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Venezuela: The shifting organizational framework for the police

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Abstract

Recent political polarization in Venezuela has exacerbated longer term tensions over the organization and control of the police. Additionally, there is ongoing and widespread public dissatisfaction with the nature of policing. The patrimonial and authoritarian nature of much policing and the heterogeneity of training programmes and resource provision pose considerable challenges to reform. Nevertheless today's police officers are right to wonder who they will be working for, what rank they will have, and what kind of work they will be given in 2018.

Keywords: police, police reform, Venezuela

Introduction

In early January 2008, the Mayor of Caracas (Venezuela's capital city) asked the national government to take over control of the city's Metropolitan Police force (the capital city's largest police agency, known by its initials in Spanish as the PM). The PM, he said, was consuming a quarter of his budget and leaving little money for social programs which were needed for the people of Caracas. Only days afterwards, the government agreed to this proposal and issued a decree formalizing the arrangement on January 18, 2008. From now on, the PM will be overseen by the Ministry of the Interior and Justice (González Zambrano, 2008).

This move, while sudden, is little different in content - although it certainly is in style - to one attempted by the government just over six years ago. At 3 a.m. on November 16, 2002, the then Minister of the Interior and Justice, accompanied by a large contingent of National Guardsmen, arrived at the headquarters of the PM. He carried with him a governmental decree that ordered the temporary takeover of the PM by the national government. The Metropolitan Mayor thereby lost jurisdiction over the force, the police chief was suspended, and a new chief appointed. Twelve hours later the new chief resigned on national TV, recognizing that he did not have the support of the majority of the PM's rank and file officers. The government responded by stationing army personnel around many of the PM's divisional commands, and by naming a new chief.

The immediate origins of this conflict were a strike and sit-in by 300 PM officers that had begun on October 1 aimed at pressuring the Mayor for back-pay which was due to them. The longer term roots lay in the confused events of April 11, 2002, when violent confrontations between opposition marchers (allegedly supported by the PM) and government supporters had led to a military takeover and the temporary ousting of President Hugo Chávez, who was reinstated three days later.

Following the events of November 16, 2002, the PM was subjected to a period of tense conflict over control. The government maintained and extended the presence of army personnel at PM command posts until at least August 2003, despite a ruling from the Supreme Court in December 2002 that annulled the November decree; while several search warrants were executed - and many weapons confiscated - as part of the investigations into the events of April 2002. Not surprisingly, the PM was paralyzed, losing much of its operational capacity and, quite probably, its sense of mission.

The situation within the agency clearly generated tensions between pro- and anti-government officers. Those on strike were labeled as government-backed agitators by the Mayor and his loyal officers; the latter were branded as opposition lackeys by the strikers and the government. Although the Mayor was able to weather the storm, his decision to withdraw his re-election bid in October 2004 and the subsequent victory by a pro-Chávez candidate can only have increased the anxiety among officers who felt themselves aligned with the opposition. Indeed, in 2005 the ex-police chief and several senior officers were arrested over the events of April 11, 2002, and are still under preventive detention awaiting trial (El Universal, 2008; PROVEA, 2007). How these tensions played out internally can only be surmised, for public attention to the institution (although not to these high profile arrestees) subsided after the departure of the opposition mayor. And although the decision to transfer the PM from the Metropolitan Mayor's office to the Ministry of Interior and Justice looks to have occurred without the open political conflicts of a few years ago, it is likely to have had a considerable impact on recruitment patterns, promotions, and operational activity, just as the tense events of 2002-3 undoubtedly did.

Thus, if one were to predict PM officers' immediate foci of concern regarding the future, uncertainty regarding the organizational framework for their work is likely to outweigh - by far - any consideration involving the nature of the work itself. And while this concern might appear to affect the PM in greater measure than other police agencies, particularly given the dramatic events of 2002, it is arguably one that affects all public police agencies in Venezuela. For the pressures to reconfigure the organizational framework of public policing have existed in the past and will continue to exist in the future.

