

# CRIME AND CITIZEN SECURITY IN LATIN AMERICA

## The Challenges for New Scholarship

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*COLOMBIAN CRIMINAL JUSTICE IN CRISIS: FEAR AND DISTRUST.* By Elvira Maria Restrepo. (New York: Palgrave Macmillan, 2003. Pp. 235. \$95.00 cloth.)

*CRIME AND VIOLENCE IN LATIN AMERICA: CITIZEN SECURITY, DEMOCRACY, AND THE STATE.* Edited by Hugo Frühling and Joseph S. Tulchin, with Heather A. Golding. (Washington, D.C.: Woodrow Wilson Center Press, 2003. Pp. 284. \$45.00 cloth, \$18.95 paper.)

*CRIMEN SIN CASTIGO: PROCURACIÓN DE JUSTICIA PENAL Y MINISTERIO PÚBLICO EN MEXICO.* By Guillermo Zepeda Lecuona. (Mexico: CIDAC, Fondo de Cultura Económica, 2004. Pp. 462.)

*CRIMEN Y VIOLENCIA EN AMERICA LATINA.* Edited by Pablo Fajnzylber, Daniel Lederman, and Norman Loayza. (coedition Alfaomega and World Bank, 2001. Pp. 268. \$20.00 paper.)

*MORIR EN CARACAS.* Edited by Roberto Briceño-León and Rogelio Pérez Perdomo (eds). (Caracas: Universidad Central de Venezuela, 2002. Pp. 243.)

Among the most striking developments in Latin America over the last twenty years has been the dramatic rise in criminality. Homicides have more than doubled over ten years and the rate of property crime has at times been triple what it was fifteen years ago. Similar changes in the economic and political landscape would have surely triggered a torrent of books and research interests. Yet, one of the most puzzling questions in the literature is why such a drastic deterioration in public security and rise in criminal activity have not produced a wave of new volumes in the field. The following tables briefly describe these dramatic changes.

Table 1 Changes in the Rate of Homicides (2000/1985)

	Total Male (percent)	Male 15–24 Yrs. Old (percent)
Argentina*	46	48
Brazil	84	121
Chile**	72	178
Colombia***	50	101
Costa Rica	28	19
Ecuador	101	102
El Salvador****	6	62
Guatemala*****	506	1066
Mexico	43	46
Panama	86	139
Paraguay	118	287
Uruguay	76	495
Venezuela	187	272

Source: WHO Mortality Database, World Health Organization, January 2005, [http://www3.who.int/whosis/mort/table1.cfm?path=whosis.mort.mort\\_table1&language=english](http://www3.who.int/whosis/mort/table1.cfm?path=whosis.mort.mort_table1&language=english) (accessed January 2006).

\* Data of year '01

\*\* Data of year '01

\*\*\* Data of year '99

\*\*\*\* Data of years '84 and '99

\*\*\*\*\* Data of years '84 and '99

This essay reviews five books that are among the best in an incipient field of academic production.<sup>1</sup> These books are particularly valuable because they undertake the study from an empirical perspective. Two are monographs on single states (Mexico and Colombia), another two are collections of articles on different countries in the region, and one is a collection of papers on a single country (Venezuela). Most of the essays and monographs deal with the reaction to the challenges of higher criminality, namely the citizen security side of the problem, but the analytical aspects of the sudden change in criminal activity have not been comprehensively addressed. The majority of these works are descriptive, based on the best (and yet very poor quality) data, using a variety of methodological approaches, both qualitative and quantitative, written by top scholars in the field.

The first section of this review briefly summarizes the books, and I then answer four questions: what are the topics and issues, what can be said about the data, what are the methods of social scientific produc-

1. There are several excellent books on criminality from historical perspectives. See for example Salvatore, Aguirre, and Joseph (2001) and Piccato (2001). To circumscribe the analysis on contemporary problems these contributions are not included in this essay.

