

**ACCOUNTS AND ACCOUNTABILITY:
MONITORING THE USE OF FORCE BY POLICE IN VENEZUELA
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1. INTRODUCTION

A frequent focus of current critical commentaries on the use of force by Venezuelan police is the “shoot-out.” This is a phenomenon that is found in other Latin America countries (Chevigny, 1995) and has been a source of longstanding concern in Venezuela (del Olmo, 1983), but is one that is apparently increasing dramatically. A “shoot-out” is a shorthand description of an encounter in which the police kill one or more civilians, usually alleged criminals, who had supposedly fired on them first. According to a recent newspaper article, the Venezuelan government reported that “more than 2,000” civilians died during 2000 in shoot-outs with the police, representing at least a quarter of the country’s 7,779 homicide victims (Poleo Zerpa, 2001a). Complaints to PROVEA, one of the leading human rights NGOs, regarding inappropriate use of force by the police increased by 68.5% between 1999 and 2000 (PROVEA, 2000), and of these, 43.5% concerned questionable shoot-outs between civilians and the police.¹

The motive of concern is, of course, not difficult to discover. Critics suspect that many shoot-outs conceal the unjustified use of force by the police who, for a variety of reasons, decide to kill certain individuals. The suspicion is that some of the dead may not have fired on the police, indeed may not have been armed with a gun, and that the police not only fired first but may also have planted a gun on the victim. Thus, the description of the encounter as a shoot-out misrepresents the character, and especially the behavior, of those involved.

¹ Shoot-outs are not the only focus of contemporary criticism of the Venezuelan police. In mid-2001, allegations surfaced regarding the existence of a death squad in one of the country’s state police forces, that had supposedly killed 60 criminals over a two year period (Poleo Zerpa, 2001b). This was the catalyst for allegations regarding similar phenomena in six other state police forces (Cárquez, 2001). However, because death squads (if they exist) are undisputedly deviant and therefore hidden from institutional review, they are subject to somewhat different mechanisms and standards of accountability than shoot-outs and other encounters in which the use of force is acknowledged by the police. We do not deal in this essay with accountability for explicit police deviance, although some of our discussion is directly relevant to that topic.

The frequent use of the shoot-out to catalog civilian deaths at the hands of the police highlights a key problem for accountability.² Evaluation of the circumstances in which police officers use force is an essential prerequisite of accountability, and an essential prerequisite of evaluation is description: an account of what took place in the interaction between police officers and citizens.³ Descriptions are therefore a prerequisite of accountability and the quality of accountability depends, in part, on the quality of information regarding police behavior. The superficial description offered by the shoot-out signifies a weak accounting procedure and impedes adequate control of the police.

In what follows, we offer a preliminary discussion of some problems in developing adequate accounts of the use of force by Venezuelan police. Along with superficial descriptions, we identify two additional problems in descriptions of use of force by the police: the relative infrequency of accounting and the differential weight given to accounts depending on the social status of the narrator. These problems affect accountability for the use of force and must be addressed if potential violations of human rights by the police are to be avoided. Definitive analysis requires more information than is currently available and offers an interesting agenda for future research.

2. POLICE IN VENEZUELA

Venezuela is a democratic republic, with an estimated population of 24.6 million people (OCEI, 2000). It attained formal independence from Spain in 1830 and was largely ruled by autocrats until 1958, when democratic movements ousted the military President Marcos Pérez Jiménez. During the Nineteenth Century, Venezuela's economy was overwhelmingly agrarian, but the discovery and exploitation, starting in 1907, of rich petroleum reserves marked the transition to an oil-based economy. During the second half of the Twentieth Century, the country experienced a rapid process of modernization, with the development of manufacturing and the movement of population from rural to urban areas. Currently, 87% of the population is estimated to live in settlements of more than 2,500 inhabitants. The capital city, Caracas, has an estimated population of 2.3 million (OCEI, 2000).

² We define accountability as the institutional provision for positive or negative sanctions for police behavior.