In what follows, I identify the sources that give rise to these pressures and situate them within broader political and social developments in the country. In particular, I focus on the political polarization that has occurred since 1998 and on public perceptions of crime, victimization and policing. I then examine the principal strategies that have been suggested, or used, to engineer the reconfiguration of the police and policing and discuss some key examples. Finally, I assess the extent to which the police are prepared for the kinds of change that have been, or are likely to be, forced on them. My conclusion is that there are several entrenched characteristics of police and policing which will hamper these projected changes, or which could lead to serious negative side effects if not thought through clearly.

The pressures for institutional change

Venezuela is a country of some 27.5 million inhabitants located on the Caribbean coast of South America. It is a country rich in oil and other natural resources and has one of the higher standards of living in Latin America. It emerged from dictatorial politics in 1958 and was ruled by an essentially two-party system for the next forty years. However, beginning in 1983 the economy began to hit serious problems, caused by governmental mismanagement and fluctuating oil prices, which led to serious riots in 1989 and, in turn, to two attempted military coups in 1992. In 1998, one of the former coup leaders, Hugo Chávez, was elected with a landslide vote and took office in January 1999 vowing to bring about radical changes in Venezuelan politics. Chávez engineered a new constitution in 1999 and set about instituting a populist and left-leaning regime which very soon ran into opposition from business leaders, managers in the oil industry and politicians from the parties that had held sway before 1999. The attempted coup against Chávez in April 2002 was one outcome of these tensions, as was the politicization of the police. The events affecting the PM, described earlier, were the most visible example of the intersection of politics and the police, but there was a general trend in public order policing for partisan lines to be drawn, with the government using the National Guard and pro-government state and municipal police forces to

“protect” marches in favor of Chávez and “control” opposition marches, while opposition state governors and municipal mayors did the reverse (Ungar, 2003). Local elections in October 2004 saw many opposition states and municipalities pass into government hands, which presumably generated tensions within the corresponding police forces similar to, but less exacerbated than, those in the PM.

In December 2006 Chávez was re-elected for a second six year term and vowed to set Venezuela on the path towards Cuban-style socialism. In August 2007 he presented proposals for sweeping constitutional reform that would have redrawn the administrative divisions of the country, defined new types of property and reconfigured some of the organs of government, giving particular emphasis to “communes” as the basic nucleus of popular power (Chávez Frías, 2007). However, these proposals were defeated in a referendum in December 2007 and, for now, Chávez’s plans have been put on hold. Had they been implemented, it is very likely that they would have led to a considerable reorganization of the police, particularly under the new geographical divisions that were being contemplated.

Whether or not Chávez will win his battle to institute a fully fledged socialist regime in Venezuela, pressures to change the police have also come from continued dissatisfaction with them. Rates of violence have increased dramatically during the last ten years, with homicides jumping from 19/100,000 in 1997 to 45/100,000 in 2006 (PROVEA, 2007). These have fuelled widespread public concern about crime and personal safety, particularly when violence appears to have crossed class lines and victimized members of the middle or upper classes. Surveys which measure public perceptions of the principal problem deemed to affect the country show that crime had been an increasing element of concern since mid-2004, and that it became the most frequently cited problem in April 2006, overtaking unemployment and continuing to rise thereafter. The latest figures available (September 2007) show that more than 40% of citizens consider crime to be the most serious problem in the country, whereas unemployment garners less than 15% of responses (PROVEA, 2007).

The rise to prominence of crime and victimization in 2006 was undoubtedly the direct result of a high profile case in which three boys from a wealthy Caracas family, who had been kidnapped along with their chauffeur as they were being driven to school, were found dead on the outskirts of the city. Officers from the PM were implicated in the case, which caused a national outrage. Together with two other cases from 2005 and 2006 involving upper or middle class victims of murders committed by the police, this case mobilized public opinion to call for changes in policing. The day after the boys’ bodies were found, the then Minister of the Interior and Justice announced the creation of a National Commission for Police Reform, which was charged with the task of gathering information about the organization and behavior of the police and formulating proposals for police reform (El Universal, 2006).

