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Neither Military Nor Police: Facing Heterodox Security Challengers and Filling the Security Gap in Democratic Latin America

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Latin America is confronted with heterodox security challenges that lie in the gap between common crime at one end and guerrilla insurgents at the other. States wishing to respond can neither rely on traditional police nor military forces because these forces cannot strike the necessary balance between force protection and citizen protection, lethality and restraint, command and discretion, and enemy and citizen images. Paradoxically, reformers want to democratize the police and relegate the military to external defense only—an effort that only widens the security gap and leaves citizens more vulnerable. It may take a hybrid security force—independent of either the police or armed forces—to strike the proper balance.

Keywords: Hybrid Forces, Latin America, Military, Police, Security, Security Gap

INTRODUCTION

It is increasingly apparent that the security challenges of the twenty-first century are different than those of bygone eras. Nations seldom confront invading armies from outside or even classic guerrilla styled movements from within. Instead, they face a range of intermediate threats, everything from organized criminal gangs to narco-syndicates, from terrorists to arms traffickers. And they face massive civilian uprisings that have unseated incumbents not at the ballot box, but in the streets. Some challengers are criminal, others political; some rely on coercion and intimidation, others amass strength through

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numbers. What is interesting about this heterodox group is that, combined, they pose challenges at multiple levels—individual, community, government, and at the nation itself. The threats that they pose cannot be easily subdued with a purely military or police effort. How could states respond to these challenges?

If it were just a matter of protecting individual citizens against physical assaults from others in their community, governments could normally call on their police forces. Officers sworn to protect and serve would, in theory, be sufficiently armed and in some measure prepared to deal with common crime. At the other end of the spectrum, states that faced significant threats to their national well-being from insurgents could be expected to rely on armed forces trained in counterinsurgency. But what of mid-level challengers who pose threats to both individual and national security simultaneously; who do not rise to the level of an invading army or insurgent force, but who are considerably more formidable than common criminals, and surpass the capabilities of regular police; who are located within densely populated communities where a state military force called in to respond could trigger enormous collateral damage if not careful? These challengers do not pose existential threats to the survival of the state. But they do elevate the stakes nonetheless because they compel more lethal or numerically massive responses than police are normally capable of delivering on, and yet at the same time they warrant a greater degree of discretion and circumspection than armies are normally accustomed to.

It is argued here that states that confront heterodox security challengers can neither rely on traditional police nor military responses because these challengers cross the divide between national and individual (human) security. Paradoxically, current reform movements in Latin America would change both forces, but in a direction that would make it *less*, not more likely, that they could confront these intermediate challengers. Reformers want more benign, democratic, decentralized, community-oriented police forces at one end, and they want externally focused expeditionary militaries at the other end. Both reform projects are commendable because they would humanize the police while avoiding unwarranted military trespassing into domestic political arenas. But they would also leave unattended the intermediate challenges, which warrant a responder that can both operate with considerable lethality against a hostile force, yet protect and serve the public. Without such a force, Latin American states are left with a huge security gap in the middle and a citizenry made more vulnerable in the process.

This article will first consider the reform agenda and why it may leave Latin American countries more vulnerable to these heterodox security challengers, yielding a security gap that needs to be filled. Filling that gap is difficult for police and military forces that are not adequately tooled for the mission or lack sufficient motivation. Filling the gap also means balancing competing priorities between force protection and citizen protection, lethality

and restraint, command and discretion, and enemy and citizen images. It may take a hybrid security force—independent of either the police or armed forces—to strike the proper balance.

THE PARADOX OF REFORM

Advocates of military reform have long argued that the armed forces' public security role should be greatly reduced. This idea springs from the view that insertion of the military into internal security may have harmful effects both on the populations that come into contact with it and on the institution.[1] Throughout most of the twentieth century, the public were often victims of military abuse of power. Always under the pretext of defending "la patria" and its vital interests against communists and other left-wing movements, armies would routinely resort to excessive force within their national borders against perceived enemies of the regime. Operating under their own rules of engagement, they would show no modicum of restraint in their suppression of internal dissent. So practiced had they become at this that they often shirked their primary mission: defend the nation against external threats. Thus, the argument goes, the creation of a more constabulary military—allowing soldiers to reassume policing roles—could perilously distract it from its more vital missions, pulling it away from training routines and leaving it ill-prepared to fight conventional wars. Hence, it is best to take the military out of public security as much as possible, focus its attention on defense and peacekeeping operations, and hold it in abeyance as a reserve force should it be necessary, *in rare circumstances*, to call upon it when police units are overwhelmed by an internal threat.[2]

In recent decades, advocates of police reform have consistently pushed for a move toward community policing models. This change would be characterized by the demilitarization, decentralization, and democratization of police structures.[3] There would be less of an authoritarian hierarchy, less command and control, more individual discretion, and greater restraints on the use of force. There is a strong belief that one of the principal problems with Latin American police forces is that they have been too strongly influenced by and, in some cases, bureaucratically hinged to the armed forces.[4] As a result, they have been transformed into instruments of the state that, like the military itself, prioritize fulfilling repressive orders from above rather than responding to citizen needs from below.

History bears this assertion out. Police were part of the US-led anticommunist counterinsurgency campaigns of the 1960's and 1970's. They learned how to suppress left wing insurgents through the use of illegal surveillance, violence, and interrogation techniques that included torture. Within the anticommunist authoritarian regimes of the time, they were firmly embedded into

the repressive apparatus of the state, collaborating fully with the armed forces in the massive arrests of hundreds of thousands of political opponents.[5] After the transition to democracy, the police forces were by and large separated from the military, and have fallen under the jurisdiction of Ministries of Interior and Public Security, not Defense.[6] But vestiges of their authoritarian past remain, since many retain a centralized, militarized structure and subculture. Reformers insist they must be freed from those associations so that they can operate with greater public empathy, thereby building trust with the citizenry. In fact, the further the separation between police and military, the more content reformers are.

