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CRIME AND DEVELOPMENT IN CENTRAL AMERICA: CAUGHT IN THE CROSSFIRE

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For the purposes of this Report, Central America comprises the seven nations of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama—excluding Mexico. This study was undertaken by the Research and Analysis Section of the United Nations Office on Drugs and Crime in the framework of the project “Illicit Market Studies”(GLO/H93). The lead researcher and author is Theodore Leggett. Funding for this study was provided by the Government of France.

Conclusion

No issue has more impact on the stability and development of Central America than crime, and the people of the region appear to be aware of this fact. Consistently when polled, the people of this region identify economic issues and crime as their two greatest problems, and the two issues are deeply interrelated. Crime and corruption are derailing efforts to develop these countries. The people of Central America are becoming more and more vocal in their demands that something be done.

Consequently, there has been no shortage of anti-crime efforts, but, plainly, they have not achieved their desired result. In addition, some of the solutions offered pose at least as great a threat as the problem itself.

Parts of Central America are close to sacrificing hard won gains in democracy in order to purchase a little safety. But as former United Nations Secretary General Kofi Annan points out, “we will not enjoy either [security or development] without respect for human rights. Unless all these causes are advanced, none will succeed.”

Central America is not alone in facing an illusory choice between security and democracy. Globally, most people associate crime prevention with law enforcement, so when crime gets out of control, the natural tendency is to look to the police. This triggers a predictable sequence of events in which human rights may be threatened, elements of which are being manifest in areas of Central America today.

First, there is a call for more resources to the police. It is true that the police are seriously under-resourced in many countries in the region, and that both more resources and deep reform are needed throughout the criminal justice sector of many countries in Central America. But it would be a serious mistake to assume that increasing police resources will, in itself, result in lower crime rates. The police may sincerely believe that all that lies between them and crime prevention are greater numbers and better equipment, but numerous studies have demonstrated that this is not the case. Something more than effective criminal justice is required to address the causes of crime.

Second, in order to bolster police numbers, there are calls for the military to be used as a force multiplier, engaging in joint operations or even performing routine patrols of high crime areas. Despite superficial similarities (uniforms, rank structures, guns), however, the jobs of the military and the police are very different.

The military is trained to defeat enemy forces and control territory. The police are supposed to work with the public in solving problems, many of which are only peripherally related to crime issues. It is true that the military is better disciplined (and therefore better respected) than the police in some countries, and that the police in this region are already highly militarized in their approach. But a line is crossed when a government uses soldiers against its own people, especially in a region where the military has played such an important role in past repression. The process of democratizing an authoritarian police force is the process of making them less like the military, and backsliding in this regard does not serve the cause of crime prevention.

The police can play a vital role in identifying and helping to solve local crime problems, but they can only do so if they are systematically de-militarized and made into something quite different. They must engage with and know their communities, and be trusted by them. They must spend a good deal of their time sorting out the myriad non-criminal community conflicts that ultimately manifest themselves as crime. They must convince the public that it is worthwhile reporting crime and that the outcome of doing so is preferable to taking matters into their own hands. They cannot perform these vital tasks if they are caught up in a war, rushing from one battlefield to the next. Ultimately, though, it must be recognized that the police are only the most visible element in the state's efforts to address crime issues, and they cannot handle the task alone.

The third predictable response to runaway crime rates has a direct impact on human rights gains. In addition to asking for more personnel and equipment, police often request that the state make their job easier by changing the substantive and procedural criminal law in their favor. Given their lack of experience with democratic investigation techniques, they argue that civil rights protections form an unreasonable and insurmountable barrier to their performing their jobs. Legislation is tabled allowing extended (or even indefinite) detention without charge for criminal suspects. Laws are introduced declaring membership in certain organizations (such as gangs) to be a crime in itself. This allows individuals to be arrested on the basis of their appearance or known associates, without having to prove that any concrete criminal activity has taken place.

Privacy and other procedural protections are waived. As criminal activity is increasingly seen as a threat to the state, the lines between crime and terrorism become blurred, and the laws of war applied. But these changes, which may occur insidiously over time or in a panicked rush, represent a far greater threat to democracy than do the disorganized hordes they are designed to address.

Chief among these hordes in Central America are the *maras*. Most *mareros* are marginalized urban young men between the ages of 15 and 24, a demographic group that commits a disproportionate number of street crimes and acts of violence worldwide. Like their peers everywhere, they are responsible for a large number of killings, mostly of each other. But it would be unwise to assume that imprisoning large numbers of *mareros* will solve the crime problem.

First, given the number of gang members, doing so would be extremely challenging for Central America's criminal justice systems. Second, even if this were a manageable goal, it is likely that a new generation of *mareros* would spring up, so long as the social conditions that generate gangsterism remain the same. Finally, the existing evidence suggests that the *maras* are responsible for a much smaller share of the total crime problem than most people would expect.

Under these circumstances, a heavy hand is not what is needed. Rather, the hand must be applied with finesse, and all the resources of government, not just the security sector, must be applied strategically. What is needed is a well-researched, cross-disciplinary strategy for crime prevention, based on interventions with proven worth.