The Commission undertook extensive consultations with the police (through workshops, questionnaires and interviews) and the community (meetings, suggestions boxes) and gathered an unprecedented amount of data from state and municipal police agencies, while also conducting a national victim survey (CONAREPOL 2006a; 2006b; 2006c). In January 2007 it presented a brief proposal outlining the type of police reforms that it considered desirable (CONAREPOL, 2007), which subsequently served as the basis for political initiatives to bring about change. In April 2008, President Chávez issued a decree creating the National Police, which outlined new arrangements for the recruitment, training, coordination and operations of most of the country’s public order police agencies (Venezuela, 2008). If these provisions - which will be considered below - are implemented, they will undoubtedly have a considerable impact on the police.

Hopefully, these changes will assuage public concerns, for dissatisfaction with the police is high. For example, the Commission's victim survey found that bribes demanded by public officials were the third largest category of crime reported by respondents (11% were victimized in this way during the previous year). Of these cases, 84% involved the police or National Guard. Twenty eight percent of respondents deemed it "probable" that police officers would commit a crime against them. Twenty two percent of the sample felt that the police are "overbearing or arrogant" in their dealings with the public, 18% labelled them as "negligent," 14% as "violent" and 8% as "ill intentioned." Only 16% felt that the police were "courteous" and 12% that they were "professional." Less than 25% of respondents felt that state and municipal police forces were doing a "good" or "very good job," while the best approval rating was 51% for the National Guard (CONAREPOL, 2006c). Clearly, public demands to improve the quality of policing will continue.

The types of change envisaged

Recent initiatives for police reform, which precede but also include the work of the Commission, have envisaged either the reorganization of police agencies or the reorganization of policing. Each will be considered separately here.

The reorganization of the police

Although international comparisons are fraught with difficulty, Venezuela appears to have a relatively high number of police officers per unit of population. Indeed, there is a multiplicity of agencies. National government has four large police agencies, none of which – a point of some interest – has the word police in their name. There is the National Guard, which dates from 1937 and is attached to the Ministry of Defence. Its 33,000 officers are charged with a variety of tasks, such as the control of ports, freight and contraband, environmental policing and external security in prisons. This very military institution is also frequently used for public order policing. Second, the Scientific, Penal and Forensic Investigation Corps is the primary criminal investigation agency, which works closely with the Public Prosecutor's office. It is attached to the Ministry of the Interior and Justice and its 8,200 officers are located in "Delegations" in each of the major cities. Third, the Directorate of Intelligence and Prevention Services is charged with matters of national security and counter-espionage. Also attached to the Ministry of the Interior and Justice, its ethos of suspicion and secrecy fuel its unwillingness to inform researchers, or other people who might be curious, about the number of officers that work for it. Finally, there is the Technical Corps for the Surveillance of Terrestrial Transit and Transport, a body of about 5,800 officers that is attached to the Ministry of Infrastructure, and which is assigned the primary responsibility for traffic policing.

Venezuela has 23 states, each of which has a police force that reports to the governor. The total number of officers is approximately 50,000, and they are charged with patrol work, public order, emergency response and community service. The PM, serving the Capital District of Caracas, was also classed as a state police force before its recent transfer to the national government. State police forces are largely autonomous, although they have been nominally coordinated by the Ministry of the Interior and Justice. Some are commanded by officers from the National Guard, an arrangement which reflects a partially developed military style in these organizations.

Finally, police forces have been set up in many municipalities following an important law on decentralization that was enacted in 1989. There are currently 99 such forces, with a total of about 11,000 officers, located in the wealthier municipalities which are mainly in the larger cities. Some are quite large and well equipped; others are small and lead a precarious existence with few

vehicles and inadequate offices. These smaller forces can do little more than provide services for the municipal authorities (door-keeping, escort and transport, and security).