It is commendable that Latin American countries desire their police forces to be more humane, to protect and serve the communities they patrol. It is equally commendable to have military forces focused on providing the best defense they can for the nation. But neither of these policy prescriptions take into account heterodox security challenges found in the middle, lodged between common crime at the low end and insurgencies (guerrilla or otherwise) at the high end. They include high-powered, second- and third- generation criminal gangs (Salvas Maratruchas of Central America), drug syndicates and traffickers (Sinaloa Gang of Mexico), narco-terrorists (FARC of Columbia), arms smugglers, and the like.[7] They also include rioters and more organized, large scale civilian uprisings and land occupations, which are mainly nonviolent though they operate outside normal democratic channels and the law. Neither pure police work nor typical military operations can respond adequately to these challenges.

Criminal elements can be extremely violent, large in size, well-armed, and well-funded. They operate in and around densely populated areas, and compete with each other for control over markets, drugs, arms, contraband, and neighborhoods. Some (as in the case of Mexico) have equipped themselves with military-style munitions and can boast armed units that, while not professionally trained, can rival national armies in size.[8] Civilian uprisings can be formidable by virtue of their size and persistence, but are different because they often have legitimate demands and have political goals in mind.[9] Nonetheless, insurrections can be potentially destabilizing and with security obligations to the larger public that may be adversely affected by these uprisings, democratic governments must have strategies to respond in humane ways.

The conundrum facing rulers is that as intermediate-level challenges are growing, policy prescriptions in the area of internal security would reduce the capacity of states to meet these challenges. The more the police are compelled to democratize their behavior to become more community oriented, the more removed they are from functions that would require some militarization to face down threats of higher lethality, mass size, geographical reach, and organizational complexity. Community-based police will not be able to cope with

heavily armed groups; they will not organize themselves in a hierarchical, military fashion to contest aggressors with intimidating force structures; they will operate as individuals and small groups, which is no match for large criminal organizations. The armed forces, meanwhile, are advised not to intervene and instead are held in abeyance; they may be periodically called up in exceptional circumstances but will not be trained for these engagements. Thus, what they lack is the knowledge on how to use restraint, operate in population centers, and interface with the public in a safe and reassuring manner. Ironically then, following the reform-minded paths leads to a most disturbing outcome: profound security vulnerability.

WHO ARE THE INTERMEDIATE CHALLENGERS?

Security challengers in the "middle terrain" are varied. They include organized criminal gangs, narco-syndicates, terrorists, arms traffickers and other smuggling operations, land invaders, rioters, and mass civilian uprisings. Naturally, this is a heterogeneous group that defies easy categorization. What unites them in terms of organizational size, capacity, levels of violence, use of arms, and political objectives is that they are situated between common crime at one end and insurgency at the other. Thus, they do not warrant either purely military or police responses. Within that middle range, they still vary in levels of violence and lethality. Some are well-organized and heavily armed, though they fall short of being military units; others are less well-endowed but still capable of causing difficulties for police; still others are defined more by their illegality and mass than by firepower. These are large, organized civilian uprisings that may contain violent elements but that are on the whole nonviolent. Yet most of these manifestations skirt democratic procedures and the letter of the law.

Intermediate challengers are located within a state's borders, but many have transnational components. They operate in close proximity to civilian populations where there are no clearly defined battlefields, no demarcations between combatant and noncombatant zones, and where innocent civilians who are within a stone's throw of violent entanglements could be at risk. In mass civilian uprisings, violent agitators intermingle with unarmed protesters, making it difficult for security forces to discriminate.

Motivations vary. Some are purely criminal, involved in illegal trafficking, theft, extortion, and money laundering. Others are political, intent on changing governments or regimes outside of democratic channels. Still others combine criminal and political goals. Civilian uprisings are political in nature, attempting to bring down democratic incumbents before their terms expire via large scale civil disobedience. Many have legitimate grievances about unresponsive politicians and institutions, but unlike armed revolutionary

movements, they hope to resolve their grievances by throwing democratic incumbents out of office rather than overturning the regime. Criminal groups pose risks to common citizens attempting to go about their daily lives. They also pose risks to governments, democratic institutions and procedures, and at times, the nation itself.

Finally, many intermediate challengers take advantage of globalization. By minimizing the effects of time and distance and making access to high technology ubiquitous, the interconnected world has placed ever more powerful tools into the hands of nonstate actors. Such groups now have capabilities to influence populations, provide governance services, organize transnational social movements, and raise resources from across the globe. In other words, nonstate actors now have access to many capabilities once only available to states, and when such capabilities are used to organize violence, the level of the threat can exceed that which democratic, community-based police forces are capable of handling.

NATIONAL, PUBLIC, AND HUMAN SECURITY: THE HETERODOX CHALLENGE

If these are the intermediate security challengers, what do we mean by security, and who are the appropriate responders? Security is a multifaceted term that pertains to different levels of analysis. National security, the most familiar connotation, refers to the safeguarding of the state (its institutions, rulers, and government) and the sovereignty and territorial integrity of the nation itself, from "hostile or destructive action from within or without."[10] When national security is at risk, a country's vital interests are at stake. Threats to national security usually take the form of conventional armies from abroad, transnational aggressors, or insurgent movements from within. The military is normally tasked with insuring the nation's security. Public security, as John Bailey and Lucía Dammert define it, refers to the ". . . protection of persons, property and democratic political institutions against both internal and external threats of violence or intimidation."[11] Most definitions place the emphasis on individual citizens being safe from assaults by others and from extralegal coercion at the hands of the state. But public security is also about making public spaces, buildings, and institutions secure as well, and in that respect overlaps with national security's defense of state institutions. Normally, the police are the first responders when citizens are at risk, but when threats to public security become more widespread, governments will also rely on their armed forces.

