Police

Authoritarian Enclaves in Democratic States

"I looked [then] President Dilma [Rousseff] in the eyes and told her she is the hope of more than 60,000 'Mothers of May' produced by my country. [But] she should stop celebrating the end of the dictatorship, because we live in a false democracy, a democracy that kills tens, scores, hundreds."[1] Débora Maria da Silva – the mother of a young black man killed by São Paulo's police in May 2006 and founder of Mães de Maio (Mothers of May), an organization of similarly afflicted mothers – routinely denounces what she calls the "democracy of massacres" (*democracia das chacinas*) meticulously executed by Brazil's Military Police forces. For da Silva, who lost her brother to state security forces under the military dictatorship and her son to police under democracy, Brazil's much-celebrated democratic transition did little to curtail the routine torture, extrajudicial killings, and massacres at the hands of the state.

Nora Cortiñas, a member of Argentina's Mothers of Plaza de Mayo whose son was disappeared under the military dictatorship, similarly reflected on the continuity of authoritarian coercive practices in democracy, observing that "the dictatorship ended and the military had to go back to the barracks." But, she noted, "the security forces have continuity. There is a long list of *desaparecidos* (disappeared) during constitutional governments … [Meanwhile] *gatillo fácil* ('trigger-happy' killings) increased because the police forces have more permissiveness – they're given carte blanche to act."[2]

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[1] Remarks by Débora Maria da Silva at the event "Fue el estado: An International Call Against Impunity," New York City, June 1, 2016.
[2] Author interview with Nora Cortiñas, Castelar, Buenos Aires Province, August 29, 2017.

The manifest contradictions between well-documented patterns of police violence in Latin America and the promise of democracy to constrain the exercise of the state's monopoly of legitimate force within the bounds of the rule of law have been a compelling rallying cry for human rights activists in the region. Like Mães de Maio's memorial for "the invisible victims of democracy" (Movimento Mães de Maio 2019), Argentina's anti-police-violence group CORREPI keeps a running tally of what they call "the invisible repression of democracy" (Verdú 2009) – a count that intentionally begins in 1983, the year of Argentina's transition to democratic rule.

Long after the onset of the "third wave" of democratization (Huntington 1991), police institutions in many Latin American countries have constituted stubborn pockets of authoritarianism. Even as formal national democratic institutions flourished, patterns of coercion in many Latin American democracies have been characterized by widespread extralegal use of lethal force, arbitrary and discriminatory enforcement of the law, rampant corruption and predation, and weak or nonexistent external accountability. While many observers and scholars (e.g., Hite & Cesarini 2004; Pinheiro 1994) situate these patterns of violence within the history and legacy of the police forces' relationship to previous military dictatorships (as well as older historical processes), this book elucidates the ways in which such patterns of coercion are firmly rooted in democratic processes.

This book examines the politics of continuity and reform among coercive institutions under democracy. It asks why police forces in what are otherwise healthy democracies often exhibit sustained patterns of violence and corruption that are incompatible with democracy, and it investigates why these patterns persist and the conditions under which politicians choose to undertake reform.

The book draws on comparative analysis of periods of continuity and reform among police forces in Buenos Aires Province, Argentina; in São Paulo State, Brazil; and in Colombia, to demonstrate that the persistence of authoritarian coercive institutions is not the result of a failure of democratic processes, nor is it merely a set of structures and practices inherited from a previous period of authoritarian rule. Instead, police forces may emerge as authoritarian enclaves within otherwise democratic states as a result of ordinary democratic politics – citizens' claims-making and expression of demands for protection, as well as politicians assessing electoral incentives based on societal demands and political competition. As I argue in Chapter 2, when societal preferences over policing and security are fragmented, irrespective of political competition, reform

brings little electoral gain and carries the risk of alienating a powerful bureaucracy whose cooperation politicians need. Preference fragmentation thus favors the persistence of authoritarian coercive practices. Reform becomes likely, however, when societal preferences converge and incumbents face a robust political opposition, because politicians now face an electoral counterweight to the structural power of police. Paradoxically, then, even as coercive institutions in Latin America (and beyond) constitute an enduring blight on democracy in the region, democracy, too, may pose an important challenge for reforming coercive institutions.

THE PERSISTENCE OF AUTHORITARIAN POLICING AND ITS RENEWAL UNDER DEMOCRATIC RULE

The chapters that follow provide detailed accounts of the seamless continuity of police practices, structures, and personnel from authoritarian periods to democratic rule. While democratization brought considerable institutional change – including the enactment of significant military reforms and new constitutions – Latin America's transitions to democratic rule left police institutions largely intact.

But the remarkable persistence of police institutions in the face of regime change – from formal institutions such as rank structures and disciplinary systems to informal ones such as torture practices – should not be seen as an oversight, nor as vestigial remnants of previous authoritarian periods. Instead, this book demonstrates that the persistence of authoritarian modes of coercion in democracies results from a strictly democratic political logic. While previous periods of dictatorship gave birth to many current authoritarian coercive structures and practices of the region's police forces, they have been subjected to reproduction and renewal through ordinary democratic politics.

Accounting for the persistence of decidedly authoritarian modes of coercion in democracies requires understanding policing as a political resource that can be distributed toward electoral ends. Politicians' incentives to use the distribution of protection and repression to achieve political objectives in turn endow police forces with considerable agency to defend institutional prerogatives. As the primary entity to which the state delegates its monopoly of the legitimate use of force, police control a fundamental instrument of state making. This control over coercion endows the police with considerable structural power, enabling police to constrain the policy options available to politicians and raise the threshold

for reform. Absent an electoral threat, politicians are unlikely to under-
take the risks of reforming, and potentially alienating, the police forces
they ostensibly control. The problem for would-be police reformers in
Latin America is that such electoral threats to political leaders that neglect
to rein in violent, corrupt, and unaccountable police forces have, more
often than not, failed to materialize.

A key reason that authoritarian coercive structures and practices are
reproduced under democracy is that they are often the result of citizens'
demands. Indeed, the challenge of reforming the police is that the types of
police violence denounced by Débora Maria da Silva are actively demanded
by many of her fellow citizens who, in their minds, are simply seeking
protection from the state. Such demands are common throughout the
region. Residents at a community security meeting in a low-income neigh-
borhood in São Paulo, for instance, responded to an announcement by the
local police commander that police had shot and killed a criminal suspect
with applause and cries of "Thank God" (*Graças a Deus*).[3] Residents of
Santo Domingo, Dominican Republic, meanwhile, are – according to the
leader of a human rights organization – "tired of seeing so many muggings,
so much robbery, [such that] you can't even go outside … People wish that
human rights didn't exist here, and we recognize that. If you were to do
a survey, they would say, 'Kill all the delinquents'."[4] Such societal contest-
ation over the distribution of protection and repression results in the
formation of fragmented preferences and demands that may render reform-
ing the police electorally disadvantageous.

The enduring authoritarian patterns of coercion prevalent in many
democracies – from extrajudicial killings and torture to politicized repres-
sion – thus cannot be attributed solely to the legacies of previous periods
of authoritarian rule. While the failure to reform police at the time of
transitions was an oversight of many Latin American democracies,
policing in democracy can create electoral incentives and generate pat-
terns of demand-making that reproduce authoritarian coercion irrespect-
ive of these legacies. As a reformist Brazilian police official remarked
incredulously after the Constituent Assembly voted to maintain police
structures intact during the transition to democracy, "the dictatorship

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[3] A meeting of the local Community Security Council (CONSEG, Conselho Comunitário de
Segurança) attended by the author in a low-income neighborhood in the northern zone of
São Paulo in 2012.
[4] Author interview with anonymous leader of human rights NGO, Santo Domingo,
Dominican Republic, January 14, 2015.

militarized the police and now democracy has consecrated this"[5] (see Chapter 3).

THE CENTRALITY – AND DISSONANCE – OF POLICE IN DEMOCRACY

Making democracy real entails the provision of meaningful security to citizens. As the entity to which the state delegates its coercive authority, police are central to this task. Policing shapes the construction of democratic citizenship through the distribution of protection and repression (González 2017). Deficient security provision results in constrained citizenship, wherein citizens lack the security necessary to engage in the basic political, social, and economic activities that are constitutive of citizenship. Unequal security provision, meanwhile, results in stratified citizenship, where access to security and protection from state repression are determined by existing societal hierarchies, such as race, class, and geography. The ways in which police perform their central task are thus highly consequential for democracy. As the veteran police scholar David Bayley put it, "a government that cannot provide minimal safety to its citizens cannot be called a government, let alone a democratic one" (Bayley 2006, 22).

Meaningful security, however, has proven elusive for much of democratic Latin America. Homicide rates in post-civil-war El Salvador exceeded the average annual deaths during the civil war, becoming the second highest in the world in 1996 (Call 2003, 840). Colombia's homicide rate, meanwhile, skyrocketed from 32 per 100,000 inhabitants in 1980 to 86 in 1992 and 127 in 1994 (Franco Agudelo 1997, 95). Even countries with relatively low homicide rates by regional standards saw a rise in crime and violence. Argentina saw its violent crime rate increase fivefold during the 1980s and 1990s (Ungar 2002, 259), while Costa Rica saw its homicide rate double from 5.3 in the mid-1990s to 10 in 2011 (UNODC 2013). Despite considerable variation across countries, Latin America remains the most violent region in the world, with a homicide rate that is four times the global average (UNODC 2013, 23).

In the context of the high rates of crime and violence that have characterized Latin America since transitions to democracy in the preceding decades, citizens' demands for improved protection have become increasingly urgent. Indeed, it would be difficult to overstate the significance of crime and violence for Latin America's citizens and democratic governments.

[5] "Polícia Civil perde a função preventiva," *Correio Brasiliense*, November 7, 1987, p. 5.

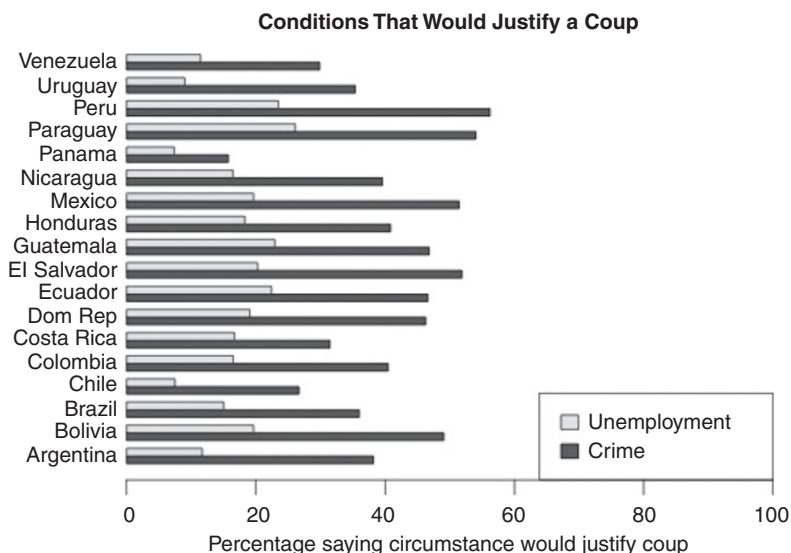**Conditions That Would Justify a Coup**

FIGURE 1.1 Comparison of the percentage of respondents expressing the opinion that high crime and high unemployment would justify "a military takeover over the state"
AmericasBarometer Survey 2012, Latin American Public Opinion Project (LAPOP)

Regional surveys such as the Latinobarometer and the AmericasBarometer have documented the growing concern of the region's citizens with crime and insecurity over the last two decades, in some instances overtaking every other issue identified by citizens as the most important problem facing their countries (Zechmeister 2014).

Just as urgent as citizens' demand for security, however, is the risk it poses for democratic stability. Indeed, many citizens appear to be highly skeptical about the ability of democratic governments to protect them and keep crime under control. In particular, a large proportion of citizens in the region seemingly believe that the military regimes of previous eras might be better suited for addressing the region's crime problem. Figure 1.1 shows responses to two survey questions asking respondents in Latin American countries about conditions that would justify "a military takeover of the state."[6] As we can observe from the chart, large groups of citizens – ranging from one-

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[6] The questions are from the 2012 wave of the AmericasBarometer survey. The survey question asked, "Some people say that under some circumstances it would be justified for the military of this country to take power by a coup d'état (military coup). In your opinion would a coup be justified under the following circumstances?" For each circumstance (high unemployment,

quarter to more than half – in nearly all countries agree that "a lot of crime" would justify a military coup.[7] In comparison, far fewer citizens believe that high unemployment would justify a coup. Rather than a wholesale rejection of democracy, citizens in much of Latin America appear to doubt that democracy can keep them safe from crime and seem particularly willing to turn to undemocratic responses to address this problem.

This dilemma is not merely abstract. Scholars have provided ample evidence of how the failure to provide adequate protection for citizens undermines the broader quality of democracy and, potentially, its long-term stability. Davis (2006) and Call (2003) have provided compelling analyses of the challenges of reforming coercive institutions and providing security for citizens, as well as the threat the failure to do so poses for the durability of new democratic institutions in Mexico and El Salvador, respectively. Scholars working in Central America – which has the highest rates of violence in the region – have found that crime victimization and fear of crime lead citizens to express lower support for democracy and increased support for military coups (Carreras 2013; Cruz 2003; Pérez 2003, 2009). Moreover, recent work by Cruz (2015) found that police corruption, abuse, and outright criminality can decrease support for the incumbent administration and for the democratic regime overall.

Coercion, and the state institution primarily charged with exercising it, are thus fundamental components of democracy. Indeed, as Guillermo O'Donnell told us decades ago, "a state that is unable to enforce its legality supports a democracy of low-intensity citizenship" (O'Donnell 1993, 1361). Thus, in instances where "what citizens can see of the state" (González 2017) is a police force that not only neglects to protect them but is also unconstrained by the rule of law and accountability, democratic citizenship, as well as the quality and stability of democracy, are at risk of being severely eroded.

HOW TRANSITIONS TO DEMOCRACY LEFT POLICE BEHIND

Despite the importance of policing for democracy, Latin America's democratic governments have focused remarkably little on reforming the police, even as they prioritized overhauling other institutions. As I lay

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a lot of crime, a lot of corruption), respondents had to agree or disagree with the statements that a military takeover of the state would be justified.

