between the PNP and the PTJ, the PNP being given substantially higher marks than the PTJ.

As to the PNP treatment of the public, one observer drew a comparison thus; whereas before perhaps one of fifty of the Panama Defense Force police would treat a civilian with civility, now the situation has so reversed that perhaps one in twenty five of the PNP would not treat a civilian with civility.

There still persists a perception of corruptibility for both the PNP and the PTJ, but of a substantially lesser magnitude than existed before. For the PNP, for example, there is a

perception that, in general, people can buy their way out of minor motor vehicle violations, but there is nowhere near the amount of extortion through spurious allegations that existed previously. The perception of the PTJ, on the other hand, is of more serious and widespread corruptibility. A few interviewees volunteered that the police should be better compensated in order to reduce their vulnerability to such corruption.

Among human rights activists in particular there is still considerable apprehension that the police consist of virtually the same people as before. They may wear different uniforms, they may be operating in a different style, but underneath there is the capability for the same sort of abuse which prevailed before under the Panama Defense Force. Among these few, there is substantial lack of confidence in the commitment of the police to the principles of civilian control and nonintervention in politics.

As to politics, however, the police seem to have convinced many people of their apolitical attitudes through their conduct in the recent election. No one accuses them of taking sides, and several people commented on the prevailing maintenance of public security and lack of disorder during an election period in which most people anticipated there might be severe problems.

As to public security in general, there is a virtually unanimous perception that during the period between January 1990 and the present there has been vast improvement in security of person and property, that street crime has been brought substantially under control with very steady improvement since the bad times during the first year or so following the events of December 1989.

The PTJ, on the other hand, was not perceived as favorably as the PNP. To some degree this can be attributed to the fact that as investigative police without uniforms, neither the PTJ nor its work is as visible as for the PNP. Therefore whatever improvement has taken place is not as visible as for the PNP. Virtually everyone comes in contact with the PNP with some frequency in the course of every day life, whereas most people do not have firsthand experience with the PTJ. The public perception of the PTJ is, therefore, more dependent on the media coverage of criminal investigations. The PTJ has suffered some bad press for their handling of some highly publicized incidents, some deriving from investigative incompetence and some deriving from excessive use of force, and other abuse of human rights. Nevertheless, the PTJ is generally perceived as having achieved some improvement over the old DENI.

Apart from our interviews, public perception of the police and their performance has been measured by the Gallup and other polling services in Panama for the last four years. Such polling evidences a substantial upward trend in favorable ratings for the police, particularly for the PNP.

IV. ICITAP EXPERIENCE

A. PROJECT PLANNING AND DESIGN

1. Crisis and Shortcuts

Reviewing the project files and interviewing project participants with respect to project design and implementation, we find no indication of a project design process that analyzed the situation in detail, determined the needs and priorities, and rationalized a strategy to respond thereto. We find no clear definition of concrete objectives with readily verifiable indicators of project achievement, no identification of specific project inputs and outputs and end of project conditions, or estimates of cost for the U.S. Government and the Government of Panama for their respective contributions to the project. The closest thing to a project agreement is the December 1990 agreement between ICITAP and the Ministry of Government and Justice which refers to objectives of the project and the GOP's contributions only in broad terms.

The planning document closest to a "project paper" of the sort used in project design by AID and other international development agencies is the ICITAP annual program description. This ICITAP document is prepared after funds are allocated to describe how the funds will be used during the ensuing year, rather than to justify, prior to allocation, the expenditure for project purposes of a specified amount of funds. For example, the current program description is still characterized as the "FY93 Program Description" even though it was being prepared in mid FY94, the reason being that the funds, the use of which is described therein, are FY93 funds.

Thus, the ICITAP program in Panama appears to be designed to accommodate the funds available on a year to year basis rather than to the requirements of a particular project which has been preplanned from start to finish. For AID and most other international development agencies, on the other hand, the preferred practice in project design is to first conduct fairly detailed analysis of the project context, and the applicable constraints. The next steps are to define the project goal and objectives, describe the expected end of project status, and determine the inputs and outputs necessary to achieve those end of project conditions. Objectively verifiable indicators of such achievement are used to the extent feasible, so that subsequent evaluation may determine the extent to which project objectives have been achieved.

Further, the preferred practice is to maximize the host country's participation in the project design process, including representatives of both the government and private sectors. The end product of such project design process is a project agreement between the financing agency and the host country government or other participating entity. Such project agreement should include, in as specific terms as feasible, the description of the project and the undertakings of the parties for provision of the various inputs to the project. Further detail as to project implementation and budgeting of project inputs are then determined by implementation letters

and by annual or other periodic implementation plans.

In fairness to ICITAP, as noted above at I.A.2, it had no experience in design and development of an institution building project, let alone an institution building project of the magnitude and complexity of this one. ICITAP had participated in implementation of the project to build a special investigation unit within the Salvadoran police. That project was planned and designed by AID, however, within the standard AID project design format including preliminary sector analysis, project paper, project agreement, and follow on implementation letters and annual implementation plans. Moreover, for several years at the outset, the implementation of the project was supervised by AID.

The Panama project, on the other hand, was initiated within a situation and atmosphere of the most severe crisis. The existing organization for preservation of public order and safety in Panama had been effectively destroyed by the U.S. military armed forces during the December 1989 invasion. Up to that time most Panamanian police functions had been incorporated within the military organization originally known as the "Guardia Nacional" and subsequently recharacterized as the Panama Defense Force ("PDF"). Following the invasion, the surviving members of those Panamanian armed forces were in prison camps while the police functions were performed by the U.S. military as an army of occupation.