³ We use the term "account" in its general sense (a narrative or description), rather than its more restricted meaning in sociology ("a statement made...to explain unanticipated or untoward behavior" (Scott and Lyman, 1968:46)). This is because incidents of use of force by the police are not always considered unanticipated or untoward.

The police are organized by level of government and partially differentiated by function. At the national level, there are four main agencies. The Judicial Police (*Cuerpo de Investigaciones Científicas, Penales y Criminalísticas*) is the primary investigative agency for common crimes and works closely with the Public Prosecutor. The Political Police (*Dirección de Servicios de Inteligencia y Prevención*) investigates political crimes and occasionally other offenses, such as drug trafficking. The National Guard (*Fuerzas Armadas de Cooperación*) controls contraband, drug trafficking, environmental crime and, occasionally, public order. The Traffic Police (*Cuerpo Técnico de Vigilancia del Tránsito y Transporte Terrestre*) is responsible for, among other things, surveillance, preliminary investigation and arrest in traffic offenses that involve violations of the criminal law.

Twenty-two of the country's 23 states, and the Caracas Metropolitan Area, each have a police force.⁴ The state police are responsible for patrol work and public order, arrests (when offenders are apprehended at or near the scene of the crime), and community service. State police commanders have, with few exceptions, been picked from the National Guard, which reinforces some of the quasi-military characteristics of these forces (drilling, obedience, etc.). However, the uniformed police are a branch of state government, and the Governor is the commander in chief (in Caracas, the Metropolitan Police are under the Capital District Mayor's office). State police forces are regulated by a state Police Code, and also coordinated by an office in the Ministry of the Interior and Justice, which sets guidelines for internal procedures and compiles selected statistics.

Finally, beginning in 1990, wealthier municipalities in the country's largest cities began to set up municipal police forces. As of July 2001, there were 77 municipal forces in the country (MIJ/DGCP, 2001). They are attached to the mayors' offices and regulated by the state's Police Code and by municipal ordinance. Their functions are very similar to those of state police forces.

Given this relatively complex differentiation of police forces, it is perhaps not surprising that there have been recent legislative efforts aimed at integration. With regard to functional integration, the new Criminal Procedure Code and the Law on Criminal Investigative Police, both enacted in 1998 (Venezuela, 1998a; 1998b), sought to abolish the prior distinction between "judicial" and "public order" police, by making

⁴ Only Vargas State, just north of Caracas, has no state police force. It is served by a municipal police force.

crime investigation an activity of all police forces and placing them, for the purposes of that activity, under the direction of the Public Prosecutor. In terms of administrative integration, proposals are currently being considered in the National Assembly to create a single “uniformed” police by merging state and municipal police forces, together with the Traffic Police (Asamblea Nacional, 2002).

2. IMPEDIMENTS TO ACCOUNTABILITY (I): INFREQUENT ACCOUNTING

As in other countries, control of the use of force by the Venezuelan police is exercised in both the administrative and legal domains. The first corresponds to the police agency itself; the second to the criminal justice system. Administrative and legal controls are institutionally separate, although each may trigger action in the other domain.

Administrative control of the use of force can proceed by routine registration of police activities or through inquiry. In the first case, officers file reports on encounters in which force was used. In the second, the police administration gathers information on cases brought to its attention, usually through complaints from citizens. No comprehensive information exists on administrative monitoring of the use of force in Venezuela, but our impression is that control in this domain proceeds almost entirely through inquiry. In research conducted over the last eight years in four state police departments and one municipal department, we have not encountered a department that requires forms to be filled out when force has been used by one or more officers, nor did our informants mention the existence of such a procedure in other departments around the country. Indeed, paperwork is a scarce component of police work in Venezuela and, in these bureaucracies at least, oral communication is the norm.⁵ At most, police officers are required to account for bullets used, but the objective is to control inventory rather than evaluate behavior. Such a situation can be contrasted with police work in the United States, where a national survey found that more than 90% of police departments mandated the reporting of lethal force, and as many as two thirds required the reporting of non-lethal force (Pate and Fridell, 1993). At least half of the departments with mandatory reporting requirements reviewed all reports submitted.

