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## THE ORIGINS AND DEVELOPMENT OF THE POLICÍA NACIONAL CIVIL OF EL SALVADOR

*The peace accords which ended the civil war in El Salvador required a civilian national police system to replace the former military police and to include former members of the military and the insurgent forces. The new National Civil Police (Policía Nacional Civil or PNC) was to adopt a democratic policing model to protect and serve the people while addressing the pressing and very significant crime problems (including a high rate of violence) which plagued the country. This paper is a descriptive study of the creation of a civilian national police to replace the military police. The study addresses legal, management and philosophical changes in policing since the inception of the department as well as its present structure and activities.*

### THE ORIGINS AND DEVELOPMENT OF THE POLICÍA NACIONAL CIVIL OF EL SALVADOR

El Salvador, the smallest country in Central America, about the size of Massachusetts, played an important role in the Cold War (Bureau of Western Hemisphere Affairs, 2002). Its twelve year civil war involved the world propagation of communism by communist countries such as Cuba and the former Soviet Union and the United States' effort to stop it (Martínez, 1996) . A peace treaty signed in 1992 between the Salvadoran Government and the revolutionary forces ended the armed conflict. As a result, the security force controlled by the military was abolished, and the National Civil Police of El Salvador (Policía Nacional Civil or PNC), a new civilian police force, was created which would be responsible for law enforcement. This new police force was present throughout the country by the end of 1994 (Bureau of Western Hemisphere Affairs, 2002).

After the 1992 peace treaty was signed, the Salvadoran people faced many challenges they have yet to conquer. A relatively young population (median age 21.4 years) and weak economy (48% below the poverty line) have fueled social disorder (World Factbook, 2004). In addition, military weaponry was readily available making it easy for ex-combatants to turn to crime ( Stanley, 1999). The main social problems of El Salvador are high crime rates and non-political violence (Arana, 2001). This unprecedented crime wave has been attributed to the growth of organized crime, through maras (youth gangs) and crime crews (Bureau of Western Hemisphere Affairs, 2002).

The teenage gang members belong to subdivisions of gangs founded by Salvadoran immigrants in Los Angeles and primarily former combatants from both sides in the civil war form the crews (Bureau of Western Hemisphere Affairs, 2002). The propagation of these groups has not been limited to a specific area of El Salvador and sometimes transcends borders. The crew members engage in such crimes as kidnapping for ransom, extortion, drug trafficking, truck hijacking, and fencing of stolen goods.

The PNC has fought these organizations with bravery, sacrificing more than 650 officers in the line of duty (Bureau of Western Hemisphere Affairs, 2002). Specialized units have

been created within the PNC, with the help of the United States, to rectify the problem (Policía Nacional Civil, 2001a, 2001b) through the Department of Justice's International Criminal Investigative Training Assistance Program (ICITAP) (Bureau of Western Hemisphere Affairs, 2002). Because police officers were involved with organized crime, engaged in illegal behavior, and abused authority (Alas, 2000, 1999; Marroquin, 1999; Inforpress Centroamericana 1998; "Intolerancia Causa Ola Criminal", 2000), the PNC went through a depuration process (a literal translation from Spanish to define a purification process) during 2000 that led to the dismissal of 450 police officers, which included some high-ranking members ("Depuración Policial en Marcha", 2000; Moreno, 2001) of the police force.

Although organized crime and police misconduct are the primary problems faced by Salvadoran law enforcement, research about these problems is scarce (Estudios Centroamericanos, 1997). Addressing these issues may encourage further investigation into criminology-related issues in El Salvador through which authorities can better manage the country's unique crime situation.

A report by Estudios Centroamericanos in 1997 stated that no systematic studies have been done to analyze law enforcement and crime in El Salvador. Most of the research reviewed in this thesis is descriptive in nature, focusing on explanations of events and making policy recommendations. The Central University in El Salvador has analyzed the origins, costs, and nature of the culture of violence in El Salvador through the development of victimization statistics. Although crime statistics kept by Salvadoran criminal justice institutions are scarce and unreliable (Estudios Centroamericanos, 1997), an investigator (Ponce) traveled to El Salvador to meet with then PNC Director, Mauricio Sandoval, to gather data to analyze organized crime and police misconduct. No crime statistics were formally kept by the PNC before mid-1999. Trimester reports were obtained from this date to July, 2002, but the data were primarily homicide statistics and did not address issues of organized crime and police corruption.