A recent estimate indicates that, counting the municipal and state police, the PM, the National Guard, the criminal investigation corps and the traffic police, Venezuela has 429 officers per 100,000 people, a rate which is higher than that in most wealthy nations and also in many Latin American countries (Antillano, 2007). These figures do not include the numerous but uncounted private security guards who work in either formally registered companies that mainly provide services for business, or in informal arrangements – as *vigilantes* (watchmen) – in many residential neighborhoods. Between the public and private sectors, the figure of the police officer or security guard is encountered very frequently in Venezuelan daily life.

With so many different police agencies, involving a variety of recruitment and training programs, levels of equipment, operational procedures and responsibilities, a natural arena for possible police reform has focused on centralization. Thus, prior to the 2008 decree, legislative projects for the creation of a national police agency had appeared frequently over the last thirty years, in 1974, 1976, 1987, 1990, 2001 and 2004 (Antillano, 2007). All of these projects focused on the state and (after 1989) municipal police agencies, and all envisaged an overarching administrative framework that would coordinate their activities. Early proposals were quite explicit in their intention of absorbing state police forces into a national structure – that of 1974 would have placed them under the National Guard, for example – but later proposals were less clear in this regard. For example, the recent decree continues to recognize the existence of state and municipal police forces and identifies state governors and municipal mayors as “police authorities.” Given that, as mentioned previously, current organizational arrangements already include an office for state and municipal police coordination within the Ministry of the Interior and Justice, the decree presumably seeks to shift the balance of administrative power towards national government by strengthening the role of the ministry and downplaying the role of governors and mayors.

Apart from this reorganization, the Decree provides for the creation of a National Police force, with a wide range of responsibilities (public order, drugs, kidnapping, etc.), and Community Police units within state or municipal forces. The Decree also indicates that at least three of the existing national police agencies (criminal investigation, national security, transit) will be absorbed by the National Police, but says nothing about method and little about timing. Thus, the potential changes to the institutional landscape are great, although how much change is achieved, and at what pace, remains to be seen.

The reorganization of policing

The reorganization of policing has either taken the form of legal changes in police powers or the formulation of administrative guidelines to specify the principles governing responses to incidents by multiple agencies. The first type of change was seen quite dramatically in the 1990s when police powers of arrest and detention were heavily curtailed. The police entered that decade with wide powers in this regard; they left it with practically none. One source of their power was the Vagrancy Law, dating from 1939, which allowed them to arrest a broad and vaguely defined category of social nuisances and petty offenders. These were not sent to the criminal courts but were dealt with by an administrative procedure in the hands of prefects and governors. The latter could sentence arrestees to up to five years in “re-education” (which meant imprisonment). This law, which effectively provided a system for control and punishment in the hands of the police, was struck down as unconstitutional in 1997.

Then, in 1999 the criminal procedure code was changed and along with it the use of

preventive detention (Venezuela, 1998). Prior to the new law, the police could arrest and hold suspects for up to four days, before handing them over to the courts. In turn, the courts would usually confirm preventive detention for suspects, who were held - sometimes for as long as two years - in prison awaiting trial (Human Rights Watch, 1997). Thus, arrest and detention by the police could usually be converted into longer term detention at the pleasure of the courts. Even if the accused was finally acquitted, the one or two years spent in prison represented a useful form of punishment. But under the new code the police can only arrest suspects if they are “caught in the act” and public prosecutors must be informed of these arrests within twelve hours. If prosecutors confirm the arrest, they have a further 36 hours to request preventive detention from the court, but restrictions on preventive detention are quite severe.

The impact on policing was sudden and dramatic: overnight, police holding cells fell almost empty. Subsequent lobbying by police chiefs and politicians was successful in forcing a broader definition of “caught in the act” and, consequently, in widening somewhat the margin for police arrest. However, there is no doubt that, compared to the situation before the late 1990s, the police have lost much of their power to arrest and detain. As I will argue later in this essay, this paradigm shift may have been associated with a recent rise in police violence.