In terms of monitoring through inquiry, each police department has an internal affairs division (often called the General Inspectorate) that is responsible for enforcing the disciplinary code (which includes sanctions for the inappropriate use of force ranging

⁵ Jordan (1996), comparing a U.S. and a Venezuelan jail, found that institutional communication was mainly by document in the former and face to face in the latter.

from arrest to termination). Likewise, the public prosecutor's office receives and processes complaints about police use of force and has the task of prosecuting officers when preliminary investigations reveal that the use of force was probably illegal. In both institutions, the vast majority of inquiries appear to be triggered by complaints – from the alleged victims of force, their families, friends or other witnesses – for the obvious reason that officers prefer to avoid administrative or legal evaluation of their behavior and rarely volunteer information to their controllers.

No systematic data exist on the proportion of use-of-force incidents that generate complaints, but there are some indications that it is low. For example, if, as has been reported, more than 2,000 civilians were killed by the police during 2000, it is striking that during almost the same period (October 1999 to September 2000) only 170 complaints regarding civilian deaths were received by the country's leading human rights NGO (PROVEA, 2000). Although many complaints were undoubtedly made to police departments and public prosecutors, one might expect the gravity of these cases to generate greater social concern, including the recourse to human rights groups.

A very different example comes from Mérida State, in the west of the country, where we have conducted much of our research on the police. There, an interview with the public prosecutor's office in 1996 indicated that "ten to fifteen" complaints about police use of force were received each month; while the average monthly arrests made by the Mérida State Police during 1996 was approximately 200 (Birkbeck et al., 2001). In absolute terms, a rate of complaints that is somewhere between 5% and 7.5% of arrests indicates a relatively infrequent questioning of police behavior.

Complaints, of course, represent a fuller accounting of police behavior because they include the complainant's account of what happened in the situation. Additionally, they often elicit further accounting by the police agency involved. Thus, the volume of complaints is directly associated with the volume of accounting. If complaints are comparatively infrequent, it is an indicator that many instances of force use are considered "natural," for they generate no social reaction.

3. IMPEDIMENTS TO ACCOUNTABILITY (II): SUPERFICIAL ACCOUNTING

3.1 Rules and Training for the Use of Force: A "Culture of Generality"

Rules for the use of force by the Venezuelan police are expressed as both *prescriptions* and *prohibitions*. Prescriptions specify when force may be used and are found in legal texts ranging from the Constitution to the procedural rules in each

department. Prohibitions indicate when force may not be used and are found in the disciplinary codes in each department.

Prescriptions for the use of force by Venezuelan police are very general. Articles 55 and 68 of the Constitution (Venezuela, 1999) call for the protection of dignity and human rights by government, at the same time limiting the use of firearms and toxic substances by the police. The Penal Code (Venezuela, 1964), in Article 65, provides for the legitimate exercise of authority, including the lawful use of firearms by the police; and also for self-defense, provided that the means used in self-defense are proportional to the threat and that there has been no prior provocation of the aggressor by the person who acts in self-defense. Article 282 of the Penal Code restricts the use of firearms by the police to self-defense or the maintenance of public order.

As an example of departmental rules on the use of force, we may look at the Caracas Metropolitan Police⁶ (Venezuela, 1995). These specify, in Article 67, that police officers must use non-violent means for the purposes of maintaining order and keeping the peace. Article 68, referring specifically to the use of firearms is a near textual copy of Point 9 of the Basic Principles on the Use of Force or Firearms by Law Enforcement Officials, approved during the Eighth United Nations Congress on the Prevention of Crime and Treatment of Offenders held in Cuba in 1990 (United Nations, 1990):

Law enforcement officials shall not use firearms against persons except in self-defense or defense of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting authority or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.⁷

Nothing is indicated in the General Rules about the use of non-lethal force. However, the Operations Manual of the Metropolitan Police (PM, 1982), which is a kind

⁶ The Caracas Metropolitan Police is probably the largest force in Venezuela, with 11,000 employees. Of these, 9,500 are officers, 650 of them in supervisory ranks. Seven hundred officers are women. The Metropolitan Police has been a model for other state police forces in the country.