In fairness, many Central Americans recognize that preventing crime is about a lot more than just aggressive policing, and that this requires expertise beyond that commanded by the security sector. For example, the government of El Salvador recently created the “Comisión de Seguridad Ciudadana y Paz Social,” involving prominent persons from university academics to business people, to find solutions to crime problems.

While their recommendations to date have been very law enforcement oriented, great potential for innovative social solutions lies in initiatives of this sort.

Part of the confusion around the best way of dealing with crime appears to be rooted in a false dichotomy of short-term law enforcement interventions versus long-term social development. Most people instinctively recognize that crime problems are social problems. According to the 2004 *Latinobarometro* survey, 57% of those polled cited “the economic situation” as the cause of crime. But most people cannot wait for the slow pace of development to address social injustice—they need security now.

Since the police are the agency of the state tasked with dealing with crime, short-term efforts are often based on interventions such as providing more resources for the police, using the military or military-type operations in policing, giving fewer civil rights protections for those accused of crime, and ensuring tougher sentencing. Of course, efforts continue to promote growth and development, and it is hoped that these two separate processes will result in crime reduction.

But this outcome is by no means assured. The police are limited in their ability to suppress, let alone solve, crime problems, and many aspects of development may themselves fuel crime. Rather than biding time until the day that full employment is achieved, the key to preventing crime today may be to change the way social circumstances feed criminality. There are a range of techniques for doing this, generally classed under the heading “social crime prevention”. These interventions cannot change the underlying nature of society, but they can break the link between under-development and crime.

For example, there are a whole range of interventions clustered under the heading of “crime prevention through environmental design”. Rapid urbanization, overcrowding, and unregulated urban spaces are strongly associated with high crime rates. All public housing and infrastructure projects must take into consideration basic principles of crime prevention, allowing room for families to grow and incorporating structural security features. Streets must be accessible to emergency services and have adequate signage and lighting. Urban areas must not contain unregulated spaces, such as vacant lots or abandoned buildings.

Basic principles of zoning must be adhered to. Informal settlements need to be gently moved towards greater formality. Property owners must be compelled to know the identities of their tenants, and to abide by basic standards on crowding, health, and fire safety issues. Many of these problems can be identified by analyzing crime incidents through the lens of geographic information system (GIS) mapping. In the end, many urban crime issues may be city management issues.

With regard to gangsterism, there is a well-researched body of evidence on effective youth interventions. It is very difficult to scare a young person out of a gang through criminal justice threats, because defiance of the state, even unto death, is key to the ethos of gangsterism. A typical gang member has faced “sticks” more frightening than anything the state could possibly devise, and his self-image is rooted in his sense of courageous defiance, his refusal to be beaten down. Given these facts, “carrots” are far more likely to be effective, and cost-effective.

Universally, young people join gangs in a quest for inclusion in a context of dysfunctional families and communities. Thus, preventing gangsterism is about providing alternative sources of meaning for youth. Early intervention is key, and the state can do a lot to mitigate the worst effects of a harsh upbringing. Once the young person has faced repeated bouts of imprisonment, the same process is much harder to achieve.

All international actors in development should be involved in finding solutions. The problems of this region must be addressed regionally, with the support and cooperation of the other nations affected by regional drug flows, including the sources of drug demand. Many problems are inherently transnational in character, an obvious case in point being the question of criminal deportation. Of course, the rights of residence for non-citizens must be contingent on good behavior, and no country can be legally compelled to host criminals that have no independent right to remain. But there are ways to promote the reintegration of these deportees into their home societies. Keeping undesirables from re-entering the country from which they were deported may be contingent on making remaining home more attractive, by assisting deportees in reintegrating.

This effort would be in the self-interest of the developed countries—even though there is no evidence that the average deportee engages in transnational criminal activity, a small number of dangerous deportees, situated in drug transit countries, could form a significant problem for the drug consuming nations. It is in the collective security interest of the hemisphere that genuine efforts be made to rehabilitate those ejected into societies ill-equipped to receive them.

In addition to a comprehensive strategy for crime prevention, all development efforts in this region should contain a crime prevention component, including the country development and poverty reduction strategies of the international agencies. The initiatives of the national ministries and departments must also embrace crime prevention. Crime is a cross-cutting issue, affecting education, housing, health, trade, and all other aspects of development.

At the same time, the vital need for criminal justice reform cannot be neglected. The drive to reduce crime can distract attention from the fact that the agencies charged with dealing with crime are not functioning well as democratic institutions. In order for the rule of law to prevail, the criminal justice system must become effective, efficient, and equitable in carrying out its statutory duties. This is essential whether or not these duties are seen to contribute to the overall crime prevention effort.

In summary, this report indicates that there are several distinct areas in which the international community can assist the countries of Central America in dealing with the crime problem. One is the formulation of research-based cross-sectoral crime prevention strategies at national or regional levels. The second is the integration of crime prevention thinking into all development interventions, whether initiated by international actors or by local government. Finally, criminal justice reform is a distinct process from the drive for crime prevention, and an equally important one. Democracy itself is at stake when the rule of law is not secure.

Source: http://www.unodc.org/pdf/research/central_america_study.pdf