[7] This is a fairly consistent finding. For instance, since 2004, between 40 percent and 50 percent of respondents of each wave of the AmericasBarometer survey have declared that high crime would justify a military coup.

out in the chapters that follow, the decades following democratic transitions in Latin America saw political leaders enact new constitutions, reform militaries and court systems, and pass transformative policies in a range of policy areas. Police institutions, however, rarely underwent such processes of legislative reform. Venezuela's comprehensive police reform begun in 2006, for instance, was the first such effort in nearly 100 years (Gabaldón & Antillano 2007, 9). Similarly, the ambitious police reforms adopted in Buenos Aires Province in the late 1990s (discussed in Chapter 7) was only the second reform effort in a century (Barreneche 2007). Meanwhile, Colombian President César Gaviria's "*revolcón institucional*" (institutional shakeup), a transformative agenda to remake the Colombian state and rebuild its legitimacy through radical institutional changes, excluded the National Police (see Chapter 5). Finally, São Paulo's Military Police, one of the most lethal police forces in the Americas, has yet to undergo comprehensive structural reform more than three decades after the return to democratic rule (see Chapters 3 and 6). With the exception of Central American countries such as El Salvador and Guatemala, whose transitions to democracy saw the creation of entirely new police forces as part of peace agreements (Call 2003), police reform did not appear to be a priority for the region's democratic leaders.

The lack of urgency in reforming police following transitions to democracy stands in sharp contrast to the priority given to reforming another coercive institution – the military. Democratic leaders throughout the region sought to dismantle the political power, financial resources, coercive capacity, and intelligence apparatus of the armed forces that previously ruled over their countries (Diamint 1999; Pion-Berlin 1997). These essential reforms accompanied transitions to democracy or followed shortly thereafter. In some cases, the imposition of civilian rule over the once-dominant National Security Doctrine (Buitrago 2003; Pion-Berlin 1988) was itself the product of the political incentives created by democratization (Hunter 1997). While this emphasis on reforming militaries was wholly appropriate, the lack of reform of police institutions following transitions to democracy remains puzzling. As Chapter 3 on São Paulo State and Chapter 4 on Buenos Aires Province demonstrate, police forces were fundamental components of the machinery of repression under military dictatorships. While soldiers returned to the barracks following transitions to democracy, police officers returned to the streets, with their legal structures, repertoires of repression, and personnel left largely intact.

It is little wonder, then, that police forces throughout Latin America often bear little semblance to democratic ideals. Following the dramatic increases in crime and violence that accompanied the transition to democracy in many countries (Yashar 2019), police forces previously dedicated to political repression were ill-equipped to carry out their formal tasks of preventing and investigating crimes, a common pattern in new democracies (Tanner 2000). But police forces didn't only perform poorly at protecting citizens from criminal violence: they also remained a significant source of violence against citizens, largely unconstrained by the rule of law and accountability mechanisms. In Argentina and Brazil, the years following the end of military rule saw instruments of torture common under each country's dictatorship – the *picana eléctrica* (electric shock device) and *pau de arara* (a pole on which individuals are hanged upside down), respectively – become routine tools at the hands of police (Chevigny 1995). Killings carried out by police in Brazil each year not only exceed the total number of deaths at the hands of the state during the twenty years of military rule (Arias & Goldstein 2010, 2; Pereira 2005), but they also constitute a significant proportion of all homicides to this day (see Chapter 3). Even in less well-known cases, the numbers of citizens dying at the hands of police are staggering. In the Dominican Republic, human rights NGOs denounced in 2010 the killing of nearly 500 people by police, many of them summarily executed after they had already been detained.[8]

These extraordinarily high levels of police violence are exacerbated by the fact that, as the cases of São Paulo State, Buenos Aires Province, and Colombia show, characteristics such as race, class, or where one happens to reside are often stronger predictors of being subject to police action than is actual involvement in criminal activity. Rather than the rule of law, Latin American police forces seemingly adhere to the view attributed to patrolmen in various US cities in the 1970s by Wilson (1978): "What they deserve depends on what they *are*" (36). Moreover, the case studies also attest to the failure of other institutions of democracy to intervene to curtail these arbitrary and discriminatory policing practices. As was thoroughly researched by Brinks (2008), the Latin American police forces that most contravened the rule of law in their deployment of coercion were also the least likely to be held accountable by the judiciary. Chevigny (1999) argues further that opaque and weak disciplinary systems and nearly nonexistent oversight by executives and legislatures also serve to undermine accountability.

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[8] "CNDH afirma van 478 caídos en 'intercambios de disparos'," *Hoy*, December 11, 2010.

Thus, even as democratic rule has taken hold throughout Latin America and endured far longer than previous democratic episodes, police bureaucracies continue to function as authoritarian enclaves. But while these practices and structures were honed under authoritarian rule, they are sustained and reproduced by democratic processes, as I argue in Chapter 2.

UNDERSTANDING COERCION: BEYOND REGIME TYPE

The experiences of Latin America's democratic governments thus demonstrate that regime type and police force characteristics don't always correspond in the ways we might expect. Indeed, democratic governments in Latin America (and elsewhere) have long struggled to organize police institutions such that they address citizens' demands for order and security and so that the deployment of coercion against citizens is applied equitably and constrained by law and external accountability. Security and policing in the region exemplify what Holston and Caldeira (1998) call "disjunctive democratization," which is characterized by the contradictions inherent in the institutionalization of national-level democratic politics, juxtaposed with the "privatization of justice, escalation of both violent crime and police abuse, criminalization of the poor, and massive support for illegal and/or authoritarian measures of control" (265).

Indeed, the empirical chapters in this book attest to a range of coercive patterns and practices that defy notions of the rule of law and democratic citizenship. In São Paulo and elsewhere in Brazil, police officers routinely operate death squads responsible for the off-duty killing of hundreds of citizens, in addition to hundreds of extrajudicial on-duty killings. In Buenos Aires Province, police officials of all ranks have operated a lucrative criminal enterprise based upon extensive predation of the citizenry. In Colombia, the police force was profoundly infiltrated by and complicit with drug-trafficking organizations, leading to rampant violence against the population. And throughout the region, police routinely deploy coercion in the service of political and private interests.

Because of the clear mismatch between the formal democratic institutions that have taken root in most of the region and the ways in which the region's police forces exercise the state's coercive authority, it is essential to develop a theoretical framework about coercion that is distinct from regime type. Such theorizing can help us better understand the choices of democratic political leaders and the great variation in the deployment of coercion among the police forces they ostensibly control. After all, to

paraphrase Linz (2000) as he contemplated his typology of authoritarian regimes, we all know that police forces are different and that it is not the same thing to be subject to one or another police force, *especially* in matters of daily life (49).[9]

In order to conceptualize the seeming mismatch between regime type and the patterns of coercion prevalent throughout Latin America (and beyond), I begin by considering the implications of democratic institutions for the deployment of coercion in the pursuit of order and security. As the preceding discussion on Latin America illustrates, democratic governments face a twofold challenge in the provision of order and security. They must not only address urgent societal demands for improved security for the sake of democratic responsiveness and winning elections: they must also strive to do so in accordance with democratic principles.

Whether one subscribes to minimalist definitions of democracy or broader conceptions, democratic theorists offer valuable insights about what the state's exercise of coercion ought to look like under formal democratic rule. Classic theories conceived of democracy as a primarily electoral endeavor for selecting who will govern; they were fundamentally concerned with identifying an "institutional arrangement for arriving at political decisions" (Schumpeter 1942, 269), one "which permits the largest possible part of the population to influence these decisions" (Lipset 1959, 71). Dahl (1971) extends the focus on citizens' ability to influence governance, emphasizing participation and contestation, while Schmitter and Karl (1991) cite "channels for the expression of interests and values" (81).

What we can derive from these theories is that, as with many other actions taken by the state, citizens in democracies ought to be able to influence the exercise of coercion to ensure that it serves their interests. This represents a stark departure from the traditional role of coercion in state building, which was exercised primarily in the interest of consolidating leaders' hold on power (Bayley 1975; Tilly 1985). Given the impossibility of exercising the rights of democratic citizenship in the context of a "war of every man against every man" (Hobbes [1651] 1996), democratic coercion must instead have as its primary function the protection of citizens.

But democracy does not only require that coercion be exercised in the interest of citizens and with their input: it also requires that the exercise

[9] "We all know that governments are different and that it is not the same thing to be the citizen or subject of one or another country, even in matters of daily life" (Linz 2000, 49).

of coercion adhere to the rule of law. The implications of the rule of law for how democracies ought to deploy coercion are clear, whether understood through its standard features of predictability and equality (Holmes 2003), a "democratic rule of law" conceptualized as "fairness, access, universality, and legality" (Holston & Caldeira 1998, 283), or the more expansive view of "a truly democratic rule of law that ensures political rights, civil liberties, and mechanisms of accountability which in turn affirm the political equality of all citizens and constrain potential abuses of state power" (O'Donnell 2004, 32). Coercion exercised in accordance with the rule of law thus entails limits on police authority to provide protection and exert repression, based not only on the law but also on the premise of equal treatment of all citizens.

Finally, just as some prominent definitions of democracy require that "rulers are held accountable for their actions" (Schmitter & Karl 1991, 78), "democratic coercion" also requires that it be subject to external accountability. Per Schedler (1999), accountability entails "subjecting power to the threat of sanctions; obliging it to be exercised in transparent ways; and forcing it to justify its acts" (14). O'Donnell (1998) argues – with respect to executives – that such accountability ought to be imposed by other state entities, though Schmitter (1999) counters that horizontal accountability can also be exercised by non-state actors. Applied to police forces exercising the state's coercive power, we ought to expect democracies to create formal *external* mechanisms by which civilian (i.e., non-police and non-military) state actors can monitor the use of coercion, conduct oversight in practice, and employ sanctions when such use of coercion falls outside the bounds of the law.

Nevertheless, one of the central arguments of this book is that the coercive structures and practices described here, and illustrated in greater detail in Chapters 3–5, are not simply undemocratic: they are unequivocally authoritarian. Understanding this characterization requires a definition of authoritarian coercion. Much of the literature on authoritarianism follows the reasoning that "one of the easiest ways to define a concept is to say what it is not" (Linz 2000, 50),[10] defining authoritarianism by "the absence of democratic processes" (Brownlee 2010). A shortcoming of this approach, as has been highlighted by a number of

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[10] Glasius (2018) develops an extensive critique of this scholarly practice to define authoritarianism by the absence of the defining features of democracy.

scholars, is that "it does not consider the possibility of authoritarianism occurring within a democratic regime."[11]

In theorizing about the relationship between regime type and modes of policing and coercion, it is similarly important to avoid definitions of authoritarian policing simply by the absence of democratic coercion. Instead, I look to the literature on coercive institutions in authoritarian regimes to conceptualize authoritarian coercion. While political science has traditionally ignored the police as an object of study, a small but robust literature on coercion and policing in autocracies has emerged in recent years, offering invaluable insights on how authoritarian rulers organize police institutions and how, as well as to what ends, they deploy coercion. As I argue, police may emerge and persist as authoritarian enclaves within otherwise democratic states, not simply due to the absence of the features of democratic coercion already described but due to structures and practices that resemble those of coercive institutions in authoritarian regimes.

Under authoritarian rule, the primary function of coercive institutions and the deployment of coercion is to keep the leader in power. Coercive institutions are organized with the objective of neutralizing or eliminating threats to the ruler – including from within coercive institutions themselves (Policzer 2009) – and the nature of those threats will shape institutional design and the deployment of coercion (Greitens 2016). Irrespective of institutional variation, however, authoritarian regimes have long deployed coercion to repress political adversaries and consolidate power, whether in Argentina in the 1930s (Kalmanowiecki 2000) or in Russia under Vladimir Putin in the early twenty-first century (Taylor 2011). Authoritarian rulers are invariably concerned with their own political survival, such that Greitens (2016), in her study of institutional variation in the design of coercive institutions and patterns of repression, finds that rulers organize coercive institutions and deploy coercion to achieve one of two objectives – "coup-proofing" and quelling popular unrest – in order to neutralize threats to the leader's hold on power (4). The argument here is not that police forces in authoritarian settings do not offer protection from crime. Instead, what we can learn from the literature on authoritarian coercion is that leaders' choices about the design and organization of coercive institutions, and about how coercion is deployed,

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[11] Beetham 2015, 2. Other scholars featured in the symposium raised similar critiques of standard approaches to theorizing authoritarianism from the perspective of democracy studies.

are oriented not toward protecting citizens from crime but rather toward their own political survival.

Another feature of coercion in authoritarian settings is that its usage is not based on or bound by law. In autocracies, Maravall and Przeworski (2003) tell us, "the law is the instrument of the sovereign, who, by definition of sovereignty, is not bound by it"; as a result, "extralegal commands are as forceful as those dressed as law" (3). This characterization resembles Taylor's account of the "new regime of repression" used by Vladimir Putin to consolidate political and economic power in Russia: building the capacity of coercive institutions to enforce what he calls "exceptional decisions," based on "specific circumstances that may be discretionary, or even potentially unlawful, under existing rules," rather than "routine decisions" based on existing laws and procedures (Taylor 2011, 16). It would be reductive to say that there is no place for law under authoritarian regimes, and scholars such as Pereira (2005) would likely caution us to take "authoritarian legality" seriously. Yet, even in Pereira's careful study of the use of laws and courts by Southern Cone authoritarian regimes, coercion was not bounded by law. Instead, the law was used as a means of legitimizing each regime's preferred mode of coercion. In authoritarian regimes, interpretation of the law is left "to the rulers themselves, rather than to independent objective bodies, and [applied] with a wide range of discretion" (Linz 2000, 59). Thus, if a defining feature of democratic coercion is that it ought to be based on the rule of law, the exercise of authoritarian coercion is instead exceptional or arbitrary, systematically deployed beyond what is in the law and unconstrained by rights and limits defined by law. The notion of "exceptional" coercion is based on the concept of "state of exception," a legal condition in which executives grant themselves the authority to govern outside the bounds of the law, typically in times of crisis or existential threats, but which has come to be used in more expansive ways by contemporary democratic governments (Agamben 2005). Exceptional or arbitrary coercion thus describes generalized structures or practices, rather than individual agents (sometimes characterized as "bad apples") or sporadic actions that transgress the rule of law.

From this we can derive a third feature of coercion in authoritarian settings: the extent to which its use is subject to external accountability. As Policzer (2009) observes in his study of authoritarian coercion in Pinochet's Chile, "secrecy is the norm" (4), serving as "a basic tool of unconstrained power" (16). Although external monitoring of coercion and coercive institutions is not absent in authoritarian regimes, it does not

TABLE 1.1 *A continuum of coercion*

	Authoritarian	Democratic
Primary function	Serves interests of leaders	Protects citizens from crime
Legal basis	Arbitrary/exceptional	Based on rule of law
External accountability	Weak	Robust

entail accountability. Indeed, as Policzer notes, "If these [accountability] institutions existed, and if they were truly free, the regime in question would not be authoritarian" (Policzer 2009, 18). Thus, while foreign governments and human rights groups may monitor the use of coercion in authoritarian settings and attempt to sanction abuses through "shaming" and other mechanisms, the absence of formal, systematic mechanisms of transparency and sanctions means that, in autocracies, "nothing compels the sovereign to rule by law" (Maravall & Przeworski 2003, 3).

