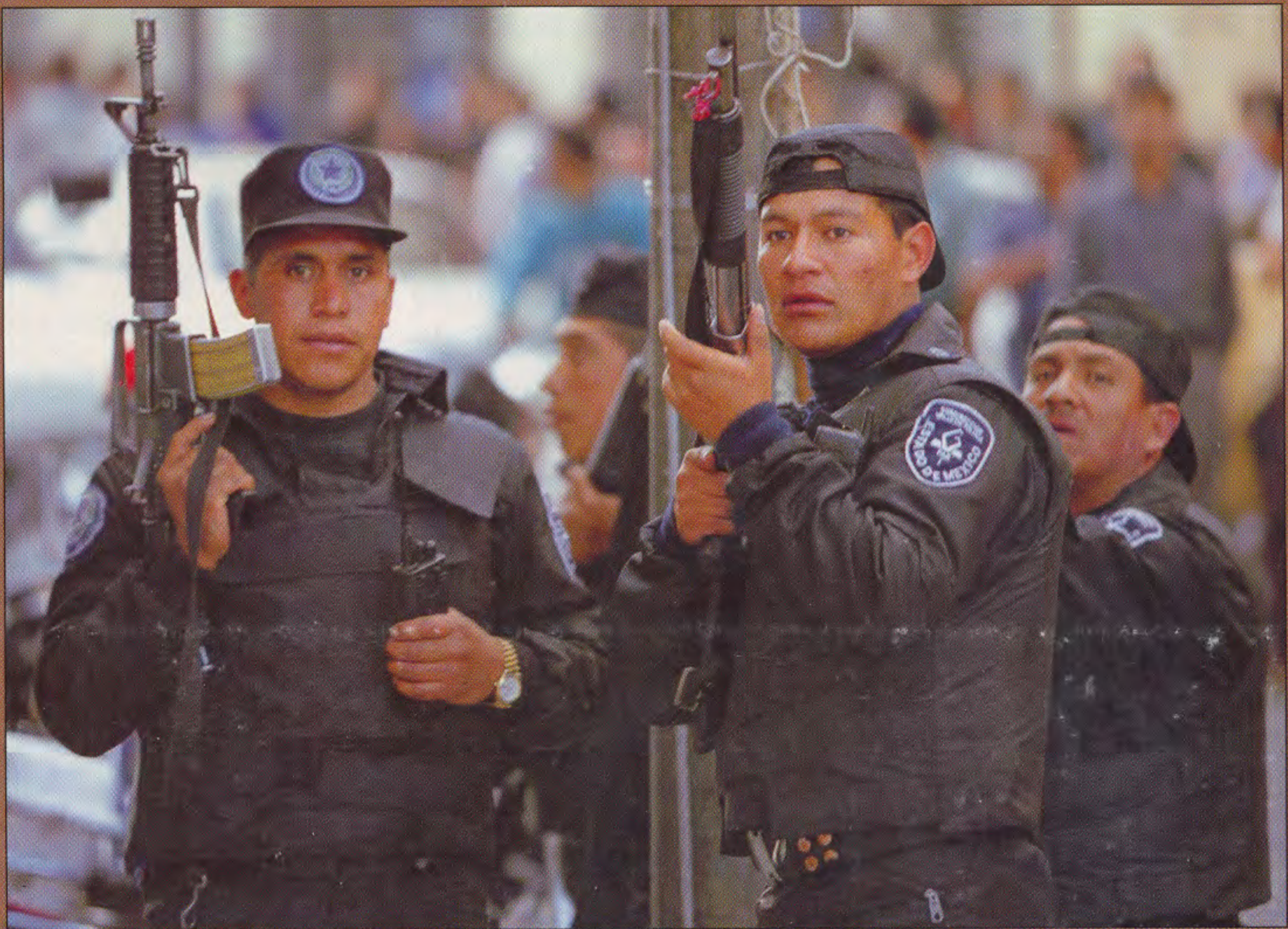


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C O P S



**THE RISE OF CRIME, DISORDER AND
AUTHORITARIAN POLICING**

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Youth Activism

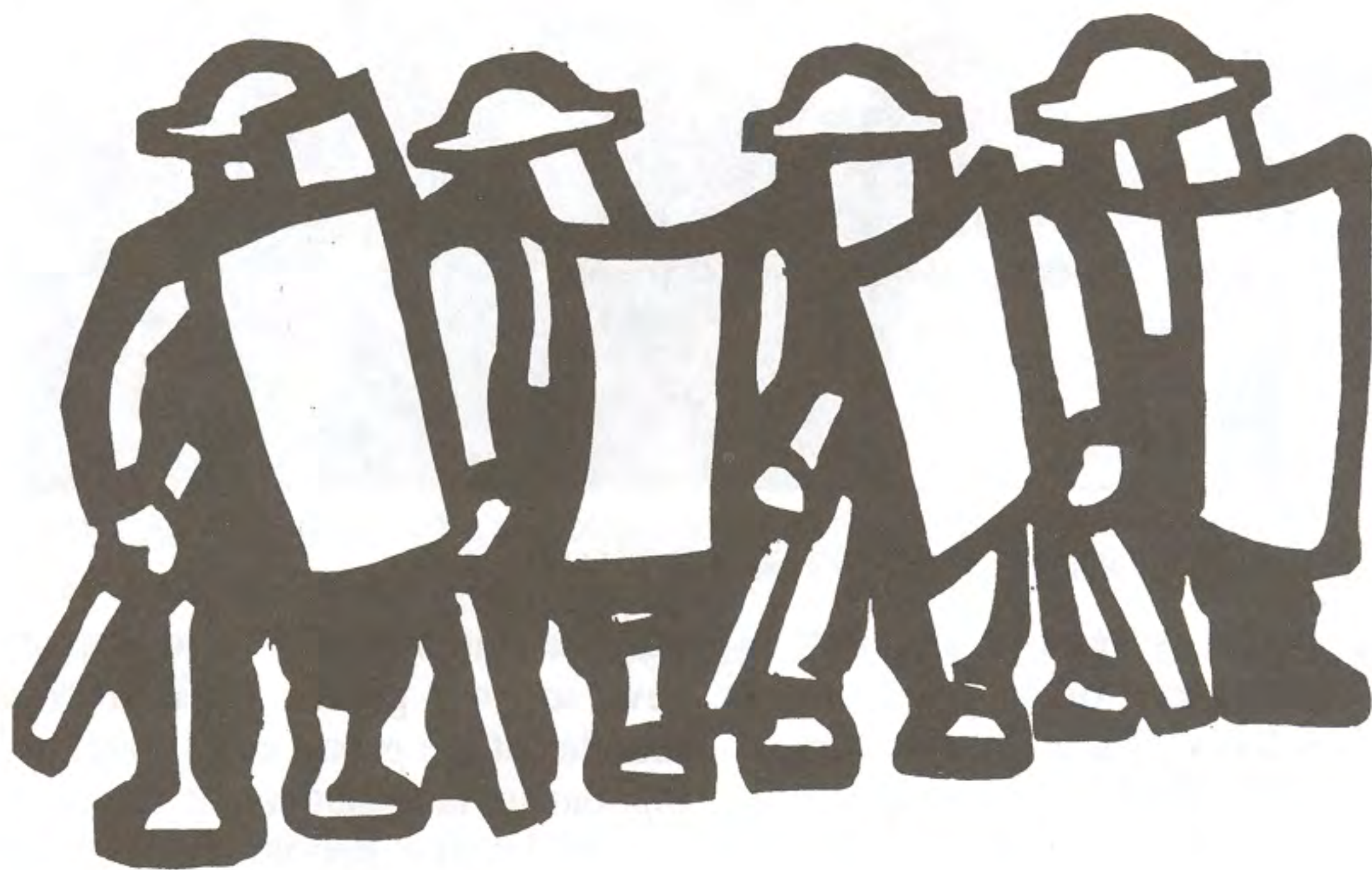
Dominican Deportees

THE RISE OF CRIME, DISORDER AND AUTHORITARIAN POLICING

AN INTRODUCTORY ESSAY

BY CATHY SCHNEIDER AND PAUL E. AMAR

RINI TEMPLETON



Last year, New York City's famous former mayor, Rudolph Giuliani, a proponent of tough punishments for minor infractions and hard-line policing without civilian oversight—the zero-tolerance approach to law enforcement—was invited by Mexico City's progressive mayor, Andrés Manuel López Obrador, to consult with the city government about its efforts to bring crime under control. Although it was not the principal cause of New York's drop in crime in the 1990s, Giuliani's program, which assured impunity for the police and promised harsh punishment for the urban homeless, minor drug users, minorities and youth, has become

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a model of urban policing being emulated around the world. But in Mexico City, this was particularly strange. Why would an advocate of unsupervised policing with no civilian review be hired to advise a leftist mayor in a city where the police are known to be responsible for half the crime? Why would an advocate of controlling crime by arresting poor vagrants be hired to advise a city where organized violence emerges from elite cartels and state corruption rackets? Giuliani's arrival in Mexico City draws attention to a bewildering paradox of mistaken origins and misguided solutions—a paradox that guides

