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Police Reform: a determinant of democracy's development¹.

Tânia Pinc²

Abstract: *This paper analyzes police reform and its relationship to the development of democracy. To this end, it develops a model that explains police reform by three independent variables: (1) stage of democracy, (2) dimension of change, and (3) type of intervention. The methodology employs the review of the literature about police reform in the United States, Britain and Latin America to test the model. It also examines police reform in Brazil to study the demilitarization of the police force.*

Keywords: *Police reform; democracy; demilitarization; Latin America; Brazil.*

INTRODUCTION

In democratic societies, law enforcement agencies are a vital part of the social fabric (Jones, Newburn, Smith, 1994). The public services provided by the police are of central importance because they are directly related to the guarantee of individual and collective rights. On the other hand, in order to enforce the law, police officers have the individual capacity to detain arrest, subdue and under justifiable circumstances, injure or kill a citizen in order to perform their duties (Delord et al., 2006).

It is characteristic of a democratic police force to respond to the needs of individuals and groups (Bayley, 1999). As a result, when police officers are patrolling the streets, they cannot predict what will happen during each shift of service. Each event requires different actions in response³. Such events also differ in their nature. During the job, police officers may attend to events related to the whole

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³ Actions such as to inform, assist, guide, mediate, monitor, locate, negotiate, pursue, put handcuffs, seize, detain, arrest, shoot etc.

universe of crimes⁴, but they can also be called to work in situations that have no relationship with this phenomenon⁵. As democratic police force serve without distinction in their daily activities, the police officers can meet people with varied characteristics⁶. However, what is common to each of these situations is that people call the police when they have a problem that they could not resolve without aid.

Moreover, the exercise of law enforcement involves risks, especially in recent decades by the rise in crime and violence. During the act of patrolling, police officers have always dealt with the possibility of finding an armed perpetrator who reacts against them. Within the universe of possibilities, thousands of combinations can be made.

Despite the unpredictability of the outcome of these combinations, it is expected that the responsibility of law enforcement is to prepare to respond to the varied demands and that the chosen action is within legal parameters. To achieve the desired level, it is essential that the police have trained personnel and mechanisms of control.

This is not a set situation, because the training requires improvement and the mechanisms of control need to be reviewed. However, the effort of the government and society to achieve or maintain this situation is a constant, regardless of the stage of democracy.

This effort has been called *reform*.

Previous studies have shown that police reform can be developed in different ways (Jones, Newburn, Smith, 1994; Alpert &

⁴ Events such as theft; robbery; assault; drug trafficking; events involving hostage; bomb incidents; homicide; natural death; suicide; etc.

⁵ Events such as traffic accidents without victims; birth; sudden illness; conflict between people, etc.

⁶ People served by the police may differ in gender, age, education, race, socioeconomic status, nationality, portability, etc.

Dunham, 2004; Delord et al., 2006; McGoldrick & McArdle, 2006; Bayley, 2005; Domínguez & Jones, 2007; Sklansky, 2008; Uildriks, 2009); however, the term lacks a definition that can be applied to all cases.

For purposes of this study, “police reform” is defined as *the change in police institutions in order to improve police performance and to make or maintain the performance under the law and the democratic principles.*

We understand “police performance” as *the procedures adopted by police in the public space which promote direct or indirect contact with non-police.*

This article is divided into three sections. At first, it presents and describes the model that studies police reform by three independent variables: (1) stage of democracy, (2) dimension of change, and (3) type of intervention. In the second section, it tests the model using the review of the literature about police reform in democratic governments and those which have passed through the period of democratic transition. After that, this article analyzes police reform in Brazil and discusses demilitarization as an intervention in the police organization.

1. POLICE REFORM

Police reform varies according to the process of the development of democracy. To explain the reform of the police, we use three variables: (I) stage of democracy, (II) dimension of change, and (III) type of intervention, according to the model described in Figure 1.

Given the stage of democracy, the changes made in the police may occur in two distinct stages: (1) during the transition to democracy, and (2) when democracy is installed or being installed.

In the first case are the countries coming from authoritarian governments (e.g., countries in Latin America) or those that have

emerged from an internal conflict (e.g., Bosnia and Herzegovina, South Africa, Ukraine, and El Salvador). In the second case are the democratic countries (e.g., the United States of America and England) and those that have had a successful transition⁷. In this condition are the countries that have overcome an authoritarian government and internal conflicts. Thus, there is the possibility of countries being represented in both cases.