## **EL SALVADOR: A FRAME OF REFERENCE**

El Salvador, the smallest country in Central America, at 21,476 Km<sup>2</sup> (8,292 miles<sup>2</sup>) with a population of 6,435,600 (Corporación Salvadoreña de Turismo, 2000a), is bordered by Honduras to the north, Guatemala to the northwest, the Gulf of Fonseca to the southeast and the Pacific Ocean to the south. The principal ethnic majority are the mestizos of Spanish/American Indian descent at approximately 90% of the population and American Indians and individuals of European descent at approximately 5% each (Corporación Salvadoreña de Turismo, 2000b). A very small portion of the population includes Lebanese, Swiss, Turkish, Syrian, German and Chinese nationals (Corporación Salvadoreña de Turismo, 2000a).

During the 1980s, Central America received significant media attention in the United States, when several of the countries in the region played an important role in the Cold War (Arana, 2001). Nicaragua, El Salvador, and Guatemala experienced civil conflicts during this period which were fueled by Soviet and Cuban Marxist support to insurgent groups in contrast to American-backed right-wing government forces. These disputes finally ended in 1996, and since then, international media interest in the region has diminished.

## EL SALVADOR'S CIVIL WAR

In the early 1900s, the Salvadoran economy was controlled by individuals who headed power groups in the coffee, cotton, and cane sectors of agriculture (González, 1997). Armstrong and Shenk (1982, p. 6) report that: (a) 2% of the population controlled 60% of the land, (b) 96.3% of the rural population had twelve acres of land or less, (c) 70% of the children under five were malnourished, (d) the per capita calorie consumption rate was the lowest in the western hemisphere, (e) 50% of the population was illiterate, (f) 45% of the population had no clean drinking water, (g) the per capita income in El Salvador was the lowest in Central America, (h) most of the rural population worked only one third of the year, and (i) 50% of the rural population was permanently unemployed.

These factors created social tensions in El Salvador during the 1930s when the first apparent communist uprising in the western hemisphere occurred (Armstrong & Shenk, 1982). Many campesinos, in an effort to improve their existence, revolted using hoes, machetes and other crude weapons. This attempt at revolution was halted by the president, General Maximiliano Hernandez Martinez, who applied severe sanctions for those who participated in these activities (González, 1997).

The revolutionary movement regained strength after the fall of General Hernandez Martinez with the formation of several revolutionary groups. During the 1970s, the social and political conflict grew stronger, and the many popular organizations that arose included: the Federation of Rural Workers (FTC), the Association of Salvadoran Teachers (ANDES 21 de Junio), Revolutionary University Forces July 30th (FUR-30), and Revolutionary College Students July 19th (UR-19). These organizations joined efforts and became the Popular Revolutionary Block (BPR). During this period several political-militant groups also emerged: The Popular Liberation Forces (FPL), The People's Revolutionary Army (ERP), The National Resistance Armed Forces (FARN), The Revolutionary Party of the Central American Workers (PRTC), and The Liberation Armed Forces (FAL) (Waller, 1986; Gonzalez, 1997). In 1980, Salvadoran popular and political-militant organizations, coordinated and directed by Fidel Castro in Cuba, joined forces and organized into the Farabundo Marti National Liberation Front (FMLN) (Waller, 1986). Inspired by Marxist-Leninist ideology, their objective was to take political power by representing the interests of the common people through armed confrontation (González, 1997).

During the 1970s, revolutionaries participated in street riots, taking control of churches, estates and other property (Armstrong & Shenk, 1982). Revolutionary organizations resorted to kidnapping businessmen, attacking military posts, and burning automobiles (Escalante, 1986; Baklien, 2001; Martínez, 1996). The Salvadoran government tried to exert control through its specially created Revolutionary Committee (Junta Revolucionaria de Gobierno) which proposed a number of economic, social, and agrarian reforms as well as the nationalization of banks and commerce (González, 1997).

Revolutionaries tried to gain power through armed confrontation during the 1981 "final offensive" by attempting to inspire the masses to revolt in an effort to overthrow the government. The Salvadoran army managed to drive the FMLN into the mountainous countryside. An irregular war ensued in which there were no defined battlefields and rebel aggressions relied on insurgent armed activities (Martínez, 1996).