U.S. policy called for the U.S. military presence to be reduced as rapidly as possible, particularly to the extent that it was performing highly visible civilian police functions. Therefore, there was an urgent need to create a Panamanian police force to take the place of the American soldiers. This, understandably, led to a period of crisis management.

ICITAP sought, and was assigned, the role of providing assistance for the building of a professional, civilian police force to take the place of the former PDF police function. Without much analysis the cost thereof was estimated at a total of \$50 million to be spent at an estimated rate of approximately \$10 million a year. For certain initial planning and implementation measures, ICITAP drew on funds allocated generally to police training for the Latin American region. Within six months of inception of activity, \$13 million had been allocated to ICITAP to reimburse the funds drawn from the regional account and to proceed with the implementation of the project.

This early assistance and its funding were authorized without the customary AID project development and design analysis and documentation. There was considerable tension in Washington between those in ICITAP and the Department of State who felt that the situation required moving ahead as rapidly as possible with minimum "bureaucratic" analyses and planning documentation, and others in the State Department and AID who felt further analysis and clearer definition of the project was called for. When the project description was reviewed in the field, the AID mission was given about one day to comment thereon and suggested various ways on which the project development could conform more to the conventional AID project planning and design process. These AID suggestions were rejected by the Ambassador as inappropriate in view of the urgency of the situation.

The lack of a firm project plan at the outset of implementation had two advantages: 1) it saved some time - initially, at least (although, as suggested below, time saving over the longer term is questionable); 2) It provided greater flexibility to hit "targets of opportunity" during the course of project implementation.

But, that greater flexibility came at a cost --the lack of a preagreed project implementation plan left project implementation subject to continuing and time consuming negotiation involving all parties to the decision making. The constant involvement of the U.S. Ambassador and the highest levels of the GOP bureaucracies in the PNP, PTJ, MOGJ, and Public Ministry, all with many other competing priorities on their time, tended to impede the day to day implementation of the project. Further, it was frustrating, even demoralizing, for project implementers at subordinate levels of ICITAP, PTJ and PNP to feel that they were mere pawns in a micromanaged system of project implementation.

In fairness to the principals, however, some degree of micromanagement was unavoidable. Sound delegation of authority must be based on confidence in the competence and judgment of the delegee. In this situation all Panamanian implementing agencies were new institutions and as noted above, ICITAP lacked experience in overall institutional development.

2. Time for Thoroughness

Whatever the history, there now seems to be general consensus among all parties concerned, ICITAP, State Department, AID/Washington, and the ICITAP and AID representative in the field, and most importantly the Panamanian police leadership in Panama, that, whatever the justification for "hurry up" project design and development at the outset, there has subsequently developed a clear need for collaborative U.S. and Panamanian analysis of the needs of the situation and collaborative determination of priorities. This is considered essential in order to make best possible use of limited U.S. resources within the remaining time in which they will be available, which is not likely to exceed two or three years at most.

Recommendation: That whatever may be the ICITAP staff requirements for its normal country programs of training in criminal investigation, it should provide for supplemental sector analysis and project design support if it is to take on broad spectrum police service institution building projects of the Panama type.

This can be done either by incorporating such competence into its own permanent staff or, if such workload is likely to be variable over time, such competence may be obtained, as needed, by contract. Indeed, even for AID, with its continuous demand for such analysis and design capability for institution and system building projects all over the world, it has become the practice rather than the exception to contract for such services.

Contracting for such services on a case by case basis may be satisfactory for the usual case. In anticipation of Panama type crisis situations, quicker response may be gained through the indefinite quantity contract "IQC" alternative providing for contractor availability on short

notice over a set period of years.

3. Need for Panamanian Participation and Commitment

In reviewing the documentation for this project we observe that it tends to be overly ICITAP centered. There is a tendency to define project goals and objectives in terms of ICITAP goals and objectives for ICITAP assistance rather than goals and objectives for a collaborative project to improve Panamanian institutions. This is more than a matter of semantics. The language reflects a way of thinking, and the planning documents represent ICITAP planning for ICITAP inputs rather than joint planning of ICITAP and the Government of Panama ("GOP") for their respective inputs to the project. As a consequence insufficient attention has been given to what the Panamanians must do in order for the project to achieve its objectives in terms of building self-sustaining Panamanian institutions. Critically needed is jointly derived project planning documentation.

Recommendation: That planning for the remainder of the project be integrated into a project agreement along the lines of an AID project agreement executed by appropriate representatives of both the USG and the GOP. In order to be most effective, such GOP execution of the agreement requires the concurrence of the Ministry of Finance as the financial management entity of the Panamanian government. Such document would define jointly agreed project goals, objectives, inputs, and outputs and end of project conditions. The description of inputs and end of project conditions would identify in specific terms the nature, timing and estimated total cost GOP inputs to the project.

It is not enough to plan for ICITAP. Just as important, even more important, over this final phase of the project to achieve GOP self-sufficiency by end of project, are the GOP inputs. To achieve such self-sufficiency, the dependency on U.S. Government ("USG") and ICITAP support that has built up over the past several years must be eliminated. The principal means of doing so will be developing the Panamanian police planning competence through joint planning for the project, and phasing in constantly increasing GOP assumption of costs of sustaining the institutions as ICITAP and other USG contributions are phasing out.

