



POLICE CORRUPTION IN POST-TRANSITION ARGENTINA

BY ALEX HAWLEY



Members of the Argentine Federal Police dressed in riot gear at the 2008 Summer Olympics Torch Relay in Buenos Aires

“The police routinely pursue economically profitable business ventures that run contrary to Argentine laws”

Although Argentina underwent a democratic transition over 30 years ago, the country’s police force still retains the characteristics of its former authoritarian regime. Specifically, the police have yet to fully incorporate democratic values such as accountability and transparency and have mostly neglected the rights of citizens in its policies. Police have repeatedly been involved in homicides, torture, assaults, and drug-trafficking rings. In fact, according to former Argentine President Néstor Kirchner, the police were connected to “the great majority of kidnappings for ransom in this country.”^{1,2} As a result of this criminality, the population at-large has grown to greatly mistrust their country’s police. A telling statistic cites that in 2008, 50.2% of the population believed that their local police were themselves involved in

crime.³ Despite the well-documented abuses of the police across Argentina, there has been little movement to reform the institution since the end of the authoritarian regime in 1983. Political mechanisms ensure a permanence of police corruption and impunity in Argentine society. The causes underlying this permanence can be traced to the country’s federal system of government, which has created a complex relationship of competition between the executive, legislative, and judicial branches. A mobilized civil society that advocates for *mano dura* policies during periods of rising crime, the police force’s history as a counter to instability, and an overall lack of accountability allows the police to operate with a high degree of autonomy.

Federalism results in a diverse array of provinces interpreting and applying their own socio-cultural laws, customs, and reforms.

This autonomy and heterogeneity have greatly encumbered any progress toward removing corruption and criminality from the policing institutions. Historically, provinces have been protective of their autonomy and have not always been willing to cede their power to the federal government when it comes to reforms that impact municipal, provincial, and federal policing forces. Professor Kent Eaton argues that not only has federalism hampered reform efforts, but “federalism also means that police reforms need to operate in and master a more heterogeneous mix of national and subnational institutions.”⁴ It takes a fierce, directed effort from politicians to navigate the natural obstacles of a federal system and pass reforms even without considering the further complications manifested from the distinctive Argentine political system.

The vibrant politics of Argentina include multiple coalitions and parties, and recently this has meant that politicians from a certain area are likely to belong to different parties on varying levels of governance.⁵ This multi-party representation results in reform efforts that are “slowed... by politics that are usually more clientelistic and laws that usually are weaker at the provincial level than at the national level.”⁶ In this sense, federalism may be useful in representing different opinions and constituencies. When it comes to enacting meaningful political dialogue and legislation, however, policymakers have to first overcome contradicting party allegiances and constituent interests before they can even begin to confront the policing institution itself.

Politicians at the municipal and provincial levels aim to please the people they represent in order to get re-elected, and they have greater ease in doing so with weaker provincial laws. As such, they are often not willing to band together with federal politicians when the reforms run

contrary to the wants of their constituents and localized police forces. Stagnation appears to be an entrenched norm in this federal system, because even though change is framed as something that might be beneficial to the nation as a whole, it is rarely in the direct political interests of those who possess the power to actualize it. Even when politicians are able *and* willing to defuse these political tensions, they are usually prevented from changing the policing institutions. The corrupt police officers they are trying to expel are often some of their major campaign financiers. Reform efforts thus encounter both political and economic barriers, making it extremely difficult to convince political players to get on board with policing reforms.

While political players are fearful of making public statements associating the state with police forces, the Argentine government sees a mutualistic relationship flourishing between the two groups where public eyes cannot see. For example, many politicians and coalitions rely upon police connections in order to supplement their coffers when the campaign season rolls around.⁷ It is no wonder that politicians have often been accused of protecting police officers, especially in serious crimes such as drug trafficking.⁸ While exact estimates of these under the table contributions are uncertain, politicians have always been looking for campaign donors. During Argentina’s economic crisis in the late 1990s and early 2000s, candidates were particularly strapped for cash, increasing the likelihood that they would let serious crimes slide. The cash ‘donated’ to these campaigns and the financial profits earned by police forces originate from illegal actions that include extortion, interference in investigations, illegal business and economic activities, and the sale of criminal protection.⁹ The police routinely pursue economically profitable business ventures that run contrary to Argentine laws in

order to benefit themselves and the politicians they protect and serve.

