CARSI IN GUATEMALA:

Progress, Failure, and Uncertainty

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CARSI ASSESSMENT PROJECT:

This "working paper" is part of a yearlong Wilson Center study of the Central America Regional Security Initiative that examines U.S. security assistance in the Northern Triangle countries of El Salvador, Guatemala, and Honduras. The full report including chapters on each country, an in-depth analysis of homicide in the region, an overview of U.S. security policy and strategy, and a series of policy options for policy makers to consider will be published Fall 2014. Any comments or questions for the author or the Wilson Center's Latin American Program, and requests to cite this work, should be directed to eric.olson@wilsoncenter.org.

INTRODUCTION

To the extent that the Central America Regional Security Initiative (CARSI) is a coherent policy, Guatemala is its centerpiece. This land of sultry jungles, volcanic highlands and buzzing cities boasts a population of nearly 16 million—the largest on the isthmus, with roughly 39 percent self-identifying as indigenous.[1] During the first five years of CARSI, no country in Central America received more of the initiative's

1 "Proyecciones de población por departamento," Temas/Indicadores, Instituto Nacional de Estadísticas, accessed April 4, 2014, http://www.ine.gob.gt/index.php/estadisticas/tema-indicadores; and "Censos Nacionales XI de Población y VI de Habitación 2002," Instituto Nacional de Estadísticas, 32, http://www.ine.gob.gt/sistema/uploads/2014/02/20/jZqeGe1H9WdUDngYXkWt3GIhUUQCukcg.pdf.

funds, or was allocated more non-CARSI security aid.[2] Thus it would appear that the U.S. Congress is aware of Guatemala's problems: its weak institutions, drug smuggling, violence, gangs, poverty, inequality, impunity, corruption, and malnutrition. We may now add to this list the recent swell of Guatemalan youth who abandoned their homeland and were caught crossing illegally and unaccompanied onto American soil.[3]

But is CARSI a catalyst for adequate solutions? In some ways, yes. In others, no. And in some areas, it is hard to say for lack of performance evaluations. CARSI funds have bolstered the criminal courts and the police's anti-gang unit, for example, but have failed to produce an exemplary police precinct or eradicate poppy farms. Furthermore, some crime prevention efforts bankrolled by CARSI have never been audited, so their effectiveness is not clear. This chapter will shed some light on CARSI's successes, challenges, and unknowns in Guatemala.

SECURITY OVERVIEW

For much of the last half century, the biggest security threat to Guatemalans was their own civil war. Between 1960 and 1996, leftist guerrillas took up arms against a series of militarized conservative regimes in one of Latin America's "hottest" Cold War conflicts. The Guatemalan state, backed by wealthy elites and fueled by anti-communist fervor, countered the rebellion with such ferocity that a United Nations truth commission later declared certain state tactics as "genocide" against the indigenous population, some of whom had sided with the guerillas. In sum, the commission estimated that the 36-year struggle claimed up to 200,000 lives and pushed as many as 1.5 million from their homes.[4]

The vortex of war had sucked in all of Guatemalan society, not just the combatants: rich and poor, young and old, *ladino*[5] and indigenous, Catholics and Protestants, bureaucrats and businessmen, politicians, the police, the courts, the press, universities, and labor unions. The armed forces had seized control of the interior and the borders, but certain military structures displayed "a climate of permissiveness or

2 U.S. Government Accountability Office, "U.S. Agencies Considered Various Factors in Funding Security Activities, but Need to Assess Progress in Achieving Interagency Objectives," GAO-13-771, September 2013, 11 and 17.

3 Julie Turkewitz, "Fear Is Driving Young Men Across the U.S. Border," *The Atlantic*, June 20, 2014.

4 *Guatemala: Memory of Silence, Report of the Commission for Historical Clarification*, Conclusions and Recommendations, February 1999, 17 and 30, http:/www.aaas.org/sites/default/files/migrate/uploads/mos_en.pdf. These figures have been repeated countless times since their publication; for a dissenting view, see Carlos Sabino, *Guatemala, La Historia Silenciada (1944-1989) Tomo II,* Capítulo XXV (Guatemala: Fondo de Cultura Económica, 2009).

5 In the Guatemalan context the word *Ladino* is primarily used to denote a mixed raced person between Spanish and Indigenous. *Ladinos* are primarily Spanish speakers.

corruption," that allowed organized crime to gain a firmer foothold in Guatemala.[6]

For these reasons, the signing of the Peace Accords in 1996 did not immediately usher in a new, peaceful era. For example, according to a 2003 report by the Washington Office on Latin America (WOLA), a Washington D.C.-based think tank, a shadowy network of active and retired government officials, military men, private citizens, and clandestine armed groups continued to collude with each other after the conflict. They allegedly embezzled state resources, avoided prosecution for wartime atrocities, and hounded left-leaning civil society with threats, harassment, and murder.[7]

Regular citizens, adapted to years of chronic political violence, found themselves poorly equipped to handle a rising tide of street crime. Tani Adams, a U.S.-Guatemalan anthropologist, wrote in a 2012 study that in the first decade after the Peace Accords, "a new kind of violence progressively overran daily life" and Guatemalans displayed

> contradictory impulses: adaptation and combat, fear, denial and indignation, heightened aggression.... many of the survival strategies that people had learned during the war -- silence, avoidance, self-victimization and scapegoating -- had clearly gained new life and functionality as ways to cope with violence in peacetime.[8]

The havoc wrought by internal armed conflict thus rendered Guatemalan territory more fertile than ever for the expansion of global criminal markets—namely, the drug trade.

Drug Trafficking and Violence

As the Mexican state clashed with drug cartels beginning in 2006, its neighbor to the south became more attractive than ever as an alternate hub for moving narcotics. Guatemala was facing serious problems of its own. Borders were porous. The military, tasked with securing them, was significantly reduced in manpower and resources as required by the peace accords. This left many informal crossings totally unguarded. The country's police, the Policía Nacional Civil (PNC), was corrupt

6 Julie López, "Guatemala's Crossroads: The Democratization of Violence and Second Chances," in *Organized Crime in Central America: The Northern Triangle*, eds. Cynthia J. Arnson and Eric. L. Olson, (Washington, D.C.: Woodrow Wilson International Center for Scholars, 2011), 154, http://www.wilsoncenter.org/node/19779.

7 Susan C. Peacock and Adriana Beltrán, *Hidden Powers in Post-Conflict Guatemala: Illegal Armed Groups and the Forces Behind Them*, (Washington, D.C.: Washington Office on Latin America, 2003), http://www.wola.org/sites/default/files/downloadable/Citizen%20Security/past/Hidden%20Powers%20Long%20Version.pdf.

8 Tani Marilena Adams, "Chronic Violence and its Reproduction: Perverse Trends in Social Relations, Citizenship, and Democracy in Latin America," Woodrow Wilson Center Update on the Americas, Woodrow Wilson International Center for Scholars, March 2012, 5, http://www.wilsoncenter.org/sites/default/files/Chronic%20Violence%20and%20its%20Reproduction_1.pdf.

and inept, which lowered the cost of getting caught. Finally, strong smuggling networks already existed in Guatemala.[9] A handful of well-connected Guatemalan criminal families—the Mendozas, the Lorenzanas, and the Ortiz clan, for example—had expertise in smuggling contraband and drugs across the country. They were well positioned to profit from the cocaine bonanza that surged in after 2007 and 2008.[10]

In some cases, the local populace favored the trafficking clans over the state. As Guatemalan journalist Julie López has observed, "organized crime has filled the voids of power and authority in several regions of the country." All over Guatemala, "organized crime pays for the electrification of urban areas, paves streets, and employs locals in its businesses enterprises."[11]

The families did not operate in a vacuum. Each had ties to larger outside groups. The Mendozas worked with the Gulf Cartel. Juan Ortiz López (nicknamed *Chamalé*) partnered with the potent Sinaloa Federation, considered by some to be the largest drug trafficking organization on the planet. The Lorenzanas at one time cooperated with the ruthless Zetas, a cartel composed of former Mexican and Guatemalan military operatives.[12] But the Lorenzanas and Jairo "*El Pelón*" Orellana, an independent trafficker connected to the family, managed to do business with both the Zetas and Sinaloa.

Claudia Paz y Paz, Guatemala's soft-spoken attorney general from late 2010 to May 2014, surprised many with an unprecedented crusade against the drug lords. During her first year, she oversaw the arrest of long-time traffickers Waldemar "*El Patriarca*" Lorenzana Lima and his son, Eliú Elixander—theretofore known as "untouchables" for their deep connections in the state. Ortiz, reverend-turned-kingpin of the western highlands, was also arrested on her watch. During her second year, Paz y Paz's team won the conviction of 60 Zetas and their Guatemalan ally, Horst Walther "*El Tigre*" Overdick.[13] Right before her departure from office in May 2014, she helped coordinate the capture of Orellana in Zacapa.

High-profile arrests do not necessarily shut down a cartel. Ortiz was extradited to the United States in May 2014 and his brother Rony remains a fugitive, yet their trafficking ring continues to operate in Guatemala's western highlands.[14] According to Steven Dudley of *InSight Crime*, the Zetas have weakened and assumed a lower profile, but still operate along a corridor through the center of the country along with remnants of the Lorenzana network. Meanwhile, the Mendozas still hold sway in the east and the northern jungles of Petén, the Saraceño clan on the Pacific coast is fighting off challenges by smaller groups, and the Caraduras band continues to

9 López, "Guatemala's Crossroads," 140.

10 United Nations Office on Drugs and Crime (UNODC), *Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment,* (Vienna: United Nations Office on Drugs and Crime, 2012), 25, http://www.unodc.org/documents/data-and-analysis/Studies/TOC_Central_America_and_the_Caribbean_english.pdf.

11 López, "Guatemala's Crossroads," 176.

12 UNODC, *Transnational Organized Crime in Central America and the Caribbean*, 25.

13 "Ministerio Público Presentación de Resultados 2012," November 30, 2012, slide 35, http://www.mp.gob.gt/informes-públicos-fiscal-general/.

14 Interview with high-ranking official in the Public Ministry, Guatemala City, May 19, 2014.

move product through Guatemala City.[15]

As for the Sinaloa Federation, its leader, Joaquín "*El Chapo*" Guzmán Loera, was captured by Mexican marines in February 2014. However, high-ranking sources in the PNC and Ministerio Público (Public Ministry) said in interviews that the arrest has not disrupted the supply chain in any noticeable way.[16] Sinaloa's relationships in Guatemala are extensive and "horizontal," allowing it to adapt nimbly to any kind of threat.[17]

The U.S. Department of State still lists Guatemala as a "major" country in terms of drug transit and precursor chemicals. Smugglers, it says, can move bulk cash, drugs and precursors through the country "with little difficulty." The Department's Bureau of International Narcotics and Law Enforcement Affairs (INL) recently asserted that in the first half of 2013, over two-thirds of all cocaine arriving in the United States first passed through Guatemala. The country continues to be a source of poppy, the flower used to make heroin. It is also a production base for methamphetamine. Security forces have seized huge amounts of precursor chemicals and are only now in the process of organizing them.[18]

Drug trade logistics are constantly evolving. High-ranking sources in the Guatemalan government agreed that the fleet of helicopters donated to Guatemala by the United States has allowed the Central American nation to better patrol its own airspace over the last several years. This has drastically reduced the number of cocaine flights into the country. The majority of drugs now enter Guatemala via boats on the Pacific coast, the officials said, with plenty of "weight" still rolling in across the Honduran border on its way north to Mexico.[19]

It is precisely these two areas—the Pacific coast (Escuintla and Santa Rosa departments) and the Guatemala-Honduras border (Zacapa and Chiquimula departments)—that are plagued by the highest murder rates in the country. Yet how much is Guatemala's overall homicide rate—34 per 100,000 inhabitants[20]—driven by the drug trade?

Many assume that *narcoactividad* is the engine driving most of the bloodshed in

15 Steven Dudley, "Guatemala's New Narco-map: Less Zetas, Same Chaos," *Insight Crime*, September 16, 2013, http://www.insightcrime.org/news-analysis/guatemalas-new-narco-map-less-zetas-same-chaos.

16 Interview with high-ranking official in the PNC, Guatemala City, May 21, 2014; also interview with high-ranking official in the Public Ministry, Guatemala City, May 19, 2014.

17 Julie López, "9 apuntes sobre el panorama del narcotráfico sin 'El Chapo,'" *Plaza Pública,* February 24, 2014, http://www.plazapublica.com.gt/content/9-apuntes-sobre-el-panorama-del-narcotrafico-sin-el-chapo.

18 U.S. Department of State, Bureau for International Narcotics and Law Enforcement Affairs, "International Narcotics Control Strategy Report," Vol. 1, March 2014, 176, http://www.state.gov/documents/organization/222881.pdf.

19 Interview with Public Ministry official, Guatemala City, May 19, 2014; also interview with PNC official, May 21, 2014.

20 Rodrigo Baires, "Diez años de muertes violentas en Guatemala," *Plaza Pública,* February 11, 2014.

Guatemala, and indeed the whole isthmus. "Intensified competition in cocaine has increased the level of violence in the region," reported the International Narcotics Control Board of the United Nations in March 2014, with "both sides of the Guatemalan-Honduran border, and in Guatemala along the borders with Belize and Mexico" among the "areas of highest concern."[21] It seems logical, even obvious: Guatemala is sandwiched between the world's largest cocaine source (the Andes) and largest market (the United States); the drug traffickers running in between show a penchant for guns and violence.

But the link is not so clear-cut, according to Carlos Mendoza, a Guatemalan economist, political analyst and member of President Otto Pérez Molina's Comisión Nacional para la Reforma Política de Drogas (National Commission for Drug Policy Reform) . In the online news site *Plaza Pública* last May, Mendoza cited a statistic provided to the commission by the government (he did not divulge which agency) linking 45 percent of all murders to drug trafficking. However, he found the methodology flawed: if a murder occurs in a municipality deemed to be a hot-bed of narco-activity, then under this analysis, it is automatically considered a result of drug trafficking.[22]

The police also collect data on this topic, but those data point away from drugs. For instance, the PNC keeps a tally of purported motives for each homicide, following a preliminary crime scene investigation. The figures from January to November 2013 show that the most frequently ascribed motive was **"***ignorado***"** (or "unknown"). The second most frequent was **"***venganza***"** (or "revenge"). Only seven of 4,881 homicides were deemed related to drug trafficking.[23] A figure that low is probably distorted; the police likely have plenty of incentives to avoid pointing a finger at the drug traffickers. But even if the PNC data is only partly accurate, factors besides drugs must be adding to the body count.

Mendoza has proposed an alternative theory about the high rate of homicides at the Guatemalan-Honduran border. In that region, where livestock ranchers often carry guns, a macho "culture of honor" compels men to respond disproportionately to aggressions and slights in order to avoid seeming vulnerable. After all, Mendoza argues, illicit drugs move across both the southern and northern borders of Guatemala, but the murder rate in the south is much higher. Therefore, culture might explain the difference.[24]

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21 United Nations International Narcotics Control Board, "Report 2013," March 4, 2014, 45, http://www.incb.org/documents/Publications/AnnualReports/AR2013/English/AR_2013_E_Chapter_III_Americas.pdf.

