

DPhil Thesis

Thinking normatively about democratic policing: The case of *Carabineros de Chile*



Gonzalo García – Campo Almendros

Centre for Criminology, University of Oxford

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Abstract

This thesis advances the concept of democratic policing through an empirically grounded theoretical approach based on a case study of *Carabineros de Chile*. It addresses a significant gap in policing scholarship by developing a non-ideal theory of democratic policing informed by both institutional analysis and lived experiences in marginalised communities. The research employs a multi-method approach combining historical analysis, regulatory framework assessment, institutional discourse examination, and ethnographic fieldwork in two marginalised urban neighbourhoods.

The historical analysis reveals how *Carabineros'* institutional development, especially during the civic-military dictatorship (1973-1990), has shaped its contemporary democratic deficits. The regulatory framework assessment identifies structural constraints that inhibit democratic accountability. Analysis of the institution's magazine illuminates how *Carabineros* conceptualise its roles, highlighting tensions between institutional self-perception and democratic principles. The interviews demonstrate how residents' experiences with police influence their sense of democratic belonging, revealing a disconnect between institutional practices and community needs, particularly in marginalised areas where residents experience disproportionate policing without corresponding security benefits.

Building on these findings, the thesis explicitly challenges expansionist approaches to policing by proposing a refined theory that advocates for deliberately restricting and specialising the police role. This theoretical contribution argues against the intensification of policing and instead suggests police forces should be limited to addressing only forms of private violence that communities cannot manage independently. The theory reconceptualises democratic policing as concerned with securing conditions for democratic belonging through institutional restraint rather than expansion. This thesis contends that strengthening

democratic foundations requires less police presence in national life, greater community capacity, expanded deliberative spaces, and police forces strictly confined to countering forms of private violence that subjugate marginalised communities.

.

To Francisco Maturana,
who showed us that reading and writing
could be wellsprings of joy

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We too easily overestimate the importance of our own activities and effectiveness, forgetting that we have only become who we are thanks to the help of others.

Dietrich Boenhoffer. 1944

When you work with good people, it's hard to go wrong.

Lionel Scalon, 2024

I began my DPhil in October 2020, when COVID-19 was quite literally in the air as Europe braced for its 'second wave'. During that year, a widely circulated joke suggested that PhD students were uniquely prepared for long quarantines, being quite accustomed to solitude. While this jest captured something of the popular perception of doctoral research, it rather missed the mark: pursuing a DPhil is, in fact, a journey rich in companionship and one that has brought me profound joy.

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Introduction

It was 1992. The world lived in 'interesting times' (Hobsbawm, 2003). The year before, one of the two great powers of the second half of the twentieth century had dissolved, and three years earlier, the most divisive symbol of an era (the Berlin Wall) literally fell. The episodes were so eloquent that only two years later, one of the most acute historians of that time declared that the century had reached its end (Hobsbawm, 1994). Encouraged by those episodes, others went further and celebrated the 'end of history' (Fukuyama, 1992). After long and bloody struggles, the liberal-capitalist democracy appeared as the new hegemon, a golden coin that countries worldwide were trying to secure. Post-Soviet nations seemed to adopt it quickly. Post-authoritarian countries in South America were moving to it. History had come to its end, and liberal-capitalist democracy was its final station.

What would happen, however, if democracy 'ain't exactly real'? Or even more troublingly, if 'it's real, but it ain't exactly there'? This was precisely the warning issued by poet and singer Leonard Cohen (1992). He astutely observed that democracy might not be as robust as it appeared; perhaps beneath the triumphant narrative of the time lay a more fragile and contested reality. Three decades later, with the proliferation of 'democratic regressions' (Diamond, 2020) across the globe, Cohen's insight appears not only plausible but prescient.

As democracy was emerging as a hegemonic concept, a similar phenomenon, albeit on a smaller scale, was unfolding in policing studies with a concept bearing family resemblance: 'democratic policing'. Efforts to 'democratise the police' in developing democracies proliferated (Bayley, 2001, 2006), and academic interest in the topic burgeoned (Newburn & Hinton, 2009). However, there were (and there remain) good reasons to think that democratic policing 'ain't exactly real'. Or, if indeed real, that it remains highly contested.

The lack of agreement about democratic policing meaning may have different sources. Both nouns are difficult to define. Democracy is an 'essentially contested concept'

(Gallie, 1955)¹, and policing is not much easier to define and delineate. Nevertheless, the under-theorised relationship between both concepts contributes to this lack of consensus. Authors working in the two separate fields (broadly speaking, political philosophers working on democracy and policing scholars) have not paid much attention to each other. As Loader noted, there has been a ‘striking but nonetheless puzzling inattention of legal and political theorists towards policing (...) the favour has been returned by criminologists and police scholars who for the most part do not read legal and political theory’ (Loader, 2016, p. 428). Similarly, in 2010, Peter Manning, a leading policing researcher, published the influential ‘Democratic Policing in a Changing World’, highlighting the under-theorised relationship between policing and democracy.

In this thesis, I aim to contribute to theorising the relationship between police forces and democratic ideals, using the Chilean national police force, *Carabineros de Chile*, as a case study. The selection of Carabineros serves to ground normative reflections on democratic policing. While the overarching focus of this thesis is normative, addressing how policing should be structured to be appropriately characterised as democratic, I draw upon a meticulous examination of empirical evidence to provide a robust foundation for these reflections. In this vein, I aspire to produce what political philosophers have termed ‘non-ideal theory’: theoretical frameworks that take existing forms of injustice as their starting point and propose solutions aimed at overcoming them (Anderson, 2010). As Iris Marion Young (1997) has noted, pursuing solutions to existing unjust realities is ‘theorising with a practical intent’.

Drawing substantially upon the works of non-ideal political philosophers and more recent scholarship advocating for ‘political theory with an ethnographic sensibility’ or ‘grounded normative theory’ (Zacka, 2017; Herzog & Zacka, 2019; Ackerly et al., 2024), this

¹ See Chapter 3.

thesis aligns itself with a core tenet of this school of thought: theoretical reflections must be meticulously grounded in empirical evidence to resonate with the lived realities of everyday problems. I modestly hope this work contributes meaningfully to the ongoing efforts to build a more democratic police force in Chile.

The selection of Carabineros de Chile as the case study merits explanation. Although it is the national police force of my native country, where I lived until beginning postgraduate studies in the U.K., this familiarity has been merely one factor influencing my choice. More significantly, I argue that the Chilean case offers a compelling opportunity to examine democratic policing for three key reasons.

Firstly, the recent history of Chile is a significant factor influencing the selection of Carabineros de Chile as a case study. Following a coup d'état in September 1973, the country was governed by a military junta from 1973 to 1990. This period marked a significant disruption to Chile's one-and-a-half-century of established democracy. During this dictatorship, the Commander-in-Chief of Carabineros held a pivotal position alongside the Commanders-in-Chief of the three branches of the Armed Forces – the Navy, the Army, and the Air Force. The junta engaged in widespread human rights abuses, including killings, imprisonment, the suppression of civil liberties, and the imposition of a new economic model (Garcés, 2003; Rettig, 1991; Policzer, 2009; Hunneus, 2014). In 1990, following an electoral defeat, the junta relinquished power. Carabineros then underwent a rapid reintegration into Chilean society, leveraging the significant power bestowed upon them by the dictatorship. This historical context suggests that the dictatorship has left lasting legacies within Carabineros, which are the focus of my analysis in Chapters 4 and 5.

Chile's stark socioeconomic inequality is a second significant factor influencing the case study selection. The country exhibits high levels of income inequality as measured by

the Gini Index, ranking second amongst OECD countries after Costa Rica (2024).² While Chile has demonstrably experienced faster economic growth than most Latin American countries, this progress has not translated into a relative reduction in income inequality on a global scale (Lecaros et al., 2023). As scholars of policing have observed, police forces are frequently tasked with managing the consequences of an unequal social order. This primarily involves controlling marginalised groups, often resorting to harsh tactics, and perpetuating existing inequalities through discriminatory treatment and actions that reinforce their disadvantaged social status (Fassin, 2013; Aliverti, 2021; Bradford & Loader, 2016). In the case of Chile, as will be explored throughout this thesis, the police play a pivotal role in controlling marginalised populations. However, it is also important to acknowledge that the institution attempts to legitimise itself by offering social assistance to the most impoverished communities (Candina, 2006; Luneke et al., 2022)

The unequal distribution of violence within Chilean society presents a third compelling reason for selecting Carabineros de Chile as a case study. For the purposes of this argument, which I will elaborate in Chapter 9, I adopt John Keane's definition of violence as 'the more or less intended, direct but unwanted physical interference by groups and/or individuals with the bodies of others' (Keane, 2004, p. 35). The unequal exposure to violence is a tragically common phenomenon across Latin American countries, and it directly reflects the socioeconomic inequalities described above. Within highly segregated cities, poorer communities experience significantly higher rates of the most brutal forms of violence, such as gun violence and homicide (Auyero & Berti; 2015; Luneke et al., 2019; Dammert et al., 2024). This unequal distribution of violence provides a critical starting point for examining how the police can potentially reinforce central democratic values.

² Income inequality (indicator). doi: 10.1787/459aa7f1-en (Accessed on 10 June 2024).

As previously noted, democracy is an inherently contested concept that defies easy definition. In this thesis, I employ the framework of democratic equality to ground my theoretical reflections concerning how policing should be manifested in the Chilean context. I have adopted this framework for two reasons.

Firstly, democratic equality embodies the normative aspiration to establish communities of equals where all individuals can interact on a level playing field (Anderson, 1999; 2012). As Rosanvallon (2013) has noted, the eighteenth-century revolutions did not differentiate between 'democracy as a regime of popular sovereignty and democracy as a society of equals'. In this respect, democratic equality functions as a foundational principle that both exposes the gap between democratic ideals and practices in existing democracies, and drives progress toward fulfilling their unrealised potential. Chapter 3 will delve deeper into the meaning and scope of democratic equality, exploring its potential to inform our understanding of democratic policing. Secondly, the framework of democratic equality sheds light on the unequal socioeconomic realities of Chile. Placing equality at the core of democratic aspirations provides a foundation for the 'practical intent' of theorising democratic policing within an inherently inegalitarian context.

The central question this thesis aims to respond to is this: How can we enrich our understanding of the concept of democratic policing by studying the case of Carabineros de Chile? I break this central question into the following specific questions:

- To what extent do democratic-egalitarian political values shape Carabineros' institutional design?
- How does Carabineros legitimise its roles within contexts of socioeconomic inequality?

- How do people living in marginalised contexts perceive Carabineros' labour? And more specifically, what links, if any, do people perceive between their condition of marginalisation and the practices of the police?

The thesis proceeds in nine chapters. In Chapter 1, I discuss the works theorising the relationship between democracy and policing. I begin by discussing two bodies of literature that, although not focusing on theorising the relationship between policing and democracy, touch on crucial aspects of this relationship: abolitionism and police legitimacy. Whereas the former would deem democratic policing an oxymoron, the latter has advanced our knowledge about what police can contribute to democracy. I argue that both bodies of literature have enriched the theorisations about the roles of police within democracy by addressing what Bernard Williams called 'the first political question': how to secure 'order, protection, safety, trust, and the conditions of cooperation' (Williams, 2005, p. 3).

In Chapter 2, I establish the epistemological foundations and methodological decisions underpinning this thesis. I argue that the theoretical tools of non-ideal theories are particularly well-suited to exploring democratic policing, given their core focus on 'theorising with a practical intent' (Young, 1997, p. 5) and their capacity to incorporate the standpoint of marginalised positions (Anderson, 2010). I situate non-ideal theories within the broader discourse of political philosophy, outlining their key tenets and underlying commitments. I then present the methods and techniques employed for data collection, acknowledging any inherent limitations. Finally, I address my positionality as a researcher, which will hold particular relevance in Chapters 7 and 8. These chapters aim to capture residents' lived experiences within two marginalised neighbourhoods of Santiago, Chile's capital.

In Chapter 3, I introduce the key theoretical concepts underpinning normative judgments about Carabineros. Central to this analysis is democratic equality, as developed by

prominent relational egalitarian theorists such as Elizabeth Anderson (1999, 2009, 2012) and Iris Marion Young (1990, 2000). Democratic equality emphasises the significance of social relations, with the core objective being dismantling social hierarchies that subordinate certain groups (or individuals) to others. The chapter commences with a concise overview of the concept of democracy before transitioning to a discussion on the importance of equality, ultimately introducing democratic equality. The latter half of the chapter focuses on two key aspects of democratic equality that illuminate my enquiry into democratic policing. Firstly, it explores the institutional dimension of democratic equality, highlighting the critical role of institutions in fostering more robust egalitarian societies. Secondly, the chapter delves into the concept of social hierarchies, emphasising that their dismantling is integral to achieving democratic equality. This normative aspiration of overcoming social hierarchies illuminates the potential contributions the police can make towards building more egalitarian political communities.

Chapter 4 introduces Carabineros through a historical overview. It seeks a ‘longue durée’ (Braudel, 1972) that begins in the nineteenth century when the country established its first police forces. I contend that these forces were essential in asserting the state's territorial control over still-disputed borders. Then, the chapter concentrates on Carabineros’ history. It explains the reasons behind its creation in 1927. It describes its roles in the country’s history from 1927 to 1973, when a coup d’état interrupted a century and a half of democratic trajectory.

I demonstrate that Carabineros occupied a crucial role in the Junta that ruled the country from 1973 to 1990. Drawing on previous research, I show that Carabineros led the repressive practices of the dictatorship, especially in its early stages (Rettig, 1991; Policzer, 2009). I explain how the dictatorship reinforced Carabineros' position within the Chilean state, providing a new regulatory framework and strengthening internal secrecy.

Consequently, when the country recovered its democratic regime in 1990, Carabineros was a powerful institution. I emphasise that the new civic authorities had few tools to control them. Finally, I review Carabineros' roles up to the present day. I argue that Carabineros leveraged the conditions bequeathed by the dictatorship, conserving a great deal of autonomy and power of self-reform (Dammert, 2016, 2019a).

In Chapter 5, I examine Carabineros' regulatory framework. The main objective of this chapter is to enquire to what extent, if any, this regulatory framework embodies democratic values. It begins by discussing the roles of legal rules in policing (Dixon, 1997; Walker, 2000; Martin, 2021). I turn to discussions about police accountability as an inherent democratic value seeking to direct and control police actions to protect the public interest. I then analyse the constitutional and legal rules that govern Carabineros.³ This examination addresses a gap identified by David Sklansky, who observed a lack of attention to the institutional structure in previous analyses of democratic theories related to the police (2008). The analysis of Carabineros' regulatory framework ranges from general constitutional principles defining the institution's fundamental elements to specific administrative documents governing particular aspects. The primary method employed in this chapter involves the documentary analysis of primary sources, complemented by secondary literature.

In Chapter 6, I analyse Carabineros' institutional magazine, a monthly publication delivered to every precinct nationwide and produced by a national police department. I analyse the magazine as a vehicle of 'self-legitimation' (Barker, 2001), whose primary addressees are the institution's members. The magazine contributes to fostering a unified perspective and shared language about Carabineros' mission. It achieves this primarily by highlighting officers' actions throughout the country. Notably, the highlighted actions are

³ In Chile, operating under a Civil Law System, statutory law is the primary source of legal provisions. Court decisions have a 'relative effect,' applicable only to the specific case at hand. Therefore, judicial decisions have not binding effects to future police decisions.

related to social service and welfare provision to disadvantaged communities ranging from impoverished urban settlements, geographically isolated people, and suffering people (e.g. long-term ill-health kids). The analysis reveals how Carabineros legitimises its roles within Chilean society through help and aid to disadvantaged people.

In Chapter 7, I analyse the lived experiences of *La Legua's* residents, an urban marginalised neighbourhood in Santiago. In 2001, the Chilean state initiated an 'intervention programme' in La Legua aimed at addressing drug violence and re-establishing state presence (Álvarez, 2010). Subsequently, Carabineros officers have become a constant presence in the neighbourhood, subjecting residents to control and permanent surveillance. How do individuals perceive this presence? What are the expectations regarding the police? What, if anything, have the police contributed to the neighbourhood? I seek to address these enquiries by examining ten open, in-depth interviews with residents of La Legua. The central argument of this chapter is that these 'lived experiences' illustrate how the police influence individuals' positioning within democracy. In La Legua, the police represent 'what citizens can see of the state' (González, 2017). Daily interactions with the police provide residents with insights into their societal standing. The responses received when contacting the police offer insights into how the state considers their interests. In other words, the police significantly mediate people's sense of belonging to society.

In Chapter 8, I examine the experiences of *El Castillo's* residents, another urban neighbourhood in Southern Santiago where the state has implemented programmes to improve public safety, endowing Carabineros with pivotal roles. Similar to La Legua, El Castillo is a significantly marginalised area, marked by elevated rates of interpersonal violence—linked mainly to drug-related issues. Despite Carabineros' designated central role in this initiative, residents in El Castillo report notably different experiences compared to La Legua. I conducted ten open, in-depth interviews with residents to explore their interactions

with Carabineros. Most assert that officers are frequently absent and fail to respond when contacted. This chapter presents revealing findings, offering substantially different insights from those of La Legua.

Particularly noteworthy for my theoretical exploration is how, despite the observable differences (surveillance vs. absence, broadly speaking), individuals express similar sentiments when reflecting on the police: a perception of being inadequately protected by the state, which they attribute to their disadvantaged social status. Despite their absence, the police signal to residents about their societal position. Chapters 7 and 8 are based on open, in-depth interviews. I discuss the recruitment strategy, the sample characteristics, and the method limitations in Chapter 2 when presenting my methodological choices.

Chapter 9 builds upon the empirical evidence presented in Chapters 4 to 8 to theorise the meaning of democratic policing within the Chilean context. This chapter explores how Carabineros' role could be aligned with constructing a more robust democratic-egalitarian political community. I argue that a potential horizon for democratic policing in this context lies in leveraging the unique resource that the police possess to counteract a particularly detrimental form of social hierarchy: the proliferation of private violence that plagues marginalised neighbourhoods.

Achieving this objective would necessitate a critical discussion and deliberation surrounding Carabineros' regulatory framework to clearly define the institution's mission and core tasks while simultaneously restricting its role in welfare provision. I draw upon the concept of 'non-reformist reforms' proposed by political theorist André Gorz (1987) and subsequently incorporated into policing discussions by abolitionist scholars (Kaba, 2014) to propose a blueprint for a 'minimal policing' model (Kinsey et al., 1986) where the police mission is narrowly focused on a single task that citizens are inherently incapable of

addressing themselves: the eradication of private violence, primarily manifested through gun violence, that severely disrupts the daily lives of residents in these communities.

CHAPTER 1. Reappraising Democratic Policing

Introduction

Policing scholarship remains a buoyant field characterised by ongoing development and diversification (Bowling et al., 2019). Within this dynamic landscape, several key areas have flourished in recent years. These include, to name a few, the production of rich police ethnographies (Fassin, 2013; Jauregui, 2016; Aliverti, 2021), the consolidation of evidence-based policing research (Sherman, 2013; Ratcliffe, 2022), and the expanding use of technologies by police agencies (Ferguson, 2017; Brayne, 2017; Schuilenburg, 2024). Despite these advancements, scholars have highlighted a critical gap – the under-theorisation of the relationship between policing and democracy – something that is striking when compared to the rich theoretical work in other areas of the criminal justice system, such as incarceration and punishment (Manning, 2010; Loader, 2016; Galoob & Monaghan, 2023).

This chapter aims to map how authors have theorised the relationship between policing and democracy. However, I begin by reviewing two strands of literature that have developed concerns about the impacts of policing on democracy without necessarily invoking the concept of ‘democratic policing’: ‘abolitionist’ literature and the scholarly production on ‘police legitimacy’. I review them because they have productively explored how policing puts central democratic values at stake. First, ‘abolitionist’ literature has pressed concerns about how police can reinforce the marginalisation of disadvantaged groups. By bringing attention to the lives of marginalised groups, abolitionism has shown how police forces can maintain and perpetuate unjust social orders (Akbar, 2020). Secondly, the body of work addressing issues of ‘police legitimacy’ has elucidated the interlinks between policing and the exercise of political authority (Bottoms & Tankebe, 2012). By enquiring how police can legitimately exercise their power, this work has shed light on what legitimate power is.

After reviewing these two lines of enquiry, I concentrate on the main topics in the works that explicitly theorise the relationship between democracy and policing. I examine six research bodies that have advanced my understanding of democratic policing. First, I analyse the rise of the 'democratic criteria' to evaluate the democratic quality of police forces. These criteria spread as an evaluative tool applied to countries transitioning to democracy, either reforming their police forces or creating new ones. These works, exemplified by the scholarly contributions of the late David Bayley, adopt a comparative approach (2001, 2006). This conceptualisation of democratic policing has influenced policy discussions about police reform, especially in so-called developing democracies (Hinton & Newburn, 2009; Mota Prado et al., 2012).

Secondly, I analyse the literature on the symbolic power of police forces and how, due to that power, police trace frontiers that structure allegiances and identifications among the polity. This literature has warned that police forces are a 'condensation symbol' (Turner, 1969) that generates identification and loyalty with the community while setting the limits between different groups of citizens, establishing divisions between 'them' and 'us' and conveying the image of the 'undesirable', the 'Other' who should be suppressed. Therefore, police can provide significant service to democracy by regulating the boundaries of social inclusion - determining who is recognised as a legitimate member of the community and who is positioned as outside those boundaries. This power to define belonging carries profound democratic implications. (Loader & Mulcahy, 2003; Loader, 2006, 2020; Weber, 2020).

This body of literature has also explored the potential contributions the police can make to democracy by emphasising their role in reinforcing 'axiomatic security' (Loader & Walker, 2007; Bradford et al., 2023). Axiomatic security refers to the sense of secure belonging that individuals experience within their environments, enabling them to coexist with others while acknowledging the inherent risks associated with social life. Scholars

working within this field have made significant contributions to disentangling the concepts of policing and security. They argue that while the police play a crucial role in fostering a sense of security, these contributions are ultimately limited. Recognising these limitations is essential to prevent security concerns from dominating public discourse.

Third, I pay attention to authors working on police accountability. Some of them have explicitly dealt with how the institutional dimension of police accountability embodies crucial democratic values, typically transparency and decision-making processes (Loader, 1994; Jones et al., 1996; Walker, 2000; Sklansky, 2008). Fourth, I analyse the works of policing scholars who have traced connections between policing and democratic theory (Sklansky, 2008; Manning, 2010; Galoob & Monaghan, 2023). I show how, by illuminating questions of policing through the tools of political theory, these works broadened the understanding of policing objectives within democratic regimes. Fifth, I pay attention to authors who have examined the exceptional position the police forces usually have within democratic states, labelled as ‘police exceptionalism’, which exempts police from the mechanisms of control and governance that are common in other state institutions (Friedman & Ponomarenko, 2015; Friedman, 2017). I then pay attention to the scholars who have thought about the potential contributions of the police within unequal social contexts (Kinsey et al., 1986; Lea, 2016; Lea & Fleetwood, 2022; Grimshaw & Jefferson, 1984).

These six bodies of literature allow me to show how authors have theorised the relationship between policing and democracy, illuminating my enquiry. Throughout this work, I will return to them, linking their reflections with the aspects of Carabineros I analyse.

The literature on democratic policing in Latin America has, until recently, been limited in scope. However, it has experienced a significant expansion in recent years (Dammert, 2019a). Three critical elements of Latin American socio-economic reality have

rendered democratic policing 'a distant reality' (Hinton, 2005): the recent authoritarian past of most countries in the region, high levels of economic inequality, and the pervasiveness of violence. These factors have made it challenging to align police forces with democratic values, often perpetuating 'authoritarian modes of coercion' (González, 2021). Within this context, scholars have explored the potential roles police forces could play in strengthening democratic values within democratic regimes. Consequently, as I will demonstrate, the literature in this field has focused considerable attention on questions of police reform.

Abolitionism

Abolitionism is a call to radically reimagine our ways of life (Maher, 2021; Kaba, 2014). We can trace its roots to the early discourses criticising the morality of slavery in the 16th century (Bautista Durán & Simon, 2019). Historically, we can identify abolitionism with calls to abolish slavery, the death penalty, and, more contemporarily, prisons. In the US, in the sixties and seventies, calls to abolish prisons played crucial roles in activism and academic environments. These calls constituted the earliest attempts to 'reverse the explosive rise in mass incarcerations' (Chaudhary et al., 2021, p. 3059). Although calls to abolish the police have existed among critics of the institution, they have been less influential and less formally articulated than calls for prison abolition; however, this situation has dramatically changed recently, especially in the US (Bautista Durán & Simon, 2019).

The murder of George Floyd by a police officer in Minneapolis in May 2020 was a trigger that multiplied appeals to defund (and therefore abolish) the police. It added to a series of works crystallised during the last decade after another police murder, that of Michael Brown in Ferguson, in 2014, which unleashed a 'national police crisis' that led to a 'New Conversation' about police reform (Walker, 2018, quoted in Simonson, 2021, p. 784 n21). Therefore, calls for police abolition have grown and intensified during the last few years.

The strands of 'police abolitionism' work share a view on police that we can characterise as 'systematic' insofar as they challenge the distribution of burdens and benefits of policing rather than the individual interactions people have with police (Wilenman & Chiao, 2023). Abolitionism rightly points out that the communities that most suffer the burdens of policing, such as police violence and discrimination, also receive fewer (if any) benefits from it because they have the highest rates of victimisation (Akbar, 2020) and suffer from constant underenforcement (Natapoff, 2006). By doing this, abolitionism focuses on the system of inequality and subjugation that police reinforce (Maher, 2021).

Abolitionism consistently defies the idea that police are necessary to fight against crime. As activist, organiser and writer Marianne Kaba has written, 'Police officers don't do what you think they do. They spend most of their time responding to noise complaints, issuing parking and traffic citations, and dealing with other noncriminal issues' (2020). In a similar vein, Maher quotes a well-known sentence by David Bayley (whom he describes as a 'non-abolitionist, and no opponent of the police'), 'police do not prevent crime', which is 'one of the best-kept secrets of modern life' (Bayley, 1994, quoted in Maher, 2021, p. 10). Although this idea repeats one of the well-known findings of the sociology of the police, using it to conclude that the police are ineffective in preventing crime or reducing harm is empirically questionable (Wilenmann & Chiao, 2023, p. 370).

The abolitionist perspective offers valuable insights into the tensions inherent in the concept of democratic policing (a concept that most abolitionists would label as an oxymoron, I presume⁴), as abolitionism highlights that police forces usually reinforce social structures that are antithetical to democratic values. By concentrating their actions in poor,

⁴ This rejection does not prevent, however, some strands of the Black Lives Matter movement (usually associated with abolitionist struggles) from advocating for community control of the police to transform what they see as a colonising force. They conceptualise 'community control over police' as 'a means of shifting power, enforcing democracy (...) and re-imagining a social force designed to actually protect and serve its population' (Adams & Rameau, 2016, p. 538).

marginalised communities, police subject these communities to violence and discrimination that, in the end, reinforce social marginalisation. To curb this, abolitionists advocate for the abolition of the police.

However, abolitionism is not only a project ‘against’ the police. Instead, it is a project ‘for’ new, radically different ways of living together, for ‘building community capacity to respond to crises and interpersonal harm’ (Akbar, 2020, p. 1834). Abolitionism, in Mariame Kaba’s words, is a ‘positive project’, premised on a ‘vision of a restructured society in a world where we have everything we need,’ and addressing harm ‘without relying on structural forms of oppression or the violent systems that increase it’ (Chaudhary et al., 2021, p. 3059).

I refrain from delving here into the ways abolitionist authors address the issue of police reforms. While they typically reject reformism as a lasting solution to the problems stemming from policing and instead envision 'a world without police' (Maher, 2021), they have formulated specific criteria for assessing reform initiatives. I will return to these ideas in the final chapter. Nevertheless, the general abolitionist plea to not entrust every social problem to the police is a good starting point for a theory of democratic policing (Kaba, 2020; Vitale, 2017)

Abolitionism literature has productively insisted on the fundamental tension between the democratic aspirations to live free from oppression and the penal system (including the police forces) that subjugate poor communities. Underlining this tension is a central step in thinking about the scope of democratic policing. While most abolitionist authors would dismiss the compatibility of these two nouns, I contend that this tension calls for thinking about the limits of what police forces can provide to democratic regimes. I argue that in contexts like the Chilean one, the police still can provide something valuable to democracy:

the protection of the most disadvantaged groups against forms of private violence that subjugate them and restrict their life possibilities.

Police Legitimacy

Abolitionism and ‘police legitimacy’ literature share two fundamental traits. First, both are committed to political questions that exceed policing by far. Paraphrasing Bernard Williams, both point to the ‘first political question’: ‘securing order, protection, safety, trust, and the conditions of cooperation’ (Williams, 2005, p. 3). Although they may frame those values differently, both strands of literature are concerned with the foundations of the polity. Secondly, both have grown and consolidated as intellectual projects aiming to find answers to the police’s discredit and lack of trust. Beyond these two similarities, they diverge in almost everything. In what follows, I describe the central tenets of the rich and burgeoning ‘police legitimacy’ literature and how it has contributed to thinking on the roles police forces play within democratic regimes.

The line of research commonly referred to as ‘police legitimacy’ was opened by the path-breaking *Why People Obey the Law* by Tom Tyler in 1990, which ‘in significant ways transformed criminology’ (Bottoms & Tankebe, 2012, p. 120). Tyler enquired about the reasons behind people’s obedience to the law, highlighting the role of normative modes of obedience and, among them, the role of ‘legitimacy’, broadly understood as ‘an overarching judgement about the right to power and the authority to govern’ (Jackson & Bradford, 2019, p. 266)⁵.

The legitimacy concept has been successively enriched by theoretical contributions (Beetham, 1991; Bottoms & Tankebe, 2012; 2017; Dunn, 2013), which have deepened its

⁵ While this broad characterisation of legitimacy provides a working definition, it is essential to acknowledge that the concept’s scope is extensively debated within political and legal philosophy (see Peter, 2017). My decision to adopt this understanding is predicated on its alignment with the theoretical underpinnings that have guided much research on policing in this field. I am grateful to Professor Lucia Zedner for raising this important point.

meaning, constituent components and sources (Jackson & Bradford, 2019). It has also inspired much research within policing studies, where the ‘dominant theoretical approach’ has been the enquiry on ‘procedural justice’ (Bottoms & Tankebe, 2012). Broadly speaking, the argument is that:

the use of fair procedures by legal authorities promotes legitimacy, and that legitimacy encourages a healthy and mutually reinforcing relationship between the legal system and the public’ (Trinkner et al., 2018, p. 280).

This research has not only been influential within academic circles but has also reached the policy domain. In the US, President Obama convened the ‘President’s Task Force on 21st Century Policing’ to examine ways of fostering strong, collaborative relationships between local law enforcement and the communities they protect. The Task Force was also charged with making recommendations on policing practices that could promote effective crime reduction whilst building public trust. Significantly, the Task Force designated ‘building trust and legitimacy’ as the first pillar of its recommendations, demonstrating how academic research on police legitimacy had directly influenced policy formation. (Final Report, 2015).

My aim is not to summarise the literature’s main findings and discussions. Rather, I want to show how it has helped us think about how police forces can sustain or erode the quality of democracy. We can approach this question through the concept of ‘teachable moment’. According to Tyler:

every encounter that the public have with the police [...] should be treated as a socialising experience that builds or undermines legitimacy. Each contact is a “teachable moment” in which people learn about the law and legal authorities (Tyler, 2012, p. 257).

In other words, when people interact with police officers, ‘more is at stake’ than the specific decision because ‘the procedures experienced are viewed as information about the group that the authority represents’ (Tyler, 1990).

According to Tracy Meares, police treatment provides people 'with important informational signals that they view as relevant to their identities' (Meares, 2017, p. 1533). Meares points to a crucial idea: police send signals that not only shape people's relationships with the police and the legal system but also their own identities. She reflects on what she calls the 'hidden curricula' of police, 'fraught with racially targeted actions and unjustified use of force' that 'teaches many that they are members of a special, dangerous, and undesirable class' (Ibid., p. 1525). She also highlights that 'stronger citizenship identity is associated with more positive measures of procedural justice with police' (Ibid., p. 1534).

Research on procedural justice and police legitimacy has shown that police treatment shapes the quality of democratic membership. In other words, the police do a great service (or disservice) to democracy by affirming or eroding one constituent component of a healthy democracy: its membership. This finding has influenced some of the works theorising the relationship between democracy and policing by grounding reflections about the symbolic power of the police, to which I will return below. Although most of the literature in this field has not directly engaged in research on democratic policing or ventured into the realms of political philosophy (for exceptions, see Tankebe & Bottoms, 2017; Loader & Sparks, 2013), it has enriched our understanding of the roles of police forces within democracies. I will return to these ideas throughout this thesis.

Theorising Democratic Policing

I now turn to the literature that explicitly treats the relationship between policing and democracy. I concentrate on the literature addressing how policing should function to be deemed democratic. From them, I take the central concepts structuring the meaning of democratic policing.

Democratising police abroad: democratic policing as democratic criteria

The concept of democratic policing expanded at the turn of the century to enquire how police forces can foster democratic values in developing democracies (Bayley, 2001). Democratic policing turned out to be a set of criteria about how police should deploy their labour to merit the adjective democratic. In this understanding, well represented by the comparative work of the late David Bayley, democratic police forces meet four criteria in guiding their labour and internal organisation: First, police are accountable to the law rather than to the government. Second, they protect human rights, especially rights deemed essential to foster democratic participation, such as voting. Third, police forces give operational priority to protecting individuals and private groups, not the state. Fourth, police should be transparent, which includes control from outside the institution (Bayley, 2001, 2006).

This approach to democratic policing has been influential in academic and policy discussions exploring avenues for police reform in so-called developing democracies, i.e. regimes that transitioned to democracy after authoritarian pasts. The democratic criteria appear as mechanisms for assessing police forces and constitute a roadmap to reform them (Newburn & Hinton, 2009; Mota Prado et al., 2012). This literature has advanced the understanding of how police forces can strengthen the basic traits of democratic regimes in contexts where these latter are fragile.

However, there are two traits of this understanding of democratic policing that remain problematic. On the one hand, it reproduces the hierarchies of knowledge and power between central and peripheral countries by exporting the model of policing that has consolidated in Anglo-Saxon liberal democracies, mainly the UK and the US. Secondly, this model remains tied to an unproblematised conception of democracy that appears as a neutral set of values, which correspond to the liberal capitalist democracy of the Global North. This translates into two shortcomings. On the one hand, the model does not account for different conceptions of democracy and its challenges. On the other hand, it assumes the Anglo-Saxon model of

policing, especially the one existing in the US, as democratic, losing sight of its own limitations (Loader, 2006).

Policing, symbolic power, and axiomatic security

Loader and his co-authors have identified the ‘symbolic power’ of police as a core research topic and how they function as ‘condensation symbols’ of collective identities. In a book co-authored with Aogan Mulcahy, drawing on the cultural sociology of Pierre Bourdieu, they researched the involvement of police forces with ‘structures of feeling’ in England (Loader & Mulcahy, 2003). They argue that police are a condensation symbol, ‘capable of generating high, emotionally-charged levels of identification among citizens’, remaining ‘closely tied to people’s sense of ontological security and collective identity’. By doing this, police generate loyalty and allegiance, but to the same extent, they ‘conjure a reminder of the existence of the undesirable, criminal Other’ (Loader & Mulcahy, 2003, pp. 39, 44).

In his subsequent works, Loader has deeply developed this insight, showing that the police are a crucial mediator of the sense of belonging to the polity and a marker of boundaries between those included and excluded from the community (2006, 2020). The police ‘dramatize order, allocate censure, and affirm trust in ways that can sustain, or corrode, democratic societies’ (Loader, 2011, p. 452). Police forces shape the quality of democratic life. They either communicate to certain constituencies their marginalisation from community life (for instance, through disrespectful or abusive treatment) or, conversely, develop ways of fostering inclusion—by considering their claims and developing their provisions in more egalitarian ways (Loader, 2006; Weber, 2020). The idea that police can sustain or erode democratic values through how they perform their task resembles the concept of ‘teachable moment’ used in the police legitimacy literature. Indeed, Loader recognises its usefulness

(2014, 2016), and other authors have noted the similarities (Meares, 2017). Why, then, do not treat them together?

Loader has expanded research pathways for examining the role of police forces in democracy beyond police-citizen encounters. The police legitimacy literature has focused on individual encounters with the police, viewing these as sites for forging a more legitimate order. On the other hand, Loader's work has used the symbolic power of the police as the point of departure to think about the relationship between policing and democracy in more structural terms, for example, by paying attention to questions of institutional design (Loader, 1994, 1996, 2016).

One avenue opened by this understanding of the police is examining their contributions to reinforcing 'axiomatic security' (Loader & Walker, 2007). Due to their symbolic power, the police risk colonising social life, concentrating all the expectations to curb feelings of insecurity, and therefore, making security 'pervasive', acquiring 'a certain colonizing force or "everywhereness", when its claims and values prevail in areas of public life and policy where they have no proper business' (Loader, 2006, p. 208).

To minimise these risks, Loader and Walker propose disentangling police and security, limiting the contributions the former could make to the latter. This contribution rests on a '*deep and narrow*' model of policing in which police agencies remain 'fundamental to people's sense of security' but 'should be reactive, minimal agencies of last resort' (ibid., p. 204, italics in original). By fostering this model, the police contribute to 'axiomatic security', a proper democratic good.

Axiomatic security comprises the sense of secure belonging that individuals require to develop their lives confidently within their environment, coexisting with others and accepting the inherent risks of living in a society (Loader & Walker, 2007, pp. 167-169). This

understanding of security is a properly democratic good for two reasons. Firstly, it is 'a necessary platform for any kind of political society, irrespective of the range of other goods that it chooses to value and pursue'. Secondly, it 'is an education in society' as it teaches people 'how to be with each other' (ibid., p. 167, italics in original).

In the concluding chapter, I will revisit these insights, arguing that the police's focus on providing axiomatic security is crucial to fostering a more robust democratic-egalitarian political community. This will involve arguing for the police to concentrate on a central mission: curbing threats to safety that exacerbate social hierarchies. Consequently, the institution's role in other endeavours, currently integral to its identity but peripheral to core policing functions, such as providing general help and aid, would be restricted.

Research on police accountability and beyond

Questions about police accountability constitute a fertile terrain for investigating the relationship between policing and democracy. However, this connection is not self-evident. In their 'state-of-the-art review on police accountability', 'based on the principles of a systematic literature review', Feys and coauthor do not mention the word democracy or any concept akin to it (Feys et al., 2018). While their focus is on empirical studies, the absence of any reference to democratic principles suggests these topics are not invariably connected.

Questions of accountability are fundamentally linked to democracy because they concern the control of police forces. In other words, they address how political communities can control police forces. This may explain why questions about police accountability and governance (two topics that often converge) have received renewed interest in the US after the 'Ferguson' episode and the subsequent episodes of police (lethal) violence (Stenning, 2021). Indeed, some researchers have highlighted accountability as the trait distinguishing 'authoritarian' from 'democratic' coercion (González, 2021; Policzer, 2009).

Theorists have formulated different proposals about what police accountability means – and to whom police should be accountable. According to Bowling and coauthors, 'the issue of accountability is the question of how to keep police practice, in particular the operation of discretion', within the framework of 'legislatures enacting substantive and procedural law' (Bowling et al., 2019, p. 244). This definition establishes a connection between policing and democracy by situating police actions under the control of a democratically legitimated institution, such as parliament. As they acknowledge, however, this serves merely as a starting point, leaving several crucial questions unaddressed, such as 'who should have the ultimate power of decision' over the 'goals and means of policing' or 'over what range of issues accountability operates' (*Id.*).

Marshall's classic analysis provides one of the most influential frameworks for understanding police accountability. He distinguished between two models of police accountability. One is the 'explanatory and cooperative' model, where police forces should 'tell stories', reporting to relevant authorities but without any constraints from them. Police forces are not required to take account of authorities' responses. The other model is the 'subordinate and obedient' model, which 'entails control' and governance by democratic authorities (1978). Marshall's distinction and Bowling and coauthors' definition establish the deep connection between police accountability and democracy. These analyses demonstrate that questions of accountability are fundamentally normative questions about the polity, establishing police accountability as an inherently political matter (Stenson & Silverstone, 2014).