B. IMPLEMENTATION

1. Personnel

The quality of personnel assigned by ICITAP, both staff and consultants, has been generally good. During the initial period of project development, the ICITAP Director and Washington staff with a few key consultants spent much of their time in Panama. Then a senior officer was recruited and assigned full time to head up the ICITAP office in Panama, including several resident technical advisers along with necessary support staff.

The first office chief in Panama was well selected for fluency in the language and knowledge

of the territory gained through extensive service in Latin America as an embassy legal attache. He was inexperienced in international development, as have been most people assigned to the project; there has not been much international development work in police services since the AID Public Safety Program was terminated in the early 1970s.

The second person assigned as office chief in Panama did not fit well with the requirements of the position and was promptly replaced. His replacement, promoted from within the Panama ICITAP office, is relatively inexperienced, but intelligent and aggressive. Relatively new on the job, he has yet to prove himself as a manager. Otherwise ICITAP has a strong staff on the ground in Panama, with good technical skills and fluency in Spanish; but in the field, as in its Washington office, ICITAP has yet to demonstrate adequate strength in the planning and evaluation functions.

In staffing for the Panama program, as in its operations generally, ICITAP has tended to rely heavily on FBI agents. As a result, ICITAP shows more technical strength on the investigation side of the program than on the police service side. This does not provide a good fit for a program where the general police service component, the PNP, is substantially more important than the PTJ investigative component. In fairness to ICITAP, however, we should note that where it has gone outside the FBI, to find a resident advisor for the corrections component of the program, ICITAP has recruited and assigned an outstanding career professional from the Federal Bureau of Prisons.

For short term consulting support also, ICITAP initially relied heavily on active or former FBI personnel; but relatively early on ICITAP recognized that for this project the necessary experience in police services could more readily be found in people who had served with state and city police forces. Of necessity it has taken some time to find the appropriate people for a wide variety of such assignments, and, as might be expected, there have been some misfires along the way. In general, however, we are impressed that ICITAP has performed reasonably well in its selection of consultants.

We have to note with dismay that there is substantial turnover in the ranks of ICITAP, both in the field and in Washington; ICITAP does not seem to be building a corps of international development professionals. It may be that ICITAP is relying excessively on personnel from the Federal Bureau of Investigation who learn international development on the job with ICITAP, but don't see a career in service with ICITAP. Although they gain some self fulfillment in interesting and challenging overseas assignments, they tend to see their ICITAP assignments as interruptions in their FBI career rather than progress in an international development career.

2. Inputs

a. Relevance and Significance

Overall, to the extent that the bulk of ICITAP's efforts have been concentrated on building institutions and systems such as the PNP and PPJ training academies and OPR functions, the forensic lab and the investigative capability of the PTJ, the inputs have been both relevant and significant toward accomplishment of the overall project goal of developing a professional civilian GOP police function. Otherwise, however, at the margins, because of the aforementioned lack in project planning, there has been some tendency for dissipation of resources on random targets of opportunity of varying significance to the basic purpose of the program. Previously in this report we have noted examples of inputs of limited or marginal significance such as the accreditation effort and U.S. based driving instruction under conditions unlikely to be encountered in Panama. For foreign conferences and seminars we note a tendency toward relatively unproductive use unless they are programmed tightly for specific project objectives.

b. Quality

We have heard much praise and little criticism of the quality of training and technical assistance provided directly by ICITAP personnel. The principal criticism is that, initially at least, there was some notable lack of adaptation of course content to Panamanian context. There was a tendency to rely on seemingly "canned" courses, either of a generic nature or tailored more to circumstances of other countries. Even those who voiced this criticism, however, noted that there has been substantial improvement in this respect over the course of the project.

Relative to language proficiency, the use of interpreters is recognized as an obstacle, especially in communicating fine points of any subject, and more generally in sustaining desirable rapport between trainer and trainees during the course of instruction. Other factors being anything close to equal, Spanish fluency of the trainer or adviser is definitely preferable. Indeed, one of ICITAP's strengths has been its ability to staff its field office in Panama with people who, regardless of their inexperience in international development, are entirely fluent in Spanish and are able to work comfortably and effectively within a Latin culture.

c. Timing and Duration

We heard little criticism of the timing of ICITAP interventions, but heard considerable concern expressed about their limited duration. We sense that the effectiveness of training and advisory services has been vitiated significantly by lack of follow through in overseeing the application in practice of the principles learned.

Recommendation: That ICITAP consider more extended periods for consultants to provide for more follow up and oversight of practical application.

d. Linkages, Savings and Sustainability

As the availability of ICITAP funds for Panama declines, ICITAP and the GOP can save on acquisition costs by making more use of surplus/surveyed law enforcement resources. ICITAP has heretofore seemed reluctant to provide used equipment under the program. We are aware of a declined opportunity to acquire surplus equipment such as bulletproof vests and police equipment ("Sam Browne") belts without cost. On another occasion ICITAP decided to equip PNP patrol vehicles with expensive "Streethawk" multilight integrated "action bars", when it appears that surplus single turret incandescent rotating emergency lamps and three toned electronic sirens were available at a maximum cost of \$40 each.