Human security refers solely to the physical, political, and economic well-being and dignity of *individuals* within a state. Persons are secure when they have assured basic incomes, access to food, adequate health care, a clean

environment, and are free from violence, threats, and other assaults to their physical and psychological well-being. Freedom from fear and freedom from want is how the United Nations aptly described it.[12] Personal security allows one the "ability to go about one's business safely, in a safe environment—to have a job, to participate in political processes . . ."[13] There is obviously a link to public security's concern with citizen well-being. Additionally, folded into the definition of human security is the notion that citizens should be protected from politically motivated abuses perpetrated by the state: repression, torture, unlawful detention, and other forms of ill-treatment. In this respect, there is a strong link between human security and human rights, though the two terms are conceptually distinct. Because the emphasis is on the protection of personal well-being, police are the natural responders.[14]

If we were to situate intermediate security challenges we would say they lie at the interface of national and human security—two realities that often clash with each other. In the past, national security considerations would usually trump the protection of individuals, allowing governments to threaten or deny individual security for the sake of fending off larger perils to the nation.[15] This was certainly true in Latin America, where doctrines of national security justified all sorts of violations of civil liberties in the name of preserving order and stability. In the contemporary period, this trade-off is no longer permissible. International norms have elevated the stature of human security, tying the very sovereign powers of states to their obligations to protect citizen well-being. The ultimate goal of security policy *is* the safeguarding of individuals, according to the United Nations. Governments have an implicit contract with their citizens to insure their security; if and when they violate that contract, they expose themselves to international opprobrium. States are obliged to not violate human security and human rights, and to that extent can no longer permit the military or the police to engage in unfettered domestic operations that would trample upon citizens in the name of national security, or public security for that matter.[16]

At the same time, in the context of formidable mid-level threats, human security cannot be achieved without intervention by the state. As one author states, "The state is most apt at protecting human security because of a combination of capability, will, knowledge and admissibility in international forums such as the U.N."[17] Only states can marshal the forces required to subdue midlevel challengers that threaten human security. In other words, governments, more than simply avoiding transgression, must become the principle defenders of human security and human rights. The predicament is that defense of human security and human rights has traditionally meant curbing the powers of the state, yet insuring that citizens can enjoy these rights necessarily means unleashing state power to offer individuals protection by thwarting these heterodox challenges. How can governments use the security powers of the state to protect human security without undermining it?

This becomes a real dilemma for most Latin American states for three primary reasons. The first is that in decades past, state security forces were the primary culprits behind the curtailment of fundamental civil liberties and political freedoms. Citizens might reasonably fret about whether security agents called into protect them might not use the occasion to harm them.[18] Second, governments may have little choice but to rely on a military-like force because midlevel challengers pose threats to human and national security simultaneously. Even as large, organized criminal elements may make it unsafe for citizens to conduct their daily lives—intentionally or unintentionally exposing them to violence in public spaces, extorting protection money for the right of safe passage or the price of conducting business—they also present a challenge to the political viability of governments. They so consume the state with attending to the threat that they drain resources away from vital social programs; they thwart the delivery of needed services; they blockade key transportation arteries into major cities causing supply shortages, or they even create ungovernable spaces where the state cannot penetrate. This may undermine the credibility of public institutions and call into question the governing capacity of those in office.[19] When the threat looms that large, it crosses over into the realm of national security, justifying a military-like response.

Third and related, many midlevel threats are formidable enough to elicit security responses of a higher order. Large, well-organized, lethal organizations may be needed to suppress these threats, even as those very security agents are mandated to protect citizens from harm. Therein lies the rub: human security cannot and will not be achieved without the state responding to the threat in a manner more befitting the defense of national security.[20] Mid-range security challengers elevate the stakes considerably, because they compel more lethal responses from the state during a time in which states must exhibit greater caution so as not to threaten human security. Lethality must be tempered with restraint, since operations are likely to occur within population centers and can easily place innocent civilians at risk, but also because human security now enjoys elevated stature. This is the delicate balancing act that few Latin American countries have been able to achieve. It is one that is neither a purely police task nor a military task. It is one that demands that countries bridge the divide separating traditional law enforcement from classic military operations.

FILLING THE SECURITY GAP: WHY IS IT SO HARD?

If the primary threat to human security in Latin America was common crime, police forces could *conceivably* respond without committing undue harm in the process. In response to a reported burglary, rape, or attempted murder, a patrolman could arrive on the scene alone, equipped with a baton, cuffs, and

light firearm at his disposal. *If* he followed proper protocol, understood the law and the rights of citizens, witnesses, and suspects, he could be expected to fulfill this kind of assignment with some modicum of effectiveness. Naturally, police in Latin America have often departed markedly from these standards, acquiring notoriety for their disregard for legal procedures and their harsh, repressive tactics. The result is that rather than serving to protect, they abuse, causing physical and emotional harm to those they are sworn to defend. Human security, in other words, has repeatedly been violated by the very law enforcement agencies charged with its protection.[21]