Table 2 Increase of Property Crime for Selected Cities

	Rate of change (percent)*
Buenos Aires	165
Caracas	46
Mexico City	141
Quito**	71
Rio de Janeiro	122
Santiago	99

Sources: Mexico City: reported in Zurita et al. (in Fajnzylber et al., 170)

Caracas: Briceño-León and Pérez Perdomo, 17.

Buenos Aires: Argentina, Dirección Nacional de Política Criminal "Evolución delitos contra la propiedad—1990 a 1999—Total país y por provincia," [www.polcrim.jus.gov.ar/InfoDecada/infosnic2C33C.pdf](http://www.polcrim.jus.gov.ar/InfoDecada/infosnic2C33C.pdf) (accessed January 2006).

Santiago: Chile, Ministeria del Interior, Tasa de delito contra la propiedad (hurto) (Chile: 2003).

Rio de Janeiro: Brasil, Ministerio de Justicia, [http://www.mj.gov.br/senasp/pesquisas\\_aplicadas/mapa/rel/uf\\_furtos\\_tab2003.htm](http://www.mj.gov.br/senasp/pesquisas_aplicadas/mapa/rel/uf_furtos_tab2003.htm) (accessed January 2006).

Quito: Arcos et al. (2003, 91).

\* Rates of change: Buenos Aires 1999/1990; Caracas 1994/1987; Mexico 1997/1985; Quito 1999/1995; Rio de Janeiro 2003/1995; Santiago 2001/1999.

\*\* Data is for the whole province of Pichincha where Quito is located.

tion in the field, and what are the findings of this recent academic production? I conclude with implications and research agenda.

#### A BRIEF SUMMARY

The book that best documents the many aspects of the rise in criminality in Latin America is the edited volume by Fajnzylber, Lederman, and Loayza *Crimen y violencia en America Latina*.<sup>2</sup> The book is based on a conference sponsored by the World Bank that commissioned articles on many countries in which the authors address the rise in violent and property crime over the last decade. Every article presents data on homicide trends for each country and then analyzes victimization and criminal patterns in major cities, including Cali, San Salvador, Lima, Mexico City, Rio de Janeiro, and São Paulo. These articles are prefaced by an introduction on the economic perspective of crime and victimization, perhaps one of the best pieces of research on the determinants of crime in the area.

Fajnzylber et al. ask the classic question of what makes Latin America one of the most violent regions in the world. Using official cross-national data and surveys for Latin American cities, they find that several economic variables such as income distribution and growth are

2. There are several articles of that volume published in English by the World Bank.

strongly associated with the levels of criminality. In addition, deterrence instruments (number of policemen) as well as demographic factors and the irruption of drugs have adversely affected crime.

The separate articles on specific cities follow a similar structure. They start with some measures of violent crime for the given country and then analyze data from victimization surveys administered in each city. These surveys measure the risks of being a victim of violent or property crime. For violence the most consistent predictors of victimization are gender, age, and education, as well as proximity to drugs and alcohol. Conversely, for property crimes, the likelihood of being victimized rises with education and employment. In short, predictably, those who have better education and a job, go to work every day, and have more public exposure are more likely to be victims compared to those who do not share these characteristics. Finally, the articles either extend these analyses or look at other sources of data to explore particular issues such as the drug trade, community breakdown, and political participation. Every article concludes with a series of policy implications. All in all, these essays constitute a superb attempt to empirically describe the trends and scope of criminality in the area.

*Morir en Caracas*, edited by Briceño-León and Pérez Perdomo, is a short but powerful book that describes the rising crime in that city and in the rest of Venezuela over the 1990s. It includes ten articles, all based on official and self-report data about the trends and shape of high urban criminality in Venezuela, and explores in particular the sudden changes in homicides and other violent crimes that have tripled over fifteen years. Remarkably, in Caracas, the data show that homicides have increased more than any other crime, although that might be due to underreporting rather than actual observations.