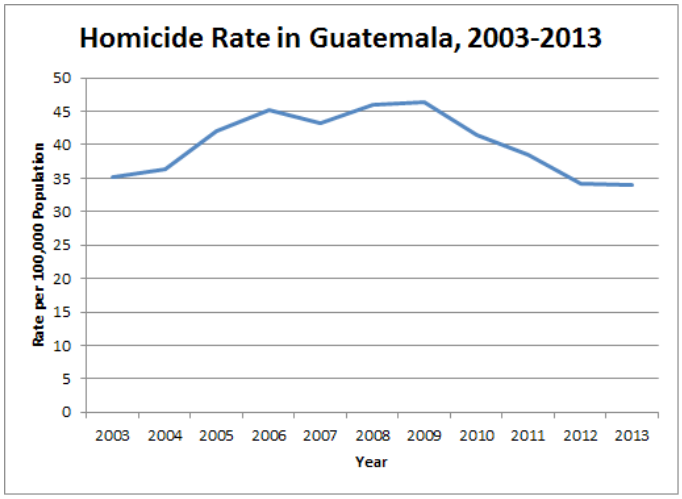
22 Carlos Mendoza, "¿Cuál es la relación entre violencia homicida y narcoactividad en Guatemala? Parte I," *Plaza Pública,* May 19, 2014, http://www.plazapublica.com.gt/content/cual-es-la-relacion-entre-violencia-homicida-y-narcoactividad-en-guatemala-parte-i.

23 Policía Nacional Civil, "Estadística de Homicidios Registradas a Nivel Republica de Enero a Noviembre 2013, Desglosado por Posible Móvil del Crimen y Departamento," http://ca-bi.com/blackbox/wp-content/uploads/2013/12/Movil-del-Homicidio-al-30nov-2013.png.

24 Interview with Carlos Mendoza, an economist, political scientist, and founding partner of the Central American Business Intelligence, Guatemala City, May 8, 2014.

The proliferation of firearms is another factor in the violence. By the end of the armed conflict, Guatemala was already awash in guns, since then even more have poured in. In 2007, for example, the country had nearly 148,000 guns registered and owned by civilians; in 2013, that figure had grown to 500,000,[25] with thousands reported stolen over the last five years.[26] Illegal firearms are impossible to count with precision, but they loom large in Guatemalan crime. Import data from the government's gun registry (La Dirección General de Control de Armas y Municiones, or Directorate General of Gun and Munition Control, known as DIGECAM) show that only 15 percent of guns are registered, implying the existence of 2.5 million illegal guns by the end of 2012.[27] According to a 2014 study by Research Triangle Institute (RTI), an international non-profit that U.S. Agency for INternational Development (USAID) subcontracts to conduct research and implement its programs,

- 8 out of 10 firearms seized in Guatemala are illegal;
- 9 out of 10 crimes are committed with illegal firearms;
- The most prevalent handgun used to commit crimes is the 9mm;
- The amount of legally imported ammunition is about half of all that actually enters the country.[28]



Source: Created using statistics compiled by Carlos A. Mendoza based on data from the Policía Nacional Civil (PNC). See Carlos A. Mendoza, "Tendencia Trimestral de Homicidios por Distintas Causas de Muerta (arma utilizada), 2004-2013," ***The Black Box*** (blog), February 17, 2014, http://ca-bi.com/blackbox/wp-content/uploads/downloads/2014/02/tendencias-trimestrales-por-causa-de-homicidios-PNC-2004_13-tasas-2000_13.pdf.

25 Andrea Orozco, "Más de 4 mil 200 heridos de bala en 2013," *Prensa Libre*, February 17, 2014, http://www.prensalibre.com/noticias/justicia/mil-heridos-bala_0_1086491431.html.

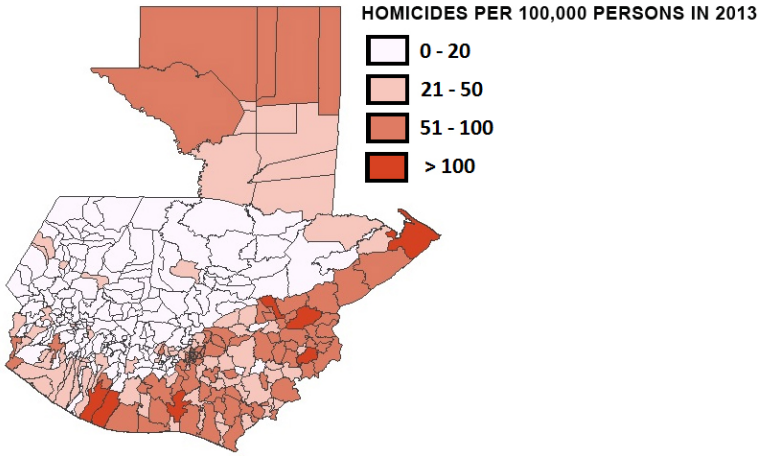
26 Wayne J. Pitts, et al., "Factors Affecting Homicide Rates in Guatemala 2000-2013: A Study of the Municipalities of Guatemala, Mixco, and Villa Nueva," prepared for Democracy and Governance Office, USAID/Guatemala, Final Report, 94.

27 Ibid., 98.

28 Ibid., 97.

These data do not necessarily suggest that Guatemala has a gun problem, but rather, an illegal gun problem—a distinction that policymakers may consider taking into account, should they wish to attack the problem from this angle.

Curiously, the homicide rate has been generally falling in Guatemala for several years.[29] President Pérez Molina has tried to take credit for this, but journalist Rodrigo Baires of *Plaza Pública* has shown using police data that the downward trend actually started in 2010, two years before the president took office. Baires argued that several factors kicked in around that time: prosecutors began dealing with murders and extortion as group phenomenon, instead of isolated cases; the Instituto Nacional de Ciencias Forenses, or national forensics lab, was given more resources to work on evidence; and investigators started using wiretaps.[30] In sum, law enforcement started working better: the government prosecutors' conviction rate rose from 2.9 percent in 2010 to 8.2 percent in 2013.[31]



This map shows homicide rates per 100,000 population in each *municipality* in Guatemala in 2013. ***Source***: Created by Carlos A. Mendoza, using rates calculated by Mendoza based on data from the Policia Nacional Civil (PNC) and the Instituto Nacional de Estadistica (INE).

29 Statistics published by the United Nations Office on Drugs and Crime (UNODC) show that Guatemala's homicide rate climbed from 2011 to 2012. See UNODC, "Intentional homicide count and rate per 100,000 population, by country/territory (2000-2012)," http://www.unodc.org/documents/gsh/data/GSH2013_Homicide_count_and_rate.xlsx. However, what really happened is that the UNODC changed methodologies for gathering data and in 2012 started using data from the national forensics lab, INACIF, instead of the PNC data used previously. Homicide totals kept by INACIF are always higher, because they include people wounded at crime scenes who later die in the hospital. This switch of sources explains the appearance of a "jump" in the murder rate. Guatemalan officials and journalists who analyze the issue tend to rely on PNC data. For more discussion on this topic, see Carlos Mendoza, "Error de ONUDC en cifras de violencia homicida de Guatemala," *The Black Box* (blog), July 14, 2014, http://ca-bi.com/blackbox/?p=9231.

30 Baires, "Diez años de muertes violentas en Guatemala."

31 Carlos Mendoza, "Paz y Paz versus la Casta Guerrera," *BLOG de Carlos Mendoza*, April 29, 2014, http://carlosantoniomendoza.blogspot.com/2014/04/paz-y-paz-versus-la-casta-guerrera.html.

Homicides dropped most dramatically in Guatemala City, from 40.7 per 100,000 residents in 2009 to 32.1 by the end of 2013.[32] USAID commissioned a study to determine why. Researchers found that a number of factors likely contributed, including improvements in local governance, better emergency response and trauma care and a safe new system of public transport (the *Transmetro*), among other factors.[33]

Gangs and Extortion

Gangs have roamed Guatemala City since at least the 1970s. Known as *pandillas*, these small groups of young male friends would band together in poor neighborhoods to dance, scrap with rivals, and commit petty crimes. But in the decades following, the *pandillas* morphed into better organized structures now known as *maras*.[34]

In the 1990s, the United States deported tens of thousands of Central Americans with criminal records back to the isthmus, and along with them, the rivalry between two Hispanic street gangs from Los Angeles: the Mara Salvatrucha (a.k.a., MS) and Barrio 18 (a.k.a. Dieciocho).[35] The deportees helped convert the local Guatemalan *pandillas* into local franchises (or *clicas*[36]) of the larger mara. The gang members began extorting businesses on their turf and took advantage of legal and illegal small firearms flowing into the country. Drug traffickers moving through the region contracted certain gangs for security services and paid them in product, thus encouraging the gang members to set up local markets for street drugs.[37]

To combat the gangs, the PNC launched *Plan Escoba* (which loosely translates as "Operation Clean Sweep") in August 2003. Thousands of tattooed young men suspected of being gang members were thrown into jail, mainly on the pretext of minor drug possession charges that were ultimately dismissed.[38] Then the situation grew darker: a United Nations official who visited Guatemala in 2006 reported

32 Ibid.

33 Pitts, et al., "Factors Affecting Homicide Rates in Guatemala 2000-2013," Final Report.

34 Lourdes Hum, Leslie Ramos, and Iván Monzón, "Respuestas de la sociedad civil al fenómeno de las maras y pandillas juveniles en Guatemala," in ed. José Miguel Cruz, *Maras y Pandillas en Centroamérica*, Vol. IV (San Salvador: UCA Editores, 2006), 162.

35 Ana Arana, "How the Street Gangs Took Central America," *Foreign Affairs,* 84:3 (May 1, 2005): 98.

36 *Clicas* are small subgroupings within gangs, not separate organizations.

37 Robert Brenneman, "Review of Adiós Niño," *Homies and Hermanos* (blog), July 1, 2013, http://homiesandhermanosbook.wordpress.com/2013/07/01/review-of-adios-nino/.

38 Daniel Berlin et al., "Between the Border and the Street: A Comparative Look at Gang Reduction Policies and Migration in the United States and Guatemala," Human Rights Institute, Georgetown University Law Center, 2007, 9-10, http://scholarship.law.georgetown.edu/hri_papers/2/.

"highly credible" allegations that the PNC's investigative unit was secretly hunting down gang members and executing them—a social cleansing that harked back to the armed conflict.[39]

The gangs continued to grow until a 2011 United Nations report estimated Guatemala's gang population at 22,000 strong. Edwin Ortega, director of the PNC's anti-gang unit (called PANDA), believes it is much smaller than that, around 5,000. He said PANDA is currently conducting a national gang census to get a clearer picture.[40] It will not be easy: the gangs conceal their tattoos, tie their shoes in secret ways to show their allegiance, speak backwards on the phone to foil wiretaps, and smuggle notes written in coded handwriting in and out of prisons.[41] The government reported in May 2014 that Guatemala was home to 40 *clicas* of Dieciocho and 30 of MS, with hundreds of their members already in prison.[42] The MS is more selective in its recruitment, Ortega said, but press reports suggest that both *maras* recruit children as young as six years old to do their dirty work.[43]

However large their numbers, the *maras* are making their presence felt in the *zonas rojas* (or crime-plagued "red zones") of the capital as well as in the nearby municipalities of Villa Nueva and Mixco. Citizens in these areas live in a situation of "perpetual threat [of] extortion, intimidation, and violence" at the hands of gangs, according to a 2014 study commissioned by USAID. Residents in these communities are "afraid to go outside after certain hours" and are "captives in their own homes."[44] The neighborhoods of Limón, Asunción, and Colonia Maya in Zona 18 of Guatemala City, for example, "are under almost total control of gang members."[45] The *maras* extort small businesses in their territories all the way down to the trash collectors and prostitutes.[46] They also prey on public-transit operators. In 2013, 87 bus drivers, 49 taxi drivers, 68 *mototaxi* drivers, and 53 *ayudantes* (or drivers' assistants) were murdered, according to the Grupo de Apoyo Mutuo (Mutual Aid Group).[47] Authorities estimate that some 40 percent of these kinds of deaths are

39 "Civil and Political Rights, Including the Questions of Disappearances and Summary Executions, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston," Addendum, August 21-25, 2006, 9, http://www.refworld.org/pdfid/461f844d2.pdf.

40 Inspector Edwin Ortega of PANDA, interview with the author, Guatemala City, March 3, 2014.

41 Ibid.

42 Mariela Castañón, "70 clicas de pandillas asedian las zonas más inseguras," *La Hora*, May 27, 2014.

43 Evelyn De León, "Las pandillas reclutan a niños a partir de los 6 años," *Siglo21,* October 2, 2013, http://m.s21.com.gt/node/314291.

44 Wayne J. Pitts et al., "Factors Affecting Homicide Rates in Guatemala 2000-2013: A Study of the Municipalities of Guatemala, Mixco, and Villa Nueva," Executive Summary, Prepared for Democracy and Governance Office, USAID/Guatemala, 3.

45 Pitts et al., "Factors Affecting Homicide Rates in Guatemala 2000-2013," Final Report, 100.

46 "Recolectores de basura y prostitutas, nuevas víctimas extorsión en Guatemala," *EFE,* July 29, 2013.

47 Grupo Apoyo Mutuo, "Informe anual sobre hechos violentos y situación de DDHH en Guatemala. Año

related to extortion.[48]

Ortega observed that while both *maras* make most of their income through extortion, a.k.a. *la renta*, the MS has ventured further into drug dealing than its rival. MS is now taking over markets where Dieciocho members used to sell but were arrested and thus ceased operations. Ortega said that the gangs do interact with drug traffickers in order to supply those local markets, but outside of that, PANDA has found little hard evidence of a *mara*-drug trafficker relationship.

All of these gangs extort, but not all extortionists are gangsters. In fact, Ortega says that some 70 percent of extortionists are civilians who only pretend to be members of MS or Dieciocho in order to frighten victims into forking over cash. In some cases, these civilians have no connection to the maras and are making idle threats. But last January, a judge convicted ten people who had been extorting bus drivers while also paying quotas to three different gangs, suggesting that the gangs may have been charging for use of their "brand" in a sort of franchise arrangement.[49]

Many extortionate phone calls originate from behind prison walls, noted Ortega. He explains that when an offender first arrives at a correctional facility, the inmates demand that he provide personal information about his neighbors and acquaintances—cell numbers, addresses, family members, daily habits, etc.—which the inmates then use to terrify an extortion victim over the phone. Ortega said that most of the time, victims extorted over the phone are instructed to deposit money in a bank account, usually in Banco Azteca, which he said does not ask new customers a lot of questions.[50] (The new inmate can avoid the obligation to identify targets for extortion by paying Q1,500 per month, but if he refuses that option too, the inmates may force him to clean the bathroom with his hands or may deny him a place to sleep.)[51]

According to Ortega, PANDA breaks up about 15 extortion rings per year. Some are *clicas* of MS and Dieciocho, others are small unaffiliated criminal bands. In 2013, PANDA made 646 arrests, and the unit's casework led to 166 convictions. Ortega, who escaped unhurt from a highway assassination attempt in 2011, said it is dangerous work: two PANDA officers were killed and another two wounded during shootouts with gangsters in 2013. Between January and May 2014, PANDA

2013," Cuadro 11, *Área de transparencia* (blog), January 15, 2014, http://areadetransparencia.blogspot.com/2014/01/informe-anual-sobre-hechos-violentos-y.html.