this *NACLA Report* on Crime, Disorder and Authoritarian Policing.

Violent crime is, indeed, a serious problem in Mexico City and throughout the Americas. In Caracas, Mark Ungar reports, homicides doubled between 1998 and 2000, and rose by another 65% between 2001 and 2002. In cities as diverse as Kingston, Jamaica and Rio de Janeiro, Brazil, many citizens have willingly ceded law enforcement authority to armed gangs who have shown they can provide a semblance of law and order—or its bloody stand-in, revenge. In Mexico City, violent crime rates have stabilized at unconscionably high rates after rising nearly four-fold over the previous two decades.

Alongside this rise in crime—and with accelerating intensity since the violent events of September 11, 2001—punitive policing agendas and hard-line security practices have come to define the role of local government in cities across the Americas. Punitive policing has set the tone for social control. Governments have suspended limits on the coercive powers of police, the actions of parastatal vigilantes and the authority of state security forces. Torture,

militarized policing, lethal force, detention without trial and denial of citizenship to criminalized immigrant populations have increasingly been deemed necessary, or have become mainstream policy options even in long established democracies.

In this context, this report will examine the intensification of human rights abuses by law enforcement and security forces in the Americas. It will examine current regional tendencies in police brutality, militarization and impunity, and attempt to explain how and why these local practices of authoritarian security have come to cross