Based on the preceding discussion, we can develop a continuum of coercion (see Table 1.1). We can distinguish between the two ideal types along three dimensions: (1) whether coercion is used primarily to serve the interests of the leader or to protect citizens from crime and violence; (2) the extent to which the use of coercion is governed by law or is exceptional; and (3) the existence of meaningful formal external accountability mechanisms for the deployment of coercion. Democratic coercion is defined by the deployment of coercion for the purpose of protecting citizens from crime, based on the rule of law, and subjected to robust external accountability. Authoritarian coercion, meanwhile, is defined by the deployment of coercion whose primary function is to serve the interests of the leader to remain in power, is exceptional rather than based on law, and is subjected to weak or nonexistent external accountability mechanisms.

While there are certainly some police forces that neatly fit one of these two ideal types, the dichotomy should instead be conceived of as a continuum, with most police forces falling somewhere in between authoritarian and democratic coercion and potentially shifting between them over time.[12] Indeed, as I discuss in Chapter 2, the chief undertaking of this book will be to explain why police forces in democracies may

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[12] Since the classification is based on three dimensions, one might similarly envision additional types based on different configurations of the three dimensions. Such differentiation, however, is beyond the scope of this book.

remain closer to the authoritarian end of the continuum, as well as the conditions under which political leaders choose to enact reforms to shift coercive institutions toward the democratic end.

Conceptualizing coercion in this way is conducive to understanding the contradictions between patterns of police violence in Latin America and democratic principles. This framework decouples the type of coercion from the type of regime, allowing us to contemplate the persistence of authoritarian modes of coercion in democracies and democratic modes of coercion in authoritarian or semi-authoritarian countries. Evidence of the former abounds in Latin America (and elsewhere), and recent research has analyzed efforts to introduce forms of what I call democratic coercion in an electoral authoritarian regime (Light 2016). Accordingly, a focus on coercive structures and practices "allows a shift away from only designating 'regimes' as authoritarian, recognizing that in contemporary politics, governance arrangements can be more fluid" (Glasius 2018, 523).

This framework also underscores that "authoritarian enclaves" are not only territorial or subnational jurisdictions (Gibson 2013; Giraudy 2015; Mickey 2015); they can also encompass state bureaucracies. This framework thus helps to elucidate the notion that democracies can sustain authoritarian institutions, just as they can permit "authoritarian enclaves" to flourish within their territory. Elucidating these political choices about the design of coercive institutions and the deployment of coercion will demonstrate that, as with the "persistence of local authoritarianism," the persistence of authoritarian coercion – and the decision to reform – are "part and parcel of everyday politics within the modern nation-state" (Gibson 2013, 4).

THE STRUCTURAL POWER OF POLICE AND THE POLITICS OF COERCION IN DEMOCRACY

As the empirical chapters in this book demonstrate, the coercive structures and practices of many Latin American police forces following transitions to democracy have been decidedly authoritarian. But why do democracies continue to sustain police forces that systematically exercise authoritarian coercion? In the chapters that follow, I demonstrate how police forces exercise a form of "boundary control" (Gibson 2013). By virtue of their structural power, police organizations can induce political leaders to engage in accommodation, mutually beneficial exchange relationships wherein leaders grant police greater autonomy in exchange for cooperation.

In order to understand the persistence of these authoritarian coercive structures and practices in otherwise democratic states, it is essential to understand the relationship between coercion and democratic politics and, crucially, the structural power of the entity that exercises the state's coercive authority. Coercion is a defining feature of the state (Tilly 1993; Weber 2009), and it is also a defining feature of police. Despite this, even theorists who understand state capacity in terms of the state's ability to control and enforce its laws throughout its territory (e.g., Mann 1984, 189; Soifer 2015, 9) nevertheless overlook the actual entity to which the state delegates its monopoly of the legitimate use of force. Indeed, for scholars of policing, the authorization to use force is the core of the policing role (Bayley 1985; Bittner 1970; Goldstein 1977). It is little wonder, then, that leaders across a range of regime types have historically undertaken state-building efforts by "enlarging, professionalizing, and ultimately arming the police" (Wilson 1978, 32). Police had a central role in early state formation in Europe (Bayley 1975; Reiner 1998; Tilly 1985) and in Latin America during the twentieth century (Barreneche & Galeano 2008; Camacho 1993; Kalmanowiecki 2000). But rather than serving as a response to objective conditions of criminality, these efforts are better understood as a response to political threats (Bayley 1975, 357; Kalmanowiecki 2000, 48). According to these accounts, then, this building up of the police as a means of building the state followed a strictly political logic.

As with these early – largely authoritarian – states, coercion and coercive institutions play a central role in state building in contemporary democracies. While militaries may be more prominent under some authoritarian regimes, police are primarily charged with the maintenance of order in democracies (Bayley 1985; Goldstein 1977).[13] As crime and violence reached historically high levels in many Latin American countries in recent decades, order and security have been among citizens' most urgent demands (Zechmeister 2014), placing police at the center of democratic politics in the region. But police institutions are not only the entity to which the state delegates its monopoly of the legitimate use of force. They are also a key instrument of the state's infrastructural power, "the capacity of the state to actually penetrate civil society, and to implement logistically political decisions throughout the realm" (Mann 1984, 189).

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[13] Bayley (1985) cites the authorization to use force internally as the unique competence of police, clarifying that "when military formations are used for order maintenance within a society, they should be regarded as acting as police" (8).

As such, for the great majority of citizens – as a former commander of the Colombian National Police told me in an interview – police officers are "the materialization of the state, what [citizens] can see of the state."[14]

Through their control of a vital policy area – order and security – police constitute the "nerve center of the state" (Ungar 2002). Order and security are essential for any society to flourish and constitute a particularly urgent question for Latin America's "violent democracies" (Arias & Goldstein 2010). Where citizens must endure "continual fear and danger of violent death" (Hobbes [1651] 1996), they have little possibility of enjoying what T. H. Marshall calls the "social component" of citizenship – guaranteeing the "right to share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in the society" (Marshall 1950, 11) – nor what Holston and Caldeira (1998) call the "civil component," which entails the "rights to associate, assemble, and communicate among private individuals who thus become associated individuals and who thereby create the public sphere of society" (264). Whether or not states – and, specifically, the police – effectively provide order and security is a key determinant of the extent to which formal democratic institutions translate into the ability to engage in everyday political, economic, and social activities that are constitutive of democratic citizenship in practice (Brysk 2012; González 2017; Yashar 2012).

Because police are charged with providing a service that is essential for the functioning of society, police forces also serve as an essential instrument of political power. If the police force were to withdraw its service, it would prove to be politically catastrophic for elected leaders. Moreover, because police protection is so highly valued by citizens, police forces provide a service that can be distributed in politically beneficial ways. Indeed, even in present-day democracies, politicians have used police forces to serve their political interests and consolidate power, by selectively providing protection for favored constituents (Wilkinson 2004), shielding them from unfavorable enforcement of the law (Davis 2006; Holland 2015), punishing political opponents (Saín 2006), and raising revenue (Sances & You 2017).

This structural position of police – as a political resource and a purveyor of an essential condition of governance – means that, as Lindblom (1977) argued about business leaders, police occupy a "privileged position," given their role as "functionaries performing

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[14] Author interview with the former director of the Colombian National Police, General (ret.) Miguel Ángel Gómez Padilla, October 12, 2013.

functions that government officials regard as indispensable" (175). Just as with the business sector in market-oriented societies, police bureaucracies can be formidable assets for politicians. But they also present important constraints. By commission or omission, police forces can create politically uncomfortable situations for elected officials. For instance, apparent work slowdowns by police in cities such as New York,[15] Baltimore,[16] and São Paulo[17] – during which police officers scaled back patrols and arrests, in some cases leading to increased violence – proved to be deeply embarrassing for their respective mayors. Just as Lindblom warned that "depression, inflation, or other economic distress can bring down a government" (172–173), a former secretary of security in Buenos Aires Province issued a similar warning regarding the risks posed by police: "Any governor or president knows that insecurity events can corrode an administration. You can build a lot of roads, a lot of public works, but these events can undermine your administration."[18]

As a result of the opportunities and risks posed by the police's control of coercion, politicians have strong incentives to engage police forces in accommodation, a mutually beneficial exchange relationship in which politicians grant police autonomy in exchange for the organization's cooperation in pursuing political objectives. Police forces not only have an interest in maximizing autonomy, a standard bureaucratic prerogative (Lipsky 2010, 14): they are also uniquely situated among state bureaucracies to achieve autonomy and defend institutional interests, in no small part due to a hierarchical, often-militarized structure that facilitates coordination and makes credible the threat of withdrawal of service. Indeed, scholars have noted that police can successfully resist incursions on their "turf," exhibiting hesitation to adopt new tasks (Wilson 1989, 107), rejecting mechanisms of accountability to outside actors (Alpert & Dunham 2004, 9), and weakening of reforms even after they are adopted (Ungar 2002; Hinton 2006; Goldstein 1977).

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[15] See "For Second Week, Arrests Plunge in New York City," *New York Times* January 5, 2015; "In Police Rift, Mayor de Blasio's Missteps Included Thinking It Would Pass," *New York Times*, January 11, 2015.

[16] "With Killings Rising in Baltimore, Mayor 'Examining' Decrease in Arrests," *Baltimore Sun*, May 27, 2015.

[17] Wanderley Preite Sobrinho and Ricardo Galhardo, "Prefeitura de São Paulo tenta despolitizar violência na Virada Cultural," IG São Paulo, May 20, 2013, http://ultimosegundo.ig .com.br/brasil/sp/2013–05–20/prefeitura-de-sao-paulo-tenta-despolitizar-violencia-na-vir ada-cultural.html.

[18] Author interview with Alberto Piotti, Buenos Aires, November 2, 2011.

In order to understand the nature of the police's agency and the patterns of accommodation that emerge between politicians and police, Taylor's distinction between the police's "routine" (formal, defined by law) and "exceptional" (informal, possibly extralegal) tasks may prove helpful (Taylor 2011, 16). These two sets of tasks may operate as distinctly separate dimensions, such that police forces may possess capacity in performing exceptional tasks but institutional weakness in their formal role, as Taylor shows was the case in Putin's Russia. Police may also exchange cooperation in one dimension for autonomy in another. In Buenos Aires Province, for instance, police cultivated considerable autonomy in their routine task of security provision in exchange for cooperation with politicians and political parties in an expansive network of illicit political financing (Chapter 4). The Colombian police, meanwhile, faced little civilian intervention despite widespread extralegal violence and corruption in exchange for continued cooperation with the government's policy priority, the war against drug cartels (Chapter 5). As these examples suggest, there is variation in the specific forms of police–politician accommodation; but, as with business, their relationship is defined by "reciprocal dependence" (Culpepper 2015). Police forces are a political instrument utilized by politicians in some dimensions; but they are also a political actor, successfully exercising agency in pursuit of their own prerogatives in other dimensions.

Thus, while police forces are a potent political instrument utilized by politicians, they are also a formidable political actor, endowed with structural power due to their control of coercion. Indeed, police institutions exercise power in all its "faces," as conceptualized by scholars such as Gaventa (1980) and Lukes (1974). As evidenced in the cases analyzed in this book, police forces routinely prevail in specific contests, as occurred often when police commanders in Buenos Aires Province leveraged their political relationships to prevent reformist security officials from removing them from their posts due to corruption (Chapter 4). They also succeed in keeping certain issues off the agenda, as exemplified by the shelving of a police reform bill in the Colombian congress due, according to the minister of defense at the time, to opposition from the National Police (Chapter 7). Finally, police also shape discourses and understandings of the problem of crime and security, as occurred when São Paulo's police forces convinced politicians and a majority of citizens that the governor's reform attempts were a threat to security (Chapter 6).

The police's structural power is key to understanding the persistence of authoritarian coercion in democracies. Rather than constituting an oversight

by political leaders or a view that reforming the police was less consequential than reforming militaries – as one Argentine official argues in Chapter 4 – the police's ability to leverage its structural power to constrain the policy agenda and thwart reform is an essential driver of its institutional persistence. The book's main argument, developed further in Chapter 2, elucidates how ordinary democratic processes reinforce, rather than challenge, this persistence of authoritarian coercion.

THE STRUGGLE FOR DEMOCRATIC COERCION

This book demonstrates that, because ordinary democratic politics can reproduce and sustain authoritarian coercion, a shift toward democratic coercion requires intentional comprehensive structural police reforms. But under what conditions do such reform processes emerge? Based on two-and-a-half years of qualitative fieldwork in Argentina, Brazil, and Colombia, this book shows that ordinary democratic politics can be both a barrier to and a catalyst for democratic coercion. I argue that electoral incentives are central to politicians' decision to maintain the status quo of authoritarian coercion or to enact police reform to promote democratic coercion. When societal preferences over policing and security are fragmented, politicians will see little electoral gain in enacting reform and a substantial risk of alienating a powerful bureaucracy whose cooperation they need. In contrast, when politicians observe preference convergence through a scandal and face a robust political opposition, reform becomes more likely, since they now face an electoral counterweight to the police's structural power.

As the empirical chapters illustrate, understanding the structural role and structural power of police institutions is essential for explaining why eradicating decidedly authoritarian coercive structures and practices within police forces has proven to be so challenging for democracies. Because of their control over coercion, police organizations are uniquely positioned to resist reform efforts. At the same time, politicians may be especially reluctant to place constraints on their ability to use police toward their own political ends. These forces are not deterministic (as is also true for the structural power of business, per Culpepper (2015)) but instead create a set of entrenched interests that raise the stakes (and risks) of reform. To a much greater extent than other policy areas, where politicians may seek to be "policy entrepreneurs" or simply act out of an adherence to democratic principles, executives seeking to reform authoritarian coercive practices and structures among the police forces under

their control must contend with the likely resistance from a powerful bureaucracy whose actions, and inaction, have the potential to "corrode" their administrations. The largely failed efforts of then São Paulo governor André Franco Montoro to reform his state's police forces in the years after the transition to democracy (Chapter 6) illustrate the challenges inherent in such reform attempts. Police forces routinely and successfully leverage their structural power to achieve considerable autonomy from the elected leaders to whom they are ostensibly accountable. It is unsurprising, then, that in much of Latin America, as in much of the United States, "police now actually have greater autonomy than other agencies of government that exercise much less authority" (Goldstein 1977, 134).

The implication of this framework, developed further in the next chapter, is that politicians will be unlikely to incur the costs of attempting to reform the police unless not doing so poses an electoral threat. Because of their structural power, police forces can successfully leverage their control of coercion to constrain the policy options available to politicians and raise the threshold for reform. Within this constrained policy space, whether authoritarian modes of coercion persist or are subjected to reform processes is a function of how societal preferences and demands, as well as political competition, shape the electoral incentives of politicians when choosing between the status quo and reform. In this context, the emergence of police as authoritarian enclaves within the state results from the nature of ordinary democratic politics. Thus, what appears to be a failure of democratic processes to address coercive institutions that routinely and fundamentally contravene democratic principles may instead be an exercise of democratic responsiveness to the preferences and demands of large and powerful sectors of the citizenry who – like the São Paulo residents who applauded a police killing of their fellow citizen – may view such practices as necessary for their own protection.