48 José M. Patzán, "Transporte en pugna debido a extorsiones," *Prensa Libre*, January 10, 2014.

49 Hugo Alvarado, "Tribunal condena a 10 extorsionistas," *Prensa Libre*, January 31, 2014. Inspector Ortega said that this kind of arrangement is the exception, not the rule.

50 Ibid.

51 Inspector Edwin Ortega of PANDA, interview with the author, Guatemala City, May 8, 2014.

had three gun battles with the gangs.[52] The *maras* used to brandish homemade weapons (or *armas hechizas*) but since 2008 have largely graduated to .38 caliber pistols, 9mm handguns and AK-47s, all of which they can buy on the black market.[53] A police raid on a Dieciocho *clica* in Mixco last April, for example, turned up a grenade, eight pistols, an M-16 rifle, and an Uzi sub machine gun.[54]

Other Crimes

Reports of kidnapping for ransom have become relatively rare in Guatemala. In 2012, there were 85 reported victims, most of them male. Last year, the total number of reported victims fell to only 50—possibly due to the efforts of the PNC's anti-kidnapping task force, which dramatically increased the seizure of vehicles, cell phones, guns, and cash belonging to kidnappers in 2013.[55] The true number of cases may be higher, though, as some victims' families negotiate in private for fear that involving the authorities will endanger their loved one.

In an interview, "Marcos," the unit's coordinator, described the task force's operations. (In 2011, he explained, he exited a grocery store and assassins fired two bullets through his chest, puncturing both lungs and sending him into a coma for five days; he miraculously survived, and now prefers to use a nickname.)[56]

According to Marcos, the task force guides a victim's family through negotiation with the perpetrators in order to resolve cases. About 97 percent of victims are released unharmed. At the same time, Marcos says, families make only "minimum payments" to the kidnappers, who as a group receive roughly two percent of the ransom money they demand.[57] The coordinator declined to offer specifics on how the unit manages to both preserve the life of the victims and prevent this kind of crime from becoming profitable; he revealed only that the unit instills in the kidnappers the "certainty" that they will be captured and go to prison if the case unfolds any other way.

Typical kidnappers, Marcos observed, have a criminal history and operate in small, independent groups without ties to larger organized crime structures. As for the victims, a "high percentage" come from the lower middle economic stratum; only

52 Ibid.

53 Jody García, "Pandillas adquieren armas en mercado negro," *La Hora,* March 15, 2014, http://www.lahora.com.gt/index.php/nacional/guatemala/actualidad/192848-pandillas-adquieren-armas-en-mercado-negro.

54 Ministerio Público, "Previenen ataque de pandillas en colonia El Milagro," April 2014, http://www.mp.gob.gt/2014/04/previenen-ataque-de-pandillas-en-colonia-el-milagro/.

55 "Fuerza de Tarea (FT- MG)—Comando Antisecuestros (DEIC) Policía Nacional Civil Resultados 2014," Power Point Presentation, May 2014.

56 Interview with "Marcos," anti-kidnapping task force coordinator, Guatemala City, May 14, 2014.

57 Ibid.

some are wealthy elites.[58] In 2012 and 2013, the anti-kidnapping task force made 384 arrests and broke up a total of 49 kidnapping rings.[59] Over the last several years, they have tightened their relationship with prosecutors and now rely heavily on forensic evidence (such as wiretaps), as opposed to informants and *colaboradores eficaces* (former associates turned witnesses as part of a plea bargain). The task force members have not received training from the U.S. Department of State Bureau of International Law Enforcement and Narcotics Affairs (INL), but like other special units in the PNC they do undergo vetting and integrity tests.[60]

The most common crime in Guatemala, when lumped together in one category, is robbery/theft. This is why the exterior walls of countless buildings are fitted with razor wire, barbed wire, and broken-glass spikes (and sometimes all three). It is also why heavily armed security guards watch over even low-end businesses such as fried chicken joints and Pepsi delivery trucks.

According to the Instituto Nacional de Estadística (INE), the government's central data processing office, 17,840 Guatemalans fell victim to property crimes in 2012. A hefty majority of them—about two-thirds—had their cars or motorcycles stolen. Less than seven percent had their residences broken into.[61]

There is no publicly available data that tracks property crime cases through to completion; for this reason, it is difficult to measure impunity for this kind of crime. But official statistics seem to indicate that the judicial system cannot keep up with the cascade of cases. For example, the Public Ministry filed 18,966 charges of robbery in 2012. However, the court system recorded only 1,092 convictions for robbery and fewer than 200 acquittals that same year, suggesting that the vast majority of robberies go unpunished.[62]

The second most common crime in Guatemala is violence against women. This category accounted for over a quarter of all charges filed by the Public Ministry in 2012.[63] Violence against women became part of the penal code after Guatemalan feminists convinced Congress to pass the legislation in 2009.[64] The law created

58 Ibid.

59 "Fuerza de Tarea (FT- MG)—Comando Antisecuestros (DEIC) Policía Nacional Civil Resultados 2014," Power Point Presentation, May 2014.

60 E-mail correspondence with "Marcos," PNC anti-kidnapping task force coordinator, May 16, 2014.

61 Instituto Nacional de Estadísticas, "Hechos Delictivos 2012," December 2013, 26, http://www.ine.gob.gt/sistema/uploads/2014/02/12/N6uebz42pHU9ssVnVxgnXvYELyTyobbx.pdf.

62 Ibid., 23 and 33.

63 Ibid., 15.

64 Ruby Monzón, *agente fiscal* in the Fiscalía de la Mujer, interview with the author, Guatemala City, May 8, 2014.

the offense of "femicide," defined as the murder of a woman for motives that relate to her gender (for example, if she is murdered out of misogyny, or as part of a gang ritual, or by a jilted lover).[65] According to Ruby Monzón, the head prosecutor of crimes against women, a "femicide" charge carries a higher burden of proof than ordinary homicide, so many murders of females are charged as simple homicides. Femicides are handled by the prosecutor of crimes against life; all other crimes against women are handled by the *Fiscalía de la Mujer*, a special prosecutor for crimes against women. And these cases abound.

In 2012, the Public Ministry fielded a total of 45,786 complaints of violence against women. In 2013, the number exceeded 51,786.[66] This does not necessarily indicate that the problem is worsening; it could mean that more women are becoming aware of the law, which is only five years old. Victims can specify the type of violence as economic, physical, psychological, or sexual. The vast majority of complaints, though, have been entered under the general category of "violence against women," which is defined as harming, threatening, or arbitrarily detaining a woman, whether in public or in private.[67]

During her tenure as Attorney General, Claudia Paz y Paz established a dozen new special prosecutors' offices for crimes against women and also oversaw the launch of a 24-hour women's court in the capital.[68] Convictions in these jurisdictions climbed from 215 in the first ten months of 2012 to 322 in the first ten months of 2013.[69] While that hints at improvement, it is still only a fraction of the total complaints filed.

On the plus side, female victims can now seek social, psychological, and legal assistance (called *Modelo de Atención Integral*) at five different locations outside of the capital: Escuintla, Mixco, Huehuetenango, Cobán, and Coatepeque. Filing criminal charges against perpetrators, which used to take 24 hours or more, can now be done within two hours.[70]

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65 Centro Nacional de Análisis y Documentación Judicial (CENADOJ), "Ley contra el Femicidio y otras Formas de Violencia Contra la Mujer," accessed on May 21, 2014, 4, http://www.oas.org/dil/esp/Ley_contra_el_Femicidio_y_otras_Formas_de_Violencia_Contra_la_Mujer_Guatemala.pdf.

66 Statistical report provided to author by the Public Ministry, May 19, 2014. This figure does not include data from most of December 2013.

67 Centro Nacional de Análisis y Documentación Judicial (CENADOJ), 3.

68 "Informe de Gestión, Ministerio Público, 2011-2014," 15, http://www.slideshare.net/mpguate/informe-de-gestin-ministerio-pblico-20112014.

69 Claudia Paz y Paz Bailey, "Informe tercer año de gestión," slide show, December 12, 2013, 59, http://www.slideshare.net/mpguate/fiscal-general-present-informe-de-tercer-ao-de-gestin.

70 Ruby Monzón, *agente fiscal* in the Fiscalía de la Mujer, interview with the author, Guatemala City, May 8, 2014.

Institutional Evolution

On February 19, 2007, three Salvadoran diplomats driving toward Guatemala City for a meeting of the Central American Parliament (PARLACEN) were pulled over by crooked police.[71] The officers believed the vehicle contained drugs or cash they could steal, but upon finding neither, they killed the diplomats and their driver, then torched the car. Within a week, the four policemen accused of the crimes—including the chief of the PNC's organized crime division—were mysteriously murdered while in detention. It was later revealed that one of them had agreed to cooperate with investigators and was presumably killed by the intellectual authors of the assassinations.[72] Within days, Anders Kompas, representative of the United Nations High Commission for Human Rights, said publicly that Guatemala's security situation was deteriorating at an accelerated rate, to the point that it had become "a collapsed and failed state."[73]

But the PARLACEN case, as it became known, may have been the event that kept Guatemala from tumbling into the abyss. Six months after the crime, legislators finally did what civil society had long suggested: they overwhelmingly approved the creation of the International Commission Against Impunity in Guatemala (commonly known by its Spanish acronym, CICIG).[74] This unprecedented body of investigators and lawyers, selected from abroad, was granted special jurisdiction inside Guatemala to root out state corruption and go after organized crime.

CICIG has indeed solved high-profile cases, such as the mysterious death of attorney Rodrigo Rosenberg[75] and the embezzlement of state funds by former president Alfonso Portillo Cabrera. It has also prevented corrupt individuals from holding public office and has successfully pushed for legislative reform, such as a law allowing the Guatemalan state to seize organized crime assets for its own use.[76]

However, CICIG has its critics. Edgar Gutiérrez, the ex-foreign minister and current director of IPNUSAC (Instituto de Problemas Nacionales de la Universidad de San Carlos, the University of San Carlos's National Problems Institute), said that the CICIG is hobbled by a superficial knowledge of Guatemala's inner workings, a

71 Héctor Silva Ávalos, "EUA dudó de la investigación en caso PARLACEN," *La Prensa Gráfica*, March 17, 2014.

72 Ibid.

73 Sonia Pérez, "Impunidad afecta funciones del Estado," *Prensa Libre*, March 3, 2007.

74 Hector Silva Ávalos, "The United States and Central America's Northern Tier: The Ongoing Disconnect," Working Paper, Inter-American Dialogue, March 2014, 20.

75 David Grann, "A Murder Foretold," *The New Yorker,* April 4, 2011.

76 Peter J. Meyer and Clare Ribando Seelke, "Central America Regional Security Initiative: Background and Policy Issues for Congress," Congressional Research Service, May 6, 2014, 16.

diplomatic reluctance to dig too deep, and lack of coordination with local prosecutors.[77] The entity's mandate is set to expire in September 2015.

The PARLACEN case of 2007 did not only lead to the approval of the CICIG; it also pulled back the curtain on institutional rot inside the PNC. That same year, a team of state security officials and members of civil society came together to diagnose the problem. They concluded that PNC services were neither "timely," "appropriate," "trustworthy," nor "sufficient," for which reasons Guatemalans viewed them as "corrupt" and "incapable of confronting rising criminal violence."[78]

The police, they continued, were disorganized, lacked a clear mission, and had a limited capacity for criminal or internal affairs investigation.[79] In terms of human resources, the force was understaffed and deployed inefficiently. The rotation policy prevented officers from developing professionally and from identifying with the citizens they served. The police academy was weak, in-service training was scant and unsystematic, ranking officers displayed little administrative savvy, and the police career path was ill-defined. "Officers," the group lamented, "are unmotivated for various reasons, among them: low salaries, poor work conditions (lack of equipment, infrastructure and supplies), growing institutional stigma, rising risk level, etc."[80] The consequences, according to the memorandum, were distrust, insecurity, impunity, high crime rate, abuse of authority, and the rise of parallel justice, i.e., vigilante groups.[81]

To remedy this situation, then-President Álvaro Colom created the *Comisión Nacional para la Reforma Policial*, or Presidential Police Reform Commission, in 2011. First helmed by civil society leader Helen Mack of the Fundación Myrna Mack, and currently led by one-time interim interior minister Adela Torrebiarte, this body seeks to improve the force's capacities in several areas: criminal investigation, crime prevention, institutional organization, professional training, human resources, technology, logistics, and internal affairs.[82] It strongly influences the U.S. Embassy's role in security matters. As one adviser from the INL put it, "Every single program we do, we have to run it by the Commission."[83]

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77 Edgar Gutiérrez, political analyst, interview with the author, Guatemala City, May 13, 2014.

78 Verónica Godoy et al., "Propuesta Metodológica para las autoridades del Ministerio de Gobernación encaminadas a la continuidad de acciones inmediatas," memorandum prepared for the Ministerio de Gobernación, May 18, 2007, 2 and 4.

79 Verónica Godoy et al., 3.

80 Ibid., 4.

81 Ibid., 5-6.

82 "Preguntas Frecuentes," Reforma Policial, http://www.cnrp.gob.gt/content/preguntas-frecuentes.

83 Telephone interview with INL advisers, April 14, 2014.

The commission claimed several victories after its first two years. As part of a project to instill pride among officers (a project called "*Dignificación*"), it finished remodeling 26 police stations and began work on 39 more.[84] It furnished the force with more than 1,500 computers, brought the number of stations with internet access to over 650, and set up digital registries for arrest warrants and stolen vehicles.[85] It hired, trained, and equipped officers for an internal affairs investigation unit,[86] which brought charges against nearly 200 officers in 2013.[87]

The Commission also launched a pilot project in *Comisaría 14* (station or precinct 14). It remodeled the entrance, lighting, and parking lots. It built a technology center inside the station and equipped patrol pickups with tablets and cameras. It also trained the officers in several areas. Finally, the Commission designed and launched a new police education model. It set up a school for high-ranking officers and a continuing education school. The Commission emphasizes its training volume: according to the most recent annual report, 48,635 police employees have been trained in areas ranging from human rights and public service to digital systems and firearms law. While these are certainly steps in the right direction, indicators such as "number of new computers" or "number of trainees" really only measure *outputs*, not *outcomes*. Computers are an output of reform. Reduced crime is the ultimate desired outcome. And there is a dearth of evidence that, in Guatemala, reduced crime necessarily follows from simply training police or giving them new equipment.

The Commissioner recognizes this. "You have to train them, but you have to demand results, too," she said. "And you have to measure the results, because that's going to tell you if we're on the right track."[88] But the Commissioner's accurate observation only serves to highlight that there are no publicly available, current and comprehensive audits of PNC performance, nor any in-depth study on the effects of police reform. Therefore, it is too early to call it an overall success or failure.