borders, take advantage of crises, make new allies and become a dominant hemispheric trend. Police brutality, vigilante thuggery and coercive security practices in some ways reflect the legacies of military dictatorships that ravaged Latin American civil society from the 1960s through the 1980s; and violence is no doubt also shaped by the legacies of slavery, inquisition, colonialism, machismo, paternalism and foreign intervention in Latin America and the Caribbean. But new trends, fears and conflicts have reanimated these past forms of repression in very new ways.

The origin of repressive practices has shifted from the operation of military-bureaucratic regimes to a fractured and diverse set of transnationally articulated urban police forces, unaccountable state-security services, and illegal arms dealers and protection rackets. This mix of old forms and new frameworks of corrupt policing, biased protection and social vengeance constitute a kind of dispersed multi-centered dictatorship, a matrix of "authoritarian security" that threatens to undermine the fabric of emerging democracies.

In this context, we ask why authoritarian security has become so global, appropriating specific cultures, ideologies and histories in order to legitimize and justify a roughly uniform type of hegemony. We further ask how the recent patterns of abuse and brutality have been transferred among distant cities and countries. Finally we ask what dynamics encourage police impunity and the tendency to objectify and brutalize certain spaces, peoples and forms of citizenship, and what dynamics can be leveraged to mobilize change, reduce impunity and democratize the sphere of policing, security and justice.