THEORETICAL CONTRIBUTIONS

In 2016 Darrell Cannon stood in front of dozens of college students and recounted his harrowing experience with torture at the hands of officers from the Chicago Police Department, remarking that it must have seemed "like something out of a Third World dictatorship."[19] Yet, what Cannon

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[19] Chicago Torture Archive launch event, University of Chicago, October 18, 2016. Public event attended by the author.

endured took place not under an authoritarian regime but rather in the context of a consolidated democracy. Cannon was one of over 100 men – mostly Black and poor – tortured by the Chicago police to extract false confessions, a practice that went on for nearly two decades with little to no intervention from the courts or elected officials (Ralph 2020).

This book is part of a growing literature on the limitations of democracy and the potential for democratic processes to produce undemocratic outcomes. Scholars such as Achen and Bartels (2016) have demonstrated how ordinary democratic politics may actually undermine government responsiveness, while Gilens (2014) examines how democratic processes can reproduce societal inequalities, with important implications for representation. Recent studies have also examined the susceptibility of democracy to extremism, norm erosion, and authoritarian political movements that may ultimately bring about its downfall (Levitsky & Ziblatt 2018), a concern that has long been the focus of democratic theorists (Loewenstein 1937). The analysis presented here draws on these insights to explore the tensions that policing and coercion pose for democracy, emerging as authoritarian enclaves due to many of the same factors identified by these scholars.

Elucidating the processes through which patently authoritarian coercive practices can become a routine tool of policing in democracies is the central task of this book. Recent scholarship has advanced our understanding of how authoritarian leaders make choices regarding the organization and deployment of coercion to remain in power (Greitens 2016; Policzer 2009; Taylor 2011). Yet, we still know relatively little about the role of coercion in democracies, despite the fact that coercion – and the primary institution charged with exercising it – may be highly consequential for the everyday lives of citizens and democratic governance. This book seeks to contribute to this new and important literature by investigating how leaders – and citizens – in established and developing democracies alike make choices about how to organize, deploy, and control coercive institutions. It demonstrates that police in democracies are also instruments of power. Far from the conventional notion of security as a public good, police provide a highly coveted and contested service that politicians can distribute selectively to pursue their political objectives, a condition police forces skillfully leverage toward their own ends. This book therefore theorizes about the agency and structural power of a bureaucracy that leverages its control of coercion to selectively provide its service in the interests of elected leaders but can also threaten leaders by withdrawing its service of providing order and security. This analysis

allows us to better understand the conditions under which police bolster – or threaten – leaders' hold on power, as well as governability and the rule of law.

In doing so, this book also adds important insights to recent scholarship exploring the contours, causes, and consequences of racialized policing and abuses in the United States in the post-Ferguson era. While much of this work probes the consequences of racialized policing for the relationship between communities of color and the state (Laniyonu 2018; Soss & Weaver 2017), and shows how political underrepresentation of Black Americans leads to unequal policing (Eckhouse 2019), police institutions remain a "black box" in these analyses. Yet police forces are the only institution of the state legally empowered to use violence against its own citizens, making police distinct from other types of bureaucracies. This book theorizes police as political actors, elucidating how police successfully exercise agency in pursuit of their own prerogatives and act as a veto player, setting the bounds of policy options available to politicians choosing between continuity and reform. A key takeaway from the book's analysis for observers of the challenges posed by unequal policing in the United States is that reforms that fail to contend with the police's structural power will likely do little to address patterns of racialized policing and other abuses.

This book also joins a long line of scholarship exploring the endurance of police violence in established and developing democracies alike (Ahnen 2007; Bonner, Seri & Kubal 2018; Caldeira & Holston 1999; Smith 2019; Wahl 2018). Yet, even as scholars have consistently demonstrated that democratic institutions have failed to prevent the types of extrajudicial violence employed by the authoritarian regimes that preceded them, this book unpacks the mechanisms by which ordinary democratic politics may alternately reinforce such patterns and practices – or create conditions that make reform possible.

The book also develops and tests a nuanced theory of institutional persistence and change, demonstrating that societal pressures and mobilization as well as political competition can produce both continuity and reform. The analysis presented in this book demonstrates that the emergence and persistence of police forces as authoritarian enclaves are not merely the consequence of incomplete transitions from dictatorship nor of the failure of democratic institutions. Instead, this institutional persistence is sustained and reproduced by democratic processes of citizen contestation and demand-making, as well as leaders' responsiveness based on electoral incentives. As the case studies show, these democratic processes

may serve alternately as impediments to building state capacity and distinctly democratic forms of coercion or as key levers for change.

The analysis presented here also provides important insights into other prominent cases where policing, and the provision of security more broadly, comes into sharp tension with democracy. In the Philippines, President Rodrigo Duterte carried out a concerted campaign of thousands of extrajudicial killings under the pretense of a drug war, with massive popular support.[20] In South Africa, a robust human rights regime has come to be viewed by ordinary citizens as an impediment to security, leading to increased support for vigilantism and extrajudicial state violence (Smith 2015). Meanwhile, even consolidated democracies have not been immune from persistent authoritarian coercive practices, as evidenced by the enduring contestation over extrajudicial killings of unarmed Black men in the United States. This analysis thus sheds light not only on why democratic governments in Latin America and elsewhere have been deficient in performing the defining task of the state but also on why their police forces have in many ways continued to operate as authoritarian enclaves.

PLAN OF THE BOOK

The chapters that follow develop and test a theoretical framework that builds on the central argument presented in this chapter: that democratic processes often sustain and reproduce authoritarian police. Chapter 2 presents the book's theoretical framework, unpacking the dependent variable – the persistence of authoritarian coercive institutions or reform to promote democratic coercion – and laying out the argument that the fragmentation of societal preferences over police reform and patterns of political competition shape the incentives of political leaders choosing between the status quo and reform.

The empirical chapters are organized around variation in the dependent variable, leveraging change over time across the case studies. Part I of the book examines the persistence of authoritarian coercion among police forces in São Paulo State, Buenos Aires Province, and Colombia. In each of Chapters 3, 4, and 5, I explore entrenched authoritarian coercive structures and practices, as well as the failure of democratic institutions to constrain them. I then lay out how the police force in each case leveraged

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[20] Regine Cabato, "Thousands Dead. Police Accused of Criminal Acts. Yet Duterte's Drug War Is Wildly Popular," *Washington Post*, October 23, 2019.

its structural power to constrain policy agendas to maintain the status quo of authoritarian coercion, and I demonstrate how fragmentation of societal preferences and contestation reinforced institutional persistence, thereby reproducing authoritarian patterns of coercion in each setting.

Part II of the book focuses on reform efforts to promote democratic coercion. Chapter 6 examines a series of failed efforts to enact structural police reform in São Paulo State, leading to the persistence of a police force that serves the political interests of leaders, exercises rampant violence outside the bounds of the law, and faces little external accountability – more than three decades after the return to democratic rule in Brazil. The chapter elucidates how the structural power of police constrains policy agendas and how societal preference fragmentation – and, crucially, weak political competition – can block efforts to enact police reforms to promote democratic coercion. Chapter 7, meanwhile, jointly considers the comprehensive and ambitious reform processes of the police forces of Buenos Aires Province and Colombia, demonstrating how shifts in societal preferences and political competition change politicians' incentives in favor of reform.

The concluding chapter considers the implications of the persistence of authoritarian coercion for democracy and reflects upon the empirical analysis to consider the ways in which high levels of violence and inequality exacerbate these processes. Chapter 8 also sketches out how the argument might extend to other democracies, particularly those afflicted by violence and inequality.

2

Ordinary Democratic Politics and the Challenge of Police Reform

In November 1982, on the eve of São Paulo State's first democratic elections after nearly twenty years of military rule, then-governor José Maria Marin made strong declarations about rampant violence by the state's Military Police, which had already killed hundreds of people that year: "I want to let the people [of São Paulo] know that I will not have the slightest doubt in going to the final consequences to ensure those cases do not repeat themselves. May it hurt whomever it may hurt. The people need to be able to trust in the power of authority, which should be exercised to preserve their tranquility . . . I will go to the final consequences to contain police violence."[1] That same day, a high-ranking Civil Police official also spoke out emphatically about the need for police reform, namely by demilitarizing the Military Police and integrating the state's two police forces.

After three decades of democracy – and despite Marin's adamant call for, in essence, democratic coercion – relatively little has changed. São Paulo State's Military Police continues to kill hundreds of people each year, with the number of civilians killed by police exceeding 800 in 2016, according to official figures, the equivalent of 23 percent of homicides reported that same year.[2] In recent years, with levels of police violence rising once again, prominent security and police officials cited demilitarization and unification of the Civil and Military police forces as

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[1] "Marin promete fim da violência da polícia" and "E o delegado faz suggestões," *O Estado de São Paulo*, November 2, 1982.

[2] Estatísticas Trimestrais, Secretaria de Segurança Pública do Estado de São Paulo. Available at www.ssp.sp.gov.br/Estatistica/Trimestrais.aspx.

the key to getting police violence under control, just as they had thirty years earlier.[3]

In the years following Argentina's transition to democracy, meanwhile, the Police of Buenos Aires Province suffered from similar institutional deficiencies. By the mid-1990s, the *Bonaerense* (the provincial police) had come to be known as the "*maldita policía*" (damned police), due to its routine involvement in extensive corruption and human rights violations and its participation in many of the criminal acts it was formally tasked with preventing and repressing.[4]

In both settings, authoritarian coercive practices and structures flourished, with police forces routinely deployed in exceptional ways, with negligible external accountability and in the service of political leaders' interests. As the empirical chapters demonstrate, these modes of policing persisted for many years following the end of authoritarian rule, not as mere vestigial legacies of military dictatorships but sustained by ordinary democratic politics. In Buenos Aires Province, however, political leaders eventually chose to enact comprehensive structural reform in an effort to promote democratic coercion by the provincial police. In São Paulo State, meanwhile, democratic politics has, in many ways, acted as an obstacle to reform, thereby serving to reproduce authoritarian coercion three decades after the formal end of the military dictatorship.

São Paulo State and Buenos Aires Province, and their respective police forces, share a number of structural characteristics. Each is the largest, most populous, and most economically powerful unit in a federal structure in which the state/province is charged with security provision and overseeing the police. They experienced contemporaneous transitions to democracy that left intact police institutions that had been integral to the repressive apparatus under military rule. And both societies largely failed to contain authoritarian coercion by their police forces in the context of historically high rates of crime and violence.

Yet the *Bonaerense* has by now been subjected to highly ambitious structural reforms, while reform of the Military Police of São Paulo State has been restricted to marginal reforms, with broader structural reform largely off the table. Instead, despite constituting, in many ways, the structural opposite of Buenos Aires Province (see Table 2.2), it was

[3] "Os policiais brasileiros querem desmilitarizar a instituição," *El País*, July 29, 2014; Luiz Eduardo Soares, "Desmilitarização e reforma do modelo policial," *Le Monde Diplomatique Brasil*, November 1, 2013.

[4] See Carlos Dutil and Ricardo Ragendorfer, "Maldita Policía," *Noticias*, August 10, 1996.

Colombia that enacted a comprehensive reform of its National Police that was remarkably similar to that passed in Buenos Aires Province. In Colombia, as in Buenos Aires Province, democratic police reform came after more than a decade of state inaction in the face of authoritarian coercive practices – including extrajudicial killings, torture, and disappearances – as well as institutional decay, extensive involvement in criminal activity, and incompetence in the face of rising crime and violence. Political leaders in both settings sought to address these urgent problems by demilitarizing, decentralizing, and professionalizing their police forces, changing rank structures, raising recruitment standards, modernizing training, overhauling disciplinary systems and internal oversight mechanisms, creating structures for civilian oversight and citizen participation, and improving social welfare for police officers.

Thus, while Colombia, Buenos Aires Province, and São Paulo State have all grappled with the stubborn persistence of authoritarian coercion among their police forces, leaders in Buenos Aires Province and Colombia would eventually, and rather abruptly, change course toward a set of comprehensive reforms, while their counterparts in São Paulo State have yet to undertake such reforms after nearly four decades of democratic rule.

I argue that politicians choosing between the status quo of authoritarian coercive institutions and reform to promote democratic coercion assess the electoral risks and benefits of each, based on electoral competition and societal contestation over the distribution of protection and repression. Drawing on the concept of structural power (Lindblom 1977) discussed in Chapter 1, I demonstrate how police forces leverage their control of coercion to constrain the policy options available to politicians, raising the threshold for reform. Within this constrained policy space, politicians choose between continuity and reform by looking to societal preferences and political competition. When societal preferences over policing are fragmented, politicians are likely to conclude that police reforms are not electorally advantageous. When societal preferences converge and politicians face a robust political opposition, incumbents will be more likely to enact police reform, since they face an electoral counterweight to the structural power of police.

Authoritarian coercive institutions may thus be sustained and reproduced by ordinary democratic politics – citizen contestation and politicians' electoral incentives – long after the end of military dictatorships. In the discussion that follows, I present a theoretical framework to understand when societal contestation over the distribution of protection and

repression and political competition favor the continuity of authoritarian coercion, as well as the conditions under which shifting electoral incentives and societal demands can bring about police reforms to promote democratic coercion.

The scholarly literature on institutional change generally and police reform specifically yield conflicting predictions about institutional persistence and reform. In many ways, observing police bureaucracies that endure for decades without meaningful reform is consistent with the expectations of much of the literature on institutions, which predict institutional persistence (Mahoney 2000, 507; North 1990) or, at most, institutional change that is gradual, incremental, and endogenous (Greif & Laitin 2004; Mahoney & Thelen 2009). Other scholars, meanwhile, predict rapid institutional change and instability in weak institutional contexts (Levitsky & Murillo 2014) or offer dynamic theories to account for "dramatic and discontinuous" institutional change, characterizing crisis as a key driver of rare ambitious reforms (Weyland 2008). Crisis-based explanations are common in the policing literature, as scholars have cited it as an explanation of reform in contexts as diverse as Latin America, England, and the United States, arguing that egregious scandals and "things going wrong" lead politicians to reform police because they fear being punished (Savage 2007; Sherman 1978; Ungar 2002).

Yet both sets of theories fall short when it comes to patterns of continuity and change among police institutions. Theories of gradual, endogenous institutional change tell us little about the conditions under which we can expect institutional stasis to give way to dramatic reform measures. A focus on crisis, meanwhile, is likely to overpredict reform. As the case studies demonstrate, Latin America's police forces often appear to be in a race to the bottom, making clear that crisis is often poorly defined conceptually and difficult to identify empirically. Indeed, the cases analyzed in this book – from the seemingly permanent crisis of the Colombian National Police in the 1980s and early 1990s to the incessant cases of police violence by the Buenos Aires provincial police and the Military Police of São Paulo State during the 1990s – underscore the point that, at least in the case of police, scandals and crises are more likely to result in symbolic or individualized responses than they are in reform.

