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REFLECTIONS ON COMMUNITY-BASED POLICING PROGRAMMING IN GUATEMALA

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OBJECTIVE

The objective of this report is to assist USAID in determining what it can undertake to support police reform and community-based policing in Guatemala with respect to long-term development and immediate, concrete results. Consequently, this report is divided into four sections: (1) executive summary; (2) review of current capacities of the Ministry of Governance and the National Civilian Police (PNC); (3) security initiatives and future directions within the Ministry and PNC and (4) USAID support to the Ministry and PNC's ongoing and future reform initiatives.

This report is based upon interviews conducted from March 7-21, 2005. Appendix A is a short synopsis of community-based policing, in which is included the requisite managerial ramifications as well as explicating the relationship between community-based policing and crime prevention programming. A list of the individuals and organizations interviewed is attached as an Appendix B. Appendix C is a list of the written reports and papers consulted.

EXECUTIVE SUMMARY

The Ministry of Governance and the National Civilian Police have endured years of political instability, which has degraded their ability to manage the development of coherent, sustainable policing policies and implement effective police practices. The already scarce resources of the police are severely mismanaged as evidenced by three indicators: (1) rapid Comisario rotations of less than a year; (2) up to 80% of all detentions and arrests are for alleged misdemeanor offenses while impunity rates for felonies are extraordinarily high; and (3) the absence of a career development process for the police and the Police Academy.

A cogent strategic policing vision has yet to be clearly enunciated, although the Vice Minister possesses a comprehensive understanding of community-based policing and a pragmatic vision of how to transform the police. Given the organizations' current managerial capacities, however, it is questionable whether that understanding and vision can be implemented.

Eight years of international police assistance have not appreciably strengthened the sustainable capacities of the Ministry or the police as evidenced by three indicators: (1) of the thousand(s) of police investigators trained less than 15 are currently serving as investigators; (2) of the 145 community-based police instructors who graduated from 'train the trainers' courses none are currently serving in the Police Academy; and (3) despite up to three years of management training, U.S. Embassy personnel assessed the managerial capabilities of the police as "zero," "almost zero," and "the police couldn't care less." International police assistance has mainly focused on technical, discrete 'train and equip' projects, thus, overlooking years of best practices and lessons learned that have indicated that police reform and development is foremost a question of managing organizational change rather than primarily imparting technical skills that, although 'learned,' are rarely 'used' in police operations.

It appears that there may be a need to reconceptualize and redesign future U.S. police assistance to address immediate-, mid- and long-term organizational and managerial police development so that reform is realistically embedded in the institutions and produces sustainable improvement in police performance. Such three-tiered recommendations are presented at the end of the report. This report is based upon a two-week field trip, during which interviews were conducted with key actors and a review of documents undertaken and, thus, does not represent a thorough, in-depth analysis or evaluation of the situation.

I. CURRENT CAPABILITIES OF THE MINISTRY OF INTERIOR AND PNC

A. OVERVIEW

The National Civilian Police (hereafter, 'PNC') and the Ministry of Governance (hereafter, 'the Ministry'), to which the PNC reports, can be considered to be in an early stage of development, having legally existed in their current form only after the signing of the Guatemalan Peace Accords in December 29, 1996. Their strategic and operational capacities, therefore, are younger and remain under-developed. In addition, their formative years were hampered by the complexities of Guatemala's post-conflict environment, particularly with regard to the unsettled situation within the judiciary and penal system. As a result, the expectations with which one assesses the Ministry and PNC's capabilities may need to be kept at modest levels.

Since its incorporation, a high degree of political and managerial instability has unsettled the Ministry and PNC. The turnover of Ministers and Heads of the PNC has occurred with an alarming frequency, with ramifications that have rippled its way through police ranks so that today there is a perception that the overall managerial capacities of the PNC are minimal and that active supervision of patrol officers is largely absent. The last fifteen months have been no exception with two Ministers and Heads of the PNC in office since President Berger's inauguration in January 2004. It is hoped, however, that the current team remains in place for an extended period of time, given the comprehensive understanding of police reform exhibited by the Vice Minister of Community Development (hereafter, 'Vice Minister').

There is a belief that the managerial volatility of the past eight years may have been intended to degrade the capabilities of the PNC and further the self-interests of corrupt elements of the government. One respondent referred to the period as "planned chaos." Whether that is in fact the case or not is beyond the purview of this report to assess. It is safe to say that the continual change of senior leadership inhibited the ability of the Ministry and PNC to develop, let alone strengthen, either the institutions of policing or actual police performance, i.e., the real results on the ground. As a consequence, the last 8 years of police reform has left little behind as concrete

evidence of sustained performance results or improvement in the police's human capital upon which future reform efforts can build.

The fluidity of police management has also impeded the Ministry or PNC's ability to establish or enunciate a consistent and effective community-based policing vision or program, the basic building blocks of contemporary policing theory and policy. Furthermore, the widely held perception that something akin to planned chaos exists within the Ministry and PNC -- alongside allegations of rampant corruption and high rates of impunity -- undermines the legitimacy and credibility of law enforcement in Guatemala, thus further eroding the PNC's capacity to address Guatemala's safety and security concerns.

This is not to claim that a vision of community-based policing is non-existent within the Ministry. To the contrary, the Vice Minister has a well-developed and wide-ranging knowledge of the issues. She also has presented a nuanced understanding of how that conception can be realized, one which is pragmatic and progressive. The question is, however, how to ameliorate the existent managerial weakness within the Ministry and PNC, build upon the past, and complement ongoing endeavors in order to support and assist the Vice Minister in her endeavors.

The need to support the Ministry may need to be seen in relation to the past history of international police assistance to Guatemala. Despite numerous well-conceived and executed discrete police reform projects, international assistance has been largely ineffective in producing concrete, tangible, and persistent results, as acknowledged by the U.S. Embassy's own staff. Part of the reason may be due to the managerial instability within the Ministry and PNC. Part may also be attributable to international assistance programs having largely overlooked best practices and lessons learned accumulated over the past decade. As one of the longest serving international police experts in Guatemala noted, few international reform projects have been realistically embedded in the institutional culture of the Ministry and/or PNC or have concentrated on enhancing the managerial capabilities of either the Ministry or PNC in a graduated, focused, and systematic manner. As a consequence, many of the, perhaps, well-conceived discrete assistance projects have not and cannot be effectively sustained.