However, the literature on police accountability has largely overlooked a crucial aspect through its adoption of a 'managerialist' reading that prioritises efficacy and efficiency. A more comprehensive understanding of democratic policing necessitates a shift in focus towards the political nature of accountability. This perspective reveals that 'the question of

police accountability is always tied with a particular conception of how institutional and social relations ought to be arranged' (Loader, 1994, p. 523).

According to Jones and coauthors, 'structures of accountability' are essential to developing what they call the principles of democratic policing. To be properly democratic, policing should fulfil seven principles: equity, delivery of service, responsiveness, distribution of power, redress, information, and participation (Jones et al., 1996; 2012). These principles require established structures of accountability to be feasible, thus positioning accountability as a fundamental requisite of democratic policing

The relationship between police accountability and democratic theory enhances our understanding of democratic policing in two ways. On the one hand, it unveils the political values that policing puts at stake, which are not appreciated through the 'managerialist' reading. On the other hand, it brings the institutional structure of the police forces to the discussion. Police accountability reveals how the structural organisation of police forces—their chains of command and responsibility, their decision-making procedures—either fosters or impedes democratic values.

Policing, justice, and democratic theory

Some authors have explored democratic policing and its significance through the lens of political theory. These approaches have examined how principles of democratic theory might be applied to the legitimate use of force. For Manning, a key theoretical departure point is the recognition that 'the police have an almost open-ended and defeasible capacity to employ force' (Manning, 2010, p. 35).

Peter Manning draws on John Rawls's political philosophy, which he describes as 'a pure democratic theory', to affirm that 'policing is a kind of redistributive mechanism resting on notions of trust, equality, and legitimacy' (2010, p. 1). Manning's twofold

conceptualisation of policing—namely, that it constitutes a redistributive mechanism and rests on the notions of trust, equality, and legitimacy—aligns with Rawls's difference principle, which posits that social and economic inequalities are legitimate only insofar as 'they are to the greatest benefit of the least advantaged' (Rawls, 1971, p. 302).

Rawls's credit for the revival of political philosophy stems largely from his enquiry into how political values can be applied to institutions. In the opening remarks of his *A Theory of Justice*, he famously affirmed that justice is 'the first value of political institutions' (1971, p. 1). Rawls's central concern was applying principles to the 'basic institutions of society', extending normative discussions from individual actions to social and political arrangements. By drawing on Rawls's work, Manning brought to the fore the question of how justice should influence policing. He concludes that Rawls's difference principle should guide policing. As an expert in the daily complexities of policing, he acknowledges that 'it is unlikely that the police can actually reduce inequality, and in fact have no obligation to do so'. Therefore, a 'working definition of this abstraction' suggests that 'any action, planned, stated, or enacted [by the police], should not increase inequalities' (Manning, 2010, p. 65).

I draw two insights from Manning's use of political theory to illuminate policing questions. First, there is the critical edge that political principles provide when examining policing and the values it embodies. In Chapter 3, I draw on egalitarian theories of democracy to illuminate my enquiry into the democratic quality of Carabineros. Secondly, drawing from his extensive experience as an empirical researcher of policing, Manning acknowledges the limited role that policing can play in reinforcing equality, thus providing a model for conceptualising the relationship between policing and democracy.

Manning adopts one version of 'a pure democratic theory' (2010, p. 3) to critically consider policing and how it can reinforce democratic values. However, democratic theory

can provide other resources for thinking about policing, as David Sklansky has argued. According to Sklansky, the second half of the twentieth century saw radical transformations within democratic theory and policing scholarship. Although they were 'closely intertwined, these two stories are almost never discussed together' (Sklansky, 2008, pp. 2-3).

Observing 'these stories in tandem' reveals 'the important ways in which they are intertwined'. The rise of pluralist democratic theory in the 1950s and the emergence of participatory and deliberative democratic theories in the 1970s ran parallel to the growth of police professionalism in the 1950s and 1960s, and the 'slow emergence' of civilian oversight and community policing in the 1970s and 1980s. Although theorists of democracy paid little attention to policing, and police reformers were largely unaware of developments in democratic theory, the connections between these fields were more substantial than initially apparent. For example, the ascendancy of 'insulated police departments organized along hierarchical, quasi-military lines' was a direct inheritance of pluralist theories of democracy (*Ibid.*, p. 35).

By tracing the connections between developments in democratic theory and transformations in policing, Sklansky has made significant contributions to demonstrating how democratic theory can illuminate policing studies, from which I draw two insights. First, he has argued that the lack of dialogue between democratic theory and policing studies has resulted in an inattention to 'questions of institutional structures' (2008, p. 99). This means that 'chains of command, routes of advancement within police departments, occupational opportunities and rewards, systems established for internal review', among others, have remained, for the most part, unexamined from the perspective of democratic theory. This omission overlooks a rich opportunity to examine how institutional arrangements embody political values. It also perpetuates the exceptional status of the police force compared with other state institutions whose structures have received attention from democratic theory. My

enquiry in this thesis responds to this gap by analysing the institutional structure of Carabineros through the lens of democratic-egalitarian political philosophy.

Secondly, Sklansky, following political theorist Ian Shapiro, proposes understanding democracy as a project consisting of the 'opposition to entrenched patterns of unjustified inequality', animated by 'a spirit of democratic oppositionalism'. Following this understanding of democracy, 'the special salience of the police immediately becomes clear: the police are both a uniquely powerful weapon against private systems of domination and a uniquely frightening tool of official domination' (Sklansky, 2008, p. 109).

Based on this conceptualisation, we can grasp the unique service that police forces play in democracy: the police should be 'as effective as possible in combating unjustified patterns of private domination and unthreatening as possible as a tool of official domination' (Ibid., p. 109). This insight is difficult to overstate. It has two crucial consequences for understanding how police forces can actively strengthen democratic values through their practices, which I will discuss in the last chapter. First, it emphasises the role of police in reducing private violence, particularly in marginalised communities that are subjugated by such violence. In the study case of this thesis, we will see that gang violence subjugates poor communities through the risks created by permanent gunshots. In light of this reality, the police's central contribution should be curbing violence.

Secondly, Sklansky's conceptualisation of police as both a source of protection and a threat⁶ allows us to appreciate 'the disproportionate targeting of minority suspects' and 'inadequate policing' of those most needing it as twin democratic pitfalls. Or, as he states, we should 'worry not just about police malfeasance but also police nonfeasance' (Ibid., p. 132). Authors conducting empirical studies of policing have spoken about the 'over-policing under-

⁶ Walker (1996) made a similar argument, affirming that the police represent the protection against threats whereas being 'themselves eminently capable of threatening personal security' (61).

policing paradox' (Rios, 2011) to describe the phenomenon of communities that are intensively policed but do not receive protection. Defining police by their role in curbing violence while restraining their own violence provides theoretical foundations for this paradox, showing that both over-policing and under-protection damage democracy.

Over the last few years, there have been renewed efforts to use the resources of political philosophy to theorise policing (Fryer, 2023; Galoob & Monaghan, 2023; Miller, 2023; Monaghan, 2023a; Monaghan, 2023b; Smith, 2024; Del Pozo, 2023; Ferzan & Harmon, 2023). These works share the attempt to 'focus on fundamental questions regarding the legitimacy of policing and its connection to the rule of law' (Galoob & Monaghan, 2023, p. 547). By connecting the analysis of police power to questions of 'the legitimacy of a society' (*Id.*), these works offer at least two novel possibilities for the study of democratic policing that I shall examine.

First, they point out limits to police power derived from what a legitimate state can do. In this respect, Harmon and Ferzan (2023) analyse to what extent the police can use deadly force against fleeing suspects. Monaghan (2023a) examines the political values the police should protect in policing 'disobedient manifestations'. Both authors offer responses based on the values a liberal-democratic state should protect to be legitimate. Similarly, Hunt explores principles in liberal political philosophy to limit police use of deception in investigative tasks (2023). All these works converge to establish limits for police powers using the tools of political philosophy.

A second line of enquiry developed by these works focuses on finding the institutional place of police forces within the architecture of democratic states. I distinguish them by noting that, while the aforementioned works are concerned with limiting police powers, those I will now review examine the conditions that enable police power. Based on

these conditions, they reach conclusions about the most appropriate institutional design of police forces.

In this vein, Eric Miller proposes a 'governance-based model of the police' in which the essential task of the police is fulfilling the 'state's duty to govern' (2023). The defining characteristic of the police in this model is the normative power to change 'the legal status of people with whom the police interact'. The novelty of this approach lies in identifying the police's distinctiveness through their normative power rather than their capacity to use physical force (as in the seminal Bittner's definition (1970)). This power includes 'the powers to displace civilian's reasons for action; to detain (or arrest) individuals who obstruct the police; and to trespass upon property without legal sanction' (Ibid., p. 574). The police exercise these powers as part of the state's duty to govern to 'secure public order'.

A normative consequence of this understanding is that the police's role should be limited to fulfilling this particular aspect of the state's duty to govern and refrain from acting when 'differently skilled specialised agencies' are better equipped to act. This provides insightful input for thinking critically about Carabineros because, as we shall see in Chapter 6, the institution performs multiple roles that exceed its mandate of participating in the state's duty to govern by securing public order.

Jake Monaghan draws upon political theory to delineate 'Just Policing' (Monaghan, 2023b). He explicitly endorsed a non-ideal theory of just policing: 'what just policing looks like in a world characterised by pervasive injustice' (p. 1). The non-ideal theory's epistemological commitments lead him to take the core characteristics of police seriously. Therefore, he proposes a model of just policing that incorporates discretion as unavoidable. Policing always rests on two types of discretion: the police should decide if a norm has been violated (interpretive discretion), and the police must decide which violations justify invoking

police power (priority discretion). In this understanding, just policing requires 'discretionary non-enforcement' where 'officers and administrators should avoid high-legitimacy risks policing' (ibid., p. 101). The 'legitimacy risks' concept is a guideline to prioritise policing activities. In this account, there are four legitimacy risks that the police should consider: the magnitude of the burden associated with policing, the distribution of that burden, the initiation of police activity, and the level of democratic authorisation of police activity.

These substantive criteria orient the use of discretion by police forces. The normative analysis of discretion enriches our comprehension of the role of policing within democracy. It grounds a normative critique of extended policing practices, such as the prosecution of so-called vice laws (e.g., drug consumption, prostitution). Consider the case of the prosecution of sex work to show how legitimacy risks may function as normative guidelines for policing.

The magnitude of the burden associated with this prosecution is high because the police have to intrude on people's property and intimacy. The burden's distribution is likely unjust as sex workers are mostly women in precarious situations. As this would require police-initiated activity, it demands a higher legitimacy risk. It is dubious that the prosecution relies on strong democratic authorisation as it rests on a competing moral vision. This is not an argument, however, to necessarily stop the prosecution of prostitution but to ponder the legitimacy risks entailed in its prosecution. If, for example, police prosecute this activity in certain specific settings because they have a grounded suspicion that crimes are being committed (e.g. human trafficking), the legitimacy risk is lower because the democratic authorisation to prosecute trafficking is more robust than to prosecute vice laws.⁷

⁷ Monaghan recognises that 'measuring the strength of democratic authorization is a challenge' (p. 94), not least because some widely supported policing activities oppress minority groups. However, he endorses that 'we have an intuitive sense of which laws are strongly authorized and which aren't', and therefore, 'policing physical harm anchors the strongly authorized side of the spectrum' (Ibid., pp. 94-95). I follow this view in including gun violence among police activities counting with more robust democratic authorisation.

One of Monaghan's insights is that Just Policing requires appropriate institutional design. He affirms that the principles of just policing are 'compatible with a range of agency forms' (ibid., p. 199), so he avoids suggesting specific arrangements. However, he develops a sound central proposal: just policing requires specialised agencies differentiating legitimacy risks and being accountable for more specific tasks. He illustrates the point by examining how domestic violence police units would work under the just policing model compared to how they work in most existing forces.

He observes that, under the prevalent generalist model of police forces, domestic violence units are seen as auxiliary to the perceived core police mission, fighting crime, so officers do not have incentives to develop specific knowledge about this form of violence. He argues that under a model based on legitimacy risks, forces would prioritise addressing this violence, hiring and promoting officers with specialised skills to solve these cases. What I deem valuable about Monaghan's approach is using the resources of political theory to envisage what just policing means in an unjust world and deriving conclusions applicable to the design of police forces. In this enterprise, his effort is close to a concern some authors have developed to address police exceptionalism, as we shall see now.

Curbing police exceptionalism: The relevance of police institutional design

Paying attention to the institutional structures of police forces implies addressing 'police exceptionalism', by which police forces usually remain 'aloof from the ordinary processes of democratic governance' (Friedman & Ponomarenko, 2015, p. 1827). Police definitions are usually exempt from the typical requirement for administrative agencies, which states that 'policy choices are vetted in the public arena and have popular support' (ibid.). Conversely, the rules guiding police actions 'are rarely made public or publicly debated'. Mechanisms of control over policing usually rest on ex-post judicial review, that despite ensuring that

'policing practices are constitutional, [it] does nothing to assure democratic accountability or sound policymaking' (Friedman & Ponomarenko, 2015, p. 1827).

Police exceptionalism remains a significant obstacle to democratic policing (Friedman, 2017), calling for the adoption of administrative law mechanisms to curb it (Slobogin, 2016). These mechanisms would combine the well-settled ex post judicial review with more effective 'democratic lawmaking about policing, orchestrating deliberation' over its rules (Friedman & Ponomarenko, op. cit., p. 1901). This attention to the structures of decision-making within policing reinforces the idea that 'people should take responsibility for policing, as they do for the rest of their government, and that policing agencies should be responsive to the people's will' (Friedman, 2017, p. 21).

Incorporating mechanisms of deliberation and collective decision-making processes in policing does not dismiss the role of police discretion nor omit the risks that policing decisions follow majority preferences. However, it points to a largely ignored issue in policing: the institutional design of police forces, which I will examine in Chapter 5 when assessing Carabineros' regulatory framework. I will show that the regulation has favoured exceptionalism by endowing the police force with a high degree of autonomy to make decisions about their work. It remains a pending challenge of democratic policing to 'seek democratic sanctions for police actions' (Friedman, 2017, p. 158).

Police and the pressures of social inequality

A body of literature has examined how the police can protect all social groups within contexts of socioeconomic inequality. These works stem from the observation that the police tend to reproduce existing inequalities, either because they suppress the most disadvantaged constituencies, remain attentive to the most powerful groups, or both (Kinsey et al., 1986; Grimshaw & Jefferson, 1984). According to these authors, police reforms are necessary to

redirect police forces to protect the most marginalised groups who concurrently require police protection.

Although not necessarily mentioning it explicitly, these authors recognise that the police protect both a general and a specific order, as famously formalised by Otwin Marenin. The former is the order everyone benefits from, as it encompasses the primary conditions for peaceful coexistence. The latter is the unequal order benefiting privileged groups (1982). The works examined here indicate that reforms are necessary to foster the protection of the general order whilst minimising police alignment with the specific order. For critical criminologists Roger Grimshaw and Tony Jefferson (1984), this requires implementing criteria of 'socialist justice' in determining policing priorities. For instance, under these principles, protecting poor people's property would take precedence over protecting wealthier groups' property 'to compensate for this unequal ability to protect' (Grimshaw & Jefferson, 1984, p. 163). Crucially, these principles would adjudicate competing policing actions by prioritising the protection of groups most affected by 'inequalities in social relationships not characterised by choice' (*Id.*)

In a similar vein, authors typically categorised under the label of 'left realist criminology' proposed a model of 'minimal policing' responsive to the needs of the most disadvantaged groups, who were also those most requiring police protection. This research recognises that whilst the police have historically engaged in acts of violence and discrimination against the poor, they can also protect the communities most affected by violence (Kinsey et al., 1986). To achieve this, the police should be accountable to marginalised communities to establish mutual trust. Trust is essential for police effectiveness, as 'information only circulates where communities trust in the police' (Lea, 2016)

The authors associated with this line of thought explicitly recognise the dangers of these proposals reinforcing the state's control over local communities. Tim Newburn astutely noted that this led left-realist ideas to resonate strongly with 'right realist' criminologists due to their emphasis on the criminogenic relevance of local disorders (Newburn, 2013, p. 276). Notwithstanding this discussion, what renders left realist criminologists a valuable source for examining the relationships between policing and democracy is their emphasis on the unequal impact of crime and how the police can contribute to alleviating these impacts amongst the most impoverished groups.

Furthermore, the authors emphasise that this horizon requires reducing police powers and autonomy, fostering multi-agency cooperation to entrust other institutions with tasks for which the police are not best equipped, and 'forcing police to function as a subordinate part of a welfare approach to social harm' (Fleetwood & Lea, 2022, p. 174). Whilst the police should maintain an active role in protecting people from crime, they should not be the primary response to the multiple issues communities may experience, e.g., drug addiction problems or mental health crises. I shall return to many of these insights in Chapter 9 when reflecting on how the police can contribute to a more robust democratic-egalitarian society.

Bringing democratic policing to Latin America: between the authoritarian past and urban violence

The discussions about democratic policing have flourished in the Global North, particularly in the UK and the US, as demonstrated by the literature reviewed. What, then, has occurred in Latin America?⁸ I conclude this introductory chapter by examining the works in the subcontinent devoted to the position of police forces within democratic regimes. Policing studies have flourished in recent years, moving beyond what was, until recently, a very

⁸ By 'Latin America', I refer to what the United Nations terms 'Latin America and the Caribbean', which includes the Caribbean, Central America, and South America. <https://unstats.un.org/unsd/methodology/m49/> [accessed 20 November 2023].

limited field (Dammert, 2019a). I argue that three elements of the subcontinent's socio-economic reality have shaped these works: the recent authoritarian pasts that most countries experienced, the high rates of interpersonal violence, and substantial levels of economic inequality – the same three factors I mentioned in the Introduction when describing the Chilean case. These elements have shaped both police work and police forces' position within Latin American societies. Let us examine each of them.

First, the 1970s and 1980s witnessed the rule of brutal civil-military dictatorships in most Latin American countries. These regimes engaged in policies of murder and forced disappearances, suspending fundamental liberties and violating human rights, including personal integrity and freedom (McSherry, 2002; Lessa, 2022; Policzer et al., 2019). Police forces played a central role in executing repression and, in some countries, even co-governed alongside the Armed Forces (Policzer, 2009; Águila, 2018; Pessoa Cavalcanti & Garmany, 2020). Police participation in authoritarian regimes left enduring legacies within the forces, such as a military ethos and the logic of internal warfare in their daily operations (Sozzo, 2016; Hinton & Newburn, 2009).

Secondly, Latin America is the most violent region globally, as measured by homicide rates (UNODC, 2023). The region's average homicide rate is nearly four times that of the rest of the world (Villalta, 2020), to such an extent that scholars have characterised Latin American regimes as 'violent democracies' (Arias & Goldstein, 2010). Homicide rates almost quintupled between 2016 and 2022, and whilst comprising only 8% of the world's population, Latin America accounts for 29% of global homicides (Dammert et al., 2024, p. 5). It should be noted, however, that these rates are unevenly distributed throughout the region and are comparatively low in the Southern Cone.⁹ Despite these regional variations, the high rate of

⁹ The Southern Cone is the geopolitical zone comprising Argentina, Chile, and Uruguay. Some accounts include Paraguay. See <https://dle.rae.es/cono> [Retrieved on June 6, 2024].

violence has generated a 'tough on crime' environment where calls for harsh policing and punishment are prevalent (Bonner, 2019; Müller, 2016; Wolf, 2017).

Thirdly, Latin America exhibits high rates of economic inequality. Despite varying national circumstances, this trend persists throughout the region (Gasparini & Cruces, 2021). The pervasiveness of unequal societies has translated into fragmented security priorities, with wealthier sectors advocating for harsher policing and punitive measures against disadvantaged constituencies, whilst politicians respond to these demands by encouraging stringent policing borne by the least advantaged groups (González, 2021).

These contextual factors have influenced the literature on democratic policing to examine police reforms that align police forces with democratic regime objectives. Fostering police forces aligned with democratic values has remained 'a distant reality' (Hinton, 2005) because, in the domain of policing, the region has been struggling to break with its authoritarian past whilst under the increasing strain of crime and violence (Hinton, 2006). In this context, some authors have sought to apply Bayley's 'democratic criteria' (see above), noting that democratic policing remains 'an aspiration' in the region, which faces obstacles such as violence, corruption, authoritarian legacies, and lack of resources (Mota Prado et al., 2012).

In her recent magisterial account of police forces in Latin America, González describes policing in the region as shaped by the persistence of 'authoritarian modes' of coercion, characterised by weak accountability mechanisms, exceptional legal frameworks, and failures in protecting citizens from crime (González, 2021). Authoritarian coercion stems from the confluence of regional contextual elements. High rates of inequality generate what she terms 'fragmented preferences' regarding security, with wealthier constituencies advocating for harsher policing and punishment to curb crime and violence, regardless of

persistent patterns of police violence and abuse, as these constituencies rarely experience them. Politicians, in turn, have greater incentives to respond to these demands rather than those of poorer constituencies, as the wealthy possess more resources to exert pressure and ensure their concerns are addressed. Consequently, politicians typically reinforce police power through tough-on-crime rhetoric.

A crucial insight from González's work is that authoritarian coercion persists in Latin American democracies due to the dynamics of these democratic regimes themselves. Whilst the authoritarian past of police forces might explain certain characteristics, it is the day-to-day functioning of democracy that reinforces and reproduces authoritarian coercion. A further consequence of these dynamics is that police forces have contributed to the development of 'constrained' and 'stratified' citizenship throughout the region through inadequate security provisions and unequal access to both security and protection from state repression (González, 2017)

Alongside persistent authoritarian modes of coercion, Latin American police forces have increasingly endorsed Community Oriented Policing (COP) in recent years. The discourse surrounding COP adoption has employed the language of democratising police forces by contrasting it with *mano dura* (iron fist) policing. Indeed, adopting COP programmes has become 'the sine qua non of democratic police reform in Latin America' (Müller & Steinke, 2021) in efforts to restore trust between communities and police forces (Malone & Dammert, 2021). However, some authors have noted that COP programmes in the region are 'so vague as to make it indistinguishable from traditional policing practices' (Bonner, 2020, p. 1045). The adoption of COP appears to function more as a rhetorical device than a genuine transformation of policing practices. In the upcoming chapters, I shall return to COP discourses and programmes to demonstrate that Carabineros has not escaped

this regional trend, adopting COP categories and concepts to contextualise the institution's role within Chilean society.

Conclusion

In this chapter, I have reviewed the literature on the relationships between policing and democracy. I have argued that this relationship remains under-theorised, primarily due to insufficient dialogue between political philosophy and policing studies (Loader, 2016). I have outlined the main trends within policing studies over recent decades. After establishing this broad context, I have engaged with two influential bodies of literature that, whilst not developing the theoretical connections between policing and democracy explicitly, have addressed questions that enrich the enquiry of this thesis: abolitionism and the literature on procedural justice and police legitimacy.

Their central concern about what police can and cannot contribute to democracy differs markedly. Whilst scholars of police legitimacy have asserted that police can reinforce democratic values and citizenship quality (Tyler, 2012; Meares, 2017), abolitionist authors have advocated for a 'world without police', viewing policing as a mechanism that perpetuates violence against marginalised groups (Akbar, 2020; Maher, 2021; Kaba, 2014). Despite these contrasting perspectives, both strands of literature have enriched our understanding of policing's role within democracies by linking it to what Bernard Williams termed 'the first political question': how to secure order and cooperation. Through this lens, both abolitionism and the literature on police legitimacy have illuminated how policing is intrinsically connected to democracy's foundations.

I have then examined works theorising the relationship between policing and democracy, focusing on various aspects of this relationship. Whilst not attempting to provide an exhaustive review of the field, I have presented different approaches to theorising

democratic policing that illuminate my enquiry. These works have substantially broadened the analytical framework for understanding both the significance of police forces within democratic regimes and their potential contributions to democratic values.

I have concluded this chapter by examining the literature on policing in Latin America. Regional scholarship has revealed the obstacles to aligning police forces with the functioning of democratic regimes, particularly the military legacies of recent authoritarian pasts, which persist in core aspects of police agencies, such as their hierarchical character and the use of war rhetoric to conceptualise their daily work (Sozzo, 2016). The principal contribution of these studies has been to demonstrate how the region's socio-economic reality poses challenges to democratic policing. The interplay of inequality, authoritarian legacies and high violence rates has created significant barriers to aligning police forces with democratic values. These challenges have led scholars to focus primarily on questions of police reform rather than theoretical discussions about the various connections between policing and democracy. I have argued that this focus does not represent a shortcoming of the literature but rather constitutes a necessary response to pressing challenges.

In the next chapter, I detail my research's methodological framework. I turn to the epistemological foundations of this thesis to demonstrate how my work has engaged with the literature I have reviewed. Building upon these foundations and the above elements, I discuss the methods employed in this research.

CHAPTER 2. Searching for democratic policing in Chile

Introduction

In Chapter 1, I reviewed the literature on the relationship between policing and democracy. The chapter examined different ways of theorising this relationship and how the Latin American context has posed particular challenges to established thinking on the roles of police forces within democratic regimes. The enduring legacies of authoritarian regimes, the high rates of violence (as measured by homicide rates), and the persistent socioeconomic inequality have converged in hindering police forces' alignment with democratic values. Although common in the region, these three factors have had different weights across countries. For instance, Colombia was never ruled by an authoritarian regime, but it experienced exceptionally high homicide rates for decades (Guerrero-Velasco et al., 2021). In contrast, Chile experienced a bloody dictatorship for almost two decades (see Chapter 4), but its homicide rates are comparatively low – albeit with a stark rise during recent years (UNODC, 2023).

Within this complex backdrop, I embark upon a quest to understand the meaning of democratic policing. What does democratic policing signify in a context such as Chile's? How can democratic policing serve as a normative framework to assess the Chilean police force, Carabineros de Chile? It is crucial to unpack two implicit elements in this question.

First, democratic policing is not a preconceived notion but a construct I will develop throughout this thesis. I will ground on a meticulous examination of the empirical evidence, serving as a benchmark to evaluate the reality under scrutiny – in this case, policing in Chile. Defining the theoretical concept after conducting the empirical analysis aligns with non-ideal theory procedures, which aim to provide normative reflections that establish standards to address existing injustices (Anderson, 2010; Mills, 2017; Young, 1990). Second, and closely

intertwined, the verb 'evaluate' underscores the normative nature of this research. This indicates that the primary focus lies in examining how things should be rather than how they are. I will employ the concept of democratic policing to probe what the police in Chile should embody to be deemed democratic.

In this chapter, I describe how I will conduct this enquiry. I begin by presenting the tenets of non-ideal theory as the broad intellectual tradition to which this thesis belongs. This allows me to introduce how I will use empirical evidence and assess its relationship to theoretical concepts. After this, I present my methods. I explain why I have chosen each method and how they work together to afford robustness to my work whilst acknowledging their limitations. Before addressing these issues, I begin with a brief detour to explain a linguistic difference between English and Spanish that sets the thesis's scope.

On activities and institutions: Policing and police forces

Although it seems obvious, it is worth highlighting that policing and police are different concepts, representing different phenomena. Bowling and coauthors have recently synthesised the distinction by stating that police 'refers to a particular kind of social institution', whilst 'policing' implies a set of processes with specific social functions. The latter is 'arguably a necessity in any social order' to the extent that it 'is an aspect of the more general concept of social control'. However, police are a modern invention, and 'many societies have existed without a formal police force of any kind, and certainly without the present model'. The conflation of these two concepts has led to what the authors call 'police fetishism', in which the existence of police forces is taken for granted (Bowling et al., 2019, p. 4).

Consequently, policing could be carried out by institutions other than the police. Whilst police forces are legally and institutionally equipped to deploy policing daily

(Bowden, 2024), possessing a unique resource – the capacity to use legitimate, non-negotiable coercive force, as famously described by Bittner (1970) – policing, as part of the broader process of social control, is also deployed by a diverse array of communal organisations (Newburn & Jones, 2002). In other settings, parastatal organisations, such as the mafia (Gambetta, 1993) or drug-trafficking gangs (Lessing, 2018; Durán Martínez, 2018), have developed their own forms of policing. Historically, since antiquity, communities developed different forms of policing long before the existence of the institution we know as the police (Emsley, 2021).

This distinction is significant because the canonical and most eminent Anglo-Saxon academic literature has focused on the issue of democratic policing. This means that the concern of the literature has not been only how the police forces deploy their labour but the:

Activities, functions, and power of those bodies engaged in what we commonly think of as ‘policing’ (...) including non-Home Department police officers, the plethora of regulatory and investigatory agencies (...) and, of course, the private security industry (Jones & Newburn, 1998, p. 2).

This definition of policing explains why the literature on democratic policing occasionally proposes a significant degree of separation between policing and police forces. This is demonstrated in Peter Manning’s call to search for:

A residual form [...] an archetype, or a form referred to as democratic policing rather than a specific subtype of policing organized (in various ways) around nation-states, political traditions, and legal or religious beliefs (Manning, 2010, p. 72).

Within this framework, policing is not confined to any specific institutional context but rather encompasses a range of activities and objectives, the realisation of which remains theoretically open. In echoing this position, Loader has suggested that the concept of democratic policing 'may best be understood (...) as a way of thinking about and acting upon policing that need not necessarily be tied to specific police institutions or even to nation-states' (Loader, 2011, p. 457).

This conception of democratic policing creates challenges for this project. The challenges primarily concern linguistics but carries broader implications. In Spanish, there exists no exact translation of the concept of 'policing'; neither as a noun nor a verb does Spanish possess a word that captures its meaning. This absence is, to be precise, a common feature of most European languages. Only 'in the English-speaking world does there seem to be an assumption that the institution called "the police" is primarily concerned with doing "policing". Whilst the French and Italian languages have no single verbs for 'policing', in German, 'a variety of words encompasses policing roles' (Emsley, 2021, p. 2). The absence of the word 'policing' in Spanish raises intriguing questions that can be summarised thus: how can I develop a project engaging with the literature on democratic policing whilst focusing on a reality that cannot be understood through the same concept? These questions are not merely of theoretical interest; they hold significant practical implications. I aim to introduce them by examining certain understandings and commitments regarding translations and the limits of linguistic transference.

According to Walter Benjamin, 'one can demonstrate that no translation would be possible if in its ultimate essence, it strove for likeness to the original' (Benjamin, 1996, p. 256). This impossibility does not mean that the translation fails to grasp what, for the sake of generality, we can call the 'essence' of the translated concept. If that were the case, the idea of the translation would lose its sense. Instead, the impossibility implies 'that the transferal of a stable meaning is impossible, even if we confine ourselves to the purely conceptual aspect, or the most apparently observant terms' (Claro, 2009, p. 104). Assuming the impossibility of transferring a stable meaning, the translation could be characterised as 'consist[ing] in finding the particular intention toward the target language which produces in that language the echo of the original' (Benjamin, *op. cit.*, p. 258). This vision of the purposes of translation could be

metaphorically summed up as an attitude of 'hospitality to the "ways of signifying" of the foreign language' (Claro, op. cit., pp. 105-6).

For the purposes of this academic work, this understanding of translation and its functions has both theoretical and practical consequences. First, and despite the title of this thesis indicating it is about 'democratic policing', most of it is dedicated to analysing the main Chilean police force, Carabineros de Chile. This is not a departure from the original scope of the English concept of policing but rather a means of preserving its 'ways of signifying' in a foreign language. Due to Chilean state-building processes, institutional architecture and social history, the activities and functions that we can associate with policing are embodied within Carabineros.

There is a particular way in which, I suggest, the focus on the police force and its role within the democratic regime could capture the 'ways of signifying' from the concept of 'democratic policing'. Rather than in the analytical distinctions between policing and police, the translation demonstrates its adequacy by revealing certain essential concerns about democracy. The significance of the literature about democratic policing lies not only in what it says about policing but also in what it reveals about democracy and one of its most puzzling traits: the use of legitimate coercion. In this work, these traits of democracy are more acutely examined through a comprehensive analysis of the police force.

In search of non-ideal theories of policing

In this section, I will outline the defining characteristics of non-ideal theory as an intellectual project in political philosophy and its potential contributions to criminology, particularly to this study. I begin by placing non-ideal theory within the broader debates of political philosophy to demonstrate its objectives and scope. I argue that non-ideal theory represents a particular approach to grounding normative reasoning. Whilst ideal theory grounds itself on

abstractions of how an ideal world would look, non-ideal theory begins by diagnosing existing injustices and considering potential solutions.

The distinction between ideal and non-ideal theory originates from John Rawls's *A Theory of Justice* (1971). For Rawls, ideal theory grounds its principles by assuming 'strict compliance' and a 'well-ordered society under favourable circumstances', presenting 'a conception of a just society that we are to achieve if we can' (Rawls, 1971, pp. 245-6). We judge existing institutions in the light of this just society. In Rawls's perspective, ideal theory takes precedence over non-ideal theory because it enables us to envisage 'the principles that ought to constrain the design and operation of the basic structure of each society' (Simmons, 2010, p. 7). These principles provide 'the only basis for the systematic grasp of these more pressing problems' (Rawls, 1971, p. 8).

According to Rawls, ideal theory fulfils 'target' and 'urgency' roles (Stemplowska & Swift, 2012). Firstly, ideal theory provides 'the ultimate target' towards which non-ideal theory should aim (Stemplowska & Swift, 2012, p. 376). Without this target, the argument proceeds, non-ideal theory 'lacks an objective, an aim, by reference to which its queries can be answered' (Rawls, 1999, p. 90). In other words, without the target of ideal theory, we lack a horizon to guide non-ideal theory. Conversely, ideal theory plays an 'urgency role' by expounding the most grievous injustices through 'the extent of the deviation from perfect justice' (Rawls, 1971, quoted in Stemplowska and Swift, *op. cit.*, p. 376). Measuring the distance between the ideal and reality reveals which aspects of this disparity represent the most severe injustices.

Non-ideal theory proceeds differently. It begins by carefully mapping the empirical landscape, and only then does it propose what it considers to be solutions to the identified problems. Among several influential authors who have endorsed the project of non-ideal

theorisation, Amartya Sen has described its priority by affirming that '[t]he characterization of spotless justice does not entail any delineation whatever of how diverse departures from spotlessness can be compared and ranked' (2006, quoted in Stemplowska and Swift, *op. cit.*, p. 376). For Sen, the comparative task of non-ideal theory lies in evaluating feasible options to address real-world problems.

Similarly, Elizabeth Anderson defines non-ideal theory's procedure as identifying social injustices and proposing tailored solutions to address them. Anderson highlights three key advantages of non-ideal theory. First, she argues that non-ideal theory is better suited to accommodate 'the motivational and cognitive capacities of human beings'. Secondly, non-ideal theory, grounded in detailed and rigorous empirical analysis, is more likely to discover 'practical solutions'. In contrast, ideal theory risks proposing solutions that align with an ideal scenario but may not be feasible or, worse, could exacerbate problems. Finally, Anderson contends that non-ideal theory provides better tools for recognising 'injustices in our non-ideal world'. It allows for incorporating the standpoint of marginalised or oppressed social positions that ideal theories might overlook (Anderson, 2010, pp. 3-5).

The primary criticism against ideal theories concerns how they construct normative principles, isolated from social realities and, therefore, universalising from supposedly neutral positions that ultimately naturalise the socially privileged minority (Mills, 2017; Ng, 2019). These critiques operate at two levels. First, constructing social principles from atomistic individuals, positionless within social orders, transforms political philosophy into 'applied ethics'. On this account, the distance between the 'principles' and the 'actually existing reality' is bridged by applying the former to the latter, ignoring power relations. Secondly, 'what distinguishes ideal theory is the reliance on idealization to the exclusion, or at least marginalization, of the actual' (Mills, *op. cit.*, p. 75). This implies that actually existing oppressions are erased from the abstractions and treated as 'simple deviations from

the ideal' (ibid.). In this respect, ideal theory becomes ideological because it reaches universal conclusions from the position of privileged groups. Two examples from leading non-ideal theorists help illustrate this ideological aspect of ideal theories.

On the one hand, the late Charles W. Mills cites feminist critiques of the Kantian notion of autonomy. These critiques have questioned its appropriateness as an ideal because it denies dependence, which leads to obscuring 'work [that] has been traditionally done by women'. Thus, the notion of autonomy would 'obfuscate reality' by generating an abstraction that misrepresents it (Mills, op. cit., p. 82). On the other hand, in defending her non-ideal approach to racial residential segregation in the US, Elizabeth Anderson demonstrates the risks of relying on an ideal approach when addressing a social problem like segregation. For her, in its pursuit of principles assuming compliance and well-ordered society, an ideal theory would inevitably lead to defending colour-blind neighbourhoods where racial segregation does not exist. However, in the existing circumstances of racial segregation in the US, the 'colour-blindness solution' would ultimately deepen segregation (2010).

In contrast, the non-ideal theory begins by placing social reality at the centre of normative reflection, what Iris Marion Young termed a 'socially and historically situated normative analysis and argument'. This entails paying attention to 'existing social relations' and identifying which ideals can be derived from them. For Young, taking existing social relations as the point of departure to derive ideals involves identifying what is experienced 'as valuable in them, but as present only intermittently, partially or potentially', to seek 'possibilities glimmering in it but which we nevertheless feel lacking' (Young, 2000, p. 10).

In similar terms, Elizabeth Anderson describes the nonideal theorisation as one in which:

Ideals embody imagined solutions to identified problems in a society. They function as *hypotheses*, to be tested in experience (...) Ideals can be tested in experience because the standards they try to meet are internal to our conception of what we are trying to do (Anderson, 2010, pp. 6-7, *italics in the original*).

Young's and Anderson's descriptions share two elements I adopt for this work. First, the point of departure for the intellectual enquiry is the analysis of existing social relations, encompassing conflicts and hierarchies, which Anderson broadly labels as 'problems'. This requires careful attention to social phenomena to unveil their complexities and employ the findings to support normative judgements. Second, the normative reflections that function as standards for evaluating the studied phenomena are internal to them. Let us examine these two traits and why they are especially appropriate for studying policing.

Returning to Rawls's ideal and non-ideal theory descriptions, the latter 'deals with natural limitations'. Issues involving 'injustice belong to the partial compliance part of non-ideal theory' (Rawls, 1971, p. 217). Consequently, non-ideal theory 'comprises such topics as the theory of punishment, the doctrine of just war, and the justification of the various ways of opposing unjust regimes' (Rawls, 1999a, quoted in Stemplowska and Swift, 2012, p. 375). This description demonstrates the appropriateness of non-ideal theory in studying policing, as this is one area where 'partial compliance' is usual, as embodied in its defining characteristics, for which we can look to its canonical descriptions.

Egon Bittner famously described police work as a 'tainted occupation', which entails maintaining 'the perimeters of order and justice'. Police officers 'in the natural course of their duties inflict harm, albeit deserved' (Bittner, 1970, pp. 6-8). Moreover, Bittner acknowledges that these potential yet unavoidable harms are not equally distributed. History shows that:

The police are more likely to be found in places where certain people live or congregate than in other parts of the city [which] inevitably entails the consequence that some persons will receive the dubious benefit of extensive police scrutiny merely on account of their membership in those social groupings which invidious social comparisons locate at the bottom of the heap (*Ibid.*, p. 10).

More recently, Tim Newburn has qualified this as the 'inevitable fallibility' of policing:

The practice of policing has a number of properties which make error, conflict, controversy and dissension unavoidable. Therefore, any attempt to realise values such

as participation, neutrality, being treated with dignity and respect are all broadly desirable features (...), but it is important to remember the limit to which it is possible to achieve them (Newburn, 2022, pp. 443–445).

Bittner's and Newburn's descriptions of policing indicate that full compliance with democratic principles is unattainable, as police power tends to concentrate disproportionately on specific social groups, with the use of force always remaining a latent possibility

Non-ideal theory takes these characteristics as its point of departure. These 'partial compliance' circumstances are placed at the centre of the discussion, and theories emerge in dialogue with them. More specifically, theories propose ways to address the diagnosed problems. Rather than seeking a detailed conception of ideals, non-ideal theories look for ideals to 'redress the palpable injustice of our current practices and institutions' (Williams, 1998, p. 243). This is why non-ideal theories sometimes describe their procedures as developing a 'negative conception of justice' (Id.), looking for ideals that negate existing injustices, which are a 'determinate negation' of those injustices, constituting an 'explicitly evaluative perspective in order to reconstruct its suppressed emancipatory potential' (McNay, 2008, p. 90). By engaging with existing circumstances, this approach aims to 'theorise with practical intent' (Young, 1997).