Not surprisingly, police brutality and abuse has led to persistent calls for reform. Scholars and practitioners alike believe ideally that the police should be transformed into democratic, community-based agents.[22] Democratic community policing puts a premium on servicing the needs of citizens first. Though police are by definition an arm of the state, when operating in a democratic manner they respond to citizens who reach out to them before they reflexively follow the dictates of state authorities.[23] A democratic police force is also one that develops partnerships with community members to identify and solve problems in a cooperative manner. They have mediatory skills and are able to intervene in conflicts to resolve them nonviolently. They have intimate local knowledge; they know the communities they patrol. In that respect, decentralized police structures are probably preferred but not essential.[24] Finally, they are transparent in their practices, accountable for their misdeeds, and subject to the rule of law.[25]

Perhaps most importantly, democratic police are trained to use force with restraint and as a last resort; as the UN Code of Conduct for Law Enforcement stipulated, "only when strictly necessary."[26] This usually means in self-defense against imminent threat of death and only when lesser means are insufficient. Because police are *supposed* to act as protectors, they must take care to minimize risks to citizens by carrying lighter arms and following careful rules of engagement. Those rules include applying principles of necessity (react violently only when attacked violently), proportionality (scaling responses to the intensity, duration, and magnitude of the aggression), rationality (take nonlethal measures first and don't provoke), and discrimination (separate out violent protesters from those who are not).

The difficulty is that such a transformed police force could not respond to the midrange threats we have described. Community policemen could not defend a neighborhood besieged by a large, well-armed drug cartel, criminal gang, or terrorist organization. Democratic police forces cannot amass sufficient force because of their smaller patrol units and lighter armaments. Law enforcement normally carry handguns and an assortment of nonlethal or less lethal weapons, including batons, rubber bullets, tear gas, etc. Lightly armed police would be no match for groups that come armed with high caliber munitions. A very few police units carry semiautomatic and automatic weapons and

travel in armored personnel vehicles. But most do not, and there is always a level of lethality beyond which they do not go. A democratic police force thrust into this situation would, more than placing citizens in harms way, do grave harm to itself.

Why not simply ratchet up police capabilities by creating specialized units? Some countries have, developing what are called paramilitary police units (PPUs) that emulate military formations, armaments, and tactics but remain organically tied to the larger police departments from which they originate.[27] The problem, as pointed out by Hill, Beger, and Zanetti, is that these forces are having the unintended effect of undermining the efforts to create a democratic community police model. PPUs gravitate quickly toward a warrior practice and mentality, forgetting their citizen obligations. Most become so influential that they generate an entire "culture of paramilitarism" within law enforcement, viewing patrols through neighborhoods as battlefield operations, individuals as enemies, and their goals as state protection, not the defense of citizen rights, liberties, and freedoms.[28] In other words, countries that wish to bridge the security gap cannot have it both ways; they cannot democratize a police force while militarizing a portion of it without undermining their reform objectives altogether.

What about the use of the military itself? Militaries resolve some of the problems that plague police but in the process create new ones. If the primary threat were guerrilla insurgents or invading armies, militaries would be called on to combat these forces aggressively. A government would be within its right to declare a state of war or to place certain parts of the territory under emergency decree. During a classic or asymmetric war, with the nation's security in the balance, extraordinary measures are easier to justify. In the tradeoff between security and freedom, security often wins out, as governments set tight curfews, suspend civil liberties, make arrests without warrants, and turn suspects over to military courts. The military is given a freer hand to pursue its enemies in an unfettered manner. This is especially so in countries where institutional safeguards against human rights violations are eviscerated by the very emergency decrees set by presidential power.[29]

But when speaking of midlevel threats, the threshold for war is seldom crossed. The nation is at peace even as communities are ravaged by violence, instability, and criminality. Rules governing the application of force during peacetime within a society are different. Civil liberties, rights, and political freedoms are usually not suspended or infringed upon, and security forces are supposed to be vigilant in their defense. When Latin American militaries occupied political office, they were notorious for disregarding the distinction between peace and wartime, subjecting their societies to near permanent states of emergency. Under democratic rule however, it is more difficult to arbitrarily impose states of siege, designate emergency zones, or take related

measures that would condone unrestrained military action. Therein lies the difficulty of setting the armed forces loose to confront midrange security challenges; they are not adequately trained in peacetime to operate within their borders and within the law in a manner that would safeguard the public that surrounds them.

If democratic police would be guilty of underreaction, the military's sin is overreaction. Where militaries intervene on orders from elected officials, they often make use of excess force, notwithstanding the laws intended to curb it. Without the shroud of war to protect them, soldiers are exposed as human rights abusers. This is not simply the result of some political or ideological hatred for the target population, though on certain occasions that may be so. More likely this is a result of ingrained behavior. Militaries are socialized into the use of maximum force. Conditioned by years of rigorous training and indoctrination, they are hard wired to react in ways that are, as many have observed, inappropriate and at odds with police functioning.[30] Latin American militaries can, and do, repeatedly respond to nonlethal challenges of all sorts. There is a long history of armies engaging in civil engineering and civic action projects to help communities in need and to serve national development goals. The difficulty occurs with midlevel security threats, where violent elements are interwoven into the fabric of an urban society and where responders must combine military-like power with police-like circumspection. All militaries in Latin America lack familiarity with this mix. Left to their own familiar devises, they are prone to overstep their bounds, placing citizens at risk when they deploy excessive force.[31]

Many militaries in Latin America would prefer not to receive the training they would need to fill the gap. In fact, they would rather not perform these operations at all. They see police work as inferior to, if not demeaning to, their profession.[32] If called upon to lend a hand, their preference is to occupy rearguard positions in these conflicts, only lending equipment and logistical support to law enforcement. One of the ironies of military ill-preparedness is that it is often precisely what democratic politicians prefer as well. Countries—especially those with notorious periods of dictatorial rule—have been wary about granting the military a license to assiduously prepare for heterodox internal security challenges. While these challenges are different from those encountered in the 1960s and 1970s, they are still mainly situated within national borders, and thus implore the military to again look inward. If governments were serious about retooling their militaries to take on midlevel security threats, they would have to agree to new training regimens. Once embedded, those regimens would likely become part of the armed forces' doctrine and justify a new force structure and a shift from temporary mission to permanent role, making extrication in the future all the more difficult.[33] Knowing that, governments much rather prefer not allowing the military to take that fateful first step.