The trend toward authoritarian security and policing is all the more perplexing for the following rea-

sons. First, public fears of crime are often unrelated to actual rates of crime, and soar after the politicians declare a crime war, indicating that political, journalistic and police agendas—not real crime rates—produce fear and set the terms of law enforcement. Second, certain longstanding activities have only recently been defined as criminal. This change has artificially inflated official crime rates attributed to marginal populations, while prosecution of white-collar crimes or elites involved in corruption or violence remains very low across the hemisphere. Third, many criminologists have demonstrated that as crime wars intensify and civilian controls are reduced, police become more likely to become corrupted, to participate in crimes rather than prevent them. As crime control becomes "militarized," police are more likely to become involved in drug smuggling, gun running and homicides.

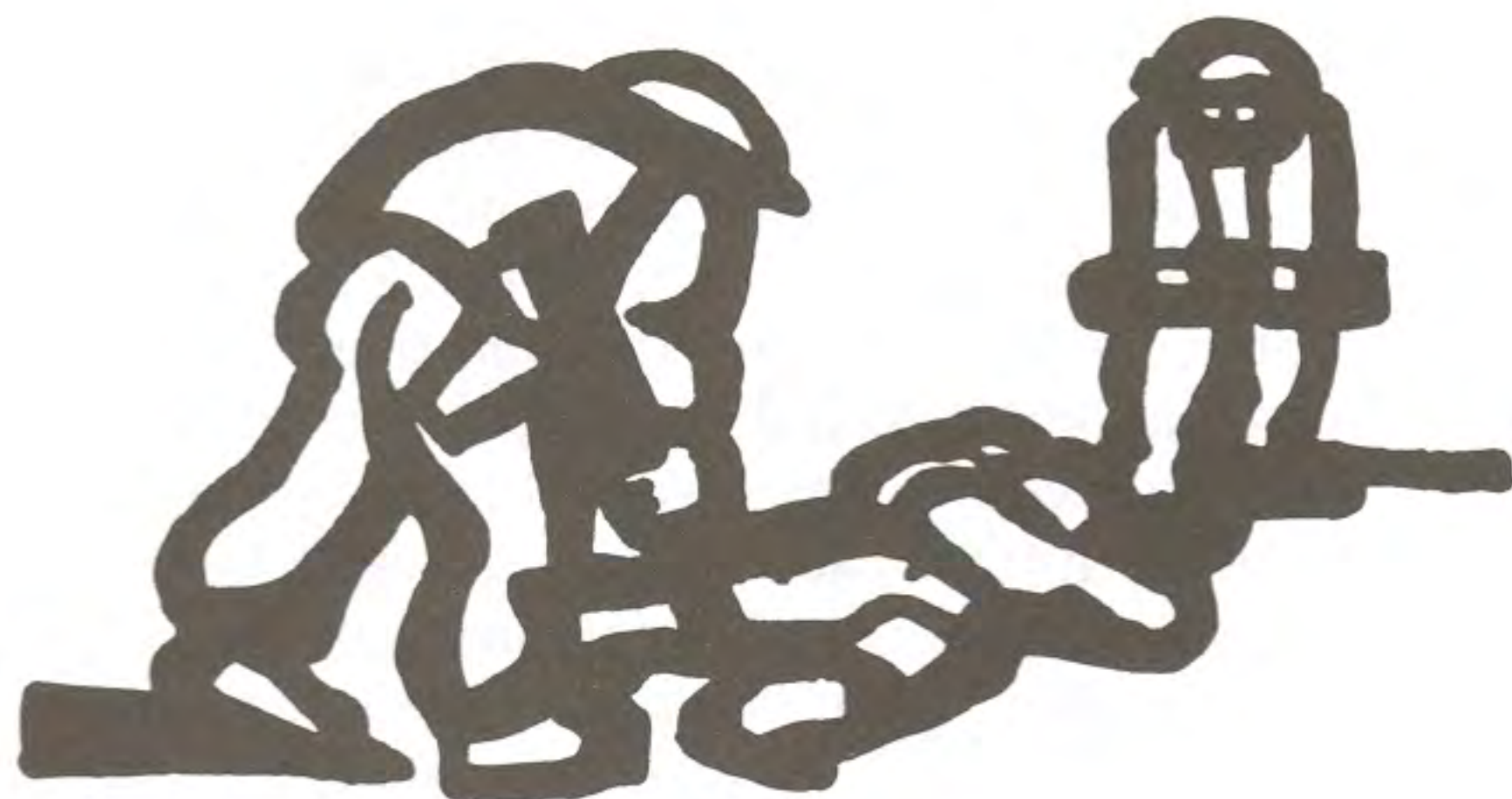
Finally hard-line urban security politics are often counter-productive, inflaming socio-economic divisions, creating hostility between citizens and police, infusing public spheres and public spaces with violence and fear, foreclosing political options and modes of participa-