As for the Public Ministry, perhaps the biggest story in Guatemalan security over the past four years has been the mild-mannered, but demonstrably effective attorney general, Claudia Paz y Paz, whose term ended in May 2014. A common refrain during interviews for this report was that Paz y Paz was an incorruptible public servant. She redirected considerable attention to crime victims, and not only women. By her own reckoning in public reports, she presided over the recruit-

84 Comisión Nacional para la Reforma Policial, "Informe 2013," May 2014, 12.

85 Ibid., 16.

86 Ibid., 6.

87 Adela Camacho de Torrebiarte, police reform commissioner, interview with the author, Guatemala City, March 5, 2014.

88 Ibid.

ment of dozens of new indigenous language interpreters[89] and a drastic increase in the number of telephone surveys asking victims to evaluate the attention they received. Of more than 15,800 victims surveyed on her watch, 91 percent reportedly gave a positive response.[90]

A recent audit by CEJA (*Centro de Estudios de Justicia de las Américas*, the Justice Studies Center of the Americas) lauded the MP for an "exponential" increase in cases resolved without having to go to trial, from 5,800 in 2008 to 27,950 in 2013.[91] The auditors also praised the rise in convictions from 3,280 in 2009 to 7,122 in 2013.[92] In all, they concluded, the reforms of the last few years "have noticeably improved criminal prosecution, reduced impunity for the most serious crimes and raised the level of transparency and accountability."[93] Indeed, the CICIG stated in its most recent annual report that Guatemala's impunity rate for crimes against life in 2009 was 95 percent, but fell to 72 percent in 2012.[94]

As mentioned above, Paz y Paz helped bring down several underworld leaders who have since been extradited to the United States, including Waldemar "*El Patriarca*" Lorenzana, Eliú Elixander Lorenzana, Juan "*Chamalé*" Ortiz and Horst Walther "*El Tigre*" Overdick. The U.S. Department of State recently reported that during the first ten months of 2013, the Guatemalan state locked up "a number of high-profile drug traffickers" and extradited four others "with minimal difficulties."[95]

Paz y Paz's anti-drug trafficker crusade may have endeared her to the U.S. Drug and Enforcement Administration (DEA), but she ruffled many feathers among conservatives at home for prosecuting civil-war-era military atrocities. She helped convict perpetrators of two of the state's worst massacres—*Dos Erres* and *Plan de Sánchez*—as well as the former police chief Pedro García Arredondo, found guilty of disappearing a college student suspected of being a guerrilla.[96] Most notably, she opened a case against former general and de facto president José Efraín Ríos Montt, along with his military intelligence director, General José Mauricio Rodríguez Sánchez, accusing both of genocide and crimes against humanity committed

89 Paz y Paz Bailey, "Informe tercer año de gestión," 13.

90 Germán Garavano et al., "Evaluación del impacto del nuevo Modelo de Gestión Fiscal del Ministerio Público de Guatemala," CEJA, 56, http://www.cejamericas.org/Documentos/librosvirtuales/libro_modelogestionfiscal_MPGuatemala/index.html.

91 Ibid., 96.

92 Ibid.

93 Ibid., 98.

94 "Sexto informe de labores de la Comisión Internacional contra la Impunidad en Guatemala (CICIG)," 6, http://www.cicig.org/uploads/documents/2013/COM-045-20130822-DOC01-ES.pdf.

95 U.S. Department of State, Bureau for International Narcotics and Law Enforcement Affairs, "International Narcotics Control Strategy Report," 185.

96 He has since been charged additionally with the burning of the Spanish Embassy in 1980, when indigenous peasants and others occupied the building, police stormed it and a fire left 36 people dead.

in the Ixil triangle in 1982. A tribunal of judges found Ríos Montt guilty on both counts in May 2013, but a constitutional court later annulled it. The case now sits in legal limbo, pending appeals. Though it received less press, Paz y Paz also targeted an ex-commander from the leftist guerrilla side as well. Fermín Felipe Solano Barillas was charged with the summary execution of 22 civilians in 1998 to prevent them from betraying the rebel position to the army. In July 2014, he was convicted and sentenced to 90 years in prison.[97]

Paz y Paz was nominated for the Nobel Peace Prize in 2013, and many in the international community called for her reappointment as attorney general. She also scored second-highest in the application exams given to candidates. However, her competitors criticized her case management. For example, during her tenure, state lawyers worked in a sort of relay system whereby one group of prosecutors would investigate a case, then hand it off to a second group to argue it at trial. Her detractors considered this inefficient.[98]

In the end, Paz y Paz did not even make the list of the final six candidates. In the view of Gutiérrez, who served as foreign minister under President Alfonso Portillo, the Pérez Molina administration engaged in unprecedented lobbying behind the scenes to shut down her candidacy early, and business groups joined in, viewing her as hostile to private, large-scale exploitation of natural resources.[99]

The human rights community both in Guatemala and abroad remains skeptical that the new Attorney General, former Supreme Court president Thelma Aldana, will push forward on any transitional justice cases. However, the U.S. Embassy struck a note of optimism. "There are areas we can work with her on," said one USAID official. "We're particularly excited about working with her on violence against women."[100]

CARSI STRATEGY IN GUATEMALA

Each year, the U.S. Congress sends CARSI money southward with the understanding that the Department of State will use it, up and down the isthmus, to (1) make the streets safer, (2) disrupt the movement of criminals and contraband, (3) fortify governments, (4) establish state presence in rough areas, and (5) foster cooperation with neighbors and outside actors.[101]

97 Claudia Palma y José Rosales, "Condenan a exguerrillero por matanza de El Aguacate," *Prensa Libre,* July 4, 2014.

98 Claudia Palma, "Claudia Paz y Paz se defiende ante postuladora," *Prensa Libre,* April 24, 2014.

99 Edgar Gutiérrez, political analyst, interview with the author, Guatemala City, May 13, 2014.

100 Telephone interview with USAID official, May 22, 2014.

101 Government Accountability Office, "U.S. Agencies Considered Various Factors," ii.

The U.S. mission in Guatemala has already crafted its own goals, tailored specifically to its host country. When these Guatemala-specific goals fit inside CARSI's general goals, the embassy can dip into the CARSI fund to pursue them. "CARSI, for us, is a budget line item," said one USAID official in Guatemala City. "We see it as part of a portfolio of funds that we use depending on what programs need funding and when." In other words, she added: "We don't go out and say, 'These are CARSI programs.' We say, 'These are USAID programs.'"[102] INL operates the same way.

Acción Joven, situated in Centra Sur and funded by CARSI, is now offering nearby youths vocational training in areas like electronics, cooking and construction, in addition to artistic and sports activities.

For this reason, CARSI has a bit of a branding problem in Guatemala. The USAID official observed that "There's no CARSI branding or marketing plan, so even if we wanted to brand something as 'CARSI," we wouldn't have the tools to do so."[103] As a result, Guatemalan civil society seems confused about it. "Everyone talks about CARSI funds," said Helen Mack of the Fundación Myrna Mack. "But nobody has a full picture of how it's divided up."[104]

102 Interview with USAID Official, Guatemala City, February 10, 2014.

103 Telephone interview with USAID official, May 22, 2014.

104 Helen Mack, founder of Fundación Myrna Mack, interview with the author, Guatemala City, February 10, 2014.

When asked about CARSI, Carmen Rosa de León Escribano, director of IEPADES, said, "It's never really been focused on prevention or comprehensive programs," but rather guided by "a whole repressive military concept" of beefing up counter-narcotics units. Interestingly, a few weeks before our interview, Rosa had actually attended a USAID presentation of exactly the type of programming she favors: crime prevention projects. She had not realized they were CARSI-funded, she said (and indeed, CARSI did not appear anywhere in the slideshow). Moreover, just hours before our interview, she attended a meeting at which USAID asked Guatemalan civil society groups to apply for grants that would fund programs to prevent violence. That slideshow did indeed emphasize CARSI and explain its priorities.[105] But Rosa remained skeptical. "They say it's about prevention," she said of CARSI, "but there's not much prevention in it."

Yet the CARSI budget mix suggests that Washington is shifting away from "hard" programming toward "soft" programming. For example, the money set aside for USAID to encourage "Governing Justly and Democratically" more than doubled from 2010 to 2013, from $5 million to $10.5 million. In the same period, the amount earmarked for INL's "Aviation Support" dropped dramatically because the Guatemalan state finally took possession and control of six UH-1H II helicopters that were formerly owned and maintained by the United States.[106] According to a USAID official, this shift in priorities "has not been articulated to us, but we can feel it in our budgets."[107]

If Guatemalan civil society members had a clearer picture of how CARSI actually works and what it aims to do, they could steer funding toward areas they care about, which would increase ownership, accountability, and maybe the likelihood of success. That is what the fifth goal of CARSI calls for, anyway, according to its explanation on the Department of State's website: an "integrated, collaborative" effort that is "coordinated with" various parties, including "civil society."[108]

Thankfully, USAID has grasped this. Under the auspices of USAID Forward, an agency-wide effort to bypass middlemen and contract directly with host-country actors,[109] USAID/Guatemala solicited proposals last February from any Guatemalan civil society groups interested in grant funding for security and justice proj-

105 USAID/Guatemala, "Reunión informativa, APS 520-14-000001," PowerPoint Presentation provided to the author, March 6, 2014.

106 U.S. Department of State, "International Narcotics Control Strategy Report," 186.

107 Telephone interview with USAID official, May 22, 2014.

108 U.S. Department of State, Bureau of Public Affairs, "The Central America Regional Security Initiative: Enhanced Levels of Cooperation and Coordination," February 6, 2012, Fact Sheet, http://www.state.gov/p/wha/rls/fs/2012/183562.htm.

109 USAID, "USAID Forward At a Glance," http://www.usaid.gov/usaidforward.

ects. Grants will range from $50,000 - $500,000 and add up to $1.5 million.[110] The agency held an information meeting on March 6. One USAID official said that 150 Guatemalans from 118 organizations attended.[111]

These grants alone will drive home the point that CARSI is not simply a counternarcotics program. As we will see in later sections, many CARSI-funded projects have little or nothing to do with drugs *per se*. For instance, INL is helping the police academy update its basic curriculum in victimology, interviewing, and report-writing. Meanwhile, USAID is giving scholarships to children in at-risk areas to learn web design. The first is institution-building; the second, prevention. Neither is overt counternarcotics. But both are CARSI.

True, some CARSI projects directly target drug traffickers, such as Team Omega, a mobile checkpoint/interdiction unit that patrols Guatemala's borders. But even a project like that could produce positive externalities. For example, Team Omega may end up apprehending human traffickers or wild animal smugglers while searching a truck for cocaine.

Both in theory and on the ground, then, counternarcotics is a central part of CARSI in Guatemala but not its totality. CARSI has five goals, broadly defined. The risk of broad goals is that they will result in an incoherent hodge-podge of minimal progress in dispersed micro-areas. But one could counter-argue that broad goals render the U.S. mission more nimble in responding to the host country's desires to improve security. After all, in the final analysis it is the sovereign nation of Guatemala, not the embassy, which decides where, when, and how progress is made.

Guatemala has displayed a certain degree of "buy-in," or commitment to reform. For example, the justice system solicited USAID's help in the design and construction of 24-hour courts and high-impact courts, all of which now operate independently of U.S. assistance. On the INL side, Guatemala has nationalized the UH-1H II helicopters (mentioned above) and scaled up a police precinct's anti-gang unit to operate nationally.

In fact, one USAID official suggested that Guatemala's enthusiasm for U.S.-supported reform has outrun its budget on occasion. For example, the government requested more 24-hour courts, but USAID balked because Guatemala did not yet possess the funds to absorb and sustain them.[112]

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110 USAID, "APS 520-14-000001, Guatemalan Citizen Security Partnership Program Agency for International Development," http://www.grants.gov/web/grants/view-opportunity.html?oppId=251622.

111 Telephone interview with USAID official, May 5, 2014.

112 Ibid.

CARSI Institutional Reform and Institutional Strengthening Projects in Guatemala	
Police	• Community-based policing • Support the Police Reform Commission • Model Police Precincts • Support the PNC Internal Affairs unit and the Office of Professional Responsibility (including polygraph unit) • Police professionalization (establishing a career path, acquiring international standard certification of quality management systems) • Promotion of civil society oversight
Fiscalia/PM	• Support transition of CICIG functions to Attorney General's Office
Judiciary	• Strengthen prosecution and adjudication of criminal cases • Provide more secure environment for pre-trial hearings • Support implementation of the criminal procedure code • Support for 24-hour and High Impact courts • Support asset seizure and money laundering cases
Prisons	• Management
Other Law Enforcement-Based Prevention	• Crime information statistics system • Support identification, safe handling, and destruction of precursor chemicals

Buy-in has not been 100 percent. One INL official pointed out that corruption, political intrigue, and shuffles in hierarchy can cause national institutions such as the police to change course, which drags INL programming along with it. Another hindrance to long-term buy-in is a lack of institutional memory and continuity. According to a long-time participant in U.S. programming in Latin America, the Guatemalan government is staffed on the basis of personal relationships. Ministry leaders often have little experience either in government or in the functional area that they lead. A new president every four years implies a "wholesale replacement of personnel down below office director level—there is no civil service or permanent bureaucracy to speak of. Every four years it is back to square one."[113]

Still, one INL adviser said that in the last year or so, his team made a special effort to get buy-in from both high- and low-ranking security officials. "We work with our Guatemalan counterparts as equal partners and do not attempt to sell or push products on them," he said. "We attempt to ascertain their needs and if appropriate, within our guidelines, assist in the training and/or the procurement of materials."[114]

113 Long-time participant in U.S. programming in Latin America, correspondence with the author, June 26, 2014.

114 INL adviser, e-mail correspondence with the author, May 13, 2014.

USAID

The embassy's two main managers of CARSI dollars, USAID and INL, have related but quite distinct strategies for reaching CARSI goals. In 2012, USAID outlined a "Country Development Cooperation Strategy" for Guatemala.[115] The overarching framework consists of three goals—to create "a more secure Guatemala that fosters greater socio-economic development in the Western Highlands and sustainably manages its natural resources."[116]

It is no accident that the first of the three prongs is "a more secure Guatemala." USAID suggests that security is a "prerequisite" and "fundamental" to development. Most urban Guatemalans would probably agree; according to a poll by the daily newspaper *Prensa Libre* published in January 2014, a majority of them said insecurity was their number one concern.[117] So how does USAID believe it can bolster security? It hypothesizes that it can help reduce crime by:

- "increasing the demand for police and justice reform;
- "strengthening national level government capacities to include administrative, financial and strategic planning;
- "institutionalizing crime prevention strategies;
- "targeting pilot projects in key areas with high homicide rates;
- "strengthening local governments; and
- "improving transparency and accountability of key institutions."[118]

USAID further identifies two intermediate results for its CARSI program: better security-and-justice-sector institutions (SJSIs), and less violence.[119]

Initiatives by Guatemalans to improve their own SJSIs are in no short supply. A revision to the Code of Criminal Procedure in 1994 transformed the criminal courts from an inquisitorial system (in which the judge investigates crime) to an adversarial system (in which the judge is only a referee). The Peace Accords of 1996, which formally ended the country's decades of armed struggle, called for further reform, as did two separate national agreements pushed by former President Colom and his successor, President Pérez Molina.