I have adopted this epistemological stance because it seems appropriate to my thesis's enquiry about democratic policing in a country shaped by the contextual elements described above. The enduring legacies of the dictatorship and the pervasiveness of inequality have shaped the country's socio-economic reality and have influenced the roles police forces have assumed and their place within the institutional architecture. I have pursued the theoretical reflections about democratic policing by unveiling the tensions these elements pose to its achievement. This approach involves a dialectical relationship between ideals and empirical evidence, seeking ideals that cope with existing circumstances.

A final characteristic of non-ideal theory relevant to my enquiry is its attention to 'the lives of those who live under conditions that are particularly distant from the ideal' (Tessman, 2009, p. 16). In understanding what democratic policing means, I have examined the experiences of people who live in neighbourhoods where, because of conditions of socio-economic marginalisation and high rates of interpersonal violence, the Chilean state has 'intervened' to 're-establish the state presence' (Chamber of Deputies, 2017), endowing Carabineros de Chile with a pivotal role in neighbourhood governance. Therefore, investigating what residents in these neighbourhoods expect from the police, their experiences, and the meanings they attach to the police constitutes a privileged epistemological position to build theoretical reflections.

These theoretical reflections are distinguished by their normative character. I use the evidence (whose collection techniques I will discuss below) to ground judgements of the police's democratic quality. The distinctive trait of this intellectual enterprise is the use of evidence to support theories about how things ought to be rather than how they are. This approach accounts for a renewed understanding of the relationship between empirical research and normative theorising, which some authors have recently termed 'grounded normative theory' (Ackerly et al., 2024) or developing 'political theory with ethnographic sensibility' (Herzog & Zacka, 2019; Zacka, 2017; Zacka et al., 2021).

From Epistemology to Methodology: non-ideal theory, qualitative enquiry, and researching policing

The aforementioned considerations establish this work's epistemological stance. Following non-ideal theory, this approach takes existing injustices and power relations as the point of departure for theoretical reflections. As Anderson (2010) argues, developing non-ideal

theoretical approaches requires careful attention to social science evidence, thus grounding this work's normative character in empirical investigation.

My central theoretical concern in this thesis is the concept of democratic policing. My interest in this concept, however, did not emerge from scholarly debates on the topic but from what I would term the lived experience of a democratic polity governing populations through the police. Let me make a personal detour. I was a third-year law student¹⁰ when Nicolás, a friend who had exchanged law practice for the Catholic priesthood, invited me to a meeting in La Legua, where a group of residents and activists were establishing a Human Rights Committee to challenge state intervention.

At that time, I knew nothing about state interventions, much less about what a Human Rights Committee could achieve in those circumstances. La Legua was still a place I had visited only a few times, either to play football or to attend activities organised by residents—always invited by the same friend. After an initial meeting in December 2010, I began to visit regularly in 2011, and for at least five years, I went to La Legua at least twice a week. I learned that the state intervention was primarily a police intervention, to the extent that the police, specifically Carabineros de Chile, was the only state institution present in the neighbourhood.

During those years, my work primarily involved accompanying and advocating for people who had been victims of police violence. From this experience, I learned two lessons. First, the state intervention in the neighbourhood represented a 'selective presence and abandonment' of the state (Leeds, 1996). Whilst police presence was permanent and numerous, other state agencies appeared entirely absent from the neighbourhood. Secondly, the police force embodied conflicting meanings and expectations: it was a widely held view,

¹⁰ In Chile, obtaining a Law Degree takes between six and seven years, depending on the specific curriculum of the University. Traditionally, it encompasses five years of courses plus one additional year to prepare for an oral examination in civil and procedural law. Other universities also require a written thesis, adding half or one additional year.

also documented in the scholarly literature, that the police intervention had been violent, subjecting residents to a form of violence additional to that associated with drug trafficking (Álvarez, 2010; 2014; Lin, 2016, 2021; Han, 2017). Despite this predominantly negative judgement, people still maintained expectations of the police, as officers were seen as the only potential response to drug gangs' violence.

How did those expectations and meanings coexist? If Carabineros was the only state response to residents' experiences, what did this mean for democracy? I was then a law student and had been taught that state institutions govern because they possess democratic legitimacy (Bockenförde, 1991). Democratic legitimacy imposed specific requirements which, although varying for different institutions, shared certain traits, such as transparency, accountability, serving public interests and respecting fundamental rights. If the police were the central, if not the only, state response to some populations' concerns, as I was witnessing daily in La Legua, did this mean that the police should be subject to any of these democratic standards? If not, did it affect the democratic quality of the Chilean political regime by treating some constituencies through an institution exempted from democratic requirements?

I did not know how to respond to these questions. I lacked the conceptual instruments and theoretical tools to address them, so the questions remained open. After obtaining my law degree, I worked for several years drafting bills in the Chilean Ministry of Women and Gender Equality, a completely different task. I maintained personal connections in La Legua, visiting friends and playing football weekly. I continued volunteering in the Human Rights Committee, albeit much less intensively than in previous years.

These questions formed the foundation of my PhD application. However, my primary interest was not to reflect on the particular experience of one neighbourhood. Whilst considering that work extremely valuable, I aimed to respond to questions concerning the

roles of the police within democracy. If the police had a central role in state governance, as I had witnessed for years, should we examine how democratic standards apply to them? Should we be concerned about which democratic values, if any, the police reinforce? Or, stated differently, does endowing central governance tasks to the police realise any democratic value? The literature where one might find responses to similar questions was that devoted to democratic policing.

I quickly realised that the academic enterprise I wanted to undertake would require finding an equilibrium between conceptual theoretical abstractions and the concrete lived experiences with the police from which this project emerged. In other words, I aimed to produce normative theoretical reflections about the democratic quality of Carabineros grounded in empirical evidence about its operations. For this purpose, I needed to employ several methods, which I shall describe in what follows.

Within social sciences, Trow famously argued that the method selected depended on 'the problem under investigation' (Trow, 1957, quoted in Bryman, 1984, p. 76). According to this vision, selecting methods is a technical, value-free decision, as if there were many bridges to cross the gap between the research questions and their answers; the researcher need only choose one of them. However, this overlooks that framing the problem under investigation is a value-laden process involving epistemological assumptions. The critical theorist Rahel Jaeggi evokes this idea by affirming that 'a problem first becomes a problem through interpretation' (Jaeggi, 2018, p. 143).

This contention is true for every social science enquiry, especially qualitative investigations. I follow Howard Becker in understanding qualitative research as one:

That pays attention to details and nuances of meaning in the varying kinds of material that make its subject matter [...] The researchers take the meaning of the material as something for them to discover, rather than as an unproblematic given (Becker, 1973, p. 40).

Therefore, qualitative research focuses on the structures of signification: how the 'data' – things, behaviours, words, etc. – operates within its environments (Geertz, 1973). As Bryman puts it, it leads to a 'contextual understanding so that behaviour is to be understood in the context of meaning systems employed by a particular group or society' (Bryman, op. cit., p. 78).

Methods and Techniques of Data Collection

I support my normative judgements about the police in Chile through multiple methodological approaches, embracing what sociologists Michèle Lamont and Ann Swidler call 'methodological pluralism', which recognises that 'each technique has its own limitations and advantages', developing different 'ways of using each method' (Lamont & Swidler, 2014, p. 154). In this work, I have utilised different methods for different pieces of evidence. The main reason for employing multiple methods has been to capture different aspects of Carabineros. For instance, to understand the institutional design of Carabineros, I draw upon examining its regulatory framework, so my main instrument has been the analysis of legal sources; to grasp the lived experiences with the police, I have employed in-depth interviews. In what follows, I explain how I have used each method.

Analysis of Secondary Literature

The analysis of Carabineros' roles within Chilean democracy must begin by considering the national history of recent decades, as this history has had enduring legacies. I will return to this in Chapter 4, but for the sake of the argument, it is worth recalling some essential features. Between 1973 and 1990, the country experienced a bloody dictatorship ruled by a Military Junta composed of the commanders-in-chief of the three branches of the Armed Forces (the Navy, the Army, and the Air Force) and Carabineros.

The role of Carabineros' commander-in-chief in the Junta attests to the institution's pivotal role during the dictatorship, as evidenced by the participation of its members in state repression: Carabineros committed most of the kidnappings and enforced disappearances, particularly during the first years of the dictatorship (see Chapter 4). When the country regained democracy in 1990, Carabineros assumed a powerful position within the new political regime, inherited from the dictatorial period. For instance, Carabineros' commander-in-chief was a member of the National Security Council, an institution that advised the President and had the power to designate Senate members. Additionally, Carabineros inherited a regulatory framework enacted by the dictatorship that shielded the institution from parliamentary control, an aspect I explore in Chapters 4 and 5.

This legacy is essential to understanding Carabineros' roles within Chilean democracy and the institution's evolution during this period. I argue that a series of events occurring in the first years after the restoration of democracy explain much of Carabineros' roles during recent decades. I have drawn upon secondary literature for this analysis to reconstruct Carabineros' recent history. This literature can be divided into the following categories.

First, works about recent Chilean history to reconstruct Carabineros' roles within Chilean society. This includes the work of historians and journalists about the country's recent trajectory. These works have provided me with both a general picture of that trajectory and a deeper understanding of crucial events during this period. They have been especially significant in revealing the events occurring during the first years of the democratic transition. Secondly, I have engaged with academic policing literature about Chile, reviewing what other authors have written about Carabineros. Thirdly, I have drawn upon press reporting when seeking information about specific events during the study period. The press has played a significant role in revealing information related to Carabineros that would otherwise be difficult to access. For example, in 2017, the press exposed a financial fraud

committed by Carabineros' members. This fraud had consequences relevant to my enquiry, as I will explain in Chapter 4, so I documented the event through press publications. Similarly, episodes of police violence have come to light through press investigations, which I have consulted for documentation.

Additionally, I have utilised secondary literature to reconstruct the history of the two neighbourhoods, La Legua and El Castillo, where I explore people's perceptions and experiences with the police. The history of these neighbourhoods helps explain why the state has chosen to intervene in them, endowing Carabineros with central roles in their governance. The pivotal role the police force has assumed cannot be understood without considering the neighbourhoods' social and economic marginalisation.

Primary Sources I: Carabineros' regulatory framework, analysis of law and administrative instruments.

In examining Carabineros' regulatory framework, I have reviewed the statutory laws and administrative instruments that regulate its institutional design and legal powers. The Chilean legal system is a 'Civil Law' system, where the sources of Law lie, firstly, in the Legislative and, secondly, in the Executive power.¹¹ In contrast to 'Common Law' systems, the courts do not have the power to create law. Their decisions have only 'relative effects'; they apply solely to the case the Court decided on and cannot be extended to other situations. The Chilean legal system follows a strict hierarchical structure with the constitution at the top.

Consequently, the Carabineros' regulation is contained in statutory laws and administrative instruments. Parliament enacts the statutory laws. The administrative

¹¹ In Civil Law systems, the Executive usually has rule-making power, albeit with a narrower scope than Parliament. In Chile, the Executive can enact Executive Decrees. Indeed, some aspects of Carabineros' activity are regulated through these instruments, such as the internal sanctions for minor offences committed by police officers. As the courts cannot rule beyond the specific case they are deciding, they do not have powers to regulate police behaviour generally. This contrasts with Common Law systems, where the courts have developed important police power regulations. The 'Miranda Warning' remains the paradigmatic example.

instruments have two sources: some are enacted by the Executive Power, specifically by the Ministry that oversees the Carabineros. Following the hierarchical nature of the legal system, these instruments are delegations entrusted to the Executive Power by statutory laws. Typically, the statutory law regulates at a general level, whilst the instrument enacted by the Executive Power contains the details. A second type of administrative instrument comprises those enacted by the Carabineros itself. The statutory laws endow the Carabineros' highest command with significant power to regulate matters concerning police labour.

The reading of these texts is both descriptive and analytical. At a descriptive level, I aim to present the Carabineros' legal framework in as much detail as possible. This includes various topics, from its internal hierarchical structures to the legal powers of officers in the street, providing the reader with a robust description of the regulatory framework. The analysis critically examines how the framework supports democratic aspirations. In this respect, I examine the regulatory framework from the perspective of what I define as democratic equality. For instance, I question to what extent the legal framework embodies police accountability and democratic authorities' control over the police. This implies an evaluative reading of the regulation, using specific political values as standards. The critical reading of the legal sources is an iterative process between the regulation and the democratic standards. This approach is part of the non-ideal theoretical framework as I look for standards applicable to the Chilean socio-legal context. Rather than using these values as an a priori standard from which to evaluate the regulation, I carefully analyse its content and, from this basis, conduct the critical reflection.

The final type of administrative instrument I examine is state documentation on intervention programmes in marginalised neighbourhoods. I rely on instruments regulating these programmes (e.g., establishing criteria for incorporating neighbourhoods into the programme, associated budgets, etc.) and official state inquiries about their implementation.

Primary sources II: reading Carabineros' institutional magazine

A central objective of this project is to critically examine Carabineros' multifaceted role within a national context characterised by stark socioeconomic inequalities. A defining feature of the institution, readily apparent to those with lived experience in Chile, is its ubiquitous presence, even in the most remote areas of the country. Carabineros often plays a crucial role in supporting impoverished and vulnerable populations. Moreover, in the institution's official discourse, this role forms an integral part of its identity.

To develop a more comprehensive understanding of what this role means for the institution, I analysed Carabineros' official magazine. The institution publishes a monthly magazine¹² that summarises the most significant aspects of its work. According to its official website, the magazine serves 'to unify criteria and create a police doctrine'.¹³ The magazine's Editorial Council comprises members of the institution's high command. Distributed to every precinct throughout the country, the magazine represents the institution's vision and stance on various issues, including Carabineros' roles within Chilean society and its importance to national social life. As the magazine primarily addresses the institution's members, it functions as an act of 'self-legitimation' through which the institution reaffirms its right to exercise state power (Barker, 2001).

The magazine reveals 'how the institution thinks' (Douglas, 2011). According to anthropologist Mary Douglas, institutions contribute to shaping human cognition by establishing categories and setting boundaries within the social world. Carabineros' institutional magazine fulfils this function by establishing institutional definitions that emanate from the highest command to every member throughout the country. Each edition highlights officers' actions nationwide, such as visits to isolated children with long-term

¹² The publication is monthly between April and December. The summer issue encompasses January through March, totalling ten issues yearly. Until 2020, the publication was monthly between March and December, with the summer issue covering January and February, totalling eleven editions yearly.

¹³ <https://www.revistacarabineros.cl/quienes.html> [Retrieved on 19 April 2024].

illnesses (Chapter 6). I argue that through this, the magazine establishes what constitutes a 'good officer' whilst legitimising the institution's work among its members.

Consider another example of how the magazine develops the institution's thinking. During the country's most intense and prolonged protests (see Chapter 4), the magazine defined Carabineros as 'the first containment of demonstrations that turn violent' (March 2020). This self-definition as the boundary between peaceful society and violent protesters demonstrates how Carabineros shapes categories. Throughout various issues, the magazine establishes categories that define the institution's work (e.g., which crimes are more serious? What makes certain areas riskier than others?). In addition, the magazine:

Always begins with an Editorial or Message referring to a contingent and important topic in which the fact is explained or interpreted, and the doctrinal position of the Institution and its High Command is established (March 2008).

The relevance of the institution's position regarding 'contingent and important topics' is more apparent when considering the military character of Carabineros, defined by a strict top-down hierarchy, in which values such as discipline and loyalty to the command play central roles. The magazine transmits the institution's position to every officer nationwide. It also communicates the institution's values, such as the institutional 'heroes', usually officers who have been seriously injured when fulfilling their duties. The institution reaffirms certain values and behaviours through those stories, encouraging officers to adopt them.

I draw on the institutional magazine to look for a specific aspect of the institution's definition: the portrait of the relationship between Carabineros and marginalised communities nationwide. The magazine highlights in almost every edition the 'caring police presence' among poor, lonely, and suffering people (Gascon & Roussel, 2019). This presence ranges from bringing goods to deprived families to providing shelter to homeless people to visiting children suffering from serious illnesses. Providing aid and relief to poor people has been one

of the salient traits of the police force since its origins. Analysis of the magazine revealed how the institution defines its roles through service and aid to suffering people.

To determine the scope of magazine issues for review, I aligned the timeframe with the longest state intervention in the neighbourhoods where I conducted interviews. In La Legua, state intervention commenced in September 2001, as I will detail in Chapter 7. I reviewed institutional magazines from September 2001 to December 2023 (N = 242), documenting all reports about officers' actions and institutional initiatives concerning support for disadvantaged communities. Issues from September 2001 to December 2004 were accessible only through physical copies at the Carabineros Museum.¹⁴ I photographed relevant magazine extracts, including news of officers' actions and doctrinal definitions written by the General Director.

Subsequently, I transferred these data to a Google Spreadsheet, categorising them according to themes relating to the institution's engagement with marginalised groups, such as 'actions of service' and 'community proximity', all detailed in Chapter 6. From January 2005 onwards, all magazine issues have been available on the magazine's webpage. I incorporated these extracts into the same spreadsheet, maintaining consistent categorisation. I then analysed the data using the Python programming language to examine word frequency and category patterns across the extracts.

From my synthesis of the key themes identified in this analysis, I found that Carabineros conceives its relationship with marginalised communities as a fundamental aspect of its work—one that it claims as constitutive of its identity and intrinsic to its origins. Through my review of the magazines, I observed that Carabineros constructs an institutional narrative centred on providing assistance and support to impoverished, isolated, and marginalised individuals. In a country characterised by socioeconomic inequality,

¹⁴ The assistance of Elias Navarrate Sobarzo in this task was invaluable. Thank you, Elias.

Carabineros serves as an institution that helps alleviate the hardships faced by those impacted by these disparities.

The everyday meanings of policing: in-depth interviews.

The materials analysed thus far have enabled me to examine different aspects of Carabineros' roles within Chilean democracy. Through analysis of legal sources and secondary literature, I have established a picture of Carabineros' position within Chilean society and state institutional architecture. My review of the magazine reveals the narratives Carabineros has constructed regarding its role in supporting impoverished and marginalised communities. To extend this analysis further, I incorporate residents' perspectives from neighbourhoods where the state has assigned Carabineros central roles. Examining the 'lived experiences' (Prowse et al., 2020) of people who interact with the police daily illuminates how the institution embodies democracy in everyday life (De Certeau, 1984). For this purpose, I conducted interviews in two urban neighbourhoods in Santiago, Chile's capital city, where the state has implemented 'intervention programmes' in which Carabineros plays crucial roles.

Choosing the neighbourhoods

In September 2001, the Chilean state launched the first 'intervention programme' in La Legua, a neighbourhood in Santiago experiencing socioeconomic marginalisation and gun violence associated with drug-trafficking gangs. The programme aimed to re-establish the state presence, and its central element was to deploy intense police patrolling in the neighbourhood (Álvarez, 2010). Since then, Carabineros officers have populated the area, and residents have become used to interacting with officers daily, as their presence has become part of the neighbourhood landscape. I examine the intervention's trajectory in Chapter 7.

What can these experiences tell us about the role of Carabineros within Chilean democracy? I contend that paying attention to marginalised groups' lived experiences of

policing provides significant information about the democratic quality of the police because people's experiences with the police act as a 'condensation symbol' (Loader & Mulcahy, 2003) of their membership within society. The treatment that the police provide to people is indicative of their place within social hierarchies. Therefore, we can approach these experiences by asking: What have the police brought to the neighbourhoods? What do people perceive about their place within Chilean society through police treatment and responses? What do people expect from the police, and how do police respond to these expectations?

The case of La Legua, the first neighbourhood in Chile to be the object of this state programme, offers fruitful perspectives for this analysis. From my experience in the neighbourhood, I knew that police surveillance and control were fundamental aspects of the neighbourhood's daily life. From my first-hand knowledge, I also knew that the intervention programme had been primarily ineffective in terms of violence reduction, as gun violence persisted. Therefore, while the experience of La Legua offered valuable insights into understanding the roles of Carabineros within Chilean democracy and how people experience these roles, I aimed to incorporate another neighbourhood that was also the object of the state intervention to examine how people experienced it.

I looked to incorporate another neighbourhood in Santiago. This decision requires a brief detour, which I will return to in Chapter 4. Like most Latin American states, the Chilean state was a 'latecomer' (Mazzuca, 2021), consolidating as a political unity independent of the Spanish Empire in the early nineteenth century. Towards the end of the century, the state was consolidating its north and south borders: to the north, fighting a war against Peru and Bolivia in the 1880s, and to the South, conquering the territories inhabited by the Mapuche people, an indigenous nation that had inhabited the region long before the arrival of the Spanish *conquistadores* (Bengoa, 1985). The conquest of Mapuche territory consolidated at the turn of the twentieth century, and its consequences persist (Alvarado Lincopi, 2021). The

enduring legacy of the conflict between the Chilean State and the Mapuche people means that Carabineros has played a central role in reaffirming state presence in the historical Mapuche territory. Carabineros' presence there has introduced other dynamics, such as racial subjugation, ethnic conflicts, and state sovereignty (Risor & Jacob, 2018).

The policing of Mapuche territories may reveal fascinating and powerful aspects of the roles of police forces within democratic states and their consolidation. However, I have excluded these aspects from my analysis because they raise other questions about democratic states that I am not addressing in this thesis, such as the subjugation of indigenous populations. Therefore, I concentrated my enquiry on Santiago, Chile's capital, home to half of the country's population. Limiting the empirical evidence to Santiago enables us to compare two neighbourhoods with similar urban characteristics.

Their comparison enables us to identify dynamics characteristic of urban policing. Not only does urban policing have its own characteristics and tensions (Christensen & Albrecht, 2020), but also, as we will see in the interviews, people perceive some policing patterns as deeply intertwined with broader city dynamics. For example, people report that most recurring stops and searches occur at the neighbourhood's borders. These borders are neither physically demarcated nor administratively recognised. Residents identify them through processes of historical sedimentation and informal transmission. The police, by establishing these boundaries, reinforce these limits and imbue them with new meanings, as I will argue in Chapter 7.

The second neighbourhood where I conducted my enquiry is El Castillo, an urban neighbourhood in Southern Santiago that shares with La Legua the conditions of socioeconomic marginalisation and the prevalent presence of gun violence associated with drug-trafficking gangs. These shared conditions have been the official justification for the

intervention programmes: both neighbourhoods experience high levels of social marginalisation, precarious state services presence, and widespread interpersonal violence (Chamber of Deputies, 2017).

I gained access to El Castillo through community volunteers with whom I had prior, albeit superficial, contact. Before proceeding with the interview process, I would like to make two preliminary observations regarding the neighbourhoods. First, I soon discovered that, while state intervention in El Castillo had been in place since at least 2017, entrusting Carabineros with a pivotal role there, the policing patterns were substantially different from those in La Legua. While in La Legua, seeing Carabineros is part of everyday life, in El Castillo, this presence was much less evident. This initial finding suggested interesting points of comparison between the two areas.

Secondly, I deliberated over a key stylistic decision regarding how to present the neighbourhoods in this thesis: should I anonymise them or maintain their names? There are compelling reasons for each option. After weighing the different considerations at stake, I decided not to anonymise the neighbourhoods for three reasons. First, the policing of the neighbourhoods cannot be understood without considering their historical trajectories and socioeconomic conditions. The intervention programmes that entrust crucial roles to Carabineros are a response to those conditions—a way of governing the poor. Therefore, by presenting the neighbourhoods' trajectories and descriptions, I can provide a richer picture of their daily policing. The second reason stems from the specific reality of one of the studied neighbourhoods, La Legua. The description of the intervention's beginning and daily policing patterns would be easily identifiable for any reader with minimal knowledge of Chilean reality. Anonymising the neighbourhood in these circumstances would be futile, as it would not prevent the identification of the place I am describing.

Thirdly, in researching the neighbourhoods' histories and socioeconomic contexts, I have uncovered multiple narratives of resistance, struggle, and solidarity. Even under the harshest conditions, I encountered stories full of generosity and courage. Making explicit where these histories occurred serves as a humble homage to the people who made them possible and who fostered hope even amid the most adverse circumstances.

Developing the interviews

I commenced the interviews in October 2021. In La Legua, I conducted my first interview with a community leader I met whilst volunteering in the neighbourhood. In El Castillo, my first interview was with a resident whom I had not met previously but contacted through my existing networks. After these initial interviews, I employed a mixed recruitment strategy, combining snowball sampling with stratifying criteria. The snowball sampling approach involved asking participants to suggest potential interviewees who might be willing to speak with me. The fact that the interviewees could recommend other potential participants facilitated my approach to new subjects. However, I also stratified the sample to ensure diversity in terms of age and gender among participants. The Table presents the composition of the resulting interview sample, with all interviewees' names changed to maintain anonymity.

LIST OF INTERVIEWS				
	Name	Neighbourhood	Age	Gender
1	Ricardo	Legua	56	Man
2	Fabián	Legua	31	Man
3	Cristina	Legua	61	Woman
4	Fabiola	El Castillo	26	Woman
5	Diego	Legua	25	Man
6	Tomás	Legua	28	Man

7	Gabriela	Legua	59	Woman
8	Tamara	El Castillo	41	Woman
9	Constanza	Legua	25	Woman
0	Pablo	Legua	31	Man
1	Julián	El Castillo	24	Man
2	Enrique	El Castillo	66	Man
3	Elena	El Castillo	54	Woman
4	Amparo	El Castillo	68	Woman
5	Daniel	El Castillo	25	Man
6	Teresa	Legua	69	Woman
7	Ernesto	Legua	34	Man
8	Francisco	El Castillo	36	Man
9	Antonia	El Castillo	34	Woman
0	Fernanda	El Castillo	38	Woman

The samples from the two neighbourhoods are comparable. Each comprises ten interviews with similar age and gender distributions. I have anonymised all interviewees to mitigate any potential risks associated with their research participation. The anonymisation of interviewees was integral to the ethical design of this research and a condition for approval from the Oxford Social Sciences and Humanities Interdivisional Research Ethics Committee. I have included age and gender details as these factors emerged as significant in shaping people's judgements, perceptions, and expectations. For instance, in both neighbourhoods, young men tend to navigate the area more confidently than other demographic groups.

The interviews were semi-structured, following an interview guide that addressed my key research questions. The questions explored personal histories in the neighbourhood, sources of personal safety, and the roles of the police. Although I followed the same guidelines throughout, each conversation developed its own trajectory as interviewees brought their individual emphases. Some participants focused on their experiences with the police, others emphasised neighbourhood dynamics, while others reflected on the broader socioeconomic national context. This flexibility in the interview format allowed for unexpected discoveries, which enriched my preliminary ideas and preconceptions (Becker, 1973).¹⁵

I conducted 18 of the 20 interviews in person, with the remaining two conducted via Zoom due to ongoing pandemic concerns. Each interview lasted between 45 and 60 minutes. With the interviewees' consent, I recorded all interviews using an audio recording device. Regarding interview locations, I allowed participants to choose settings where they felt most comfortable. Most opted for locations within their neighbourhoods, either in their homes or public spaces such as squares. Two participants requested interviews outside their neighbourhoods, citing safety concerns. As mentioned earlier, the interview guidelines

¹⁵ I have included the Interviews Guideline in the Appendix 1.

included questions about the neighbourhood. When participants referenced locations within La Legua, I could readily identify these places due to my familiarity with the area. In El Castillo, however, my understanding was more limited as I was unfamiliar with the locations mentioned during interviews.

To address this limitation, I undertook a guided site visit with my local contact, who showed me various locations within the neighbourhood. This orientation provided me with a foundational knowledge of El Castillo, which proved valuable for contextualising the sites mentioned by interviewees. To deepen my understanding further, I conducted a walking interview, asking the participant to guide me through locations he considered significant within the neighbourhood. The walking interview began at the participant's residence and continued for approximately one hour along a route of their choosing, responding to my questions about personally significant locations. This approach proved particularly illuminating as it allowed me to observe first-hand the meanings attributed to different spaces—for example, certain alleyways were identified as dangerous zones where we needed to walk briskly and directly, avoiding lateral glances that might appear 'suspicious'.

The chosen methodology, whilst acknowledging limitations in generalisability due to the relatively small sample size, yields valuable insights. Although it may not capture the complete spectrum of residents' experiences and expectations of the police, the methodological approach offers significant analytical value. Firstly, I have sought to produce thick descriptions of residents' experiences and expectations of the police, demonstrating their profound embeddedness within the fabric of Chilean society. The interviews, for instance, reveal how their neighbourhood and socioeconomic circumstances influence residents' interpretations of police treatment. This is particularly evident in La Legua, where residents perceive police actions as delineating boundaries between the neighbourhood and the broader city.

Secondly, and fundamentally interconnected, the interviews are contextualised within the broader socioeconomic realities of these neighbourhoods. I have examined the neighbourhoods' histories, their position within the city's development, and the quotidian experiences within these settings. This approach illustrates how residents' expectations of the police are shaped by their perceptions of primary threats to their safety. For example, interviewees in both neighbourhoods identified the prevalence of gunshots as a significant threat that they expect the police to address. By providing detailed accounts of how residents perceive and experience these threats, alongside their expectations of police involvement in addressing them, the findings may be relevant for other urban settings facing similar challenges.

Following the interviews, I transcribed and coded them using NVivo, a specialist software for qualitative research. The coding framework emerged from a close reading of the interview transcripts. Through reading and coding the interviews, I identified recurring themes and patterns that emerged organically from participants' responses. This analytical process enhanced my understanding of how people perceive the police and contextualise these perceptions within broader views of Chilean society and their position.

These emergent themes provided the foundation for theoretical reflections on the role of the police in Chilean democracy. Specifically, I examined patterns in the data that illuminated the relationship between citizens' experiences with the police and their perceptions of democratic institutions. This approach enabled me to link individual narratives with broader questions about the democratic quality of the police in Chile. In this intellectual endeavour, I follow the tenets of non-ideal theory by grounding normative judgements in empirical evidence. The interviews proved particularly valuable in this regard, as they incorporated the experiences of marginalised groups into the discussion of what the police do and do not do for Chilean democracy.

Positionality and lived experiences with the police

And everybody's shouting,
Which Side Are You On?
(Bob Dylan, 1965)

The methodological decision to study policing through interviewing people who lived in marginalised neighbourhoods where the police have a pivotal role involves questions of positionality. The debate on the researcher's positionality was famously brought to social sciences by Howard Becker's pathbreaking 'Whose Side Are We On?' (1967), in which he argued that sociological work should be conscious of the 'hierarchy of credibility', according to which some groups/actors have much more power to define truth and right in any social system. Being conscious of this hierarchy would allow social sciences to unveil power dynamics and discourses of neutrality that protect particular interests. In addition, social sciences could contribute to inverting the hierarchy by listening to the voices of those who usually do not speak in the public sphere and taking their visions seriously.

Becker's caveats prompt me to consider the various options for studying the police within Chilean democracy. The relationship between methods and the position of the researcher is not deterministic; research methods do not inevitably dictate one's analytical stance. However, certain methods naturally lend themselves to particular research positions. In this work, I am interested in unveiling the meanings that the police hold for people who interact with them. The police are the face of the state in the communities where the interviewees reside. To that extent, people's experiences, judgements, and expectations of the police are embedded in their daily experiences of democracy.

Let me illustrate this with an example emerging from the interviews. Pablo, a young man who grew up in La Legua and still lives there, told me when I asked him what he would say to the General Director of Carabineros (the highest command of the institution): 'I would ask him that the officers restore dignity to the people'. This expressed a yearning related to

his belonging to the polity. By accessing people's voices, we can grasp experiences and expectations that are 'foundational to developing a fuller understanding of democracy in action' (Prowse et al., 2020, p. 1464).

The explained methods led me to reflect on my own positionality throughout this research. As a Chilean PhD student conducting research at a British institution, I occupy a complex position between insider and outsider. My middle-class background and educational privileges create social distance from many participants, while my familiarity with Chilean institutions and cultural contexts provides certain insights. This duality influenced how participants perceived me and how I interpreted their narratives. During fieldwork, I was conscious of how my presence as an educated researcher might reproduce power dynamics I sought to critique. Simultaneously, my critical perspective on policing practices—developed through both academic engagement and personal observations of police-community relations in Chile—informed my approach to interviews and analysis.

I have reflected on my positionality throughout the whole process of the thesis, but it has been especially significant when I have delineated how democratic policing would look in the Chilean context. I will come back to this in Chapter 9, but I would like to highlight this aspect for now. One of the most intriguing and challenging aspects was how to make room for people's simultaneous negative experiences with the police and the expectations that remain about what the police can do to improve their lives. In this respect, I have intended to be extremely careful to make proposals that resonate with people's lived experiences. On the one hand, I intended for my writing to capture the predominantly negative and painful experiences of the interviewees with the police. On the other hand, I aimed to envisage a role for the police that responded to what research participants saw as their most pressing concerns about their safety and well-being.

In other words, when asking about the relationship between the police and the democratic regime in Chile, I sought to ensure my response resonated with the interview accounts, recognising that the consequences of policing practices will not be felt by me whilst writing my thesis in Oxford, but rather by those who must coexist with drug trafficking-related violence in their neighbourhoods—the same individuals who predominantly report negative encounters with police. The framework for democratic policing I have outlined in Chapter 9 is thus grounded in my positionality; my aspiration has been to contribute to a richer democratic experience for residents of the neighbourhoods where I conducted this research.

Conclusion

In this chapter, I have established this thesis's epistemological underpinnings and outlined the methodologies employed in realising its objectives. First, I have presented the rationale for focusing on the analysis of Carabineros to illuminate the meaning of democratic policing within the Chilean context. Drawing on insights from Walter Benjamin's theory of translation, I have argued that researching Carabineros serves as a lens through which to unpack the questions inherent in studying democratic policing.

The chapter has then turned to the tenets of non-ideal theory and its position within contemporary political philosophy. I have argued that non-ideal theory offers a particularly apposite theoretical framework for examining the relationship between policing and democracy. On the one hand, it seeks to engage in 'theorising with a practical intent' (Young, 1997), undertaking normative reflections that can serve as horizons for challenging existing forms of injustice and marginalisation. On the other hand, non-ideal theory incorporates the standpoint of disadvantaged positions (Anderson, 2010), enabling us to consider the lived experiences of those groups subjected to injustice and marginalisation. These two stances have formed the foundation of my enquiry into democratic policing as they allow me to appreciate how the police can both reinforce existing social hierarchies and, conversely, envisage alternative avenues for police practice.

The latter half of the chapter has presented the methodology and techniques employed in data collection. I have introduced the 'methodological pluralism' (Lamont & Swidler, 2014) adopted within this thesis before detailing the various techniques utilised for data collection. The benefits and limitations of each technique have then been explored. By combining these methods, I have aimed to develop a robust empirical basis through which to engage in normative reflection on democratic policing. The next chapter, therefore, presents

the theoretical concepts underpinning this enquiry, specifically focusing on the concept of democratic equality.

CHAPTER 3. On democratic equality

Introduction

In Chapters 1 and 2, I set out the framework for this work and analysed some of the most influential theoretical approaches to the relationship between policing and democracy. Subsequently, I outlined how I carry out this project, including its epistemological commitments and methodological approach. Following the tenets of non-ideal theory, I propose to undertake an empirically situated normative reflection based on a dialectical relationship between evidence and theory. Through this approach, I aim to develop normative ideals that are grounded in the empirical reality of policing while using these findings to inform broader theoretical questions.

In this chapter, I present the ideal with which I am working. This ideal functions as a hypothesis to be tested against the empirical evidence. By evidence, I refer to all the sources I use to ground my reflections, including Carabineros' legal and administrative regulations, the primary sources I analyse, and the interviews. I discuss all these sources with the theoretical ideal I use to evaluate them. This ideal is what political philosophers term 'democratic equality' (Anderson, 1999), and I devote this chapter to its introduction.

Democratic equality, as a normative aspiration of democracy, serves not only as a fundamental component of democratic theory but also as a crucial mechanism for realising democracy's promises. This understanding is crucial to my research, as it forms the basis for my investigation into the role of policing within a democratic society. To establish this, I draw upon the work of democratic-egalitarian theorists and feminist political philosophers, notably Elizabeth Anderson and Iris Marion Young, to outline an ideal of 'democratic equality' that guides my exploration of policing and its roles within democracy.

Building on the insights of these authors and others in the same tradition, I conceive democratic equality as an ideal for a society where individuals can interact as equals, free from hierarchical relations. It is a multifaceted form of equality encompassing material and expressive dimensions (Schemmel, 2021; Wolff & de-Shalit, 2024). It is not a static concept awaiting discovery but rather a dynamic one that needs to be actively constructed. It serves as a beacon, illuminating our existing practices and guiding us towards the transformations necessary to achieve a more democratic-egalitarian society.

I present the concept of democratic equality as equality of standing; that is, treating each person as an equal because each one is a 'self-originating source of claims' (Anderson, 2012). In this understanding, 'being equals' is a relationship between people who recognise others as moral agents and treat them according to this status. It constitutes 'the core value of democracy' (Anderson, 2009, p. 219). The relationship is bidirectional: on the one hand, this idea of equality is at the heart of democracy; on the other, it is a form of equality only democracy can provide.

This theoretical understanding of democratic equality is reflected in the historical struggles of egalitarian movements. When we examine 'how egalitarian political movements have historically conceived of their aims', we find them struggling against inequality as 'relations between superior and inferior persons' based on which 'those of superior rank inflict violence on inferiors, to exclude or segregate them from social life' (Anderson, 1999, p. 312). Rather than presenting a stylised conception of what constitutes equality (and what obstructs it), democratic equality offers an immanent reading of the democratic project, demonstrating that creating societies of equals where people can relate to others freely has been at its core (Young, 1990; Wolff, 2010; McMahon, 2023).

However, it is important to note that the relationship between equality as a properly democratic value and policing is not tension-free. According to an influential body of literature, the creation of modern police forces institutionalised the socioeconomic inequality produced by the emerging capitalist order. The police were one of the disciplinary elements used against the emerging working class, enforcing the wage regime (Neocleous, 2021; Seri, 2020). In contemporary settings, the literature has identified the role of police in enforcing unequal social orders, concentrating their actions in marginalised neighbourhoods (Fassin, 2013), using their legal powers disproportionately over disadvantaged constituencies (Bradford & Loader, 2016), and managing populations suffering the consequences of economic crises (Aliverti, 2021). In Latin America, policing scholars have shown how the police reinforce existing forms of marginalisation (González & Mayka, 2023; MacColman & Dikenstein, 2023).

In contrast, the principle of equality has also influenced the institutionalisation of modern police forces, manifesting in ideals such as equality before the law and universal protection. In contrast to the police of the *ancien régime*, the police under the nineteenth-century rule of law were no longer a privilege of the sovereign but protectors of the public (Loader & Walker, 2007; Thorburn, 2020). Equality before the law crystallises this aspiration by conceiving the police mission as protecting every individual from threats to their personal safety and mandating the police to respect each person's rights. The *Peelian* aspiration of police 'demonstrating absolutely impartial service to law' manifests this underlying egalitarian aspiration of police protecting the public interest. More than forty years ago, Otwin Marenin synthesised this duality by describing police work as upholding general and particular orders: whilst the former benefits the whole of society by promoting peace and tranquillity, the latter reinforces existing inequalities, favouring the most privileged constituencies (1982).

The ambiguous relationship between equality and the police makes the former a challenging ideal for grounding normative thinking about police work. I contend that through the lens of democratic equality, we can shed light on a particular role that police forces could play in fostering democratic values. This role consists of directing the police's unique resource—the legitimate use of force—towards counteracting private violence that results in the subjugation of certain groups. Nevertheless, their inherent capacity to reinforce inequality makes them both a promising protector of democratic equality and a potential threat. As we saw in Chapter 1, David Sklansky has synthesised this ambivalence by describing the police as 'both a uniquely powerful weapon against private systems of domination and a uniquely frightening tool of official domination' (Sklansky, 2008, p. 109).