Social scientists have also identified other political conditions that may serve as catalysts for reform, particularly in Latin America. Scholars have

written about how transitions to democracy (Hunter 1997; Waylen 2007) and the drafting of new constitutions (Paschel, 2010) created political openings and changed incentives that led to the reform of powerful institutions or the creation of new institutions. While transitions to democracy and constitutional conventions undoubtedly shifted political opportunity structures in favor of a range of policy and institutional transformations in Argentina, Brazil, and Colombia, the empirical chapters that follow demonstrate that these processes nonetheless left police structures and practices largely unchanged.

Scholars of police reform, meanwhile, have identified additional political and structural conditions that can serve as catalysts or obstacles to reform. Several scholars, for instance, highlight the role of societal pressure in bringing about police reform, from widespread public concern with insecurity (Bailey & Dammert 2005) and institutional malfunction (Ungar 2002) to the mobilization of organized civil society (Fuentes 2005). Yet, many of these studies select on the dependent variable, ignoring the more common outcome of profound and prolonged police malfeasance and societal pressure: continuity. As the case studies that follow demonstrate, police reform is far from "the most frequent first response to perceptions of increased insecurity" (Bailey & Dammert, 2005, 2). A more common subject of analysis in the police literature in political science is not what leads to the onset of reform but rather what factors lead to its demise (Ungar 2002; Hinton 2006; Ruiz Vasquez, Illera Correal & Manrique 2006; Eaton 2008; Saín 2015). Ungar (2002) examines how the relationship between executives and police and judicial bureaucracies acts as a hindrance to reforms. Eaton (2008) and Hinton (2006), meanwhile, show how federalism and partisan competition impeded reforms from becoming firmly rooted and functioning as intended in Argentina and Brazil, in contrast with the broader literature on institutional change, which views these factors as conducive to reform (Falleti 2010; Geddes 1994; Grzymala-Busse 2007; Heilmann 2008; Oates 1999).

Many prominent theories of institutional change thus do little to advance our understanding of both the endurance of authoritarian police institutions within democratic states and important political shifts such as the highly ambitious, comprehensive police reforms that are often adopted to promote democratic coercive institutions after long periods of institutional stasis, as occurred in Buenos Aires Province and Colombia. In this chapter I lay out a nuanced theory of institutional change, arguing that, because the police's structural power enables them to constrain policy agendas, societal pressures and political competition can produce

both the persistence of authoritarian coercive structures and practices under democratic rule *and* reform toward democratic coercion. By examining police reform more closely, we can thus refine theories of institutional change by considering the ability of police bureaucracies to constrain policy options or block reforms. Such insights, in turn, may help elucidate other policy areas where reform appears to be particularly challenging.

THE DEPENDENT VARIABLE: INSTITUTIONAL PERSISTENCE OR REFORM

The question at the heart of this book concerns the persistence or reform of police forces that exercise authoritarian coercion in democracies. Its central concern is the decision-making of elected officials when faced with police forces that are useful tools for achieving political objectives yet routinely fail to protect citizens from crime, engage in extrajudicial killings and torture, act outside the scope of the rule of law, and are unaccountable to civilian authorities. Indeed, Latin America's police forces in democracy have largely been characterized by poor training, low levels of specialization, insufficient resources, inefficacy in crime prevention and investigation, weak oversight mechanisms, rampant corruption and extralegal violence, and, consequently, high levels of societal distrust (Macaulay 2012; Ungar 2002). Because police forces are part of the executive branch, executives typically exercise considerable control over police – whether directly or through designated ministries – and are the key actors in decisions to undertake reform or maintain the status quo. Such decisions, meanwhile, are shaped by the demands executives consistently receive from citizens and organizations engaged in contestation over the distribution of protection and repression. Despite no shortage of programmatic motive, however, broad citizen pressure for and politicians' decision to enact police reforms have been relatively rare.

Accordingly, the key dependent variable for this study is whether, when faced with these conditions, political leaders choose to pursue reforms to promote democratic coercion or to maintain the status quo of authoritarian coercion. I define police reform as the successful enactment of a written policy intended to permanently change internal structures, rules, and practices within the organization as a whole. Such written policies may take the form of laws passed by the legislature, executive orders or decrees, or administrative directives. Reform as defined here is thus internal, permanent, and structural, leaving out many common

policy responses to citizen demands for improved security. Politicians have, for instance, established stiffer penalties for certain crimes, created prosecutor's offices, or reformed the courts; such policies, however, leave internal police structures, rules, and practices intact. Politicians have also taken actions to address allegations of widespread corruption among their police forces, including special authorization to carry out mass purges of the organization and firing high-ranking police officials amid scandals. These measures, however, constitute one-time ad hoc actions rather than formal policy changes intended to be permanent.

The dependent variable in this theoretical framework is thus dichotomous: the maintenance of the status quo of authoritarian coercion or the enactment of police reform to promote democratic coercion. But police reform can take varied forms and can have varied objectives beyond promoting democratic coercion. Thus, while the outcome of interest of this analysis is procedural – a political decision to enact police reform – it is also a question about the substance and depth of such reform.

I therefore introduce an index of democratic police reform that outlines a number of indicators of the substance and depth of reforms (Table 2.1). Drawing on the continuum of coercion I developed in Chapter 1, policies promote democratic coercion if they bolster the police force's focus on protecting citizens from crime with citizens' input, strengthen adherence to the rule of law, and/or create mechanisms for robust external accountability.

But policies that seek to achieve these objectives may nonetheless differ in their depth and, accordingly, the extent to which they constitute police reform as defined here. Policies may involve changes to external entities alone (marginal), police practices (operational), organizational systems and rules (structural), and the creation of external authority mechanisms that in turn require changes to internal structures and practices (external control). Leaders may thus opt for marginal reforms, creating a Police Ombudsman's Office where citizens may bring complaints of police abuse or corruption, or neighborhood security councils for community participation, as occurred in São Paulo. I characterize such reforms as marginal because they are external to the police organization, leave internal practices and structures intact, and grant external actors no formal authority over police. Alternatively, police may adopt operational policies, such as community policing, which change police practices and tasks but otherwise leave internal rules and structures unchanged. Politicians may also opt for structural reforms, which are policies that change internal structures of the organization, such as disciplinary systems, promotion

standards, and internal oversight. Finally, leaders may choose to grant external entities formal control and oversight of internal police practices and structures, such as Colombia's short-lived commissioner and Buenos Aires Province's Ministry of Security (Chapter 7).

Table 2.1 details an index of democratic police reform, enabling us to assess policies that seek to promote democratic coercion by whether their institutional target is marginal, operational, structural, or external control. This index elucidates consequential differences across common policies enacted in the wake of broad societal discontent with policing. Participatory security institutions, such as São Paulo's community security councils (CONSEGs) or Chicago's CAPS program (Fung 2004), create formal spaces for citizen input in local policing, but they are marginal reforms, leaving internal police rules and structures intact. The same holds for body-worn cameras, which became widespread among US police departments following social unrest in 2014, an operational change that enables the collection and dissemination of video of police encounters with citizens. Because of their limited depth, marginal and operational reforms are scored as "Low" in the index of democratic police reform. Such policies indeed seek to promote democratic coercion, but they fall short of the definition of police reform if they do not also change police rules and structures.

The police reforms analyzed in this book therefore encompass deeper structural and external control reforms, scored as "Moderate" and "High," respectively in the index of democratic police reforms. Such policies seek to promote democratic coercion by enacting changes that are internal, permanent, and structural. Structural reforms target the rules and systems of police bureaucracies, including rank structures, promotion standards, and disciplinary regimes, a more robust set of institutional instruments for achieving programmatic security provision with citizen input, adherence to the rule of law, and external accountability. External control reforms, meanwhile, link *internal* structural reforms to authority granted to *external* entities to govern security policy, ensure police compliance with the rule of law, and, in its absence, enforce sanctions. The cases of police reform analyzed in this book exemplify these models of democratic police reforms. The reform undertaken in Buenos Aires Province in 1998, for instance, eliminated the previous police leadership structure, created a civilian Ministry of Security to govern security policy and receive citizen input through neighborhood security forums, and endowed the ministry with authority to determine promotions, sanctions, and removal of police officials.

TABLE 2.1 *Index of Democratic Police Reforms (DPR)*

	Protect citizens/citizen input	Adherence to rule of law	Robust external accountability	DPR score
Marginal	External institution to cooperate with security policy/promote citizen participation (e.g., participatory security)	Legal constraints on police action (e.g., prohibition of torture)	External entity to collect and publicize data on police actions (e.g., São Paulo's Police Ombudsman's Office)	Low
Operational	Police initiative to build capacity in security provision/strengthen proximity to communities (e.g., community policing)	Internal guidelines and processes outlining police actions (e.g., use-of-force rules)	Police-driven initiative to collect and publicize data on police actions (e.g., body-worn cameras)	Low
Structural	Specialization of organization and governance for security tasks and citizen proximity (e.g., specialized units, programmatic promotion standards)	Independent internal disciplinary institutions	Internal institutions mandating transparency and cooperation with external entities	Moderate
External control	Civilian programmatic governance of security policy with mechanisms for compliance (e.g., Buenos Aires Province's Ministry of Security)	Executive/legislative/judicial mechanisms to ensure compliance with constraints on police action	Executive/legislative/judicial investigation and sanction of police actions (e.g., Colombia's police commissioner)	High

The argument presented in the next section thus seeks to explain the conditions under which politicians choose to maintain the status quo or to enact structural and external oversight police reforms that promote democratic coercion. A theoretical framework focused on a dichotomous dependent variable – the enactment of a formal policy or the decision to maintain the status quo – is not without its limitations. It leaves unaddressed other important dimensions of institutional change, including the implementation, effectiveness, outputs, and durability of these policies. Yet, this approach presents a number of strengths and may be preferable for understanding the causes of institutional change. Other outcomes, such as the implementation of such policies, may be shaped by processes that not only are more difficult to identify than the adoption of a formal written policy but also may differ greatly from the processes that led to its adoption, as well as being longer in duration. Meanwhile, potential "outputs" of police reform, such as crime rates or numbers of police killings, while profoundly important, may also complicate our analysis, since their causes are varied and depend on far more than the political decision that led to the adoption of a particular policy.

Despite its limits, the seemingly procedural binary outcome nevertheless represents a highly consequential political choice. Citizen contestation and executive policy choices over policing often favor the persistence of authoritarian coercion. Indeed, as discussed in Chapter 1, the choice to undertake police reform in response to these conditions has been relatively rare, particularly in relation to the magnitude and salience of the problem. This framework, moreover, enables us to understand how political decision-making takes place under the constrained policy space generated by police. It demonstrates how police act as veto players and identifies the substantial barriers to getting police reform enacted, as well as the conditions under which it becomes more likely. Police reform thus emerges as an important political decision that signals a "dramatic and discontinuous" (Weyland 2008) political and societal shift intended to dismantle authoritarian coercive institutions.

How, then, do we account for this political decision to either maintain the status quo of authoritarian coercion or undertake institutional reform to promote democratic coercion? In the section that follows I present a theoretical framework that accounts for both long periods of persistence of authoritarian coercive institutions and the relatively rare onset of police reform by looking to how societal preferences and political competition shape the incentives of politicians.

THE ARGUMENT: SOCIETAL PREFERENCES AS DRIVERS OF CONTINUITY AND REFORM

When discussing the structural power of business, Lindblom (1977) posits that its "privileged position" creates incentives that put political leaders at odds with majoritarian interests, since the business sector can pressure politicians to enact policies favoring its own interests rather than those of the broader electorate. If we were to look at the structural power of police through this lens, we might similarly explain the remarkable continuity of police institutions as the result of a lack of responsiveness of elected leaders to citizens' demands for improved security and for less violent, less corrupt police. Indeed, as discussed in Chapter 1, police forces similarly possess such structural power because, by virtue of controlling coercion, they can both serve as a valuable asset that can advance political objectives and pose a formidable threat if they withdraw their service. Police can therefore pressure politicians to engage in accommodation, a mutually beneficial exchange relationship in which politicians grant police autonomy in exchange for cooperation in pursuing political interests. Through such accommodation, police can successfully constrain the policy options available to politicians to address citizens' demands for improved security.

I argue, however, that the patterns of authoritarian coercion among police forces in many Latin American democracies do not persist because police forces subvert democratic responsiveness. Instead, both the persistence of these institutional structures and practices and the political decision to reform result from ordinary democratic processes of citizen demand-making and partisan competition.

Facing bureaucracies they formally control but which can withdraw cooperation, politicians choosing between reform and the status quo navigate a constrained policy space. Because the police's structural power raises the threshold for reform, executives choose between the status quo and reform by determining whether policing poses an electoral threat – that is, whether they observe a coherent societal demand for police reform, and whether they face a robust political opposition (Figure 2.1). When societal preferences over policing are fragmented, irrespective of political competition, reform brings little electoral gain and risks alienating a powerful bureaucracy whose cooperation politicians need. Preference fragmentation thus leads executives to choose continuity, favoring the persistence of authoritarian coercive institutions. Societal preference convergence and a robust opposition, however, constitute an electoral counterweight to the police's structural power, thereby making reform likely.

Robust Political Opposition

	No	Yes
Fragmentation	Accommodation *(continuity)*	Accommodation *(continuity)*
Convergence (Scandal)	Symbolic Response *(continuity)*	Reform

(left axis label: **Social Preferences**)

FIGURE 2.1 Determinants of politicians' choices between police continuity and reform

This theoretical framework expands upon an extensive scholarship on state–society relations and policy outcomes (Amengual 2014; Falleti 2010; Fox 1992; Rich 2019). Beyond constituting isolated instances of "societal accountability" (Peruzzotti & Smulovitz 2006), these studies show how state–society interactions drive policy outcomes and institutional change through a mutually reinforcing "opening from above" and "pressure from below" (Fox 2015). My theory contributes to this literature, disaggregating both state and societal actors. It elucidates how executives and a powerful bureaucracy reconcile divergent interests and how this accommodation constrains policy options available to politicians to address citizen demands. It also highlights societal fragmentation and conflicting demands, showing that societal pressure need not always move in the direction of policy change. Rather than promoting policy change that improves state capacity, as in the aforementioned studies, I argue that societal pressure sometimes works in the opposite direction, reinforcing authoritarian practices and structures among police.

Societal Structures and the Distribution of Protection and Repression

Far from constituting a public good, security and policing are subject to distributive contestation and selective provision by politicians for electoral gain. Rather than being determined by solely programmatic reasons, the distribution of protection and repression quite often corresponds to existing social cleavages and inequalities. Policing practices and structures come to reflect patterns of social stratification through two mechanisms. The first is the process of demand formation, wherein relatively privileged

citizens facing crime and violence articulate demands for protection via the repression of citizens disadvantaged by class, race, and spatial status. The second mechanism is the process by which these conditions determine whose demands for protection state officials prioritize – and whose they ignore.