The condundrum is that when crime rates soar, Latin American governments invariably face popular pressures to send in the army to assist in combating organized crime. Military intervention becomes popular, as large portions of the public desperate for human security welcome the appearance of soldiers on their streets. Despite their reluctance to abide, militaries under civilian control may have no choice but to conduct public security missions at the behest of their governments, moving from the rearguard to the frontlines. They heed the call, but because they are not properly trained, they either do little to help or make matters worse.

FILLING THE SECURITY GAP: WHAT IS REQUIRED?

Filling the security gap means first maintaining a balancing between restraint and lethality. A security force must be able unleash coercion against formidable groups even as it guards adjacent populations from harm. Militaries are capable of amassing great amounts of force due to the numbers of troops at their command, the size of units, and the weaponry at their disposal. Their difficulty is being able to lower their weapons and empty their chambers at a moment's notice if need be. Police can do that, but to then marshal adequate firepower against a formidable foe, or to nonviolently control throngs of public protesters descending onto a highway or approaching the presidential palace, quickly pushes Latin American police forces up against their inherent limits. It would be very difficult for them to substantially ratchet up their capacity in dangerous situations. Security forces charged with confronting midlevel threats will need the mass, force structure, capacity, and mental attitude flexible enough to operate under new rules of engagement that would demand they alternate between restrained and uninhibited force. This is unfamiliar territory for both the police and military of Latin America.

Second, it must strike a balance between force protection and target protection.[34] When faced with a formidable foe, militaries instinctively do two things. Defensively, they hunker down in heavily guarded, fortified bases and thickly plated armored vehicles and uniforms. When they do emerge from their fortresses, they resort to uninhibited explosive force against the "enemy," to subdue it enough to shield their own units from counterattack. Force protection is an exercise in shifting back and forth between isolation and annihilation. This creates a stark separation between soldier and public,[35] and also has the disadvantage of dulling the military's sensitivities to situations requiring gradational and deferred violence. Police, on the other hand, have great public exposure. They are trained to walk the beat, to circulate within population centers, and to use force in a measured, carefully calibrated manner. But midrange security challengers demand that police be able to shift gears on a dime, decisively applying maximum force if necessary, something they are not equipped to do.

Whenever a security force responds to a challenge, it must come heavily armed, but also heavily prepared to make on the spot judgment calls about whether force is warranted or not, keeping noncombatants uppermost in its mind. This brings up a third balance between centralized command and decentralized discretion. A military force on a centrally assigned mission will often be compelled to unrelentingly push forward until objectives are reached. Those issuing commands are often a distance from where the operations unfold, unfamiliar with the local inhabitants, neighborhoods, and predicaments. It is precisely those intermediate level challengers who inhabit, understand, and operate within specific communities. This familiarity gives them a great advantage over centrally commanded armies that come in from the outside. Even if over time soldiers can develop some knowledge of the locale, they are not given the autonomy to depart from the prewritten script and instead must follow orders from the central command. Those dictates from above may deny them opportunities to learn and adapt based on new information and unanticipated interactions with citizens.

By contrast, patrolmen normally have considerable discretion, deciding themselves whether suspects should be questioned, given a warning, arrested, or let go.[36] Community policing is done precinct by precinct, where those who walk the beat are embedded in neighborhoods, understand local realities, and can devise tactics calibrated to those specific conditions.[37] What they lack is the organizational strength and firepower needed to confront the more lethal midlevel challengers. Police in Latin America have had the military *structure* without the military *capacity*, combining the worst of both worlds. They are often rigidly hierarchical and submissive to orders from above, lacking the autonomy needed to make independently informed decisions and insensitive to the unique circumstances of each locale.[38]

A specialized security force, equipped to take on intermediate threats, must strike a balance between centralized command and individual discretion. It must have local knowledge and national reach. It must be informed enough to deal with threats that take on varied guises in different locales, yet big enough to respond to threats that spread across communities, towns, and provinces.

Fourth, security forces can neither have a wholly benign or malevolent view of their targets. Armies are historically conditioned to see targets as the "enemy." This mental image of course predisposes them to treat challengers in a hostile manner.[39] Police are supposed to view targets as citizens, as individuals deserving of protection under the law. When citizens stray from the law to engage in illegal if not violent behavior, law enforcement is there to dissuade, not to annihilate.[40] Obviously, many police forces depart considerably from the ideal. A security force will have to bridge these two conceptions. The notion of "enemy" may be valid for the most dangerous, lethal core elements within targeted groups. But for others who are on the fringe or for neighbors nearby, it is

not valid. Lumping all those within proximity to the target as hostile suspects justifies callous, militarized crime sweeps that fail to make careful distinctions that may save innocent lives. A specially trained security force will have to separate the malicious from the benign groups, treating them quite differently.

HYBRID SECURITY FORCES FOR HETERODOX CHALLENGES?