It should be noted that this report is based upon a two-week field trip to Guatemala in March 2005, which included interviews with key actors and a review of documents. Consequently, this report does not represent a fully comprehensive analysis or evaluation of the Guatemalan situation, but rather is a report for reflection by the U.S. Mission in Guatemala on the conditions and possibilities of conducting effective and sustainable community-based policing programs.

B. POLICE MANAGEMENT

There is a broad consensus that the Ministry and PNC lack a publicly enunciated strategic policing vision and policy. A similar agreement exists with regard to the absence of an institutional adherence to community-based policing, the essential cornerstone of contemporary policing practice. As a consequence, a perception exists within civil society and the international donor community that "nothing or almost nothing" is being done in the Ministry and PNC.

That perception, while inaccurate, is not unfair. A strategic vision and a conception of community-based policing does exist within the Ministry, but it appears not to have been clearly presented to the public -- the ultimate customers of a police service -- nor implemented in an institutionally

sustainable manner. It may be the case that neither the vision nor conception have been thoroughly vetted and agreed to within the Ministry. Nevertheless, on two occasions the Vice Minister succinctly elaborated a consistent and thorough understanding of such a vision and policy. The Minister has also made his opinions clear that a community-based approach is the only way forward. Despite these openings, the fact remains that neither the Ministry nor PNC have enshrined a community-based strategic vision as governmental policy.

The perception is reinforced by a number of managerial factors. First, according to a highly knowledgeable respondent, the Ministry's Planning Unit does not appear to be fully engaged in policy formulation. Rather the Unit seems to be responsive to its own agenda, one that has not been integrated into the reform envisaged by the entire Ministry. Second, the "model precinct" project, although underway for an extended period of time and having accomplished good work in the establishment of an investigative unit, remains underdeveloped. There appear to be few comprehensive agreed upon and widely disseminated managerial or operational principles or guidelines upon which to replicate the model precinct project. There also appear to be no agreed upon cogent structural exemplar from which lessons learned and best practices can be derived. Third, the six units theoretically responsible for designing and implementing a community-based policing policy -- (1) community policing, (2) crime prevention, (3) victims response, (4) women's rights, (5) multi-cultural, and (6) human rights -- have not been "structurally or operationally integrated" into the activities of the PNC or Comisarias (police precincts) and do not adequately coordinate their respective work among themselves. It has been alleged that these six units are "fronts" or "the friendly faces of the police" and, over the last few years, have not been intended to promulgate policy or institutional change. More prosaically, whatever principles, manuals, and guidelines these six units have produced have been either not disseminated within the PNC and Comisarias and/or not used. As one respondent claimed, police agents -- the lowest rank of police personnel and those assigned to patrol duty and, hence, closest to the citizenry -- are not only unfamiliar with the work of the six units, but unwilling to ask their immediate superiors for operational advice because of their conviction that their superiors are similarly uninformed. When the work of the crime prevention unit was discussed, two respondents indicated that the unit's main activity was as the repository of two musical bands.

On the institutional level, the situation is further aggravated by budgetary concerns that severely limit the number of personnel assigned to plan and implement the Ministry and PNC's future policy and operational development. The Vice Minister, for example, has a staff of only 8 persons from whom she can draw while there is an acknowledged need for a staff of up to 18. The same situation occurs within the aforementioned Planning Unit where up to 11 persons may be required, whereas only 6 are currently employed.

With regard to the management of police operations, US Embassy personnel openly acknowledged that middle management capacity is "zero" while senior management capabilities are "almost zero." It was also asserted, "the police couldn't care less" about managerial issues despite almost three years of dedicated internationally-provided managerial training. All respondents seconded this opinion. The issue seems to be that the training programs ended up as one-off, discrete projects (X number of hours of classroom instruction) without the requisite systematic follow-up support so that what was 'learned' in the classroom could be realized and progressively implemented in day-to-day police practice. It may also be the case that the classroom instruction may not have been appropriately geared to the cultural, historical, and technical levels of Guatemalan police. This

discrepancy between 'training' and actual practice seems to reappear time and time again, circumscribing the concrete achievements of international police assistance. The existence of the divergence between 'training' and real practice may require the reconceptualization of future U.S. police assistance to Guatemala. It may be appropriate to redesign future police assistance to take into account mid- to long-term institutional and managerial development so that 'classroom training' is used to achieve real improvements in police performance (reduction in crime rates and lower rates of victimization) and customer satisfaction.

A number of respondents indicated that many of the reform efforts have floundered and/or have taken longer than anticipated -- SIPOL (the PNC computer information system) being of the latter category -- partially because of the human resource management policies within the Ministry and PNC. For instance, the continued absence of a career law within the police or Police Academy has inhibited the development of the police's human capital and, thereby, weakened reform efforts, as there exists no cogent method other than intuition, favoritism, and/or corruption for evaluating and promoting personnel. Logically, as well, these policies undermine the human capital of the police and slow progress in strengthening managerial capacities, one example of which is the allegation that many Comisarios do not want their work to be controlled, managed, or audited and have, consequently, resisted SIPOL.

The managerial situation within the PNC is further exacerbated by the frequency and methods with which middle and senior management are rotated. As the Comisario of the Villa Nueva Comisaria said, his current tenure in office averages eight months or less. He indicated that his predecessor had been Comisario for less than eight months. When other respondents were queried as to why rotations are conducted so frequently, the unanimous answer was politics with intimations of police corruption added into the mix. It was also claimed that the some rotations are carried out without the knowledge of the head of the SNC as part of various corruption schemes. Whether this allegation is accurate is unknown, but, first, the respondent who made the statement is sufficiently informed to testify to its veracity and, second, the perception that rotations are conducted to further police corruption appears to be widespread within Guatemala.