In contrast to the changes in police powers, efforts to improve police coordination appear to have had far less impact on the nature of policing. Until recently, a governmental decree dating from 2001 was designed to try and avoid overlap and conflict in public safety policing by assigning control to whichever agency at the scene had the greater operational capacity, or by directing agencies to call in additional help from an agency with sufficient operational capacity to deal with the situation (Venezuela, 2001). These rather vague guidelines have been replaced by the 2008 decree, under which the intervention in specific situations would be guided by four principles: territoriality, complexity, intensity and specificity. Territoriality refers to the geographical scale of the incident or events to be dealt with; complexity to the number of people and interests involved in the situation; intensity to the amount of police resources (including force) required in the situation; and specificity to the level of specialization required in the response. National police agencies should focus on incidents located at the higher end of these scales while state and municipal agencies should focus on incidents towards the bottom of the scale (Venezuela, 2008). Of course, both the former and new decrees assume that inter-agency competition (or conflict) is minimal or non-existent, but the recent politicization of the police may have had a considerable effect on the division of labor in cities or states where pro-government and pro-opposition forces overlap. Unfortunately, no information is available on how these potential disputes over jurisdiction are managed on the ground.

How prepared are the police for the changes that might come?

Within the police, the level of preparedness for these types of changes can be assessed in terms of attitude and capability. The attitudinal dimension essentially refers to the level of receptiveness to the reorganization of police agencies or the reconfiguration of policing. Capability refers to the resources and systems that would facilitate change within the organization and in the way that the job is done. I foresee obstacles on both fronts.

Take, for example, the matter of the centralization and merger of the police. Here, there has been a consistent attempt to limit the focus of these initiatives to state and municipal forces, as shown in the enduring content of legislative proposals. It is also interesting to note that the National Commission for Police Reform directed its attention overwhelmingly at these same forces. Given that much policing is done by national agencies, it is interesting to ask how it came about that those agencies were largely untouched by the activities and proposals of the

Commission. Part of the explanation undoubtedly derives from the fact that, as noted before, none of the national agencies has the word “police” in its title. Thus, there is a semantic lens which tends to exclude them from view when attention turns to “the police.” In addition, the veiled references to the lack of cooperation in providing data to the Commission (CONAREPOL, 2007a: 30-31) imply that any attempt to widen the horizon of analysis to include other agencies met with resistance. Thus, it will be interesting to see how the generic proposal fares for the absorption of three national agencies by the new National Police.

For their part, state governors and municipal mayors are – with the recent exception of the Metropolitan Mayor noted above – unlikely to be very willing to give up control over state and municipal police. When one looks at the smallest municipal forces and the activities that some of them carry out – controlling entry to the municipal offices, providing transport for the mayor, and so on – the notion of these police officers as municipal patrimony comes readily to mind. But if this sense of police as patrimony is most evident at the lowest level, it is not absent at higher levels, and there is little doubt that the “possession” of a police force is also considered desirable by political figures at state and national levels. Thus, the recent transfer of the PM from the Metropolitan Mayor’s office to the national government is very atypical: no state governor or mayor would willingly give up “their” police. It is likely that, as the project for nationalizing the police moves forward, there will be many tussles in the configuration of the new structure of control. In particular, because governors and mayors are acknowledged to be police “authorities,” there are likely to be tensions with the Ministry of the Interior and Justice (which is charged with the responsibility for overall coordination).

There are also considerable operational challenges to merger. The National Commission for Police Reform found that entry requirements vary quite markedly among agencies. For example, only 17% demand a particular level of education, and only 16% require a certain level of physical proficiency, while only about 30% require applicants to show that they do not have a criminal record (CONAREPOL, 2006a). Training is carried out at a variety of institutions, including regional training schools run by the Ministry of the Interior and Justice, the PM’s University Institute, and numerous agency-specific training programs at state and municipal level. Courses can be as short as three months or as long as two years. Cumulatively, the heterogeneity of entrance requirements and training programs results in a diverse workforce, among which knowledge, skills and styles of policing vary greatly. To this must be added the marked differences between agencies in the level of available resources. Here it is worth quoting the National Commission at some length:

Careful study of the different police agencies makes it evident that many do not have adequate infrastructure, and they are lacking in basic services or the spaces that are necessary for police activities (e.g., holding cells). In other cases, they do not even have their own building. Higher level technological resources (phones, fax, internet connection, computers, software) are relatively rare or, if present, are found only at central headquarters. Lack of, or deficiencies in, infrastructure are most marked for the municipal police....[T]he majority of [all] police agencies are unable to assign a firearm to each officer on duty; neither are there sufficient handcuffs or bullet-proof vests. Some agencies have only one firearm for the whole force. (CONAREPOL, 2006a:78-79)

Clearly, this is not a situation in which mergers and integration can take place relatively easily. Much work will have to be done to re-organize and standardize recruitment and training, and considerable amounts of money will have to be invested in infrastructure.

At the individual level, the markedly authoritarian nature of policing in Venezuela also poses considerable challenges for change. That nature was revealed in the results of the national victim survey, already discussed, which showed that many citizens consider the police to be arrogant, negligent or violent. It is also evident in the internal workings of police agencies, where

subordinates are almost never allowed to participate in decision making and are afforded little, if any, discretion. Authority is exercised by individuals, rather than by roles, and bureaucracy is weakly developed: three quarters of state and municipal forces do not have a manual for procedures and two thirds lack an organizational manual (Antillano, 2007). In addition, authority is associated with a preference for punitive policing, and in-depth interviewing with police officers reveals that they are not averse to using physical punishments for those who challenge or in some way offend them (Monsalve, 2006).

This punitive style of policing is also linked to serious police violence, of the kind that horrified the country in 2005 when three university students were shot and killed by the police (two of them execution-style) after being mistaken for suspects who had allegedly killed an officer only days before. Alongside the recent very high murder rates in Venezuela, official statistics show that deaths through “resisting authority” (i.e., resisting the police) are numerous. The concept itself is very vague and appears to be used to cover a multitude of incidents in which the police either kidnap and murder civilians, or shoot them in the encounter without any justification. Of the 9,724 deaths due to “resisting authority” that were recorded between 2000 and 2005, the Public Prosecutor estimated that 66% could be classified as police murders. In 2005, 1,355 civilians were killed in this manner (equivalent to a rate of 5/100,000 inhabitants) (PROVEA, 2006). The fact that these deaths increased dramatically during the early part of the current decade (by 50% alone in 2000) suggests that they may be linked to the loss of police power to arrest and detain following the enactment of the new criminal procedure code in 1999. Now that the police could no longer arrest undesirables and channel them to varied lengths of time in confinement (in other words, now that their authority on the street had been weakened), they may have been more likely to resort to violence in order to reassert their image and status. If this hypothesis is correct, it suggests that the good intentions of the reformers in seeking to limit the police’s potentially abusive powers of arrest and detention may have had the unintended consequence of shifting the exercise of authority from the use of confinement (and, undoubtedly, corporal punishment) to the use of lethal violence. It counsels caution in the management of change in Venezuelan policing.

Conclusion

In some countries, the short- and medium-term challenges to the police are likely to be challenges in the realm of policing. New forms of crime, shifting demands for the maintenance of public order, environmental crises, globalization, new technologies and other issues are likely to pose questions regarding the style and capability of the police’s response. But future uncertainties can only be depicted in these terms if there is a general consensus regarding the nature and organization of the police themselves. This latter condition does not apply in Venezuela, where the primary focus of concern is the police: who they are, how they are organized, who controls them and what the appropriate content of policing should be. Only after these basic questions have been resolved will matters – and uncertainties - relating to policing begin to garner attention.

Ten years from now, the institutional landscape of police organization may still look very much as it does today. But the pressures to change it are there, and have been given much potential momentum by the 2008 decree. Thus today’s police officers would be right to wonder who they will be working for, what rank they will have, and what kind of work they will be given to do in 2018.

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