The dilemma posed here points to the central tension and trade-off between democracy and security in the region. Attempts to make police and military forces more compatible with a democratic society can lead them to ignore or become ill-prepared to deal with an assortment of security threats. Democracies want their militaries to remain under firm civilian control and want their coercive force directed away from, not toward, civil society. Democracies want their police forces to respond first and foremost to the needs of citizens, not higher-ups. Pursuit of these goals is commendable, but must be accompanied by a strategy for dealing with the midrange threats we have identified. If not, then reform efforts will simply leave average citizens more exposed to violent nonstate actors who will operate unimpeded within democratic societies. Reformers will have to move in a new direction if midrange security challenges are to be met. Neither a democratic policing model nor a classic, expeditionary military force model will be helpful. As argued, moving in these two directions leaves a widening security gap in the middle that, if left unattended, will aggravate what are already serious security problems for citizens and states alike.

It may also be true that countries can neither militarize the police nor constabularize the military sufficiently to deal with this problem. There are both ontological and political reasons for why this is so. Ontologically, a security force cannot be so radically transformed that its essence is subverted. There are good reasons why police are more lightly armed; they must interface with the public on a daily basis, and in such close, constant proximity to the public, caution is in order. By contrast, there will be limits to how much restraint soldiers will be willing to put up with and for how long. A constabulary force would also bear the potential loss of defense preparedness and could lose budget shares, since lighter weaponry would not be as costly. Politically, those in positions of command within the security forces have vested interests in maintaining the same force structures, routines, and mindsets. Too dramatic a change is threatening to them. Those in government may likewise prefer to leave well enough alone. Fundamental reform of either force means stepping on powerful toes. Whereas the police and military are already well-positioned to lobby against change, the proreform coalition is often weak or nonexistent. Politicians will not chance reform without strong backing from some portion of the electorate. On this issue, such support is usually not forthcoming.[41]

These problems lead us to consider a hybrid model, which has been used on occasion and could be used in the future. The hybrid we have in mind is an intermediate force such as the National Guard or Gendarmerie.[42] Independent of either the police or military, with its own chain of command and dedicated personnel, the intermediate force is often described as one with a military character and police sensibilities. It is centrally commanded and hierarchically ordered, with a force structure that mimics the military, including company-, regiment-, and battalion-sized units dispersed nationwide. Its men go through basic combat training, can handle heavy weaponry and equipment, and can engage in combat. During war, it normally constitutes a reserve force, called up if needed. But it is also trained as a public order force, capable of operating in population centers where caution is needed. It can move from combat situations to riot or traffic control, from force protection to population protection. It is often simultaneously part of internal security and national defense mandates and under dual jurisdictions.

For example, the Argentine Gendarmería, with 12,000 men and women in uniform, deploys throughout the nation's vast territory of 2.79 million kilometers and along the 9,376 kilometer border. It serves the cause of national defense and internal security and is written into that nation's defense and security statutes.[43] During time of war it becomes part of the military land force. In peace time it patrols the borders and engages in myriad police-like duties. Domestically, it confronts organized crime and narco-traffickers, secures transportation routes, and deals with disruptions to public order when police capabilities have been superseded. At the frontier, it is responsible for border vigilance and control and also serves as an auxiliary police force to immigration and customs. And beyond the borders, it has provided diplomatic security and participated in UN peacekeeping operations.[44]

The Gendarmería answers neither to the police nor military; it has its own structure, hierarchy, and statute.[45] It operates its own training facilities and its officers graduate from its own academies. It is under the jurisdiction of the Ministry of Justice, Security, and Human Rights, and may undertake significant internal security functions only on orders from a federal judge, provincial governor, or the President of the republic. The Gendarmería has earned high marks for its handling of public disturbances organized by the "piqueteros" (picketers), jobless demonstrators who have blockaded strategic roads and bridges in metropolitan areas. It employed restrained force to disband the blockades, treated "piqueteros" as citizens rather than enemies, and there were very few reports of casualties.[46] One scholar described the Gendarmería as "deeply empathetic with protesters, and highly respectful of what they consider their fellow citizens' human rights."[47]

The intermediate hybrid force may very well be the best solution to the midrange security challenge, because it has the independent legal authorization, organic structure, training, equipment, and flexibility needed to counter a

wide range of threats. Not being legally or functionally tied to either the police or the military, it cannot threaten the central characteristics, missions, or culture of either of those two forces. It can more easily bridge the gaps between national security and human security, force protection and target protection, and lethality and restraint. At the same time, it is not without its own problems. For one, it is hugely expensive for third world countries to build a hybrid force from scratch. Diverting scarce resources for such a project may cause friction with preexisting security forces who wish governments to spend those allotments on their own hardware and personnel. For another, it may find itself spread too thin when faced with the multiple challenges. Even so accomplished a force as the US National Guard has faced this dilemma and worse, pulled in several directions at once by the war in Iraq, homeland security, natural disaster response, and border protection. This has led one authority to conclude that the National Guard is not up to speed, and must transform itself into a "modular, adaptable, multi-purpose organization that is employable against a variety of internal and external challenges."[48]

Notwithstanding these difficulties, it seems likely that some version of an intermediate hybrid force will be needed to effectively confront the intermediate security challenges we have detailed. With legal mandates, separate budgets, dedicated personnel, and specialized training, these hybrid forces can attend to midlevel challenges while sparing the police and military the ordeal of reconfiguring their forces to deal with new situations. Heterodox security challengers demand that governments adapt security forces to meet these varied opponents, or if not, invent new forces that will. The intermediate force may be the wave of the future, but budgets, interests, and political determination will ultimately shape how states respond to the heterodox security challenges they face.