The literature on policing and criminal justice in Latin America and beyond provides ample evidence of such unequal provision of security and treatment by police and other rule-of-law institutions. Whether in the newer democracies of Latin America or in more established ones such as the United States and Canada, scholars have repeatedly found disparities along race, class, and geography in the extent to which citizens have been subjected to police stops (Barros 2008; Najdowski, Bottoms & Goff 2015), protest repression (Davenport, Soule & Armstrong 2011), arrests (Sinhoretto, Silvestre & Schlitter 2014), and extrajudicial violence (Brinks 2008), as well as the quality of police services (Fruhling 2009, 71; Pinheiro, Izumino & Fernandes 1991). Such findings have not been limited to academic studies. Government-appointed commissions investigating wrongdoing by police departments in advanced democracies – from Chicago to London – have found important racial disparities in who is granted protection by police and who is subject to repression.[5] In the case of the London Metropolitan Police, the commission's report famously declared that the police force was "institutionally racist." Moreover, though we have less evidence about the impact of these disparities in Latin America, scholars in North America have found that these race, class, and geographic disparities are similarly reflected in citizens' attitudes toward the police (Cao 2011; Prowse, Weaver & Meares 2019; Weitzer & Tuch 2004), which in turn result from personal experiences with police (Skogan 2006; Weitzer & Tuch 2005).

While explaining the formation of citizen preferences is outside the scope of this book, the distribution of protection and repression along prominent social cleavages and inequalities suggests that different societal groups may have vastly different experiences with the state's coercive apparatus, leading to fragmented understandings and preferences toward

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[5] See Police Accountability Task Force (2016), "Recommendations for Reform: Restoring Trust between the Chicago Police and the Communities they Serve." Available at https://chicagopatf.org/.

    "The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William MacPherson of Cluny," presented to Parliament by the Secretary of State for the Home Department by Command of Her Majesty, February 1999. Available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/277111/4262.pdf.

policing and security. Part I of this book, focused on institutional persistence, shows how a range of social and political processes shape preference formation over policing and security, exacerbating existing societal inequalities. In São Paulo State (Chapter 3) and Buenos Aires Province (Chapter 4), rising crime and social unrest resulting from economic crisis drove support for authoritarian coercive practices against marginalized communities. In Colombia (Chapter 5), widespread guerrilla and drug violence similarly helped sustain a constituency for authoritarian coercion. Scholars of Latin America have more broadly documented the rise of "punitive populism," demonstrating how media coverage and political campaigns can shape societal preferences and demands in favor of "iron fist" policing and even extrajudicial practices (Bonner 2018; Fernandez Roich 2017; Krause 2014).

How Preference Fragmentation Promotes Institutional Persistence

Scholars have characterized Latin Americans' conflicting demands over policing as "schizophrenic" (Ungar 2002) or "paradox[ical]" (Caldeira 2002). We should instead understand such conflicting demands as fragmentation, wherein attitudes and preferences regarding police and security are divided among considerable segments of society, typically along existing societal cleavages, such that there may not be a clear majority position. Consider, for instance, the findings of a 2013 poll that asked Venezuelans about recent police reforms; 45 percent viewed the reform positively and 43 percent viewed it negatively, a division that aligned with support for or opposition to Chavismo.[6] Such findings would signal to politicians that citizens' preferences over police reform are divided – and that continuing to deepen police reforms may be electorally disadvantageous.

A key question that emerges from this framework, however, is *how* politicians learn about preferences and discern between fragmentation and convergence. Elected leaders learn about the preferences held by different groups of citizens toward policing and security from a range of sources. In addition to using public opinion polls, demonstrations, media reports, and direct contact, citizens also form organizations, networks,

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[6] Survey data from Rebecca Hanson and David Smilde, "Police Reform on a Political Tightrope: Citizen Security and Public Perceptions," *Venezuelan Politics and Human Rights Blog*, November 21, 2013. Available at http://venezuelablog.tumblr.com/post/67701053085/police-reform-on-a-political-tightrope-citizen.

and social movements that convey specific demands to politicians and police. These groups – often organized around class, race, and other social cleavages – routinely meet with politicians and security officials, make statements in the media, and mobilize protests around specific cases or general demands for security. Scholars have amply documented the efforts of such organized citizens to influence policing and security policy, from "pro-order" and "civil rights" coalitions mobilizing in Argentina and Chile (Fuentes 2005) and the influence of business groups on security policies in Colombian cities (Moncada 2016) to Black middle-class organizations pressuring for harsh anti-crime policies in New York during the 1970s (Fortner 2015) and mass protests demanding greater security in Mexico and Argentina (Davis 2006; Eaton 2008; Peruzzotti & Smulovitz 2000).

Indeed, over the course of my fieldwork in Argentina, Brazil, and Colombia, I encountered countless efforts by organized groups of citizens to influence government officials over local security conditions. Such organization at times takes place on a small scale, such as the human rights organizations that attend São Paulo's CONSEG meetings with the hope of shaping local policing and security (see Chapter 3). In other instances, organizations seek to influence security policy on a larger scale, such as the sophisticated work of the Bogotá Chamber of Commerce to provide its own crime statistics (including a victimization survey) and make policy recommendations, after realizing that "obviously, [economic] competitiveness and development are associated with a series of variables that relate directly to the conditions of the city … [including] citizen security."[7]

Politicians, then, consistently receive demands from different groups of citizens attempting to influence the distribution of protection and repression, whether through collective action, media statements, public opinion surveys, or direct contacts. Such signals are likely to reflect fragmentation under the status quo, such that politicians will perceive conflicting demands from different sectors of society. Given existing inequalities and power imbalances in society, however, politicians are not likely to grant equal weight and attention to the preferences and demands of all social groups. Instead, in light of preference fragmentation over policing and security, politicians are likely to side with those higher up in the social hierarchy.

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[7] Author interview with Jairo García, director of security for the Bogotá Chamber of Commerce, Bogotá, July 23, 2012.

Importantly, the role of social stratification in shaping the distribution of protection and repression can be observed even in communities that may overall be classified as low-income or otherwise disadvantaged within the broader social structure. The accounts of communities located in São Paulo's periphery (Chapter 3), for instance, illustrate how the demands of relatively privileged citizens, such as small business owners, favored the repression of those that are relatively disadvantaged. This "paradox" was widely documented by Caldeira (2000, 2002), who found some support for police violence among those who are themselves poor, black, and from the periphery, even though they belong to the population most likely to suffer police violence in Brazil. Fragmented preferences can thus also be found even within marginalized communities, where the distribution of protection and repression leaves these citizens more likely to suffer both crime victimization and police violence. As Chapter 3 suggests, marginalized citizens' vulnerability in the face of the former may lead many to demand more of the latter as a solution, a view reinforced by media and political discourses favoring "iron fist" policies as the only option.

Politicians deciding whether to undertake reform or maintain the status quo assess societal preferences over policing to determine whether there is a broadly shared societal demand for police reform. Ordinary citizens, however, may not hold articulable preferences for or against police reform or even specific policies. Nonetheless, while ordinary citizens may lack clear preferences on specific security policies, they do express identifiable views about policing that serve as information cues for politicians. When hundreds of residents of a wealthy São Paulo neighborhood call government officials to praise an operation in which police killed 10 alleged burglars,[8] and hundreds of citizens experiencing homelessness protest a police killing of a man experiencing homelessness,[9] politicians draw inferences about the distribution of preferences over police use of lethal force across different societal groups.

I therefore use a number of proxies for preferences in favor of or against police reform that correspond to how ordinary citizens experience policing, which they regularly convey to government officials: citizens' trust in police, assessment of police performance, and views about police

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[8] Author interview with anonymous official at Police Ombudsman's Office (Ouvidoria da Polícia), São Paulo, September 15, 2017.

[9] Author interview with anonymous leader of organization for the rights of the population experiencing homelessness in São Paulo State, São Paulo, September 16, 2017.

discretion and authority. These are basic elements of policing over which citizens can reasonably be expected to have direct experience and articulable opinions and that serve as proxies for specific preferences regarding distinct policies on civilian oversight, militarization, lethal force, accountability, etc. As discussed, politicians learn about these preferences from various sources – including surveys, direct contacts, media statements, protests, and societal organizations and networks – that convey specific demands to politicians to influence policing.

Politicians draw on these information cues to assess the first key explanatory variable, the degree of preference fragmentation. I operationalize fragmentation as whether there is a clear majority view on the three proxies or whether they are divided among substantial segments of the population, as well as the extent to which such divisions fall along social cleavages such as race, class, and geography. Under high fragmentation, or simply fragmentation, executives and other politicians receive information from surveys, media reporting, protests, or meetings with organizations, indicating that trust in police, assessments of police performance, and views on police discretion and authority are divided among considerable segments of the population, such that there is no clear majority opinion (see Figure 2.2), and that such divisions correspond to relevant social cleavages. Importantly, I argue that preference fragmentation holds when fragmentation is high on any of these three dimensions, even if there appears to be consensus on one or more of the others. While it makes intuitive sense that these three dimensions would vary together, they actually convey different views that
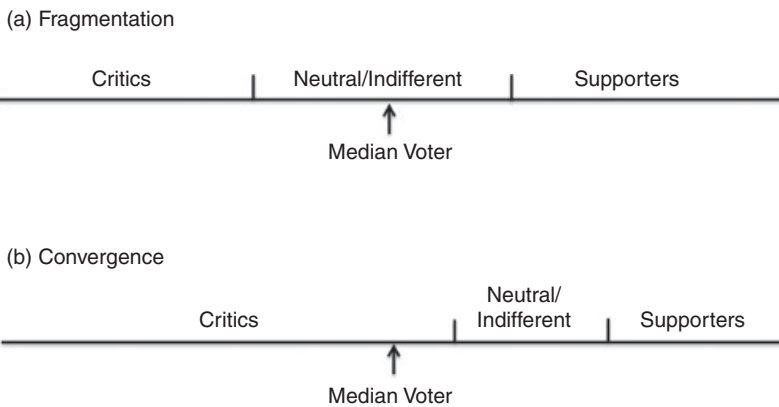

FIGURE 2.2 Hypothesized shift in societal preferences over policing under fragmentation and convergence

may well contradict one another. Scholars and security officials alike have drawn attention to this contradiction. Teresa Caldeira, for instance, identified the "paradox" that shows broad distrust in police but also considerable support for greater police authority to kill (Caldeira 2002). Meanwhile, public officials such as former Buenos Aires security minister León Arslanian and former Colombian inspector general Carlos Gustavo Arrieta similarly characterized societal opinions and demands as "erratic" (see Chapters 4 and 5, respectively). These contradictions, I argue, are a manifestation of fragmentation and have important policy implications. In contrast, under low fragmentation – which I call convergence – politicians receive information about shared discontent along these dimensions across race, class, and geographic cleavages (see next subsection).

In the context of fragmentation, politicians are unlikely to see police reform as electorally advantageous. Per Luna's work on political parties' "segmented representation," a unified programmatic policy approach is untenable for winning elections in high-inequality settings, where class preferences likely conflict (Luna 2014, 21). Instead, parties adopt a "segmented" strategy, pursuing programmatic appeals with middle-class constituents and clientelistic linkages in low-income constituencies, with policy being "significantly biased" in favor of the former. A similar dynamic occurs with policing. Executives perceiving fragmented preferences over policing are unlikely to pursue reform if discontent is concentrated in low-income sectors, reproducing a pattern of inequality shown by work on the judiciary's treatment of police killings (Brinks 2008).

In light of the fact that police violence and ineffectiveness in fighting crime disproportionately affect the poor and working classes, it is worth discussing the role played by ideology in politicians' decision-making on police reform. While the executives in the case studies span from center-left to center-right (González 2019b), it is important to consider how the argument applies across the broader political spectrum. In contrast to Garay's findings regarding social policy (Garay 2017), I argue that even leftist politicians who cater to poor and working-class voters are unlikely to pursue police reform under fragmentation. While left-wing parties with poor and working-class constituencies can afford to antagonize business groups in pursuing social policies in the face of opposition, leftist leaders can seldom afford to alienate the police, who can withdraw their service and put order and basic governance – and therefore their or their party's electoral fortunes – at risk. Police leverage their structural power to restrict the policy options even of politicians who ideologically favor reform, as the case of São Paulo's Governor Montoro illustrates

(Chapter 6). Scholars have shown that, even when leftist executives take power, they often not only fail to enact reforms but also pursue accommodation with police, as occurred in Mexico City (Müller 2017) and Bahia, Brazil (Durazo Hermann 2017). Thus, politicians – even those whose core constituencies suffer the brunt of police violence and malfeasance – across the ideological spectrum are susceptible to the constraints posed by the structural power of police and are unlikely to enact police reform under preference fragmentation. Under such conditions, leaders would likely choose to satisfy their constituents through less divisive policies that entail fewer electoral risks.

How Preference Convergence Shifts Incentives toward Reform

Politicians' electoral calculations change when societal preferences shift from fragmentation toward convergence. Figure 2.2 summarizes the hypothesized shift in the distribution of preferences, from fragmentation (a) to convergence (b). A helpful heuristic is to consider where the median voter might lie under fragmented preferences and under convergence. Under the condition of fragmentation, the median voter likely lies in the neutral or supporter category, leading politicians to infer that most voters do not prefer police reform. Under convergence, however, the median voter moves into the critics' camp, such that leaders infer that a majority comes to demand police reform. Rather than pursuing a "segmented" strategy as they would in a context of divergent preferences, political leaders observing this broadly shared discontent will be more likely to address policing deficiencies. Consider, for instance, the findings of a survey conducted in Buenos Aires in the late 1990s, discussed in Chapter 4, which found that 45 percent of respondents favored expanding police authorities, while the remainder opposed it; by contrast, 84 percent supported increasing penalties and sentences for certain crimes (Fraga 1998). Politicians observing such results are likely to see the latter as cutting across social cleavages, making them more inclined to pursue higher criminal penalties as a response, rather than police reform. Preference convergence, of course, does not guarantee policy enactment, as illustrated by the failure to enact gun control measures in the United States despite near-consensus support for policies such as universal background checks. But in contrast to fragmentation, convergence provides an incentive to politicians to take action on a broadly shared demand.

While issue preferences can shift gradually toward convergence, scandals are a useful methodological tool for identifying convergence and

assessing its impact on politicians' strategies over a short period. Scandals, defined as high-profile acts of police deviance that generate broad societal outrage, mobilize groups that are typically critical of police – such as leftists, human rights activists, and sectors that are routinely subjected to police abuse – and move sectors of society, typically the middle class, that previously supported, tolerated, or were indifferent toward certain police behaviors into the ranks of critics.