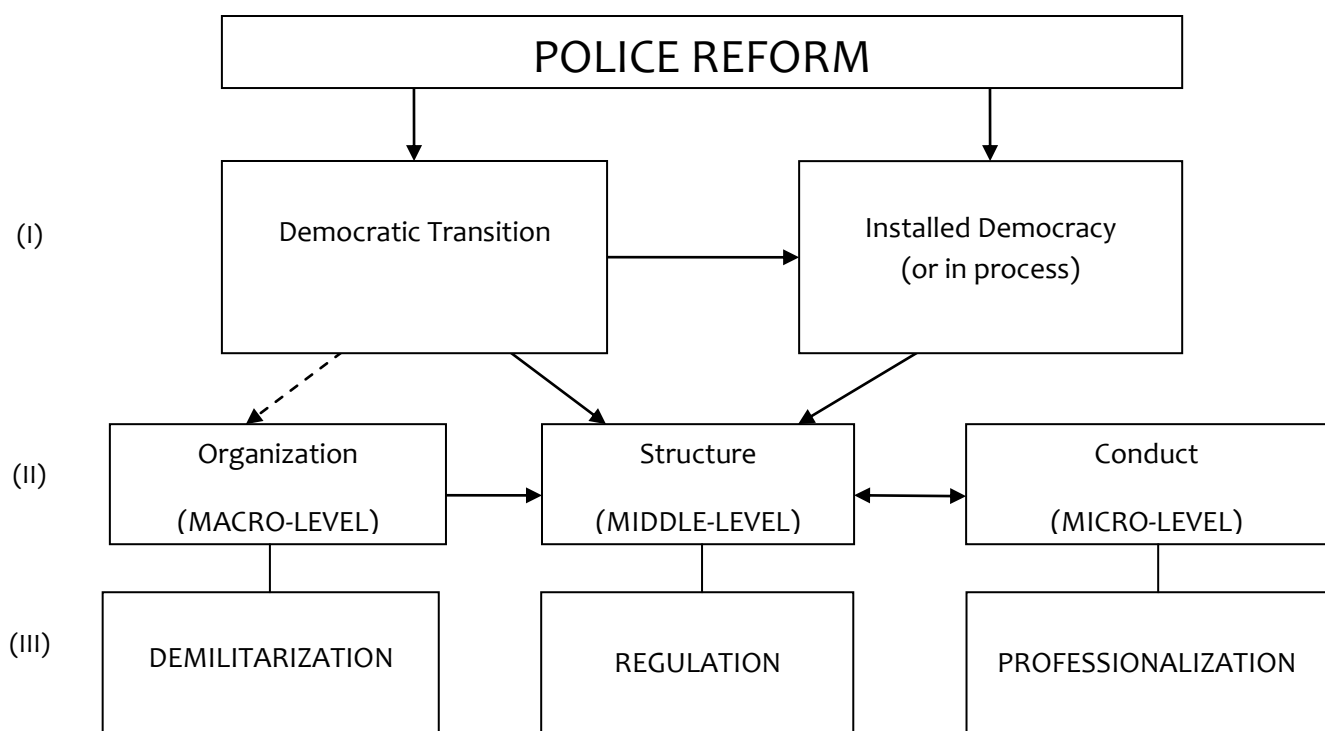


Figure 1 - Police Reform
 (I): Stage of Democracy;
 (II): Dimension of Change, and
 (III): Type of Intervention.

Before proceeding to describe the model, it is important to note that the establishment of a democratic police force is a crucial factor,

⁷ Not all attempts of transition to democracy achieved the goal, especially those made in countries that suffered military intervention after the civil war. Zeller (2003) estimates that the 13 countries that the United States attempted to change the regime by military intervention, during the 20th century, produced only 4 democratic governments: Germany and Japan after World War II, Granada (1983); and Panama (1989).

but not a sufficient condition for the development of a democratic government. In addition to police reform, there are other measures to ensure the building of democracy in a country, such as regular elections, fair political competition, freedom of expression and association, among others (Bayley, 2005).

The changes made in the police vary between three dimensions: (1) organization of the police, (2) structure of the police organization, and (3) the individual conduct of police officers. Despite the magnitude of this scale, the changes in the three levels focus on the encounter between the police and the public, that is, the moment that the police provide the service.

Changes in the organization of the police represent government decisions, which necessarily involve a political process that results in law. We can say that such changes occur from outside of the police force and seek to reformulate the model of the police organization. These changes affect the police organizations in large proportions and are considered to be radical because they begin a new policy model that organizes the police, so we can say that they occur at the macro-level.

What we have observed in the experiments studied is that the most likely type of intervention in the police organization is demilitarization. Husain defines demilitarization as "the process of eliminating the military character of an organization or replacing military control of an organization with civilian control" (2009: 48). Generally, the police of the countries in a democratic transition have military characteristics and/or are under the control of the Army.