Therefore, the analytical power of democratic equality lies in its capacity to illuminate how policing can either reinforce or damage democratic values by revealing how police practices reenact or counteract existing social hierarchies. If overcoming social hierarchies constitutes an aspiration of democracy, the police are inevitably involved in either making this aspiration possible or hindering it. I will also argue that examining policing through the lens of democratic equality reveals new insights into the democratic significance of daily policing practices.

This chapter proceeds as follows. I begin with a brief account of equality's place within the concept of democracy, defending the view that equality of social relations is intrinsic to democracy. I then examine the concept of democratic equality in detail, drawing upon political theory discussions that have explored its meaning and scope. Finally, I develop two constitutive elements of democratic equality that will help establish policing's place within this framework. First, I address the significance of institutions in fostering egalitarian social relations – considering how this may inform the institutional design of police forces. Second, I examine the opposition to social hierarchies, understood as social relations

constraining individuals' life chances. I contend that whilst police forces are prone to reinforce these hierarchies, recognising this tendency heightens our awareness of how the police might better protect democratic values.

A brief overview of the concept of democracy

Democracy occupies a distinctive place in the history of political and social thought. For nearly two thousand years, from the origins of what we know as Western thought, it was considered an 'inferior form of politics', both dangerous and unstable. For the great thinkers of Ancient Greece, Plato and Aristotle, democracy entailed the unchecked government of the 'worst class', that of 'common people with little or no economic independence' over everyone else, including the elites (Hanson, 1995). What made democracy unreliable and, therefore, an inappropriate way of governing public life was its commitment to equality. Democracy entailed that 'everyone's judgement deserves as much weight as everyone else's', making it 'unstable, incapable of providing security to everyone' (Dunn, 2005, p. 45).

The French Revolution drastically altered the trajectory of the idea of democracy, converting it into the most powerful aspirational ideal of political modernity. However, the triumph of this idea followed a curious route. Nowadays, we, the people of the West, associate democracy with representative institutions, separation of powers and the functioning of market economies. According to political scientist Adam Przeworski, these traits constitute the 'miracle of democracy': 'conflicting political forces obey the results of the voting. People who have guns obey those without them [...] Conflicts are regulated, processed according to rules, and thus limited' (Przeworski, 1999, p. 49).

However, as Dunn has noted, these institutions of representative democracy neither resemble the original meaning of democracy (as the system of rule that allowed self-government) nor were advanced in the name of democracy. During the second half of the

nineteenth century in Western Europe, the practices 'which make up democracy', such as legislative elections based on widening franchises, secret ballots, and so forth, came from 'deft defensive gambits by audacious conservative politicians' (Dunn, 2005, p. 153).

This phenomenon exposes a fundamental paradox of democracy: significant advancements we now associate with the concept of democracy often occurred at the expense of the very democratic struggles that sought their realisation. While the institutions central to representative democracy were consolidated, democracy remained 'the political goal of small groups of dissidents' advocating for systemic transformation (id.).

This inherent tension has persisted for the last century and a half in the West. Nearly every political actor, from the Allies in World War II and the Cold War's opposing powers to contemporary Western nations 'fighting terrorism', has framed their objectives using the language of democracy, proclaiming themselves as 'democrats'. This linguistic appropriation of democracy has characterised both the consolidation of liberal-democratic systems and the opposition to entrenched socio-economic inequalities within them. Democracy becomes a concept straddling two coexisting phenomena: the language of the established order and its potential challengers.

Pointing out this inner ambivalence of democracy does not dismiss the many gains achieved through liberal-democratic consolidation. Its 'miracle' is not a minor victory. It has extended peaceful political coexistence. It has generally raised living conditions; as Amartya Sen famously put it, famine cannot occur in a democracy (1994). However, to fully appreciate the content of the concept of democracy, we should acknowledge its commitment to egalitarian aspirations and, more specifically, to a form of equality that opposes social hierarchies. This leads us to examine the place of equality within the most widespread understandings of democracy, to which the next section turns.

The place of equality within definitions of democracy

We can begin this reconstruction by analysing some of the most widespread definitions of democracy, a challenging enterprise considering that democracy has been the prime example of ‘an essentially contested concept’ that ‘inevitably involves endless disputes about their proper uses on the part of their users’ (Gallie, 1955, p. 169). Theorists have stylised its components to reach an operative definition. In this vein, Tom Christiano defines democracy as a ‘method of group decision-making characterized by a kind of equality among the participants at an essential stage of the collective decision-making’ (Christiano, 2018, p. 2). In this understanding, he recognises:

The equality required by the definition of democracy may be more or less deep. It may be the mere formal equality of one-person one-vote in an election for representatives to an assembly where there is competition among candidates for the position. Or it may be more robust, including equality in the processes of deliberation and coalition building (*Ibid.*, p. 3).

Similarly, for Jeremy Waldron, democracy is ‘an ideal of persons working together in the context of political procedures that treat them as equals’ (Waldron, 2012, p. 189). We can label these descriptions as ‘minimalist conceptions’ of democracy (Przeworski, 1999), composed of the decision-making process and a requirement of equal weight in its execution – typically expressed through universal suffrage. These definitions of democracy rest on a thin conception of equality, limited to equal weight in decision-making processes. While they show that a particular form of equality is indispensable for democracy, I push this connection further by showing that democracy entails equality in social relations.

Democracy extends beyond mere decision-making processes to encompass egalitarian social relations. Democracy carries a ‘double meaning’: first, it refers to governance by the entire population of a political entity; second, it denotes rule by the non-elites within these political entities (Taylor, 2022). The first meaning embodies principles of the rule of law and equal voting rights in free elections. The second meaning addresses the egalitarian nature of

societies, leading us to characterise societies with significant inequalities as 'very "undemocratic"'. This dual understanding reveals democracy as a telic concept - one that contains ideals and purposes. As Taylor (2022, pp. 19-20) argues, democracy's *telos*, or ultimate aim, is the construction of 'ideal equality' (Taylor, 2022, pp. 19-20).

The telic nature of democracy points to three aspects of the concept: democracy is a form of government, a membership organisation, and a culture or way of life (Anderson, 2009). The descriptions I have referred to, such as Christiano's and Waldron's, focus on its aspect as a mode of government. As a membership organisation, democracy requires inclusion, making everyone participate in the decisions affecting them. Inclusion is a substantive requirement in conditions of socio-economic inequality as it involves the participation of the most disadvantaged constituencies (Young, 2000). Democracy as 'a culture or way of life' demands a vibrant civil society facilitating the 'interaction of citizens from all walks of life' (Anderson, 2009, p. 218).

These three facets of democracy position equality both as a prerequisite and as an ideal. Democracy requires certain baseline levels of equality to fully realise its potential - particularly to enable genuine participation in public decision-making. At the same time, democracy cultivates egalitarian communities where individuals interact as equals. This specific form of equality, which emphasises the equal standing of all members within the polity, is intrinsic to democracy's nature. I examine its precise meaning in the following subsection.

Democratic Equality

I now turn to debates within political philosophy to explore the meaning of democratic equality and situate my conception of equality. Over the last half-century, two prominent positions have dominated academic discussions about equality. The first is luck

egalitarianism, which primarily concerns 'the distribution of nonrelational goods among individuals' (Anderson, 2014, p. 21). Scholars within this tradition differ on which goods should be *equally* distributed - whether opportunities, resources, or welfare (Cohen, 2008; Arneson, 2013) - and what constitutes a just distribution. Nevertheless, they share the fundamental premise that a just society requires equal distribution of their chosen good, be it opportunities, resources, or welfare.

On the other hand, since the late 1990s, authors defining equality as a matter of social relations rather than distribution 'appeared as an increasingly important competitor to distributive accounts of justice' (Gosepath, 2021, p. 31). For these authors, including Iris Marion Young (1990, 2000) and Elizabeth Anderson (1999), equality is not about deciding how luck is distributed but about how social relations are deployed to allow (or prevent) individuals to develop their own lives on equal standing with others.¹⁶

Relational-egalitarian authors argue that, by focusing on 'the impact of brute luck from human affairs' (Anderson, 1999, p. 288), distributive egalitarians omitted the analysis of social phenomena that subdued people. In Anderson's words:

What has happened to the concerns of the politically oppressed? What about inequalities of race, gender, class, and caste? Where are the victims of nationalist genocide, slavery, and ethnic subordination? (id.).

The crucial argument of relational-egalitarian theorists is that equality is a value concerned with how people develop their lives together, building conditions that allow everyone to develop their own life. An egalitarian community is one in which everyone is 'free from oppression to participate in and enjoy the goods of society, and to participate in democratic self-government' (*Ibid.*, p. 315).

¹⁶ In this section, I refer to authors such as Young and Anderson under the label of 'relational-egalitarian' theorists to distinguish them from 'distributive-egalitarian' theorists and emphasise the contrast between their positions within political philosophy. While these authors' central concept is sometimes described as either 'democratic equality' or 'relational equality', I consistently use the term 'democratic equality' throughout this work. This choice emphasises the concept's inherent connection to democratic theory and helps maintain the analysis within this theoretical domain.

One noteworthy distinction between distributive and relational egalitarians lies in their approach to defining equality. Distributive egalitarians have relied upon the procedures of analytical philosophy to conceptualise what constitutes a just distribution, establishing rigorous formal constructions (Cohen, 2008). In contrast, relational-egalitarian authors have supported an 'indirect definition' (Anderson, 2017), which defines equality based on what it opposes rather than specifying its content. Relational equality means overcoming social relations that produce 'inequality of authority, status, or standing' (Anderson, 2014, p. 21). Its central trait is the opposition to 'situations of manifest social inequality' that cause 'severe disadvantage'; this is its 'negative aim' (Wolff, 2014, p. 223; 2007).¹⁷

Democratic equality is intrinsically linked to democracy in two fundamental ways. Firstly, it represents democracy's normative aspiration, as evidenced by the history of egalitarian political movements. In James Lindley Wilson's words, 'the greatest and most profound advances of democracy have been rejections of the most profound political inequalities' (Wilson, 2020, p. 2). Similarly, Iris Marion Young identified 'deepest democracy' in the struggles of 'marginalised and oppressed people to be included as full and equal citizens in their polities' (Young, 2000, p. 6). These struggles for democracy can thus be interpreted as efforts to create communities of equals where everyone relates to others free from oppression. Secondly, this form of equality is uniquely democratic, as democracy is the only form of government founded on a 'mutual recognition of the equal worth or value of all persons' (Wilson, 2020, p. 28). This intrinsic connection justifies labelling this form of equality as democratic equality.¹⁸

¹⁷ An exception is Lippert-Rasmussen (2018), who resorts to analytical philosophy to stylise the components of relational equality.

¹⁸ In adopting this understanding of democratic equality, I am setting aside other interpretations of the links between democracy and equality, such as those understanding them in instrumental terms. For instance, sociologist Charles Tilly affirmed that 'democracy works better' when 'political processes reduce the translation of everyday categorical inequalities into public politics. The essential function of democracy – making decisions to govern the everyday life of the polity – reaches better results when the most severe inequalities are reduced'. Conversely, inequalities threaten democracy by giving members of privileged groups the incentives 'to evade outcomes of democratic deliberation' (Tilly, 2007, pp. 110-111). Although equality is relevant for democracy, its role is instrumental, and the links between democracy and equality are contingent.

Let us examine the concept of democratic equality in more detail. As we have seen, the *locus* of equality lies in social relations. These relations are the site where we can explore whether a community is egalitarian. For Anderson, equality concerns 'essentially relations of equal (symmetrical and reciprocal) authority, recognition, and standing' (Anderson, 2012, p. 41). The project of democratic equality implies opposing hierarchies that crystallise relations of domination in which people belonging to certain social groups lack sufficient autonomy to develop their own lives due to existing social arrangements. Whether considering people belonging to racialised groups, migrant communities, or dwellers of marginalised neighbourhoods, there are numerous examples of groups subjected to social hierarchies. These hierarchies are the main obstacles to building a community of equals, as the arbitrary power of some over others deprives the latter 'of the fair opportunities to acquire and enjoy social esteem for their traits, skills, pursuits, and projects' (Schemmel, 2021, p. 3).

A community of equals is one where everyone can cultivate their life plans without social or institutional constraints restricting them. Overcoming social hierarchies aims to give everyone the conditions for self-development and self-determination (Young, 1990, 2000). Self-development means 'to play and communicate with others in contexts where others can listen', entailing material and cultural factors, such as income distribution and the recognition of diversity. Self-determination consists 'in being able to participate in determining one's action and the condition of one's action'. Again, this requires material conditions as well as political rights, recognising everyone's weight in deciding on common issues (Young, 2000, p. 32).

These egalitarian traits of democracy demonstrate its telic nature. Democratic equality is an aspiration of what living together means. Rather than being limited to a form of government or a way to make decisions, democracy aspires to overcome barriers that subjugate people. To use political philosopher Ian Shapiro's words, democracy is 'an

instrument of emancipation because of its constitutive commitment to nondomination' (Shapiro, 2003, p. 147).

How can this conception of democratic equality illuminate the meaning of democratic policing? I argue that the answer lies in police forces' unique capacity to shape social hierarchies, either by reinforcing them (as empirical evidence worldwide overwhelmingly shows) or by counteracting them—something for which we have less evidence but good reason to support due to the defining characteristics of police forces. To fully grasp how the police can shape social hierarchies, we can return to two conclusions from the policing literature.

First, as the literature on the symbolic power of the police shows, the police are powerful mediators of belonging to the political community (see Chapter 1). Police treatment shapes the quality of belonging by reinforcing it or signalling to people their excluded status within the polity. This is especially relevant within unequal settings where the police are 'what citizens can see of the state' (González, 2017). As I noted above, it is a well-established finding in policing literature that the police are pivotal in managing the lives of excluded groups, from early industrialising Victorian England (Neocleous, 1998) to the financial crisis of recent decades (Aliverti, 2021). This means that the police is the state agency dealing with those most affected by social hierarchies. They can serve democracy by providing these constituencies a more secure sense of belonging that does not worsen their social positions (Manning, 2010).

Secondly, the police have the unique capacity to counteract private violence, a particularly damaging form of social hierarchy. I explained in Chapter 1 that one of the main concerns of literature in Latin America has been the expansion of private violence, especially in urban margins (Auyero et al., 2015). Primarily associated with drug gangs, this violence

ravages neighbourhoods due to its pervasiveness and brutality, with gunshots being its primary manifestation. This violence undermines the central aspirations of democratic equality by restricting people's basic freedoms - from safe movement through their neighbourhoods to participation in community life. The police, as the embodiment of the state's legitimate force, have a unique capacity to counteract this form of hierarchy. I am mindful that this aspect carries a profound ambivalence, as the police also have the capacity to reinforce these hierarchies. This, I believe, is the essence of Sklansky's observation (see Chapter 1) about the police being both a tool of official domination and a means of counteracting private domination.

This ambivalent capacity of the police to either reinforce or counteract private violence is particularly evident in my research, which I will extensively develop in Chapters 7 and 8. Through examining how residents of two marginalised neighbourhoods in Santiago, Chile's capital, perceive the police's role within a context of severe violence, I will argue that redirecting police action to minimise the consequences of private violence could offer a unique pathway for aligning police work with democratic-egalitarian aspirations.

In the remainder of this chapter, I focus on two characteristics of democratic equality. First, I examine its institutional dimension — the relevance of institutional arrangements in fostering a 'society of equals'. I will highlight specific traits of police forces to demonstrate how their institutional design can foster democratic equality. Secondly, I explore social hierarchies in greater depth to further delineate what democratic equality opposes. The examination of these two characteristics does not aim to exhaustively characterise democratic equality, as this debate extends well beyond the scope of this work. Instead, I have selected these aspects because they illuminate why policing matters from an egalitarian perspective.

The institutional dimension of democratic equality

Democratic equality requires institutions that foster egalitarian social relations. This institutional dimension is essential because focusing on social relations alone might suggest that equality is merely a matter of interpersonal treatment. While interpersonal treatment is undoubtedly significant, institutions play a central role in fostering communities of equals.

Why are institutions pivotal to making the ideal of democratic equality operative? In the broadest terms, institutions stabilise the social world; they shape our expectations of other people's actions and distribute (or participate in distributing) valuable resources, such as educational opportunities and political posts. They determine our everyday lives, providing us with 'second-order reasons' that guide our behaviour, giving us reasons to act or to refrain from acting (Raz, 1990).

Relational-egalitarian theorists have paid attention to institutional arrangements as they 'generate people's opportunities over time' (Anderson, 1999, p. 309). However, no uniform criterion exists for evaluating how institutions can foster democratic equality. In complex, late-modern societies, institutional arrangements provide different social goods in various areas of social life. In Michael Walzer's terms, institutions offer a form of 'complex equality', as each sphere has its normative requirements (1983).

However, setting aside the different spheres to which different institutions belong, we can say that they have a twofold significance for building democratic equality. On the one hand, institutions matter because of the outcomes they produce. Institutions generate social relations according to which people can or cannot get resources (Tilly, 2007). For instance, according to this interpretation, institutions that worsen the material situation of the most disadvantaged can be said to damage democratic equality (Rawls, 1971). On the other hand, institutions have an expressive dimension: their treatment expresses attitudes toward people and can reinforce social hierarchies by expressing contempt or lack of concern toward certain

groups (Schemmel, 2021). How institutions treat people has not only an instrumental relevance (i.e., the consequences of the treatment) but also an intrinsic significance. Institutions' treatment of people contains 'an implicit judgement of worth', which in turn can reenact existing social hierarchies (Ibid, p. 38).

Understood in this way, we can see more clearly how institutions can contribute to democratic equality. I do not pretend to offer a blueprint of institutional design because this requires ongoing adaptation where each community should decide 'how best to implement the requirements of justice' (Fraser, 2003, p. 70). However, I highlight that institutions can play significant roles in overcoming existing social hierarchies, fostering, at instrumental and expressive levels, communities of equals where each person's social status is recognised and respected (Jackson, 2018). To bring the argument to a more specific level, we can ask how the police can contribute to building a more democratic-egalitarian society. The response can follow the same twofold structure: analysing the relevance of the police both at instrumental and expressive levels.

At what might be termed the outcome level, the police can direct their actions toward fostering everyone's axiomatic security, the 'stable condition grounded in the tacit confidence individuals have [to] manage, and feel relatively at ease with, the threats that are or may be present in their environment' (Loader & Walker, 2007, p. 169). Two consequences can be derived from this conceptualisation of the police. On the one hand, police protection should consider power imbalances within society, offering their unique resource, the state's legitimate force, to the constituencies most needing it. I will return to this trait. On the other hand, police work should be limited by the contributions it can provide to axiomatic security, avoiding its internal trend to expand and colonise every area of social life (Loader, 2006; Kinsey et al., 1986).

How can the police address power imbalances and foster a more egalitarian political community? Throughout this thesis, I have emphasised a distinct manifestation of inequality in Latin American urban cities: unequal exposure to violence, particularly gunfire. The police can advance democratic equality by protecting citizens from this violence - an approach that aligns with my earlier argument for restricting police actions. These two principles are mutually reinforcing: police should focus their actions specifically on counteracting this severe threat to the safety of the most disadvantaged communities. In doing so, the police can serve as an instrument against the social domination that private violence creates. Put simply, the police can use their unique authority to help people live free from the subjugation of violence.

The expressive dimension of the police highlights that officers' treatment of people can reinforce existing social hierarchies. This aligns with the findings of procedural justice literature cited in Chapter 1. According to Tracy Meares, one of the leading scholars in the field, how police treat people even influences how people perceive themselves as citizens and their place within the political community (2017). The signals police send through their treatment of people communicate how worthy people's lives are. Furthermore, analysing the expressive dimension opens fruitful avenues for examining phenomena identified by policing literature. For instance, the dynamics of over-control and under-protection identified by policing scholars can be read as equally damaging for democratic equality, as they evidence a lack of concern for poor people's lives (Rios, 2011; Deuchar et al., 2021; Oliveira, 2021).

To summarise one of the central arguments of this thesis, the police, as an institution, have a pivotal role in constructing democratic-egalitarian communities. This leads to paying attention to the outcomes of their work (what protection do they offer to different constituencies in society?) as well as to the expressive dimension of this work (what does police treatment communicate about people's lives?). This concern about the institution's role

in fostering democratic equality warrants an analysis of the institutional structure of the police, which I will address in Chapter 5. In this analysis, I will examine the values embodied by the institutional structure of the police to determine whether they promote the development of democratic equality. This analysis examines to what extent police design allows control and direction over their actions, fosters accountability, and embodies certain forms of equality within police departments.

Before pursuing this analysis, we should complete the picture of democratic equality by addressing another of its constitutive features: overcoming social hierarchies. We need to understand social hierarchies and how they are mediated by belonging to social groups.

Social hierarchies

The central aspiration of democratic equality is to overcome social hierarchies. The concept of democratic equality shows its full transformative potential when analysed in opposition to those hierarchies (Phillips, 2023). It is now necessary to delve into their meaning to better understand social hierarchies.

According to relational-egalitarian theorists, 'unequal power and domination relations and social status hierarchies' constitute 'the main obstacle to achieving a society of equals' (Schemmel, 2021, p. 3). The question is: What constitutes domination relations or hierarchies of social status? Our societies are permeated by power relations, understood as the possibility to command over others. Without going any further, most police-citizen encounters are power relationships in this sense (Bowling et al., 2019).¹⁹ Therefore, we need some criteria to distinguish when relations of power are unacceptable from a relational egalitarian perspective.

¹⁹ This description of police-citizen encounters does not preclude the aspiration of 'policing by consent', foundational for English policing. It is fair to say that this understanding of consent is underpinned by a basic agreement that the citizen will obey the police.

A good point of departure is categorising hierarchies as social relations, that is, as occurring between people or groups of people. They have at least two components: the dominant agent and the dominated one. This does not rule out that social hierarchies are primarily reproduced through structural factors that result in some groups relating to others as inferior. In this respect, we can define social hierarchies as 'durable group inequalities that are systematically sustained by laws, norms, or habits'. They are group-based because 'they create *classes* of people who relate to one another as superiors to inferiors' (Anderson, 2012, p. 42).

Social hierarchies produce 'structural injustice' when 'social processes put large groups of persons under systematic threat of domination or deprivation of the means to develop and exercise their capacities' (Young, 2011, p. 54).

Elizabeth Anderson distinguishes three types of social hierarchy that 'have been subjected to egalitarian critique'. First are hierarchies of domination or command, where 'those occupying inferior positions are subject to the arbitrary, unaccountable authority of social superiors'. Secondly, there are 'hierarchies of esteem,' where those 'occupying inferior positions are stigmatised'. Third are 'hierarchies of standing,' where those occupying superior social positions are given special weight in the deliberations of others and in the normal operation of social institutions,' enjoying 'greater rights, privileges, opportunities, or benefits than their social inferiors' (Anderson, 2012, p. 42).

Distinguishing between different hierarchies has heuristic benefits, but they usually operate together. The fact that different mechanisms of social oppression work together over certain groups is one of the significant contributions of Black Feminist theorists of intersectionality (Crenshaw, 1989). Members of marginalised groups are subjected to the authority of others, while they are stigmatised, and their participation in social benefits is lower than that of other groups. For this thesis, considering the intersectional operation of

disadvantages is crucial to exploring the realities of policing in La Legua and El Castillo, as residents' experiences and perceptions of policing are mediated by the compounded forms of hierarchies they experience.

Similarly, Iris Marion Young distinguished social mechanisms of oppression as 'institutional constraints on self-development' (Young, 1990, p. 37). They operate over marginalised groups, taking five different forms: exploitation, marginalisation, powerlessness, cultural imperialism, and violence (Young, 1990, pp. 49-62). These forms of oppression constrain the life opportunities of the members of marginalised groups. As in Anderson's account, they are usually interconnected, so, for instance, group members experiencing exploitation are likely to experience other forms of oppression.

What is the point of bringing together Anderson's and Young's accounts of social oppression? What do they contribute to a thesis about policing? This brief review highlights the varieties of social hierarchies and how they operate in different social domains. They show that even in conditions of formal equality where ascriptive characteristics do not determine life chances, people's lives are conditioned by social, cultural, and economic conditions that constrain them (Phillips, 2023). The domain of 'public security' and the roles police forces play are not exempt from inequality's influence. The overpolicing-underpolicing paradox I referred to above affects poor people's lives; it is not an equally distributed phenomenon throughout society.

The understanding of social mechanisms of oppression reveals that police are not usually the cause of oppression, although some recurring phenomena like police violence have devastating effects on certain groups. I do not aim to minimise the impact of police violence or its frequency. However, the causes behind social oppression are usually broader. The police cannot ignore them because they influence their work. How people perceive

police and relate to them, or what people expect from the police, are shaped by people's social positions.

In other words, how policing shapes people's daily lives depends on the existing social hierarchies. Members of marginalised social groups likely interpret policing and police work through their marginalised condition. As I will show in my empirical analysis, what people expect from the police in La Legua and El Castillo is shaped by the structural conditions of their locality. For example, people report that they would not call the police from within the neighbourhood but would eventually do so if they needed them outside. As Monica Bell recalls, even if individual policing actions are procedurally just, they may be perceived as negative or with distrust because they are occurring 'in the context of microclimates of racial violence with enduring impacts' (Bell, 2020, p. 720). It is reasonable, I think, to replace 'racial violence' with other forms of social oppression to make a point of how they mediate people's relationship with police forces.

These descriptions of 'social hierarchies' entail a duality. While they put the notion of 'groups' at the centre, they recognise that their victims are individuals. In Anderson's account, the contested consequence of hierarchies is how people relate to each other. In Young's words, the problem is that persons are prevented from developing their capacities. The relational egalitarian ideal embraces a normative individualism insofar as it puts persons at the centre by recognising that each person is a 'self-originating source of claims' and that 'individuals are what ultimately matter'. However, it goes beyond individualist methodologies 'which represent individuals apart from their group identities and identity-mediated hierarchical relations to members of other social groups' (Anderson, 2009, p. 133). To fully grasp how social hierarchies operate, we need an account of social groups that shows how group interactions position people differently in society.

On social groups

What, though, are the social groups we are interested in? How can we recognise them and bring them as relevant from a democratic-egalitarian perspective? Moreover, how does belonging to social groups influence the experiences with policing? In other, more ambitious words, how can we illuminate the relevance of policing to democracy by bringing about the notion of social groups?

The notion of 'social groups' exists between two of the most fundamental concepts in social theory: agency and structure (Joas & Knöbl, 2009). It navigates the tension between the centrality of agents and the importance of social structures that determine people's lives. I draw here on Iris Marion Young, who, resting on Heidegger's philosophy, characterises social groups as 'thrownness': 'one finds oneself as a member of a group, which one experiences as always having been'. Members of a social group share 'a similar experience or way of life' (Young, 1990, pp. 43-46). Belonging to a social group does not exclude individual freedom, but it constrains its exercise, especially within hierarchical societies.

Members of social groups do not necessarily share 'common attributes or dispositions'. Indeed, they often share ascriptive characteristics, such as ethnicity or gender, but that does not constitute them as group members. They occupy the same position within social relations, which 'gives individuals some shared *perspectives* on social life' (Young, 1997, p. 385, italics in original). This understanding of social groups is relational because 'what constitutes a social group is not internal to the attributes of its members but the relation in which it stands to others' (Ibid., p. 391).

This is an 'anti-essentialist' notion of social groups according to which they are not composed of individuals who share some natural characteristics but from some affinities regarding their social position; groups are socially constructed. Their members occupy a

similar position regarding privileges and opportunities – or their lack of them. Young exemplifies this through the concept of 'seriality', taken from Sartre's philosophy, where to be part of a group is to be part of a series 'passively constituted' by social organisation. Through the lens of seriality, 'women' is the name of a series in which some individuals find themselves by virtue of norms of enforced heterosexuality and the sexual division of labour' (Ibid., p. 392). The same logic applies to other social groups, such as racialised groups or social classes.

The type of social group this analysis focuses on is 'marginalised social groups', those whose members' life opportunities are constrained because of their group belonging. I contend that paying attention to them may broaden our understanding of how police forces affect belonging to the polity. In other words, the existence of 'marginalised social groups' implies that police forces are more prone to impact the functioning of democracy because they interact with people who are excluded from the benefits of social cooperation. This requires a brief detour before describing 'marginalised social groups'.

I follow political scientist Mellissa Williams' description of marginalised social groups. According to her, these groups have four characteristics:

Patterns of social and political inequality are structured along the lines of group membership (1); membership in these groups is not usually experienced as voluntary (2); membership in these groups is not usually experienced as mutable (3); and generally, negative meanings are assigned to group identity by the broader society or the dominant culture (4) (Williams, 1998, pp. 15-16).

These characteristics make marginalised groups essentially different from voluntary associations or interest-based groups.

Williams' characterisation of marginalised groups has two heuristic benefits for this study. First, as trait (1) shows, patterns of inequality resulting in groups' marginalisation are reproduced daily through multiple social practices that do not require intentional

discrimination. The ways institutions work or the operation of cultural norms maintain the marginalisation of specific groups. Second, the reasons why belonging to certain groups has 'negative meaning' (trait 4) are not natural but the result of cultural and social mindsets.

However, I aim to introduce a slight distinction regarding traits (2) and (3). For Williams, characteristics that marginalise social groups' members are 'ascriptive', which 'signifies that a person's role or status in society is a product of unchosen characteristics such as sex, race, or age rather than a result of his or her actions' (Ibid.). Therefore, these characteristics are not 'experienced as voluntary' and neither as 'mutable'. In this work, I contend that the reasons behind social groups' marginalisation may be broader or, put differently, due to non-ascriptive characteristics.

While maintaining the core insights of theories on marginalised groups, this broader understanding allows us to examine how policing may reinforce or diminish democracy in specific spatial contexts. I argue that living in specific neighbourhoods is a form of belonging to a social group. This requires justification, as residing in particular places represents a different form of group belonging than sharing ascriptive characteristics. To be clear, I do not suggest that neighbourhood-based marginalisation is equivalent to marginalisation based on ascriptive characteristics – especially considering that I have never experienced marginalisation due to my ascriptive characteristics.

However, it is interesting to note how Williams describes the effects of ascriptive characteristics. She opposes them to 'achievement roles and statuses based on what an individual has actually done'. Conversely, an ascriptive characteristic usually produces that their possessors are 'treated by others on the basis of attributes they ascribe because of race or gender or kinship ties, rather than attributes actually displayed' (Id., p. 16). In social contexts

shaped by inequality and urban segregation, people's place of living produces a similar consequence: people are treated as if they had ascribed attributes because of where they live.

The sociologist Loïc Wacquant has theorised this phenomenon through the concept of 'territorial stigma'. Wacquant draws on Erving Goffman's work on stigma to analyse 'advanced marginality'. Wacquant extends 'stigmas' from the ascribed characteristics upon which Goffman worked ('abominations of the body', 'blemishes of individual character' and marks of 'race, nation and religion') to develop the concept of 'territorial stigma'. For him, this stigma is similar to that produced by 'race, nation and religion' (2007).

The territorial stigma operates by positioning some places within the city as 'urban hellholes' where 'violence, vice, and dereliction are the order of things'. The stigma 'contaminates all members of a family', that is, all neighbourhood inhabitants (Ibid., p. 67). In this sense, it operates similarly to the structural inequality Williams identified as a characteristic of marginalised groups. The transmission of the stigma does not depend on conscious individual actions aiming to discriminate against some neighbourhoods but on a series of cultural and social elements daily reproduced.

In the empirical analysis of Chapters 7 and 8, I will show that La Legua's and El Castillo's inhabitants perceive stigmatisation as operating upon their lives. Some people expressly connect stigmatisation with how police behave in their neighbourhood. For them, police do things, for example, carrying war-like weapons or uniforms, that they would not do in other, more privileged areas. Other testimonies conceive of stigmatisation as restricting their life opportunities beyond policing. For example, one communal leader working in a secondary school says that students learn to 'change their address' in their CV because they know that if they put 'El Castillo', they will not find jobs.

In Williams' analysis, we saw that ascribed characteristics behind marginalisation are not experienced as voluntary nor changeable. On this point, territorial stigmatisation diverges. As Wacquant recognises, territorial stigma 'can be quite easily dissimulated and attenuated – even annulled – through geographic mobility' (Ibid., p. 67). However, matters are not so straightforward. Regarding voluntariness, people do not usually perceive that they chose to be born and grow up in marginalised neighbourhoods. In the neighbourhoods I am working with, people usually recognise that their families arrived because these were the only places where they could dream of a better future. In El Castillo, the lack of voluntariness is much more apparent because the first inhabitants of the neighbourhood were forcefully placed there by the dictatorship. In other words, there was nowhere else to go.

Concerning the permanence in the neighbourhood, which leads us to the 'unchangeable' aspect of ascriptive characteristics, matters are more nuanced. People do not usually perceive the opportunity to leave the neighbourhood as readily available. There are economic barriers that impede it. Escaping from the stigma is open only to those who can afford it (Álvarez & Ruiz-Tagle, 2022). In addition, the reasons to stay in the neighbourhood are complex. In the interviews conducted for this study, people report staying in the neighbourhood despite local problems because they know their neighbours; they have informal networks that make life less harsh than in other spaces. Although people could leave the neighbourhood, it is a complex decision surrounded by structural factors that make territorial stigmatisation more difficult to change than initially appears.

Conclusion

In this chapter, I have provided an overview of the theoretical foundation that underpins this thesis. I have introduced the concept of democratic equality, defending the view that it represents a normative aspiration of democracy, aiming to construct communities of equals

where everyone can develop their lives on equal standing with others. I have contended that democratic equality is an immanent ideal of democracy, unleashing its inner potential. Despite its immanence, it is far from obvious, as demonstrated by the simultaneous consolidation of democratic regimes and socioeconomic inequality (Dunn, 2005; Taylor, 2022). The transformative potential of democratic equality lies in challenging existing inequalities to fulfil the inner *telos* of democracy.

I have described democratic equality as pointing to overcoming social hierarchies, for which institutions are crucial. Democratic-egalitarian communities require institutions that make the building of egalitarian social relations likely, or at least do not impede them. I have argued that police capacities—specifically, their unique resource of state physical force—could be redirected towards protecting democratic equality. This redirection does not entail expanding police functions or their societal remit, but rather refocusing their existing resources. While abolitionist literature has compellingly demonstrated how police forces typically operate to reinforce social hierarchies, their capacity could instead be channelled to counteract violence affecting marginalised groups. This reading of the police's role within democracy has vividly illustrated how the police's existing resources, when properly directed, could contribute to democratic equality.

I use democratic equality as the theoretical ideal to analyse the roles of Carabineros in Chile since the recovery of democracy in 1990. Following the tenets of non-ideal theory, I use this ideal as a 'hypothesis to be tested' through empirical evidence (Anderson, 2010). I establish a back-and-forth relationship between this ideal and the evidence I will present in the following chapters. In other words, I use democratic equality to 'theorise with practical intent' (Young, 1997), asking how Carabineros can contribute to a more democratic-egalitarian society in Chile. In the following five chapters, I analyse different aspects of

Carabineros' work to examine how aligned with the ideal of democratic equality the institution has been and how this ideal can inform the analysis of the institution.

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CHAPTER 4. A historical overview of Carabineros

Introduction

In this chapter, I trace the history of Carabineros, highlighting its significance within the Chilean trajectory and social order. I begin this history in the nineteenth century when the country achieved its political emancipation from the Spanish Empire and became an independent republic. I argue that consolidating a national police force, whose oldest background dates from the mid-nineteenth century, was crucial in affirming state sovereignty and territorial control. This *longue durée* (Braudel, 1972) perspective helps us to understand some central features of Carabineros, such as its military identity and its enduring significance in Chile's social and political order.

Although my case study examines the Carabineros since Chile's return to democracy in 1990, I contend that understanding the institution's contemporary roles requires examining crucial historical antecedents, particularly from 1973 onwards. In that year, a *coup d'état* overthrew the democratically elected president, initiating a seventeen-year military dictatorship. Carabineros played a pivotal role during this period: its General Director held a position in the military Junta, and the dictatorship established institutional structures whose legacy continues to shape the institution. Given this institutional continuity and its lasting implications, I focus primarily on developments from 1973 onwards.

This methodological decision to begin with 1973 raises important ethical and intellectual considerations. Most importantly, I must clarify that the restoration of democracy in 1990 represented a fundamental transformation for Chile. While I argue that Carabineros' trajectory after the dictatorship can be understood through the lens of its authoritarian inheritance, this does not mean that the democratic and dictatorial periods were equivalent, nor that Carabineros remained unchanged as a repressive institution. My claim is more

modest: to understand Carabineros' roles within Chilean democracy, we must consider the institutional legacies of the dictatorship.

I have grappled repeatedly with how to structure the chapter's temporality. Should I draw a clear line in 1973 or in 1990? I have tried both options repeatedly, and I am not yet certain of having found the best approach. Ultimately, I have decided to begin the 'history of the present' in 1973, as several substantial reasons explaining Carabineros' roles since 1990 lie in events that occurred during the dictatorship. The clearest example is the statutory law regulating Carabineros' structure and essential traits, enacted on 7th March 1990, four days before the dictatorship relinquished power.

I draw on secondary sources to trace a history of Carabineros. I am careful to insist that it is *a* history and not *the* history, as Carabineros' trajectory bears different interpretations. This does not dismiss its rigour but highlights that I have adopted a particular perspective in building it. I emphasise two aspects of this trajectory. First, I focus on the relationships between Carabineros and political authorities to highlight the former's autonomy and weak civilian oversight. I demonstrate how Carabineros developed a high capacity to advance its interests during this period, which sometimes reached critical peaks, what some authors have termed 'ruling by themselves' in institutional matters (Dammert et al., 2021). Secondly, I identify an ambivalence shaping Carabineros' activity: while it developed policing programmes that made it central to Chilean social life, fostering proximity with communities (especially marginalised ones), the institution demonstrated serious weaknesses in respecting human rights.

This trajectory poses acute challenges to building a police force capable of counteracting existing social hierarchies and fostering a more democratic and egalitarian society. The high degree of autonomy and the lack of robust civilian oversight over the police

make it difficult to subject Carabineros to public definitions of its objectives and priorities. The power of the police force to shape the reform agenda means that the changes made to Carabineros have not necessarily aligned with publicly adopted definitions of what the political community expects from its main police force. The enduring legacies of the dictatorship have shielded the central components of Carabineros' structure from the discussions of representative institutions, making police reforms very limited.

I end this introduction with one clarification. Throughout most of this chapter, I do not directly use the language of democratic equality, which does not imply that it is not the theoretical concern underlying the analysis. The reason is that the trajectory is complex, and I have prioritised a rigorous narration of the main events to demonstrate the centrality of Carabineros within Chilean life. In doing so, I aim to illuminate some of the most pressing obstacles to building a police force inspired by democratic-egalitarian ideals. A historical account is essential to constructing a non-ideal theory of democratic policing appropriate for the Chilean case. It helps us unveil the specific meanings of Carabineros in Chilean social life, its roles, and what the institution can (and cannot) do to foster democratic equality.

Historical Trajectory of Carabineros until 1973

Police, police forces: a brief history of a nascent republic

The concept of police was closely intertwined with the urban development of South American cities, holding greater significance than its modern definition of a specialised crime-fighting force. This is not surprising: as Emsley (2021) emphasises, the concept of policing was inherently urban, centred on shaping the 'governance of the city'. In eighteenth-century Latin America, the concept reflected the broader 'police science' prevalent in continental Europe (Kneymeyer, 1980), encompassing the essence of good governance and the desired social order envisioned for the Spanish Empire's colonial territories. Nowhere

was this more evident than in the 'Grid Plans' that dictated the layout of Spanish colonial cities, intended to cultivate order and harmony. For Durston (1994), the concept of police 'sums up the whole project of creating a new society in America' (p. 88).

The concept of the police gained even greater relevance in the governance of Spain's South American colonies after the Bourbon accession to power under the reign of Carlos III in 1759 and his attempt to rationalise the administration, consolidating bureaucratic apparatuses (Fraile, 1998). In the territory that would later become Chile, this also entailed the consolidation of a strong military presence due to recurrent wars. In 1810, after the Napoleonic invasion of Spain, the Chilean national elite – like many elites in what we now know as South America – formed the first 'Government Junta'. This body denied the legitimacy of the Napoleonic King and constituted itself to 'administer the General Captaincy of Chile' on behalf of the Spanish King Fernando VII.