Recommendation: That ICITAP and its Panamanian counterparts network with local law enforcement sources in North America to locate surplus law enforcement equipment at substantially reduced or no cost. A good way to perform such networking is by accessing law enforcement dedicated software bulletin boards, such as those maintained by the Police Executives Research Forum and International Association of Chiefs of Police.

Another resource that could become particularly useful as ICITAP assistance phases out is the "Mano a Mano" Program to establish sister relationships between enforcement and corrections agencies in Latin and North America. Such a program would bring targeted expertise to Panama at minimal cost. ICITAP could facilitate start-up of such relationships by offering per diem and travel funds; salaries would not be necessary. Many police forces see such exchanges as providing career enhancement to their personnel as well as positive publicity for their own agency.

Recommendation: That ICITAP and its Panamanian counterparts examine the "Mano a Mano Program" as a means to establish useful linkages with local law enforcement agencies in the United States.

3. Logistics

ICITAP has employed a variety of procurement procedures including direct U.S. Government procurement and procurement by private contractors. While we heard some criticism of ICITAP's ability to arrange timely delivery of project commodities, it was no more than might reasonably be expected considering the factors beyond ICITAP's control. Further, we have heard substantial praise for ICITAP's logistical support for consultants. For much of the project implementation period this was contracted to Miranda Corporation which apparently performed both timely and effectively.

4. Relations With Panamanians

As noted above, thanks to ICITAP's ability to field both staff and consultants who are fluent in Spanish and comfortable in Latin culture, there have been generally good working

relationships between ICITAP and Panamanian counterparts. Working relationships were especially close during the initial period of project development and start-up when ICITAP personnel and their Panamanian counterparts were working shoulder to shoulder nights and weekends in response to the urgent needs of the crisis situation. Such sense of camaraderie may have waned somewhat as the crisis has abated and project implementation has proceeded at a more normal pace for the long pull.

Indeed, it seems that ICITAP may have gone too far in the other direction by distancing itself from Panamanian counterparts. The ICITAP offices are located within a block of the U.S. Embassy, but are relatively distant from the headquarters of the PTJ and PNP. While the distances are not great in miles, they are lengthened substantially in effect by the difficulties of Panama City street traffic at all hours of the day.

During our stay in Panama we noted with concern that even the chiefs of counterpart agencies were expected to come to the ICITAP offices to transact their business. On the other hand, we noted that the most effective relationships seemed to be those between Panamanians and the ICITAP staff members who spent more time away from the office, especially the corrections adviser who spends virtually all of his working hours with his DNC counterparts at their facilities.

Recommendation: That in pursuing objectives agreed upon with the Panamanians, ICITAP staff should interface as often as possible with their Panamanian counterparts to discuss progress and to obtain feedback on the overall situation. This includes adoption of a more proactive outreach effort to help motivate the Panamanians to carry out objectives. ICITAP staff should be highly and personally visible to their counterparts.

Recommendation: That ICITAP consider assigning their PTJ and PNP advisors full time to the headquarters of their respective counterpart agencies; or, if that were not considered feasible, that they at least spend the major portion of their time with their counterparts.

5. Coordination With Other Agencies

As noted above at 1.B, ICITAP has not been the only agency concerned with provision of assistance to the Panamanian police. Other interested agencies include the U.S. Drug Enforcement Agency, the State Department's Narcotics Assistance Service, Southern Command of the U.S. Army, U.S. Agency for International Development, and U.S. Embassy in Panama.

From the very beginning the U.S. Embassy has taken a strong leadership role in coordinating the assistance of the various U.S. government agencies to the Panama police. The original December 1990 bilateral agreement governing ICITAP provision of assistance provided specifically for an inter-governmental committee entitled the "Law Enforcement Committee", to include the U.S. Ambassador to Panama and his designee or designees, and the Minister of Government and Justice, Attorney General and Controller General of Panama or their

designees. The agreement provided that such committee would meet at least four times a year, but in practice it has met monthly, and either the Ambassador or the Deputy Chief of Mission has taken an active role along with the ICITAP representative in addressing program implementation issues with the Panamanian representatives as they arise. This active role of the Ambassador and/or DCM helps to insure that the interest and concerns of all U.S. agencies and constituencies are taken into account in decision making.

Beyond this, for day to day coordination, the ICITAP representative, along with other U.S. government agency heads in Panama, is included as a member of the Country Team which meets regularly. More specific consideration of police and other criminal justice system issues was included in regular weekly meetings of the "Democratic Initiatives Committee" which included AID because of its substantial program with the courts and the criminal prosecution function, including the prosecutors or "fiscales" who worked directly with the PTJ on investigation of criminal cases. Also meeting on a weekly basis was the Embassy Narcotics Committee, which included ICITAP as well as the Embassy Political Section, the Drug Enforcement Agency, Narcotics Assistance Service, the Legal Attache and the Defense Attache, but did not include AID.

The Democratic Initiatives meetings have now been put on a monthly schedule, but under Embassy leadership the ICITAP program does continue to be the subject of a weekly meeting chaired by the Ambassador or DCM.

While the working relationship between the AID Mission and the ICITAP office in Panama City is not close, this is compensated to some degree by close and strong working relationships between their respective representatives in the field, particularly in the implementation of the "Integration Project" described elsewhere in this report.

C. ISSUES

Issue: Should ICITAP be the sole source for police reform technical assistance?