⁷ The copy is near textual, because Article 67 contains a notable transcription error. Instead of indicating the use of a firearm to arrest (*detener*) "a person presenting such a danger," it indicates its use to defend (*defender*) such a person! This is not a problem of translation, because the UN Basic Principles have always been available in Spanish. It is, rather, a typographical error, and its appearance in the Regulations suggests that no great attention was paid to the rules for the use of firearms.

of “pocket guide” for procedures on the street, outlines a number of situations in which “physical arrest” may be made. Thus, such arrests can be made for robbery, brawls, failure to comply, and illegal public meetings if participants do not disperse. Persuasion is recommended if there is failure to comply, while the incorrect use of the baton is to be avoided. However, “incorrect” uses of the baton are not specified, nor the manner in which a “physical arrest” should be made.

Prohibitions on the use of force are found in the Disciplinary Regulations of the Metropolitan Police (PM, 2001). According to Article 64, officers will be terminated if they “cause injury to others by shooting, or otherwise using firearms or other weapons, in an improper, imprudent or negligent manner.” Unauthorized carrying of a service firearm while off duty leads to a written warning, as does carelessness or negligence in the use of equipment, including batons (Article 63). These disciplinary regulations, like those in place in other departments, do little to indicate specific behaviors or situations that are to be avoided. A judgment regarding the “improper,” “imprudent,” or “negligent” use of force essentially shifts the focus of evaluation to authorized uses (i.e., where force would not be authorized, it can be designated “improper”). Thus, prohibitions on the use of force add little specificity to prescriptions for the use of force.

The generality of the rules for the use of force is perhaps unavoidable, given the need to provide clear guidelines that are unencumbered by detailed descriptions of the variety of situations and sequences of interaction between officers and citizens that arise in the course of everyday police work. More problematic is the partial nature of these rules (for they provide only incomplete indications about the appropriate uses of non-lethal force), and the failure to accompany them with sufficient training. Training courses for state police officers last for six months, during which some attention is given to rules for the use of force (mainly lethal force) but more attention is given to target practice. While follow-up courses are a pre-requisite for promotion, these do not appear to include refresher training for the use of force. Thus, formal rules for the use of force do not loom large on police officers’ horizons, and they acquire only a general notion of its justified uses.

In prior research on officers’ criteria for the use of force, conducted in Mérida State, we found that although all of the uses of force were present in the sum of officers’ responses to our questions, no officer gave a verbatim exposition of the departmental guidelines (Birkbeck and Gabaldón, 1996). In addition, it was noteworthy that officers included many circumstances – such as the need to respond to insults, or to punish

citizens – that were not listed in the guidelines. Our conclusion was that, not only did officers have a very superficial knowledge of the rules for the use of force, but that they were sometimes incorrect in their understanding of these rules.⁸

In sum, institutional provisions foster a “culture of generality” in rules for the use of force, in which detailed attention is not given to three aspects of the encounter which are arguably essential constituents of an adequate use of force policy: the citizen’s behavior; the type of force used; and the specific objective behind the force to be used.

3.2 Minimal Accounting

We have already referred to shoot-outs as a problem in accounting for the use of force, in part because they may misrepresent what actually happened in the encounter. That misrepresentation can occur is facilitated by two characteristics of the shoot-out. The first is the brevity of the account, as illustrated by the typical newspaper report that follows:

Criminal Killed in Shoot-out with the Police

BARCELONA (Anzoátegui State)(20/01/01)