If we look at the police performance at the time before the democratic transition under the human rights perspective, we can state that abuse was the main feature of the police practices of the period. Authoritarian governments or civil war represent the exception period; in which repression is the resource available to the police who perform their role.

The change in the model of police organization, through demilitarization, is an attempt to break the pattern of response used in the past which is inconsistent with democracy. Later, we will discuss this issue to explain the preference of political actors for demilitarization and the political process.

A government in a democratic transition has the first option to change the organization of the police through demilitarization. However, this has not been the rule. Many countries choose to keep the model of organization and initiate change in the next dimension, namely in the structure of the organization.

This is also the starting point for police reform in governments whose democracy is installed. These are incremental changes that we call middle-level. These changes can occur from the outside but can also be produced from within the police organization. At the macro-level, there is basically a single, but major, change. While at the middle-level, the proportion of change is smaller, it is the dimension where the most varied of policies are concentrated.

The interventions that occur at the middle-level we call *Regulation*. For purposes of this study, Regulation is the *process of harmonization of the rules that guide police work with the rules that guide life in society*. This type of intervention contributes to the creation of new paradigms, which are designed to adjust police performance to remain under the law.

Another major difference between demilitarization and regulation is that in the former, when the policy changes the model of police organization, it tends to remain stable for long periods of time while in regulation, the changes in the structure of the police organization can be revised and improved more easily. These changes are related to issues such as selection and training of new police officers, new doctrines, and control, among others. In this sense, the police have a high degree of autonomy to make changes.

Finally, the changes occur in the dimension that involves the individual conduct of police officers. The interventions are directly related to the encounter between the police and the public, called micro-level. These changes are produced within the police and by the police institution itself. Although the police can have the support of other government actors and civil society, decisions to change at this level are taken by the leaders of the police and occur in a government where democracy has been installed.

The measures in this dimension introduce new doctrines in the structure of the organization through policies that guide the routine of police work during the encounter with the public. It is time to translate theory into practice and test the effectiveness of the new structure. The main focus is in the mechanisms of diffusion of the new knowledge. One major mechanism is the training.

The interventions that occur at the micro-level can be called by *Professionalization*. This term is defined by Husain as "a movement towards becoming [the police] a professional body or behaving in a professional manner" (2009: 48). The term *movement* explains the relationship between regulation and professionalization. The interventions that are processed at the micro-level are necessarily deriving from the middle-level; however, the effect of the changes made in the conduct of police officers may result in the need for further changes in regulation. This demonstrates the existence of a dynamic which seeks to balance the rules of the police organization with the individual conduct of police officers and which keeps the whole set regulated with the laws and democratic principles.

To demonstrate the model of police reform, we present some of the following experiences.

2. LITERATURE REVIEW

2.1 Police Reform of Democratic Governments

We chose to begin discussing democratic government by bringing in the experiences of the United States and England, whose police reform includes changes in both middle and micro-level. Later, we will present the experiences of governments in a democratic transition that was successful in its transition, to discuss the change at the macro-level.

2.1.1 United States

One survey indicates that there are 21,113 police agencies in the United States: 14,628 local; 49 states (Hawaii provides law enforcement through the Department of Public Safety); 3,156 sheriff-headed and 3,280 special agencies. There are approximately 600,000 officers in these agencies (Maguire et al., 1988). This is a model of police organization which is highly decentralized. Balancing the performance of all these officers is a big challenge for the U.S. government.

In the United States, the reform is related to the purpose, use and regulation of force used by police during the encounters with the public (Alpert & Dunham, 2004). Over the years, the effort has focused on defining the role of the police and monitoring their performance (Greene & Alpert, 1999).

An analysis of the temporal process that involves interventions in the law enforcement agency did not find a landmark that defines the changes in time, such as the promulgation of democracy in the countries of an authoritarian regime. However, Geoffrey Alpert and Roger Dunham (2004) argue that the history of policing in the United States can be examined by classifying them into three periods: (1) era of non-regulation, (2) era of self-regulation, and (3) era of external regulation.

During the era of non-regulation, American police officers used any degree of force during the job; there was no pattern or control. As a result, police abuse was an endemic practice, in addition to corruption. Citizens had little respect for the police.

The police officers were from the poorer classes and had lower levels of education, received low wages, had no uniforms and no training. Once formally admitted, the police officer had little guidance as to performance standards. Physical strength was the tool most used during routine activities. The focus of the police work was directed towards the poorer classes, which had little or no political representation. Clashes between the police and citizens were part of everyday life. Studies on police were nonexistent. In the nineteenth century, police brutality was the main feature of American policing.