The paucity of police management is also evidenced by the method with which the police measure their own performance: the number of detentions and arrests. This evaluation of police performance technique is not only old-fashioned, but may also be counterproductive. As U.S. Embassy personnel stated, the two basic criteria which police should use to record performance are (1) reduction in the crime rate through an analysis of recorded crime and/or victimization studies and (2) public satisfaction in the service provided by security agencies. Detentions and arrests, therefore, are not performance criteria in and of themselves, even if they may be used as a kind of 'poor man's output/activity' indicator.

More problematically, evaluating performance according to detentions and arrests may lead to operational anomalies. In Guatemala, one such anomaly seems to be the police's concentration on arresting alleged perpetrators of misdemeanors. In 2001, up to 80% of all arrests in Guatemala were for misdemeanors. This statistic may not have changed much in the last three years, as the Villa Nueva Comisario explained that approximately 70% of his Comisaria's arrests were for misdemeanors. (When asked why he had such a high misdemeanor arrest rate, he stated that the police had to arrest these individuals, primarily, for their own safety and that of their wives.) That 70-80% of all detentions and arrests are for alleged misdemeanors suggests that a preponderance of already scarce police resources may be misallocated and mismanaged. That agents, inspectors,

officers, and Comisarios are, apparently, spending significant proportions of their time and resources on detaining misdemeanors is perfectly 'rational' -- "what gets measured, gets achieved; what is not measured is ignored" -- given the existing managerial system of evaluating performance and production. A secondary conclusion seems to be that the truth of the Ministry and PNC's assertion that the police are understaffed and undermanned may be belied by the operational practice and mismanagement. (The PNC has approximately 19,000 cops for a population of around 12 million; El Salvador has almost double the number of cops and about half the population.)

The question of misdemeanor detentions and arrests also raises more searching questions regarding how the Ministry and PNC allocate scarce police resources -- capital and personnel. Among the many questions may be the % of sworn police personnel (those authorized to use executive powers of arrest and the use of firearms) who are not performing executive functions, but are rather engaged in varying levels of administrative and clerical work: personnel, logistics, finance, communications, etc. In contemporary police practice there are few strategic or operational police reasons for sworn officers to function as secretaries, personnel clerks, budget analysts, vehicle mechanics, procurement agents, etc. In fact, virtually all back-office functions can be performed by civilians, thus enabling sworn officers to perform the activities they have been trained -- at high costs -- to conduct. Furthermore, an increase in back-office civilian staff may make the activities of the police more transparent, which can only enhance its relations with civil society. If experience from other Latin American countries can be countenanced, it can be expected that if back-office functions were civilianized, the number of police officers on the streets performing executive functions could be increased by as much as 20-25%. (There was not sufficient time to explore the operations of the Ministry and/or PNC procurement office or if the police have their own. Assuming for a moment that they were to have one, it can be expected, if lessons learned are any guidance, that civilianization of the procurement office could reduce equipment acquisition costs by as much as 15-30%.)

C. POLICE TRAINING AND THE POLICE ACADEMY

Because of the acknowledged dearth of police management, international police assistance dollars provided for police training and the Police Academy has produced limited concrete results. Individual courses and training programs may have been of a high quality, but over the last eight years they have resulted in few positive sustained outcomes with respect to the reduction in crime rates or victimization and, apparently, little in the way of improving public satisfaction in police performance.

Over the past few years, best practices and lessons learned in international police assistance have argued that the police reform and training is not primarily one of imparting police skills and knowledge, but of the police actually employing the knowledge learned in the classroom to their day-to-day operations, not to speak of special operations. Unfortunately, in Guatemala, as U.S. Embassy personnel stated, "what has been 'learned,' is not used." With respect to training, as one respondent indicated, the absence of police management, has been the creation of a virtual police service: one that exists on paper, but may not function in reality.

Respondents suggested that 8 years of police training and Police Academy assistance have had almost no lasting effect on the Guatemalan police's human capital. For example, it is alleged that more than a thousand officers -- perhaps up to five thousand, though that number seems to an outside observer as somewhat high -- have been provided with varying types of investigative

training, whereas less than 14 of them currently serve as police investigators or in SIC. It has also been alleged by more than one respondent that while up to 145 police officers were given 'train the trainers' courses in community policing, none of these officers are now assigned to the Police Academy. It is expected that the same might hold true for other police disciplines and techniques as well.

A number of respondents also indicated that the actual courses provided in the Police Academy are overly legalistic and theoretical, apparently not tailored to the actual needs of the PNC and its human capital. As one interviewee indicated, the vast majority of courses are neither practical nor operational in content and, therefore, given the educational level of PNC's personnel, less than optimal. Another said that the courses designed to inform the police of the changes in criminal procedures were almost identical to those given to judges and prosecutors, who educational abilities are significantly higher than those of the police, thus rendering them largely ineffective. Lastly, it was claimed that the Guatemalan police had been given only 45 minutes of 'use of force and firearms' training and virtually all of it was conceptual rather than practical. Whether the statistic is accurate remains to be verified, but as the 'force continuum' is primary in any police officer training and significant operational and situational training is required to understand its nuances, the allegation suggests that police training may be in need of overhaul and redesign. Again, however, the issue is one of police management rather than training per se.

D. COMMUNITY-BASED POLICING PARTNERSHIP: CIVIL SOCIETY AND LOCAL POLITICIANS

For community-based policing and crime prevention initiatives to be successful an organized and knowledgeable civil society is required so that the police-community partnership evolves into a two-way street and is not reduced to one of information and informant acquisition by the police. Unfortunately, the relationship between civil society and the police appears to be fraught with mistrust, suspicion, fear, and mutual misunderstanding. For example, it was claimed a number of times that Guatemala has practiced a form of community-based policing without the police. It was also stated by police and civil society respondents that neither side seems to believe in the validity and reliability of the statistical studies of the other, each side castigating the other's results as polemical and political. The situation, however, can be readily ameliorated, if among the first of the reform initiatives were to be an anti-corruption drive given the high levels of fear within civil society of police retribution when information regarding alleged criminal activity is provided, regardless of whether that information concerns police malfeasance or not.