ICITAP was selected for technical assistance for police reform in Panama without competitive contracting process. As explained above, the justification was ICITAP's international police training experience together with the urgency of addressing the complete vacuum in police services left by destruction of the Panama Defense Force and its police function. For technical assistance to the Panama Justice Sector reform, on the other hand, circumstances were deemed to permit competitive contracting process for services now being provided by a consortium led by Development Associates, Inc., a private consulting firm.

On the basis of this evaluation, we conclude that ICITAP continues to be unique in the strength of its qualifications for provision of international training in criminal investigation. That is what ICITAP was created for and it has built up special expertise and experience which would be difficult, if not impossible, to match elsewhere.

For technical assistance in general police services, however, ICITAP did not have special competence, nor has it developed special competence through its Panama experience. The most relevant expertise in general police services is with the state and local police, not with the federal government. ICITAP has built up a list of good contacts and resources in the course of its Panama experience, but these sources are available to other public agencies and private firms as well. Also, unfortunately, to the extent that ICITAP has gained international development expertise and experience through its work in Panama, it tends to disappear as the people who gained it move back to the FBI or on to other employment or retirement. ICITAP has yet to develop its own international development foreign service.

In some other ways too, ICITAP's ties to the FBI and other federal agencies can be disadvantageous. There has been an understandable tendency to go to the FBI for personnel and to the federal system for models, when state and local sources would have been more appropriate.

Although the police function is clearly a governmental function, that does not mean that government agencies are the only or best source of technical assistance. For example, administration of justice is clearly a governmental function, but AID has had good experience in using private firms to provide technical assistance in administration of justice. Private firms can be more free to look for the best available people for the most appropriate types of services.

The principal problem with the private firm alternative is that the competitive bidding process takes time, and the Panama type police reform requirement can be most urgent. This need might be addressed by an IQC type process whereby firms and agencies submitted their proposals in response to a hypothetical Panama type requirement now, in anticipation of future needs so that the firm selected would be prepared to move in relatively short order when the need arose. To be fair, the process would probably have to include a grant to finance establishment and maintenance of a standby system for the firm or agency awarded the contract; but that sort of expense would be incurred by ICITAP or any other federal agency performing such role.

Recommendation: That the USG consider an IQC competitive bidding process for tapping alternative capacity to respond to urgent requirements for police reform technical assistance.

V. RECOMMENDATIONS

A. National Police

1. Planning

Recommendation: That an assessment be made of the basic (line) operations of the PNP and their relative effectiveness, focusing on the services provided to the public; performance of the police; organization and administration; deployment; and management and supervision. Such assessment should include identification of problems and recommendation of solutions. It is suggested that Spanish speaking U.S. experts in police administration, management and operations work with appropriate Panamanians on such an assessment. Planning for emergencies should be included. (IIIA.2.b)

Recommendation: That the Organic Law for the PNP be pushed at the highest levels to ensure that the PDF is history and the PNP can develop within a legal framework complete with a career ladder and its own civil police disciplinary code. (IIIA.5.a)

Recommendation: That, because of the stringent requirements and the expense, the accreditation effort be considered for termination at this point. (IIIA.5.c)

Recommendation: That in view of the vital importance of civilian professionalism in the project goal, ICITAP and PNP continue to watch for means and opportunities to help build PNP pride and professionalism in their civilian police career. On the GOP side this should include extra effort to see that the overall compensation provided to the Panamanian police reflects the importance given to their profession and organization as a key institution of a democratic society. (IIIA.5.f)

2. Management and Administration

Recommendation: In view of the usefulness of written directives, and since ICITAP consultants and the PNP's own policy group have already done considerable work on them, that ICITAP and PNP follow through on efforts in this area, including PNP commitment to make use of the results. (IIIA.2.c)

Recommendation: That ICITAP and PNP leadership follow up on establishment of a personnel evaluation system. (IIIA.2.b)

Recommendation: That ICITAP help PNP and PTJ establish central points for written directive systems. In the PNP a logical choice would be the Planning Office. (IIIA.2.c)

Recommendation: That, because of the importance of use of force policy, ICITAP follow up on its drafting, adoption and dissemination. (IIIA.5.d)

Recommendation: That ICTAP and PNP contract for appropriate cost benefit analysis to determine the extent to which, if at all, Panama might improve coverage and response capability by cutting back on personnel and facilities in favor of more vehicles and communications equipment. Such analysis should be sufficiently sophisticated to take into account social, cultural and political as well as economic values. (IIA.5.e)

Recommendation: That such analysis be performed as part of an overall long term capital budget plan before any substantial further investment in vehicles or police stations. (IIA.5.e)

Recommendation: That budget, procurement and planning be considered as areas of concentration for ICTAP training and advisory services. (IIA.2.e)

3. Training

Recommendation: That the PNP, assisted by ICTAP consultants, conduct an assessment of the PNP Training Academy in order to determine current needs and priorities and how U.S. assistance can best be utilized. (IIA.3.d)

Recommendation: That all PNP personnel receive the standard basic training course or a modified version for those that have received only the 120 hour transitional course. (IIA.3.d)

Recommendation: That management training be provided to all officer personnel of the PNP to inculcate modern civil police management practices and principles. (IIA.3.d)

Recommendation: That ICTAP through appropriate channels, encourage the acceptance of qualified college graduates into the PNP officer training program. (IIA.3.d)

Recommendation: That ICTAP stop sponsoring attendance at CALEA quarterly meetings. (IIA.5.c)

