Ecuadoran Government Attempts to Reform Autonomous and Corrupt Police

Luis Ángel Saavedra

Follow this and additional works at: https://digitalrepository.unm.edu/notisur

Recommended Citation
Ecuadoran Government Attempts to Reform Autonomous and Corrupt Police

by Luis Ángel Saavedra
Category/Department: Ecuador
Published: Friday, December 3, 2010

The Sept. 30 police uprising in Ecuador has finally shed light on various internal anomalies that the national government wants to correct related both to the way that top-leadership hierarchies are structured as well as to the procedures adopted to confront crime and, not infrequently, police dissidence.

As background, human rights organizations have long complained about police autonomy, since the Ecuadoran police force is perhaps the only one in the world that has its own personería jurídica (legal personality or status). This means that it is an independent institution with its own legal representation, in this case the Comandante General de Policía, and can enter into contracts or agreements with whomever it chooses, irrespective of government policies, such as its cooperation agreements with the US Embassy.

Thus, while the police force is an institution under the Ministerio del Interior (formerly Ministerio de Gobierno), the ministry does not control the promotion system nor may it oversee the agreements that the police force makes under the protection of its own legal status.

Actions outside the law

Using this operational discretionary power, the police created special forces to combat crime or police dissidence, including the Grupo de Apoyo Operacional (GAO), which was in charge of fighting organized crime. Investigations by the truth commission (Comisión de la Verdad), created by President Rafael Correa's administration to investigate human rights violations (NotiSur, Oct. 15, 2010), found that the GAO was responsible for countless extrajudicial executions and forced disappearances of criminals—or persons suspected of being criminals.

One of the most notorious cases was the September 2003 Caso Fybeca, in which a criminal gang attempted to rob the Fybeca pharmacy in Guayaquil. The GAO response resulted in the deaths of eight persons, including both assailants and bystanders who were in the pharmacy at the time. Three other persons were captured and later disappeared.

The report of UN Special Rapporteur for extrajudicial executions Philip Alston, released following his July visit, confirmed the complaints against the GAO, based on information that included police reports. “The Ministry of Government provided information that 27 individuals had been killed by the police between 2000 and 2009. The Inspector General of the police provided information that 104 persons had been killed by the police from 2005 to present, although information was not provided on what proportion of these were unlawful killings. One NGO [nongovernmental organization] estimated 164 extrajudicial killings between 2000 and 2006,” said Alston's report.

Another controversial group was the Unidad de Investigaciones Especiales (UIES), whose job included handling police intelligence. It related to US intelligence agencies and provided them classified information without the national government's knowledge. In exchange for this
information, UIES received financing directly from the US Embassy, and embassy officials also had the right to select UIES members and approve promotions.

**Promotions and enrichment**

In addition to these irregularities, the leadership of the major elite police groups used secret systems to coordinate such things as officer promotions—where buying and selling positions was not unknown, since the price of any given position in any given city was public knowledge. These open secrets were not easily proved because of the system of retaliations within the police structure.

Certain positions were very coveted because they generated income beyond the police salaries, such as bribes to traffic cops, who were required to collect a quota of bribes that were later shared with their superiors.

A similar process took place in other areas under police control, such as issuing drivers licenses and migration permits, and, most seriously, in direct dealings with organized crime.

Enrichment, especially among the top police leadership, was evident in the real estate they bought, such as large haciendas or residential developments, without being able to show income to justify the large purchases. Most income tax declarations filed by police officials show no taxes owed.

**The government opts for purging**

From the beginning, the Correa administration, through the first government minister Gustavo Larrea and later through Interior Minister Gustavo Jalkh, set out to purge the police structure and, above all, submitting it to civilian control, eliminating its autonomy, and therefore invalidating its personería jurídica.

To accomplish this, the government had to begin with the top police leadership, and it has fired 29 generals, forcing them into retirement, and begun investigations in 170 cases of professional misconduct and 517 cases of insubordination.

In addition, the government has disbanded the GAO and the UIES, putting the majority of the leadership of both groups under the disposition of the judiciary.

The Sept. 30 uprising, which resulted in the deaths of 10 people, also led to the investigation of 720 police to identify the leaders of that action.

Within police ranks, anonymous messages have circulated exposing the leaders' anomalies, which have justified the government's action, but messages have also circulated accusing the government of carrying out revenge on behalf of urban guerrillas who were active in Ecuador in the 1980s.

"Since this administration took office, those from Alfaro Vive who went to investigate in the police archives, where we had their records, and on finding them there, proposed destroying the police from the government, to destroy their histories," commented a police officer to explain what he considered "harassment" of the national police by militants of an incipient Ecuadoran urban guerrilla group that was active during the administration of former President León Febres Cordero (1984-1988).

Despite government efforts, some corrupt police groups are still operating and have taken over some police sectors and localities such as in the coastal province of Los Ríos, where the government
has still been unable to break the ties between various police authorities in the province and organized-crime gangs.

Given this situation, and beyond the police irritations that provoked the uprising, the question is what will happen with the fired police? Since they already have ties with organized crime, it is most likely that after being fired they will join the ranks of criminals. This is already happening since former police are increasingly being arrested for involvement in crimes such as murder and bank robberies.

The national government does not have an easy job, but it has been the first government to try to bell the cat, to try to purge an institution that all previous administrations allowed to act with too much discretion.

-- End --