Of particular importance is the role and position of police agents, the young police agents and others assigned to patrol duty. These police personnel are not only the first line in community-based policing as responsibility is devolved to the lowest ranks of the service, but the most important well-spring of demand for change and professionalism from within the PNC. Lessons learned and best practices have shown that it may be essential that reform endeavors and civil society organizations pay special attention to the unique needs and welfare of these young professionals with the PNC. It may also be crucial that they be accorded a primary role in anti-corruption initiatives in conjunction with civil society organizations and be offered a mechanism by which they can anonymously report allegations of police malfeasance by their superiors.

Without question, Guatemalan civil society is organized. Even if they may not yet be fully operational, security boards are organized at departmental and municipal levels, bringing together the police, local politicians, and civil society. Additionally, 15 Justice Centers exist, each with extensive civil society participation exist and established crime prevention councils. Many municipalities, it seems, are also well organized on the very local (neighborhood) level -- which is the most crucial level with respect to community-based policing -- capable of establishing agendas and priorities, conducting security surveys, and meeting the police halfway, if a real partnership could be erected.

Given the history of mistrust and fear between the populace and the police, however, what remains dubious is the extent to which these associational groups are sufficiently versed in what their roles are with respect to community-based policing, crime prevention, and security policy, in general. For instance that civil society may not be sufficiently skilled to know how to 'monitor' police activities in an appropriate manner, as is called for in a community-based policing partnership. Of particular concern is also the conception of community-based policing that may be prevalent within civil society and its understanding of the roles and responsibilities of each of the respective partners. This concern came to the fore when one interviewee claimed that community-policing officers do not arrest suspects. It also seemed to be the case that the 'use of force continuum' may not be fully understood by elements of civil society.

Of equal import, particularly if community-based policing were to be coupled with a robust crime prevention program, is an engaged and knowledgeable set of local politicians at the level of authority and with budgetary discretion that is closest to the communities and neighborhoods involved. Best practices in police reform has indicated that without the active and educated participation of the appropriate municipal officials, the likelihood of success for community-based policing and crime prevention initiatives is historically limited. Local politicians and municipal officials are the key players their budgetary authorities and as it is their responsibility to create the mechanisms and projects by which education, health care, employment, culture and sport opportunities, and the like are funneled to neighborhoods and youths at risk for being swept up by crime and violence. Once again, however, it is unclear how educated and knowledgeable these local politicians are vis-à-vis their responsibilities and obligations.

On the narrow issue of redirecting police activity to the pursuit of felony activity and violence rather than the detention and arrest of misdemeanors, local politicians may have a large role to play. The Mayor of Villa Nueva, for instance, indicated that he had administrative powers that could be used to address the misdemeanor issue as part of a comprehensive crime prevention package.

II. SECURITY INITIATIVES AND FUTURE

DIRECTIONS WITHIN THE MINISTRY AND PNC

A. OVERVIEW

Despite the foregoing assessment of the current capabilities of the Ministry and PNC, particularly with regard to management, a number of positive, albeit, fledgling initiatives are underway. Of particular importance is a proposed organizational restructuring of the functions and responsibilities of departments and offices within the Ministry and PNC that is currently under review. In addition, as indicated previously, the Vice Minister has exhibited a thorough understanding of the process of police reform and a solid appreciation of the steps required to actualize that comprehension. The challenge, however, is in the implementation and management of reform, particularly given the aforementioned scarcities and deficiencies. It may be crucial, therefore, that the fledgling initiatives be framed and developed within a comprehensive managerial and institutional perspective so that they can be sustained, as best practices and lessons learned in international police assistance have stressed that reform is first and foremost an issue of organizational change and institutional culture. Unless that dearth of management is tackled head-on, it may be likely that the future of Guatemalan police reform will resemble the past eight years. If so, the likelihood of achieving sustainable results might be rather slim. It also appears critical that the Vice Minister's understanding of police reform be politically supported and nourished.

B. CURRENT FLEDGLING INSTITUTIONAL INITIATIVES

Although the six units responsible for designing and implementing a community-based policing policy have not proved to be effective, the mere fact that they exist offers the possibility that they can be revitalized and their respective work reinvigorated. It is a question of organization, management, dedication, and integration. Much work has already been accomplished, even if there have been few tangible results and policy development remains organizationally sequestered. Much effort, therefore, may need to be focused on how to produce, disseminate, and use the policies that these office will generate in order to develop a new model of policing appropriate for Guatemala in a phased, progressive manner. (The role of civil society -- which includes private business -- and local politicians will be essential to support and bolster these police reform efforts.) This is primarily a question of the management of organizational and cultural change rather than one narrowly focused on technical policing issues and may, thus, call for a new type of international assistance. Technical questions remain and will continue to be of importance, but it has been on questions of

implementation, use, and sustainability that police reform in Guatemala has seemed to have floundered.

It was reported that within the Ministry and PNC, a middle-level group exists that is initiating efforts to address selected police operational issues, such as youth and gang violence. The existence of such a group is positive as its role, apparently, is to focus on immediate mid-level topics. Great care, however, may need to be given in how to assimilate its initiatives with those of the 6 units charged with introducing a community-based policing philosophy and program, as there will inevitably be tensions between long-range reform (the 6 units) and intermediate operational concerns. This necessary mediation may fall under the purview of the Ministry and PNC's Planning Unit, once it has been strengthened. Once again, the question may primarily be one of institutional change and organizational culture rather than police tactics and technical training. This is not to minimize technical and tactical issues, but to highlight the weak links that exist and have plagued Guatemala's reform efforts over the past 8 years.

Reforms efforts also hinge on the Ministry and PNC's ability to collect, analyze, disseminate, and use relevant police and criminal information and much good effort has been devoted to enhancing the Ministry and PNC's various information management systems, many of which may be technically very sound. It appears, however, that too often these initiatives have been discrete, stove-piped projects, whose long-term sustainability -- financial, hardware maintenance, human resource capacity -- may be questionable. SIPOL and other information collection and management projects have been under development for years, but they have had, for reasons enumerated above, little positive effect on police performance, crime rates, or citizenry satisfaction in their police. According to respondents, U.S. Embassy personnel included, the efforts of the Head of the PNC to initiate a type of "New York Compstat" revealed how poorly the Comisarios use police and criminal information. The collection and disseminate of information may be thought of as essentially hardware and technical questions: gathering data and dispensing it, after analysis, into the hands of the appropriate practitioners. Analysis and use, however, are human and managerial issues. Part of the answer for the apparent inability in producing results may lie in on the human and managerial issue of the equation and, accordingly, significantly more attention may need to be paid to these variables, attention that may require redesigning past patterns of police assistance programming.