4. Office of Professional Responsibility

Recommendation: That, depending on U.S. objectives in Panama, training in the development and use of informants and in undercover operations be considered for some members of the OPR and special investigation equipment provided. Drug testing for members of this unit should be encouraged. (IIA.4.b)

Recommendation: That ICTAP consider continuing technical and commodity assistance to upgrade the investigative capabilities of the OPR and its ability otherwise to function more effectively in its role. (IIA.4.b)

B. Technical Police

1. Planning

Recommendation: That ICTAP work with the PTJ and the Public Ministry to determine needs and priorities, define objectives clearly and obtain GOP and USG agreement on what is to be done and the resources to be obligated in connection with defined objectives. The PTJ should budget for the expenses of each training course with available ICTAP funding directed toward infrastructure development; i.e. expansion of facilities, procurement of training equipment, establishment of a library, additional transport, technical assistance and training by ICTAP consultants. (III.B.4.e)

2. Management and Administration

Recommendation: That USAID and ICTAP continue their work with the PTJ to extend as soon as feasible to Colon and Panama City its "Integration Project" of cooperation with the Public Ministry prosecutors. (III.B.3)

3. Training

Recommendation: That ICTAP emphasize further development of the PTJ Academy, the improvement of the organization and management, the acquisition of support services to program instruction, budget for training courses scheduled, and to plan the expansion of the facility to accommodate more students. (III.B.4.e)

Recommendation: That ICTAP and PTJ reassess training priorities along the lines indicated below. The Evaluation Team does not concur with the programming presently proposed by ICTAP. (III.B.4.e)

Recommendation: That, to upgrade the PTJ Academy's capability to provide for effective and expanded training, the PTJ and ICTAP place more emphasis on strengthening the management and administration of the PTJ Academy and its infrastructure. (III.B.4.e)

Recommendation: That ICTAP assist the PTJ Academy to evaluate the basic investigations course and to ensure that basic training is provided to all investigators. (III.B.4.e)

Recommendation: That the basic training program for PTJ investigators clarify roles and define the processes for effective integration and cooperation with the Public Ministry on criminal investigations. (III.B.5.b)

4. Office of Professional Responsibility

Recommendation: That ICTAP continue limited assistance to PTJ OPR by providing special training and limited commodities, such as a computer, a few portable radios and other

selected equipment. (III.B.5.b)

C. Prisons

Recommendation: That ICITAP support continuity in prison management personnel, especially those trained with U.S. assistance. (III.C.5)

Recommendation: That internships be sought by ICITAP at appropriate state prisons or city detention facilities that are closer in size to Panama prisons and where Spanish fluency is available. (III.C.5)

Recommendation: That commodities support specific objectives and be realistic for Panama prisons. (III.C.5)

D. CONADEC

Recommendation: That ICITAP work with the appropriate authorities to help reenergize CONADEC. (III.D)

E. ICITAP

1. Planning

Recommendation: That planning for the remainder of the project be integrated into a project agreement along the lines of an AID project agreement executed by appropriate representatives of both the USG and the GOP. In order to be most effective, such GOP execution of the agreement requires the concurrence of the Ministry of Finance as the financial management entity of the Panamanian government. Such document would define jointly agreed project goals, objectives, inputs, and outputs and end of project conditions. The description of inputs and end of project conditions would identify in specific terms the nature, timing and estimated total cost GOP inputs to the project. (IV.A.3)

Recommendation: That, whatever may be the staff requirements for ICITAP's normal country programs of training in criminal investigation, it should provide for supplemental sector analysis and project design support if it is to take on broad spectrum police service institution building projects of the Panama type. (IV.A.2)

Recommendation: That an ICITAP Program Analysis Group be formed to work with appropriate Panamanian representatives to assess specific goals and objectives for the PNP within the overall context of the program. Priorities should be established and measurable objectives developed in line with such selected priorities. ICITAP can not cover the broad

range of needs for the PNP and should concentrate on civil police infrastructure development, improvement of management and civil police training. (III.A.6)

Recommendation: That ICTAP dedicate more resources and time to monitoring and evaluating the impact of U.S. assistance in the various activities. More follow-up on the training activities of the PNP and PTJ is needed to evaluate impact of training on performance. (III.B.6.b)

Recommendation: That ICTAP continue assistance for the PTJ, to assist in improvement of management information systems, forensics capabilities, overall training and to extend the coverage of the Integration Project. It is suggested that priorities be established via the planning route and agreements on objectives and commitments be obtained in writing from the GOP. ICTAP staff could focus on specific activities that can be identified and measured in terms of end impact. (III.B.6.b)

Recommendation: That USG influence be exerted on the GOP to obtain an increase in the budget allocation for the PTJ to expand the PTJ Academy, strengthen the OPR and continue infrastructure development. (III.B.6.b)

Recommendation: That, although the narcotics trafficking problem in Panama is serious and damaging to the United States, for that reason the FEAN has access to other support, and ICTAP should focus on the overall ability of the PTJ to investigate crime. (III.B.6.b)

Recommendation: That ICTAP select priorities for U.S. assistance in corrections, define specific objectives clearly and establish criteria for measurability. (III.C.5)

Recommendation: That U.S. assistance to Panama for the improvement and reform of corrections be continued for FY 94 and FY 95 at a reasonable level as justified by the ICTAP. An increase in funding is not recommended at this time unless other exigencies develop. (III.C.5)