The first step towards the subsequent changes occurred in era of the self-regulation. This period coincides with the movement to professionalize the police force. The initiatives sought to make the police a more systematic organization. The standard of selection of new officers and career advancement was enhanced. Police practices, such as the use of force, were regulated. These practices were introduced through training programs. The main focus of these changes was to establish a process of internal control over police behavior.

Research about the use of force began to emerge between the late 1960's and early 1970's. Despite the efforts of the police to regulate their own use of force, the abuse continued to exist, although to a lesser extent.

The third period was the era of external regulation that occurred in response to events related to civil disobedience. Innovations in policing increased legal liability and created the development of community policing. This period was marked by the presence of reformers from outside the police force placed in the courts, political arenas and groups from the community. Finally,

research in the social sciences became a new source of information about the use of force for both the police and the critics; moreover, this period brought forth a new form of accountability for the police.

The rules created into and outside of the police organization helped to establish standards of individual conduct and control of these behaviors. In addition, the American police created new strategies to increase the quality and high standards of its staff.

This experience demonstrates the effort the U.S. government made to regulate police performance with laws and democratic principles during the eras of internal and external regulations. Besides, the government invested in professionalizing the police to become compatible with the new organizational structure.

2.1.2 England

Police that we know, that is, that use uniforms and marked patrol cars to easily identify themselves, were a creation of English society. This occurred in the first decades of the nineteenth century. This model provided a great influence on the organization of the police in several other countries.

At the end of the twentieth century, police reform had become a priority for the British government. Although public spending on the police force was high, the police performance was not, in turn, efficiently reducing the crime rate, which continued increasing. Moreover, public opinion polls indicated some decline in the rate of confidence in the police, which previously had been held at a high level.

It was not observed that any change in the laws had helped to organize the police. Police reform focused on the activities of policing, that is, everything the police officers did within legal parameters affected people's lives. Jones, Newburn and Smith (1994) presented these changes as policing policies.

The British policing policies involved the following areas: (1) crime prevention, (2) crimes of rape, domestic violence and child abuse, and (3) increasing the number of civilians in administrative functions (civilianization). In the first two areas, a new pattern of response to crime was created, while the latter increased the number of police officers in the policing activities (Jones, Newburn and Smith, 1994).

Therefore, new rules were introduced to the structure of the police organization (middle-level) to change the individual behavior of police officers during policing activities (micro-level).

Smith and Gray (1983) point out that rules and procedures can exist, but it does not mean that the police officer will follow these rules or procedures. Therefore, investment must be done to change the behavior of police officers in their daily activities in order to incorporate the new standards of conduct regulated by the police. In other words, the law enforcement agency needs to be professionalized.

In England, research about policing began to emerge in the 1980's and two research traditions could be observed. The first was about the normative aspect, the rules and procedures that guide police work. The second focused on routine activities. Although these two perspectives are complementary, there is little connection between the studies presented until recently. Therefore, studies that focus on the rules of police work can ignore the fact that there are some rules and procedures that are not followed and may even be counterproductive. Moreover, studies that focus on individual conduct cannot relate to the performance to the police rules (Jones, Newburn and Smith 1994).

This demonstrates the importance of professionalization as a movement that interacts between police rules and the individual conduct of police officers during policing activities.

The experiences of police reform in the United States and England show the efforts of democratic governments to offer to the public a police service capable of assuring individual and collective rights and controlling crime and violence.

2.2 Police Reform of Governments in Democratic Transition.

Since the 1980's, many countries from authoritarian regimes having internal conflicts have become democratic, especially in Latin America. Uildriks (2009) argues that the installation of democracy in these countries occurred in three different ways: (1) international cooperation, (2) by government, and (3) with the participation of civil society.

2.2.1 Reform Promoted by International Cooperation

The transition to democracy is a period when the country faces a process of rebuilding the state. The difficulties are great even if the transition is peaceful. Some of these countries receive the support of democratic governments that participate in guiding the process of change.

Countries such as Australia, Canada, Germany, Japan, Norway, Sweden and the United Kingdom have programs for international cooperation. Moreover, there are international organizations that also provide support, such as the United Nations (UN), the World Bank (WB), the European Union (EU), and others.

One of the most active international actors in the process of democratization is the United States, which has a program to promote democracy - USAID Democracy and Governance Assistance. A recent study shows that USAID spent about \$9 billion U.S. dollars to provide support to 165 countries between 1990 and 2004 (USAID, 2008).

To promote democracy and good governance, USAID focuses its efforts on four distinct goals: (1) strengthening the rule of law and respect for human rights, (2) promoting more genuine and competitive elections and political process, (3) increasing the development of a politically active civil society, and (4) ensuring a more transparent and accountable governance. Police reform is directly related to the first goal.