An Inspector's Office has been established that, apparently, combines administrative discipline, internal affairs (also known as office of professional responsibility/standards), and various auditing functions -- operational and personnel. The creation of this office cannot be underestimated and should be fully endorsed and supported. An Inspector's Office can function as the institutional means by which the Ministry and PNC can monitor and control their own activities and, therefore, it can be one of the essential building blocks for the Ministry and PNC consistently and systematically to improve police performance. Above and beyond its role in ameliorating corruption within the police, an Inspector's office may also be able to determine, for example, if police resources are being effectively and efficiently used and, if not, how they can be. It can also play a key role in sustaining and continuously improving a community-based policing model for Guatemala, as its audits of police operations should be able to pinpoint institutional, managerial, structural and human resource strengths and weaknesses. An Inspector's office does not formulate policy, but it does determine how well and thoroughly that policy is being implemented and employed. Consequently, as a central player in institutional and management change, the Inspector's Office's contribution to the reform of the PNC depends, in part, upon how well its

activities are integrated, for instance, into those of the Ministry and PNC's Planning Unit, once it has been bolstered as described by the Vice Minister, not to mention the aforementioned 6 units.

C. PLANNING THE PROCESS OF POLICE REFORM

As already noted, the Vice Minister acknowledged the understaffed situation within the Ministry and PNC to shepherd the process of police reform. Nevertheless, she enunciated a comprehensive vision of the various dimensions of police reform, their ramifications, and how to implement and institutionalize a community-based model of policing. The pivotal elements of her strategy appear to be three-fold: (1) career law; (2) Police Academy; and (3) local security boards comprised of police, local politicians, and civil society. (It is expected that representatives of the other components of the criminal justice system -- judiciary, courts, and prisons -- will participate on the boards as well.)

Without a police career law that promotes a form of meritocracy -- and differentiating the responsibilities and evaluation methods between the three levels of a service: knowledge/skills for the patrol officer; problem-solving for the middle ranks; strategic direction, leadership, and results for the senior command -- there is little institutional capacity for an police agency to sustain a reform program. The Vice Minister indicated that a career law should be in place by the end of 2005. She also stated that the law may include a separate track for the Police Academy in order to enable the police's education center to be professionalized and institutionalized. If a reasonable career law were to be formulated and put into legislation, one of the foundation stones of human resource management will have been laid. As discussed with the Vice Minister, however, there are two additional steps that will need to be taken so that the law can be implemented: (1) an assessment of the skills needed to make the law a working reality by the various levels within the police who will be evaluating the performance of their subordinates and the subsequent imparting of those skills and (2) establishment of appropriate measurement criteria and indicators along with the associated information management systems so that the necessary evaluation data can be collected and analyzed.

With a career law in place, the Vice Minister appears intent on revitalizing the Police Academy along, at least, three separate axes. First will be a general strengthening of course materials for incoming cadets as well as for the in-service retraining of existing personnel. Second appears to be the recruitment and selection of university students and graduates into the police to serve at higher levels, a process that cannot occur until the career law is enshrined in legislation. Finally, in addition to improving the recruitment and selection of regular Academy cadets, the Vice Minister seems intent on assigning graduating classes as a whole to Comisarias. This is partially to build morale within the PNC and partially to insulate the new classes from the corruption and policing practices of their more tenured colleagues. While this, admittedly, may produce tensions within the PNC, it appears to be an innovative method of recreating a police service. (It has been attempted in other countries, such as Mozambique, but there are no lessons learned that I am aware of given the too recent nature of such reforms.) These Comisarias may emerge as truly 'model precincts' and, if they were to become a reality, deserve significant support, professionally and managerially.

Both of the above processes are long-term reform initiatives and both concentrate on strengthening the ability of the Ministry and PNC to institutionalize an improved police performance. On a more immediate basis and concentrating on community-based policing and crime prevention to reduce the high rates of crime and violence, the Vice Minister will be funneling

most types of on-the-ground police reform through local security boards by requiring them to be the arena in and through which local 'safety and security plans' are formulated, implemented, and monitored. As noted earlier, these boards exist under the law throughout Guatemala and are the official vehicle by which the police, civil society, and local politicians are meant to develop their partnerships. If activated and as the organization for the drafting, implementation, and management of local safety and security plans, they could operate as the local network throughout Guatemala for the dissemination and implementation of community-based police reform. If successful, the activities of the local board may create the necessary space and time -- lower crime rates and a more trusted police service -- for the longer-term organizational and cultural change elements of police reform to take hold. (DFID informed me, recently, that there may be an initiative underway to organize these boards on a national level.)

III. USAID SUPPORT TO THE MINISTRY AND PNC'S ONGOING AND FUTURE REFORM INITIATIVES

With authorization to engage in community-based policing assistance, USAID can further complement NAS' work and support the Ministry and PNC in the short, medium, and long-term. These complementary efforts ought to build upon and deepen the past and ongoing activities conducted by NAS/LED in such areas as criminal investigation, patrolling, surveillance, forensics, etc., as well as upon the proposed restructuring of the Ministry and PNC that is currently under review. As the review above suggests, management is one of the principal areas for which there is apparent need of support, partially because it has been largely overlooked during the past few years of international police assistance. In addition, as lessons learned and best practices have indicated, it is important to match local initiative with broader national ones so as to avoid imbalances and disjunctures, especially when a national police service exists as in the case of Guatemala.