In 1831, following a civil war won by 'a coalition led by traditional landowners and the clergy' (Faúndez, 2005, p. 17), the Chilean National State consolidated its power over the territory. The resulting structure was a unitary, centralised state with an 'authoritarian constitution that gave the President and the executive branch sweeping powers to suppress and repress dissent' (id). This framework has essentially been maintained to the present day, albeit with a shorter geographical extension. Significantly, the Chilean state consolidated two central characteristics: a strong military apparatus and a robust national bureaucracy, the latter being an inheritance of the Bourbon reign (Góngora, 1981).

Emerging alongside the consolidation of military power and bureaucratic institutions in the late eighteenth century, the first institution resembling a police force arose in Chile.

This was the '*Cuerpo de Serenos*'²⁰, created in 1780, whose mission was twofold.²¹ On one

²⁰ The *Cuerpos de Serenos* ['Corps of Serenos'] were an element of the 'police science' applied by the Bourbons in its colonies. See for Mexico Exbalin, 2019.

²¹ Traditionally, historiography has identified the origins of the *Cuerpo de Serenos* in a decree enacted on 5 September 1780. However, Palma raises doubts regarding this and

hand, to guarantee order and public safety on the streets, particularly at night. Duties like lighting lamps and announcing the time embodied this aspect. On the other hand, the *Serenos* provided care and social services to city residents (Palma, 2023). This inherent ambivalence between crime prevention and social assistance was central to the *Serenos'* functioning, foreshadowing a tension that remains characteristic of modern police forces (Bowling et al., 2019)

Two significant features from this period continue to mark the identity of Chilean police forces to this day. The first is the extensive regulation of their activity through statutory law - a characteristic already evident in the *Serenos'* organisation, whose operations, duties, and structure were meticulously governed by a comprehensive legal framework of over 80 articles as early as 1840. The second is how public authorities framed the association between professionalism and police militarisation. When the *Serenos* were perceived as lacking professionalism and discipline, the authorities responded by creating a new police force, the 'Police Brigade' (in 1851), with a pronounced military character tasked with preventing disorder and crime (Palma, 2017a).

The establishment of the Police Brigade was viewed by authorities as a step towards professionalisation through its military character. This approach, however, was not without its critics. Detractors argued that despite its military structure, the force's members lacked essential skills for their duties. Moreover, the meagre salaries and precarious working conditions cast doubt on the effectiveness of this professionalisation attempt. In 1860, the 'Municipal Guard' replaced the Brigade. While this represented the first serious state effort to monopolise city security, it retained many of its predecessor's military features. The 'Municipal Guard' operated until 1896, when the state established the 'Fiscal Police', marking the first instance of a police force entirely financed by the treasury (ibid, 92 – 101).

proposes a slightly later establishment in 1795.

As urban policing evolved, the Chilean state simultaneously engaged in territorial expansions that would necessitate new forms of rural control. During the late nineteenth century, the state undertook two major expansions. In the north, it waged the 'War of the Pacific' (1879-1884) against Perú and Bolivia to secure control of nitrate mines. Simultaneously, to the South, it launched a protracted campaign against the Mapuche people, who had resisted Spanish and then Chilean domination for centuries (Bengoa, 2003). As a result of these conquests, the newly expanded state faced the challenge of asserting control over vast rural territories. In 1896, it established the *Gendarmes de las Colonias* (Colonial Gendarmes) to address this need. This new force, modelled on the gendarmeries prevalent in Europe during the nineteenth century, possessed a quasi-military character. Its primary mission was to 'pacify' and curb criminal activity in the newly acquired rural areas (Emsley, 1999)

The *Gendarmes de las Colonias*' tenure was relatively short-lived. In 1907, their duties were assigned to a subsection of the Chilean army called *Cuerpo de Carabineros* (Carabineros Corps). The Carabineros' primary mission was maintaining order and tranquillity in the country's South. This decision stemmed from the perception that the army was more professional than existing police forces, further blurring the lines between professionalism and militarism in policing (Palma, 2017b).

As the twentieth century dawned, Chile had two institutions responsible for police functions: the Fiscal Police, which managed urban security, and the Carabineros Corps (an army body), which controlled territory in the South. In 1927, following a wave of police officer protests over poor working conditions and politically turbulent years, a law merged the Fiscal Police and Carabineros Corps into a single national police force: *Carabineros de*

Chile. According to Cárdenas (2021), this marked the establishment of Chile's first unified national police force.²²

Order and Homeland: Carabineros de Chile from 1927 to 1973

‘Order and Homeland is our motto,
the mirror law of our honour;
of sacrifice, we are the emblem
Carabineros of the Nation.’

Carabineros Anthem, 1928

In 1927, Carlos Ibáñez del Campo, former Minister of War and head of Carabineros Corps, won a suspicious presidential election in which he was the only candidate, with 98% of the valid votes. During his four-year government, he frequently suspended civic freedoms and repressed political opponents, leading some authors to describe his government as a dictatorship (Salazar & Pinto, 1999). Among his measures, Ibáñez led the unification between the Fiscal Police and the Carabineros Corps with the explicit aim of reinforcing the 'principle of authority', pushing for 'organising it in such a way that not a single inch of the national territory is left without the necessary counterweight of authority' (Cárdenas, 2021, p. 41).

Ibáñez did not merely advocate for unifying the police forces; he played a crucial role in implementing this unification, choosing the Carabineros Corps as the template. He championed building a national police force based on the defining elements of the military unit rather than the existing police model (Navarrete, 2022). Through this move, Ibáñez established one of the most enduring traits of the Carabineros de Chile: its military character. Notably, at this critical juncture, when existing institutions were merged to create a new force, the military features of the former army body outweighed those of the established police force.

²² At that time, there was a third force, the Communal Police, whose work was limited to small cities. The proponents of the unifications viewed the Communal Police as serving 'political ends or personal interests' (Miranda, 2006); thus, it was deemed convenient to merge them into the new police force. I thank Pascual Cortés for raising this point.

Whilst heading an authoritarian government, Ibáñez sought to establish a loyal armed force to bolster his position. As the army and navy remained under the War Department's purview and thus somewhat beyond his direct control, the Carabineros Corps presented familiar terrain for him. Having held crucial command roles within it, Ibáñez saw an opportunity to shape a new police force heavily influenced by its existing structure and training. This approach not only aligned with his desire for a national force modelled on military discipline but also offered the practical advantage of easier control and command. The military character of the Carabineros de Chile served both Ibáñez's vision and his political interests (Faúndez, 1988; Cárdenas, 2021).

This was evident in the Organic Law of Carabineros, enacted on 23 December 1927. Article 1 of the Law defined Carabineros as 'a military institution in charge of maintaining security and order throughout the Republic's territory, and overseeing compliance with the laws and other provisions of a general nature'. It further specified that whilst the Carabineros depended on the Ministry of the Interior, the President could place it under the command of the Ministry of War when deemed necessary. The Law reinforced the military character, establishing that 'the personnel of the Carabineros de Chile enjoy military jurisdiction and shall be subject to the Code of Military Justice in criminal, civil and disciplinary jurisdiction.

The socioeconomic landscape in the years following 1927 was marked by turmoil. The severity of the Great Depression forced rural workers to migrate to cities, fuelling social unrest and expanding the membership of Marxist parties allied with labour unions (Salazar & Pinto, 1999). The state responded with severe repression, often executed by Carabineros. This fostered antagonism, particularly among the working class and impoverished populations (Águila & Maldonado, 1996). In 1938, the institution's reputation was further damaged when Carabineros brutally suppressed a pro-Nazi uprising, resulting in numerous casualties. Officers had confined protesters within a central building before carrying out a mass

execution. When this incident became public knowledge, it sparked widespread outrage and undermined the government's preferred candidate in the presidential election, ultimately facilitating the victory of the centre-left Popular Front coalition.

The subsequent decades witnessed a period of relative democratic stability, which led to increased civic oversight of the Carabineros. Notably, the force appointed its first non-military General Director. In 1960, new legislation definitively placed it under the Ministry of the Interior, severing all legal ties to the Ministry of War.²³

During these decades, Carabineros cemented what we can characterise as a double identity. On the one hand, it responded forcefully to protests and civil unrest that frequently occurred in Chile's major cities (Salazar, 2006). On the other hand, Carabineros assumed responsibilities in 'welfare and social-education arenas', providing assistance to 'homeless children, organising adult education classes, providing lunches for children, [and] giving talks on hygiene to workers' (Cienfuegos, quoted in Candina, 2006, p. 90). As the institution's foremost historian observed, 'social solidarity has been constant for Carabineros since its inception' (Miranda, 2006, p. 36).

The most significant milestone in this regard was the establishment of a charitable organisation called *Niño y Patria* ('Boy and Homeland') that provided shelter for homeless children. It was formally established in 1960, building upon work that Carabineros had undertaken for decades: providing shelter and basic provisions for homeless children within police station grounds (Águila & Maldonado, 1996; Ruz, 2010). One could hardly find a more striking illustration of the ambivalent nature of police work than these police stations functioning simultaneously as centres of detention and sheltering spaces for the destitute.

²³ A significant institutional development during this period was the establishment of the 'Investigation, Identification, and Passport Services' as an independent office. This organisation was the predecessor to the 'Investigative Police', established in 1979. The Investigative Police was tasked with conducting criminal investigations and intelligence operations. Unlike Carabineros, the Investigative Police was established with a civilian character, which it has maintained to the present day. Under current legislation, Carabineros and Investigative Police share certain overlapping functions, as demonstrated in the next chapter.

In 1963, Carabineros established the *Grupo Móvil* (Mobile Group), a specialised unit designed to intensify the state's response to ongoing protests. Fuelled by Cold War geopolitical dynamics, Carabineros received support from the U.S. throughout the decade. High-ranking officers received training at the then Panama-based 'Western Hemisphere Institute for Security Cooperation,' absorbing the tenets of the 'National Security Doctrine' (Águila & Maldonado, 1996). These influences, coupled with an influx of U.S-supplied weaponry, further honed Carabineros into an instrument of repression against protests. This training bore tragic fruit: by the decade's end, instances of excessive force during protests became increasingly common, culminating in the deaths of numerous civilians. When the military, supported by right-wing civilians, assumed control in the 1973 coup d'état, they met with a police force that had been prepared through training and doctrine to employ stringent measures in maintaining public order.

A historical review of Carabineros from 1973

The repressive hands of the state

On 11 September 1973, Chilean history underwent a dramatic shift. A coup d'état carried out by the three branches of the Armed Forces and the Carabineros seized power, interrupting one and a half centuries of political democracy.²⁴ The tanks occupying the streets and the Hawker Hunters bombing the Presidential Palace, *La Moneda*, culminated in the tragic death of President Salvador Allende, who had been democratically elected in 1970. The Armed Forces and Carabineros constituted a Junta that issued a 'Military Decree' denouncing Allende's government as illegitimate and asserting a 'moral duty' to restore order and take control of the nation.

²⁴ This uninterrupted democratic trajectory was exceptional not only in the Latin American context but also worldwide. According to Keane (2022), 'Twelve months into World War II, the surviving electoral democracies included Australia, Chile, Costa Rica, New Zealand, Sweden, Switzerland, the United Kingdom, the United States and Uruguay' (p. 199, n33).

The establishment of the Junta led to the Carabineros' assimilation into the Armed Forces. This prompted the enactment of a new Organic Law of Carabineros two years after the coup. Law Decree 1063, issued in June 1975, positioned Carabineros within the Ministry of Defence, effectively reversing the gradual civilising process of the preceding decades. For the dictatorship, this shift represented a means to 'de-politicise' the Carabineros by removing them from the potential for 'political manipulation' in dependence on the Ministry of Interior. The dictatorship leaders considered that Carabineros was politicised during Allende's government, as evidenced by the institution's refusal to evict illegal land occupations, following an order from the Minister.

From the outset of the dictatorship, Carabineros engaged in widespread repressive activity. Notably, they were implicated in 293 of the 1,193 disappearances and 248 executions within the first three months of the regime (September-December 1973). During this initial period, Carabineros played a particularly egregious role in the dictatorship's most horrific practices. This can be partly attributed to their extensive territorial presence throughout the country, enabling them to exercise repressive power even in the most remote areas (Rettig, 1991; Policzer, 2009).

However, the landscape shifted in June 1974 with the creation of the DINA (*Dirección Nacional de Inteligencia*, 'National Intelligence Directorate'), directly commanded by Augusto Pinochet. The DINA assumed some of the repressive tasks previously carried out by Carabineros. Despite this, Carabineros continued to commit significant human rights violations. This collaboration continued when the DINA was replaced by the CNI (*Central Nacional de Inteligencia*, 'National Intelligence Centre') in 1978, with Carabineros forming a close operational partnership with the new intelligence agency (Policzer, 2009).

Throughout the 1980s, the CNI maintained its systematic campaign of repression against political opponents, as evidenced by the targeted killings of former leftist leaders. Meanwhile, Carabineros and the Army bore the brunt of the regime's response to the surging tide of popular protests. 1983 marked a turning point with the first nationwide demonstration against the dictatorship. This event spawned a wave of similar actions, culminating in twenty-two 'National Protest Days' between 1983 and 1986. These mass mobilisations were met with heavy-handed crackdowns by Carabineros and Army personnel in the streets and public spaces (Salazar, 2006; Schneider, 1995).

The relationship between Carabineros and the CNI drastically altered in 1985, with repercussions lasting well beyond the end of the dictatorship. On 29 March, two men were abducted near a school: a teacher and a student's father. Along with a third victim, their bodies were discovered the next day, their throats slashed. The shroud of uncertainty surrounding the initial investigation underscored the confusion over who perpetrated these atrocious crimes (Cavallo et al., 1988). However, within months, a judge determined that a specialised Carabineros unit, the Communication Direction (DICOMCAR), was responsible. The CNI assisted the judge in his investigation to discover Carabineros' participation, signifying a fracture between the two institutions (Policzer, 2009). This event severely tarnished Carabineros' image within the Junta, leading to the resignation of General Director César Mendoza, who had been a Junta member since 1973. General Rodolfo Stange assumed leadership and, as we will see, played a pivotal role in navigating the complexities of the democratic transition, further highlighting the enduring power of Carabineros.

Carabineros and the '1980 Constitution'

In the next chapter, I will delve into the constitutional regulation of Carabineros, exploring how the Constitution shapes some of its core traits. To understand these enduring characteristics in their full context, however, I first analyse the central objectives behind the regulation of Carabineros in the Constitution enacted by the dictatorship in 1980. The Constitution drew upon the conception of a 'Security Power' guaranteed by the Armed Forces and Carabineros. According to this framework, these institutions must 'contribute to guaranteeing the survival of the State, the basic principles of institutionality, and the grand, permanent objectives of the Nation' (CENC, 1977, as cited in Contreras & Salazar, 2020, p. 15).²⁵

The concept of a 'Security Power' envisioned in the Junta's ideology positioned Carabineros and the Armed Forces above all other state institutions as guardians of the 'survival of the state'. As scholars have noted, this concept rendered the 'constitutional rule of obedience and prohibition of deliberation' meaningless for these forces (Contreras & Salazar, 2020, p. 15).

Whilst numerous constitutional provisions regarding the military and Carabineros were later revoked during the democratic transition, some remain relevant to understanding the enduring power these institutions wielded even after the dictatorship. The National Security Council stands out among these provisions. Comprising the commanders of the Armed Forces, the General Director of Carabineros, and heads of the legislative and judicial branches, the Council held significant influence over national security and institutionality.²⁶

The original Constitution empowered the Council to:

²⁵ CENC was the *Comisión de Estudios para la nueva Constitución* (Commission for the Study of the New Constitution) that the Junta established to draft a new national Constitution.

²⁶ The Constitution promulgated in 1980 established that the country would hold presidential and parliamentary elections in 1988. Between 1980 and 1988, the country was governed primarily through transitional provisions that endowed the Junta with Executive and Legislative Powers. In 1988, additional provisions entered into force, such as those regulating the parliament. The National Security Council was regulated by this latter set of provisions.

Represent, to any authority established by the Constitution, its opinion regarding any fact, act or matter, which in its opinion seriously undermines the foundations of the institutionality or may compromise national security.

Therefore, this provision granted the Armed Forces and Carabineros the ability to contest civil authorities' decisions, rendering futile the non-deliberative character the constitution ascribed to them.

Beyond the National Security Council, the Constitution further cemented the privileged position of the military and Carabineros through several specific provisions. Firstly, it granted them direct political influence by awarding post-service senatorships to the Armed Forces' Commanders-in-Chief and the Carabineros' General Director. Secondly, it shielded them from the President's authority by making their removal contingent upon the approval of the National Security Council (COSENA), where the Armed Forces held a majority vote, effectively granting them veto power over any such attempt (Fuentes, 2005).

In conjunction with the National Security Council's powers, these constitutional provisions established a robust system of institutional safeguards, positioning the military and Carabineros above the traditional civilian branches of government. This privileged position would continue to serve them well even after the fall of the dictatorship, enabling them to leverage their entrenched influence to advance their interests within the newly restored democratic framework.

Carabineros at the beginning of the democratic transition²⁷

On 11 March 1990, Patricio Aylwin, a veteran Christian Democrat leader and one of the figureheads of the coalition that had opposed Augusto Pinochet's dictatorship, assumed the Presidency of the Republic. Aylwin took office in a challenging environment. He had to

²⁷ I use the term 'democratic transition' to describe the period that began in 1990 with the assumption of office by Patricio Aylwin and has continued to the present. Chile has experienced numerous political and intellectual debates regarding whether the transition has ended and, if so, when. For clarity, I employ this concept to describe the entire period analysed in this section and those that follow.

govern under the Constitution enacted by the dictatorship (Muñoz, 2016) amidst the overwhelming presence of the former dictatorship's leaders, with Augusto Pinochet himself remaining as the Army's Commander-in-Chief.

Carabineros entered this period in a powerful position within Chile's institutional architecture, yet occupied a highly contested place within Chilean society (Fuentes, 2005). The dictatorship's institutional decisions—such as the National Constitution enacted in 1980 and the publication of the Organic Law of Carabineros four days before the handover of power—endowed Carabineros with significant power and autonomy. However, the force's participation in human rights violations during the seventeen years of authoritarian rule had severely damaged the relationship between the police force and citizens.

Chile embarked on a complex democratic transition within the parameters of a 'protected democracy' model. This system impeded significant alterations to the existing socio-economic order, even when supported by the majority. Contemporary commentators noted early that the institutional framework itself constituted a barrier to meaningful change (Moulian, 1995). The 1980 Constitution incorporated a series of counter-majoritarian provisions that effectively shielded the core elements of the country's social, economic and political life from transformative initiatives, thereby safeguarding the continuation of the dictatorship's neoliberal legacy (Atria, 2013). These safeguards manifested in various ways. The electoral system, for instance, over-represented geographical areas favouring right-wing parties, thus guaranteeing their disproportionate influence in the National Congress (Muñoz, 2013).

One of Aylwin's first decisions was to establish the National Commission of Truth and Reconciliation (hereinafter referred to as the Rettig Commission, after its chairman's surname). The Commission's task was to elucidate the number of people murdered and

disappeared, as well as to establish their identities. Whilst the Commission lacked judicial powers and could not attribute individual responsibilities, it could establish institutional responsibilities and highlight institutions' roles during the dictatorship. It submitted its final report in February 1991, and the Carabineros were one of the institutions most extensively cited for human rights violations in its conclusions. In addition to disappearances and killings, the Carabineros also suffered the highest number of casualties among the Armed Forces.²⁸ The institutional reaction of the Carabineros to the Rettig Commission's findings sheds light on its internal operations and the strategies it employed to avoid judicial and political repercussions.

Rodolfo Stange, the then-General Director of the Carabineros, appointed in 1985 after the 'slit-throat' case, had begun meeting with Commission members to assess the extent of Carabineros' involvement in the investigated cases. After learning that numerous high-ranking officers would be implicated in the report, he pursued a discrete strategy. In the three months following the report's release, many police personnel linked to these incidents were quietly retired under purely administrative pretexts. Stange managed to avoid any trials or sanctions, thereby enhancing the Carabineros' public image and distancing it from its legacy of authoritarianism.

In addition to these manoeuvres to avoid judicial repercussions, Carabineros issued an 'Official Statement to the Public' addressing the Rettig Commission's Final Report (Carabineros Magazine, 1991, pp. 3 – 7). Carabineros characterised this statement as a 'solid document' and an 'indispensable complement' to the report. The statement defended the institution's role during the dictatorship and in the coup d'état, which it depicted as a

²⁸ The Commission comprised eight members, who were 'highly respected people with moral authority' (Supreme Decree N° 355). Four of the eight shared a centre-left sensibility, and four a centre-right one. Due to this composition, the Commission made numerous compromises regarding its working criteria, such as which cases were included in the Final Report. Thus, the Commission decided to include cases of 'terrorist acts', understood as 'indiscriminate assaults on people [...] Selective treacherous attacks on government agents are also regarded as terrorist acts' (Rettig Report, 1991, p. 56). The Commission identified 132 casualties of terrorist acts who belonged to the Armed Forces and Carabineros, of which 69 were Carabineros' members.

'majority's demand inspired by the noblest ideals.' It also submitted an official communication to the COSENA, asserting the 'real impossibility of establishing an absolute truth about the *alleged* human rights violations recorded in Chile between 1973 and 1990' (Ibid, emphasis added), and consequently dismissed the Rettig Commission's report as 'aimed at proposing to the country a draft version of these events'. Therefore, as the Report had 'no legal value, it does not in any way bind to its full and complete acceptance' (Id.)

Meanwhile, during the first two years of the democratic transition, the government strengthened the Investigative Police to address terrorist activities by left-wing groups.²⁹ These groups, which had originally emerged as resistance movements during the dictatorship, continued their armed operations even after Aylwin assumed office. The new powers granted to the Investigative Police even authorised 'the killing of terrorists and suspects at point-blank range and the use of torture' (Hathazy, 2018, p. 8). A particular office, initially dubbed 'La Oficina' (The Office), was established and later transformed into the 'General Directorate for Public Security and Information' (DISPI) in 1991. However, the government neither assigned Carabineros a leading role in this counter-insurgency effort nor granted them special powers. This remained the Investigative Police's domain. Instead, Carabineros found scope to consolidate its position elsewhere: in the burgeoning public policy field of public security. This was the arena in which Carabineros sought to legitimise itself before citizens.

Public safety concerns and anxieties regarding crime rose swiftly to the forefront of Chilean national dialogue in the early years of the democratisation process. National polls and surveys conducted as early as 1990, the first year of the new regime, indicated that crime had become a top preoccupation for the citizenry (Dammert, 2006; Plaza et al., 2023). The government entrusted Carabineros with a central role in public safety to address this burgeoning public concern and combat rising delinquency. This strategic shift served as a

²⁹ See note 22 about the Investigative Police.

form of implicit compensation, granting Carabineros a prominent position in tackling crime while simultaneously reducing its involvement in counter-insurgency operations.

This privileged position cemented Carabineros' power in two crucial ways. Firstly, it granted them exclusive access to valuable information on crime prevalence and patterns. This expertise translated directly into influence, leading authorities to unquestioningly base critical decisions on their reports (Hathazy, 2013). Secondly, publicly spearheading the fight against crime allowed Carabineros to accumulate political capital among citizens, bolstering their image and prestige (Dammert, 2013).

This confluence of factors facilitated a remarkable consolidation of Carabineros' autonomy during the early years of the democratic transition (Plaza et al., 2023). As path-dependence theorists suggest, initial events can significantly shape future trajectories by reinforcing 'feedback effects' (Pierson, 2004). In the case of Carabineros, the power amassed at the dawn of democracy and grounded on the legacies of the dictatorship was further solidified over the years. This enabled the institution to navigate the transition with substantial autonomy, allowing it to influence the reform agenda considerably. Consequently, Carabineros not only shaped favourable transformations but also effectively thwarted opposing initiatives, as I will examine in the following section.

The power to conduct processes of self-reform

One of the Aylwin government's most anticipated initiatives was to transfer Carabineros' institutional dependence from the Ministry of Defence to the Ministry of Interior. This shift carried strong symbolic significance, as it implied the restoration of civilian oversight of the police as it existed until the coup. However, Carabineros vehemently opposed the reform and undertook strategic manoeuvres to obstruct it. Deputy police chiefs lobbied right-wing

parliamentarians, ultimately securing their opposition within the National Congress. Consequently, the institution successfully thwarted the reform and maintained its affiliation with the Ministry of Defence (Cavallo, 2012, p. 200).

This dynamic of power accumulation reached a critical juncture in 1994 when General Stange faced potential prosecution for concealment in the 'slit-throat case'. The investigating judge concluded that Stange had assisted the implicated officers in evading legal repercussions. This revelation presented a significant dilemma for the government, as its legal options were limited. The Constitution granted the General Director considerable job security, and only under specific circumstances could the President request his resignation, requiring consent from the COSENA, which was dominated by former military personnel. Despite the government's confidence that Stange would resign in light of the severe judicial accusations, his public refusal to step down proved profoundly unexpected.

The Aylwin administration found itself in a precarious position. Legally, their hands were tied; the Constitution made dismissal without Stange's consent virtually impossible. Politically, however, Stange's actions directly contradicted the democratic principles under which Carabineros was supposed to operate. This legal and political conundrum presented a formidable challenge. To navigate this delicate situation, the government pursued a two-pronged approach (Hathazy, 2013). Firstly, they requested Stange take extended administrative leave, hoping to alleviate the immediate political pressure (Cavallo, 2012). Secondly, negotiations commenced between the government and Carabineros leadership, culminating in an agreement: the institution would present a comprehensive plan for 'modernising the institution' – a concession intended to assuage the public discontent ignited by the scandal and provide the government with a tangible outcome from this challenging situation (Hathazy, 2018)

In 1995, Carabineros presented a 'Modernisation Plan' promising 'renewed professional education, respect for human dignity, enhanced security production efficiency, and technological incorporation' (Hathazy, 2013, p. 23). However, the government deemed it inadequate, issuing a critical report highlighting the plan's shortcomings. While the plan's implementation continued, this episode prompted the government to devote increased attention to police modernisation efforts, seeking more substantial reforms than those initially proposed by Carabineros.

This episode provides a compelling illustration of Carabineros' entrenched power. Despite explicit constitutional prohibitions, the institution's high command openly defied government authorities, ultimately facing only the requirement to 'modernise' through a self-designed plan. This outcome exemplifies the exceptional position Carabineros had established within the Chilean state and society during the early years of the democratic transition. The confluence of factors – their prominent role in combating crime, the legal constraints on government control, and the broader legacy of military influence – conferred upon Carabineros a remarkable degree of autonomy.

My objective in examining these events in detail is to demonstrate how the position that Carabineros inherited from its dictatorial past evolved into a mechanism to resist democratic oversight of its operations. The resistance to institutional reallocation to the Ministry of Interior and the ability to present a self-designed modernisation plan demonstrate that civic authorities lacked effective mechanisms to control and direct the institution. This institutional autonomy would become even more evident in the implementation of a policing programme that defined the organisation's operational strategy, which I will examine in the following section.

Public policy, public power: the genesis of the 'Block Watch Plan'

The most compelling illustration of Carabineros' autonomy lies in the 1998 creation of the *Plan Cuadrante* (Block Watch Plan; BWP). This pioneering initiative divided urban areas into 'quadrants' (roughly one square kilometre or sixty-four blocks) that were continuously patrolled by vehicle or on foot (Dammert, 2006, p. 71). Notably, BWP remains Carabineros' flagship programme even 25 years after its implementation, influencing all subsequent efforts to improve community relations (Bonner, 2020). Each engagement programme implemented since then reflects its approach, establishing BWP's central position in the institution's strategy and serving as a model for other Latin American police forces.³⁰

Carabineros not only conceived the *Plan Cuadrante* but also independently developed its technical foundations. The institution:

Created methodologies and formulas to determine the local and aggregated national demand for police services' [and] 'advanced a scientific way to establish the need for additional resources required for efficient execution of their duties (Hathazy, 2013, pp. 23-24).

Carabineros proposed a system for 'determining the equivalence among means of police surveillance' (Hathazy, 2013, p. 24). To implement this system, Carabineros established partnerships with the Economics Department of Catholic University and various other public and private institutions. This collaborative endeavour produced 'methodologies for establishing units of equivalent surveillance, levels of effective surveillance, optimal operative deployment, and outsourcing administrative tasks' (Carabineros Magazine, 2000).

Through the development of the BWP, Carabineros strategically established itself as technically proficient in complex self-reform initiatives. This positioning enhanced its legitimacy with other government agencies, such as the Ministry of Finance, as well as with the citizenry. During this period, public surveys and polls consistently ranked Carabineros

³⁰ In 2013, in its application for recognition from the Organisation of American States, the Colombian Police Force cited Carabineros' 'Block Watch Plan' as an 'innovative experience' in the Latin American context. In the same year, during a consultancy report for the Mexican *Instituto Centroamericano para la Administración de Empresa* (INCAE), the Block Watch Plan was evaluated and identified as a 'regional benchmark' (Espriú, 2013).

among the most trusted institutions in Chile (Dammert, 2016). The plan sought to strengthen public trust by fostering closer ties between officers and communities. As articulated by the then General Director, a 'fundamental pillar' was 'the close personal relationship between the police officer and the neighbour,' facilitating 'fluid communication, knowledge, and above all, reciprocal trust' (Carabineros Magazine, 2000).

The implementation of the BWP expanded throughout the country. While Carabineros promoted it as both an efficient resource allocation and a community policing initiative, a formal assessment conducted in 2007 by the Budgetary Direction (Ministry of Finance) revealed significant limitations. Although acknowledging some improvements in preventive patrolling and resource allocation, the evaluation ultimately proved critical. The report highlighted a lack of 'actions conducive to a community policing approach' and inconsistencies between programme goals and components. Furthermore, it criticised the absence of data to assess BWP's operational efficiency in service delivery (Winchester et al., 2007).

However, this official evaluation, conducted nearly a decade after the BWP's implementation, did not impede the continuous expansion of Carabineros personnel nor the steadily increasing budget allocated to the programme (Dammert, 2019b, pp. 157-162). The BWP exemplifies how Carabineros' autonomy enabled it to function as a de facto policymaker, shaping the nation's policing landscape through its initiatives. Extending far beyond the operational independence typically granted to police forces, the BWP encompassed critical decisions regarding significant public resource allocation and national 'public safety' concerns. Its adoption demonstrated the institution's substantial autonomy and reinforced this position by establishing parameters for future decisions; notably, every subsequent public safety programme has utilised the BWP as a fundamental reference point.

The changes brought by the Constitutional reform and the Law N° 20.502

The normative framework governing Carabineros underwent a significant transformation in 2005 when the national Constitution of Chile was comprehensively amended. This substantial overhaul dismantled several key institutional arrangements inherited from the dictatorship. It empowered the President of the Republic to retire the Generals of the Armed Forces (including Carabineros). It ended the system of appointed senators (some of whom were former Commanders-in-Chief of the Armed Forces). It also curtailed the legal authority of the COSENA. Considering these measures collectively, the Constitutional Reform represented a significant step in strengthening civilian control over the Armed Forces.

In 2011, Law No. 20.502 introduced further transformative changes. This legislative change placed Carabineros under the institutional purview of the Ministry of the Interior, as it had been prior to 1973. This change was one of the most anticipated, as it allowed for a distinct institutional treatment of Carabineros compared to the other branches of the Armed Forces. As noted earlier, this reform had been a cornerstone objective of President Aylwin's administration, but the entrenched power of Carabineros thwarted it.

Law No. 20.502 substantially broadened the Ministry of the Interior's responsibilities, establishing it as the 'Ministry of the Interior and Public Security'. This move brought Carabineros under the ministry responsible for designing and implementing public security programmes and incorporated mechanisms designed to strengthen civilian oversight over police operations or at least foster improved coordination between officers and qualified civilian personnel. Whilst Law No. 20.502 represents some progress regarding civilian control over the police, significant strides remain.

During this period, Carabineros developed operational programmes that focused on being close to communities. Throughout this chapter, I have demonstrated that proximity to

marginalised communities is fundamental to Carabineros' identity. However, with the introduction of the BWP, Carabineros established closeness as an operational strategy. In the early years of the twenty-first century, the programme expanded throughout the country, particularly in densely populated urban areas. This strategy was strengthened by introducing a 'Model of Integration' between 'Carabineros and the Community' based on Problem-Oriented Policing strategies (Ruz, 2010). These efforts culminated in the 'Model of Integration Carabineros-Community' implemented in 2010, emphasising the proximity between community organisations and police officers to reduce crime by addressing situational and social risk factors (Luneke, 2018). In Chapter 6, I will examine how the institution conceives its relationship with marginalised constituencies.

These legislative reforms fundamentally transformed the governance framework of Carabineros. The President's authority to dismiss the General Director of Carabineros strengthened civilian oversight of the police's highest command. Additional reforms, notably the reassignment of Carabineros to the Ministry of Interior, established a clear demarcation between policing and military institutions. Despite these substantial changes, scholars concur that Carabineros maintained considerable autonomy, characterised by insufficient mechanisms for oversight of police operations (Dammert, 2019b; González, 2020). One of the key factors underpinning this police autonomy has been the high level of public trust in Carabineros, whose development I shall examine in the following subsection.

Trust in the Police: protests, public scandals, and the pandemic

According to the literature, one of the central factors sustaining Carabineros's autonomy was the high levels of public trust in the police force (Dammert, 2016, 2019b). This widespread public approval effectively discouraged political authorities from pursuing reforms that might precipitate a conflict with Carabineros, as confronting a highly trusted institution could prove

politically costly. Such a pattern is not uncommon across Latin America, as González's scholarly research has identified that substantial public support for police institutions can impede reform initiatives (González, 2021).³¹

In the case of Carabineros, this public trust further reinforced its institutional autonomy—which, as discussed above, was inherited from the dictatorship and cemented during the early years of democratic transition. However, this dynamic began to shift when public confidence in the institution began to waver. Between 2017 and 2019, high-profile incidents undermined public trust in Carabineros.

The first significant incident, known as 'Operation Storm', involved the systematic fabrication of evidence by Carabineros personnel to implicate Mapuche activists, resulting in their wrongful imprisonment. These fabrications included falsified WhatsApp conversations purporting to detail planned terrorist attacks and weapons smuggling. The wrongfully accused activists were incarcerated for one month before the Supreme Court ordered their release, citing a complete absence of evidence. Subsequently, the Public Prosecutor's Office brought charges against the implicated Carabineros members for evidence manipulation. A particularly noteworthy incident occurred when Investigative Police officers conducted a raid on Carabineros' offices. In an unprecedented display of institutional defiance, Carabineros officers deliberately positioned a special forces vehicle outside the building.³²

Amid these events, another scandal further tarnished Carabineros' reputation. In March 2017, the Carabineros' commander-in-chief publicly revealed that members of the force had engaged in a significant financial embezzlement scheme (Weibel, 2018). The ensuing legal investigation quickly expanded, and within a year, a prosecutor had indicted a

³¹ González's argument is more nuanced, placing the sub-continent's socioeconomic inequality at the centre of obstacles to police reform. However, one aspect of her argument suggests that high levels of public approval for the police can impede reform efforts.

³² Whilst this incident demonstrates the extent of Carabineros' operational autonomy—evidenced by their ability to fabricate and present evidence in court without external oversight—I focus here primarily on how this episode marked a critical juncture in the trajectory of public trust in the institution.

former commander-in-chief. Ultimately, more than 180 Carabineros were charged, and the total amount of funds involved in the fraud surpassed US\$40 million, making it the most significant embezzlement case in national history up to that point (id.).

Following these events, the incoming government, which was sworn in in March 2018, swiftly demanded the resignation of most of Carabineros' senior leadership. In a decisive move, the government accepted the resignations of 15 generals just one week after assuming power, marking the most significant institutional restructuring in decades (Cooperativa, 2018). This drastic action coincided with a precipitous decline in public trust in Carabineros. A national survey conducted during the first half of 2017 revealed a 17 per cent drop in public confidence (CEP, 2017), whilst other polls registered declines of up to 25 per cent (El Dinamo, 2017).

The situation warranted discussing reforms to the police. In this vein, the government produced a document titled 'National Agreement for Public Security', outlining measures developed collaboratively with government officials, academics, mayors and civil society representatives to improve the functioning of police forces and criminal justice institutions. However, the Agreement failed to materialise into concrete public policy proposals, such as bills or executive decrees. This inaction persisted until public confidence was once again shattered, this time by a shocking episode of police brutality.

On 14 November 2018, a Carabineros officer's bullet tragically struck Camilo Catrillanca, a young Mapuche farmer, ending his life. Just months before the shooting, the president had publicly announced the deployment of a special Carabineros unit trained in Colombia by forces with combat experience against the FARC guerrilla group. This unit, dubbed the 'Jungle Commandos', was inaugurated with ostentation by the president, the Minister of the Interior, a right-wing senator and heavily armed officers. When Catrillanca's

death occurred, public discourse immediately connected it to the implementation of this militarised policing programme in the region, sparking outrage towards Carabineros and the government itself (Cooperativa, 2018).

Government officials hastily disseminated a narrative portraying the shooting as the result of a violent clash between Carabineros officers and residents. In a radio interview, a right-wing senator claimed to have seen images depicting a 'violent and harsh confrontation' between officers and a group of Mapuche individuals. However, a month later, he publicly admitted to being 'misled' by fabricated photographs provided by Carabineros officers (El Mostrador, 2018). Adding to the confusion, the Minister of Interior affirmed that Catrillanca had been fatally wounded whilst driving his tractor through an area where police officers were engaged in a shootout with 'individuals armed with firearms'. He further attributed this exchange of gunfire to a recent car theft incident nearby (Interferencia, 2019).

In addition, days after the shooting, news broke that the officer who fired the fatal shot had destroyed the memory card from his helmet camera. The institution's General Director claimed that the officer acted to prevent the release of 'compromising images' of the officer and the officer's wife (The Guardian, 2018). Whilst the country was engulfed in widespread protests and riots nationwide (Deutsche Welle, 2018), the assumption of political responsibilities remained unclear. In December 2018, the President requested the General Director's resignation. The General Director refused, forcing the government to convene the National Congress to pass a Supreme Decree mandating the General's retirement. This marked the second resignation of a Carabineros' highest command in less than a year.

Just six days following the tragic shooting of Camilo Catrillanca, the government submitted a bill aimed at 'Modernising Institutional Management and Strengthening Probity and Transparency in the Law Enforcement and Public Security Forces'. This legislative

proposal was part of the political authorities' response to address the institution's troubled situation. The bill explicitly acknowledged the significant damage inflicted upon Carabineros' public image by the Fraud and the 'Storm Operation' incidents. This bill culminated in the enactment of Law No. 21.427 in February 2022, which introduced substantial reforms to Carabineros.³³ However, between these milestones, the country was engulfed in protests that thrust Carabineros into the epicentre of public scrutiny.

On 18 October 2019, a wave of protests swept across Chile. By that evening, the city's underground transportation system had been forced to shut down, and numerous stations had been burned. The protests had initially ignited in response to increased public transportation fares. The government's decision to raise fares by 30 Chilean pesos (approximately USD 0.04) prompted coordinated fare evasion by high school students. By that Friday, thousands of individuals had joined the demonstrations. In the early hours of Saturday, 19 October, the President declared a Constitutional State of Emergency, signifying that the responsibility for public order had been transferred to the armed forces. That same day, he imposed a national curfew (BBC, 2019). On Sunday, 20 October, the President declared that the country was 'engaged in a war against a powerful and implacable enemy'. A week later, on Friday, 25 October, Santiago witnessed the 'largest march in history' as 1.2 million individuals converged on the city centre to protest.³⁴

Carabineros deployed a disproportionate and forceful response to the protests, which resulted in a surge of ocular trauma victims, with 182 individuals seeking medical attention for injuries caused by Kinetic Impact Projectiles (KIPs). This figure dwarfed previous records, surpassing cases reported in Israel during the first Intifada (157 cases) and during the Yellow Vest demonstrations in France (43 cases) (Rodríguez et al., 2021). Additionally, according to the National Institute of Human Rights, a staggering 3,838 individuals sustained

³³ See Chapter 5.