The FMLN was backed by international communists who provided monetary support, training, and weapons (Waller, 1987). The FMLN was organized into three primary

fronts: political, social, and military. Through the creation of the Diplomatic Revolutionary Front (FDR), the insurgents (González, 1997) used disinformation as a tool to gain international support (Irvine, 1990). Conversely, the Salvadoran army had the support of the United States who provided weapons, training, and funding.

The elite of the FMLN fighting forces was trained by international terrorist organizations in the Middle East, Cuba, Russia, and Spain. During the twelve- year conflict, FMLN military tactics, based on guerrilla warfare, used fighting methods similar to those used by the Vietnamese during the Vietnam War (Waller, 1987; Martínez, 1996). The Salvadoran army received military training from the United States' armed forces, and, although the conflict was difficult, the Salvadoran government prevailed (Martínez, 1996).

On December 1989, the FMLN, launching the Great Offensive, invaded cities in El Salvador. The Salvadoran army responded with counter-operation Till the End (Hasta El Topo) and neutralized the Great Offensive. After this defeat, the FMLN agreed to start peace negotiations with the Salvadoran government (González, 1997). In January 1992, both sides signed a peace treaty in Chapultepec, Mexico. Provisions of this document include: (a) dissolving security forces, including the National Guard, the Treasury Police, and the National Police, and creating the National Civil Police (PNC) under the authority of the Ministry of the Interior; (b) disbanding the army's immediate reaction battalions and civilian patrols; and (c) eliminating the army's intelligence structure and creating a new intelligence agency controlled by civilians (Albon, 1994).

## **LAW ENFORCEMENT IN EL SALVADOR**

There is a close structural and functional relationship between the police and the military in most Latin American countries (Bayley, 1993). The Salvadoran police force was created towards the end of the nineteenth century before there was a stable military force (Kincaid & Gamarra, 1994; Kincaid & Juhn 1994). This police force initially sustained the domination of large landowners, and later, supported dictatorial regimes (Armstrong & Shenk, 1982). El Salvador's military achieved institutional stability in the early twentieth century, taking control of the national police through its defense ministry in 1945, and placing high-ranking military personnel in police command positions (Kincaid, 2000). During most of the past century, a national security state doctrine was adopted, and citizen safety and security were neglected (Huggins, 1998).

The 1992 peace accords provided for the dissolution of several security forces and the creation of the National Civil Police (PNC). The United States' Department of Justice, through the International Criminal Investigative Training Assistance Program (ICI-TAP) assisted in the development of the PNC (Bureau of Western Hemisphere Affairs, 2002; Research Directorate Immigration and Refugee Board, 1998). The PNC was initially designed to be composed of one fifth of the former members of the National Police, one fifth of the former FMLN guerrillas, and three-fifths of the civilians not involved in the conflict (Research Directorate Immigration and Refugee Board, 1998). It was hoped a new professional police would breakdown old political animosities (Stanley, 1999). The initial concern of staffing the PNC with former combatants have dissipated as the organization has grown harmonious (Costa, 1995). However, this formula was renegotiated because members of the FMLN who applied for available positions did not have the necessary educational requirements. In exchange for the government bypassing educational standards, the FMLN agreed to include members

from the Treasury Police and the National Guard in the new police force (Research Directorate Immigration and Refugee Board, 1998).

Delays in elimination of the old institution and installation of the new law enforcement agency (Washington Office for Latin America, 1997) occurred because individuals in the political left distrusted the inclusion of ex-military personnel and former members of the old security forces in the PNC. In addition, the government was unable to secure sufficient funding and the organizational structure to deploy the PNC nationwide (Kincaid, 2000). Since the new police force was not yet fully organized, the army was authorized to conduct some crime prevention functions. Although the PNC has been fully operational since the late 1990s (Secretaría de Comunicaciones, 1998), the military continues to provide support through joint law enforcement operations because the new police force is still not well organized and lacks sufficient training and adequate salaries (Kincaid, 2000).

Local Salvadoran newspapers have exposed the involvement of police officers with organized crime, the abuse of authority, and other illegal behavior (Alas, 2000, 1999; Marroquin, 1999; Inforpress Centroamericana 1998; "Intolerancia Causa Ola Criminal", 2000). However, the PNC's efforts to eliminate these officers has also received media attention ("Depuración Policial en Marcha", 2000; Cabrera, 2001; Moreno, 2001). A special temporary Depuration Law was created so that the PNC could fire 450 police officers who had committed a wide range of offenses from sexual harassment to kidnapping ("Depuración Policial en Marcha", 2000; Moreno, 2001). Fired personnel included high-ranking members of the PNC who received frequent media attention (Moreno, 2001). Eventually 28% of the fired officers got their job back as the result of a special petition presented to the Supreme Court of Justice where it was argued that the investigation procedures and the veracity of the evidence that led to the dismissal of the 450 police officers were questionable ("Depuración Policial en Marcha", 2000). The Government Ministry forwarded a request for another depuration to the Salvadoran Senate, but the lawmakers denied it, maintaining that the previous effort was inefficient and targeted the wrong people (Cabrera, 2001).