With the death of Willian José Chaguán, 34, the number of criminals killed since the New Year by members of the Anzoátegui State Police Operations Support Command rises to 17. The State Police Headquarters, in a press release, reported that the alleged offender, known as “The Sorcerer,” was killed during an exchange of shots with a police patrol that was trying to detain him in the Sucre neighborhood of Barcelona. According to the medical examination at the Luis Razetti Central Hospital, Chaguán died from two gunshot wounds; one in the left rib cage and the other in the lower jaw. A .38 Pucará revolver, found at the scene of the encounter, was said by police sources to be Chaguán’s. Chaguán had a record of property crimes, robberies and drug possession dating back 14 years. He was also considered a dangerous threat to the neighborhoods and had been wanted for robbery since 1997. (Marín, 2001)⁹

Here, nothing specific is said about the exchange of shots, or about the circumstances leading up to it. But an adequate evaluation of police behavior would require answers to many questions. Where did the exchange of shots take place? How

⁸ One of the authors was intrigued to discover, in a workshop held recently with supervisory officers in Mérida State, that the rules for the use of force (read to them from the departmental manual) were apparently unknown to them. Our colleague, Yoana Monsalve, was also surprised to find that when she asked for a copy of the Caracas Metropolitan Police Operations Manual, this had to be searched for in the basement. Finally, a copy was produced and presented as “the Department’s copy.” This, for a police force with 9,500 officers.

⁹ This type of brief account may be compared with the detailed narration and critique (46 paragraphs) of a fatal police shooting in the United Kingdom, recently published in a leading newspaper there (Davies, 2001).

did the police patrol get there? How many were in the patrol? Where was Willian Chaguán when the police first spotted him? What was he doing? Did the police tell him why they were there? Did Chaguán make any moves to resist arrest, or to escape? Where was the revolver found? Did Chaguán use it? Who shot first? How many shots were fired? How long did it take to get Chaguán to hospital?

The brevity of the account suggests that the police felt comfortable with providing only the information found here (and we should note that the journalist does little more than transcribe this brief account for the newspaper). And a second feature of the article provides a clue to the success of shoot-outs as accounts of police use of force. This is the description of the victim as a serious offender: his “record” was supposedly lengthy, he was considered a “dangerous threat” to neighborhood safety, and he was alleged to have a nickname (which would imply stable participation in the underworld). As we have commented in prior research (Birkbeck and Gabaldón, 1996), a common strategy used by Venezuelan police officers when challenged to account for their use of force is to portray the citizen as deviant or delinquent. In so doing, they tap into a near universal characteristic of social reaction that accords fewer rights and less respect and protection for the morally disreputable (Scott and Lyman, 1968; Sykes and Matza, 1957).

Violent crime rates in Venezuela have increased dramatically during the last 15 years. Most notably, homicide rates doubled from 8/100,000 in 1987 to 16/100,000 in 1992, and then doubled again to 33/100,000 by 2000. This trend has undoubtedly fueled social anxiety about crime and personal safety, especially in the nation’s capital, where the homicide rate reached 101/100,000 in 2000. In a survey carried out in September 2000, crime (31% of respondents) was second only to unemployment (38%) as the country’s most serious perceived problem (Cortes, 2000). In a Caracas Metropolitan Area 1996 survey on urban violence (Briceño-León et al., 1997), more than 70% of respondents reported feeling “unsafe” or “very unsafe” in different parts of the city, including when they were at home. The same survey also revealed quite negative opinions regarding the criminal justice system. Half of the respondents judged the efficiency of the courts to be “poor” or “very poor.”

With such high levels of concern about crime and personal safety, and with only lukewarm opinions about the effectiveness of legal crime control, one response to the crime problem has been the use of violence against presumed criminals in some of the low-income neighborhoods of the larger cities, occasionally ending in death. These “lynching” incidents, as they are locally known, are not recorded separately in police

statistics and can only be tracked if they are reported in the press. A 1998 study found 26 cases reported during 1995 (twelve deaths, 14 injured) and 26 in 1996 (seven deaths, 19 injured) (Han Chen, 1998). Despite their relative infrequency, there appears to be quite widespread support for, or at least tolerance of, this kind of behavior. A 1995 national opinion survey found that 57.2% of respondents approved of lynching as an alternative form of justice (Han Chen, 1998). The Caracas Metropolitan Area 1996 survey on urban violence found that 53% of respondents in low-income neighborhoods, and 36% of respondents in middle- and upper-income neighborhoods thought that it is acceptable to take the law into one's own hands. Nor is the acceptance of extralegal responses to crime confined to civilian violence. Almost one third of the sample (32%) in the same survey agreed with the statement: "the police have the right to kill criminals"¹⁰ (Briceño-León et al., 2000).¹¹