Before the installation of democracy, the police were the repressive agent of the state because the political context required it to play that role. In most cases, the police was linked to the Army and have military character. The transition to democracy requires that police adopt a new pattern of response.

Police reform depends on the specific context of each country. There is no ideal model or practice; everything concerning police organizations needs to be analyzed within the political and historical environment (Dominguez & Jones, 2007).

Concerning countries that are restoring the peace after internal conflict, Bayley (2005) states that there are three stages to follow: (1) military repression of organized conflict, (2) establishment of an interim civilian police force, and (3) the creation of a local civil police institution that is competent and humane.

Bayley recognized the need for military intervention to stop the conflict. Sometimes this is done by external military forces. The USAID report (2008) indicates that democratic assistance was less effective in countries that received U.S. military aid.

After the end of the conflict, the next step is the intervention by United Nations Civilian Police - UNCIVPOL, which monitors the behavior of local police to avoid any repressive conduct. According to the data, USAID has achieved the desired result in three of the four goals: strengthening civil society, the electoral system, and transparency. However, with regard to the rules of law and human

rights, with the variable related to police reform, the effect was negative. This is a result that researchers have tried to answer.

The process of police reform begins in the third stage to objectively form, changing the police organization through demilitarization.

In the case of countries from an authoritarian regime that was successfully in transition, the first two phases are not included in the process.

2.2.1.1 Guatemala

Guatemala was one of the countries in Central America that received international support to lead the transition to democracy. In 1996 they signed a peace agreement that ended a civil war, which had lasted for thirty-six years.

The reconstruction of the state involved the extinction of the existing police. Thus, police reform changed the organization of the institution; abolished the military character; and created a new civilian police force: the National Civil Police (PNC). However, according to Glebbeek (2009), the demilitarization of the police didn't achieve good results. Guatemala is still one of the most violent countries in Latin America.

In addition to Guatemala, other countries like El Salvador, Honduras, and Panama have created a new police force, and have demilitarized without a link with the national armed forces. Unlike the others, El Salvador was the most experienced and more successful in achieving significant levels of democratic policing, argue Fröling (2009). However, the police have been unable to control a rising crime rate and violence, especially with crimes committed by gangs. As a result, in 2001, changes were made in the structure of the police force, new rules were introduced and some jobs done by civilians were now being done or supervised by the police.

2.2.2 Reform Promoted without International Cooperation

In Chile, Colombia, and Peru police reform was initiated by the government. Argentina, Brazil and Mexico also had the pressure from civil society to place the police reform on the political agenda (Uildriks, 2009).

During the democratic transition, some governments opted to keep the same model of police organization and start the reform by structure of the organization.

In Colombia and Chile, the police are linked to the Ministry of Defense, so they are under the control of the armed forces. In Brazil, the military police is controlled by the state governor, but maintains their military character concerning hierarchy and discipline, just as do the police in Peru (Früling, 2009).

Studies about Latin America's police tend to associate some negative value to military character (Pinheiro, 1991; Bayley, 2005; Diamint, 2007; Früling, 2009; Uildriks, 2009). They are practically unanimous in saying that the demilitarized police are the best model. Based on this assumption, demilitarization would be the only way to add value to the democratic police force. Experiments show that this is not true. However, academic research has not helped to clarify this matter.

Compared to the United States and England, research about police organization in Latin America is still incipient and focused on reform at macro-level. There are few studies which focus on reform at the middle-level and these studies are rare on the micro-level.

Moreover, the process of police reform is still very recent. Most Latin American countries have not completed three decades of democratic regimes and many changes are in process. In addition to a large number of changes, the data produced by the police are generally difficult to access.

The result is that most academic papers published recently have no basis in empirical data and those which have began, using

data produced in the 1990s (Dominguez & Jones, 2007; Uildriks, 2009). This can create distortions and present results that are not realistic or current. One example is the article written by Rut Diamint - *Military, Police, Politics, and Society*, published in 2007, and edited by Dominguez and Jones. Although it doesn't prove its point, empirically, states that repression during an authoritarian government is one of the reasons for citizens not to trust the police.

An illustration is the case of Chile. It is a country that has one of the most violent histories that have occurred during the military regime in Latin America. During the transition to democracy the government kept the model of a militarized police. However, data from Latino Barometer (2008) showed that 43.7% of the population trusted highly in the *Carabineros de Chile*. This data registered the highest level of trust in police among all of the countries in Latin America.