But reform in Guatemala often exists only on paper: laws get passed, but not necessarily implemented for lack of money. As a U.S. Department of State report notes, "Guatemala suffers from severe budget constraints, which are exacerbated by endemic corruption and low rates of tax-collection."[120]

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115 "Guatemala Country Development Strategy 2012-2016," USAID/Guatemala, March 16, 2012, http://www.usaid.gov/sites/default/files/documents/1862/GuatemalaCDCS.pdf.

116 Ibid., 1.

117 Geovanni Contreras, "Encuesta: Inseguridad es el gran problema," *Prensa Libre,* January 14, 2014.

118 USAID/Guatemala, "Guatemala Country Development Cooperation Strategy," 2012-2016," 1.

119 Ibid., 23.

120 U.S. Department of State, "International Narcotics Control Strategy Report," 183.

As a result, USAID is now seeking to help Guatemala with the implementation phase of legal reform. And in that area, says the USAID official, "there is a lot of low-hanging fruit." For example, the national constitution ratified in 1995 mandated that an arrested person be arraigned in front of a judge within six hours. However, for many years, courts were only open from 8 a.m. to 4 p.m. from Monday through Friday. Therefore, if a suspected criminal was arrested on a Friday afternoon, for example, he would sit behind bars for at least two days. When he was finally brought before a judge, the policeman who arrested him might no longer be available, and police testimony is critical to establishing a criminal charge in Guatemala. So as many as 77 percent of cases were dismissed for lack of merit.

In 2006, USAID proposed a 24-hour court that would operate around-the-clock with judges, police, prosecutors, and defenders all "co-located," or assigned space, in the building. USAID furnished the design and monitored operations for two years. The difference was stark: inmates saw a judge much quicker, and in Guatemala City, the rate of dismissals fell from 77 percent to 12 percent. The 24-hour courts were so successful that between 2007 and 2009, four new ones were opened in Villa Nueva, Mixco, Escuintla, and Sacatepequez. (A fifth is now in the works for Xela, Guatemala's second-largest city; USAID is currently monitoring these courts to see if adjustments are necessary.)[121]

Here in the Public Ministry's headquarters in Zona 1 of Guatemala City, female crime victims can get legal, psychological, and medical assistance 24 hours a day. This facility was built with CARSI funds.

In addition, a special 24-hour court was assembled in 2012 to hear cases of violence against women, exploitation, sexual violence, and human trafficking. The Guatemalan congress approved the Law Against Femicide and Violence Against Women in 2008, but implementation was slow to follow. So at the request of attorney general Paz y Paz and the Supreme Court president, USAID helped design and equip the court, which is installed on the first floor of the Public Ministry build-

121 Shannon Shissler and Casey Wheeler, "Rule of Law Activities in Guatemala," PowerPoint Presentation, USAID/Guatemala; also interview with USAID adviser, April 14, 2014.

ing in Guatemala City. Once a victim walks into the court, she can file a complaint in a private office, and also seek any necessary medical attention (including a rape kit). Psychologists and social workers are on hand to help. Judges can authorize a protection injunction and issue an arrest warrant if the aggressor's identity is known.

In this secure antechamber, crime victims and witnesses can give testimony on camera without being intimidated by the accused. This too was constructed with CARSI money.

Judges in the 24-hour women's court can quickly issue an injunction or an arrest warrant (if the aggressor's identity is known).

This specialized court also features an antechamber where psychologists, prompted by judges, can interview children and victims. These interactions can be video-conferenced onto a large screen in the courtroom during a trial, or recorded beforehand and submitted into evidence. The witness's identity may or may not be concealed from the accused, depending on the case, but the idea is to avoid exposing a vulnerable victim to a hostile courtroom environment. The United States no longer funds any of these 24-hour courts; Guatemala has assumed that responsibility.

The second half of USAID's strategy centers on violence prevention. To prevent violence, USAID seeks to encourage

- "stronger employment capacity for at-risk youth to compete in the job market by providing educational, vocational and recreational opportunities;
- "community-oriented policing activities that promote trust in the police;
- "better public infrastructure and support for crime prevention in target communities;
- "targeted support for at-risk populations, especially those vulnerable to human trafficking;
- "civic responsibility."[122]

In plain English, USAID is saying that it aims to steer high-risk youth away from delinquency by providing them with job skills and fun things to do. For example, in the high-risk municipality of Villa Nueva southwest of Guatemala City, USAID has funded a beautician's school for young women and a soccer program for boys and girls.

As for civic responsibility, USAID recognizes that "the majority of the population does not believe that participating in a public process will result in change and many people are not respectful of the rule of law."[123] Therefore, it seeks to change their attitude. It has encouraged stakeholders (such as teachers, police, and parents) to meet in a room as a *comité comunitario de prevención* (or community prevention committee). There, they agree on steps for tamping down the violence where they live. Such collaboration would, in theory, build up trust between them. This project will be discussed more fully in the next section.

International Narcotics and Law Enforcement Affairs (INL)

It is important to keep in mind that INL is not the DEA. The DEA's job is to thwart drug flows; INL's job is to make Guatemala better at thwarting drug flows. But even if the narcos all left tomorrow, that still wouldn't solve Guatemala's violence problem, according to one INL official: "Narcotics is a symptom. The cause is that [Guatemalans] don't have functioning institutions. If you're going to solve narcotics, you've got to get those functioning. So we've taken that on."[124]

In March 2014, INL released its annual "International Narcotics Control Strategy Report." It reads more like a progress update than a forward-looking roadmap. But between that document and interviews with embassy staff, certain strategic elements and guiding principles come into focus. Within the past two years, INL-Gua-

122 USAID/Guatemala, "Guatemala Country Development Strategy 2012-2016," 27.

123 USAID/Guatemala, "Reunion informativa," 28.

124 Interview with INL official, February 11, 2014.

temala experienced a deep turnover and now appears guided by three lodestars: community policing, sustainability, and measurability.

Community policing, to be explored in a later section, refers to a law enforcement *modus operandi* based on building mutual trust, information-sharing, and face-to-face familiarity between police and residents. Guatemala will struggle to bridge that chasm, as only 34.9 percent of Guatemalans voiced confidence in the PNC in a 2012 poll.[125] INL is promoting community policing, but also desires that any advances be sustainable by the Guatemalans themselves, and not depend on perpetual U.S. scaffolding. As one INL adviser put it, "The idea is to work ourselves out of a job." Lastly, INL officials say they are taking steps to actually measure success and demand certain results.

A recent police program demonstrates all three principles. In March 2014, INL paid for 21 PNC officers to travel to Miami-Dade in Florida to be trained in the Scanning, Analysis, Response, and Assessment (SARA) method[126] of community policing and other programs such as DARE (Drug Abuse Resistance Education).[127] After earning certification as community policing coordinators, they will return to Guatemala and themselves become trainers for more than 400 of the PNC's prevention officers. (INL calls this the "train-the-trainer" principle.) INL will then check the results and send a second group to Miami-Dade in September if and only if the first group succeeds in training their peers. INL has also secured memorandums of understanding with the PNC ensuring that those community policing coordinators will stay in their positions for four years. They insisted on the non-transfer provisions when in 2013 two INL-trained officers were reassigned as government chauffeurs.[128]

Training appears to be INL's primary strategy for strengthening the police. One INL official estimates that, factoring in the salaries of advisers whose main job is to coordinate training, roughly half of the institution's annual budget goes toward the training of Guatemalan security forces.[129] In addition to the Miami-Dade trips mentioned above, INL has sent officers to the International Law Enforcement Academy (ILEA) in San Salvador for several years running to become certified in the GREAT program (Gang Resistance Education and Training). INL also brings training

125 Dinorah Azpuru with Juan Pablo Pira and Mitchell A. Seligson, "Political Culture of Democracy in Guatemala and the Americas, 2012: Towards Equality of Opportunity, Tenth Study of Democratic Culture of Guatemalans," LAPOP/Vanderbilt University, December 2012, 148, http://www.vanderbilt.edu/lapop/guatemala/Guatemala_Country_Report_2012_English_W.pdf.

126 Center for Problem-Oriented Policing, "The SARA Model," accessed on May 16, 2014, http://www.popcenter.org/about/?p=sara.

127 National Institute of Justice, "Program Profile: Drug Abuse Resistance Education (DARE)," accessed on May 16, 2014, http://www.crimesolutions.gov/ProgramDetails.aspx?ID=99.

128 Telephone interview with INL/Guatemala advisers, April 14, 2014.

129 Telephone interview with INL/Guatemala official, May 13, 2014.

to Guatemala. The U.S. Bureau of Alcohol, Tobacco, and Firearms (ATF) recently gave a course on ballistics. In March, experts from Temple University gave a week-long course to over 100 officers in "Intelligence-Led Policing," which according to Professor Jerry Ratcliffe means dropping "whack-a-mole policing that arrests offenders with no overarching strategy" and replacing it with policing "that places significant emphasis on data and intelligence analysis as the central component of police strategic thinking."[130] Classes such as these are very much in demand among PNC officers in Guatemala. "Everybody wants to go to training," said one senior INL adviser, who explained that officers see it as a way of advancing their careers. "We have no problem filling the rosters."

A second INL strategy is vetting. Any officer enrolling in INL-sponsored training must submit to "Leahy vetting," named after U.S. Senator Patrick Leahy (D-Vt.) who spearheaded legislation to prohibit the United States from supporting security forces with outstanding human rights violations. INL also assists with vetting at the PNC basic academy, where it supports background verification of cadets.

A third INL strategy is material and logistics support. When the PNC executes a week-long poppy eradication campaign in San Marcos, INL provides food and portable toilets. When officers give DARE or GREAT courses, INL gives them projectors, laptops, and manuals. INL helped set up the Sistema de Información Policial (SIPOL, or Police Information System), which is a computerized crime analysis system that helps pinpoint criminal hot spots.[131] Since 2003, INL has provided the model precinct in Villa Nueva with computers, wiretapping/surveillance equipment, and telephones.

Children march in a school parade in Zona 1 of the capital on June 29, 2014.

130 Jerry Ratcliffe, "What is Intelligence-Led Policing?" Introduction, *Intelligence-Led Policing* (Portland, Oregon: Willan, 2008).

131 E-mail correspondence with INL adviser, May 13, 2014. See also Ministerio de Gobernación, "Sistema de Información Policial SIPOL," January 8, 2014, https://www.youtube.com/watch?v=Tz_jkGYBShU.

The national anti-gang unit, PANDA, is an example of a successful unit that was trained, vetted, and equipped by INL. It began as a specialized wing of the model precinct in Villa Nueva (to be discussed in a later section) and was scaled up to the national level in 2009. It is now staffed with 135 investigators who undergo vetting twice a year. INL has furnished PANDA with computers, cameras, voice recorders, and bullet-proof vests. INL has trained PANDA officers in human rights standards, hostage negotiation, and techniques for investigating crimes against women, homicide, and kidnapping. It sends PANDA officials annually to a regional international anti-gang training conference (the latest was in Mexico City last March).

Vetted Units and Task Forces Supported by CARSI in Guatemala		
Police/FBI	**DEA**	**DHS/ICE**
• Port police (2009-10) • Guatemalan Anti-Gang Unit (PANDA) (FBI vetted unit) • Guatemalan Intel and Analysis Centers (CRADIC) • PNC polygraph unit	• DEA vetted unit • DEA-SIU vetted unit	• DHS vetted unit

As opposed to investigating individual cases of gang membership, PANDA investigates an entire gang for months, and sometimes years, to ensure that the whole criminal network is rounded up and to ensure that witnesses do not suffer reprisals. In 2013, PANDA broke up about 15 gangs that were committing extortion. It made 649 arrests and works closely with the Public Ministry to strengthen its cases. Nearly every person interviewed for this report, in and outside the government, praised PANDA for its progress.

According to the March 2014 strategy report, INL collaborated with the Guatemalan government to train and equip a mobile land interdiction unit called "Team Omega." It is composed of 38 men and moves along the country's borders, halting traffic and conducting checkpoints.[132] It uses scanners and fiber optic cameras to search for drugs inside a vehicle's gas tank.[133]

INL does what it calls "Rule of Law" programming in the justice sector, too. It is similar to what USAID does in that sector, but centers on INL's particular purview of crimes: drug trafficking, corruption, and money laundering. The main effort here is to train judges and prosecutors so they know the law's fine print and what evidence should lead to a successful conviction. In some cases INL helps draft a new law (such as the seized asset law) by presenting legislators with research on the

132 U.S. Department of State, "International Narcotics Control Strategy Report," 179.

133 Interview with high-ranking PNC official, Guatemala City, May 21, 2014.

experiences of other countries and potential loopholes.[134]

INL also engages in crime prevention. GREAT and DARE fall under this rubric. INL also supports the Ministry of Health's efforts in the western department of San Marcos to educate people about the dangers and consequences of growing poppy. In Salcajá, Quetzaltenango, and Petén, INL has teamed up with the Ministry of Education to try to shrink local demand for drugs. INL also recently finished mapping and auditing Guatemala's drug treatment centers, and in 2014 is conducting the first national drug-use survey since 1998.[135]

Are INL's prevention programs succeeding? Officials said that GREAT has offered to send two evaluators to Guatemala, but the PNC has yet to coordinate the visit. One INL adviser said that since his arrival a year ago, no attempt has been made to see if DARE is working.

This is needed, because at least two studies published in the *American Journal of Public Health* suggest that DARE does *not* work, at least in the United States. One of them concluded in 2004 that

> Our study supports previous findings indicating that D.A.R.E. is ineffective.... Given the tremendous expenditures in time and money involved with D.A.R.E., it would appear that continued efforts should focus on other techniques and programs that might produce more substantial effects.[136]

DARE may be a smashing success in Guatemala, but without any testing, it is impossible to say for sure.

Prevention aside, INL officials have voiced a desire to measure the effectiveness of all their training and material support programs in general. To that end, they are now creating crime incidence "baselines" in areas where they are assisting certain Guatemalan police units. Thus, they will not directly evaluate a unit's performance, but rather, gauge the impact of that unit on its jurisdiction.[137] "I think anecdotally we know training is effective," said one INL official. "We're historically bad at measures of effectiveness. We don't do that real well in INL—feedback and surveys and things."[138]

134 Telephone interview with INL staff, June 26, 2014.

135 Ibid.

136 Steven L. West and Keri K. O'Neal, "Project D.A.R.E. Outcome Effectiveness Revisited," *American Journal of Public Health* 94:6 (2004): 1027-1029, http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1448384/pdf/0941027.pdf.

137 E-mail correspondence with INL/Guatemala adviser, May 19, 2014.

138 Interview with INL/Guatemala official, February 27, 2014.

USAID PROJECTS

Security and Justice Reform

On June 25, 2012, an illustrious crowd gathered on the fourteenth floor of the Courts Tower in Zona 4 of Guatemala City. After months of construction and $400,000 in assistance from USAID, four new courtrooms were ready for use.[139] The U.S. Embassy sent out no press release about this. The local media covered it only with blurbs. But considering who showed up—the Supreme Court president and magistrates, then-U.S. Ambassador Arnold Chacón and CICIG director Francisco Dall'Anese—it was a big day for Guatemalan criminal justice.