The shoot-out therefore represents a stereotypical account of the use of force in which the alleged disrepute of the citizen compensates for the lack of detail about what happened.¹² The result is that force becomes a "normal" phenomenon, requiring no special monitoring or inquiry.

From the perspective of this paper, it is interesting to note that counter-claims about what happened appear to focus more on defending the victim's status than providing a detailed description of the sequence of events. Thus, of the 74 denunciations regarding false shoot-outs received by PROVEA for the period October 1999 – September 2000, only two acknowledged criminal behavior by the victim. The other reports used one of the following presentational strategies: criminal behavior was "alleged by the police;" it was a case of mistaken identity; or the victim was a "respectable" citizen (worker, student, etc.).¹³ In this contest over status, the situation tended to fade from view, as in the following example:

PEÑA, Douglas. 33 years old. La Victoria, Aragua State, 18.04.00

¹⁰ Note the extreme abstraction of this statement, devoid of any situational detail. This could be cited as another example of the (social, rather than institutional) culture of generality surrounding the use of force by the police.

¹¹ Attitudes toward offenders, and the unwillingness to grant them some of the same rights as other citizens, appear to be similar in Brazil (see Mitchell and Wood, 1998).

¹² For example, in earlier research, involving interviews with supervisory officers of the Mérida State police, we heard the following commentary: "Some time ago in -----, a guy tried to escape from a police officer, and the latter shot and killed him. This could have caused problems for the officer, *but they were able to show that the dead man was a "bad" guy*" (Birkbeck and Gabaldón, 1996:121, emphasis in original).

¹³ In a few cases, no information was provided on the victim's status.

Peña was helping a woman who sells fruit and vegetables, when a group of policemen went up to him and shot him at point-blank range. Official version: shootout. (PROVEA, 2000:380)

Here, the information is so scarce that it is impossible to make sense of what might have happened.¹⁴

4. IMPEDIMENTS TO ACCOUNTABILITY (III): DIFFERENTIAL “ACCOUNT - ABILITY”

For obvious reasons, most encounters between police and citizens are only known about second-hand, through accounts of what took place. A given incident could generate several accounts - by the victim, bystanders, police officers involved, medical examiners, prosecutors, defense attorneys, journalists, etc. – which vary in level of detail and type of content. There may be contradictions between these accounts, as frequently revealed by complaints, which pose the victim’s version of events against the officer’s. Accountability requires a decision regarding the version of events to be accepted as authoritative.

One strategy for evaluating accounts is to look at their content. If they are incomplete or inconsistent, there are reasons for doubting their validity. Thus, the Chief of the Mérida State Police commented: “When two officers are involved in an incident, you can find the truth. Because if there’s something wrong, there will always be one contradiction or another” (Interview, 04/04/96). His view, however, was not shared by a local judge, who felt that the police never accept blame and fabricate a version of events that they all stick to when under inquiry. When we asked her how she dealt with conflicting accounts of an incident, her reply was very revealing:

Conflicting accounts are easily resolved by weighing the evidence. For example, if three witnesses say one thing and the officer says another; you throw out the officer’s version because you have three accounts against one. You need at least two witnesses to establish the truth of the account. (Interview, 11/06/96)

Here the judge was describing the method for comparing accounts that was, and still is, widely present in Venezuelan judicial practice. Rather than evaluating accounts by content, attention shifts to the number of accounts presented by each side. The

¹⁴ In fairness to PROVEA, we should note that this account is taken from an Appendix to its Annual Report, in which each of the 170 cases of alleged misuse of force is presented in summary form. It is possible that fuller accounts are available in the organization’s files, but it is nevertheless interesting to note that the case narratives are, in general, as superficial as the “shoot-outs” they seek to question.

winning account is decided by numerical advantage, even if all witnesses for the winning side give an unashamedly identical description of what allegedly happened.