In addition to official data and some qualitative information, this book relies on two victimization surveys that explore issues such as the increase in fear, the cost of crime, the effect of witnessing the victimization of others, the role of TV violence, prison conditions and characteristics of the inmate population. The authors claim that the new wave of crime (and this hypothesis could be generalized for the region) is recent (15 years), urban, and committed by young males. Crime predominates among the poor. The last chapter provides a useful theoretical approach to distinguish among different factors associated with crime. There are factors that *cause* crime such as inequality, breakdown of social controls, unmet expectations<sup>3</sup> and pauperization; there are factors that *promote* crime, such as ecological aspects and the rate of impunity; and there are factors that *facilitate* crime, such as

3. It is not absolute poverty but relative poverty that explains higher crime. For example, compare Rio or Caracas with Asunción or La Paz.

alcohol and drugs that reduce self control, violence in the media, and access to firearms. This classification helps to put order in a debate that up to this point has not produced a clear academic consensus on the origins of crime in the region.

*Colombian Criminal Justice in Crisis*, by Elvira Maria Restrepo, is a lucid, well-written and innovative book on the failures of the criminal justice system (CJS) in that country. She argues that the CJS is fundamentally driven by fear and distrust. In the first part she analyzes the origins of these characteristics and in the second part describes the crisis by analyzing issues such as judicial backlog, impunity, enforcement of judgments, the fear of prosecuting, and judicial corruption. The third part studies the impact of drug trafficking on the judicial institutions and the role of the civil war on the judicial system.

The author has assembled and analyzed databases from the penal courts system and she successfully demonstrates that judicial performance is driven by path dependency. Clientelism, fiscal dependency, and minimal judicial involvement are characteristics of a system that has not changed and that will influence judicial behavior in the future. The author maintains that the weakness of the Colombian CJS is partly due to its lack of autonomy caused precisely by a fragile executive branch that has leaned on and overburdened the courts to compensate for its own deficiencies. Due to the backlog, only cases relevant to the stability of the regime and the security of the state have been effectively adjudicated, leaving the rest virtually unattended and hence preventing the CJS from becoming an effective deterrence instrument. This has yielded, according to Restrepo, a system where people have taken justice in their own hands, furthering distrust in the state's ability to administer justice.

The merits of this book are many, particularly in comparison to the standard studies on the administration of justice in the area. The author undertakes the painstaking task of gathering data, analyzing it, identifying the major themes, and making the information accessible to a wide readership. The book deals with the peculiarities of a country immersed in a civil war and the deficiencies of its legal institutions.

Guillermo Zepeda's book, *Crimen sin castigo*, is a comprehensive attempt to empirically describe the "Kafkaesque" funnel of the Mexican criminal justice system. It is based on a compilation of official data from different sources, particularly from district attorneys' offices at the federal and state levels. Zepeda constructs indicators of police and court efficiency, compares criminal and prosecutorial data among states, and sheds some light on international comparisons. This is the first serious attempt to assemble this information, allowing an assessment of the Mexican CJS in operation.

The author's main argument is that the Mexican prosecutorial office (in charge of investigation and prosecution of crimes) has become the

main source of impunity, which undermines its institutional deterrent capability. In the Mexican system, the Ministerio Público (MP), not the police, is the institutional arm that fights crime, but it has become obsolete. Although there is no analysis testing the reasons for such failure, the author demonstrates that the levels of corruption and administrative, structural, and organizational deficiencies are noticeable, and they undercut all sensible attempts to modernize the punishing capacities of the states. He also shows that the court system and other agencies are very weak, closely attached to the letter of the law, and lack clear accountability procedures. The sad outcome is that in Mexico, more than in other countries, only the very poor and the weak are punished.