2.2.2.1 Chile

In Chile there are two police institutions which work at the national level: the *Carabineros de Chile* and the *Policia de Investigaciones*. The first has a military character and is responsible for crime prevention and civil defense. The other organization is responsible for criminal investigations and is civilian. The current organization of the *Carabineros de Chile* was created in 1927 by the unification of the Fiscal Police, Rural Police and the *Corpo de Carabineros*. However, the origin of this police force dates from 1810. Currently there are forty-three thousand police officers⁸, while the *Policia de Investigaciones* has approximately six thousand police

⁸ Data related on *Carabineros de Chile* are available in <<http://www.carabineros.cl/>>. Access on 06 Jan 2010.

officers (Dammert, 2009), whose origin dates from 1864. The current organization was created in 1933⁹.

Democracy was established in Chile in 1980 by popular vote of the populace. The federal constitution didn't change the police organization. In Chile and other countries such as Brazil, Colombia, El Salvador and Peru, the rules that organized the police are defined by the federal constitution.

Besides the high degree of confidence, the *Carabineros de Chile* has other prominent features such as low levels of corruption and abusive practices. The tasks related to civil defense helped to build a positive image of *Carabineros* during the frequent natural disasters in the country (Dammert, 2009).

This result is similar to the Brazilian firefighters, who are also responsible for civil defense. In Brazil, firefighters have the same characteristics of the military police and in some states are part of the same police agency. In 2008, according to data from the Latino Barometer, 72.7% of respondents said that they highly trusted in the firefighters, while 18.4% trusted highly in the police. Although the total sample is small (less than 1500 respondents in a country with 192 million inhabitants), we can see the difference in public perception between these two groups that develop different tasks, but that belong to the same institution and are organized in a similar manner.

Another example of law enforcement agency which that kept their military character during and after in the democratic transitions is Colombia. According Latino Barometer, Colombia appeared after Chile among the countries where the population trusted highly in the police.

⁹ Data related on *Policía de Investigaciones* are available in <<http://www.policia.cl/>>. Access on 06 Jan 2010.

It is not our intention to elect a military police force as the best model. Even as we have stated, there is no ideal model. The objective is to demonstrate, as illustrated in Figure 1, that the government of democratic transition has the option of maintaining or changing the organization of the police, and whatever the choice, it will present advantages and disadvantages.

This is a concept which is absent in most of the studies about Latin American police forces. Most studies tend to concentrate their focus on demilitarization and to deny that the maintenance of a model of police organization that operated during the military regime can perform well in a democratic government.

In this sense, these studies did not represent an important source of information to be used by police administrators or to policymakers. This happens because research has not advanced enough to analyze the changes that are taking place at other levels (middle and micro), where governments and police institution have invested time, energy and money to regulate the rules of the police with constitutional principles and to professionalize the police officers to respond effectively to the diversity of public demand.

In the same direction, some particular groups, such as human rights groups, have pressured the government for demilitarization, like in Brazil.

3. POLICE REFORM IN BRAZIL

In Brazil, democracy was installed in 1988 by the federal constitution, approved in the assembly which was formed for this purpose. Just as in Chile, the rules that organized the police force were kept. The competence of crime prevention and investigation were distributed among the military police and the civil police, respectively. These institutions are linked to the state government and are present in each of the twenty-six states and the Federal District in Brazil.

According to the Ministry of Justice, in 2007, the total number of police officers was estimated at around six hundred thousand, distributed throughout the country. Of the total number, 68% are military police officers, 21% are civilian police officers, and 11% are firefighters¹⁰.

Between 1991 and 2007 six proposals were presented for constitutional amendment to demilitarize the military police; however, none were approved.

The current model of the military police is a legacy of public policies implemented during the military regime¹¹. The political process that involves the attempt to reform the demilitarization is highly influenced by this idea. This can be explained by the concept of policy feedback, which states that policies established in the past may promote interest about future alternatives (Orloff, 1988).

Orloff also helps to explain the preference of the political actors for demilitarization. He argues that the political debate is regularly instructed by ideas that seek more correct perceived shortcomings of past policies and which give the best response to current social conditions.

How can we explain the stability of a four-decades-long policy, after several attempts to change it?

The likely hypothesis is that the choice of a police model at a given point in history led to this path dependence on the old model, so it became impossible to reverse this process and to start a new one due to various conditions which involve financial, cultural, and technological investments, among others.

The starting point to try to explain the failure of police reform is the mechanism of the path dependence. Pierson (2004)

¹⁰ As previously mentioned, firefighters are a part of the military police in some states in Brazil.

¹¹ Although the origin of the military police is concentrated in the first decades of the nineteenth century, the current model was created in 1969 after the unification of the *Força Pública* and *Guarda Civil* during the military regime.

conceptualizes this failure as a social process that exhibits positive feedback and thus branches off, as branches of a tree in its path branch off during historical development.