Apart from accounts provided by the police, the victims and witnesses, additional information can also be crucial in helping to construct an adequate narrative of the incident. In that regard, medical examinations can often provide important data, at least in cases where firearms are used. Thus, it is no surprise that human rights organizations often include information about the number and location of bullet wounds in their denunciations of police violence. For example, a victim that has nine bullet wounds - many of them in the back - was probably subjected to execution rather than control.¹⁵

But another reference that is frequently used in evaluating narratives and deciding on an authoritative account is the status of the narrator. The following comment from our judge, concerning doubts about the legitimacy of police actions in response to an armed robbery, is also revealing:

But I think the case was very clear, because they fired on the police. Also, you can see that they are very dangerous individuals. One of them is always sending me notes, asking me to release him from prison. But the other one looks very dangerous. In fact, I don't even like him to come to court, nor the way he looks at me. (Interview 11/06/96)

One wonders how much credibility was given to evidence offered by these defendants. The following case, narrated by a supervisory officer from the Mérida State Police shows how low status can negate the credibility of a complaint:

Once when I was on patrol, we arrested a guy on a motorbike who was a marijuana dealer. We got him into the patrol vehicle, which had no partition between the front and the back. I was riding in the front when suddenly the guy hit me very hard on the side of my face. I turned round and punched him so hard that I knocked out two of his teeth. The next day the arrestee and his lawyer presented a complaint to the Chief. He still had the two teeth in his hand. But when they called me in they could see that my face was still swollen. Also, we had the marijuana to prove that the guy was a drug dealer. The Chief turned to the lawyer and said "Your client isn't a decent citizen, he's a criminal," and dismissed the complaint. (Birkbeck and Gabaldón, 1996)

In many examples collected during the course of our research, it has become clear that the greater the social status of the accountant, the greater the probability that his or her account will be accepted by others. To this effect of social status on credibility, must be added its effect on the capacity to construct and circulate accounts. Once again, higher social status means greater resources for constructing accounts (by mobilizing

¹⁵ An impressive example of medical evidence used to counter alleged "shoot outs" can be found in Cano (1997).

witnesses and official or unofficial inquiries) and for circulating them (by access to government, NGO's, the media, etc.). "Account – ability," the capacity to construct and circulate accounts and have them believed, is therefore a crucial dimension in the evaluation procedure that is a prerequisite of legal and administrative accountability. Our research suggests that the Venezuelan police are at a comparative advantage when defending a definition of the situation against the counter-claims of petty criminals, but that they are at a comparative disadvantage when faced with politicians and other prominent citizens.

5. CONCLUSION

Accounts of the use of force by the Venezuelan police are relatively infrequent, comparatively superficial and weighted positively or negatively by the perceived status of the narrator. These characteristics represent serious impediments to the evaluation of police behavior and substantially weaken the possibility for adequate accountability.

Three strategies suggest themselves as partial solutions to the situation we have described. First, police agencies could implement reporting requirements for the use of force, notably lethal force. This would augment the frequency with which accounts of use-of-force incidents are prepared. Second, provisions could be made for the review of use-of-force reports by police administrators and public prosecutors, thereby strengthening the monitoring process. Third, and perhaps most importantly, mechanisms could be set up to strengthen the complaints procedure by providing greater access to, and assistance for, the public. In this regard, it is interesting to note that the General Rules of the Caracas Metropolitan Police (Venezuela, 1995) include a provision for a Commissioner for Human Rights and the Police, who would receive complaints, process them within the Department and, when necessary, forward them to the Public Prosecutor.¹⁶ However, this provision has not yet been implemented. Doing so would undoubtedly provide some counter-balance (even if small) to the differential account – ability that we have described in this paper.

¹⁶ The same figure is included in the proposal to create a single uniformed police force (Asamblea Nacional, 2002).

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