A. SHORT-TERM USAID ASSISTANCE: ONE YEAR

As sustainable police reform is best achieved when accompanied by and embedded in an overall program to strengthen police management practices, it may be appropriate to provide immediate support for managerial activities at the national level. Of first order importance would be the harmonization and integration of policy formulation, policy dissemination to operational units, and successful implementation between and among the disparate offices and teams within the Ministry and PNC, including the Police Academy. This would pertain particularly to efforts to support local security boards, for which community-based policing and crime prevention policies and guidelines need to be written (or revised), disseminated, and implemented. Additionally, the national network of local security boards needs to be supported by providing them exemplars and advice on how to develop their municipal safety and security plans: how to research, analyze, and prioritize safety and security issues; what elements can and should be included; how they are to be implemented; and how they are to be managed, supervised, and monitored, concentrating on the managerial issues of police deployment, supervision, and performance evaluation. Additional activities may include initiating longer-term managerial programs to support and complement ongoing activities with regard to the career law, the deployment and rotation of police personnel, use of crime statistics, the Police Academy, and the Inspector General's Office, particularly with respect to conducting audits of operational units and the implementation of the audit's recommendations. *USAID can readily provide support in these areas through the provision of a technical advisor at the national level. It is expected that the national level advisor will work as a team with a local level technical advisor. It is assumed that technical support will be supplemented with contingent funding for the implementation of concrete activities.*

Complementing the national level technical support, it may be appropriate to provide immediate assistance to local level initiatives with regard to community-based policing and crime reduction programming, given the Ministry's intentions to ground its reform program on municipal safety and security plans. Of priority would be the production and successful implementation of a municipal safety and security plan as a model for other municipalities. It is crucial that the management of the plan include activities that take place within the police, namely the deployment, supervision, and evaluation of community-based patrols and sub-stations. The plan should also, if at all possible, explore avenues by which police performance indicators can be modernized, the balance between misdemeanor and felony arrests ameliorated, and an anti-corruption campaign initiated. It will also prove effective if the plan could establish mechanisms by which a rapprochement can be facilitated between civil society and younger police agents and officers, given that a demand for reform needs to be fostered from within the police itself, if it is to be at all sustainable. Part of that rapprochement would include sensitizing civil society organizations in their responsibilities with regard to community-based policing and crime prevention programming, methods of working with police, as well as monitoring police performance. The same would apply to the role of local politicians. Part of this component of assistance will include funding for conducting a victimization study. *Complementing its current decentralization programs, USAID can readily support the process of reaching agreement, writing, and, thereafter, managing the implementation of the municipal safety and security plan through the provision of a technical advisor at the local level. It is expected that the local level advisor will work as a team with the national level technical advisor. It is assumed that technical support will be supplemented with contingent funding for the implementation of concrete activities, including, but not limited to, conducting a victimization study.*

B. MEDIUM-TERM USAID SUPPORT: YEARS 2-3

The most important theme of these reflections has been the weakness of police management within the Ministry and PNC, along with the international donor community's oversight by not recognizing the centrality of the institutional and cultural change component of police reform. Consequently, the Guatemalan police reform process is in need of management expertise to complement and assist not only in integrating, implementing, and managing the disparate projects that are currently being planned so that they form a sustainable, coherent whole that produces concrete, tangible results, but also in conceptualizing and planning future reforms as part of a process of organizational and managerial change. The questions under consideration pertain as much to public civil service management and reform as they do narrowly to law enforcement. Of concern as well is that future training programs are not only embedded in and nourished by their integration into broader organizational and police change management processes, but also well targeted to the appropriate audience so that they can generate sustainable results. This will become of crucially important if the Ministry is able to assign newly graduated Police Academy cadets to their 'own' Comisarias, precincts that will, therefore, require dedicated technical support as these new Comisarias will be the harbingers of long-term police reform. Specific areas of work will include, but not be limited to, allocation of resources based upon crime statistics and other empirical data, human resource management and evaluation, professionalizing the operational and personnel auditing and policy review units of the Inspector's Office, police supervision and promotion systems, measuring police performance, and strategic planning. *USAID can readily provide support in the form of a team of, at least, two technical advisors -- one assigned to the ministerial and national PNC level and one to work on local Comisaria issues -- with a specialties in management change and/or public management reform. It can be expected, however, that these two advisors will be team leaders for a group of management and public management advisors that combine a range of expertise in project planning, project management, resource allocation, human resource and career development management, promotion and evaluation systems, information management, operational auditing, leadership, team building, budgeting, organizational behavior, etc. It is assumed that technical support will be supplemented with contingent funding for the implementation of concrete activities.*

Local and national level technical advice on community-based policing and crime prevention programming will, most likely, need to be extended for an additional two years. These years will concentrate on institutionalizing the work of the first year so that it will be sustainable after Year 3. This will necessitate focusing on a range of police management issues at the national and local levels, including, but not limited to patrol deployments, allocation and use of resources, measuring police performance, and methods of supervising patrols. Additionally, efforts will need to be applied to developing the national network of local security boards so that they can become operational, designing and implementing municipal safety and security plans throughout Guatemala, and suggesting various methods and strategies by which these programs can be effectively managed by their various participants: police, civil society, local politicians. *USAID can readily provide support in these areas through the provision of two technical advisors, one at the national and one at the local level. It is expected that these two advisors will work at a team. It is assumed that technical support will be supplemented with contingent funding for the implementation of concrete activities.*

As suggested above, in order for community-based policing and crime prevention programs to succeed, it is necessary for civil society and local politicians to be well versed in their responsibilities and obligations, particularly with regard to working with police and monitoring their performance,

deployment of police patrols, and allocation of resources. Issues of the police use of force continuum may need to be explored and programs generated to educate civil society and local politicians. This may require additional technical assistance above and beyond that provided by the local and national level technical advisors, as it is targeted and specific. *USAID can readily provide support in the form of a technical advisor responsible for developing workshops and seminars, guidelines and exemplars of how local politicians and neighborhood groups can facilitate the implementation and continuation of community-based and crime prevention programming. It is expected that whatever support is provided under this category would be integrated into the work plans of the national and local level community-based and crime prevention advisors, so that all components function as a single team. It is assumed that technical support will be supplemented with contingent funding for the implementation of concrete activities.*