tion and undermining those officials—judges, prosecutors, congress/council members, public defenders—who are supposed to control policing policy, monitor security practice, and provide legitimacy and stability to governance.

Current prevailing understandings of the origins of crime and violence have not been able to grapple with the paradoxes of policing and security. Maybe this is why progressives in Mexico City can be seduced by authoritarian policing remedies such as those proposed by Giuliani. Faced with these paradoxes, there are two broad categories of explanations—one favored by conservatives and one by leftists—both of which tie the rise of authoritarian policing to previous increases of the crime rate.

For many conservatives, crime—from street crime to drug traffic and terrorism—can be traced to cultural (i.e. psychological or behavioral) rejection of hegemonic norms, modern self-discipline and/or family values. From this point of view, the increase in brutal policing and security tactics represent necessary responses to threats posed to the cultural norms of wage labor, sobriety and free-market capitalism, as well as to the values of secularism, individualism, the sanctity of private property and/or the

Media and elite-stimulated fears offer no clear solutions, other than the need to constantly escalate repression and to reduce "tolerance" to zero.



legitimacy of state-affirmed faith. These threats are seen as fused with the phenomena of drug trafficking, political violence and/or deviant desire. Conservatives identify these kinds of criminal deviancies with the cultures of particular marginalized groups in urban zones that bear identifiable racial-ethnic or social profiles. This conservative perspective is terrified by the prospect of contact with these criminalized populations in urban space and the public sphere, and sees intermingling, inte-

gration, and immigration as forms of violence and as menaces to be secured. It sees geopolitics, urban multiculturalism, issues of migration and urban race-ethnic relations as symptoms of a "clash of civilizations." Even working classes or youth populations that are not racially marked can—and do—become targeted as behavioral menaces in this framework.

critiques of neoliberal economic policy, leaving the impression that crime and police violence are unavoidable reflections of inequality and will "naturally" only get worse until the entire socioeconomic order is transformed. This attitude can slip back into the romantic but racist notion that the poor are thus "naturally" criminals/rebels. So we end up, analytically, back where we started.

Many of the articles in this report strive to develop an alternative perspective on the origins of crime and violence. These essays suggest that increasingly hard-line policing and security tactics are not reflex responses to the actions of the desperate poor, or to cultural clashes or economic inequalities. They argue that authoritarian security practices are not driven *necessarily* by the dynamics of globalization, migration or neoliberalism, but that new urban policing tactics—and the transnationally circulating security paradigms in which they are embedded—are the products of specific arrangements of state and local institutions, embedded in contemporary international authoritarian political trends that are fostered or taken up by those who control urban areas. From this point of view, the political essence of new policing/security practices lies in the fact that they represent a common set of objectives and interests instrumental to maintaining elite control.