2. Implementation

Recommendation: That ICTAP make clear to their Panamanian counterparts that future maintenance and repair of equipment provided by ICTAP must be the responsibility of the Panamanians. (III.A.3.a.(1))

Recommendation: That ICTAP consider more extended periods for consultants to provide for more follow up and oversight of practical application. (IV.B.2.c)

Recommendation: That an experienced professional staff member of ICTAP be assigned to provide oversight and technical assistance needed for training projects. (III.A.3.d)

Recommendation: That in pursuing objectives agreed upon with the Panamanians, ICTAP

staff should interface as often as possible with their Panamanian counterparts to discuss progress and to obtain feedback on the overall situation. This includes adoption of a more proactive outreach effort to help motivate the Panamanians to carry out objectives. ICTAP staff should be highly and personally visible to their counterparts. (IV.B.4)

Recommendation: That ICTAP consider assigning their PTJ and PNP advisors full time to the headquarters of their respective counterpart agencies; or, if that were not considered feasible, that they at least spend the major portion of their time with their counterparts. (IV.B.4)

Recommendation: That ICTAP reach out more for U.S. experts in organization and administration of civil police organizations that can assist in infrastructure development. (III.A.6)

Recommendation: That ICTAP and its Panamanian counterparts network with local law enforcement agencies in North America to locate surplus law enforcement equipment at reduced cost. (IV.B.2.d)

Recommendation: That ICTAP and its Panamanian counterparts consider further use of the "Mano a Mano Program" as a means to establish useful linkages with law enforcement agencies in the United States. (IV.B.2.d)

Recommendation: That ICTAP and representatives of DEA, Customs and NAS continue their close coordination to enhance the effectiveness of ongoing assistance to the FEAN and other drug enforcement efforts in Panama to attack the drug-trafficking problem. (III.B.6.b)

F. USG

Recommendation: That the USG consider an IQC competitive bidding process for tapping alternative U.S. capacity to respond to urgent requirements for police reform technical assistance. (IV.C)

ANNEX 1 THE PANAMA PRISON SYSTEM

As of February 7, 1994, the prison population in Panama consisted of 4,783 males and 418 females (total of 5,201) in six prison facilities and over thirty police jails. The majority of facilities are seriously overcrowded with the exception of one woman's prison in the Province of Chiriqui that houses 53 female inmates.

At present, there are no uniform standards, policies or procedures to govern operations at penal institutions or jails. All of the facilities operate ad hoc with a large degree of independence and autonomy forced by a lack of central direction and disorganization. It has been estimated by consultants that corrections in Panama faces overcrowding from 300 to 400 percent over the design capacity of existing institutions. Overcrowding in prisons and jail facilities anywhere in the world are known to be the cause of major riots, violence and destruction. Inhumane conditions that exist in prisons generally go hand in hand with overcrowding.

The corrections system in Panama is under the Minister of Government and Justice and officials appear to struggle in defining a specific mission for corrections and their authorities. In most cases, the custody of inmates is under control of the National Police. Little or no training is provided to personnel performing custodial functions at corrections facilities. The present Director of the Corrections System Panama, Licenciada Nilka de Saenz, is a strong willed person with genuine understanding of corrections problems and a desire to work with ICITAP to resolve the major problems in corrections in Panama. However, with the election of a new government, her tenure may be in doubt.

The following chart (1A) illustrates major facilities, lack of due process, and population. The facilities listed represent major institutions as well as jails or lock-ups located at police stations in a province. For example, there are seven jails located within the province of Cocolé.

Among the most notorious prisons in Panama are La Modelo, Coiba and Colon.

a. La Modelo

Located in Panama City, La Modelo houses 1,753 inmates. The sanitation and physical characteristics are grossly inadequate and can only be described as inhumane. Approximately 9.8 percent of the inmates at La Modelo have been tried and sentenced. This leaves 90.2 percent awaiting trial. The Corrections Department plans to transfer 1,000 of the inmates at this institution to the new corrections facility at La Joya within the next six months. On May 28 the Panama news media announced the transfer of 400 inmates from La Modelo to La Joya. This move represents a significant improvement for the living conditions and treatment of inmates.

b. Coiba

This infamous island prison was used by the senior officers of the Panama Defense Force (PDF) to incarcerate "subversives" or political dissidents. The population at this institution now fluctuates between 700 and 800 inmates depending on escapes and the ability of corrections

officers to account for inmates incarcerated in the institution. Reportedly, there were 750 escapes attempted from Coiba during the past year. We heard reports that many prisoners sent to Coiba are never seen or heard from again.

According to most recent data provided to ICITAP, 24.7 percent of the inmates at Coiba have been tried and sentenced. That leaves 75.3 percent of the inmates waiting for due process.

c. Colon

This facility is located on the Atlantic side of Panama and constructed to house 175 inmates. The present population is about 850 inmates. The conditions in the facility can be described as tragic with horrendous sanitation conditions. This facility is one of the worst in the hemisphere and a powder keg of potential violence. Corrections procedures include keeping the inmates inside the facility like animals as National Police personnel surround the structure carrying shotguns and automatic weapons. Inmates are inside the facility and custodians remain outside the premises.