This book is a pioneer work in institutional analysis of Mexico as it relates to crime. Its main shortcomings are that it lacks depth and more sophisticated statistical tools to control for other variables and that it is based on questionable data that can deeply skew the conclusions that might be initially drawn. However, despite its limitations, it compellingly persuades the reader that the "heart of impunity" lies in the MP and that Mexico lacks any meaningful deterrence capability to fight crime.

The edited book by Frühling and Tulchin (with Golding) *Crime and Violence in Latin America* is a clever contribution that describes the state of the art in another critical aspect of the new trends in criminality in the region: public and citizen security. Most articles survey different approaches of institutional responses to the waves of crime, paying particular attention to police reform, community strategies (especially community police), and the challenges to democratic consolidation and state effectiveness. Chapters review experiences in Argentina, Brazil, Chile, Peru, Colombia, Central America, and the Caribbean. Issues such as police corruption, penal reform, drug trade, and citizen participation are also surveyed.

Nearly every chapter examines different efforts to reform the legal systems. A great challenge posed by this book is how organizations forge a set of institutional responses when they lack credibility among the citizenry. Given the fact that security forces in the region have legitimacy problems, particularly in countries that have recently emerged from military rule, and that the public often associates human rights violations with law-and-order practices, democracy and the state must find ways to create credible and reliable institutions to pose effective deterrence. It must be said that these forces have done little to improve their image. An important contribution of this volume is its comparative perspectives of similar problems that observe the relative scale and scope of the problems as well as the examination of successes and failures in crime prevention policies.

## THE ISSUES

Why has crime increased so dramatically in the region? Why are police and courts so ineffectual in most Latin American countries? What can be expected from the judicial and penal reforms currently underway? These are some of the pivotal questions research faces. More importantly, these are empirical questions and they should be addressed as such. The initial responses reviewed in this essay examine variables such as poverty, income inequality, unemployment, and poor public services. Some studies survey the failure of deterrence, particularly the lethargic and unaccountable legal establishment on the one hand, as well as corruption and poor organization of the police on the other. However, results do not shed sufficient light to address these questions.

The weakness of the states is strongly associated with crime. As the scholars in the Frühling and Tulchin volume testify, the problems of governability are not only located in the failure to instill deterrence but also in the inability of the state to provide basic social services such as education, health, community development, and so on. Although the essays do not fully explore this hypothesis, the shrinkage of the state, massive unemployment, and the neoliberal economic realignment of the 1990s generated the seeds of what in the criminology literature is known as social disorganization (Sampson and Groves 1989). Not poverty per se but community breakdown accounts for large proportions of single-headed households, for the loosening of parental control, for higher school dropout rates and other common predictors of future criminality. Unfortunately, none of the studies extends its analysis using interaction terms to capture some measures of state withdrawal on the one hand, and occupation and lifestyle variables on the other.

Two streams of literature address the problem of crime in Latin America. The first is imbedded in the legal tradition that has seen crime and public security as a judicial problem (Binder 1993; Merryman 1985; Zaffaroni 1986). Today the majority of studies on these topics come from scholars associated with law schools in the region. The efforts to quantify the problems in Zepeda's book on Mexico are an example of this theoretical approach, whereby crime is understood as a legal deviance to be addressed by penal code and laws. Although it is far from a naïve approach, as Pérez Perdomo and Duce's paper show (in Frühling and Tulchin), the reform of penal procedures still remains the central paradigm in public debates. The second stream focuses on standard socio-demographic and economic variables associated with crime. The challenge for these studies is to overcome the hurdle of lack of data to empirically test new hypotheses.

Over the last ten years the literature has centered on classic topics of criminality as they relate to the region; the depleted state, the increasing role of drugs and alcohol, the accessibility of firearms, unemployment, and income distribution have been "the usual suspects." Additionally, police misconduct, the prosecutorial system, and the functioning of the court have received attention in several countries. Over the last few years, the literature has begun to address new, important issues such as the dramatic rise of violence, the factors that increase vulnerability to crime, the cost of crime, citizen participation, fear, and police reform. More sophisticated analysis should be expected as new data become available and interdisciplinary dialogue increases.