³⁴ The population of Santiago then was approximately 7.5 million people.

injuries during the protests, leading to 2,544 judicial complaints filed by the Institute. Of these complaints, 1,234 related to torture and 282 involved torture with sexual violence (Alcaíno, 2020). The parallels to the repressive tactics of the military dictatorship were unmistakable (Thaler et al., 2023).

The Office of the United Nations High Commissioner for Human Rights (OHCHR) carried out a research mission in the country during the first three weeks of November. It reported that there were cases 'resulting in arbitrary deprivation of life and injury, torture and ill-treatment, sexual violence and arbitrary detention' (OHCHR, p. 31). The report concluded that 'Carabineros and the Army did not adhere to international human rights norms and standards related to the management of assemblies and the use of force', noting an 'unnecessary and disproportionate use of less lethal weapons' (ibid., p. 9).

The Inter-American Commission on Human Rights (IACHR) expressed 'extreme concern'. It condemned 'the high number of human rights violations reported in the context of social protest'. It observed that the 'state's response to mobilisations was characterised by repression through a disproportionate use of force and repeated acts of violence against demonstrators resulting in a high number of victims of serious human rights violations'. It also found 'extremely worrying acts of discrimination and violence against LGBTI people' (IACHR, 2020). In addition, the Commission 'expressed its alarm at the high number of various forms of allegations of sexual violence in the context of detention, including women and men, as well as children and adolescents' (IACHR, 2020, p. 84).

The international NGO Human Rights Watch also expressed concern about 'serious human rights violations, including excessive use of force in the streets and abuses of people in detention, in the context of the protests', without making any distinction between whether or not the individuals were participating in the protests. HRW also compiled records of tear

gas canisters being fired directly at demonstrators, which, according to its report, 'can be lethal' (Human Rights Watch, 2019, quoted in Alcaíno, 2020, p. 96)

The institution's response during the most tumultuous weeks of the social uprising further eroded public trust. In December 2019, public opinion polls indicated that less than 20 per cent of the national population trusted Carabineros (CEP, 2019). The situation was untenable, as demonstrated by various state agencies establishing formal bodies to discuss potential reforms to Carabineros. The Senate's Security Commission³⁵ formed a 'Carabineros Reform Commission', composed of academics, members of civil society organisations and senators. The government then established a 'Police Reform Council' comprising former ministers, a few academics and think tank members. Both commissions shared elements in their diagnosis, such as the need to build a 'legitimate police force' and enhance accountability mechanisms. They also agreed on the need to strengthen the training and formation of police officers and develop strategies for maintaining public order whilst respecting the human rights of protesters.

However, Chilean political life underwent a dramatic transformation a few months later, mirroring the global experience. The spread of COVID-19 imposed stringent mobility restrictions, the management of which fell under Carabineros' purview. This task contributed to the rehabilitation of Carabineros' image, as they were now perceived to be protecting citizens and 'establishing a pervasive sense of security through their presence in public spaces [...] and even by delivering food to families in need throughout the country', resulting in a 'notable increase in police legitimacy during the pandemic' (Vilalta-Perdomo et al., 2023).

Conclusion

³⁵ In Chile, the Senate and the Lower Chamber worked in thematic commissions. The commissions' primary function is to discuss the bills related to their expertise before they are discussed in the plenary session.

In my historical analysis of Carabineros, focusing particularly on its role during the democratic transition, I have identified several traits that raise concerns from a democratic-egalitarian perspective. First, I have portrayed an institution operating with substantial autonomy, largely unfettered by external oversight. This autonomy has allowed Carabineros to make significant policy decisions, exemplified by the BWP. The BWP represents an overarching state programme with significant budgetary implications and a distinct approach to public safety. What I find problematic about Carabineros' autonomous adoption and implementation is that it exempts political decisions from any institution able to translate citizens' preferences.

Furthermore, I have shown how Carabineros' autonomy has translated into a lack of external oversight. The massive fraud committed against the state treasury is a stark example of this. The scheme operated for over a decade without any regulatory body intervening, eventually becoming the largest in the nation's history. Moreover, my account has revealed that Carabineros has enjoyed autonomy not only in managing its internal affairs but also in profoundly influencing the political agenda. The institution's ability to successfully oppose the reform that transferred it to the Ministry of the Interior at the outset of the democratic transition highlights the extent to which Carabineros has wielded its power to advance its own interests.

In this chapter, I have demonstrated that public trust in Carabineros has served as a valuable asset for the institution, enabling it to maintain its autonomy. As long as public trust remains high, authorities lack the incentive to undertake reforms that conflict with Carabineros' interests (Dammert, 2016). This is why, as I have observed, when public trust has waned, opportunities for reform have emerged. In Chile, I have noted that the decline in public trust from 2017 onwards gave the authorities an opening to introduce reforms to the institution. Whilst these reforms fall short of fundamentally altering the institution's

character, they have nonetheless introduced significant changes. Law No. 21.427, the most visible product of the aftermath of the scandals, introduces elements that enhance external oversight over Carabineros.

This leads me to reflect on the mechanisms that allow or hinder police forces to be subject to democratic control. In the case of Carabineros, I have shown how its position after the dictatorship, with its protected regulatory framework, gave the institution the space to drive the reform agenda, impeding initiatives that reduced its privileges and maintaining a high degree of autonomy. Ultimately, my analysis of Carabineros during the democratic transition has revealed a highly autonomous police force with limited mechanisms for democratic control. From a democratic-egalitarian perspective, I argue that this poses a significant challenge. Police are a critical institution for any polity, and entrusting them with policing decisions without public discussions obscures the inherently political nature of those choices. Consequently, what is fundamental to our communal life is effectively removed from the sphere of collective decision-making. I maintain that a thorough analysis of the legal and institutional structures enshrined in the regulatory framework is crucial for fully comprehending the factors underpinning Carabineros' distinctive autonomy. I now turn to the following chapter for this task.

CHAPTER 5. Carabineros, democracy, and the relevance of the regulatory framework

Introduction

In this chapter, I examine the regulatory framework governing Carabineros. This comprehensive term encompasses the full spectrum of constitutional and legal provisions, alongside administrative instruments that shape the institution. The scope extends beyond officers' legal powers (such as stop and search) to include Carabineros' internal organisation and its institutional relationships with other state bodies. Rather than focusing solely on regulatory compliance, this analysis interrogates the inherent democratic quality of the regulatory framework itself. The chapter employs democratic theory as an analytical lens through which to examine these regulations.

Two central contentions underpin this chapter. First, rules play a crucial role in expressing the collective will of a community. Law is an instrument of self-governance, where legal rules embody how the political community chooses to govern itself (Loughlin, 2010). By establishing the core institutions, defining how public powers are wielded and delineating the competencies of various agencies, legal rules set the 'general circumstances required for successful communal living' (McCormick, 2007, quoted in Loader & Sparks, 2012, p. 28). The regulation of the police constitutes a critical element of these general circumstances.

Secondly, legal and constitutional rules operate in a complex interplay of enabling and constraining police forces. These rules grant police the legitimate use of force whilst simultaneously limiting their authority (Walker, 2000). This dynamic mirrors the broader challenge of constitutionalism: balancing the state's capacity to act effectively with necessary

safeguards against overreach (Loughlin, 2022). This is why Walker described it as the 'paradox of constitutional order writ small' (2000, p. 3).

The regulatory framework illuminates how police forces can reflect and uphold democratic values. The matters it regulates, from internal hierarchies and chains of command to internal review and civilian oversight systems, carry significant democratic weight. Beyond these internal structures, it also encompasses rules governing police powers, such as stop and search, and mechanisms for judicial review of officers' actions. However, despite its inherent connection to democracy, the influence of this regulatory framework on the broader policing-democracy nexus has gained limited attention in the literature (Sklansky, 2008).

This chapter examines to what extent democratic-egalitarian values shape the regulatory framework of Carabineros. These values, as established in Chapter 3, are oriented towards building a society free from social hierarchies, or at least one where their most pernicious consequences are minimised. Rather than pursuing an 'intentionalist' reading of legal rules to uncover drafters' original intentions (Greenberg, 2021), this analysis elucidates the values embedded within the regulation through a systematic reading of the laws governing Carabineros.

It is important to note that the Chilean legal system is a civil law system. Among the differences between civil law and common law systems, one crucial distinction comes from the sources of law. In civil law systems, the source of law is statutory law. Court decisions only have binding force in the specific cases in which they are given, known as the 'relative effect of court decisions' (Chilean Civil Code). This implies that in this chapter, I analyse constitutional provisions, statutory law, and administrative instruments. I do not review judicial decisions because they are not a source of regulation.

I begin by reviewing the academic literature about the roles of rules in policing. I show that authors have generally identified conflicting roles for rules within policing, roles that differ from other state agencies due to the unique nature of police work. I then turn to the literature on accountability, where the most significant debates about the democratic purposes of police regulation have taken place. Finally, I review Carabineros' regulatory framework to elucidate how democratic-egalitarian values are manifested within these regulations.

The roles of legal rules in policing

I begin by examining how constitutional and legal rules simultaneously empower and constrain police forces. This duality reflects a fundamental truth about all state institutions—they are not pre-existing entities independent of rules. As Searle (1995) argues, they are 'institutional facts' – entities brought into being by the rules that define them. The case of arrest illustrates this clearly: the physical restraint of a person's movement constitutes mere violence in the absence of legal rules; it is only through the existence of specific rules that such an action becomes a legitimate arrest. These rules both enable the practice of arrest and establish its parameters by determining the conditions under which specific actors may execute it.

However, the relationship between policing and legal rules has more intricacies (Dixon, 1997; Walker, 2000; Harmon, 2012; Ericson, 2007; Gardner, 2012). Scholars have pointed out that police officers may use the rules to pursue their objectives or that they can use them as 'presentational rules', that is, to justify their behaviours *ex post*. According to the influential distinction made by Dixon, there are three broad visions of the 'law in policing'. The first is the 'Legalistic-bureaucratic' according to which 'law is the major determinant of police activity', and 'police institutions conform to an efficient bureaucratic model [...] in order to understand policing, we need only or primarily to look at the laws governing it'

(Dixon, 1997, p. 1). The second approach is the 'Culturalist', which emphasises that police culture is the most important influence on police behaviour. The law 'is a resource' employed by officers 'to achieve goals established by police culture' (ibid., p. 12). Law is not irrelevant, but its influence is subordinate to police culture; 'law is among the materials from which the culture is re-created and sustained' (ibid., p. 14). The third vision is the 'Structural' for which legal and situational factors determine policing. Legal rules have 'a limited but important role' in policing (ibid., p. 22).

These visions show that legal rules have a relevant, albeit conflicting, role in policing. For Walker, one can assume that 'culture and structure are both significant, providing a completely interrelated set of influence on police behaviour' (Walker, 2000, p. 3). The complex roles of legal rules in policing also involve the diversity of legal rules influencing policing. According to Harmon, the 'law regulating the police' is a vast web, so we need to distinguish its multiple elements (Harmon, 2012, p. 802).

Legal regulation may fulfil different objectives. Walker distinguished three different goals for the regulatory framework. At its most specific level, regulation 'shapes the end of the regulated activity'. Then, there is an 'intermediate level' where regulation 'may seek to influence the outcomes of the activity regulated in accordance with certain general standards'. For example, the 'equitable treatment of those affected by the activity'. At the most general level, regulation pursues 'certain values associated with a democratic polity, such as participation or responsiveness to public needs, because these are believed to be worthwhile ends in themselves'. The regulation may pursue 'purposes at more than one level simultaneously' (Walker, 2000, p. 35). The purposes can also clash between themselves – as may happen between the democratic responsiveness and the necessary secrecy that policing entails.

Since aligning police activity with democratic values underpins the regulatory framework, it is no wonder that discussions about police accountability most closely echo this concern. Whilst explicit mentions of democratic principles may not always surface in this domain (Feys et al., 2018), the issues explored mirror questions about the regulation's intended purpose. Given this resonance, I now turn to the diverse landscape of accountability debates, starting with broader political and legal philosophy discussions before narrowing our focus to the nuances of police accountability.

The regulatory framework and the questions of accountability

The idea of democratic accountability revolves around ensuring state institutions answer to the people for their actions – or, indeed, their inactions. They act as agents of the public, executing their duties on behalf of the citizenry. As Waldron puts it, ‘the business of government is public business’ (2016, p. 183). This core principle is the foundation for various institutional arrangements within democratic regimes. Democratic accountability empowers the public to scrutinise and oversee the state's actions, guaranteeing that they align with the public's will and interests.

The significance of democratic accountability lies in its ability to empower the people to control those who wield the power to govern. Authorities entrusted with state institutions make binding demands on the citizenry, from traffic regulations and taxes to police interventions. Accountability is a crucial safeguard against the ‘inherent hazards of political subjection’, holding authorities responsible for their choices and actions (Dunn, 1999). It seeks to ensure that those in power operate within their designated boundaries and strive to achieve the objectives entrusted to them by the people. Within this framework, elections emerge as central pillars of democratic accountability, enabling the public to remove authorities who fail to act in their best interests (Waldron, 2016).

This understanding of accountability, encompassing the regulation and oversight of state actions, underpins fundamental questions of police accountability. As Bowling and co-authors aptly state, the crux lies in this: ‘How can “the people”, theoretically the ultimate rulers and beneficiaries in democracies, simultaneously be subject to and masters of police power?’ (2019, p. 229). In essence, ensuring police accountability revolves around establishing mechanisms that guarantee police work aligns with the public's interests, fulfilling their role as public servants.

Translating this abstract principle into institutional arrangements opens other questions. In late-modern societies, identifying ‘people's interests’ is far from transparent. This opaqueness stems not only from diverse perspectives but also from the inherent challenge of defining ‘people’. Are we referring to the government's actions or the diverse array of interests within local communities, whose concerns often clash in response to their specific environments? These questions transcend the policing field and pose fundamental tensions for democratic societies in a globalised, interconnected world³⁶. However, due to the defining characteristics of police forces, they are particularly acute in this domain.

The conflation of ‘people's interests’ with governmental actions in policing risks governments utilising police forces for their own purposes, potentially including political repression, surveillance, or the suppression of dissent. This concern is well-established in policing studies, as Bayley and Stenning (2016) have highlighted. Emphasising this danger, Lord Denning famously declared that a police officer is ‘not the servant of anyone save of the law itself. The responsibility for law enforcement lies on him. He is answerable to the law and to the law alone’ (R. v. Commissioner of Police, 1968).

³⁶ I employ ‘the people’ in the sense widely adopted by political and constitutional theory—that is, as a reference to political unities (Arendt, 1963). The concept's value lies in demonstrating how common interests can transcend mere aggregation of individual preferences. While mindful of its potentially problematic implications in policing and criminal justice—where protecting ‘the people’ can deteriorate into excluding those deemed outside it—I retain this concept for its capacity to capture fundamental aspects of modern political imagination and its transformative potential. I thank Dr. Valeria Ruiz for the informative discussions on this point.

One approach to mitigating this risk of governmental misuse lies in empowering local communities. This devolution aims to make police forces directly responsive to the specific needs and concerns of the communities they serve. Community policing programmes have emerged as a prominent manifestation of this strategy, particularly in Latin America, where they have been fostered to transform repressive police forces into agencies responding to citizens' concerns (Malone & Dammert, 2021; see Chapter 6).

Despite the risks of governments instrumentalising police forces, scholars have noted that some degree of governmental oversight of the police is necessary to align the latter with the general objectives of the polity. One of the key challenges in accountability appears to be striking the appropriate balance between aligning policing with goals set by democratic authorities whilst maintaining sufficient police independence to prevent their use for partisan objectives.

This concern underpins Marshall's influential accountability models. According to Marshall, there are two 'models of accountability'. The first is the 'explanatory and co-operative', which 'rests not on an ability to issue orders but on the capacity to require information, answers and reasons'. This model has no scope for reversing decisions but allows 'for the requiring of reasoned explanation and for advice and recommendation' (Marshall, 1978, p. 63). The second is the 'subordinate and obedient' model 'in which the supervisor's responsibility is typically accompanied by administrative control and the ability to direct and veto' (Ibid., p. 61). Both models offer distinct strengths and benefits, and Marshall himself oscillated between the two throughout his career (Reiner, 1995).

The regulatory framework plays a crucial role in ensuring that police forces protect people's interests whilst preventing their instrumentalisation by governments. This framework defines the central structures of police forces, establishing both the mechanisms

through which political authorities may influence policing objectives and the safeguards protecting necessary police independence. From a democratic-egalitarian perspective, we can examine how this regulatory framework embodies values that foster the development of communities of equals.

Questions of accountability encompass not only the direction of police forces and their alignment with democratic objectives but also the liability for officers' use of their powers (Reiner, 1995). At this second level, the regulatory framework again plays a pivotal role, containing the norms that guide officers' actions and their limitations. The framework also establishes both the redress for misuse of power and the institutions responsible for determining such redress. Judicial oversight of officers' actions, for instance, represents an essential mechanism of police supervision, its structure being established by regulation.

The regulatory framework is indispensable for achieving these objectives of police accountability. As part of the administrative state, police forces require robust regulatory standards to ensure their operations reflect public preferences and priorities. The regulatory framework transcends mere bureaucratic procedure; it functions as the essential mechanism through which police are held accountable to the public (Friedman & Ponomarenko, 2015). Simply put, effective police accountability cannot exist without a robust, well-defined regulatory framework.

This contention, whilst seemingly apparent for any other state bureaucracy, is sometimes overlooked within policing—what Friedman and Ponomarenko have termed 'police exceptionalism' (see Chapter 1): 'Compared to the sprawling administrative codes that detail every aspect of agency practice, laws governing the police are notably sparse—if they exist at all' (Friedman & Pnomarenko, 2015, p. 1831). This regulatory omission proves problematic because regulating the administrative state represents a crucial democratic

instrument for ensuring collective will under current conditions. To dispense with administrative regulation is to dispense with democracy (Rubin, 2005).

Whilst advocating for a robust police regulatory framework that aligns police forces with democratic principles, we must acknowledge the inherent characteristics that distinguish police from other state agencies. These unique features, whilst crucial for effective law enforcement, can sometimes appear to conflict with democratic accountability. The regulatory framework must, therefore, be carefully crafted to navigate this complex landscape.

Police forces are distinguished from other state agencies primarily by the degree of secrecy their work demands. Whilst democratic accountability requires transparency and public access to information for effective citizen oversight (Waldron, 2016), police work necessitates operational confidentiality to achieve institutional objectives. This necessity for secrecy is particularly evident in 'high policing', where intelligence gathering plays a prominent role (Brodeur, 2010). The challenge lies in striking an appropriate balance between democratic oversight, which requires transparency, and legitimate operational secrecy. In the case of the Carabineros, I will demonstrate how the regulatory framework has historically favoured excessive secrecy at the expense of democratic accountability.

Another critical challenge in regulating police forces stems from the pivotal role of discretion. Discretion refers to officers' autonomy in decision-making within their duties. As acknowledged since the earliest days of policing research, discretion is unavoidable in police work (Bittner, 1970; Newburn, 2022). Furthermore, as Wilson (1968, p. 7) classically observed, 'the police department has the special property [...] that within it discretion increases as one moves down the hierarchy'. This defining characteristic significantly

complicates regulation, making it challenging to control police actions through legal frameworks alone (Monaghan, 2023b).

Despite these challenges, the regulatory framework of policing plays a crucial role in aligning police work with democratic objectives and ensuring they act on behalf of the people. From a democratic-egalitarian perspective, this framework is significant because it can embody values that guide police actions accordingly. As Walker's threefold distinction of regulatory objectives suggests, it can not only regulate policing in ways consistent with democratic principles but also establish aims valuable from a democratic perspective.

The regulatory framework of Carabineros

Constitutional rules

I focus on the Constitutional Provisions currently in force, having reviewed their historical development in the previous chapter. The National Constitution regulates central elements of the Carabineros' structure and institutional identity within a chapter entitled 'Armed, Order and Public Safety Forces'. The Armed Forces—comprising the Army, Navy, and Air Force—are subject to the Ministry of Defence. The Constitution then specifies that the 'Order and Public Safety Forces consist solely of Carabineros and the Investigative Police', enumerating their institutional aims and their subordination to the Ministry responsible for Public Security:

They constitute the public force and exist to give effectiveness to the law and guarantee public order and internal public security as determined by their respective organic laws. They depend on the Ministry in charge of Public Security (article of law N° 101).

The Armed Forces and Carabineros, as 'armed bodies', are defined as 'essentially obedient and non-deliberative'. The Armed Forces and the Order and Public Safety Forces are characterised as 'professional, hierarchical, and disciplined' (Id.). The Constitution ensures a monopoly on the use of weapons by stipulating that 'no person, group or organisation may possess or hold arms' without legal authorisation (Article 103).

The National Constitution further regulates specific institutional elements of the Carabineros and the Armed Forces. Firstly, it mandates that 'the incorporation into the ranks and staffing of the Armed Forces and the Carabineros may only be through their own schools', with exceptions only for professional and civil staff as determined by law (Article 102). Secondly, it delineates the essential relationship between the Executive Power and these institutions by establishing their Commanders-in-Chief appointment system. The Constitution restricts the President's options by requiring that the Commander-in-Chief be selected from 'one of the five most senior general officers, who should meet the qualifications required by the respective institutional statutes'. The Commanders-in-Chief serve with security of tenure, and the President may only call them to early retirement through a substantiated decree (Article 104).

Finally, the Constitution establishes that 'appointments, promotions and retirements of officers [...] shall be made by supreme decree, in accordance with the corresponding Constitutional Organic Law'. This law 'will determine the basic rules about careers, recruitment, welfare, seniority, command, the succession of command and budget' (Article 105). According to this provision, the Constitutional Organic Law is fundamental to the Carabineros' regulatory framework. Before examining it in detail, certain characteristics of the constitutional regulation warrant scrutiny from a democratic perspective.

The first notable characteristic is the presence of a dedicated constitutional chapter on the Armed and Police Forces, which scholars have described as 'exceptional' (Contreras & Lovera, 2020). While such constitutional treatment is uncommon in Latin America, it is not unprecedented: seven out of 18 constitutions include specific chapters on these Forces (Cortés & García-Campo, 2021). The significance of this constitutional arrangement becomes particularly striking when viewed within Chilean constitutional history. A brief historical examination is therefore necessary to understand its full implications.

As discussed in Chapter 4, the military dictatorship enacted a constitution in 1980. Prior to the democratic disruption in 1973, the country was governed by the 1925 constitution. This earlier constitution did not regulate police forces beyond declaring that the 'Public Force is essentially obedient. No armed body can deliberate' (Article 22). This rule echoed the regulation from the country's only previous constitution, enacted in 1833, which established the 'supreme inspection of the President of the Republic' over 'all police objects and public establishments' (Article 82).

In 1970, Salvador Allende, a prominent member of the Socialist Party who had contested the three previous elections (1952, 1958, 1964), achieved a historic victory by becoming the first Marxist candidate elected president through national elections, drawing worldwide attention (Debray, 1971; Hobsbawm, 2016). This triumph immediately prompted attempts by right-wing national sectors and the U.S. Government under Richard Nixon to impede Allende's ascension to power through various strategies, including the assassination of the Army's Commander-in-Chief (Verdugo, 2003; González, 2012; Garcés, 2013).

Despite a historical precedent of respecting electoral outcomes, uncertainty emerged regarding Allende's victory in 1970 as he had not secured an absolute majority, requiring congressional ratification. To obtain this ratification, the leftist coalition supporting Allende needed to secure an agreement with the centre, led by the Christian Democratic Party. This sector imposed a fundamental condition: a constitutional reform ensuring the respect of 'constitutional guarantees'. These negotiations culminated in the January 1971 enactment of Law No. 17.398, two months after Allende assumed office.

Law No. 17.398 substantially reformed Carabineros' regulation by defining it and the Armed Forces as the 'Public Force'. This law further characterised these institutions as 'essentially obedient, hierarchical, disciplined, non-deliberative' and stipulated that a future

statute would determine resource allocation. This constitutional regulation served as a safeguard against potential misuse by the Executive Power, as evidenced by parliamentarians who, during the official debate, emphasised the intent to 'maintain the independence of the public force' (National Congress Library, 1971).

Building upon the framework established by Law No. 17.398, the dictatorship devised a specific regulatory framework further insulating the Armed and Police Forces from governmental control.³⁷ This privileged position aimed to create a 'security power' that would safeguard the 'institutionality of the Republic' and operate beyond democratic authorities' scrutiny (see Chapter 4). For the dictatorship's civic and military leaders, this represented a strategy to prevent what they perceived as excessive politicisation during the final years of the previous democratic regime. Placing Carabineros under the Ministry of Defence's command was another measure to avoid politicisation (Águila & Maldonado, 1996, p. 92).

The constitutional regulation of the Carabineros de Chile establishes its core characteristics and significant barriers to potential changes. This is achieved by anchoring the chapter regulating the Police and Armed Forces within the constitution, requiring a supermajority of two-thirds of both deputies and senators for any amendments. This high quorum is reserved for only a select few chapters of the constitution, underscoring the intended stability of the Carabineros' framework. However, a constitutional reform enacted in 2022 reduced the quorum for amending any constitutional article to four-sevenths of serving parliamentarians.

The most significant innovation introduced by the dictatorship was the enhanced status it conferred upon Constitutional Organic Laws (COLs). These laws, designed, in the

³⁷ It is essential to emphasise that the constitutional provisions enacted by the dictatorship were designed to take effect from 1988, following a referendum on the regime's continuation or termination. Between 1980 and 1988, the dictatorship employed a series of transitional provisions to publicly justify its authority. The most plausible interpretation of the Armed Forces and Carabineros' insulation from governmental control is that it was intended to prevent oversight by an opposition government—precisely the scenario that ultimately materialised, as discussed in Chapter 4.

words of their authors, to resist 'modification by an incidental majority decision of either branch of Congress' (Atria, 2013), were a novel addition to the Chilean legal system. Their elevated status is secured through two mechanisms: a four-sevenths quorum requirement for parliamentary amendment, significantly higher than the standard majority, and a preventive constitutional review conducted by the Constitutional Court prior to enactment.³⁸ This 'preventive control' has drawn criticism from constitutional scholars, who argue that the inherently 'open texture' of constitutional rules renders judgments regarding conformity with the Constitution inherently political (for Chile, see Atria, 2013; more generally, see Waldron, 2006, 2016).

By employing the tool of COLs, the dictatorship sought to constrain the reform potential of future democratic governments. This strategy encompassed core institutions such as the education system, electoral system, Central Bank, judiciary, Carabineros, and Armed Forces, establishing a durable legal framework amenable only to a super-majority in Congress. Chilean constitutional scholars argue that this design serves as a 'democratic deficit' (Atria, 2013; Jiménez et al., 2013), erecting significant hurdles for democratic actors seeking to reshape these fundamental institutions.

The dictatorship's decision to enshrine Carabineros' regulations within a COL effectively insulated the police force from routine political processes. This legal manoeuvre, enacted on March 7, 1990, four days before the transition to democracy, established a highly detailed and durable framework for Carabineros' structure and operations, requiring a super-majority in Congress for any amendments. This design essentially exempted Carabineros from the direct control of the democratically elected government. It removed from the new

³⁸ In August 2022, during intense constitutional debates that ended with the citizens rejecting two drafts for a new Constitution, the National Congress approved Law N° 21.481, which reduced the quorum of COLs to an absolute majority of the parliamentary members in exercise. They are still subject to the preventive control of the Constitutional Court.

authorities the possibility of discussing policing's aims and institutional characteristics. Let us now examine the revision of the COL.

The Constitutional Organic Law

The legal framework contained in the COL outlines the police force's structure and core principles. As previously established, it imposes a substantial threshold for any modifications by democratically elected officials. This design, which exceeds the standard quorum for most legislation, effectively constrains the potential for robust democratic debate regarding the future of policing in Chile. The extensive nature of the regulation, comprising more than 90 articles, further substantiates this observation. Whilst a comprehensive analysis extends beyond the scope of this work, I shall focus on key provisions pertaining to democratic accountability, highlighting the challenges they present.

The main traits of Carabineros

The COL opens by defining Carabineros as a 'technical police with a military character' and outlining its core objectives: upholding the law, ensuring public order and internal security, and fulfilling additional duties assigned by the Constitution and other laws (Article 1). It establishes Carabineros' subordination to the Ministry of Interior and Public Security (see Chapter 4 for the history of this institutional subordination). The Law further defines Carabineros as 'essentially obedient, non-deliberative, professional, hierarchical, and disciplined', subjecting its personnel to the 'basic rules established in the present organic law, its Statute, the Code of Military Justice, and internal regulations' (Article 2). This linkage to the Code of Military Justice effectively operationalises Carabineros' military character.

Between 1990 and 2010, all criminal cases involving police members, whether as defendants or victims, fell within the jurisdiction of the military courts. This raised concerns due to these courts' lack of due process guarantees. In 2005, the Inter-American Court of Human Rights, in the case of *Palamara Iribarne v. Chile*, instructed the Chilean state to restrict military justice to 'the prosecution of offences committed by serving members of the

military on active service'. Subsequently, Law No. 20.477 in 2010 and Law No. 20.968 in 2016 progressively curtailed the military courts' jurisdiction. Law No. 20.477 excluded cases involving civilian defendants, whilst Law No. 20.968 further narrowed the scope by removing cases where the victim was a civilian—this progressive narrowing aimed to address concerns about due process and civilian oversight within the police force.

The application of the Code of Military Justice to Carabineros produced a further consequence with profound implications for democratic oversight: Article of law N° 436 of the Code defined 'secret documents', including '[t]hose relating to the plants or staffing and security of the institutions of the Armed Forces or the Carabineros de Chile and their personnel'. This provision, originally intended for matters of 'State Security' and 'National Defence', effectively creates a barrier to transparency concerning Carabineros' staffing and distribution.

Scholars and policymakers criticise Article N° 436 of the Code of Military Justice, citing its detrimental impact on Carabineros' accountability and democratisation (Contreras & Salazar, 2020; Police Reform Commission, 2019). The central criticism centres on the lack of accountability fostered by the secrecy provision. Notably, it shields crucial information from even civilian authorities responsible for Carabineros' oversight. This secrecy stands in contrast to democratic principles of transparency and public accountability. The article was another legacy of the dictatorship, enacted in 1987, towards the end of its tenure.

The enactment of Law N° 21.427 in 2022 marked a partial shift in this situation. As previously established, the law emerged as a response to the crises surrounding Carabineros, which included financial scandals and human rights abuses.

The changes incorporated by Law N° 21.427

Law N° 21.427 introduced significant changes to Carabineros' institutional mission, incorporating new articles outlining revised objectives and granting oversight competencies to civilian authorities. These alterations represent a step towards greater democratic control, although their practical implications remain to be assessed. The law now explicitly defines Carabineros as 'at the service of the community', a formulation reflecting a compromise reached during parliamentary debates. This phrase served as a middle ground between proposals advocating for Carabineros' demilitarisation, defining it as 'part of the community', and those seeking to preserve the institution's established identity whilst allowing for the inclusion of new goals (National Congress Library, 2022, p. 556).

The Law incorporated regulations regarding the 'use of force' by Carabineros, which responded to the human rights violations committed during the social uprising of 2019. It established that Carabineros:

[The Carabineros] is authorised to use force when strictly necessary and in the proportion or measure required to perform police duties.
However, it shall, wherever possible, prefer using non-violent means before resorting to using force (art. 2° quáter).

It is crucial to examine the parliamentary debates to understand the rationale behind including regulations on the use of force in Law N° 21.427. The need for such guidelines arose from the events of 2019 that highlighted the urgency of establishing clear standards. The new rules enshrine two fundamental principles: necessity and proportionality, with the details left to be 'regulated by protocols and bylaws' (National Congress Library, 2022, p. 561). Further analysis below will demonstrate that historically, Carabineros lacked external oversight in regulating its use of force. Whilst Law N° 21.427 imposes new standards for the matter, the enactment of corresponding protocols remains incomplete.

Law N° 21.427 marked a significant advance in controlling Carabineros' service distribution. Prior to its enactment, the COL allowed Carabineros to 'establish the police

services that it deemed necessary to fulfil its functions', effectively granting them unchecked autonomy. Law N° 21.427 rectified this by linking service determination to the institution's 'Strategic Plan', which requires governmental approval and whose guidelines are defined by the Ministry of Interior and Public Security. This stricter criterion, coupled with the mandatory reporting of personnel distribution nationwide, provides authorities with greater control and improved oversight of how police functions are fulfilled throughout the country.

Although the practical consequences of this provision are yet to be observed, it holds significance from a democratic perspective as it broadens the possibilities for adopting public definitions of police work. This aspect will be revisited in Chapter 9, where I examine how the police can protect democratic equality. The central premise is that police distribution may be subject to criteria of justice, privileging effective responses to the needs of the most disadvantaged constituencies.

In addition, the mentioned Law generated a new duty to Carabineros, which:

[Carabineros] shall produce and publish quarterly, through its institutional website, statistics and territorially disaggregated institutional information, which allow the identification of the indispensable aspects to evaluate the exercise of its powers in a public and transparent manner' (art. 4° ter).

The specific details of this information will be further defined in a bylaw, which remains unpublished at the time of writing this chapter. Whilst the absence of this document hinders a full evaluation of the function's effectiveness, the introduction of this accountability measure represents a significant advance, elevating the standards of police accountability.

The power of self-regulation

A striking feature of Carabineros' regulatory framework is the significant scope it affords the institution to self-regulate its activities and internal procedures. The source of this self-regulating power lies in the COL, which recognises the legal validity of the 'internal regulations'. This regulatory framework relies on two main instruments: internal bylaws and

'General Orders'. Whilst subject to distinct processes, both ultimately originate from the institution's highest command. Internal bylaws require formal approval by the political authority, the Ministry of Interior, whilst 'General Orders' are directly enacted by the General Director.

However, critics point out that this difference in procedure may be largely symbolic, as the authorisation process for bylaws often occurs only after their drafting by Carabineros itself (Araya, 2021). Internal bylaws govern many core aspects of Carabineros' operations. According to the institution, bylaws contain 'practically all our actions, from the most fundamental aspects to those formalities linked to our identity and its preservation' (Carabineros, 2023, p. 79), including the 'Internal Organisation', the 'Carabineros School', and 'Institutional Documentation'.

For instance, the 'Bylaw of Carabineros' Organisation' (Bylaw No. 1) contains the different roles of Carabineros, enumerating six functions: Preventive, Public Order Control, Educational, Public Comfort, Social Solidarity, and National Integration. Let us examine several of these to appreciate the significance of the bylaws:

Preventive Role: 'The set of actions carried out by the Institution through its presence in the community, protecting people's lives and life and property, thus creating conditions of peace and social conditions of peace and social equilibrium that allow for the full development of the Nation. This is its essential and primary role and identifies Carabineros as Preventive Police' (Article of law N° 3).

Educational Role: 'the set of actions carried out by the Carabineros towards the community, aimed at creating in people the appropriate predisposition to the conscious observance of the current legal order' (Article of law N° 5).

Social Solidarity Role: 'the set of activities carried out by the Institution for the benefit of the national community, which are mainly manifested in emergencies, by providing timely support to their requirements' (Article of law 7°).

National Integration Role: 'The set of activities carried out by the institution in those geographical locations where the Carabineros guarantee national sovereignty' (Article of law N° 8).

In the following analysis, I focus on two areas of Carabineros' self-regulation: firstly, the instruments governing mechanisms for sanctioning police misconduct, and secondly, the instruments regulating police powers, including the use of 'non-lethal weapons.'

Self-regulation and accountability

Two internal bylaws define the disciplinary mechanisms for sanctioning Carabineros' officers: the 'Bylaw of Discipline of Carabineros' (Bylaw No. 11) and the 'Bylaw of Administrative Investigations' (Bylaw No. 15). The Bylaw of Discipline comprehensively covers all actions or omissions by personnel that, whilst not criminal offences, violate their professional or moral duties (Article 2). This regulation emphasises the institution's 'hierarchical and disciplinary system' rooted in respect for superior ranks (Araya, 2021, p. 49). However, critics argue that this emphasis undermines a robust response to misconduct harmful to citizens. Notably, the bylaw equates misconduct directed against both 'subordinates' and 'the public' under the term 'any overreach' (Article 22.5), failing to recognise the distinct ethical considerations within each relationship. Misconduct towards citizens implicates broader democratic values, such as equality before the law, which differ from those specific to the institution's internal hierarchy (Cortés et al., 2017).

The Bylaw of Administrative Investigations outlines the internal mechanisms for enforcing 'administrative responsibility' among Carabineros personnel. These investigations aim to determine individual responsibility for 'grave disciplinary misconduct' and to 'assess administratively the officers' responsibility accused of any criminal offence' (Article 5). These investigations are initiated by Carabineros' superior officials (Article 3). This lack of external oversight has drawn criticism from scholars and policymakers, who argue for reform owing to the system's opacity, lack of independent control, and insufficient specificity in assigning responsibility (Contreras et al., 2020; Cortés et al., 2017; Police Reform

Commission, 2019). Examining a specific example of its functioning would further clarify these concerns.

In 2017, a case emerged following a police raid in La Legua. The victim, whose home was violated, filed a Habeas Corpus petition against Carabineros for infringing her right to personal security. Initially dismissed by the lower court, the Supreme Court unanimously upheld the petition, marking the first time a court declared a Carabineros action in La Legua 'arbitrary and illegal'. This landmark decision paved the way for a civil lawsuit seeking compensation from the state for the damages inflicted. Alongside the legal proceedings, the victim pursued internal accountability within Carabineros through disciplinary action against the officers involved. However, months after the Supreme Court's ruling, the internal investigation concluded in favour of the officers, citing a lack of evidence to substantiate the accusations. Moreover, the investigation report highlighted that 'the evidence only allowed to see insults and threats against the Carabineros officers involved in the police procedure' (Cortés et al., 2017; Commission for Police Reform, 2019; Contreras et al., 2020).

Law No. 21.427 introduced innovations to Carabineros' disciplinary regime by incorporating a new chapter on administrative responsibility. Notably, it empowers the Under-Secretary of the Interior and Public Security to direct the General Director of Carabineros to initiate disciplinary proceedings in specific cases. With the stated objective of 'assessing and monitoring the Institution's appropriate response to abuses or other arbitrary acts', the law mandates enhancements to Carabineros' system for handling citizen complaints. These improvements include ensuring anonymity for complainants and the option to submit complaints electronically. Furthermore, Carabineros must publish and update statistical information on the processing, status and resolution of complaints received through this system on its website at least quarterly.

Historically, the effectiveness of Carabineros' internal accountability system in addressing officer misconduct has been subject to critique (González, 2020; Police Commission Reform, 2019). The predominantly internal nature of investigations, coupled with limited external oversight, has raised concerns about the thoroughness and impartiality of the process. This has potentially contributed to diminished public confidence in the institution's ability to self-regulate. The introduction of reforms through Law No. 21.427 suggests an acknowledgement of these issues and represents an effort to enhance the accountability framework. The enhancement of control mechanisms and introduction of elements of public scrutiny, including mandatory reporting of complaint processing, mark a significant advance towards greater transparency and accountability. Whilst their ultimate effectiveness in breaking the cycle of internal leniency and addressing misconduct remains to be assessed, they represent a substantial step in the right direction.

Self-regulation and police powers

The 'Documentation Bylaw' (Bylaw No. 22) establishes the existence of 'Orders', defined as 'documents through which command authorities issue service regulations on a given subject to the institution's staff'. Among these are the 'General Orders' enacted by the General Direction, which are compulsory for all staff. The General Orders govern crucial aspects of the institution's activity. For example, three General Orders, No. 2635, 2780 and 2870, enacted in 2019, 2020 and 2021, respectively, regulate public order control and riot guns.

These Orders define concepts crucial for the polity because they concern fundamental rights, such as the constitutional right of assembly. In March 2019, the General Direction enacted General Order No. 2635 regarding the use of force. This document contained the principles about using force and its different application stages, e.g. when citizens cooperated or actively resisted. When the social unrest of October 2019 began, Carabineros' response

was mainly regulated by this instrument. Critics noted its severe shortcomings, such as omitting the effects of 'non-lethal weapons', which the institution was aware of (Vélasquez et al., 2021).³⁹ To clarify, the use of non-lethal weapons caused an unprecedented number of eye injuries (see Chapter 4). Carabineros were aware of the potential consequences of these weapons but did not include any corresponding rules on their uses in the General Order nor any other internal regulations.