NOTES

1. Alfred Stepan, "The New Professionalism of Internal Warfare and Military Role Expansion," in *Armies and Politics in Latin America*, ed. Abraham Lowenthal and J. Samuel Fitch (New York: Holmes & Meier, 1986), 134–50; Brian Loveman, *Por la Patria: Politics and the Armed Forces in Latin America* (Wilmington, DE: Scholarly Resources, 1999); Michael C. Desch, *Civilian Control of the Military: The Changing Security Environment* (Baltimore, MD: Johns Hopkins University Press, 1999); José Manuel Ugarte, *Los Conceptos Jurídicos y Políticos de la Seguridad y la Defensa* (Buenos Aires: Editorial Plus Ultra, 2003).

2. Argentina has gone furthest in legally prohibiting the military from internal security missions and limiting it to external defense. However, in exceptional circumstances, when the police and other forces are overwhelmed the President can, through a state of siege decree, order the military to help resolve an internal threat. See República Argentina, *Ley de Defensa Nacional 23.544* (1988), http://www.mindef.gov.ar/ley_defensa.html (accessed September 21, 2009); *Ley de Seguridad Interior* 20.059 (1992), http://www.chubut.gov.ar/policia/documentos/Ley%20Nacional%2024059%20de%20Seguridad%20Interior.pdf (accessed September 21, 2009).

3. Advocates of this approach are plentiful. See David Bayley, *Changing of the Guard: Developing Democratic Police Abroad* (Oxford: Oxford University Press, 2006); Hugo Frühling and Joseph Tulchin, eds., *Crime and Violence in Latin America: Citizen Security, Democracy, and the State* (Washington, DC: Woodrow Wilson Center Press, 2003); Erol P. Mendes et al., *Democratic Policing and Accountability: Global Perspectives* (Brookfield, VT: Ashgate, 1999); Martha Huggins, *Political Policing: the United States and Latin America* (Durham, NC: Duke University Press, 1998).

4. As a result, many countries have placed police forces under the jurisdiction of interior ministries, stripping the defense ministry of its authority. Several countries have legally prohibited the military from assuming any powers over the police.

5. Martha K. Huggins, *Political Policing*, 108.

6. Facultad Latino Americana de Ciencias Sociales, *Reporte del Sector en América Latina y el Caribe* (Santiago, Chile: FLACSO, 2007), 75–76.

7. On gangs see Thomas Bruneau, "The Maras and National Security in Central America," *Strategic Insights* IV, no. 5 (May 2005): 1–12; on Mexican drug cartels, see Max G. Manwaring, *A Contemporary Challenge to State Sovereignty: Gangs and Other Illicit Transnational Criminal Organizations in Central America, El Salvador, Mexico, Jamaica, and Brazil* (Carlisle, PA: Strategic Studies Institute, US Army War College, 2007); on FARC, see Marianne Heiberg, Brendon O'Leary, and John Tirman, eds., *Terror, Insurgency, and the State* (Philadelphia: University of Pennsylvania Press, 2007).

8. June S. Beittel, "Mexico's Drug-Related Violence," *Congressional Research Service*, May 27, 2009, 10–11.

9. Benjamin H. Kohl and Linda C. Farthing, *Impasse in Bolivia: Neoliberal Hegemony and Popular Resistance* (London: Zed Books, 2006); Deborah Yashar, *Contesting Citizenship in Latin America: The Rise of Indigenous Movements and the Postliberal Challenge* (Cambridge: Cambridge University Press, 2005).

10. The Free Dictionary, "security," http://www.thefreedictionary.com/security (accessed May 26, 2010).

11. John Bailey and Lucía Dammert, eds., *Public Security and Police Reform in the Americas* (Pittsburgh: University of Pittsburgh Press, 2006), 11.

12. United Nations Development Program, *Human Development Report: New Dimensions of Human Security* (New York: Oxford University Press, 1994); Shahrbanou Tadjbakhsh and Anuradha M. Chenoy, *Human Security: Concepts and Implications* (London: Routledge Press, 2007).

13. Tadjbakhsh and Chenoy, *Human Security*, 18.

14. Ibid., 14–16. Because human security looks beyond violent assaults to nonviolent, structural, economic, and even environmental offenses against individual well-being, it also demands responses from civilian agencies, communities, NGOs, and other nonsecurity personnel.

15. S. Neil MacFarlane and Yuen Foong Khong, *Human Security and the UN: A Critical History* (Bloomington, IN: Indiana University Press, 2006).

16. Ibid., 164–201.

17. Tadjbakhsh and Chenoy, *Human Security*, 168.

18. For example, Latin American citizens routinely refuse to call the police after a crime has been committed, fearing that officers will use the occasion to commit their own felonies.

19. The daring, violent, and uninhibited manner in which the drug cartels operate in Mexico has given way to speculation about what kind of governing control, if any, the authorities have in Tijuana and Ciudad Juarez to the North, but also in the Western province of Michoacan.

20. Many regard the threat posed by the Maras gang in Central America to be the greatest national security problem currently faced by those countries. See Bruneau,"The Maras," 5–6.

21. The evidence of police abuse is fairly widespread. See Claudio A. Fuentes, *Contesting the Iron Fist: Advocacy Networks and Police Violence in Democratic Argentina and Chile* (New York: Routledge, 2005); Mercedes Hinton, *The State on the Streets: Police and Politics in Argentina and Brazil* (Boulder, CO: Lynne Rienner Publishers, 2006).

22. Bayley, *Changing the Guard*; Fruhling and Tulchin, *Crime and Violence*.

23. The citizen emergency hotline found in some developed countries and now in some Latin American countries epitomizes this behavior.