#### THE DATA

The failure to make significant strides in the study, evaluation, and policy recommendations of crime and public security in Latin America lies in the miserable state of the data. Sources are scant, organization is poor, and the quality substandard. This is a field of study that has perhaps one of the most pressing needs to systematize, diversify, and invest in the collection of good records. The reason for such poor quality of information ranges from lack of tradition in a field of study dominated by scholars who shun quantitative data (mainly from legal studies) to the unwillingness of state officials to invest in data gathering.

There are typically three sources of data for crime and citizen security. First are the official data collected by state agencies such as the police, courts, morgues, etc. The second includes self-reports such as victimization surveys, inmate surveys, and so on. The third involves qualitative data in the form of personal observations, interviews, etc. Official data on crime in Latin America are for the most part unreliable and have serious questions of validity. It is rightly assumed that the public vastly underreports crime to authorities; however, this is not the main problem. The major concerns come from the complete collapse of the auditing process, a lack of systematization of records, and failures in the editing process. There are serious biases in the way officials record public reports, there are no clear guidelines as to how to code information, and there is a lack of standards as to what constitutes quality information. What results are numerous validity questions: the number of homicides reported do not necessarily account for all the bodies presumed to be part of intentional murder, the number of violent aggressions is not a good proxy of violence, and the number of thefts is not a good measure of property crimes.

Examples abound. There is no reasonable explanation in Zepeda's book as to why the state of Nuevo Leon has four times the number of

injuries per 100,000 people than the state of Michoacan (p. 60) but to conclude that something is wrong with data.<sup>4</sup> Restrepo reports that between 1964 and 1968, criminal proceedings almost tripled without a reasonable explanation (p. 78), and Pérez Perdomo (Briceño-León and Pérez Perdomo) reports that between 1993 and 1997, personal injuries in Caracas fell by almost 50 percent while other violent crimes (including homicides) showed a different trend. These and many other examples demonstrate that we should proceed with caution if scholars engage in modeling and statistical analysis without previously assessing the quality of data. What Gottfredson (1986, p. 256) said about the United States could be even more valid for Latin America: "Crime statistics might be measuring the conduct of officials rather than real crime."

Victimization surveys are considered a supplementary source of information but may be the most trustworthy source in the region. Yet there are also important questions. It is well known in the criminology literature that victimization surveys provide good estimates of trends but are questionable indicators of rates. There are at least three main problems highly relevant to research in Latin America: bounding, scope, and definition of what constitutes crime (Biderman and Lynch 1991).<sup>5</sup> Thus, victimization rates are inconsistent within countries (for example, separate surveys of the same population administered over the same period in Buenos Aires and Mexico City showed a difference of 25 percent in personal theft). Victimization surveys tend to overreport crimes against property and underreport violence. The inefficient estimates of cross-sectional surveys on crime pose credibility problems for analysis.

Nevertheless, the contributions of self-response data in four of the five books reviewed provide good initial information. The data in these cases are valuable to the extent that they meet two methodological considerations: (1) comparisons between cases should be made through similar instruments of collection, and (2) rates should be taken only as general proxies. While the victimization data reported in Zepeda's book have insurmountable methodological problems for which major conclusions of such data should be avoided, the different articles based on similar surveys for seven cities in the Fajnzylber et al. book provide good comparable information for assessing victimization in those cities.

4. Other examples: Nuevo Leon has three times less homicides per 100,000 than Jalisco, and Baja California Sur has eight times more thefts than Veracruz.

5. Ideally, people should be asked about crimes suffered within the last three months, and cues should be standardized to trigger comparable responses. Conversely, victimization surveys in the region ask respondents for crimes not well specified that occurred over the last year and sometimes even more.