With such a complex web of relationships, candidates are simultaneously pushed toward and away from reform. Though constituencies demand more accountability from the police forces, the livelihoods and cash flows of candidates' financial supporters would be negatively impacted by such reforms. For many politicians, rallying behind police reform is tantamount to political suicide. Therefore, it is in a politician's best interest to portray the police forces as a completely separate entity, removed from the purview of the politician, while at the same time rallying for increased police action to combat the rising crime rates. The former pleases the electorate while the latter legitimizes the work of the police, neither of which actually produces any reforming results. A lack of accountability of these two groups ultimately allows both to get away with the multitude of illegal interactions.

Though politicians and police officers share intimate relationships behind closed doors, it has been the norm in Argentine politics to adamantly deny any connection to the police, including any responsibility of holding police officers accountable for illegal actions. The Argentine government possesses such a laissez-faire attitude toward its interaction with the police that "Congress has yet to replace major laws regulating the Federal Police and the police of Buenos Aires province that were promulgated by the dictatorship."¹⁰ Though the military has since become heavily regulated by the state, police forces have retained many of their functions established under authoritarian rule. While certain bodies have been established,

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such as the Investigative Commission on Invented Crimes, which oversaw the specific prosecution of police force members involved with "inventing" crime, there has not been great movement toward establishing an overarching political body to monitor the actions of the police and hold individual officers accountable for their crimes.¹¹

As a result, police still enjoy high levels of impunity, demonstrated by the large percentage of unprosecuted killings by police from 1993 to 1998: out of 435 killings, only 10% were fully prosecuted, and an even smaller percent of officers were found guilty.¹² More recent figures are not readily available because the state has tried to conceal these killings from the overall national crime rate by not publicly publishing the numbers that take into account the police. Nongovernmental human rights organizations have thus taken on the added responsibility of inquiring into the government's actions in order to reveal police brutality and criminality, a task that members of the Argentine police deliberately make difficult.¹³

The criminality and impunity of the police forces are not a point of contention amongst politicians and citizens; these characteristics are widely acknowledged and feared by most members of society. Latin American political specialist Michelle Bonner explains that state actors allow impunity to continue and "contribute to the persistence of police violence by failing to articulate a clear and consistent democratic role for the police."¹⁴ State actors inadvertently encourage impunity in one of the following three ways: ignoring acts of police violence altogether; justifying police actions by validating threats posed by those whose rights were

violated, or simply throwing all of the blame on the police and contending that the government was completely removed from the choice to use excessive and disproportionate amounts of violence.¹⁵ No elected politician would endanger his or her campaign by taking responsibility for the actions made by a substantially autonomous police force. Despite the huge risks they take by perpetuating impunity, ignoring the pleas of their constituents, and contributing to rising levels of crime by not holding criminals accountable, politicians choose to consistently look the other way. In a system without a guiding principle of civilian protection, members of the police innately sink into the roles they have fulfilled since the authoritarian regime without any desire to reform.

The police forces of Argentina find their modern day roots in the Dirty War, a period of state terrorism in Argentina, where their mission was to protect the state from internal threats to its security. The police have been spending the last three decades maintaining order and keeping the state stable against internal threats; however, the nation has transitioned to an electoral democracy and no longer faces the same threats as it did in the late 1970s to early 1980s.

No longer are the police forces protecting the state against leftists and communists trying to overthrow the neoliberal economic order, but rather they find themselves 'keeping the peace' in society by suppressing the disenfranchised and marginalized members of the society.¹⁶ A detective from Córdoba states that his detainees came "from popular marginal neighborhoods." Additionally, in Buenos Aires, "harassment of the homeless and evictions of the poor, treated as 'usurpers' of public space, were carried out under the auspices of the Unit of Control of Public Space."¹⁷ A final case exemplifying the police's unfair treatment of the marginalized is

the mass of invented crimes fashioned by the police that deliberately target some of the most vulnerable members of society, purposefully depriving them of their liberties by utilizing the social stigma associated with the poor, homeless, migrants, and sex workers.¹⁸ Police refrain from targeting blue and white collar Argentines, but focus their attention on the *villas* and poor *barrios* of large cities, detaining young men in a preemptive manner.