24. Bayley argues that force structure is not essential. Police should be able to democratize *whether or not* they are nationally organized and centrally directed. His view is not unanimously shared. Bayley, *Changing the Guard*, 61–65.

25. Mark Ungar, *Elusive Reform: Democracy and the Rule of Law in Latin America* (Boulder, CO: Lynne Rienner, 2002).

26. United Nations, "The UN Code of Conduct for Law Enforcement, General Assembly Resolution 34/169, December 17, 1979," *University of Minnesota, Human Rights Library*, http://www1.umn.edu/humanrts/instree/i1ccleo.htm (accessed September 26, 2009). Police must also be transparent in their conduct, and can be held accountable for their actions by courts, media, legislatures, and commissions. Bayley, *Changing the Guard*, 18–22.

27. We distinguish these PPU's from intermediate forces like the Gendarmerie. PPU's such as SWAT teams are small, specially trained units within the larger police force that emulate certain military traits and focus on very specific threats. The intermediate force is a large, independent organization which has both military and police characteristics.

28. Stephen M. Hill, Randall R. Beger, and John M. Zanetti II, "Plugging the Security Gap or Springing a Leak: Questioning the Growth of Paramilitary Policing in US Domestic and Foreign Policy," *Democracy and Security* 3 (2007): 301–21.

29. Michael Freeman, "Terrorism and Civil Liberties in the United States: How to Have Both Freedom and Security," *Democracy and Security* 2 (2006): 231–61.

30. This training is called Continually Reinforced Functional Discipline (CRFD). See Hilton McDavid, "Transformation vs. Amalgamation," *Security and Defense Studies Review* 7, no. 3 (Winter 2007), http://www.ndu.edu/chds/ (accessed September 26, 2009); David Bayley argues that the military will contaminate community policing because it is trained to take orders from above rather than responding to citizen appeals, it does not know how to use restrained force, it lacks mediation skills, and does not give soldiers powers of discretion. Bayley, *Democratizing the Police Abroad: What to Do and How to Do It* (Washington, DC: National Institute of Justice, 2001), 38–39.

31. Should bloodshed result, the military may not pay a price if cases of this sort are handled in military courts. Whether soldiers would be answerable to civilian law or to a military code of justice depends on the country and circumstances. But if military courts can claim jurisdiction, then justice is unlikely to be rendered and a form of impunity will result. This is a problem in Brazil. See Jorge Zaverucha, "La militarización de la Seguridad Pública en Brazil," *Nueva Sociedad* 213 (Enero-Febreo 2008): 128–46.

32. Derek Lutterbeck, "Between Police and Military: The New Security Agenda and the Rise of Gendarmeries," *Cooperation and Conflict* 39, no. 1 (2004): 60.

33. Paul Shemala, "The Spectrum of Roles and Missions of the Armed Forces," in *Who Guards the Guardians and How? Democratic Civil-Military Relations*, ed. Thomas Bruneau and Scott Tollefson (Austin, TX: University of Texas Press, 2005), 122–42.

34. "Force protection" is defined by the US army as "to prevent or mitigate hostile action against DOD personnel. . ." See US Army, "Force Protection and Anti-Terrorism," http://www.army.mil/aps/2003/realizing/readiness/force.html (accessed October 1, 2009).

35. "Garrisons and Force Protection Crowd Out Other Objectives in Afghanistan," Reuters Press, March 27, 2009, http://blogs.reuters.com/pakistan/2009/03/27/guest-contribution-afghanistans-garrisons/ (accessed October 1, 2009).

36. David Bayley, *Police for the Future* (Oxford: Oxford University Press, 1994), 30.

37. The armed forces are charged with providing a collective good, namely defense. While all individuals benefit, the military does not normally interface directly with the public that receives the benefit. Militaries keep their distance, as evidenced by the fact that they are quartered in barracks that are walled off to the public. Police officers are located in precincts that are more easily accessible.

38. Fruhling and Tulchin, *Crime and Violence in Latin America*.

39. Eric Stener Carlson, "The Gendarmerie's Response to Social Protest in Argentina," in *Broken Promises? The Argentine Crisis and Argentine Democracy*, ed. Edward C. Epstein and David Pion-Berlin (Lanham, MD: Lexington Books, 2006), 194–96.

40. Their role is to "safeguard the lives and property of people they serve, reducing the incidence and fear of crime, enhance public safety and work with diverse communities to improve quality of life," Bayley, *Police for the Future*, 24.

41. Fuentes, *Contesting the Iron Fist*.

42. Lutterbeck, "Between Military and Police."

43. República Argentina, *Ley de Defensa Nacional (23.544/1988) Title III Article 9*, http://www.mindef.gov.ar/ley_defensa.html (accessed September 21, 2009); *Ley de Seguridad Interior, (24.059/1992) Title II Article 7*, http://www.mindef.gov.ar/legislacion_seguridadinterior.html (accessed September 21, 2009).

44. Gendarmería Nacional Argentina, http://www.gendarmeria.gov.ar (accessed May 26, 2010).

45. República Argentina, "Ley de Gendarmería Nacional (L 19349)," *Boletín Oficial, January 10, 1972*, http://www.consulex.com.ar/Legislacion/Leyes/L0019349.htm (accessed October 4, 2009).

46. Carlson, "The Gendarmerie," 186.

47. Ibid., 198.

48. The Guard had been training almost exclusively for conventional warfighting and was not readied for civil support missions at home. See Col. Thomas J. Sellars, "The National Guard Meeting its Obligation to Provide Capable Forces for Homeland Security" (research project, US Army War College, March 2006).