Scandals lead to a change in the types of signals that politicians receive about the preferences of different societal groups toward police reform. Whereas under the status quo politicians perceive preference fragmentation in citizens' contacts, surveys, media reports, and collective action, these same types of actions come to convey preference convergence and shared views toward the police in the context of a scandal, as the chapters that follow demonstrate. In São Paulo, televised acts of police violence led to survey results showing an increase in the number of *paulistanos* (São Paulo residents) viewing the police as too violent from 44 percent to 73 percent, as well as protests by low-income residents and denouncements by business leaders (Chapter 6). In Colombia, following the rape and murder of a little girl in a police station, even the National Federation of Commerce began calling for police reform, an unusual position for the business sector in Colombia, which traditionally relied on selective protection from police (Chapter 7). In Argentina, a broad range of middle-class sectors engaged in mass protest in response to an egregious act of police violence, whereas such protests had previously been more common in low-income communities (Chapter 7). Scandals thus focus societal and political attention on points of consensus about policing, incorporating broad sectors beyond groups that are typically critical of police.

Politicians know, however, that scandals fade and that convergence is temporary. In the absence of a political opposition that poses an electoral threat, politicians may prefer to pursue symbolic responses, such as firing a high-ranking official, to address broadly shared societal discontent. For instance, Governor Eduardo Duhalde's firing of his long-time police chief following a long list of acts of misconduct among the Buenos Aires provincial police force (Chapter 4) and Governor Mário Covas's formal apology in the wake of a televised act of police violence by the São Paulo Military Police (Chapter 6) were important gestures, but neither resulted in actual police reform.

Reform becomes likely when preferences converge and incumbents face a robust opposition that "comprise(s) a daunting threat of replacement" (Grzymala-Busse 2007). A strong opposition party might view the

broadly shared discontent and criticism of police as a profitable avenue for threatening the incumbent's electoral success. The larger the majority represented in the convergence of pro-reform preferences, the greater the likelihood that a strong opposition party can successfully mobilize voters against the incumbent in the next elections. I identify five indicators to measure the strength of an opposition party to pose an electoral threat: party vote shares; holding executive office at other levels of government; opposition to the executive's legislative agenda;[10] incumbent's approval ratings;[11] and proximity to elections. These characteristics indicate whether an opposition party has access to, and ability to marshal, institutional resources – hearings, investigations, or legislation – and media attention to mobilize the scandal (Sherman 1978) by strategically employing and keeping it on the agenda to attack the incumbent. The latter two indicators in particular also provide additional incentive to mobilize media and public attention around the scandal strategically to attack the incumbent. Thus, while police induce executives to pursue accommodation, convergence and a robust opposition provide an electoral counterweight to the police's structural power, shifting politicians' strategy toward reform.

Politicians from the opposition will also be well situated to broaden the scope of the scandal. When a scandal is only mobilized by societal actors (community groups, NGOs, etc.), we are likely to see not reform but instead an individualized institutional response to the specific case. For instance, as in the case of José Luis Cabezas discussed in Chapter 7, societal mobilization may lead a police killing to be investigated and prosecuted rather than what routinely happens in these cases throughout much of Latin America (Brinks 2008) and the United States: nothing.[12] When a scandal is mobilized by leaders of a robust political opposition, however, they can use it as a platform to attack the incumbent by making it into a broader institutional issue rather than an isolated case.

But while opposition politicians and parties will use police scandals to their advantage, they may well be unlikely to make police reform a priority in the absence of such a convergence of preferences. On the

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[10] In Latin America, legislative proposals typically originate with the executive, reducing the legislature to a reactive role, amending, approving, or rejecting bills (Cox & Morgenstern 2001).

[11] Scholars have shown the importance of presidents' approval ratings for getting their legislative agendas passed (see Rivers & Rose 1985; Canes-Wrone 2010).

[12] Kimberly Kindy and Kimbriell Kelly, "Thousands Dead, Few Prosecuted," *Washington Post*, April 11, 2015.

one hand, opposition politicians will similarly observe fragmentation and contradictory demands from different societal groups, making such an approach electorally disadvantageous. On the other, politicians from the ruling party and the opposition alike may engage in accommodation with the police. For instance, as will be discussed in the São Paulo case (Chapter 6), a mayoral candidate for the opposition in the city of São Paulo cultivated political support from the police and ran on a platform that was highly critical of, and helped sink, the governor's reformist agenda. I observed a similar exchange in 2011 in a municipality of Buenos Aires Province, during which a provincial legislator who was a candidate for mayor met with four high-ranking police officers (*comisarios*) to discuss how they could help the politician get votes, as well as the type of support they could count on the politician to provide – both in the present, as a legislator, and potentially as mayor – for said votes.[13]

Politicians from the opposition may therefore be equally unlikely as those in the ruling party to call for police reform when societal preferences are fragmented because they will see little electoral benefit, while risking mutually beneficial relationships with the police. For this reason, an observable implication of the theoretical framework presented here is that police reform will be unlikely in the absence of a scandal or the convergence of societal preferences, even if there is a robust political opposition. The Colombian context during the early 1990s provides an example of the failure of an increasingly robust opposition to push for police reform in the absence of societal preference convergence. It was the subsequent combination of these two factors that shifted the calculations of political leaders in favor of reform.

Police, meanwhile, are more likely to accept reform because such a prolonged scandal places pressure on political leaders to intervene in police structures and activity, constituting a threat to their autonomy. In order to minimize the loss of institutional autonomy, police organizations cooperate (to varying degrees) with reform in order to ensure that the reform reflects their preferences, as occurs with other organized interests (Carpenter & Sin 2007, 155). Though police institutions can act as barriers to reform, the police leadership's reading of broad societal discontent and the electoral pressure facing the executive will lead it to get behind the reform effort so as to advocate for the policies that are most favorable to the organization. This "daunting threat of replacement"

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[13] Date and location of meeting withheld to preserve anonymity of the legislator and police officials.

(Grzymala-Busse 2007) faced by the incumbent executive, alongside preference convergence, thus serves as an electoral counterweight to structural power of the police, changing the political calculus in favor of reforms to address authoritarian modes of coercion.

Unpacking Scandals

Given the role of scandals as instances of temporary convergence of societal preferences and demands, it is worth unpacking the concept further in order to better understand the causal process by which scandal, alongside a robust political opposition, can increase the likelihood of police reform. Crucially, I argue that scandals are not a function of the quality of a particular police force or of the level of police violence. I argue instead that the process by which a deviant act becomes a scandal – that is, the process by which a deviant event (1) occurs, (2) becomes known, (3) receives media coverage, and (4) generates a strong negative reaction from a broad swath of society is plausibly exogenous.

While individual steps in the process may be endogenous – more corrupt and low-capacity police forces may have a higher incidence of deviant acts, increasing the likelihood that they may become public (or not), societies with more sophisticated or independent media outlets may be more likely to unearth and report on such acts, etc. – it is difficult, if not nearly impossible, to predict ex ante which of these acts that become known and are reported on by the media will resonate with public opinion in such a way that they lead to protests, petitions, broad reach on social media, critical reports, condemnation from prominent leaders, and countless other expressions of societal outrage.

It is also difficult to predict ex ante whether characteristics of the victim, including those that may make the victim more sympathetic to the middle class, or of the event – or the availability of video – will result in a scandal, let alone police reform. Even a cursory comparison of prominent and relatively unknown cases shows that such features are far from deterministic and, therefore, are unlikely predictors of when an act of police malfeasance will bring about the convergence of preferences. In the United States, social protest became widespread across the country – and racialized police violence a central component of the public agenda – following the killing of nineteen-year-old Michael Brown at the hands of police in Ferguson, Missouri, in August 2014. But while that killing of an unarmed young Black man by police became widely known and a source

of broad protest, the killing of another unarmed young Black man four days prior to the killing of Michael Brown – twenty-two-year-old John Crawford III by police in Beavercreek, Ohio – did not cause a similar degree of outrage, despite a video showing that police shot and killed the young father within seconds of entering a Walmart store while he was holding a toy gun sold at the store.[14] The comparison of Michael Brown and John Crawford III underscores that neither the purported mainstream sympathy of the victim nor the availability of video footage can predict which cases of police deviance will become a scandal. Although media are an essential technology of scandal – as Lawson (2002) showed in the case of Mexico – and the rise of social media may increase our knowledge of extrajudicial police killings and malfeasance, it's not clear that this would affect the likelihood that any individual act would generate broad societal outrage.

The frequency of acts of police malfeasance is also not necessarily a predictor of which cases will become scandals. For instance, the disappearance of Amarildo de Souza from a favela in Rio de Janeiro after being in police custody became a cause for ongoing protests and outrage within and outside of Rio, while other cases of disappearance of individuals while in police custody before and after the case of de Souza remain ignored by the media and the public alike,[15] despite evidence that such disappearances have increased in some favelas after the installation of Pacification Police Units (UPP).[16] Moreover, virtually all police forces include some members that engage in deviant acts, and – while the characteristics of the deviance may vary – scandals can occur in nearly all societies. Police killings have caused scandals in London,[17] New York City,[18] the Netherlands,[19] and Bogotá[20] at times when their

[14] "Ohio Wal-Mart Surveillance Video Shows Police Shooting and Killing John Crawford III," *Washington Post*, September 25, 2014.
[15] "À procura de outros Amarildos," *O Dia*, August 4, 2014. Available at http://odia .ig.com.br/noticia/rio-de-janeiro/2013–08-04/a-procura-de-outros-amarildos.html.
[16] "Desaparecimentos em favelas do Rio aumentam após início das UPP," UOL 3, August 2014. Available at http://noticias.uol.com.br/cotidiano/ultimas-noticias/2013/o 8/03/desaparecimentos-aumentaram-em-favelas-do-rio-apos-inicio-das-upps.htm.
[17] "Britain Says Man Killed by Police Had No Tie to Bombings," *New York Times*, July 24, 2005.
[18] "Safer Era Tests Wisdom of 'Broken Windows' Focus on Minor Crime," *New York Times*, July 24, 2014.
[19] Marc Krupanski, "A Death in Police Custody, an Outpouring of Anger in the Netherlands," Open Society Foundations, July 8, 2015. Available at www.opensocietyfoundations.org/vo ices/death-police-custody-outpouring-anger-netherlands.
[20] "Lo que se sabe de la muerte de Diego Felipe," *El Tiempo*, September 4, 2013.

respective police forces enjoyed broad approval and were widely seen as models for other institutions. Even the police force of Finland, which enjoys remarkably high levels of trust (Kääriäinen 2008) – according to polls, the percentage of respondents expressing "much or very much" trust in the Finnish police reached 96 percent in 2016[21] – faced a massive scandal when the head of the agency's anti-drug unit was found to have engaged in widespread drug smuggling.[22] The events that resonate with broad sectors of society and lead to shared expressions of outrage are largely exogenous to level of development, state capacity, institutional quality of the police force, or other characteristics.

These examples illustrate the relative nature of scandal. It is possible that what shocked in London would not shock in New York, that what caused a scandal in Finland would not have the same result in Colombia. Or, for that matter, that what shocked in Colombia in 2011 would not have caused a similar scandal in Colombia in 1993 (see Chapter 7). But within each specific context, the process by which a deviant act occurs, becomes visible, appears in the media, and shocks public opinion is essentially random. Deviant acts can occur in just about any institutional setting. Whether that act of deviance results in a scandal can be the result of the characteristics of the victim (such as the case of Sandra Catalina, a young girl raped and killed in a police station in Bogotá), the availability of video (particularly with violent acts, such as the televised rampage by Military Police officers against residents in Favela Naval in São Paulo), the official police reaction (such as the case of Diego Felipe Becerra in Bogotá), contemporaneous social and political developments (as in the case of Amarildo de Souza already described), or more ineffable reasons such as the way an event reflects or interacts with societal values, suggesting "that the society itself is deviant from its own standards of conduct" (Sherman 1978, 61). The process by which this occurs does not depend on the institutional strength or quality of the police. An event can become a scandal in a police force that is seen as being in a long period of decline as well as in a police force that is seen as functioning well and highly capable. A scandal cannot be reduced to being the culmination of a series of bad actions or to the crossing of a threshold of deviance. A scandal may follow a stream of similarly

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[21] "Majority Finns Trust Police: Survey," *Finland Times*, October 6, 2016. Available at www.finlandtimes.fi/national/2016/10/06/30644/Majority-Finns-trust-police:-Survey.
[22] "Finland Unnerved by Trial of Police Detective on Drug Charges," *New York Times*, August 2, 2015.

egregious deviant acts that were publicly reported but did not result in societal outrage; it may also come after years of relative quiet or minor acts of deviance.

A scandal also cannot be reduced to the strategic behavior of politicians and officials, as argued by Balán (2011), particularly those in the opposition. Police scandals are no more likely to occur in settings with significant political competition than they are in settings that are dominated by a single political party with a weak opposition. While a robust political opposition plays a key role in driving police reform following the onset of a scandal, it is not, according to the framework presented here, a cause of scandal. Consider the example of the Carandiru prison massacre in São Paulo in 1992 (Chapter 6). Despite this being a case of police violence that became internationally infamous, a robust opposition did not strategically mobilize the issue – even in the context of an electoral campaign – because the Carandiru massacre did not lead to the convergence of preferences.

A final point worth clarifying is that the discussion about scandal as a "plausibly exogenous" occurrence refers only to the initial societal reaction to an act of police deviance. Scandals can, of course, be mobilized in multiple ways to meet the strategic ends of multiple actors. The initial convergence of opinion may well give way to the usual fragmentation. Indeed, as I discuss in Chapter 7, even after hard-fought reform is enacted, societal preferences often shift back to fragmentation, leading to important reversals of police reform (Casas Dupuy 2005; Saín 2015). Thus, while scandals can produce abrupt shifts in societal preferences and demands that shape the incentives of elected officials toward reform, they raise questions about the sustainability of convergence on such a highly contested issue area.

ORDINARY DEMOCRATIC POLITICS AND THE PERSISTENCE OF AUTHORITARIAN COERCION

The argument presented thus far situates policing within extensive social science scholarship on citizen–state linkages and policy change. Although there are important distinctions across these theoretical frameworks, taken together they define a set of processes that constitute ordinary democratic politics: the varied ways in which citizens – whether through mass public opinion, organizations, social movements, and other forms of collective action – influence public policies by shaping the electoral incentives of political leaders. The implication of my argument is that the policy

choices that have favored the persistence of authoritarian coercion among many police forces in Latin America (and elsewhere) are not merely the legacy of authoritarian rule but a product of ordinary democratic processes.

Over the last several decades, for instance, political scientists have studied the extent of policy congruence in democracies, examining the relationship between mass public opinion and policy. Scholars have shown that changes in public opinion can drive changes in public policy across a range of issue areas (Hill & Hinton-Anderson 1995; Lax & Phillips 2009; Page & Shapiro 1983). While such a correspondence between what citizens want and what their elected representatives do is precisely what we ought to expect in a democracy, such responsiveness should not be taken for granted, particularly since it can be undermined by conditions such as high inequality (Gilens & Page 2014). The theoretical framework developed here is consistent with these insights from the policy congruence literature, predicting that political leaders will be responsive to demands for police reform when mass public opinion reflects convergence of preferences and will maintain the status quo when they observe fragmentation of public opinion. My argument, however, adds two important caveats to the policy congruence literature. First, police forces leverage their structural power to constrain the policy agenda, limiting the scope of policy options available to politicians to respond to citizens' demands. Second, such responsiveness to the convergence of preferences over police reform is most likely to occur if incumbents face a robust political opposition.