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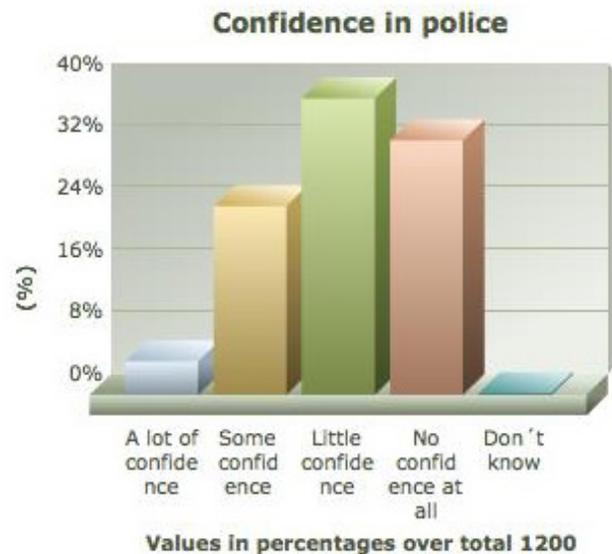
The threats nowadays no longer stem from ideological or political convictions, but socioeconomic and ethnic statuses that classify some citizens as undesirable or dangerous; for the more privileged and influential Argentines, this does not seem undesirable. Young and poor men are the most common perpetrators, as well victims, of violent crimes. A tougher *mano dura* policy, meaning a policy focused on rounding up young men solely based on their appearance or address, may seem reassuring to the upper levels of society as a way to decrease rates of crime even though it allows for more crime within the police force and a misallocation of attention.¹⁹

Argentine police forces prioritize and value public image to such a large extent that they often place it above their duty to protect and ensure the safety of the citizens they are meant to serve. Their primary goals include financial gain, large numbers of arrests, wielding political influence, and enhancing their image.

Their inverted priorities have often led them to invent crimes and convict innocent citizens: between 1993 and 2003, the police invented 83 crimes, effectively framing victims in order to enhance its public image of effectiveness in combating crime.²⁰ The police institution focuses on upholding a façade of effectiveness in combating crime, which however hides a dark and criminal side of the police, where some members take advantage of the political pressure for *mano dura* policies and the public cry for order and stability in order to better their private interests. They operate within a self-serving framework, capitalizing on state discourse to assume a high level of impunity and demonstrate to the populace that their work is absolutely vital to the safety of both the state and the citizenry. While some advocacy groups and reformers see through this façade, a large portion of the citizenry still pushes for the police to have more discretionary powers in hopes of stemming the increase of crime even though they acknowledge the abuses committed by the police.

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This desire for increased police powers finds its roots in civil society’s historic dependence on *mano dura* policies and its inflated, exaggerated perceptions on the severity of crime. While rising crime is a problem in Argentina, opinion polls reveal that “the perception of insecurity is far higher than is warranted by actual crime statistic and this perception has increased recently, independent of increase in crime.”²¹ Even though her



assessment is several years old, Guillermina Seri demonstrates that Argentineans did not consider crime as the number one problem until 2007;²² it seems that fear of crime has only gotten more extreme as time has passed. The 2008 Latinobarómetro survey showed that regardless of their fear, 71% of the population professed to having little to no confidence in the police. Another contradictory set of statistics held by Argentineans shows that a majority of citizens hold negative opinions toward the police, yet almost half of the citizenry rallies for increases in police power to facilitate better crime-fighting.²³

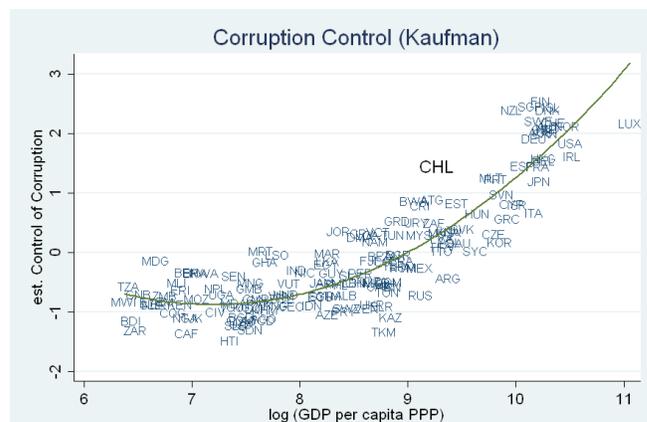
These seemingly contrary viewpoints can be explained by taking a look at the mindset of Argentineans and how it interacts with crime levels and the political system. In the late 1990s, the reformer politician León Arslanián was removed from his position as head of public security in the Buenos Aires province in favor of *mano dura* proponent Daniel Scioli. Argentineans would rather elect and support politicians that promise immediate order through *mano dura* policies over politicians that promise long-term institutional reform.^{24,25}

As Seri argues, “mounted on crime waves, society’s demand for hard-core policing tends to undermine police reforms... Reforms generate exhaustion and cynicism.”²⁶ Civilians desire order and stability, and upper and middle class citizens do not assume that a more militant police will adversely affect them; therefore, they advocate more power to the police regardless of its potentially adverse effects.