Despite serious organizational and leadership shortcomings, as well as shortages in basic equipment and facilities, the PNC has been highly successful (Stanley, 1999). The support of the Salvadoran people and the dedication of the PNC officers have contributed effectiveness of the organization (Costa, 1995; Stanley, 1999).

## **CRIME AFTER THE PEACE ACCORDS**

The PNC needs to strengthen its supervisory mechanisms and criminal investigation division (Costa, 1995). Non-political violence, with a resultant rise in the criminal homicide rate, has increased since the peace treaty was signed in 1992 and is now the principal law enforcement problem in El Salvador (Arana, 2001). In 1997, the homicide crime rate was the highest in the world and five times the regional average (Garvin, 1997). Organized crime has grown in El Salvador through crews (bandas) and American style gangs, maras.

The majority of crews are ex-combatants from the FMLN and the army (Ex-guerrilleros Acuden a Antiguos Méétodos, 2001) who engage in kidnapping for ransom, drug trafficking, car theft, bank robberies, truck hijacking, extortion, government corruption, cellular phone and credit card cloning, fencing of stolen goods, money laundering, currency falsification, and bank fraud. There are several groups of gangs, and although they tend to be poorly organized, they cooperate when necessary in the com-

mission of crimes. In these operations, a crew member may cross over from one group to another so that the best person is available for a specific crime. The groups also transcend national borders; forming relationships with other Central American groups. For example, Salvadoran kidnapping crew operations may be coordinated with Guatemalan crews. Car theft, stolen merchandise fencing rings, and drug trafficking frequently operate on a regional level.

The tactics that the Salvadoran crime organizations use have military traits, as illustrated in American movies (i.e., *Proof of Life* and *Heat*). There have been several well-publicized cases that expose the involvement of police officers with these groups. The PNC gathered intelligence, depurated its personnel ("*Depuración Policial en Marcha*", 2000; Cabrera, 2001; Moreno, 2001), and disbanded crew groups, losing more than 650 police officers in the line of duty (Bureau of Western Hemisphere Affairs, 2002). Several international efforts have been made to share information and cooperate in the capture of fleeing crew members by creating a communication structure among law enforcement agencies in the region (Pérez, 2002), establishing a base of INTERPOL in the El Salvador, and setting up a forward operating location (FOL) in El Salvador's Comalapa International Airport with the United States to gather drug trafficking intelligence (Arana, 2001).

The PNC and the Attorney General's Office (FGR) managed to convince the Salvadoran legislative body to radically change the Penal and Criminal Procedure Codes and reform laws to give the police and public prosecutors better tools to disband the crews. The PNC went through a re-engineering process during 1999 when several organizational changes were made to address the alarming criminal situation (Policía Nacional Civil, 2001a). Through new procedures and fresh organizational measures, the PNC managed to conduct several operations that have led to the arrest of the members of several groups of crews. These operations also received attention by the Salvadoran press.

Young Salvadoran youth gang members from the United States who have been deported or have voluntarily moved back to El Salvador lead the maras (Arana, 2001). They import the American-style (primarily Los Angeles) gang culture. The maras normally do not engage in such complex operations as the crews, although at times they have been subcontracted by them for specific crimes. The main source of income for maras is drug trafficking and theft on a small scale. Although many other smaller groups exist, the maras that dominate the gang scene in El Salvador are La Mara Salvatrucha and La Mara 18. The PNC tried to stop these youth gangs by implementing community policing in certain areas, by creating new patrol tactics through a special unit, PIP-COM (Community Police Intervention Patrols), and by forming a new approach to community cooperation with the PNC (Policía Nacional Civil, 2001b, 2001c). The results of these measures have been encouraging, but the tactics have not been implemented nationwide, and the gang problem is still significant.