PANAMA PRISON FACILITIES AND POPULATION
FEBRUARY 7, 1994

FACILITY	TOTAL	SEX		SENTENCED		IN PROCESS	
		M	F	M	F	M	F
TOTAL	5,201	4,783	418	926	106	3,857	312
BOCAS DEL TORO	100	89	11	33	0	56	11
COCLE	179	170	9	42	1	128	8
COLON	873	813	60	224	9	589	51
CHIRIQUI	448	395	53	58	11	337	42
DARIEN	103	100	3	24	1	76	2
HERRERA	69	66	3	27	0	39	3
LOS SANTOS	65	60	5	21	1	39	4
PANAMA CITY	2,481	2,210	271	294	83	1,916	188
VERAGUAS	214	211	3	38	0	173	3
COIBA	669	669	0	165	0	504	0

Chart-1A: Description of Panamanian Corrections Facilities. (Several of the facilities include the incarceration of at least 50 juveniles).

ANNEX 2

PARTIAL LIST OF PERSONS INTERVIEWED

U.S. Agency for International Development

McFarland, Debra
Yochelson, Roger
Otto, Karen
Kelly, Kevin

Federal Bureau of Investigation

Hart, William B., Office of Planning, Evaluation & Audit
Burton, Gayle, Office of Planning, Evaluation & Audit
Leighton, Donovan, former program training manager, ICITAP Panama

Department of State

Kirkpatrick, Ronald K., Dir., Office of Panamanian Affairs
Armstrong, Fay, Office of Policy and Planning, ARA
Kozak, Michael, Deputy Assistant Secretary of State, ARA

U.S. Embassy, Panama

Garza, O.P., Charge d'Affaires
Wesche, Stephen, Political Section
Deshazo, Peter, Public Affairs Officer
Hinton, Deane, immediate past U.S. Ambassador to Panama

Drug Enforcement Administration

López, Raleigh

U.S. Department of Justice

Richard, Mark, Deputy Assistant Attorney General, Criminal Division, Office of International Affairs
Corcoran, William, Senior Prosecutor, Criminal Division

Department of Defense

Vega, Col. Benjamin Jr., USA, Defense Representative, American Embassy, Panama
Silvero, Major, Defense Representative, American Embassy, Panama

ICITAP Washington

Mann, Raquel
Krisceovich, David, Director
Borrero, Nelson
Brooks, Holly
Truncellito, Joseph
Fera, Richard

ICITAP Panama

Carrera, Joseph Q.

DeChene, Robert E., corrections adviser
Boynnton, Stanley, consultant to PTJ planning component
Wattley, David, PTJ adviser
Calvo, Minor, PTJ adviser
Rico, Braulio, police adviser
Duguim, Robert, Chief of Party

Panama Prison System

González de Saenz, Nilka, Directora Nacional de Corrección

Panama Judiciary

Emerita de Avillalaz, Aura, Supreme Court Justice

Panama Public Ministry

Correa, Julia, AOJ Coordinator

Panama National Police

Osorio J., Lic. Marisela, Director, Dept. of Professional Responsibility
Gómez Ortega, Sub-Comisionado José Antonio, Jefe, Policía Canalera
García Toban, Major Tomás R., Chief FTO Office
Pinzón, Sub-Comisionado Germán Antonio, Chief, Community Affairs Division
Soto, Mario, Social Services Office
Alvarez C., Sub-Comisionado Francisco S., Inspector General
Arrosemena, Capt. Roberto
Fernández, Oswaldo, Director
Nieto, Sub-Comisionado Miguel, Director, PNP Academy

Policía Técnica Judicial

Abad, Jaime, Director
Mayorga, Daphne, Director, PTJ Academy
Jarvis, Ramiro, Chief, FEAN
Bouche, Ana, Chief, Office of Professional Responsibility
Valencia V., Inspector Jesús, Jefe de la Sección de Identificación de la Peña, Etefvina, Planning component
Millam, Julissa, Planning component

Development Associates, Inc.

Cornish, Timothy, Criminal prosecution adviser
Griscom, Richard, Chief of Party

Other interviewees

Asvat, Ebrahim, Civilian lawyer, First PNP Director
Pierce, Michael, American lawyer resident in Panama
Wenzel, Howard, American businessman resident in Panama
Koster, Richard, Author, Professor, Florida State University
Koster, Otilia, Panama Representative of America's Watch

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ANNEX 3 PARTIAL BIBLIOGRAPHY OF DOCUMENTS REVIEWED

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Foreign Aid: Police Training and Assistance, General Accounting Office Report to Senate Foreign Relations Committee, March 1992.

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Human Rights Report on Panama, 1994, U.S. State Department

ICITAP Panama Project Evaluation Report, Federal Bureau of Investigation, Office of Planning Evaluation and Audit, March 1992.

Arrangement Between the Government of the United States of America and the Government of the Republic of Panama Concerning Assistance in the Development of Civilian Law Enforcement Institutions, December 1990.

ICITAP 1990 Panama Project Program Description and Budget.

ICITAP Panama Program Description and Budget, undated, but said to refer to 1990-1991.

ICITAP Panama Project FY92 Program Description.

Draft ICITAP Panama Program Description and Budget for FY94 together with draft implementation plans, all dated May 27, 1994.

ICITAP Panama Project Gloss of Proposed Ten Million Dollar Supplemental, July 8, 1991.

Memorandum from Thomas Stuckel, Director USAID/Panama to David Beal, Deputy Chief of Mission, dated March 6, 1991, concerning "ICITAP Program Review".

Evaluation of Integration Project of the Judicial Technical Police conducted in the Second Judicial District during calendar year 1993, under auspices of USAID Panama Improved Administration of Justice Project.

B