This trend cuts across the categorical divide between democratic and authoritarian regimes; it is implemented by control groups or regimes whose mandate is weak, fractured and unreconciled with other ascendant norms of democratization, human rights strengthening and the inauguration of comprehensive multilateral institutions of justice. And in the post-Cold War, free-market era, very few regimes of social control groups of any type seem to have a firm mandate for intervening in society, except through ever-escalating projects of punishment and militarized criminalization.

New policing practices represent a set of objectives instrumental to maintaining elite control of urban areas.

Meanwhile, for much of the left, crime and violence are typically attributed to economic inequality or marginalization. Unemployment, commercial globalization, fiscal austerity, privatization and the coerced degradation of labor are seen as leaving the poor vulnerable to the temptations of drug trafficking, the ideologies of radical terrorists and the machinations of corrupt policemen. In this perspective, more sympathy is granted to the marginalized than in the culturalist view. Nevertheless, this perspective displaces debates around security and policing onto

during election campaigns, while increased media coverage of an issue increases pressures on politicians to provide solutions. Increased coverage and sensationalization of crime, along with a linkage implied or portrayed between crime and race or ethnicity, intensify the boundaries drawn between majority and minority communities.

Public officials take their cue from the media, targeting populations that have a negative image in the public mind. The media, in turn, echo political discourse. As political scientist Robert Jervis puts it, "an issue is considered newsworthy to the extent that it is being treated by the media, and they and politicians take their cues from each other."¹ Crime panics increase support for politicians who favor repressive legislation. The political scramble to avoid being outflanked on the crime issue then leads to a drift, or rush, to adopt right-wing policies as the major political actors try to outdo one another in their toughness, according to the narrow terms of this new populist, paternalist, punitive agenda. Political convergence on a hard-line approach to crime puts pressure on police to show high rates of arrest, accomplished by targeting weak, negatively constructed populations.

In New York City, for instance, prosecutor Rudolph Giuliani—Mayor López Obrador's recent guest in Mexico City—used the crime scare to attack his 1993 election opponent, liberal black incumbent mayor David Dinkins, as being soft on crime despite the fact that crime and homicide rates had radically declined as Dinkins implemented community, organizational, technological and civilian controls on the police during his last two years in office, an achievement which Giuliani later took credit for, and misidentified as a victory for his repressive "zero-tolerance" model.

Giuliani's law-and-order campaign coincided with President Clinton's Omnibus Crime Bill, announced in his State of the Union address and debated in Congress, as well as several sensational murders nationwide. Media stories about crime flooded airwaves, and blacks were shown as perpetrators proportionally three or four times more often than whites. One careful investigation found that the amount of stories in which blacks appeared as criminals increased 23% between 1990 and 1997, while actual

crime rates dropped.² The combined effect of political campaigns and media saturation led to a national crime panic.

In New York, a crack scare was used to terrify New Yorkers, as Robert Stutman, the former director of the DEA's New York office observed with satisfaction: As far as the New York media was concerned, crack was the hottest combat reporting story to come along since the end of the Vietnam war.³ Nationally, fear of crime jumped from an average of around 7% in June 1993 to 52% in August 1994.⁴ In New York 84% of those surveyed in 1994 believed crime rates had risen throughout the year, when in fact they had fallen.⁵ Giuliani, and his new police chief William J. Bratton, played on the public's fears when they introduced what became known as the zero-tolerance approach to crime in 1994. The idea, based on George Kelling and James Q. Wilson's "broken window" theory, was that if one attacked crimes of lesser seriousness, one could prevent crimes of greater significance from occurring. In practice, this meant greater resources allocated to the arrest and imprisonment of those accused of minor crimes, such as jumping subway turnstiles, or victimless crimes such as prostitution and drug use, rather than to those of greater significance like murder or rape.