The occasion was the unveiling of a new home for the *Tribunales de Mayor Riesgo*, or high-impact courts (HICs). These rooms were designed to handle the most sensitive and potentially dangerous prosecutions. Some attributes of the new rooms are subtle ones that we take for granted in the United States. The judges, prosecutors, and defenders can enter and exit through independent doorways. Judicial clerks toil at desks closed off from the public. A communications jamming system prevents cell phone calls inside the courtroom. And a prominent screen allows for video conferencing, which reduces the risk, expense, and inconvenience of transferring imprisoned defendants.

But perhaps the most crucial features of the rooms are the most obvious: in the front left corner, a secure holding cell with bullet-proof glass has seating for the accused. In this way the accused cannot verbally intimidate victims, witnesses, and forensic experts. But testimony need not necessarily come from the witness chair: in the back of the room are three highly polarized windows from which witnesses can watch the proceedings without being seen by anyone in the courtroom. Through microphones and speakers, they can interact with the court and testify anonymously.

According to one USAID adviser, this new system is actually the second attempt at HICs. In the nineties and early aughts, three such courts opened up in Quetzaltenango and Chiquimula and the capital. However, they were underfunded and overloaded with cases, and were eventually dissolved.

But courtroom safety remained a concern. In 2006, for example, 23 gang members went on trial for the jailhouse murder of eight rivals. During a pretrial hearing on April 4, 2006—on that same fourteenth floor of the Court Tower, in fact—a vicious knife fight broke out. Somehow, members of MS had managed to sneak in weapons. As the melee erupted, security guards and soldiers failed to intervene,

139 Hugo Alvarado, "Juzgados y Tribunales de Mayor Riesgo tienen sede," *Prensa Libre,* June 25, 2012.

though one guard did protect the judge from a knife-wielding gangster who had gotten near him. The next day, the judges convened for a meeting, after which they demanded better security, evacuation plans, and emergency exits.

When it came time to draft plans for a second round of HICs, the CICIG did a study determining the necessary courtroom security features and USAID provided the money to install them. USAID also provided legal assistance in writing the new law. To ensure that only a manageable number of matters would reach the court, the law established certain "filters," such as the requirement that the attorney general recommend the case.[140]

From 2009 through 2013, the HICs heard some 240 cases.[141] The conviction rate has been relatively high. HIC Judge Miguel Ángel Gálvez estimates that 70–75 percent of prosecutions are successful. According to data supplied by RTI, the government won 40 out of 66 cases in 2013 for a conviction rate of over 60 percent.

But a remodeled courtroom does not protect everyone involved in the justice system. Prosecutors are not superheroes, points out the USAID adviser. "They still live in their house with their families, drive their own cars," she said. "If I were a Zeta, I'd go after the prosecutor."[142]

Asked what challenges still remain in the HICs, Judge Yassmin Barrios responded that "intimidation is still occurring against the witnesses and judges and victims. We're in a crisis moment, and it really worries me that there could be a regression in the justice system."

Judge Barrios presided over the most famous HIC case so far, the genocide trial against former general and *de facto* president José Efraín Ríos Montt—a case that, ironically, was so "high-impact," proceedings had to be moved next door to the Supreme Court building to accommodate the audience and the press. (Even there, the United States had a presence: a sticker on the back of Ríos Montt's chair showed that some furniture had been provided by the embassy).[143] In a sense, the Ríos Montt trial and other transitional justice cases are not directly relevant to Guatemalan security today. The atrocities occurred decades ago, and the alleged perpetrators are elderly men. But as attorney general Claudia Paz y Paz told the *New York Times*, the prosecution is "sending the most important message of the rule of law—that nobody is above the law."[144]

140 Telephone interview with USAID/Guatemala adviser, May 7, 2014.

141 Shissler and Wheeler.

142 Interview with USAID/Guatemala adviser, Guatemala City, February 26, 2014.

143 Elisabeth Malkin, "In Effort to Try Dictator, Guatemala Shows New Judicial Might," *New York Times,* March 16, 2013.

144 Ibid.

Yet that message has grown ambiguous. On May 10, after a six-week trial in which nearly 100 Maya-Ixil people testified to the army's murder, rape, and torture of their loved ones in 1982 and 1983, the panel of judges found the former general guilty of genocide and crimes against humanity. They sentenced him to a combined 80 years in prison without possibility of parole. Days later, the press photographed Judge Barrios walking into work wearing a colorful skirt and a bullet-proof vest as insurance against the "hundreds" of death threats she had received.[145]

But on May 20, ten days after the verdict, the nation's highest court—the Constitutional Court—ruled that Judge Barrios had violated Ríos Montt's due-process rights early in the trial when she expelled his attorney from the courtroom, leaving the accused without legal representation for a brief period on April 19. The high court's decision annulled everything that happened after that infraction, including the final verdict. Judge Barrios and her colleagues had to recuse themselves, and the matter moved to a different tribunal, where its status is uncertain.[146]

Thus, despite USAID's support for high-profile prosecutions, defendants such as Ríos Montt can still deflect a guilty verdict not through intimidation, *per se*, but by using a perfectly legal device: the *amparo*, for which no exact translation exists in English.[147] The *amparo* is an appeal a criminal defendant can make to the Constitutional Court whenever he thinks his constitutional rights have been violated. In practice, defense lawyers use them like crowbars to jam into the spokes of justice and slow everything down. And when their *amparo* petitions are deemed "frivolous and notoriously inadmissible," they are only fined paltry sums of up to $130, which they do not always even bother paying.[148]

Still, HIC convictions continue to roll in, with direct consequences for ordinary Guatemalan citizens. In late February 2014, Judge Barrios convicted 22 members of MS for illegal association, conspiracy, extortion, and murder. This particular *clica* of MS, the "Pewee Locos" of la Aldea Canalitos in Guatemala City's Zona 24, had been extorting some 95 percent of the businesses in their territory. These businesses included motorcycle-taxis (*mototaxis*), *tiendas* (or small shops), trash collectors, cable providers, hardware stores, a laundry service, a taco restaurant, a car wash, and a bakery, among others. Thanks to extensive wiretapping, investigators were able to convict the group for the killings of four *mototaxi* drivers and

145 "Jazmin Barrios, la jueza que no temió a los militares," *EFE*, May 18, 2013. Judge Barrios is no stranger to intimidation, by the way: in March 2001, just days before sentencing two ex-military men for the murder of human rights defender Archbishop Juan Gerardi, someone tossed two grenades into the patio of the judge's house. They exploded, but no one was injured.

146 International Crisis Group, "Justice on Trial in Guatemala: The Ríos Montt Case," Latin America Report No. 50, September 23, 2013, 2 and 12.

147 Other examples: Notorious drug trafficker Waldemar Lorenzana was arrested in 2011, but was not extradited to the United States until March 2014; Juan '*Chamalé*' Ortiz was also arrested in 2011 but has so far staved off extradition.

148 International Crisis Group, 14-15.

for the planning of 16 other murders. Sentences ranged from eight to 291 years of prison.[149]

USAID's role in the courts is currently limited to the coordination of training for judges. For example, it recently set up a *conversario* (or information session) for the HIC judges on Guatemala's money laundering law. A magistrate gave a presentation and fielded their questions.

The courts, of course, constitute only one half of the criminal justice system. USAID has also been working to shore up the PNC as an institution by advising the Ministerio de Gobernación or Interior Ministry, and the Police Reform Commission on how to rework the "human resources" aspect of the force. As one USAID adviser put it, the PNC suffers from a "patchwork" of regulations on eligibility-for-hire, assignment, ranks, promotion, benefits, and retirement that are not internally consistent. The Guatemalan lawyers drawing up a new, comprehensive law looked to USAID for research on how police "HR" looks in other countries. The resulting legislative proposal, which is still waiting approval from the president, would clearly define an officer's career from hiring to retirement (or firing). It would also provide for a police registry to keep track of officers' service history and performance.

Violence Prevention

On a recent morning in March, the TITA Beauty and Cosmetology school in Villa Nueva was a beehive of activity. Young women—all in beige shirts and burgundy slacks—chatted as they groomed each other's hair and rushed around for supplies in the ground-level shop. Every student had a scholarship. And every scholarship came from CARSI.

The beauty school is just one small part of USAID's five-year, $26 million dollar Violence Prevention Program (VPP). Launched in 2010, the VPP was designed for high-risk neighborhoods such as Villa Nueva. The municipality of Villa Nueva, just to the southwest of the capital, contains some of the roughest spots in Guatemala. A USAID-commissioned study found in 2013 that in the Villa Nueva enclaves of El Mezquital and El Búcaro, "the crime situation has already passed a critical threshold because of pervasive extortion and homicides at the hands of hired killers....military detachments are now permanently assigned in efforts to curb the violence."[150]

149 Copy of Sentencia C-010181-2011-00698; also Tulio Juárez and José Miguel Lam, "Fijan de 8 a 291 años de cárcel a 22 pewees locos por extorsión y asesinatos," *El Periódico,* February 25, 2014.

150 Wayne J. Pitts et al., "Executive Summary," 3. During a car ride through the Villa Nueva neighborhood of El Mezquital in March 2014, the driver suggested I remove my sunglasses to avoid drawing unwanted attention to the car (because people in El Mezquital do not wear sunglasses).

From January 2013 to January 2014, USAID spent roughly $877,750 in CARSI funds (and claimed to have leveraged $42,550 from private enterprise) on violence prevention in Villa Nueva.[151] USAID contracted RTI to implement the program, which sub-contracted various organizations to implement the actual projects. For example, RTI sub-contracted *Fundación Ecuménica Guatemalteca Esperanza* y *Franternidad* (ESFRA, or Guatemalan Ecumenical Foundation for Hope and Fraternity) to run the scholarship project at the TITA beauty school. According to Judith Santos, the ESFRA coordinator, TITA had 24 scholarship students in its six-month project that varied in age from 17 to 24 years old. Four of them were pregnant. Some were 17-year-old mothers who already had two children.

Santos said that at home, the students face problems ranging from family violence (including sexual abuse) to mistreatment from boyfriends to problems with gangs. For these reasons, ESFRA had a psychological counselor on hand. Sometimes, the neighborhood's problems followed the students to school. Four days earlier, an armed robber had entered the school and demanded all the students' cell phones.

One student, 19-year-old Maria Ajanel, said that after 7 p.m. she does not go outside of her house, adding that a few days ago, two boys were killed in a personal dispute near her house. She said that once she has learned all the skills in the course—how to cut men's and women's hair, do highlights and dyes, give manicures and pedicures—she wants to open her own business. In fact, neighbors and friends are already coming over to employ her services, and she is already charging some of them. Another student, 22-year-old Miriam Ixim, said that if she had not won the scholarship, she would probably still be sitting at home, watching her nephew.

In addition to the beauty school, ESFRA supervised other CARSI-funded programs such as an Automotive Mechanics class and a Restaurant Service class. In all, ESFRA reported, scholarships had benefited 56 young women and 29 young men as of the beginning of 2014.[152]

Another VPP project in Villa Nueva is *Casa Barrilete*. "I like *Casa Barrilete*," said Mayor Edwin Escobar in an interview. "When you go in, you always see a lot of kids." *Casa Barrilete* operates at a mall called CentraSur, inside commercial space donated by the municipality of Guatemala City. (Originally it was to be located in El Búcaro, but that proved unfeasible because gang conflicts prohibited many children from walking through that territory.) The programming is diverse: computer

151 "Inversión Aproximada Realizada por el Proyecto USAID Prevención de la Violencia en el Municipio de Villa Nueva Hasta Enero del 2,014," unpublished memorandum by USAID, 1–2.

152 "Reduciendo condiciones de vulnerabilidad económica en niños, niñas, hombres y mujeres jóvenes en situación de riesgo social en el municipio de Villa Nueva, Guatemala," ESFRA, PowerPoint Presentation, last modifed January 25, 2014, 2.

science, hip-hop dancing, guitar, marimba, drawing, painting, sculpture, football, and basketball are all on offer (among other things). Nearly 600 children from Villa Nueva have received scholarships to take classes here.

At Casa Barrilete near the boundary between Guatemala City and Villa Nueva, hundreds of students got scholarships from USAID to study computing, guitar, marimba, painting, sculpture, hip hop dancing, and more.

Student Jeimmy Jamileth Ampérez Rodríguez said she was nervous to take the computer course at first because, as an 18-year-old, she had no idea how to use a computer. Her instructor later said she learned the Microsoft Office suite incredibly fast, and was working on a PowerPoint Presentation (complete with animated graphics) on the history and meaning of International Women's Day. There were 60 students in that class.

Probably the biggest draw at *Casa Barrilet*e actually takes place off-campus: the soccer program. Coach Jairo Vides (who used to play professionally for the Deportivo Petapa squad) said that gang threats on the first day of the program prompted Vides to switch venues to a dirt field. Combining the morning and afternoon groups, about 53 children show up on a regular basis. They range in age from 7 to 18 years old. About five percent of the children are actively in gangs, he said; some do not even have shoes to play in. In between drills, he talks to them about violence, values, and discipline. "The kids sometimes see me as a father figure," he said. "They tell me their problems."

Lastly, the VPP provided scholarships for the *iTEC UVG Programa Tecnológico*. There, at a technological park, the Universidad del Valle de Guatemala (UVG) offers training in information technology. In March 2014, 105 students graduated from a fifteen-month web software design program, in which they became proficient in a wide variety of program languages and applications.[153]

153 "iTEC UVG Programa Tecnológico Cuatro Grados Norte," PowerPoint Presentation, January 2014, 2–4; an

When USAID/Guatemala launched the VPP back in March 2010, the agency decided to set aside some funds for self-analysis. The idea was to not only set up projects to steer kids away from violence, but also subject some of those efforts to a rigorous scientific analysis to see if the projects actually worked. USAID contracted the Latin American Public Opinion Project (LAPOP) at Vanderbilt University to help out. LAPOP was chosen for its 20 years of experience in conducting "policy-relevant" surveys in the region.[154]

First, USAID picked three municipalities to concentrate on: Guatemala City, Esquipulas (in the southeastern state of Chiquimula), and Tactic (in the highland state of Alta Verapaz). Next, LAPOP identified 40 separate neighborhoods within those three cities that had a similar "high-risk" profile. LAPOP discarded locales already overrun by gangs and organized crime, to avoid putting researchers in danger. Instead, they picked places that were "vulnerable to becoming crime hot-spots" based on levels of poverty, infrastructure, and other "standard demographic characteristics" (such as urban setting, proportion of youth, and population density).[155] LAPOP then randomly chose 21 neighborhoods to receive CARSI-funded interventions and assigned the 19 others to a "control" group where no interventions would happen.[156]

The interventions were always two-fold: USAID would help create a *comité comunitario de prevención* (or community prevention committee) composed of stakeholders. These committees would map out the crime problems themselves, and come up with a plan that consisted of USAID-funded programs. Each neighborhood thus had a unique set of problems and solutions, but the basic two-step process of requiring the community to work together was the same. "Our development hypothesis is that one problem in these communities is lack of social cohesion and participation," one USAID adviser said in an interview. The prevention committees, he said, were designed to turn this around.[157]

In the first quarter of 2013, once the CARSI-funded program had been in operation for about a year, LAPOP returned to the 40 neighborhoods to conduct a second round of interviews and thereby make a "mid-point" evaluation. Compared to trends in the control neighborhoods (where USAID did nothing), the treatment

employee of RTI in Guatemala City explained to the author that UVG and USAID both chipped in to fund the 105 scholarships, which helped pay for student tuition, materials, transportation, and uniforms.