Reforms take time, and Argentines appear to want fast, effective results. To make matters even bleaker for reform, civil society has also shown its predilection for polarization around *mano dura* policies when triggered by sensationalized events. One such example is the Axel Blumberg murder when famed businessman Juan Carlos Blumberg staged a series of huge rallies across Buenos Aires to protest the kidnapping and murder of his son by a group of thugs; these protests and petitions resulted in a new, more stringent penal code in 2004.²⁷ When people feel that their personal security is threatened, they advocate for stricter laws and a more powerful security force. In Argentina, however, this fear causes people to jump over any moderate actions and land on policies that offer an immediate and tangible change on the part of the political actors such as *mano dura* policies. Since the effects of reform are not usually felt within a politician’s term of service, it is political suicide to begin a reform without producing any immediate security improvements. At its root, the relationship between elected officials and the electorate is a positive feedback cycle, where a small increase in crime generates a disproportionately larger fear of crime amongst the populace, resulting in an increase of *seguridad* rhetoric. This rhetoric combines personal safety with state security in an effort to strengthen police intervention and weaken democratic institutions, in order to meet the wants of the politicians’ constituents. This

adversely affects crime rates, bringing the whole nation back to square one and leaving Argentina vulnerable to certain windows of opportunity that can result in a rapid mobilization of the populace in favor of increased discretionary powers for the police that are inherently hard to monitor and control. As a result, a more powerful policing institution with fewer restrictions on behaviors and conduits of accountability are created.

A final area of analysis that can provide some answers detailing where Argentina has seemed to go astray in its post-democratic transition is through a comparison of Chilean and Argentine policing institutions. Chile and Argentina possess a similar geopolitical history, operate in a similar economic environment, and share a similar culture; nevertheless, the two nations possess very different policing institutions. Chile has much less corruption within its political institutions, on par with Ireland and Spain in corruption control (Figure 2), while Argentina is ranked close to Russia. Despite the fact that Chile has a much lower GDP per capita than the two European countries, its ranking creates an even larger contrast to Argentina’s level of corruption.



There are certain factors present in the police forces in Chile that are noticeably absent in the Argentine police forces, and these disparities account for some other deficiencies in the Argentine policing institution. On the whole, Chilean police are more educated, undergo a longer and more rigorous training process, and continue their education through workshops while they are on the force. Additionally, Chile is known for its thorough rotation of personnel, which helps avoid collusion and corruption amongst police in one area or between police and civilian criminals. A final distinguishing aspect is that Chile is a unitary state, not separated by cumbersome municipal, national, and provincial levels of governance. Therefore, police are less likely influenced and caught up in local and provincial politics; and their allegiance remains firmly associated with the state of Chile rather than any individual party or politician.²⁸

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While it would be difficult to change the federalist nature of the Argentine government, the other reforms undertaken by Chile do remain possible for Argentina; however, Argentina would first need to find political players that are willing to battle high political costs. In order to lower the costs of reform, it is important to alter the public perceptions of crime to accord with the real levels of crime; one way to do this is to encourage localized, municipal, and provincial based community-policing strategies, which are associated with lower levels of fear amongst the population.²⁹ By removing the disproportionate

fear of crime, the state would be able to temper the electorate so that it does not react as urgently in trending controversies.

Argentina must confront the deficiencies present in its political system with frankness and objectivity, similar to how they reformed the military in the post-transition period. The people should not be afraid of the very group meant to protect them; it runs contrary to the essential relationship between the governed and the governing. In the most basic government, the people forfeit some of their freedoms in order to secure safety. In Argentina, however, the forfeiture of liberties to the state is not followed by a guarantee of safety and security; rather, the police are seen as promoters of criminality and corruption. Argentina must remove authoritarian ties to the policing institution in the same way they did with the military, or risk a continuance of rising crime, increased *inseguridad* (insecurity), and public outrage with the government. Simply put, Argentines do not appreciate being taken advantage of by criminals on either side of the law.

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