The positive feedback, or self-reinforcement, is considered as the central feature of path dependence. Thus, each step of the policy in a given direction increases the difficulty of reversing the process (Pierson, 2004). The following changes tend to follow the path of initiation; they rarely return to change the course, so the progress is more likely to produce incremental changes than radical changes.

Weir (1992) argues that policies that depend on the reform of existing institutions are less attractive. Innovative policies tend to occur more easily in respect to current ideas. Proposals for innovation which break with the past are unlikely to be easily accepted.

Thus, the trend is that innovations occur within the course of politics. The metaphor of the tree, invoked by Pierson (2004), describes the political process very well. Deriving from the same trunk, many branches are broken down into several smaller branches. These new branches represent the incremental changes implemented during the course of politics.

This condition does not eliminate all the possibilities to demilitarize the police. However, the case of police reform in El Salvador shows that the democratic transition represents the window of opportunity for that change. This window remains open for only a few years. Once it closes, the opportunity to demilitarize the police also closes (Call, 2003).

Applied to our study, we can say that these incremental changes are the result of police reform at the middle and micro levels.

The 1990's was instrumental in redefining the role of the police in Brazil. Until then the military police remained most of the time isolated from society. It was time for this old guard to go out through the gates and to establish a new relationship with society.

There were two preconditions for these changes: the introduction of the doctrine of human rights and community policing. Furthermore, there was a need to reorganize the rules and regulations of the police in accordance with democratic principles. Disciplinary regulations introduced the right to a defense and contradictory procedures investigated the individual conduct of police officers. Another gain for police officers was the right to vote.

The 1990's was a period with a large number of changes, such as: changing the curricula in the formation of courses, selecting new candidates, hiring more women, and increasing formal control, among many others.

Besides the challenge of getting closer to society, the police faced another new challenge in the 1990's: a rising crime rate and increasing violence. In this sense, the changes in the structure of the police organization were intended to train the police officers to be communicative with the public and to be able to inhibit crime and to arrest criminals. To this end, it was necessary to create innovations in the communication system, in the systematization of data, and in new forms of policing, among others.

In Brazil, some results of police performance can be evaluated as efficient and positive changes, mainly when we analyze the decline in homicide rates in most of the country during the 2000's.

All of these changes have been made over the last two decades; however, changes at the micro-level are the most current, because prior to professionalizing the police it is necessary to regulate the structure of the organization.

CONCLUDING COMMENTS

The ability of police organization to use force¹², whether within the several levels of non-lethal force or by use of a weapon, creates great responsibility for democratic governments to establish parameters for the performance of police work.

Governments, whose police exceed the use of force, violate fundamental individual rights. Changes are necessary to balance police performance with current rules. Although the mechanisms of control are part of this perspective, police reform does not primarily intend to punish those who abuse the force. Changes focus on correcting faults and improving the structure of the police organization in order to improve the performance of individual police officers, so that it is possible to prevent the occurrence of abuse. Such changes also seek to increase the capacity of the police to control crimes as well as violence. In this sense, police reform is a determinant of democratic development.

Although the model seeks to explain police reform from different countries, it does not provide a formula because there is no ideal model of a police organization. However, acknowledging that relevant changes are made at the middle-level will guide the changes at the micro-level. Through these changes, the police can harmonize the actions of individual police officers with democratic principles.

Any democratic country is subject to changes, regardless of the stage of democracy. Certain adjustments are necessary over time because of social dynamics and phenomena such as crimes and violence. However, it is possible to infer that the longer the stage of democracy, the better the structure of the police and the less frequent the chance of abuse.

¹² The use of force continuum presents several variations: (1) no force; (2) officer's presence in uniform; (3) verbal communication; (4) light subject control, escort techniques, pressure point control, handcuffs; (5) chemical agents; (6) physical tactics and use of weapons different than chemicals and firearms; and (7) firearms/deadly force (Alpert & Dunham, 2000).

The different experiences of Latin American countries show that demilitarization is not a relevant change. Even if there is political will, as in the case in Brazil, mechanisms of the political process may prevent the change at that level. However, this result does not prevent the government from democratizing the police force.

Reforming the police by extinction of their military character does not ensure better police performance, nor does it play a greater role in the contribution to the development of democracy in the country.

REFERENCES

Alpert, G. P.; Dunham, R. G. (2000). *Analysis of Police Use-of-Force Data*. Retrieved from <http://www.ncjrs.gov>.

Alpert, G. P.; Dunham, R. G. (2004). *Understanding police use of force: officers, suspects, and reciprocity*. Cambridge: University Press.