This regulatory technique does not permit external control over sensitive issues, such as the rules governing the use of force; the regulation hinges solely on Carabineros' decisions. This is problematic because these issues are central to democratic life. Some degree of control from other state institutions would enable the inclusion of diverse perspectives and ensure oversight by democratically legitimised bodies (Bockenförde, 1991), as highlighted by academic literature and activists (Velásquez et al., 2021; Fernández & Velásquez, 2021; International Amnesty, 2023). It is essential to define the scope of this claim: there are likely sound technical reasons justifying that the police have a crucial role in regulating the use of weapons. It is, after all, a matter that requires substantial technical expertise. I am not suggesting that a democratically elected agency should regulate the matter. However, some external controls ensuring that citizens' primary interests are protected are necessary to safeguard the central democratic guarantees.

Despite the extensive powers granted to Carabineros to self-regulate its labour policies, Law No. 21.427 improved civic control in this domain. The law mandates Carabineros to inform the Ministry of Interior and Public Safety of every general order issued within fifteen calendar days. This requirement enhances the quality of information available to civilian authorities, as noted by some parliamentarians during the legislative debate (National Congress Library, 2022, p. 88). However, it falls short of truly democratising

³⁹ I am grateful to Dr Javier Velásquez Valenzuela for his generous help and multiple clarifications about this point.

control over the norms outlined in these general orders. Law No. 21.427 neither alters the rule-making process nor reserves certain matters for statutory law, thus limiting its impact on democratic oversight.

The regulation of stop and search

Another aspect of policing in which legal rules play a significant role is the daily deployment of police work. I illustrate this point by examining the regulation of stop and search in Chile. I have chosen this particular aspect of police work because it vividly demonstrates the tensions between the scope of legal rules to direct and control police work and the inevitable discretion of police officers. The development of stop and search regulation in Chile reveals the predominance of police discretion and how it has yielded consequences at odds with democratic equality.

Returning to the terms discussed in the introduction, the regulation of stop and search corresponds to what Walker (2000) identifies as the most specific level, in which regulation 'shapes the end of the regulated activity' (p. 3). The attempt to direct officers' actions through legal rules may reflect either a 'legalistic-bureaucratic' or a 'structural' understanding of legal rules in policing, as both contend that legal rules are significant in defining officers' daily work. In the case of stop and search carried out by Carabineros, we will see that lawmakers have oscillated between controlling and limiting officers' powers through legal rules and increasing officers' discretion by weakening legal controls.

I argue that the regulation of stop and search serves as a crucial lens through which to appreciate the relevance of legal rules in policing, as it unveils the tension between the direction of legal rules and the inevitable discretion of police officers. This tension is a well-established conclusion among policing scholars, noted since the earliest empirical works of James Wilson (1968). Street officers must make decisions based on situational factors, which may sometimes necessitate acting without clear regulatory guidance (Bittner, 1970; Newburn, 2022)

We can appreciate this tension in the regulation of stop and search. In Chile, as is also the case in England and Wales, the law requires officers to have reasonable grounds before stopping someone. In England and Wales, according to Section 1 of PACE, these grounds must amount to 'reasonable suspicion'. In Chile, this threshold has changed, as we will see below, but the central point I want to make here is that whilst the law establishes a standard that officers must comply with, this standard remains open to interpretation. Consequently, legal rules and police discretion are constantly interplaying, and some degree of tension between the two is inevitable. The efforts to align policing with 'rule of law' or 'human rights' principles reflect attempts to resolve this tension (Sklansky, 2008; Loader, 2016; Martin, 2021).

The regulation of stop and search in Chile demonstrates this tension vividly. A brief historical overview allows me to illustrate this point. Carabineros' officers participate in criminal procedures as auxiliaries of the Public Prosecutors. Prosecutors guide criminal investigations, and the police forces, both the Investigative Police and Carabineros, assist them.⁴⁰ Carabineros' powers in this role stem primarily from the Code of Criminal Procedure and encompass activities such as aiding victims, making arrests in flagrante delicto (caught in the act with sufficient evidence), securing crime scenes, and receiving criminal complaints. Whilst these responsibilities often necessitate close collaboration with prosecutors, Carabineros' officers retain certain independent investigative functions. They serve as the initial point of contact in the criminal justice system by actively receiving citizen reports and starting preliminary investigations without immediate prosecutorial guidance (Ibid.).

The Code of Criminal Procedure also regulates Carabineros' legal powers for conducting stop and search. This institution was introduced into the Chilean system during

⁴⁰ Carabineros' and Investigative Police's powers in this domain overlap. Scholars have noted and criticised this, calling for the implementation of clearer distinctions in the regulation (Sepúlveda, 2023). These tensions are usually resolved by assigning different investigations to one of the forces.

the criminal justice reform in the early 2000s to replace a former practice known as 'arrest on suspicion'. This previous system authorised police officers to detain anyone they regarded as offering 'reasonable grounds for attributing evil designs to him' solely based on factors such as the time or place they were found. The 'arrest on suspicion' was widely criticised as discriminatory, as evidenced by the high number of young men from lower social classes detained under its provisions (Fuentes, 2005)

In response to the discriminatory profiling and arbitrary detentions enabled by 'arrest on suspicion', the criminal justice reform incorporated stop and search as a more nuanced and accountable approach to controlling individuals in public spaces. Firstly, it established specific grounds for such interventions, such as reasonable suspicion of unlawful activity. Secondly, it limited officers' powers to 'requesting identification' rather than permitting arrest. The replacement of 'arrest on suspicion' with stop and search aimed to counteract some of the most severe discriminatory consequences of police actions by strengthening legal controls over police conduct. The emphasis on precise legal descriptions in statutory law reflects an understanding of legal rules as a mechanism for democratic oversight of policing. A law with clearly defined competencies and limitations would safeguard against discriminatory behaviour and foster accountable policing practices.

However, since its inception in the Chilean legal system, stop and search legislation has followed a trajectory that has weakened the law's role in controlling officers' discretion and, arguably, increased the scope for discretionary action. Successive changes, publicly justified by the need to provide the police with stronger powers to deter and control crime, have expanded the latitude for police to determine when control is appropriate. Lawmakers have justified these changes by arguing that the initial formulation was overly rigid (Ramos & Merino, 2010). For instance, the total permissible duration of the procedure—that is, how

long the police may retain a person to verify their identity—has been doubled from four to eight hours (Ramos & Merino, 2010; Duce & Lillo, 2020).

In the discussions surrounding these implementations, proponents have argued that increasing police discretion enhances effectiveness, whilst critics have raised concerns about the potential for unaccountable and discriminatory uses of such discretion (National Congress Library, 2016). This position is based on understanding legal rules as tools that guide police actions according to public definitions, which helps mitigate potentially discriminatory outcomes of police discretion.

The recent legal reforms in Chile have reinforced officers' discretion. A milestone was the 2016 introduction of 'preventive stop and search'. This new institution allowed Carabineros to 'verify the identity of any person over 18 years of age' in virtually any public or accessible private space, even without specific grounds for suspicion or providing reasons to the individual. This lack of clear legal boundaries significantly expanded police discretionary powers, reducing existing legal controls and weakening requirements for justification. In the parliamentary debate, critics noted that this regulation of stop and search bore a striking resemblance to the arrest on suspicion.

Researchers analysing the empirical consequences of this regulation have observed that increasing police discretion to carry out stop and search has reinforced its discriminatory potential (Duce & Lillo, 2020). Allowing officers to stop people without any grounds has led to a dramatic increase in stop and search incidents⁴¹, and reinforced unequal patterns: residents of lower socioeconomic areas and migrants have been disproportionately targeted by these procedures (ibid., p. 200).

⁴¹ The number of stop and search incidents doubled after the introduction of 'preventive stop and search' in 2016, reaching an annual rate of 282.1 cases per 1,000 people in 2019. The authors compare this figure with that of England and Wales, which had a rate of 7 per 1,000 (Duce & Lillo, 2020).

I have reviewed the regulation of stop and search to illustrate the relevance of legal rules in directing officers' powers. The case demonstrates how legal regulation has been used to constrain police discretion, directing officers' actions according to public definitions. However, it has also revealed the limits of regulation: the Chilean legal system has privileged police discretion, equating this with police effectiveness. This predominance of discretion has led to discriminatory practices, reinforcing the tendency of the police to re-enact an unequal 'specific order' (Marenin, 1982).

Internal Hierarchies in Carabineros

The legal regulation of Carabineros establishes the internal structure of the police through defining the organisational hierarchies, the competences of different departments, the chains of command, etc. I argue that, returning to Walker's distinction about the levels of regulation, the internal structure of the police corresponds to the second level of regulation, which 'may seek to influence the outcomes of the activity regulated in accordance with certain general standards' (2000, p. 35). The internal structure of Carabineros puts some general standards at stake, such as equality and officers' human rights. According to Sklansky, 'equality inside police departments' is a significant yet unexplored aspect of democratic policing (Sklansky, 2008, p. 143). The mechanisms for career advancement, training programmes, and internal accountability measures not only influence how Carabineros interact with the public but also directly impact the well-being and rights of the institution's members.

The regulation of Carabineros' internal structure is significant because it establishes a system that reinforces inequality of status and treatment. The Constitutional Organic Law defines the 'professional career' as a 'regulated technical system' for advancement whilst highlighting a 'hierarchical and disciplined system' at its core (Article of Law 8). The system places central importance on the hierarchy within Carabineros, which attests to its military

character (Navarrete, 2022). According to the internal bylaw about the 'Administration of Divisions and Units of Carabineros', discipline is a central value of Carabineros:

Respect and obedience to superiors are intimately linked to loyalty and constitute, at the same time, subordination, the basis of the general principle of discipline, which has allowed the Carabineros de Chile to grow. Discipline is the cornerstone on which its hierarchical organisation rests (article of law 10).

The hierarchical relations in Carabineros rest on 'two organisational hierarchies': the 'Supreme Appointed Personnel' (Officers) and the 'Institutional Appointed Personnel' (Non-commissioned Officers). The most problematic aspect of this differentiation is that the two hierarchies do not respond primarily to technical decisions about competence distribution. They function as material and status divisions because officers consistently enjoy superior employment conditions. In other words, what most undermines democratic equality within the institution is not so much the existence of a double hierarchy as the differentiation between the two levels (Officers and Non-commissioned Officers) based on elements that reproduce differences of class and social background.

Historically, non-commissioned officers come from lower socio-economic backgrounds. Even recruitment, the first step in the police career, has discriminatory traits, as practical barriers such as self-funded uniform purchases effectively limit entry to wealthier segments of society. Notably, no formal mechanisms exist for transition between the two hierarchies, perpetuating significant disparities. Non-commissioned officers can reach only intermediate positions within the institution, and even the highest-ranking non-commissioned officer is subordinate to the lowest-ranking officer.⁴² The double-hierarchy system functions as a glass ceiling, impeding genuine career progression based solely on merit and restricting professional development possibilities primarily due to socioeconomic factors.

⁴² A few years ago, the institution opened pathways for non-commissioned officers to attend the Officers' Academy. This began in 2010 as the 'Alternative Process of Professional Career Development'. A General Order (No. 2022) enacted in 2011 formalised this process, allowing the best-graded non-commissioned students to apply to the commissioned officers' educational system. Although this mechanism is recent and undoubtedly an advancement in equality within the institution, it remains an exceptional measure.

These limitations reinforce the power disparity within Carabineros' internal structure, raising concerns about equality and meritocratic advancement. Officers consistently enjoy superior employment conditions, occupying all leadership positions and receiving privileged training in a dedicated academy. In contrast, training for non-commissioned officers occurs in separate institutions with a less prestigious focus. The training time for officers is double that of non-commissioned officers; consequently, the preparation they receive before undertaking their street duties is substantially different.

The distinction between Officers and non-commissioned officers also manifests in tangible inequalities. For example, the internal bylaw governing the 'Administration of Divisions and Units of Carabineros' establishes that every unit must maintain 'separate hairdressers' for each hierarchy. This seemingly trivial disparity exemplifies the more profound structural barriers at play, where access to basic amenities and personal care is segregated based on one's position within the rigid hierarchy. Several years ago, the NHRI published a report about human rights within Carabineros. The report highlights the differences between officers and non-commissioned officers through excerpts, such as this one narrated by a non-commissioned officer:

I can't sit at a table talking with him [an officer] because it's not allowed - having a coffee at a table with him, I couldn't even have lunch in the same canteen as him. In fact, even the lunches are different (NHRI, 2017, p. 58).

Such practices solidify the system's discriminatory tendencies and hinder any potential for upward mobility based on merit or individual accomplishment. Differentiating hierarchies for technical or professional reasons can be entirely reasonable. For instance, a structure separating officers focused on institutional leadership from those dedicated to operational tasks may be justified for professional reasons. However, in the case of Carabineros, the double hierarchy manifests in differentiated power, authority, and rights. Crucially, these distinctions appear to be rooted in members' socioeconomic origins rather than their technical

expertise. This structure restricts career opportunities and impedes the most professionally qualified members from attaining the highest ranks.

From a democratic-egalitarian perspective, the regulation of Carabineros' institutional structure fundamentally contradicts its defining elements. Within the institution, the structure perpetuates inequalities of status wherein certain groups command authority over others based primarily on class distinctions, thus undermining democratic equality.

Financial accountability

The final element of the regulatory framework I analyse is financial accountability, understood as the control and supervision of public funds expenditure. This topic gained prominence in policing during managerialism and New Public Management in the late 1980s and 1990s (Loader, 1999). Within this framework, policing is expected to be efficient and effective, optimising scarce public resources. Under this understanding, police forces must strive to provide 'value for money'.

However, financial accountability encompasses democratic values beyond the efficient use of resources. Police forces, like Carabineros, are funded by public money. Article 85 of the Constitutional Organic Law states that 'the budget of the Carabineros de Chile shall be made up of the economic resources provided for in the National Budget Law as a fiscal contribution and other resources provided for by law'. Given that these resources belong to the nation's patrimony, controlling and overseeing their expenditure is a matter of democratic accountability. Deciding how these resources are allocated essentially means determining how to respond to some demands and not others, thus establishing priorities. This process embodies core democratic principles, ensuring public funds are used to reflect the needs and values of the citizens who ultimately contribute to them.

Carabineros' financial accountability framework has historically been characterised by opacity and difficulties in expenditure control, despite some recent changes introduced by Law No 21.427 aimed at improving transparency. Carabineros' annual funding is subject to specific regulations enshrined in the National Budgetary Law. Since the enactment of the COL in 1990, Carabineros has maintained considerable autonomy in resource administration. The law ensures a minimum amount of funding – the allocated funds must never fall below the amount granted in 1989.

This lack of clarity manifests itself, for example, in the concept of 'purely police expenditures', requiring Carabineros to provide a confidential account of these expenses exclusively to the Ministry of the Interior and Public Security. Carabineros has special regulations governing archives and document destruction, which facilitated fraudulent activities by enabling the Finance Budgetary Direction to destroy crucial documents that would have served as evidence.⁴³ Without adequate control mechanisms and public scrutiny over resource allocation, the risk of misappropriation of public funds increases (Weibel, 2018).

Additionally, Carabineros' Welfare Department operates as a separate legal entity (effectively a dedicated trust fund) managed by a Director with significant budgetary authority. Authorised to 'perform any legal or financial act aimed at achieving social welfare goals for personnel' (Article 3° of Law N° 18.713), the Director can, for instance, directly execute purchase agreements for recreational facilities or equipment. This autonomy extends to tax benefits, as Welfare Department initiatives are exempt from taxes such as income and value-added tax (Contreras & Salazar, 2020).

⁴³ Carabineros and the Armed Forces operate under a special regime regarding the archiving and destruction of documents. Two months before relinquishing power, the dictatorship enacted Law N° 18.771, which created an exception to the general regime of archives of the State Administration. This regime would ensure the impunity of the armed institutions for Human Rights violations during the dictatorship.

Parliamentary debates surrounding Law N° 21.427 highlighted the urgent need for more robust budgetary control over Carabineros. The fraud scandal I mentioned in Chapter 4 heightened concerns about the inadequacy of existing controls and emphasised the necessity for greater transparency and more effective oversight mechanisms within the regulatory framework. In response, the law mandates the establishment of a 'Police Audit Committee', comprising representatives from Carabineros, the Ministry of Public Finance, and the Ministry of Interior and Public Safety. This committee is tasked with engaging an external audit service annually to assess compliance with legal regulations governing the institution's financial operations and the efficient allocation of resources for police functions.

Furthermore, Law N° 21.427 empowers the Ministry of Interior and Public Safety to exercise comprehensive control over police investments and expenditures, including budgetary, financial, and merit assessments of resource allocation. Notably, it abolished the controversial concept of 'purely police expenditures', mandating regular reporting on Carabineros' budget utilisation and allocation. Additionally, the law imposes transparency requirements regarding fund management and accounting practices, including justification for resource allocation decisions. These comprehensive changes represent a significant step towards ensuring greater transparency and public accountability in Carabineros' financial operations, thereby fostering trust and strengthening democratic oversight.

The recent reforms to Carabineros' financial accountability regulation aim to enhance its transparency and facilitate control by external institutions. From a democratic perspective, these modifications represent a positive development, establishing a more accountable framework for the institution's financial management.

Conclusion

In this chapter, I have reviewed Carabineros' regulatory framework as it defines the institution's central characteristics and their interplay with democratic equality. The most significant elements of this framework remain the Constitutional provisions, the Constitutional Organic Law, and internal regulations. I have argued that the Constitutional provisions and the COL have fostered Carabineros' hermeticism and hindered civilian oversight. Although recent legislative changes, such as Law N° 21.427, have increased controls over Carabineros, it remains a reform whose practical consequences have yet to be observed. For the majority of the studied period, Carabineros' institutional design, as defined by regulation, has maintained the structure imposed by the dictatorship, whose central characteristics have been enshrined in the COL.

I have argued that the hermeticism and lack of external controls have been amplified by the scope of Carabineros' self-regulation, which allows the institution to make autonomous decisions over matters crucial to the polity. I have illustrated this through the case of non-lethal weapons, whose regulation in Chile has rested essentially on Carabineros' decisions. I have also demonstrated this point through a review of accountability mechanisms, which historically have been Carabineros' domain, resulting in ineffective oversight and redress mechanisms.

I have analysed stop and search regulation to further illustrate the tensions between legal rules as expressions of publicly adopted decisions and police discretion. This represents an unavoidable tension which, in this case, has been resolved by limiting legal regulation's scope and broadening police discretion. This approach has reinforced the discriminatory use of police powers, whose effects have concentrated on disadvantaged groups, such as migrants and people from lower socio-economic backgrounds.

I have examined Carabineros' internal hierarchies to demonstrate how the institutional design of the police conflicts with aspirations of democratic equality by establishing a system that reinforces status inequality based on socio-economic backgrounds. This example illustrates the relationship between regulation and its underpinning values. I have argued that the regulation directly contradicts democratic equality. Finally, I have reviewed financial accountability as embodying decisions about public expenditure. I have demonstrated that the regulation has historically protected Carabineros' hermeticism and established weak mechanisms for controlling public spending.

My main objective in this chapter has been to demonstrate the regulatory framework's significance in defining the democratic quality of policing. Legal rules, as I have argued throughout, can and should play a crucial role in directing and controlling police work - yet the regulatory framework of Carabineros has instead helped to establish an institution exempt from public control and direction. This has resulted in weak mechanisms to translate public will into guidelines for police work, effectively removing key policing decisions from democratic oversight. In Chapter 9, I return to these insights, proposing reforms to Carabineros' regulatory framework to align it with democratic equality.

CHAPTER 6. The vision from within

Introduction

I noted in Chapter 1 that scholars studying policing in Latin America have highlighted the relevance of social inequality in understanding police forces' roles and characteristics in Latin American countries. Social inequality fosters fragmented preferences among the public, with wealthier constituencies advocating for harsher policing, which typically falls disproportionately upon marginalised groups (González, 2021; Wolf, 2017). Consequently, police forces reproduce inequality through the uneven distribution of their benefits and costs.

In Chapters 7 and 8, I shall focus on the lived experiences of policing among residents of marginalised neighbourhoods to examine how they perceive and understand the police's roles and what they expect from the police. Before doing so, however, I review how Carabineros itself emphasises the institution's relevance in contexts of social inequality. I demonstrate that Carabineros views itself as having a leading role in these settings. This role extends beyond addressing crime-related issues or implementing preventive measures against potential criminogenic factors such as situational problems; rather, it centres on fostering close relationships with marginalised communities. Carabineros' identity is constructed upon principles of aid and solidarity towards impoverished communities.

In this chapter, I explore how Carabineros conceptualises its mission within marginalised communities by reviewing Carabineros' institutional magazine, as outlined in Chapter 2. The magazine provides insight into how the 'institution thinks' (Douglas, 2011). I follow anthropologist Mary Douglas in asserting that institutions establish categories and classifications that shape our cognition and understanding of the world. These classifications forge loyalties and delineate group boundaries. Carabineros' magazine reveals how the

institution constructs categories such as 'community', 'social solidarity', and 'national integration' and communicates their particular meanings.

The question this raises is to whom these categories and classifications are directed. I argue that the magazine serves as a self-legitimizing action (Barker, 2001) through which the institution reaffirms its right to rule, cascading from the highest command to every officer nationwide to communicate the institution's official vision. The Carabineros' hierarchical organisation enables the magazine to disseminate perspectives from the highest ranks throughout the institution. The magazine standardises institutional categories to address diverse social phenomena, from delinquency to marginalisation. Thus, the magazine functions as a repository of the institution's categories and conceptual framework.

Before analysing the institutional magazine, I examine community policing's global prominence in recent decades (Lyons, 1999; Peak, 2013; Gascon & Roussell, 2019), particularly in South America, where it has been framed as a path to police democratisation and breaking from authoritarian pasts (Ungar & Arias, 2012; Frühling, 2012; González, 2023; Bonner, 2020; Müller & Steinke, 2021). While Carabineros has officially embraced community policing's rhetoric and practices over the past two decades, its approach transcends these principles. The institution frames its role in marginalised communities more broadly, viewing community proximity as fundamental to its identity.

I illustrate Carabineros' self-perception in contexts of marginalisation through numerous excerpts from the institutional magazine. I classify these excerpts into three distinct categories. Firstly, I demonstrate how Carabineros cultivates community links to enhance its preventive policing efforts. Secondly, I show how Carabineros frames community proximity as an intrinsic value, with excerpts revealing a police force dedicated to establishing these links as a core aspect of its institutional identity. Thirdly, I explore the numerous actions

Carabineros undertakes to aid those in need, particularly individuals living in harsh conditions. Relieving the poor, supporting the lonely, and working to improve communities' quality of life are all actions that constitute Carabineros' identity.

The excerpts demonstrate that Carabineros frames its actions in terms that transcend traditional crime prevention and point to the central values of democracy, such as social cohesion and solidarity. More specifically, Carabineros presents its work as crucial in alleviating social suffering and mitigating the most harmful consequences of social marginalisation. I argue that Carabineros frames its work in terms akin to democratic equality. Carabineros develops an official vision according to which its work is fundamental to supporting and helping people. Many of the public's expectations regarding the police stem from Carabineros' central role in national identity. If Carabineros is meant to aid the poor and protect the weak, as its anthem proclaims, what are the consequences of consistently failing to live up to these expectations?

Community, policing, democracy

During the last few decades, community policing programmes have become commonplace within many police departments in Western countries (Walker, 2016; Gascón & Rousell, 2019; Ungar & Arias, 2012), emerging as the 'pinnacle' of policing evolution (Peak, 2013). The mainstream narrative of community policing links it to the history of U.S. policing. According to its proponents, community policing represented a response to the shortcomings of the professional model that expanded during the twentieth century (Walker, 2016).

The professional model, in turn, arose as a response to the problems of the 'political' era of policing in the nineteenth century, when police forces functioned as 'direct tools of local politicians to acquire, maintain, and administer local political power' (Gascón & Rousell, 2019, p. 7). This approach fuelled corruption and inefficiency. In reaction, the

professional model, with origins traced to the 1920s, promoted a more technical police force withdrawn from politics. Police departments sought isolation 'from the vulgarities of politics', adopting sophisticated technologies while focusing on crime-fighting activities. However, this model contributed to episodes of violence, particularly during the era of the civil rights movement.

Community policing sought to address the shortcomings of police professionalism by bringing officers closer to the communities they serve. This model focused on nurturing links with local actors, aiming to overcome the 'siege mentality' of the professional era and encourage local participation. The goal was to make the police more responsive to neighbourhoods' needs and concerns. Community policing brought a philosophical shift, relying on citizens' trust and cooperation, thereby conceptualising them as co-producers of security in collaboration with the police (Peak, 2013). It promotes community partnerships, organisational transformation, and problem-solving techniques, addressing a wide range of public safety, order, and fear of crime issues (Braga, 2013, p. 403).

Trust between citizens and the police is crucial within community policing. It is valued both as a means to increase police effectiveness and as an end in itself (Ungar & Arias, 2012). When citizens trust the police, they are less likely to resort to extra-legal options 'to mete out justice or provide adequate protection' (Malone & Dammert, 2021, p. 419). This trust strengthens democratic governance by encouraging people to rely on formal institutions to resolve problems.

In the 1990s and 2000s, many Latin American countries adopted community policing following its popularisation in the U.S. This strategy was implemented in diverse nations such as Colombia, Brazil, Honduras, Venezuela, and Chile (Frühling, 2012). Community policing was a response to escalating crime and violence that threatened democratic

governance and state capacity (Ungar & Arias, 2012). However, the subcontinent's history diverges from the U.S. trajectory. Rather than seeking to reform professional police forces, Latin American countries aimed to transcend their authoritarian legacies, where many police forces actively participated in the dictatorships of the 1970s and 1980s (Müller & Steinke, 2021).

The aim of overcoming the authoritarian past explains why community policing has been considered 'the sine qua non of democratic police reform' in Latin America (Müller & Steinke, 2021, p. 1019). Three primary motivations supported its adoption. First, there was a strong desire to break with the past by transforming repressive police forces into responsive institutions open to dialogue and citizen input (Id). Secondly, community policing was seen as a means of restoring trust between the police and communities in contexts historically marked by distance and distrust (Malone & Dammert, 2021; González, 2017). Thirdly, by recognising citizens as co-producers of security, community policing sought to improve security governance through their bottom-up insights (Müller & Steinke, 2021; Ungar & Arias, 2012).

Community policing programmes encompass various activities designed to foster community engagement. These include open forums and policy council participation for direct dialogue, youth club visits and street patrols for presence within communities (Ungar & Arias, 2012). Additionally, initiatives such as 'anti-graffiti campaigns, bicycle patrols, school presentations, and neighbourhood watch programmes' aim to increase positive police-community interactions while promoting social cohesion and crime prevention (MacColman & Dikenstein, 2023, p. 328).

In their classification of Latin American community policing initiatives, Ungar and Arias identify two basic models: one addressing broader urban community concerns through

leader-police meetings and related collaborations, the other targeting homicide control in particularly violent areas, usually urban communities (Ungar & Arias, 2012, p. 10). This variety demonstrates the inherent flexibility of community policing, as it addresses the needs of target communities. The models share a core tenet: building proximity between communities and officers. This essential trait forms the foundation of community policing's transformative potential.

Fundamentally, the approach reconceptualises the police-community relationship, shifting the focus from broader territories to targeted neighbourhoods and specific communities, and from passive police forces who only react to calls, to active forces involved in co-producing security with citizens. Police work occurs at the community level, addressing problems directly relevant to residents, which may extend beyond crime to issues such as disorder or rising incivilities. Crucially, the success of community policing hinges on police earning the trust of residents and local organisations (Malone & Dammert, 2021, p. 420).

The emphasis on proximity between communities and police officers under community policing aims to foster a more responsive police force and empowered citizenry. Unsurprisingly, community policing advocates often frame it in terms of democratic ideals. As Gascon and Rousell (2019) note in the U.S. context, 'ideals regarding community, democracy, and accountability quickly become the talking points for police reform' (p. 8). This helps explain why diverse governments, regardless of political orientation, tend to equate community policing with democratic policing (Bonner, 2020).

Carabineros and the adoption of the language of community policing

While Carabineros has actively engaged with the global discourse of community policing, its approach has been notably nuanced. The Block Watch Plan, outlined in Chapter 4, incorporated critical elements of community policing discourse. This included community

participation (Frühling, 2009), the importance of proximity (Bonner, 2020), partnerships with local governments (Malone & Dammert, 2021), and building trust between citizens and Carabineros (Hathazy, 2013). The concepts underpinning the BWP proved influential, inspiring similar programmes like the Colombian initiative of the same name (see Chapter 4).

Interestingly, Carabineros has resisted formally adopting the 'Community Policing' label for two primary reasons. Firstly, the institution promotes the BWP as a methodology focused on efficiency and effectiveness in determining where police resources are needed. Secondly, Carabineros maintains a narrative framing itself as a force with a longstanding tradition of community proximity; presenting proximity as a new concept would contradict this historical self-perception.

Despite Carabineros' hesitation to adopt the formal label of 'community policing', the institution readily employs concepts and rhetoric associated with its advocates. This becomes evident in the General Director's April 2000 annual address. He emphasised the Block Watch Plan as a 'concrete example of the preponderance of community participation' for Carabineros, built on 'the personal relationship between the officer and the resident, allowing a fluid communication that generates an appropriate knowledge, and mutual trust' (Institutional Magazine, April 2000, p. 4).

In their discourses for the institutional anniversary, the General Directors of Carabineros set the institution's vision on multiple issues. Regarding the BWP, it is possible to identify that, at the time of its adoption, the institution presented and supported it using community policing language. In April 2002, the General Director affirmed that:

Carabineros must go out into the community, with initiative and ingenuity, because the police function is not only limited to the activity of controlling and prosecuting crime but also manifests itself in all its power *as another factor of social integration*' (Institutional Magazine, April 2002, p. 3, emphasis in original)

Adopting the BWP signalled Carabineros' embrace of a policing model popularised globally, emphasising community ties and citizens as security co-producers (Kubal, 2012, quoted in Bonner, 2020). This commitment deepened in subsequent years, leading to further initiatives driven by these same principles. The 2015 General Order No. 2,381 was a significant milestone establishing the 'Carabineros – Community Integration Model' (CCIM). Designed to 'enhance the service provided through the Block Watch Plan', it included the creation of 'Community Integration Offices'.

The Integration Model, particularly through the Community Integration Officers (CIOs), emerged as a strategic response to external assessments of the Block Watch Plan. Following a 2007 Ministry of Finance evaluation that claimed the BWP 'did not present actions directed towards a community policing programme'⁴⁴ Carabineros progressively incorporated 'community responsible officers' at BWP precincts (Ruz, 2010). The subsequent development of CIOs represented the culmination of nearly a decade of institutional work on community-oriented practices that began in the early 2000s (Luneke, 2018, pp. 184-193).

The CCIM's 'fundamental objective' was 'to make the community an integral part of solutions (security co-production), not merely providing information but actively participating in addressing issues' (General Order 2,381, p. 4). To achieve this, the model sought to 'promote community solidarity, participation and cooperation in preventing violent and/or criminal behaviour', ultimately fostering 'people's trust and credibility in Carabineros'.

It defines what the institution understands by 'community':

A group of people who share certain similar characteristics, share a specific territorial space and show some degree of organisation in order to face common challenges. In this sense, without neglecting the attention required by each person within a given jurisdictional sector, it would be key to develop collaborative work between the Carabineros and the effectively organised community. (General Order 2,381).

⁴⁴ See Chapter 4

The 'organised community' encompasses 'institutions, territorial organisations, and informal groups existing within the community'. Collaboration with these entities 'will contribute to consolidating a cooperative and engaged relationship with the population, facilitating effective implementation of police procedures within the territory'.

The implementation of CCIM and the creation of CIOs marked Carabineros' significant embrace of community policing rhetoric and operational reforms. While rooted in the BWP framework, the CCIM strengthened community proximity and enhanced 'security co-production' with citizens, crystallising a police mentality emphasising proximity, trust, and collaboration developed over twenty-five years.

However, Carabineros' institutional discourse extends beyond community policing principles to encompass broader social roles - from aiding isolated communities to educating children in nurseries. I turn to Carabineros' official magazine to understand how these roles are conceptualised and communicated within the institution. Its sections typically include:

- An Editorial or Message 'addressing a timely and significant issue. Here, facts are interpreted and the Institution's doctrinal stance, as well as that of its High Command, is established or reiterated' (Institutional Magazine, August 2008, p. 2). These issues range from crime trends and public perceptions of Carabineros to responses to natural disasters like earthquakes and wildfires.
- Features spotlighting commendable actions of officers nationwide, such as rescues or assisting women in childbirth.
- Exploration of 'institutional values' deemed essential for officer conduct, like honesty and integrity.
- Tributes to 'institutional martyrs', commemorating officers who have died in the line of duty.

The magazine establishes a 'top-down' vision on various issues, shaping the shared language through which members navigate diverse situations. A prime example is the designation of officers killed in the line of duty due to external actions (e.g. a shooting) as 'new institutional martyrs'. This consistent framing unifies disparate events under a single category, establishing a powerful example of valour and adherence to institutional values for other officers to emulate. As stated on its official website, the magazine contributes to 'unifying criteria' and 'creating a police doctrine'.⁴⁵ Due to Carabineros' very hierarchical structure, its content flows from the institution's high commands to the lower ranks; generated by a central unit, it disseminates nationwide.

The magazine's objectives could be understood as self-legitimizing efforts (Barker, 2001). Power-holders make claims of self-legitimation to nurture their beliefs 'in the moral validity of their power' (Debbaut & De Kimpe, 2023). These claims are directed to other power holders, either members of the same institution or other institutions. They do not aim to gain the allegiance of the ruled but to sustain the rulers. The magazine's primary addressees are Carabineros' members to support their labour by highlighting other members' actions. In doing so, the magazine nurtures Carabineros' claims about the rightness of its actions.

To analyse the interplay between policing experiences and institutional self-presentation, I conducted a comprehensive review of all editions of Carabineros' institutional magazine from September 2001 onwards. I selected this temporal framework to align with the period when the state began to intervene in marginalised neighbourhoods, a topic I shall explore in Chapter 7. These state interventions officially endowed Carabineros with a pivotal role within marginalised communities. By reviewing the magazines across the same period as these interventions, I aim to demonstrate how Carabineros has positioned proximity to

⁴⁵ <https://www.revistacarabineros.cl/quienes.html> [Accessed on 22 May, 2024].

communities and aiding the poor as defining features of its institutional identity. In the subsequent two chapters, I shall then invert this perspective to examine how residents of marginalised communities, subject to Carabineros' official mandate, experience this policing approach.

Carabineros: proximity and aid to poor people

'If evil stalks the peace of the nest
Innocence is sheltered
We go fearlessly after the bandit
We are the protector of the weak
(...)
Sleep peacefully innocent child
Without worrying about the bandit
That for your sweet and smiling sleep
Watch over your lover Carabinero.'
Carabineros Anthem

My review of Carabineros' magazine reveals a consistent emphasis on fostering proximity with communities. Across numerous editions, the magazine highlights officers nationwide who proactively engage in community relationship-building. Carabineros frames this relationship as serving multiple ends, from bolstering preventive policing efforts to emphasising the intrinsic value of these connections. I identified over a hundred instances of such 'communitarian' actions. For analysis, let us examine them in three distinct categories: those where proximity primarily supports prevention, those where proximity itself appears as the core value, and the actions of aid to people in need.

Community as prevention

Carabineros cultivates community proximity to enhance its preventive capacities. Aligning with proponents of community policing, the institution sees its connection to the 'organised community' as crucial for fostering effective communication and tailoring solutions to

specific local needs (Innes et al., 2020). This approach positions crime prevention as a collaborative effort centred on coordination and responsiveness.

Engagement with neighbourhood leaders is central to Carabineros' mission. One essential practice is the organisation of seminars and forums designed to facilitate joint work. These frequent meetings vividly illustrate how the goals of proximity and prevention intertwine. For instance, it reports a 'Prevention Seminar for Communal Leaders', aiming to 'generate an instance of rapprochement and integration, where neighbours could express their security concerns and learn about issues related to prevention' (Institutional Magazine, December 2008, p. 31) Similarly, another issue highlights a meeting between officers and 'more than thirty' community leaders, aiming to 'work together for crime prevention' (Institutional Magazine, April 2009, p. 27). The magazine's consistent emphasis on such events underscores their defining role in Carabineros' approach to community-based work.

The institution makes significant efforts to strengthen its links with neighbourhood leaders. In 2012, it organised the first 'National Congress of Communal Leaders' to 'strengthen ties of friendship, share experiences, encourage citizen participation and commit to continue working together with the institutional staff in crime prevention' (Institutional Magazine, August 2012, p. 24). For Carabineros:

Of the seven roles entrusted to the institution, five are directly related to the officer's work with neighbours and students. Prevention, national integration, education, social solidarity, and public comfort are embodied daily through the various joint activities organised with the community to form part of it and seek solutions to citizens' needs (Id.).

The leaders serve as crucial conduits for information about neighbourhood issues—frequent meetings, as previously mentioned, immerse officers in the dynamics and needs of the community. However, the relationship with communal leaders extends beyond this shared knowledge; they are considered Carabineros' allies. To emphasise this alliance, officers organise activities for leaders, such as a visit to a historical national monument. This

particular gesture resulted in neighbourhood leaders expressing appreciation for 'the successful approach with the institution, which led to this unforgettable trip' (Institutional Magazine, November 2014, p. 19).

The alliance with neighbourhood leaders finds expression in numerous collaborative activities. For example, officers visiting a nursing home to celebrate Valentine's Day with 'grandparents' who 'do not count on family-supporting networks' (Institutional Magazine, March 2019, p. 11). The residents 'enjoyed music, dance and supper prepared by the officers and the support of various neighbourhood leaders' (Id.). Elsewhere, officers 'together with neighbourhood leaders took essential goods to a remote area where ten families live'. As one officer declared, 'We decided to join forces to help these people' (Institutional Magazine, October 2016, p. 14). This collaborative bond between neighbourhood leaders and officers exemplifies Carabineros' broader attempts to foster proximity with communities.

In addition, officers establish ties with other local institutions, such as kindergartens and sports clubs. The magazine highlights a visit to a charity nursery where officers aimed 'to give some moments of happiness to the children, visiting them and bringing them sweets and gifts' (Institutional Magazine, March 2009, p. 17). The article explains that activities like these 'are constantly carried out in various parts of the city' to 'promote communication with citizens' and 'make known the work that Carabineros performs in fulfilling the role of social solidarity' (Id.). Ultimately, these interactions are framed as means to 'prevent drug consumption'.

The September 2014 edition highlights three rank-and-file officers who 'toured several towns with a puppet show aimed at pupils from kindergarten to fifth grade' (5-11 years old). The presentation promoted 'concepts such as the prevention of child abuse, road safety and bullying among children' (Institutional Magazine, September 2014, p. 29).

Similarly, another issue describes an 'activity with kindergarten children' in a marginalised sector, designed 'to teach prevention measures' and let 'the children learn about the work of the Carabineros' (Institutional Magazine, July 2019, p. 13). The event featured 'the visit from the clown *Pastillita*, who presented his preventive routine', providing 'a pleasant moment of joy, advice and entertaining activities' (Id.).

The institution's involvement with broader community segments, particularly children and youth, underscores its preventive policing focus. One illustration is an 'unforgettable day' when pupils from a state secondary school visited an astronomical observatory. This outing was part of 'educational actions fostering closer ties with the school community', with the primary goal of 'generating bonds of joint cooperation that enable [...] prevention' (Institutional Magazine, August 2019, p. 15). Such initiatives demonstrate Carabineros' embrace of community policing discourse, framing crime prevention as a matter of building trust between communities and officers. Other actions effectively demonstrating this understanding of prevention are the 'Civic Operations', where aid and preventive goals merge seamlessly. These operations highlight the strong emphasis on assistance within Carabineros' preventive mission. To illustrate this, let us examine some representative examples from these Civic Operations.

The February 2010 magazine details a 'civic operation' at a rural primary school in the country's South. Officers aimed to 'provide children with recreational activities whilst introducing them to the various public services in the municipality' (Institutional Magazine, February 2010, p. 18). The operation encompassed 'a talk on prevention and personal and social security', alongside the opportunity for students to 'obtain their identity cards free of charge' through a collaboration between Carabineros and the Civil Registry Service. Additionally, the event offered 'hairdressing for the students, breakfast, sweets, and the installation of signage to reach the school' (Id).