C. LONG-TERM USAID SUPPORT: YEARS 3-6

After three years of assistance, it is expected that the Ministry and PNC should be able continually to strengthen and sustain its community-based policing and crime prevention programs without continued USAID support. The same cannot be said for the managerial and organizational change assistance. Managerial support is long-term and incremental in nature and the team of technical advisors can be expected, in varying numbers and phases, to be required through year six. This will be particularly be the case if and when the Ministry and PNC decide to civilianize the police's back-office in order to increase the number of sworn officers performing policing duties by up to 20-25% without increasing staffing levels, a much-needed reform that will open up the service and make its activities and culture more transparent. The same will be true for a revamping and modernization of police procurement systems. *USAID can readily continue to provide support by offering national and local level technical assistance as it had in years 2-3. Assistance can also be provided beginning in the form of a detailed study of how to civilianize the PNC and Comisarias, to be followed by the formation of a team of technical experts -- logistics, human resource, finance, communications, information management, procurement, etc. -- to assist in the implementation of the study's recommendations. It can be expected that the implementation can be phased in over a period of three years. It is assumed that technical support will be supplemented with contingent funding for the implementation of concrete activities.*

APPENDIX A: DEFINITION OF COMMUNITY- BASED POLICING

Given expanded authorities to use foreign assistance funds to “improve community-based policing,” it may be appropriate for the US Embassy and USAID to settle on the range of meanings the term, ‘community-based policing,’ may have. It may also be important to incorporate the Embassy’s previous uses of the term as well theories of crime prevention into the range of meanings.

Definition of Community-Based Policing

Community-based policing is simultaneously the model of contemporary policing practice and a particular tool with which particularly policing tasks can be carried out. In this sense, all police officers operate according to the basic concepts of community-based policing, regardless of the specialized unit to which they may belong, i.e. gang unit, drug enforcement, victim’s rights, etc.

Community-based policing (within US policing circles, it is termed community policing) has “three essential and complementary core components: community partnership, problem solving and change management.”¹

1. Community Partnership

The key element of all contemporary policing is the establishment of a partnership with the community in which the residents and businesses of specific neighborhoods are primarily responsible for defining and prioritizing their safety and security needs. Given that the needs of any one neighborhood may not necessarily coincide of those of another, the activities of different police precincts may vary. This also implies that the neighborhoods and businesses are also involved in determining the “success indicators” as they are the owners, ultimate customers, and consumers of policing services.

The police remain responsible for the maintenance of overall safety and security, but they take their lead from neighborhoods and businesses. This may require the police to reconceptualize their role to be providers of a public service to an identifiable customer. It may also entail that the police learn how to be “active participants” in the partnership, one that may require them to be more open to sharing information with neighborhoods and businesses.

¹ Community Policing Consortium, www.communitypolicing.org/about2.html. The Consortium is a Department of Justice funded organization composed of the International Association of Chiefs of Police, National Organization of Black Law Enforcement Executives, National Sheriffs’ Association, Police Executive Research Forum, and Police Foundation.

An active partnership is a two-way street. It is deeper than a liaison relationship in which the police "understand" the neighborhood's issues. It is also more substantive than police requesting "community assistance," although such efforts may be necessary initial steps toward building the requisite partnership. It is also more balanced than police obtaining and acquiring information from the neighborhood and/or community.

A partnership also implies that the police are not 'responsible' for crime, but rather that society writ large is. This alteration has wide repercussions for law enforcement in that it is now seen to be but one element, albeit a very central one, in the curtailment and subsequent reduction of crime and violence. Concomitantly, what gains in importance is crime prevention programming, which involves integrating law enforcement activities with various types of governmental social programming efforts -- health, education, employment, welfare, sports, etc -- and both in partnership with neighborhood groups. (This is not an "either/or" policy -- either law enforcement or crime prevention -- but complementary activities of the broader partnership, as one without the other has proven to be less effective and successful.)

Central to the crime prevention element of the partnership is also the inclusion of local political leadership, as exemplified by the Colombia experience in Bogotá and other cities. Mayors and other even more localized neighborhood leaders need to be included for two reasons. First, mayors and local political leaders may control and direct the social programming and its resources. Second, as crime is localized -- usually occurring in highly selected neighborhoods and, typically, with victims knowing their assailants -- its resolutions are also frequently local as well. (This also suggests that the source and use of information are localized.)

With respect to the tool of community-based policing, the crux of the partnership is the regular and consistent interaction between the residents and businesses of a neighborhood and the patrol officer(s) assigned to that specific geographic area. These interactions are informal and structured, the latter requiring the patrol officer's attendance at regularly scheduled neighborhood meetings, which implies the necessity of neighborhoods being able to organize themselves. Informal meetings are those that take place daily between residents and the patrol officer without an intervening 'criminal' incident. For such informal interactions to occur, the patrol officer must be "walking the beat" and not sequestered in his/her patrol car. Additionally, for both interactions to resonate, the same patrol officer(s) ought to be assigned to work his/her neighborhood for an extensive period of time. Frequent rotations of patrol officers undermine community-based policing's rationale.

2. Problem Solving

Part of the philosophy of community-based policing is that each neighborhood safety and security need can be understood as a "problem" to be solved. The resolution(s) of such problems necessitates the collection of requisite information in order to be resolved, most of which, as intimated above, is held by the residents and businesses of particular neighborhoods. The gathering of information in and of itself is not sufficient, even as an integrated information management network may be a necessary first step. The analysis, use, and management of that information for law enforcement and crime prevention are crucial. (It should be noted that in Norway, the national crime prevention office is in the process of being integrated into the office of strategic and information analysis.)

If “problem solving” requires the collection and use of localized information, the police officer working in neighborhoods and with local businesses gains a position of prime importance. He/she is the first line in “problem solving,” just as called for in the “partnerships.” The patrol officer is the one most frequently in contact with a neighborhood’s residents; is the face of the police; and possesses the most information concerning the neighborhood’s patterns, structures, and habits. It is appropriate, therefore, for the patrol officer to be responsible, in the first instance, for solving neighborhood problems.