Another model of democratic politics views public policy not as a result of public opinion but rather as the product of contestation between different sets of organized interests representing existing social cleavages. Foundational political science scholars have debated whether such contestation produced healthy democratic outcomes through an exercise of pluralism (Dahl 1961) or systematically unequal outcomes biased toward more powerful actors and groups (Bachrach & Baratz 1962). The framework presented here argues that politicians' decision-making regarding the distribution of protection and repression indeed results from ordinary contestation between different groups of citizens, with politicians' choices reflecting societal inequalities and power structures. Policing is thus a key example of how democratic governments may function as "potential agents of domination" rather than "structur[ing] the power dimensions of human interaction so as to ameliorate domination in walks of life" (Shapiro 2006, 5).

Yet another scholarly literature on policy-making and democratic responsiveness has demonstrated how societal mobilization have led to policy change, including the legislative successes of the civil rights movements in the United States (Andrews 2001), rights protections for Afrodescendant populations in Colombia and Brazil (Paschel 2016), and social policy expansion resulting from mobilization by informal-sector workers and partisan competition for their votes (Garay 2017). The present analysis extends these insights to policing, demonstrating the influence of societal mobilization on the distribution of protection and repression. I argue, however, that societal mobilization on policing and security issues (along with patterns of political competition) need not always lead to policy change; instead, it may also favor the maintenance of the status quo, or "nondecisionmaking" (Bachrach & Baratz 1962, 952). Thus, when political leaders seemingly fail to enact police reform in the face of rampant extralegal violence and corruption, as well as weak external accountability, this does not reflect a lack of democratic responsiveness. Instead, mobilization by different societal groups may well indicate to politicians that societal preferences over police reform are fragmented, shifting electoral incentives away from police reform.

Explaining the persistence of authoritarian coercion therefore requires not an understanding of authoritarian legacies but rather an understanding of ordinary democratic processes. As the case studies demonstrate, the practices and structures I've characterized as authoritarian coercion – the exercise of exceptional coercion, serving the interests of political leaders, and weak external accountability – may result from the ordinary processes through which citizens' preferences are translated into policy and bureaucratic behavior. Although these democratic processes may at times result in police reform efforts to promote democratic coercion, the persistence of authoritarian coercion in democracy is a compelling illustration of how "democratic procedures can in any case have perverse consequences" (Shapiro 2006, 7).

Societal Preferences and Criminal Justice Policy: Disentangling Related Approaches

Scholars of criminal justice systems broadly have similarly viewed repression and punitive policies – some of which fall under the rubric of what I call authoritarian coercion – as outcomes of the normal functioning of democracy. Scholars across a range of disciplines have demonstrated how societal mobilization, mass publics, and opinion shape the way states

exercise coercive power in response to crime. For this reason, it is worth considering some of these approaches and specifying how my own argument differs, as well as where the observable implications of these related approaches diverge.

Many scholars have written about how democratic processes facilitate the expression of punitive preferences, finding that elected judges become more punitive in their sentencing as they approach reelection (Huber & Gordon 2004) and that democratic countries "where the public has the greatest political influence" have higher incarceration rates than those that are more "hierarchical," such as corporatist structures (Jacobs & Kleban 2003, 746). Miller (2016) largely argues against the notion that mass opinion is inherently punitive, arguing that, in contrast to other democracies such as the United Kingdom and the Netherlands, it is the fragmented, racialized political structures in the United States that make it unresponsive to demands for policies to reduce social inequalities but particularly responsive to demands for greater punishment. While this approach is far more nuanced than many other theories about mass opinion and crime policy, most theories in this literature share the view that mass opinion regarding crime and security is largely uniform and unidirectional. That is, depending on institutional structures, responsiveness to the majority's demand almost certainly leads to more punitive policies; there is little room for changes in mass opinion. While this book concerns itself with police reform rather than criminal justice policy, it is worth raising the distinction between these approaches and the argument presented here. This book advances the argument that mass opinion on security and policing is fragmented and subject to change – from fragmentation to convergence – and, as such, can both favor the continuity of authoritarian coercive institutions and serve as a driver of reform.

Meanwhile, looking specifically at police violence and police reform in the Latin American context, Fuentes (2005) also explains variation in whether governments choose to increase police powers or enact police reform in terms of societal divisions, organized into "pro-order" and "civil rights" coalitions. The author explains variation in outcomes as a function of shifts in power from one coalition to another. In contrast, rather than seeing reform as a product of a shift in the balance of power between different coalitions, the argument presented here – in Fuentes's terms – is that some societal groups not typically part of the "civil rights" coalition, and that even form part of the "pro-order" coalition under the status quo, may temporarily shift their preferences and demands in favor of reform.

Other foundational scholars of policing instead explain police reform (or its absence) in terms of issue salience. Wilson (1978), for instance, wrote decades ago that city governments seldom use their authority over policing because "such matters are not of general interest to the citizenry or to public officials" (228). Goldstein (1977) similarly noted that public concern regarding policing comes in "waves" and that moments of scrutiny and reform have come during "spurts of public interest" following "an exposé of corruption or other wrongdoing" (2). By these accounts, the continuity of authoritarian coercion in democracies is the result of a lack of public interest in or attention to the problem, and the reform processes emerge as a result of the increased salience of the problem. In contrast, I argue that both outcomes are a product of the degree of fragmentation of societal preferences and demands, which reflect continual public interest that is consistently communicated to officials.

Scholars focused on Latin America, meanwhile, have sought to explain variation in the adoption of police reforms in terms of societal attitudes toward the police. Pereira and Ungar (2004), for instance, argue that "there is an inverse relationship between public confidence in the police and the level of police reform," observing few reforms where confidence is high, as in Chile, and a greater number of reforms where confidence is low, as in Argentina (265). While this argument is intuitive, it masks considerable variation within countries and has little explanatory power for understanding within-case variation over time. Argentina, for instance, has dozens of police forces, some of which have been subjected to ambitious reforms – such as the Buenos Aires provincial police – while others, such as the Federal Police, have not. Moreover, even when we look at successful enactment of reforms, public attitudes toward police cannot be seen as the sole cause. By early 1997, a mere 6 percent of citizens expressed trust in the police of Buenos Aires Province following the killing of a journalist by police. According to this argument, we might have expected to see reform occur then; nonetheless, reform did not occur until after midterm elections later that year led to an unexpected shift in the balance of power between the governor's party and the opposition (see Chapter 7). Thus, low public confidence in police is far from sufficient for reform.

It is important to highlight the differences in the predictions of these related theories of societal preferences and politicians' choices regarding security. In the analysis that follows I use process tracing to illustrate how societal preferences over security and policing can reflect fragmentation or convergence and, in turn, shape the decisions of elected leaders. To the

extent possible, I will highlight evidence that allows us to distinguish empirically between my argument and the alternative mechanisms described here.

EXPLAINING THE PERSISTENCE OF AUTHORITARIAN COERCION – AND REFORM – IN LATIN AMERICA

In order to test the argument outlined in this chapter, I draw on comparative evidence from periods of continuity and reform across police forces in Buenos Aires Province (Argentina), São Paulo State (Brazil), and Colombia. The choice of two subnational cases within federal countries and one unitary country is intended to achieve congruence between the bureaucracy and the jurisdiction that controls it. Given the research question and the electoral argument at the heart of this book, the appropriate unit of analysis is the "locus of choice" (Arjona 2019), the political-administrative level where politicians make decisions about police reform and where electoral pressures stand to influence such decision-making. The selection of two subnational units and one unitary national unit is not without limitations, as there continue to be important differences that can complicate the comparison. Brazil and Argentina's federal constitutions, for instance, place some important constraints on the content of police reform that is possible at the state and provincial level; in Colombia, meanwhile, its unitary police force faces no such constraint. Despite these limitations, a strength of this analytical approach is that it demonstrates that, irrespective of the administrative level and concomitant constraints, the police's structural power and electoral incentives nevertheless shape politicians' decision-making over police reform in similar ways.

   Case selection followed a most-similar and a most-different systems design, based on various structural conditions relevant for reform outcomes (see Table 2.2). Despite structural similarities in federalism, authoritarian past, military strength,[23] and low–medium levels of violence, São Paulo State and Buenos Aires Province differ on outcomes. Colombia, meanwhile, offers a sharp contrast to Buenos Aires Province: it is a unitary country with a long history of being formally democratic and with a national police force and a strong military (Leal Buitrago 1994), as

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[23] As scholars of Argentina and Brazil have shown, both countries undertook concerted measures to reduce military power following their respective transition to democracy (Acuña & Smulovitz 1991; Diamint 2003; Hunter 1997).

TABLE 2.2 *Case selection: most-similar and most-different designs*

	São Paulo State	Buenos Aires Province	Colombia
Recent dictatorship	Yes	Yes	No
Structure	Federal	Federal	Unitary
Military strength	Weak	Weak	Strong
Violence	Medium	Low	High
Reform	No	Yes	Yes

well as a decades-long armed conflict. Yet both overhauled their police forces in remarkably similar ways during the 1990s.

The selection of these cases allows us to rule out a number of alternative explanations of institutional continuity or reform. While a more systematic discussion for persistence and reform can be found in the respective introductions to Parts I and II of the book, it is worth providing an overview here. Conditions such as previous military dictatorship, strong military, or high levels of violence may complicate reform efforts through authoritarian legacies, additional veto players, or straining state resources and capacity. Yet, Argentina's history of military dictatorship did not prevent bold police reforms from taking place in the 1990s, nor did its federalist structure (Eaton 2008). Meanwhile, neither Colombia's powerful armed forces, nor extraordinary levels violence, nor a weak state battling powerful guerrilla groups and drug cartels precluded the successful passage of comprehensive police reform legislation. This case selection allows us to rule out these static conditions as alternative explanations of continuity and reform.

The analysis presented in this book focuses on the dynamic processes that shape politicians' choices between continuity and reform. Since societal preferences and political opposition strength are subject to rapid change, each case exhibits considerable variation over time. As Table 2.3 shows, the cases presented here highlight variation in independent and dependent variables, in order to test different mechanisms of the argument. Since structural police reform has been absent in São Paulo State, that case study highlights fragmentation and weak political opposition to account for institutional continuity. Where ambitious structural reforms were adopted, the cases focus on how a shift in political opposition strength under preference convergence (Buenos Aires Province) and a change in preferences from fragmentation to convergence in the context

TABLE 2.3 *Overview of cases and variation*

	Societal preferences	Opposition	Outcome	Chapter
São Paulo (1983–1984)	Fragmentation	Robust	No Reform	6
São Paulo (1992)	Fragmentation	Robust	No Reform	6
São Paulo (1997)	Fragmentation to Convergence	Weak	Marginal Reform	6
Buenos Aires (1991–1996)	Fragmentation	Weak	No Reform	4
Buenos Aires (1997–1998)	Convergence	Weak to Robust	Reform	7
Colombia (1990–1992)	Fragmentation	Weak to Robust	No Reform	5
Colombia (1993)	Fragmentation to Convergence	Robust	Reform	7

of a relatively robust opposition (Colombia) changed politicians' calculations in favor of structural reforms. This analysis and case selection underscores that reform becomes likely under the joint occurrence of these factors, helping to reconcile the discrepancy between the literatures of police reform and of institutional change, given the former's tendency to overpredict police reform. Political competition and federalism may serve as obstacles to police reform, but not when societal preferences converge. Societal pressure and mobilization may drive reform but may result in continuity in the absence of convergence and a robust opposition.

Across all cases, I demonstrate how the structural power of the police constrained the policy options available to civilian officials charged with overseeing them, enabling the police forces to succeed in keeping police reform off the agenda and shaping the terms of the debate. The chapters in Part I of the book document the persistence of authoritarian coercion across the three police forces and illustrate how, within this constrained policy space, authoritarian coercion is maintained by the fragmentation of societal preferences, including considerable segments of the population that demand authoritarian coercive practices as the means of achieving protection. Part II of the book shows how, in Buenos Aires Province and Colombia, institutional persistence gave way to comprehensive structural reform after the convergence of societal preferences through scandals and a robust political opposition. The characteristics of each case allow us to

demonstrate that neither condition is sufficient to bring about reform on its own. In Buenos Aires Province, a scandal failed to bring about reform until midterm elections produced a change in the strength of the political opposition; in Colombia, a reform proposal failed in the congress, despite a fairly robust opposition, and was revived only after the onset of a scandal. In the case of São Paulo State, meanwhile, I show that alternate paths to reform may nonetheless face barriers due to fragmentation, and, even in moments of convergence, the absence of a robust opposition may preclude reforms altogether.

Methodological Approach

These accounts are based on two-and-a-half years of field research in Argentina, Brazil, and Colombia, during which I conducted 230 interviews and ethnographic observation in community security meetings, police stations, and other settings, as well as archival research. Just as the theoretical framework that informs this project takes both macro- and micro-level perspectives, the mechanics of my research on the ground did as well. At one level, there was the straightforward task of studying a historical process of institutional continuity and reform, seeking out former presidents, governors, mayors, ministers and secretaries of security, police leadership and rank and file, former legislators, and civil society actors, as well as reviewing documents in government, police, NGO, and media archives.

At the same time, my research on the broader political processes that determine whether police reform can be successfully enacted was also informed by a fieldwork strategy that probed internal spatial variation. Due to the challenges of conducting such research at the scale of a national or state/provincial territory, I selected the main metropolitan region in each setting for this part of the field research, which was conducted primarily in São Paulo, Bogotá, and the Greater Buenos Aires region. In Latin America's unequal societies, there is considerable overlap in the spatial distribution of poverty, crime, police violence, and the distribution of police services. I therefore pursued a research strategy based on the selection of communities in different regions of the city/metropolitan area, reflecting differences in socioeconomic and racial composition, as well as experiences with crime and the police. I then conducted ethnographic observation in community meetings and police stations and also interviewed the local police commanders, rank and file police officers, and community leaders. This research strategy aimed to discern the link

between macro- and micro-level processes. That is, despite a research question focused on a macro-level political decision regarding a centrally administered agency, the theoretical framework is based on the premise that these political choices are shaped by the day-to-day distribution of protection and repression and police–community relations, which inevitably vary across different communities in three diverse and unequal societies. Because the case of São Paulo represents a "negative case," where comprehensive structural police reform of the sort adopted in Buenos Aires Province and Colombia has not been enacted, the São Paulo chapter in particular draws on ethnographic methods to probe the micro-foundations of preference fragmentation, which I argue acts as an impediment to police reform.