Bayley, D. H. (1999). The contemporary practices of policing: a comparative view. In: "Civilian Police Multinational Peacekeeping": A Role For Democratic Policing, 1997, Washington D. C. *Cosponsored by the Center for Strategic and International Studies and the Police Executive Research Forum*. Washington D. C.: National Institute of Justice. Retrieved from <http://www.ncjrs.gov>.

Bayley, D. H. (2005). *Changing the guard: developing democratic police abroad*. Oxford: University Press.

Call, C. T. (2003). Democratization, war and state-building: constructing the law in El Salvador. *Journal of Latin American Studies*, Cambridge University Press, vol. 35, nº 4, p. 827-862.

Dammert, L. (2009). Police and judicial reform in Chile. In: Uildriks, N. *Policing insecurity: police reforms, security, and human rights in Latina America*. New York: Lexington Books, chap. 7, p. 151-168.

Delord, R.G. et al. (2006). *Police labor-management relations (Vol. I): perspective and practical solutions for implementing change, making reforms, and handling crises for managers and union leaders*. Rockville. Retrieved from <http://www.ncjrs.gov>.

Diamint, R. (2007). Military, Police, Politics, and Society: does Latin America have a democratic model? In: Domínguez, J.I.; Jones, A. *The Construction of Democracy: lessons from practice and research*. Baltimore: The Johns Hopkins University Press. chap. 7, p.148-176.

Domínguez, J.I.; Jones, A. (2007).. *The Construction of Democracy: lessons from practice and research*. Baltimore: The Johns Hopkins University Press.

Früling, H. (2009). Recent police reform in Latin America. In: Uildriks, N. *Policing insecurity: police reforms, security, and human rights in Latina America*. New York: Lexington Books. chap. 2, p. 21-45.

Glebbeek, M-L. (2009) Post-War violence and police reform in Guatemala. In: Uildriks, N. *Policing insecurity: police reforms, security, and human rights in Latina America*. New York: Lexington Books. chap. 4, p. 79-94.

Greene, J; Alpert, G. P. (1999). Police Overview. In: *Violence in America: an encyclopedia*. New York: Charles Scribner's Sons. p. 531-539.

Husain, S. (2009). On the long road to demilitarization and professionalization of the police in Brazil. In: Uildriks, N. *Policing insecurity: police reforms, security, and human rights in Latina America*. New York: Lexington Books. chap. 3, p. 47-78.

Jones, T.; Newburn, T.; Smith, D.J. (1994). *Democracy & Policing*. London: Policy Studies Institute.

Maguire, E. et al. (1998). Counting cops: estimating the number of police officers and police agencies in the United States. *Policing: an international journal of police strategies and management*. v.21, p. 97-120.

Mcgoldrick, S. K.; Mcardle, A. (2006). *Uniform behavior: police localism and national politics*. New York: Palgrave Macmillan.

Orloff, A. S. (1988). The political origins of America's belated welfare state. In: Weir, M.; Orloff, A S.; Skocpol, T., *The politics of social policy in the United States*, Princeton: Princeton University Press, 1988.

Pierson, P. (2004). *Politics in Time*. Princeton: Princeton University Press.

Pinc, T. (2007) *O uso da força não-letal pela polícia nos encontros com o público*. 2006. 127 f. Dissertation for the degree of Master Of

Political Science – Department of Political Science of University of São Paulo, São Paulo.

Pinheiro, P. S. (1991). Autoritarismo e Transição. *Revista da USP*, São Paulo, n. 9, p. 45-56.

Sklansky, D.A. (2008). *Democracy and the police*. Stanford: Stanford University Press.

Smith, D.J.; Gray, J. (1983). *Police and people in London: IV the police in action*. London: Policy Studies Institute.

Uildriks, N. (2009). *Policing insecurity: police reforms, security, and human rights in Latina America*. New York: Lexington Books.

Uildriks, N. (2009). Police reform, security, and human rights in Latin America: an introduction. In: Uildriks, N. *Policing insecurity: police reforms, security, and human rights in Latina America*. New York: Lexington Books, chap. 1, p. 1-20.

USAID. (2008). *Deepening our understanding of the effects of US foreign assistance on democracy building*. Final report, 28 Jan. 2008. Retrieved from <http://www.usaid.gov>.

Weir, M. (1992). Ideas and the politics of bounded innovation. In: Steinmo, S; Thelen, K.; Longstreth, F. (eds.) *Structuring politics: historical institutionalism in comparative analysis*. New York: Cambridge University Press.

Zeller, T. (2003). Building democracy is not a science. *New York Times*, New York, 27 April 2003. Retrieved from <http://www.nytimes.com>.