154 Susan Berk-Seligson et al., "Central America Regional Security Initiative (CARSI) Mid-Term Impact Evaluation Guatemala" LAPOP/Vanderbilt University, December 2013, 16.

155 Ibid, 26.

156 Assignment was actually not totally random: LAPOP avoided having a treatment neighborhood right next to a control neighborhood so that the former would not affect (or "contaminate") the latter. See Susan Berk-Seligson, et al., 25.

157 Interview with USAID adviser, Guatemala City, February 27, 2014.

neighborhoods showed fewer reported crimes—specifically:

- 18 percent fewer reported occurrences of robberies;
- 50 percent fewer reported cases of illegal drug sales;
- 50 percent fewer reported cases of extortion and blackmail.

Furthermore, residents were less likely to avoid certain corners of the neighborhood because of fear of crime, and less likely to see gang fights as a problem in their community. The interventions also corresponded with greater satisfaction with democracy, and greater satisfaction with (and trust in) the police.

Two clarifications are in order. First, LAPOP only measured the overall effectiveness of the CARSI strategy. Because many of the interventions overlap, the study's authors say it is "difficult, if not impossible, to disentangle and evaluate the effect of each individual program, let alone the components of each program."[158] On one hand that is unfortunate, because it hinders the ability to replicate success. On the other hand, every community has a unique set of problems which may call for unique solutions. If the common denominator of *comités comunitarios de prevención* happens to work across communities, that should trump the philosophical tidiness of one-size-fits-all programming.

Secondly, LAPOP evaluated USAID's interventions by relying heavily on people's perceptions of crime, rather than actual crime data. "Some people would argue that perception is everything," explained one USAID adviser, adding that victimization rates in Guatemala are actually quite low even in the so-called *zonas rojas*. "But feeling unsafe affects people's well-being. If you feel unsafe you're going to behave in a different manner and support policies that may not help build social cohesion."

Citizen perception is only one among many possible indicators of success. Agency officials in Guatemala City are now inventing brand new indicators—and not a moment too soon, according to a critical audit released last May by USAID's Office of the Inspector General. The auditors, based in San Salvador, traveled to Guatemala in late October 2013 to monitor the progress of the VPP—specifically some of the same projects already under LAPOP's microscope. The auditors faulted both USAID/Guatemala and its implementing partner, RTI, for using poor indicators.

For one thing, the auditors wrote, USAID designed four indicators to measure outputs rather than outcomes. A major VPP goal was to increase civic responsibility, for instance, so the project kept data on how many people attended civic training classes. Yet according to the auditors, such an indicator is "tracking outputs (participation) and not outcomes (actual increase in civic responsibilities)."[159]

158 Susan Berk-Seligson et al., 19.

159 Office of the Inspector General, "Audit of USAID/Guatemala's Violence Prevention Project, Audit Report No. 1-520-14-009-P," May 15, 2014, 4.

That indicator was also ill-defined: among the 71,852 people who reportedly participated in civic awareness and responsibility training, 4,000 were simply attendees of the Mother's Day or Child's Day parades, "even though those activities did not promote understanding of civic rights and obligations."[160]

Furthermore, some scholarship data inflated reality. For example, of the 26,761 scholarships that were reportedly given to youths, 430 scholarships were actually provided to the same 43 students. Each of these 43 students received a scholarship every month for ten months, and each time the student was re-entered into the system as thought they were a new recipient.[161] Students were counted whether or not they even completed the training, which could have been a twelve-month course or a two-hour class; all were lumped together.[162]

The auditors concluded that many of these problems occurred because USAID/Guatemala failed to monitor RTI and make sure it fulfilled the VPP implementation contract. They attributed this failure to "high turnover in the project's monitoring and evaluation team."[163] USAID responded to this criticism by arguing that RTI was hired mainly to implement, while LAPOP was hired to monitor, and LAPOP's appraisal was positive.[164]

In a sense, the debate is moot. USAID has created some new indicators for use in their next large-scale prevention program, a five-year $30–40 million dollar endeavor slated to begin in late 2014. One is a comprehensive hybrid indicator, the "citizen security index," which will take into account not only perceptions of insecurity, but also real victimization levels and behavioral changes as well.[165]

Without solid indicators, it is impossible to offer anything other than anecdotal impressions of current USAID prevention projects in Guatemala. But one thing is certain: they are extremely limited in scope. Adding up all the scholarship students from all the Villa Nueva programs described above gives a total of about 800 youths (that is, if those numbers are reliable). However, according to a USAID memorandum, there are an estimated 4,117 young people between 5 and 24 living in Villa Nueva.[166] Therefore, even in the best-case scenario, the VPP would not have reached even a fifth of Villa Nueva's youth. That is not a criticism of USAID; the

160 Office of the Inspector General, 5.

161 Ibid., 10.

162 Ibid., 5.

163 Ibid., 10.

164 USAID official, e-mail correspondence with the author, June 13, 2014.

165 Interview with USAID adviser, Guatemala City, February 27, 2014.

166 "Resumen de la Implementación del Proyecto USAID Prevención de la Violencia en el Municipio de Villa Nueva," USAID internal memorandum, last modified March 10, 2014, 1.

agency has a budget, and can only spend what it has. But even the best programming for a fifth of an at-risk area's population will have limited benefits.

INL PROJECTS

Model Police Precinct in Villa Nueva

On May 13, 2005, PNC officers invaded Ciudad del Sol, a notorious gang haven in Villa Nueva, armed with colors. Painting over a mural crowded with Mara Salvatrucha symbolism, the officers brushed the words, "*Velando por tu seguridad: Policía Nacional Civil*" (or "The National Police: Watching out for Your Security").[167]

Up until that time, Ciudad del Sol had been "abandoned," said Inspector Edwin Ortega, who recalled the operation. "The gang members would walk the streets with guns, robbing neighbors, selling drugs. All the houses and buildings had graffiti."[168] The delinquents were also getting smarter: while making their rounds extorting businesses, they would dress nicely in ties to avoid standing out. But Ortega says the police spent months collecting intelligence from neighbors, rounded up several gang members, painted over their murals with the help of high school students, and "took back" Ciudad del Sol—at least temporarily.[169]

It was one of the first campaigns by Villa Nueva's *comisaría modelo*, or model precinct. A model police precinct (MPP), according to a Department of State-commissioned report, is "a comprehensive and ambitious form of community-oriented policing" that emphasizes "prevention, information collection and processing, and community relationships."[170] Creating a model precinct requires several actions, enumerated in the report:

- "Modernization of infrastructure, communications, mobility, security cameras, and other equipment;
- "Creation of a victim-support office, with particular attention to the needs of women;
- "Community-oriented patrols that use saturation and other effective deployment practices;
- "Creation of an internal control office inside the precinct;
- "Specialized training for all personnel; and
- "Full initial vetting and continuous, random vetting of all rank-and-file officers."[171]

167 "Policía "invade" zonas de maras en Guatemala," *El Diario de Hoy*, May 14, 2005.

168 Inspector Edwin Ortega, interview with the author, Guatemala City, March 3, 2014.

169 Ibid.

170 Gerard Martin, "Section I. Introduction" and "The INL/NAS Model Precinct (MP) Approach to Community-Oriented Policing" in Chemonics International, "Community Policing in Central America: The Way Forward," prepared for USAID, June 2005).

171 Gerard Martin, "The INL/NAS Model Precinct (MP) Approach to Community-Oriented Policing."

INL began recruiting for Villa Nueva's MPP in 2003, but immediately encountered a problem. According to Interior Ministry adviser, Juan Pablo Ríos, for every officer who passed the polygraph and other vetting exams, about ten failed. There simply were not enough clean officers to wholly replace *Comisaría 15*, which then had jurisdiction over Villa Nueva and four nearby municipalities. Yet scaling down the MPP to just one station would not have worked either, because stations have a limited working area. So it was decided to conceive of the *comisaría modelo* as a sort of smaller, parallel version of *Comisaría 15*.[172]

Once they had successfully vetted enough personnel to get started, the MPP started the mandatory training. Each officer had a minimum number of hours of continuing training each year, and many instructors (from Puerto Rico, for example) came to give courses. But at first, the PNC kept rotating officers in and out of the MPP.[173] "If you trained them in Villa Nueva," said one INL adviser, "two months later, after spending all that money, they'd move them out."[174] The frequent rotation of personnel was undermining the goals of the program. Still, the MPP made several strides. Ríos said that at that time, in 2004, very little was known about the structure and operation of the gangs, so a unit was created to investigate gangs like those terrorizing Ciudad del Sol.[175]

Another major goal of the MPP was to build links to the community. To that end, the MPP launched a citizen services office in May 2005 and opened an anonymous tip-line "Tell it to Waldemar" ("*Cuéntaselo a Waldemar*") the same year.[176] A central digital system for analyzing criminal information, called CRADIC, was created in 2006. At schools, the gangs had been charging students one Quetzal ($0.13) per day to be allowed safe passage into the buildings, so a fleet of MPP officers began patrolling all 120 schools and shut the racket down, while staying in touch with principals, teachers, and parents to stay abreast of any problems.[177] Officers also started giving courses in DARE and GREAT.

In August 2007, researchers from the Human Rights Institute of Georgetown University Law Center visited Villa Nueva. They found that "Various individuals we met in Guatemala, including prosecutors, public defenders, and staff members at several nonprofits, signaled that the precinct's accomplishments were impressive." Residents had reportedly "reclaimed" the town square, and the MPP put on

172 Juan Pablo Ríos, Ministerio de Gobernación adviser, interview with the author, March 13, 2014.

173 Ibid.

174 Telephone interview with INL adviser, April 1, 2014.

175 Juan Pablo Ríos, Interview with the Author, March 13, 2014.

176 Berlin et al., 12 and Martin, "The INL/NAS Model Precinct (MP) Approach to Community-Oriented Policing", 14.

177 Martin, 14.

a festival celebrating the reduction in crime that some 2,500 residents attended.[178]

The "*de facto chief*" behind all the progress, the researchers found, was Samuel "Sammy" Rivera, a Puerto Rico native and INL adviser. "Although officially only a consultant to the Comisaría and outside its chain of command," the researchers wrote, "Rivera is the primary driving force behind all of the precinct's innovations and is intricately involved with its day-to-day operations." Rivera told them that the general crime rate remained high, but extortions had fallen and the conviction rate was 45–50 percent.

Ríos credited Rivera for being a pioneer in targeting extortionists in Guatemala, but said the conviction rate was misleading: Rivera and his allies in the Public Ministry only pursued cases against low-level criminals collecting the extortion money, known colloquially as *renta*, because those people were easier to convict. Meanwhile, "the criminal structure kept getting stronger and stronger."[179] The Guatemalan government and the PNC, he said, never really embraced Rivera. "The truth is that people [in the PNC] didn't like him," said Ríos. Those outside the MPP resented that he had effectively assumed command in part of Comisaría 15, instead of just "shadowing" the Guatemalan brass. Inside the MP, Ríos said, some subordinates complained that Rivera treated them as useless and inept. He concludes: "I think the problems were not with the design. The problems were with the implementation, above at the political level."[180]

The Guatemalan authorities also still had not embraced the model by 2007, according to the Georgetown researchers:

> The Guatemalan government does not oppose the Embassy's efforts in Villa Nueva nor the range of other programs that the Embassy and USAID support in Guatemala. Rather, the government appears to be disengaged from these efforts. Guatemalan leaders rarely articulate requests for specific assistance from the United States. Instead, they simply accept whatever aid is provided to them. One likely reason they cited for this trend is the high level of turnover in the Guatemalan government.[181]

The hard data available from the PNC was inconclusive. From 2004 through 2009, injuries due to violence increased and homicides grew from 329 to 568 in the five municipalities under the jurisdiction of *Comisaría 15*. Assaults went down from 193 to 61, but it was impossible to attribute any of those trends to the MPP, be-

178 Berlin et al., 13.

179 Juan Pablo Ríos, interview with the author, March 13, 2014.

180 Ibid.

181 Berlin et al., 14.

cause nobody was breaking out statistics by municipality.[182]

Still, the Guatemalan government was sufficiently pleased in 2009 to green-light the installment of another model precinct in Mixco, a different large suburb near the capital with high crime rates. That year and the next, Washington set aside a total of $2.16 million in CARSI funds explicitly to support the model precinct programs. Funds were to be used for

> vetting, training, technical assistance, and police equipment such as computers and office equipment, phones for the tip line, materials for community outreach such as municipal events, and crime mapping to guide patrolling. Equipment and operational support for the [Guatemalan government's] crime information system (CRADIC) will improve patrolling coverage, improve the quality of investigations, and provide more reliable statistical data for deployment of police personnel and strategic planning. Funds will pay for maintenance and upgrades for equipment, computer hardware and software and training for police who will use the system.[183]

Certain components of Villa Nueva's MPP were then "scaled-up" to the national level. The "*Cuéntaselo a Waldemar*" anonymous tip hotline was one of these. In addition, the anti-gang unit that began in Villa Nueva was re-christened PANDA and given national jurisdiction. By 2011, it had 100 vetted agents skilled in wiretapping and long-term investigations, and was handling a national caseload.[184]

At that time, a report commissioned by the U.S. Department of State found that nine out of ten veteran police officers were still failing the MP's vetting process. Rookie officers fresh out of the academy fared better, with a 50 percent passing rate. A "significant majority" of the officers already in the MP, though, were passing the semi-annual tests. Yet they still faced challenges, the report found, including "constant informal institutional resistance, including threats from other units or former police officers."[185]

On a brighter note, technology improved in these years. In January 2012, a surveillance center was installed in Villa Nueva's city hall building where the cafeteria used to be. The center now has nine large-screen computer monitors, each of which displays about a dozen live feeds from the 212 security cameras dotting the municipality. Personnel from the PNC, the *Policía Municipal de Tránsito* (PMT) and

182 Martin, "Community Policing in Central America: The Way Forward," annex.

183 U.S. Department of State, "FY 2010 Appropriations Spending Plan: Central America—Central America Regional Security Initiative," 18.

184 Martin, 13.

185 Ibid., 12.

army all watch the screens 24 hours a day in three eight-hour shifts. INL provided many of the computers and desks in the center. Mayor Edwin Escobar said in an interview that since the center began running, homicides have dropped 23 percent in Villa Nueva.[186]

But a quick search in the archives of *Prensa Libre*, Guatemala's largest daily paper (and one that is not known for sensationalizing violence), reveals that Villa Nueva is still plagued by murder and mayhem on a weekly basis, and that the peace brought to Ciudad del Sol has long since ended. There, in August 2013, police officers conducted 15 raids and rounded up nine members of MS who had been robbing neighbors. Grenades, pistols, and bullet-proof vests were seized.[187] Two days earlier, also in Ciudad del Sol, a stray bullet hit a child in his left arm as he lay in bed. He was four years old.[188]

Reflecting on the MPP project overall, a current INL official said that Villa Nueva "started with good intentions" and today has "elements" of an MPP, including a branch of the anti-gang PANDA unit and the new surveillance center, but it "never really gelled into what our [current] advisers believe is a full model police precinct."[189] A different INL adviser said that "the major impediment" to a fully-functioning MPP in Villa Nueva up until the arrival of INL's new team was "a lack of buy-in" from the PNC, the Interior Ministry, and the Police Reform Commission. "Since we've arrived here," he said, "we've been on a mission to get their buy-in."