Within a year the media began to celebrate New York City's falling crime rates, ignoring the fact that they had been falling for three years, and resulting more from Dinkins' community, technological, and institutional approach that fostered greater oversight of and accountability for the police, rather than Giuliani's overtly racial "street gang" approach to policing, or his repressive "broken windows" campaign that collectively criminalized entire communi-



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ties. Giuliani's zero-tolerance approach has been erroneously evaluated and treated as a model, imitated in and imported by cities around the world. Yet, the role of zero tolerance policies in reducing New York City crime rates was far from certain. Between 1991 and 1998, crime fell at equal rates in cities like San Diego and Boston, which pursued problem-solving and community policing strategies, falling 76.4%

Crime wars, aside from the high social cost, generate fear, reinforce elite power and displace responsibility.

in San Diego, 70.6% in New York and 69.3% in Boston. Crime rates also fell in San Antonio, Houston and even in Los Angeles, a city plagued by scandals, low morale and a drop in arrest rates. Rudolph Giuliani's zero-tolerance approach to crime did, however, lead to soaring arrest rates among racial minorities, immigrants, youth, and the homeless, accused of nonviolent and victimless crimes.

While it is, at best, debatable whether Giuliani can be credited with the drop in New York's crime rate, one thing is certain: Zero tolerance did coincide with a sharp rise in the number of individuals killed by police officers' firearms discharges, or while in police custody. New York Police Department statistics show a 34.8% increase in civilians shot dead in 1994, as compared to 1993—from 23 to 31—and the new rate did not decline until 1997. Over the same period, the figures show a 53.3% increase in civilians who died in police custody—from 15 to 23—and an increase in the number of civilians injured from officers' firearms discharged during the same period. This latter figure rose from 54 in 1993, to 60 in 1994, to 74 in 1996. Among the cases reviewed by Amnesty International, "nearly all of the victims in the cases of deaths in custody (including shootings)...were members of racial minorities."

New York City also experienced a sharp rise in police brutality complaints and lawsuits during this period. By 1998 the number of brutality complaints was triple that of 1988.⁶ Damages paid by the city to alleged victims of police misconduct rose from \$7 million in 1988 to more than \$24 million in 1994, to \$97 million between 1994 and 1997.⁷ Once again, more than three-fourths of the complaints were lodged by African American or Latino victims against white police officers.

A similar intensification of human rights abuses by law enforcement and security forces has been documented throughout the hemisphere. In Mexico and Brazil the police often work hand in hand with organized crime. In São Paulo, in the 1990s over one quarter of murders were committed by police. Ungar notes that in La Paz the police tortured members of the Permanent Assembly of Human Rights, while in

Caracas 40% of civilians who resisted police were murdered. In Jamaica, John Rapley observes, citizens have concluded that "drug dons" do a better job of law enforcement than the police and maintain the safest neighborhoods. In La Paz, Caracas, Lima and Buenos Aires violent clashes between unarmed protesters and police

have led to hundreds of deaths. Yet even leftist politicians continue to call for zero-tolerance policing.

Crime wars can be quite successful in generating fear, reinforcing elite power and displacing responsibility despite the tremendous social cost. What distinguishes crime and drug wars is their ability to create a generalized anxiety which has neither measurable effects nor clear solutions. Politicians can then reassure the same public they have frightened, thus appearing extraordinarily capable.

There is some cause for optimism, however. In settings where the militaristic right has self destructed (Argentina), where authoritarian parties have become associated with foreign meddling (Brazil) or where a left party is assured of victory (Quebec), the political language of paranoia and revenge has begun to be challenged by a sober and hopeful alternative approach to crime, couched in the language of democracy and citizenship. In these settings leftist politicians have initiated innovative police reforms aimed at networks of corruption, money laundering, arms trafficking and police racketeering, not individual minority youth or neighborhoods. Here security policy is focused on prevention rather than punishment, with the goal of building security through investment in human capital, human rights and the infrastructure of equality. This reassessment of the origins and effects of violence, police practices and security agendas by academics, social movements and state actors in Latin America reminds us that zero-tolerance authoritarian modes of policing are not the only policy choices available. ■