## **EL SALVADOR'S LEGAL SYSTEM**

The Salvadoran legal system recently experienced radical change. The first step occurred in April 1998, when the legislature approved the implementation of new Penal and Criminal Procedure Codes (Popkin, 2000). In general, the new codes provide a framework for a modern criminal justice system and is designed to ensure that criminal justice be independent, speedy, transparent, and respectful of due process guarantees and individual rights.

The new Criminal Procedure Code shifts El Salvador's legal system from a purely inquisitorial structure to a hybrid that includes adversarial procedures in the judicial process (Popkin, 2000). Before 1998, all legal procedures were written and handled through single magistrates. The new code provides for oral presentations by the defense and the prosecutors, and shifts the supervising responsibility of all criminal investigations to the FGR. Although public prosecutors were not initially trained in the criminal investigation field (Popkin, 2000), the FGR has since provided instruction to its prosecutors and implemented a depuration process to eliminate inefficient personnel. Recently, these efforts have been widely publicized, increasing human rights awareness. Detention procedures have improved, eliminating long periods of incarceration for suspects awaiting trial and implementing sensible jail sentences (Popkin, 2000).

Another change occurred through a proposal presented by the Ministry of Security to the legislative body, suggesting a series of reforms for the new codes, which the President, the PNC, and the FGR considered vital for the effective elimination of organized crime in El Salvador (Huezo, 2001a). Lawmakers approved these measures on February 2001 (Huezo, 2001a). Some of the most significant modifications were: (a) organized criminal activities are classified as a crime; (b) participation in the planning of homicides, robberies, and kidnapping carries the same penalties as the actual commission of these crimes; (c) the unauthorized use of PNC uniforms, or simulations thereof, is a punishable offense; (d) telephone conversation recordings are authorized and admissible in court proceedings in kidnapping, robbery, extortion, and theft cases; (e) the penalties for corruption and carrying unregistered firearms have increased; (f) criminal association is a punishable offense; (g) cases of theft, aggravated theft, robbery, aggravated robbery extortion, and kidnapping can no longer be resolved through conciliation in court; (h) crimes that involve organized crime activity can only be heard by certain courts; and (i) reliable scientific evidence is now accepted in courts and can be requested by magistrates.

To further combat organized crime, additional laws have been approved by the legislature. As a result, the use of tinted windows is only allowed when providing no less than 70% visibility (Inicia Control de Polarizados, 2001), and maximum prison sentences have been increased from 30 to 70 years (Huezo, 2001b).

## **THE CURRENT ORGANIZATION OF THE PNC**

Article 159 of the Salvadoran Constitution provides that the PNC is the national law enforcement agency of El Salvador (Vásquez, 2000). The PNC reorganized after Director, Mauricio Sandoval, was appointed director in June 1999 (Policía Nacional Civil, 2001a). As a result, five coordinating offices were created: Coordination of Public Security, Coordination of Investigation, Coordination of Specialized Units, Coordination of Operations, and Coordination of Ground Transportation (see Figure 1). Recently, these offices have become Area Sub-Direction Offices, maintaining the same duties performed since their creation in 1999. The General Operations Sub-Director supervises all coordination offices, and has the responsibility to organize and execute all operative activities of the coordination offices, the Regional Divisions, Departmental Delegations, and Operation Units (Policía Nacional Civil, 2001a). The PNC has divided El Salvador into five administrative territories for management of its police activities: Metropolitan, Central,

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Director Sandoval also created four secretariats: General Secretariat, Disciplinary Affairs Secretariat, Executive Secretariat, and Community Relations Secretariat. Within each secretariat, development plans are formulated and executed, activities of the units are reported to the Director who supervises police behavior, a channel of communication between the community and police operations is provided, technical and legal support is furnished, and projects are planned and evaluated.. (Policía Nacional Civil, 2001a).

The President of El Salvador has the responsibility to appoint and dismiss the Director of the PNC (Vásquez, 2001). The position of Director does not require prior service within the PNC, and the Director has the discretion to select people for positions within the PNC structure. The current Director General of the PNC is Ricardo Menesses, a career police officer.

## CONCLUSION

As the PNC moves through its second decade it continues to face many challenges. A severe shortage of vehicles and basic police equipment hampers the daily operation of the organization. The PNC must continue to develop its supervisory mechanisms, criminal investigation and forensic abilities, crime analysis capabilities, and the general and specific educational needs of its workforce. While economic restraints continue to impede progress, the officers of the PNC have proven to be resourceful and self-reliant and eagerly confront these challenges.

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