The adviser said that INL's new vision for an MPP is having "all necessary services that we deem should exist under one roof." The idea is to have beat cops, investigators, analysts, and managers all swapping information and helping each other, alongside prevention programs. And INL plans to work on this in *Comisarías 14, 15, 16 and 51*.[190] Already in *Comisaría 14*, INL has helped create and launch a new system of police management based on statistical analysis and tighter links to citizens. It is very similar to New York City's CompStat, but is tailor-made for Guatemala and is called MOPSIC (the data analysis tool is SIPOL, mentioned above).[191]

Interior Ministry adviser Juan Pablo Ríos agrees that a true model precinct will have it all: not only strong investigative, internal affairs, and SWAT units, but also elements of prevention, along with strong links to civil society and the community.

186 Edwin Escobar, mayor of Villa Nueva, interview with author, March 3, 2014. According to an aide to the mayor, this statistic is based on data from both the surveillance center and the PNC.

187 "Detienen a nueve personas durante operativos en Villa Nueva," *Prensa Libre*, August 29, 2013.

188 Fredy Sarceño, "Bala perdida hiere a niño en Ciudad del Sol, Villa Nueva," *Emisoras Unidas*, August 27, 2013.

189 Interview with INL/Guatemala officials, Guatemala City, February 27, 2014.

190 Ibid.

191 Telephone interview with INL staff, June 26, 2014.

"The specialized police services, they're useful, but that's not really what citizen security is all about," said Ríos. "Rather, it's about the most basic part, the regular uniformed officer who's walking around in his uniform. And for us Guatemalans, that person is still nobody."

Poppy Eradication in San Marcos

On the morning of January 27, 2014, a multi-vehicle convoy of PNC officers, soldiers, and U.S. advisers rumbled out of the city of San Marcos in Guatemala's western highlands. Their destination: Ixchiguán, a municipality crouched between the steep slopes of the Sierra Madre mountains. Backpackers know this area for the Tajumulco volcano, which at 13,485 feet is the highest in Central America. The authorities, however, know it as Guatemala's heartland of opium poppy cultivation. Latex from a mature poppy plant can be converted into heroin so cultivation of the plant is illegal in Guatemala. That morning officers were on their way to cut them down yet again.

But as they approached the village of Tuninchum, a mob of farmers who opposed eradication blocked the road, launching "rocks, sticks and incendiary bombs" at the vehicles. Several policemen were injured. One suffered burns to his face.[192] The mission was only temporarily diverted; later that week, the PNC boasted of having ruined 65 hectares of poppy valued at $94.2 million.[193] But the mob attack of last January may be only a taste of what is to come if Guatemalan authorities, supported by CARSI funds, stick with a policy that has failed for many years to solve San Marcos' poppy problem.

True, eradication numbers are up, but that is only one metric. President Pérez Molina's administration reports that eradication climbed from 1,509 hectares (estimated by the Guatemalan government to be worth $2.4 billion) in 2011 to 2,430 hectares (worth $3.1 billion) in 2013.[194] Yet how much *amapola* (the Spanish word for poppy) is actually sprouting out of the soil? And is that acreage growing?

"We don't know how much there is," said one Interior Ministry adviser, adding that apparently "every month there's more and more." An INL adviser said that aerial surveillance alone cannot paint an accurate picture of total poppy growth; rather, you need someone using GPS instruments on the ground. But that is a dangerous task, as farmers do not take kindly to a state agent calculating their crop coverage in order to destroy it.[195]

192 "Guatemalan peasants attack cops targeting drug crops," *EFE*, January 27, 2014.

193 "PNC erradica cultivos de amapola por más de US$94 millones," *ACAN-EFE*, January 31, 2014.

194 "Estrategia de Erradicación de Cultivos Ilícitos 2013," memorandum by Quinto Viceministro de Antinarcoticos, 4.

195 Interview with INL adviser, Guatemala City, March 28, 2014.

The conflict started about four decades ago, when Mexicans arrived from across the nearby border with their "pretty flower that could be grown all year," according a Tajumulco resident familiar with the situation. The outsiders told the villagers that the poppy can be converted to medicines. "People back then barely left the pueblo," the resident said. "Some had not even traveled to San Marcos." But by 1988, anyone who still doubted whether poppy was an illicit drug precursor needed only look to the sky. The Guatemalan government, using U.S. aircraft and helicopter escorts, was spraying herbicide on *amapola* fields on a daily basis (and drawing gunfire while doing so).[196] A quarter century later, the *campesinos*—mainly of indigenous Maya-Mam descent—are still planting poppy, despite state attempts to stop it. The reason is plain—incentives drastically favor it.

First, these farmers are very poor. According to a 2009 government report, the percentage of those living in "general poverty" in Ixchiguán, Tajumulco, and Sinibal—the three municipalities that form the "poppy triangle"—were 88.5, 93.3, and 90, respectively. The percentages of those living in "extreme poverty" rates were 38.1, 38.9, and 43.9, respectively.[197] Said one INL adviser: "They don't see this as a drug problem; they see it as money for their kids."[198]

Secondly, the revenue and logistics of growing poppy are laughably more lucrative than traditional crops. In the mountainous climate of San Marcos, a farmer could plant a *cuerda* (or 440 square meters) of maize and get a harvest that will fetch about Q450 ($58). He can do this once a year, and must haul it to market himself. In contrast, a farmer could plant a *cuerda* of poppy and get a harvest that will fetch Q4,000 ($516), and possibly more. And he can do this about five times a year, because poppy has a much shorter life cycle. In addition, a coyote—or drug trafficker—will come pick it up.[199] Therefore, in gross-revenue terms, poppy is roughly 50 times as lucrative as maize and requires less transportation.

According to a Guatemalan government document, the drug traffickers equip the farmers with good fertilizer and improved seeds that will sprout ten buds per seed.[200] An INL adviser said that harvest is labor-intensive, and some families pull their children out of school to help. They must cut the ball and let the gum drip out for 24–36 hours. Then they scrape off the gum. That is what the coyotes come to collect.

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196 Nathaniel Sheppard, Jr., "Guatemalan climate: Good for Poppy Fields, Drug Traffickers," *Chicago Tribune,* September 23, 1990.

197 "Índice de pobreza general y extrema por municipios," Descargas de Segeplan 2.0, http://www.segeplan.gob.gt/downloads/IndicePobrezaGeneral_extremaXMunicipio.pdf.

198 Interview with INL adviser, Guatemala City, March 28, 2014.

199 Interviews with poppy farmers in Tajumulco, March 19, 2012.

200 Quinto Viceministro de Antinarcoticos, 2.

One Tajumulco resident said that a coyote can earn as much as Q10,000 just for transporting a kilo of poppy gum to the border. They are the ones who are getting wealthier. The farmers have gotten together to buy some land, he concedes, but they are still poor. "We grow potatoes and corn, but that's just to eat," explained a shy local farmer with gold front teeth and a baseball cap. "You can't buy oil or meat or shoes with that. You can, though, with poppy. The government says we're buying cars, two-story houses. Those are lies."

Asked if he was aware of heroin's destructive properties, he said, "We don't consume it. We know it's a drug, but where else are we going to get money?[201]...If the government wants us to stop cultivating poppy, they should give us help to work legally, or work with the U.S. to help us get visas." Instead, he said, "they just come in and cut everything down and give us nothing in exchange."

The government used to swoop in two or three times annually, but they plan on five operations in 2014, according to an INL adviser, and are considering a permanent presence in San Marcos. They come with 250–300 police, plus army soldiers and elements of the Public Ministry and human rights community. Over four or five days, the PNC officers wield machetes and sticks to whack the base of the plant, which then perishes within 24 hours. The army is present for protection, and helicopters are on hand to evacuate injured people in the case of violence. "Sometimes we can hear AK-47 shots in the distance to intimidate us" said the INL adviser, who said that INL's role is strictly logistical, involving provisions of food and portable toilets (for hundreds of men over several days).[202]

Sources in and outside officialdom confirm that the Guatemalan state has verbally agreed to not throw any farmer in jail for growing *amapola*; rather, it reserves the right to destroy the crop. Thus, a farmer must calculate: will I get away with the next harvest? Given how lucrative poppy is, and its proliferation in San Marcos, some apparently view a police raid here and there as the cost of doing business. But government officials now also claim that Mexican drug traffickers are actually forcing some peasants to grow and sell poppy.[203] When the state targets that poppy instead of the Mexican thugs, the biggest loser is the poor farmer who has been robbed by both sides of his time, labor and land.

President Pérez Molina said in April 2014 that he is open to the possibility of legalizing poppy cultivation for pharmaceutical purposes. If the National Commission

201 This provokes the question: if growing poppy is so essential to survival, how did villagers survive *before* the introduction of poppy? A couple of farmers said that back in those days, the *canasta básica*—or cost of basic essentials—was cheaper. An adviser from the Ministerio de Gobernación offered a different take on why they persist in growing poppy: "The problem is, the farmers like to go the easiest way."

202 Interview with INL adviser, Guatemala City, March 28, 2014.

203 "PNC erradica cultivos de amapola por más de US$94 millones," *ACAN-EFE*, January 31, 2014.

for Drug Policy Reform makes such a recommendation in its upcoming report in October, he said, he will introduce a bill to that effect.[204] Meanwhile, on April 7, 2014, Guatemala's Ministry of Agriculture announced it had invested Q30 million ($3.9 million) in a program to help the farmers grow potatoes and fruit trees.[205] It bears mentioning that the government has not totally abandoned the area: the state offers Tajumulco Q150 million (or $1.3 million) in infrastructure subsidies every year, for example.[206]

On a global level, Guatemalan poppy is not a large market. The scale of production is nowhere near Afghanistan or neighboring Mexico. Even in terms of CARSI assistance to Guatemala, it is a small budget line item: in 2012, a total of $500,000 was explicitly intended for poppy eradication. But given that the U.S. government is helping punish impoverished farmers for the crime of responding to U.S. market demand, one could argue that it owes a bit more to the *campesinos* of San Marcos.

INL has teamed up with Guatemala's Ministry of Health to teach area community leaders and schoolchildren about "the negative effects and health risks associated with the cultivation of poppy."[207] But even if the farmers knew all about heroin's depredations in foreign countries, they would still have hungry mouths to feed and school supplies to buy.

"We're not attacking the problem at it roots," said the Tajumulco resident familiar with the situation. "We're only getting solutions for a few days. The best solution is for the state to start accompanying farmers on a process of production and commercialization of products that can grow here." He ticks off a list of possibilities: chicken, vegetables, beans, rice, and farmed fish. Exportation would require vastly improved roads, which in rural San Marcos are sparse and pocked with holes. He envisions better tourist infrastructure to help travelers visit the volcano, the many archeological sites, or artisans who could open wood- or metal-working shops.

In 2012, USAID redirected its economic development strategy to focus on the Western Highlands. It has helped construct a better farm-to-market infrastructure so that farmers can export snow peas and broccoli, for instance.[208] However, the Western Highlands is a big area, and the USAID budget is limited. In Tajumulco,

204 Geovanni Contreras, "Otto Pérez apoya legalizar marihuana y amapola," *Prensa Libre,* April 3, 2014.

205 Santiago Castro, "Buscan sustituir cultivos de amapola y marihuana por papa y frutas," *Prensa Libre,* April 7, 2014.

206 Telephone interview with Tajumulco resident familiar with the poppy situation, May 28, 2014.

207 U.S. Department of State, "International Narcotics Control Strategy Report," 178.

208 Elizabeth Dunn, "FIELD Report No. 18 Smallholders and Inclusive Growth in Agricultural Value Chains," prepared for USAID by Impact LLC, January 2014, 5-6, http://agrilinks.org/sites/default/files/resource/files/FIELD%20Report%20No%2018%20Smallholders%20in%20Value%20Chains.pdf.

the program has only reached only 13 of 152 communities.[209] Interviews with INL and USAID officials revealed no evidence of any coordinated, whole-of-government effort by the U.S. Embassy to go onto poppy farms and help campesinos grow alternative crops. As long as this remains the case, it appears that the *campesinos* will plant ever more poppy, and the United States will pay for policemen to go cut it down, with no end in sight.

CONCLUSION

The U.S. Embassy in Guatemala has made much progress in meeting CARSI goals, but challenges remain.

USAID's high-impact courts have enabled big blows to organized crime, but remain hampered by legal obstacles thrown up by defense lawyers. Its violence prevention program in Villa Nueva clearly helps the children who get involved, but since four-fifths of the children in the area are not involved, its scope remains limited. Yet there is no question that USAID is making serious and sustained efforts to monitor and evaluate all of its programs and tweak them if necessary.

INL has had mixed results, too: PANDA is widely viewed as a success, while the model precinct in Villa Nueva—after nearly a decade in operation—still does not meet INL's own standards. It spends much time and money on DARE and GREAT training, but has not conducted any study to see if those programs are effective. It continues to support a policy of poppy eradication in San Marcos that has failed for decades to turn the situation around. INL's new team has talked about creating "baselines" to measure success, but admits that so far, it has been "bad at measures of effectiveness." It should get better at this, for the sake of U.S. taxpayers and the Guatemalan people.

As mentioned before, Guatemala is not a star in the American flag. The embassy cannot unilaterally impose its will there. It can only fortify security to the extent that Guatemalan leaders genuinely desire it—and even then, only to the extent they can pay to keep it going once INL or USAID steps aside.

But do Guatemalan leaders want to pay to keep it going? This country imposes the second lowest tax burden relative to gross domestic product (GDP) in all of Latin America—and one of the lowest in the whole world, for that matter.[210] The director of Guatemala's central bank said in June 2014 that to maintain economic stability and enable the state to keep its promises in the areas of health, education, se-

209 Telephone interview with Tajumulco resident familiar with the poppy situation, May 28, 2014.

210 The CIA World Factbook, "Country Comparisons: Taxes and Other Revenues," accessed July 15, 2014, https://www.cia.gov/library/publications/the-world-factbook/rankorder/2221rank.html.

curity, and employment, legislators would have to raise the tax burden from 11 percent to 14 percent.[211] At the time of this writing, they have not done so.

As the U.S. Congress contemplates additional aid to Central America as a response to the child immigrant crisis, it may do well to offer a generous amount over time but also attach strict conditions, such as the Guatemalan legislature's raising of tax revenue earmarked specifically for security investments. That would incentivize bold and sustained reforms, and ideally equip Guatemala with both the money and the will to move forward.

211 Manuel Rodríguez, "Banguat: Estabilidad requiere elevar carga tributaria a 14%," La Hora, June 5, 2014, http://www.lahora.com.gt/index.php/nacional/guatemala/actualidad/196829-banguat-estabilidad-requiere-elevar-carga-tributaria-a-14-.

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