## METHODS

There is a considerable lag in the use of methods for the study on crime and public security in the region. Most indicators are raw, and no serious controls are taken. Even simple notions such as variance and ranges are infrequently used in reports and studies. Two considerations should be taken to improve the quality of research: analysis should be based mainly on longitudinal data, and serious attempts should be made to use external data, proxies, and controls to isolate effects.

Given the precarious state of the data, the most valuable tools for analysis are time series. For example, using descriptive statistics based on time series of judicial backlog and case management, Restrepo successfully describes changes and builds reasonable explanations of the inefficacies of the Colombian CJS. Using official reports to authorities, Pérez Perdomo successfully portrays the dramatic increases of crime in Venezuela, and Mesquita Neto and Loche (in Frühling and Tulchin) compellingly show the dramatic rise in homicides in urban Brazil. Conversely, comparisons of state data in Mexico that do not share similar collection standards, or a single perception survey in Argentina used to document citizens' fear, are of little use if they do not control for other variables to isolate effects.<sup>6</sup> In short, scholars must avoid longitudinal analysis with single cross-sectional data.

Another crucial pitfall in the study of crime is the confusion of correlation with causation. For example, we do not know if the rise of unemployment in the region has caused the increase in crime, or if high levels of unemployment account for deterioration of a community, or if social controls cause higher propensities for delinquency. It is widely assumed that a dramatic surge in drugs and firearms accounts for the rise in criminality in the region, but the most we can say is that these variables are highly correlated. We can hypothesize, however, that urban youth ready to commit crimes look for guns and drugs and not the other way around. Models to explain crime and the effects of deterrence run into endogenous problems.<sup>7</sup> In short, to explain causation, research should systematically differentiate models, integrate variables outside the given survey or crime reports, and be creative in applying controls. Descriptive statistics cannot take us very far, and only few papers in this corpus undertake the task of multivariate statistical analysis.

Some problems are clearly shown in Restrepo's analysis of Colombia where, according to the author, fear and distrust result from states'

6. For instance, Smulovitz (in Frühling and Tulchin) signals a dramatic rise in public fear based on a single survey for which no *N* is reported (131–136).

7. Crime drives more policemen, which might curtail criminality. Police, in this case, cannot be treated as an exogenous variable to crime (see Levitt 1997).

weak autonomy and elusive legitimacy. But how do we know whether fear and distrust lead to fragile state autonomy or the other way around? It is likely that none of these variables passes the test of independence. The contributions in the book edited by Fajnzylber et al. thus make significant inroads in a search for understanding the main questions they pose: who are the people most likely to be victimized, and what could be the reasons for that?<sup>8</sup> The introductory chapter uses a variety of sources and techniques to find that the worsening of income distribution is a good predictor of higher criminality. More research in such direction should be pursued.

## FINDINGS

What can we learn about the rise in criminality and citizen insecurity in Latin America? The most obvious and worrying finding is that crime has risen sharply over the past decade or so and that the rate of change is higher than the rise in crime in the United States during the 1980s. Even excluding civil wars in Central America and Colombia, the homicide rate is among the highest in the world, but the increase in property crime is even higher than in violent crime. Second, crime is a regional problem. Rates have dramatically risen everywhere, particularly in large urban areas.<sup>9</sup>

According to the literature up to this point, there is no significant research that can establish the causality for such increase. Among the most salient factors that are associated are pauperization and worsening of income distribution (Fajnzylber et al.), the weakening of labor markets, and the impact of family breakdown and community organizations (Briceño-León).

Other important findings include the following:

- The cost of crime is very high. Despite the diversity of studies and different methodologies, the cost ranges from 3 percent of GDP in Venezuela (Navarro in Briceño-León and Pérez Perdomo), and 4 percent in Mexico (Zurita et al. in Fajnzylber et al.) to 6.5 percent of GDP in Colombia (Navarro

8. It should be noted, however, that the analyses are based on logit or probit models that test likelihood of being victimized given certain attributes of the victims vis-à-vis the non-victimized. Although this is a perfectly acceptable estimation we are only inferring chances of victimization in comparison to the vast majority of subjects who are not victimized but nothing more. For example, controlling for other variables, a male is three times more likely to be a victim with respect to a female. However, victimization is a rare event and the odds are still very low.