Consequently, all police officers need to be familiar with basic investigative methodologies and techniques, particularly with respect to the policing triangle -- victim, alleged assailant, and environment/context. The existence of the policing triangle is axiomatic for all safety and security “problems,” equally true for law enforcement and crime prevention initiatives. (Contemporary police research has indicated that the two most important variables in law enforcement are, first, public perception that the police are fair and, second, the public’s belief in the police’s effectiveness, suggesting a place of primacy for the officer walking the beat and his/her knowledge of the policing triangle.)

It should be noted that the primacy of the patrol officer exists regardless of whether community-based policing is used as discrete tool or technique. It should also be noted that in tackling questions of organized crime -- street gangs being one particular manifestation of organized crime -- there is no contradiction between the use of community-based policing as a tool and various types of specialized police organized crime units. (A 2004 US Department of Justice funded study of community policing and law enforcement anti-gang activities indicated this to be true in San Diego and Indianapolis.)

3. Change Management

The imperatives of instituting a police partnership with neighborhoods and businesses along with the elevation of the role of the patrol officer in “problem solving” necessitate a thorough managerial change of the police in terms of practice and culture. More than the structural amalgamation of selected police units as intimated above with the example of Norway, managerial change lies primarily in assigning first line responsibility to patrol officers. This is a process that may take years to institute but it needs to be begun immediately so that the philosophy of community-based policing is progressively adopted not only by all police officers, but by the neighborhoods and businesses whom the police serve.

Managerial change may necessitate a dramatic flattening of police hierarchies so that patrol officers are taught, permitted, and encouraged to exercise responsibility and authority. For lower ranking police personnel to be accorded the necessary responsibility and authority may mean re-engineering the police education they receive, Academy and in-servicing training. It may also entail providing them with increased information regarding the services other governmental institutions provide. It will likely also include evaluating the patrol personnel performance based upon their knowledge of a selected set of skills. (The rank and file personnel of a police service are not only its most important asset, but its engine for change. At the very least, the demand for change exists latently at this level. As exemplified by the recent Peruvian experience, a sustainable management change and anti-corruption program needs to foster and use this demand for change.)

Change management may also require deploying more officers to patrol duties and redesigning patrols so that they are conducted "on foot." This may call for modifying deployments and rotations of personnel so that police personnel become familiar with "their neighborhoods" and work them for regular shifts for months at a stretch. A further possible managerial change may be that police personnel are assigned to the municipalities in which they live, in order to facilitate and increase commitments to neighborhoods. (This last element may or may not be relevant to Guatemala.)

The active devolution of policing responsibility to the lowest levels of policing and flattening of police structures simultaneously elevates the importance of middle management as they will now be accountable for their patrol officers' ability to resolve problems. It is accepted police wisdom that middle level managers are the heart and soul of a police service, the most important and problematic layer of police management. Middle level police managers must be able to advise their personnel on police policies -- from how to conduct a "car stop" to how to interview a rape victim; from how to interact informally with the residents of a neighborhood to how to establish and secure a crime scene, observe, and interview potential witnesses prior to the arrival of crime investigators. Middle managers also need to be able not only to guide and assist their subordinates in how to "solve problems," but to evaluate their subordinates' performance thereafter. (Naturally, middle management may have variegated levels, each of which may have specified obligations, but the overall management theme of community-based policing is to reduce the number and layers of middle management and deploy increased number of police personnel onto the streets.)

At the same time, senior police management will need to focus not on narrowly defined operational issues, but, in partnership with their civilian political leadership, on identifying and defining the criteria by which the police measure their performance. It is a simple truth: what gets measured gets done; what is not measured will not be done. Consequently, senior management needs to ascertain which indicators are to be used to measure performance and how those indicators are to evolve over time. Thereafter, their responsibility is to concentrate on building the institution to obtain the appropriate results, while laying out a strategy for long-term sustainable development of the service.

APPENDIX B:

INDIVIDUALS AND ORGANIZATIONS INTERVIEWED

Tuesday, March 8th

Sharon van Pelt, USAID

Oscar Chavarria, USAID

Lit Tazewell, USAID Legal Advisor

Todd Amani, Deputy Director, USAID/G-CAP

Wednesday, March 9th

Glenn Anders, USAID/G – CAP Mission Director

Mario Yano, Inter-American Development Bank

Ivan Garcia and colleagues, POLSEC – PNUD

Harold Sibaja, Harvey Taylor, Juan Jose Hernandez, Programa Alianza Joven, USAID

Emilio Goubaul, Aprede

Thursday, March 10th

Leonardo Martinez, FORPOL (UN)

Bernardo Arevalo, War Torn Societies Program

Ray Campos and Daniel Bellegarde, NAS/LED, US Embassy

Bruce Wharton, DCM, US Embassy

Friday, March 11th

Jaime Bautista and Nadine, Rule of Law Program, USAID

Monday, March 14th

Carmen Rosa de Leon and colleague, IEPADES

Carlos Maldonado, NAS/LED consultant

Bruce Wharton, DCM, US Embassy

Tuesday, March 15th

Villa Nueva Comisario

Mayor of Villa Nueva

Justice Center, Executive Committee, Crime Prevention Council, etc. Villa Nueva

Sammy Rivera and Ray Campos, NAS/LED

Wednesday, March 16th

Silvia Vasquez de Hidalgo, Vice Minister, Ministry of Governance

Wednesday, April 7th

Graham Thompson, DFID, Head of Security Sector Reform Program

APPENDIX C: WRITTEN REPORTS AND PAPERS CONSULTED

IDB Project Proposal, Citizen Security Summary

IAPADES, Guia Practica de Seguridad Preventiva y Policia Comunitaria

USAID, Programa de Justicia, La Prevencion del Delito en Guatemala

USAID, Proposal on Community Policing

USAID, Regional Strategy for Central America and Mexico, FY 2003-2008

U.S. Government, Jan Perlin Report: Study and Recommendations on USG Program Support for Criminal Justice in Guatemala

U.S. Government, Budget Proposal for \$900,000

U.S. Government, Rule of Law Strategy/Vision Statement, Executive Summary