9. The only country that lowered the homicide rates in this period was Mexico. Two alternative explanations have been advanced. First, the data do not reflect actual trends (there are indeed conflicting reports), and second, the initial base was a very high rate in rural areas.

in Briceño-León and Pérez Perdomo). The disability adjusted life years (DALY) lost to violence in the region is only second to sub-Saharan African nations and is three times as high as in established market economies (Morrison et al. in Frühling and Tulchin).

- There is no linear relationship between rise in crime and the perception of insecurity. Morrison et al., Smulovitz, and Bosombrio (all in Frühling and Tulchin) claim that feelings of vulnerability have risen sharply. Fear positively correlates with socio-demographic variables.
- Victimization analyses show that most vulnerable to violent crime are young males, unemployed, coming from single-headed households, and with low levels of education. Victims of property crime are more likely to be males who have more social ties, have received more education, and use public transportation.
- Drug consumption and drug trade highly correlate with violent crime.

The deterrence effects on crime seem inconsistent at best. Despite problems of data, no statistical models have shown that the increase in the number of policemen has reduced crime (Fajnzylber et al.). In some cases more policemen in the street help to reduce public anxiety (Chinchilla in Frühling and Tulchin for the case in Costa Rica) while in others the resentment of police action increased the sense of fear, as in the case of the Buenos Aires police (Smulovitz in Frühling and Tulchin).

The research has advanced several conclusions:

- Police forces face challenges in shifting into a managerial model, in tune with democratic values with emphasis on professionalism, specialization, and human rights while they struggle to adjust to such new requirements. The social and political context where those reforms are instrumented greatly determined their outcome (Frühling, in Frühling and Tulchin).
- Resistance to changes comes from two sources: (1) police bureaucracy, and (2) conservative politicians who look for tough law and order (Chavigny, Frühling, Smulovitz, Mesquita Neto, and Loche in Frühling and Tulchin). For reforms to succeed they must have an impact on reducing crime and fear; however, they will achieve that only to the extent that the police modernize (Frühling and Tulchin in Frühling and Tulchin; Zepeda).
- Community police and citizen participation have not shown, thus far, meaningful results in terms of crime and fear reduction. However, there are partial successes in Costa Rica and Honduras (Chinchilla) and further attempts to study reforms (Chile and São Paulo, in Frühling and Tulchin) are worth monitoring.
- There is no comprehensive review on new policies of “getting tough” on crime. The increase of penalties and zero tolerance policies are relatively recent and no serious evaluation has been taken to assess their impact. The legal reforms in Colombia, particularly the enhanced role of the Fiscalía, Colombia’s District Attorney’s Office since the early 1990s, yielded a significant effect in at least reducing the level of impunity (Restrepo).

The most promising field of research is in institutional analysis. Legal reforms, particularly reforms in penal procedures, and the incorporation

of accusatorial systems into the traditional inquisitorial tradition have produced new studies, and there is an ongoing research to evaluate their overall effects. Significant reforms were advanced in Chile, Argentina, Colombia, and Guatemala, and there are similar reforms being debated for Mexico, Honduras, and other nations. Although it is hard as yet to assess their impact on crime rates and human rights, as Pérez Perdomo and Duce (in Frühling and Tulchin) claim, inflated expectations should be tamed. The low confidence in the overall CJS could be improved to the extent that reforms succeed in promoting transparency and efficiency. A most welcome lesson from Restrepo's Colombian case is that judicial institutions cannot make up for weaknesses of other branches of government. Crime fighting requires institutional coordination including sensible laws, an effective executive branch (police forces and prevention programs), and a CJS that cannot be overburdened. Latin American legal scholars should abandon the idea that crime is a legal problem. Crime is an encompassing social problem and research should rely on multiple strategies to address it effectively. In support of these general conclusions the research to date concludes as follows:

- The "heart" of impunity lies in the investigation process, whether the MP in Mexico (Zepeda), the police in Brazil (Mesquita Neto and Loche), or the prosecution in Colombia (Restrepo). Also, case management and backlogs remain a source of impunity by imposing dismissal criteria to reduce stock that discourages new cases. Crimes are only prosecuted and tried if they have weak offenders or there are political incentives to resolve the case.
- Judges and courts are by nature reactive institutions. Bureaucratic considerations neutralize justice (Zepeda, Restrepo).
- Corruption and weak states have posed serious threat to effective judicial adjudication. *Plata o plomo* (money or bullet) in Colombia has undermined the CJS. Faceless justice (*justicia sin rostro*) has different "meanings" in Colombia and Mexico. The former was a desperate attempt to neutralize execution of judges; the latter means that offenders never see a judge, receive poor public counseling, and that courts rubber stamp district attorney decisions (Zepeda).
- Problems of equity and impartiality are common and undermine confidence in the system. For example, the 1991 reforms in Colombia and the safeguards in the 1988 Brazilian constitution are barely noticed at the statistical level. This promotes the perverse trends of limited access, private justice, and impunity, as Restrepo notes for Colombia, though such examples could be applied to other countries as well.
- There is significant evidence that organized crime, particularly drug trafficking, poses serious challenges to the ability of CJSs to adequately respond to the threat of crime growth. In addition to the classic case of Colombia (Restrepo), the evidence from the Caribbean (Maignot in Frühling and Tulchin), from Brazil (Loche in Frühling and Tulchin and Carneiro and Fajnzylber in Fajnzylber et al.), and from several states in Mexico (Zepeda) shows that judges and prosecutors have been unable to make significant inroads in challenging organized crime. Only extradition and *justicia sin rostro* in Colombia have moderately contributed to increase deterrence.

## A LOOK AHEAD

During authoritarian rule in the late 1970s and during the transitions to democracies in the 1980s and 1990s, scholarly production on democracy, elections, and institutions flourished in Latin America. On these topics we know today much more than we did twenty years ago. Similarly, we can expect that new waves of studies will reflect the dramatic changes in criminality and that new scholars will address these social, political, and legal problems. There is already much research under way and we can expect more in the coming years. To be successful, however, the new academic agenda must overcome some pitfalls, develop new skills, engage in interdisciplinary dialogue, and be creative.

This essay has examined only a sample of topics, a short number of methodological challenges, and some data problems. The findings are conclusive: we are witnessing an unprecedented surge in criminality, a rise in violence, and weak responses from the criminal justice systems. Economies are struggling, social organizations are drastically changing, and political institutions are weak across the region. There is a need to incorporate innovative approaches to explain crime as an epidemic where marginalized youth have reached a critical mass that has tipped a point where new higher rates of criminality and depleted deterrence capabilities of the state appear to have reached equilibrium. There is a need to inquire about how the mechanisms for this state of affairs work, what the most effective institutional responses to the challenges might be, and what the threats to the social fabric and political institutions are.

New studies must at least partially address the concerns raised by the sample of works that have been reviewed here. Scholars should pursue good data, preferably using longitudinal designs, collected at the official level and in victimization and other surveys. Solid analysis must solve the endogenous riddle of crime, and descriptive analysis must at least derive tentative conclusions based on reasonable controls. Lawyers should be able to talk to economists, and the traditional field of study of criminology and sociology must abandon speculative approaches and shift into a more rigorous and empirical discipline. The challenges of new criminality to democracy, peace, and welfare are ominous and the agenda of citizen security is pressing.

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