Other Civic Operations focus on practical aid services, including 'hairdressing, consultation with social workers, and veterinary care' (Institutional Magazine, December 2003, p. 11) or 'medical, dental, social, legal, psychological, veterinary, and hairdressing assistance' (Institutional Magazine, November 2009, p. 31). Through these initiatives, Carabineros facilitates greater interaction between the state and the public, forging alliances with public agencies such as the Civil Registry Service and the National Welfare Institute to deliver essential services. Civic operations extend vital state services to even the most remote populations. This is exemplified by an operation on a Southern Island of approximately 500 inhabitants. Officers 'arrived after four and a half hours of navigation in the institutional boat' to provide 'free access to hairdressing and veterinary care' and gifts for the children (Institutional Magazine, March 2010, p. 12).

The 'Civic Operations' vividly demonstrate Carabineros' 'solidarity and concern towards the population' (Institutional Magazine, July 2010, 32). Consider the operation comprising 'general medicine, specialities such as physiotherapy, dentistry and psychology, delivery of medicines, veterinary care, hairdressing, horse riding and refreshments for the children'. Carabineros termed this a 'complete solidarity deployment', reaffirming 'the institutional commitment to the welfare of neighbours' (Institutional Magazine, January-February 2012, 28). These initiatives strongly exemplify Carabineros' embrace of community policing rhetoric, illustrating the profound link between prevention and its proactive role in community life. Fostering prevention through values such as social solidarity and integration reflects a policing philosophy that fundamentally shapes Carabineros' identity.

However, as we shall see, fostering social solidarity is not only essential for crime prevention. It also lies at the heart of Carabineros' mission.

Fostering relationships between Carabineros and communities

For Carabineros, cultivating proximity with communities is a value in itself. This extends beyond its instrumental use for improving preventive policing; connection with the community is seen as integral to Carabineros' activity. Their emphasis on working with 'vulnerable groups', like nursing home residents, underscores this self-understanding. The December 2019 magazine highlights officers visiting a nursing home 'just a few hours before Christmas', aiming to 'bring [...] joy and emotions [...] to each of the "grandparents"'. They also delivered essential toiletries 'on behalf of their colleagues' (Institutional Magazine, December 2019, p. 13). While lacking a direct preventive purpose due to the target group, such actions align with Carabineros' broader goals of building networks with all territorial actors - in this case, nursing home staff and older adults. Ultimately, the core objective is cultivating closer community ties.

Other actions designed to foster community ties include the connections officers establish with children who have specific needs. The October 2019 magazine celebrates the 'special birthday celebration' for a 'four-year-old boy with different abilities' (Institutional Magazine, October 2019, p. 14). He was able to celebrate 'with those who for him are considered his heroes: the Carabineros', an event facilitated by officers coordinating with the child's father. This was described as a 'selfless participation of the personnel on duty, within their immeasurable mission to get closer to the community as part of the essence of being a Carabiniere' (Id.). Similarly, in the summer of 2023, the magazine presented officers that developed a bond with a girl who 'has faced complex medical conditions: respiratory arrest, coeliac disease, alopecia areata, developmental delay', among others (Institutional Magazine, January – March 2023, p. 14). For her mother, 'this story fell out of the sky' because her daughter's life 'has not been easy' and:

The support of the Institution has made everything more bearable. We know we are not alone. Isabella is happy. She loves to see the Carabineros' magazines and gets

excited when she knows they will visit her. They have been very magical people for us (Id.).

The officers even went to the girl's school 'to celebrate her sixth birthday with music and a cake' (Id.).

The focus on aiding the most marginalised extends to officers organising birthday celebrations for homeless individuals, an effort to recognise 'the most destitute ones'. Carabineros' 'Street Route Plan', designed to build knowledge of 'different stories of vulnerable people' within communities, has inspired these actions. Officers explain, 'We have a calendar[...] and we arrive with a surprise present' (Institutional Magazine, October 2020, p. 30).

In October 2021, Carabineros established an alliance with a Care Home serving 'children, adolescents, and adults, mostly abandoned and with severe and profound intellectual disabilities' (Institutional Magazine, October 2021, p. 11). As part of their training, this partnership enables the officers to engage in 'comprehensive and humanised' interactions that also benefit those in rehabilitation. The police squadron has 'sponsored each of the foundation's homes and met their residents'. Plans for future collaboration include 'volunteering to maintain common spaces, parades and musical performances, among other events' (Id.).

In a similar vein, Carabineros members accompany hospital patients and staff. In May 2018, the magazine reported about CIO's members who visited a 'Paediatric Oncology Unit' to share 'with the children, to bring them a moment of joy and entertainment' (Institutional Magazine, May 2018, p. 19). The chief of the police team 'valued the importance of linking our institution with the little ones and with all groups of society'. Similarly, in June 2011, the magazine featured a story about CIO's officers from the northern region who 'organised a visit to the children hospitalised in the paediatric centre of the regional hospital. They aimed

to share and provide a moment of companionship and distraction for the young patients amidst their illnesses' (Institutional Magazine, June 2011, p. 23)

It is worth noting how Carabineros frames proximity as part of what the institution may provide to people. After a snowstorm in the South, 'when immediate help is no longer required, the company and support that the Carabineros always provide with great commitment becomes necessary' (Institutional Magazine, July 2014, p. 12). Subsequently, officers organised and distributed help to people who became isolated. Similarly, in June 2018, the magazine reported that personnel in the far north of the country 'toured the most isolated villages and visited neighbourhoods after the increase in snowfall and the cold snap affecting the area' (Institutional Magazine, June 2018, p. 15). In the December 2018 volume, we find the story of a police unit that 'crossed the lake and brought the Christmas spirit to isolated localities, arriving at a Rural School where they visited 35 students, surprising them with an emotional Christmas Party' (Institutional Magazine, December 2018, p. 17). The school receives many children from low-income families, so Carabineros' help was indispensable in bringing them clothes and offering hairdressing services.

These initiatives reveal a fundamental aspect of Carabineros' work that transcends traditional crime control and extends beyond problem-solving. The examples depict officers fulfilling tasks whose outcomes are not easily explicable through a purely preventive lens. Instead, they illustrate the broader roles entrusted to Carabineros and the institution's multiple tasks in the country.

In April 2008, during Carabineros' anniversary address, then-President Michelle Bachelet articulated how:

In every precinct, at every point where they perform their duty, in the cities and the most remote places, they often embody the representation of the Chilean State [...] when the

Carabineros de Chile celebrate their anniversary, all Chileans join in this celebration' (Institutional Magazine, April 2008, p. 3).

These words resonate with the examples above: Carabineros' work extends beyond fulfilling crime-control and problem-solving functions. It demonstrates a persistent concern for public welfare, representing, as the President identified, the very embodiment of the state.

Public service and solidarity in Carabineros labour

One of the most remarkable aspects appearing repeatedly in Carabineros' magazine is the multiple references to solidarity and aid actions officers carry out. Officers embody this multifaceted role through numerous initiatives centred on aiding people, particularly those facing significant hardship. These actions extend beyond educating children or building community ties; they directly assist individuals grappling with difficult life circumstances, especially among the most marginalised. The examples illustrate Carabineros' outreach surpassing that of 'all-purpose public servants' (Andosh, 1998); they demonstrate how providing help and aid is fundamental to the institution's mission. In doing so, Carabineros promotes social solidarity, a political value crucial to society, extending far beyond typical policing roles.

In June 2011, the magazine highlighted Carabineros' students who 'carried out an operation to beautify a kindergarten which cares for socially vulnerable children'. The officers 'painted the walls, installed nets to protect the children from the sun, and planted trees'. This was done at the request of the kindergarten's director to 'improve the conditions for the students' (Institutional Magazine, June 2011, p. 21). In October 2011, officers from the CIO 'organised an internal campaign to collect clothes for the children' at a 'kindergarten and nursery for children in high social vulnerability' (Institutional Magazine, October 2011, p. 13). December 2018 recounts the story of officers 'handing out various goods to a family

who lost their home in a fire' (Institutional Magazine, December 2018, p. 22). This extended beyond the immediate emergency response typical of police work, showcasing a more sustained focus on aiding people in coping with the fire's long-term consequences. The officers 'gathered non-perishable food, clothes for the housewife's three daughters, and some toys'.

This type of response after emergencies is common in Carabineros' work when directed to disadvantaged groups. In June 2020, members of the Community Integration Office in Southern Country 'visited various sectors flooded by a bad weather front', including:

Boarding a boat at one end of the riverbank to visit an elderly local man. The Community Integration Office travelled to different corners of *Puerto Aysén*, registering 21 older adults, some of whom were vulnerable and living in isolated areas. Thanks to this work, we could coordinate aid delivery and verify their state of health (Institutional Magazine, June 2020, p. 16).

Elsewhere, in June 2019, officers 'provided important assistance to residents who suffered from the severe weather, after the rain and strong wind considerably affected their homes' (Institutional Magazine, June 2019, p. 34). The officers 'gathered the necessary material to repair the damaged houses and help the inhabitants to face the winter in the best possible way'. What are the effects of these actions? According to the institution's vision:

The residents of both localities were grateful for the spirit of solidarity and commitment that has historically characterised the 'green legion'⁴⁶, in an environment of affection and dedication to the Chileans who need it most (Id.).

This quote succinctly captures Carabineros' self-understanding of its mission. The institution envisions its work extending beyond traditional crime control and surpassing preventive proximity through community ties. Its mission incorporates strengthening social bonds and aiding people struggling with adverse conditions. In this way, Carabineros embodies what Wacquant identified as the 'left arm' of the state, concerned with offering aid, care, and support to disadvantaged communities (2010).

⁴⁶ This is an informal way Carabineros calls itself due to the colour of their uniform. The noun 'legion' shows the Carabineros' military ethos.

Carabineros consistently provides aid to individuals beyond emergency responses. Operating through the CIOs, officers spearhead initiatives nationwide to support those in need. The magazine reports officers assisting residents affected by conditions that partially or totally limit their mobility and who lack sufficient resources for medical supplies. To meet these needs, they distributed '27 clinical beds, 25 pressure-relieving mattresses, 16 wheelchairs, ten orthopaedic walkers, six orthopaedic canes and two guide canes, in addition to 327 adult nappies and food boxes' (Institutional Magazine, September 2021, p. 20).

The September 2001 magazine highlights officers 'supporting' residents of a highly disadvantaged informal settlement. This case is noteworthy because, according to the magazine, residents experienced the severest material conditions, living in makeshift dwellings without basic facilities on the canal banks and being exposed to the foul smell of sewage. Officers' actions included 'arranging free medical care, organising trips to the park, and holding fundraising bingo events'. They visited the settlement at Christmas to give presents to the children and helped residents to establish a neighbourhood council. In all these instances, Carabineros' help went far beyond security matters, providing crucial elements for people's subsistence. For officers, these actions were 'mandated by our Ethical Code, which urges us to be committed to citizenship and take an interest in the problems of others (...) We are public servants, and we are expected to be a helping hand for the people' (Institutional Magazine, September 2001, pp. 5-6).

Partnership with other institutions to aid communities in need is a recurring pattern. In June 2010, officers 'organised social aid for the benefit of the Paediatric Hospital Patients', donating 'sets of children's sheets and pillows for 14 beds' and 'toiletry sets for mothers from rural areas' (Institutional Magazine, June 2010, p. 14). Additionally, in the far South, they distributed 'books to low-income neighbourhood associations' to enhance educational opportunities for children and young people (Id.).

Officers demonstrate resourcefulness in addressing community needs and tailoring solutions to the specific situations they encounter. This reflects significant police discretion when engaging in their social service role. Patrolling a rural area, officers allied with a neighbourhood leader to provide a food box to a couple facing 'a sad reality' of economic hardship (Institutional Magazine, July 2011, p. 9). Meanwhile, in Santiago's periphery, officers coordinate with a church to offer 'a plate of food' to homeless individuals, adding an element of oversight to ensure accountability by 'verifying the identity of many of them' (Id.).

Officers discover these needs through foundational community policing duties: field surveys conducted via 'permanent contact with the community'. Once vulnerable individuals are identified and their needs verified, officers explained, 'we take steps to obtain the required equipment from the organisations that support us and with whom we have established solidarity aid alliances' (Institutional Magazine, July 2013, p. 27). This process reveals a noteworthy dynamic in policing: what begins as typical community policing activity - assessing local needs - transforms into an aspect of policing far removed from crime control or prevention, instead actively prioritising values of solidarity and support. Moreover, the magazine consistently demonstrates these values' prominent role in officers' performance.

Conclusion

I have reviewed Carabineros' magazine to demonstrate the relevance the institution attributes to relationships with marginalised communities. By highlighting officers' actions across diverse national settings (from remote regions to disadvantaged communities), I have shown how the institutional magazine represents the 'institutional thinking' (Douglas, 2011) and builds shared categories among personnel regarding whom the institution supports and against which threats. It simultaneously reinforces the moral rightness of police work by

communicating to officers what is valuable in their colleagues' actions and encouraging them to act accordingly.

The institutional thinking also reveals how the police conceptualise their role by attributing to itself a centrality in Chilean social life that carries both symbolic and practical implications. I have demonstrated how Carabineros positions itself as an institution crucial not only for people's safety but also for material well-being and support in dealing with harsh life conditions. I have demonstrated this by selecting numerous magazine excerpts.

I have grouped the excerpts into three categories: improving preventive capacity through community links, cultivating proximity as an institutional value, and actively aiding disadvantaged populations. While these aspects likely intertwine in officers' daily work, I believe that the conceptual distinction provides valuable analytical benefits to clarify how Carabineros perceives its roles and significance within Chilean society.

Firstly, I have shown how the excerpts reveal the deep entrenchment of the 'communitarian' aspect within Carabineros' work throughout the analysed period. Their endeavours align with community policing orthodoxy, which posits that cultivating strong community ties facilitates improved crime control, particularly prevention. As Innes et al. (2020, p. 89) note, trust and proximity transform officers into 'important repositories of intelligence about local criminality'. I have illustrated this through their fostering of collaborative ties with neighbourhood leaders, kindergartens and primary schools.

Secondly, I have identified a set of excerpts that highlights how Carabineros promote community ties independently of crime control objectives. Although this strategy may ultimately be construed as contributing to broader policing goals, its scope is far more expansive. I have observed that for Carabineros, forging community relationships encompasses educational and national integration objectives. These excerpts depict the

institution assuming a state representative role that far exceeds typical crime control functions, thus aiming to become a pivotal force within communities.

The third set of excerpts I have analysed presents Carabineros actively aiding marginalised communities, fulfilling its perceived institutional role of promoting 'social solidarity'. These actions occur with notable frequency, reflecting an embedded focus within Carabineros' self-image—which casts them as integral in addressing poverty, a persistent national challenge. I have shown how the institution positions itself as a relief provider beyond merely enforcing public safety and order. By operating in this welfare space, Carabineros effectively engages with issues fundamental to the state's core functions.

I have demonstrated that, whilst community policing has been influential for Carabineros' actions and rhetoric during the last two decades, the conception of relationships with marginalised groups exceeds community policing tenets. Carabineros justifies its actions through alleviating social suffering and defending values such as solidarity. In other words, I have shown how Carabineros frames its mission in terms akin to democratic equality: as the consequences of inequality and marginalisation damage people's lives, Carabineros offers support and relief, becoming an institution that contributes to people's survival and material well-being.

My findings here diverge significantly from the trajectory I outlined in Chapter 4 and the experiences of marginalised neighbourhoods I explore in subsequent chapters. This discrepancy highlights the potential gap between the institution's self-legitimation narrative and public perceptions of its operations. In the subsequent two chapters, I examine how urban governance logic positions Carabineros as a representation of the state seeking to reassert its presence in territories affected by drug trafficking-related violence. My analysis will demonstrate that such expectations remain largely unfulfilled. This gap between the intended

role and actual effect highlights the complex dynamics in the relationship among Carabineros, the state, and marginalised communities.

I want to end this chapter with a note of caution: in highlighting the discrepancy between the institution's official narrative and public perceptions, I am not suggesting that the actions presented by the institution are fictitious or based on misrepresented accounts. My claim is more modest: I have demonstrated that the magazine shows how Carabineros legitimises its institutional mission in terms that it subsequently fails to fulfil. In Chapter 9, where I examine how Carabineros' work can better align with democratic equality, I argue that the same values the institution defends—such as relieving the suffering of marginalised groups—can be used to limit police power and focus their mission on alleviating the subjection produced by private violence. Let us turn to the lived experiences of policing.

CHAPTER 7. Tangled up in green: the policing of La Legua

Introduction

In this chapter, I explore the lived experience of residents in La Legua, a marginalised neighbourhood in Santiago, Chile's capital. La Legua is the first neighbourhood in Chile where the state decided to 'intervene' to curb drug-trafficking violence. Since 2001, when the intervention programme was launched, police officers have maintained a constant presence in La Legua. Carabineros officers have become part of the neighbourhood's daily landscape.

I have chosen to focus on the experiences of the 'policed' (Jackson, 2024) to ground my normative reflections on the democratic quality of policing. I contend that how people experience police work in their neighbourhood, how they understand it, and their expectations of the police provide valuable insights into the police's democratic legitimacy. I demonstrate that policing practices in La Legua signal crucial elements about residents' social position. Patterns of control, surveillance and episodic violence have contributed to reinforcing the subordinate position of La Legua's residents within Chilean society.

I shall demonstrate that interviewees in La Legua interpret policing in their neighbourhood as a consequence of social inequality. They perceive that police mistreatment and the ways officers surveil and control the neighbourhood are simultaneously a consequence of marginalisation and a means of reinforcing it. Interviewees, as we shall see, compare their experiences of policing in La Legua with those in other areas of the city, identifying a link between police misconduct and their situation of social disadvantage.

The relationship between policing and social inequality in La Legua is most evident in how police respond to drug-trafficking gangs violence. The residents I interviewed identify gunfire from these gangs as their primary security concern, and for over two decades, they have observed police maintaining a heavily armed presence in their neighbourhood (see

Muñoz, 2021, pp. 57 – 59). This apparent readiness to address violence raises a critical question among the interviewees: why has this extensive police presence failed to curb gang violence? The evidence suggests not only that police have been ineffective in reducing drug-related violence, but that officers appear to be colluding with drug traffickers (Álvarez, 2010; Muñoz, 2021). Consequently, rather than providing protection, police have become agents of surveillance and control, imposing costs on all residents indiscriminately.

What does all this mean for democratic policing? I argue that through these patterns, the police erode the central tenets of democratic equality by reinforcing residents' subordinate position within Chilean society. To fully understand how Carabineros officers' actions in La Legua damage democratic equality, it is necessary to have a clear picture of La Legua's social conditions. Therefore, I devote the first section of this chapter to presenting a historical overview of the neighbourhood. La Legua has historically been considered a place linked to criminal activity and leftist political activism, embodying two identities that threatened social and political order (Lin, 2021). The state's treatment of La Legua residents has historically aimed to suppress these two threatening characteristics.

I then examine residents' experiences since 2001, when the State implemented its 'intervention' in La Legua. Although successive governments have described this intervention as an 'integral' plan encompassing both 'safety' and 'social' initiatives, it has manifested primarily as a police operation that has subjected residents to intensive policing and constant surveillance. I argue that residents' primary expectation of the police is to curb drug-trafficking violence, as they perceive this as a threat to their safety that they cannot address independently. I demonstrate how drug-related violence has disrupted daily life in the neighbourhood and threatened residents' well-being.

In the third, and most extensive, section of the chapter, I analyse four aspects of policing in La Legua. First, I demonstrate how police practices have contributed to shaping the neighbourhood's symbolic borders, marking it as a dangerous area whose residents must be contained rather than protected. Secondly, I show how the police have become embedded in interviewees' consciousness, emerging as an ingrained element of daily life through their intensive and permanent surveillance. Thirdly, I examine how the residents I interviewed interpret police actions through the lens of social inequality, understanding police work as a manifestation of their broader social marginalisation. Finally, I explore how the interviewees perceive the police as complicit with drug traffickers rather than as countering their violence—a perception that transcends individual allegations of corruption to reflect a collective belief that the police enable drug traffickers' operations.

I conclude the chapter by demonstrating how these patterns of policing, and the interviewed residents' experiences of them, coalesce to damage democratic equality by reinforcing their marginalisation. This, I contend, fundamentally contradicts the central tenets of democratic policing.

Historical background

The 'double city' in the nineteenth century

In the closing decades of the nineteenth century, Santiago's historian and mayor, Benjamin Vicuña Mackenna, described the city through a distinctive spatial metaphor: that of a 'double city', reflecting its dual spatial and social character. One, 'Santiago proper, [an] enlightened, opulent, Christian city', and the other, 'an immense cesspool of infection and vice, of crime and pestilence, a veritable death-pen of death' (quoted in De Ramón 2000, p. 188). The 'enlightened city' was Santiago's centre, where an emerging urban elite, inspired by European

architecture, built luxury houses and palaces. The city's outskirts, where the poor resided, were characterised by poverty, overcrowding and extremely harsh living conditions.

The number of inhabitants in the outskirts increased steadily during the nineteenth century due to changes in the country's economic activity. Between 1813 and 1875, Santiago's population doubled from 60,000 to 130,000 inhabitants (Espinoza, 1988). A witness of that era described this contrast in the following terms:

The central section contains almost all the public and most private buildings, which are remarkable for their richness and beauty. It has sixty streets, all of them perfectly straight and some quite impressive for the large number of magnificent buildings that adorn them and in which the architecture of the Renaissance, modified by French ideas, is followed.

The southern and northern sections are spread out in large suburbs covered with innumerable ranches situated in streets and alleys, either straight or winding. They are home to many people, generally very poor. (Torneró, 1870, quoted in Espinoza, *op. cit.*, p. 15)

The wealthy and influential groups established themselves in the centre, clustering around the Main Square. The poor were consigned to the periphery, beyond the 'beltway', with settlements enclosing the city to both the North and South. This spatial distribution was shaped partly by market forces and state policies. On the one hand, mechanisms of land speculation forced the poor from the city centre, compelling them to relocate to more affordable areas. On the other hand, public policies explicitly reinforced this segregation. In 1872, the city's regulatory plan, enacted by Vicuña Mackenna, stated that the 'beltway' would 'establish a kind of sanitary cordon around the population centres' to keep the 'completely barbaric city' away (quoted in Espinoza, *op. cit.*, p. 20).

As a result of these processes, the 'location of the popular sectors' followed a 'progressive displacement from the sectors that were valued by investments in their infrastructure, towards those of lesser value and more peripheral location' (Espinoza, *op. cit.*, p. 18). These patterns intensified throughout the second half of the nineteenth century. The

country reached its centenary in 1910 amid pronounced social inequality. While the government planned grand celebrations to commemorate independence from the Spanish Empire, Chilean life was characterised by deprivation, poverty and social exclusion (Venegas, 1910; Salazar & Pinto, 1999).

The origins of La Legua

La Legua's origins can be traced back to these processes. In the early decades of the twentieth century, the poor continued to inhabit the outskirts through a system of illegal occupation (Espinoza, op. cit., p. 16) or by renting tenements and makeshift dwellings (Álvarez, 2014, p. 71). The lack of adequate housing was widespread, exacerbated by the country's most severe economic crisis in the 1920s, following the invention of synthetic saltpetre and the effects of the Great Depression of 1929 (Salazar & Pinto, 2002). The crisis prompted the migration of thousands to Santiago in search of new opportunities, who likewise settled in the periphery. A series of slums emerged throughout the city.

The land where La Legua is located was originally a rural farm bearing the same name. 'Legua' means 'league', denoting the distance between the farm and the city's main square.⁴⁷ Settlement began in the twenties when former saltpetre mine workers, displaced by the crisis, occupied the land. As this represented the first wave of migration, the sector where these people settled became known as *Legua Vieja* (Old Legua). Towards the end of the forties, residents from informal settlements known as *poblaciones callampas* (literally, 'mushroom-type shantytowns')⁴⁸ were relocated to lands belonging to the 'Compulsory

⁴⁷ 'League' is a unit of distance whose length varies according to local context. In this case, it corresponds to the Spanish definition of 'League', which represented the distance a person could travel on horseback in one hour, approximately 5.5 km. This measure was used until the adoption of the metric system in the nineteenth century. This information was provided in summarised form by LLM Bing Chat, <https://deepai.org/chat> (consulted on May 8, 2023).

⁴⁸ The 'mushroom-type shantytowns' were informal settlements inhabited by the poor along the city's periphery. The colloquial term 'mushrooms' derived from their explosive growth, likened to that of mushrooms. See De Ramón, 1990.

Workers' Insurance Fund'.⁴⁹ The newly arrived inhabitants organised themselves to improve their living conditions, campaigning for potable water and electricity while establishing sports and cultural organisations. This sector became known as *Legua Nueva* (New Legua) (De Ramón, 1990; Álvarez, 2014, pp. 51-89).

Shortly after the occupation of *Legua Nueva*, the 'People's Housing Fund'⁵⁰ initiated the construction of 'emergency houses' in the third – and only unoccupied – sector of La Legua, aiming to prevent new squatter settlements. The occupation of the new houses commenced in 1950. Between 1951 and 1952, 980 'Emergency Houses' were constructed and allocated to their new inhabitants. The houses were intended as a temporary measure, accommodating people until permanent housing could be provided. The residents came from other impoverished areas of the city, moving to La Legua in hopes of a better life or, at minimum, home ownership for the first time. The zone quickly became known as *Legua Emergencia* ('Emergency Legua'), and seven decades after its establishment, people continue to reside in these 'emergency houses'.

La Legua until 1973

The existence of three distinct human and geographical spaces shaped life in La Legua from its origins. Legua Nueva (and, to a lesser extent, Legua Vieja) was associated with intense political activity and a strong presence of leftist organisations. One of the most prominent mayors of the period recalled that La Legua was popularly known as 'Little Russia' because of its 'communist and working-class base' (quoted in Lin, 2021). Parallel to this political identity, Legua Emergencia became associated in public opinion with criminal activity. Lin

⁴⁹ The 'Compulsory Workers' Insurance Fund' ('Caja del Seguro Obrero Obligatorio'), established in 1924 'on the principle of a pay-as-you-go system', 'represented the most significant step towards the constitution of a social welfare system in Chile'. Retrieved from <http://www.memoriachilena.gob.cl/602/w3-article-93761.html> [Consulted on May 8, 2023].

⁵⁰ The People's Housing Fund ('Caja de la Habitación Popular'), established in 1936, was created for the 'promotion of the construction of low-cost, healthy housing, workers' and family gardens', as its regulatory Law stated. Retrieved from <https://www.bcn.cl/leychile/navegar?idNorma=25240> [Consulted on May 8, 2023].

astutely observes that these two images reinforced La Legua's marginal identity, either politically (as an extreme leftist neighbourhood) or in criminological terms (as a dangerous place populated by delinquents) (2021). The media reinforced this image, which the *pobladores* viewed as unfair because it failed to portray the neighbourhood's communal values, particularly the generosity, solidarity and fellowship among its inhabitants. It was a place of which its residents felt deeply proud (Álvarez, 2014).

In material terms, poverty defined everyday life. The narrow streets of the shantytowns remained unpaved and were described as 'wastelands'. People recall sharing single rooms with entire families, often ten or eleven siblings. Women commonly served as heads of household 'in the face of absentee and alcoholic fathers' (Álvarez, 2014, pp. 158-181). Nevertheless, life was characterised by solidarity and collective struggle. Residents organised to fund and build the Catholic chapel in Legua Emergencia and established numerous social organisations, such as Sports Clubs and Women's Community Centres.⁵¹ Whether as a means of managing material deprivation or making the space their own, life in La Legua was defined by the collectivity, manifesting in formal organisations and daily interactions that unfolded in the streets, grocery stores, and improvised football pitches.

Although the media exploited the association of La Legua with criminal activity, contributing to the area's stigmatisation, certain individuals known for committing robberies did achieve local notoriety. These figures commanded respect among residents because they 'maintained certain codes', such as conducting their criminal activities outside La Legua and even offering protection to inhabitants. This respect extended beyond residents to include the

⁵¹ The concept in Spanish is *Centros de Madres*, whose literal translation is 'Mothers' Centres'. I have translated it as Women's Community Centres to convey that these were spaces for encounter, mutual support, and solidarity. However, this translation loses something valuable. The original expression, referring to mothers, reveals how women who faced life's difficulties, leading their families and struggling for better lives, developed caring roles characterised by support and tenderness. They did not restrict their maternal roles to their own children but extended them to their neighbours' children. There are many touching accounts of women who cared for parentless children and raised them as their own family. While acknowledging the complexity of gendered roles in this context, I limit myself here to recognising their histories.

Carabineros officers stationed at the checkpoint within La Legua. Police officers and offenders 'knew each other and were accustomed to not interfering with each other's territory'. This memory holds particular significance for long-term residents who contrast the 'old delinquents', with their codes and respect for neighbours, with contemporary drug-traffickers, whose violence profoundly disrupts the community's daily life.

The police officers who had a checkpoint in La Legua generally maintained positive relationships with the neighbourhood's inhabitants. They 'addressed problems of violence, marital aggression, domestic issues and disputes between neighbours; they assisted during disasters and emergencies and made arrests' (Álvarez, 2014, pp. 215-216). This dynamic would shift with the progressive politicisation the country experienced during the 1960s and would undergo a dramatic, irreversible transformation in 1973.

Coup d'état, political repression, and changing economies

Since the early days of the dictatorship, shantytowns with flourishing pre-coup political activity were among the primary targets of political repression, particularly in Santiago. The Rettig Report noted that '[i]n Santiago, the most important popular shantytowns were subjected to massive raids' (Rettig Report, 1991, pp. 109ff). In public perception, La Legua embodied two identities that the dictatorship sought to eliminate: leftist political activism and criminal activity.

Repression in La Legua was brutal, marked by 'an unusual concentration of dead bodies abandoned on the public highway' (Lin, 2016, p. 61). The 'local criminals' were 'not even hunted down but killed outright' in a series of operations that could be characterised as 'anti-crime raids' (Álvarez, 2010, p. 98). The shantytown's houses endured numerous forced entries. The first occurred on 16 September, five days after the coup. According to testimony collected by Lin, this forced entry was initially planned for the first day. However, the Armed

Forces hesitated, anticipating strong resistance which they planned to overcome by bombing La Legua. Although the air raid never materialised, forced entries became frequent: with ten raids, La Legua was the second most targeted shantytown during the dictatorship (Lin, 2016, p. 63). More than fifty of La Legua's residents were murdered (Álvarez, 2010, p. 106). While its leftist political identity and association with criminal activity were historical elements the dictatorship used to justify repression, the dictatorial era also witnessed the enduring solidarity that had characterised life in La Legua. From the first days after the coup, La Legua's inhabitants, particularly women, organised to establish *ollas comunes* – community kitchens where neighbours gathered to cook and feed their community (Álvarez, 2014; Hardy, 2020[1986]).

The dictatorship imposed a new daily reality on La Legua. Human Rights violations were widespread, and everyday routines were disrupted: one resident recalls that La Legua was 'under siege' so the public buses did not enter the area' (quoted by Lin, 2016, p. 63). In 1983, La Legua experienced its own 'Night of Broken Glass'. On the nights of August 11 and 12, Carabineros and Army officers 'vandalised 35 vehicles, destroyed 250 houses, and shattered windows in almost every house in *Legua Nueva*' (Álvarez, 2010, pp. 105-106). It was also a period of severe economic hardship, marked by high unemployment rates, low incomes, and many residents working in the dictatorship's emergency labour programmes, PEM and POJH.⁵² In this context, a new enterprise emerged in La Legua with its promises of easy money, opacity, and networks that permeated the population: drug trafficking.

The coming of democratic transition: an overview from 1990 to 2001

It is difficult to trace the origins of drug trafficking in La Legua, although some accounts place it towards the end of the dictatorship (Álvarez, 2010, p. 99; Lin, 2016, p. 66). However,

⁵² PEM was the acronym of *Programa de Empleo Mínimo* (Minimum Employment Programme), and POJH of *Programa Ocupacional de Jefes de Hogar* (Household Head Occupational Programme). Both were labour programmes directed by the dictatorship towards the popular sectors to create formal employment. They were characterised by their precarious nature and meagre salaries.

by the beginning of the democratic transition, drug trafficking appeared firmly established in La Legua. The figure of one 'significant' dealer, *El Perilla* (literally, 'The Knob'), gained prominence in the area. El Perilla recruited individuals with extensive 'criminal careers', creating an organisation in which he emerged as the leader. Residents recall him displaying weapons, surrounded by personal guards, and flaunting material possessions such as cars. Yet, they also remember his assistance to neighbours, providing material aid and Christmas presents to children (Álvarez, 2010, pp. 101 ff; Lin, 2016, pp. 66-68). The rise of El Perilla represented more than the ascent of one figure; it marked the consolidation of drug trafficking in La Legua.

The proliferation of drug trafficking transformed the pattern of illegalities in La Legua. As I noted above, historically, the area had been home to robbers who 'maintained codes', respected their neighbours, conducted activities outside La Legua, and rarely displayed their weapons – typically knives. Drug trafficking brought dramatic changes: interpersonal violence escalated, conflicts between robbers and dealers multiplied, and firearms became increasingly prevalent. Moreover, the deterioration of living conditions caused by drug consumption became evident. Cocaine paste base – containing minimal levels of coca and high concentrations of other elements, such as methanol and kerosene – emerged as the predominant drug. The consequences were visible: many people, especially adolescents and young men, wandered the streets. The solidarity that had characterised La Legua since its origins resurged: in 1993, a group of neighbours organised to provide breakfast – tea and homemade bread – every Sunday dawn. This initiative continues to this day, serving between 150 and 200 breakfasts weekly.

In September 2001, a prominent dealer was killed in a gang conflict. His murder represented the latest episode in a prolonged series of fights, threats, and power struggles (Álvarez, 2010). The media highlighted the conflict and its aftermath, portraying La Legua as

a 'no man's land' and broadcasting a significant declaration: before television cameras, the victim's aunt emphatically stated that her 'nephew's blood would be avenged in blood'. She was promptly prosecuted. Through the Under-Secretary of the Ministry of the Interior, the government declared that 'in Chile, there is no state within another state'. It announced the launch of a 'model intervention' in La Legua. Under this intervention, police presence intensified in La Legua, establishing the patterns of policing that we shall examine below.

At the end of 2001, the state formally initiated the intervention in La Legua, specifically Legua Emergencia, then over fifty years old. Life there had evolved amidst material poverty, institutional neglect, and community solidarity. Since its foundation, La Legua's residents had learned to organise and unite to confront harsh living conditions. State actions (or inactions) were typically hostile. From the incomplete housing projects of the 1950s to the severe repression of the 1970s, the state had manifested not as a source of solutions or hope but as a wellspring of abandonment, contempt, or violence. Against this historical backdrop, the state launched its intervention.

State intervention, police intervention

The erratic narrative of a public policy

The launching of the State intervention in La Legua featured more public, grandiloquent declarations than official regulatory instruments. The then-president of the Republic, Ricardo Lagos, announced that the government, together with the two police forces, would create a programme to improve public safety, aiming to build reciprocal trust between the police and the people because 'when people trust their police, and the police trust the people, criminals retreat' (Álvarez, 2010, p. 121). However, no evidence of that trust appears in the history of the intervention. During the initial years, public authorities were notably erratic in publicly justifying the elements of the intervention. This ambiguity became apparent in 2009 when the

Ministry of the Interior representatives responded that the intervention was merely a 'fantasy name' (Chilean Transparency Council, 2010).

Despite this ambiguity, from 2001, extensive and massive police operations began to unfold. The press published details of these operations, announcing large numbers of arrests and quantities of drugs seized. Public authorities used these operations as evidence that the intervention was succeeding. The Under-secretary of the Ministry of Interior declared on television that, six months after the intervention's launch, he could 'walk alone in La Legua, without escorts' (Álvarez, 2010, pp. 123ff). However, the experiences of La Legua inhabitants painted a markedly different picture. Police presence became permanent, with Carabineros officers stationed at strategic corners, and surveillance became constant, along with police practices such as stop and search and arrests. A report published in 2006 concluded that during the first five years of the intervention, at least 8.46% of the inhabitants of La Legua had been arrested (*ibid.*, p. 135).

However, the government did not officially present the plan's details, associated expenditure, or the criteria under which certain actions were prioritised over others, particularly the prominence of police presence over any other welfare state initiatives. In 2016, the Chamber of Deputies established a 'Commission of Inquiry' regarding 'critical neighbourhoods' to collect all information about the programmes the state had developed in those areas. In this instance, the then Under-Secretary of Crime Prevention acknowledged that 'finding documentary background on the state intervention policy' from 2001 had been 'a very difficult task' which had necessitated 'the reconstruction of a set of documents, background information and testimonies' (Chamber of Deputies, 2017, p. 32).

The undersecretary highlighted one aspect that previous academic research had also identified: the multiple official denominations that the programmes had held. Between 2001

and 2016, it had eight different official labels, and according to him, 'what [had] happened with the programmes is rather little, as it is limited to a transfer of resources' (id.). The lack of knowledge about their use is noteworthy; there are no detailed accounts of the investments. The official documents contained only the total amounts without itemisation. This is especially critical considering that the programmes merged very diverse initiatives, ranging from 'communitarian prevention' to 'social reintegration' and 'police coordination'. This makes it impossible to disentangle the effects of each aspect.

In one of the official presentations before the Commission, a public servant of the Metropolitan Administration – the office that was then responsible for the interventions – made, likely unintentionally, what is maybe the most accurate description of the intervention in La Legua, when fifteen years had elapsed since the programme launch:

The theatre is the same: surrounded by carabineros and with the presence of active gangs inside the passages for the last few years, without managing to break this sort of circle (Chamber of Deputies, *op. cit.*, p. 57).

The National Human Rights Institute (NHRI) evaluated the intervention in 2015 according to its institutional competencies, namely the human rights situation in La Legua. The NHRI concluded that the intervention had not provided an institutional response to the neighbourhood's most pressing problems. It also affirmed that La Legua experienced different forms of violence, which compromised multiple fundamental rights, including the rights to adequate housing, health and work, and the principle of equality and non-discrimination. The NHRI report also found that the right to security was not guaranteed and was, indeed, transgressed by police violence (NHRI, 2015).

Various analyses of the intervention and its consequences appear to concur regarding its ineffectiveness and the lack of clarity in its public justifications. They demonstrate that the state has managed the programme in an improvised manner, with significant deficiencies in control and oversight. They also emphasise the prominent role police forces have played in

the intervention's deployment within the neighbourhood. The 'police aspect' of the intervention is acknowledged in every report about the programme, constituting its most visible manifestation. In what follows, we shall analyse how people experience this phenomenon.

Trajectories of Police Intervention

Setting the scene: Drug gangs' violence as a safety threat

The pervasiveness of gunshots unanimously shapes residents' perceptions of safety in La Legua, predominantly generating feelings of insecurity. . To illustrate this, I shall share a personal experience. On a sweltering Sunday afternoon in December 2021, I was seated with a friend in a house garden along *Mariano Puga*, the neighbourhood's main street, where the weekly street market is held.⁵³ The street was bustling with activity. Suddenly, a shot rang out. It originated approximately 50 metres away, and we were startled by the sound alongside the screams erupting from the scene. People quickly dispersed, whilst others sought refuge in nearby corners. After a few minutes, word circulated that it was a targeted attack rather than a random shot, prompting a gradual return to the usual activity.

This quote exemplifies two key themes regarding gunshots that will emerge from the interviews. Firstly, their pervasiveness disrupts daily routines as they can erupt unexpectedly in any location. Secondly, residents develop coping mechanisms, as evidenced by their return to the market after the incident. For long-term residents, gunshots have radically transformed La Legua. Ricardo, a man in his mid-fifties, attributes this to the presence of drug gangs: 'Drug trafficking has brought a lot of envy, hatred, and weapons'. When comparing the present with La Legua of his childhood, he notes:

⁵³ Street markets are places where people purchase their daily necessities, primarily food, household items and clothing. They are a crucial element of local life in popular neighbourhoods in Santiago. They represent a more accessible way of shopping and an opportunity for socialisation and the nurturing of social bonds.

We didn't have those big grudges that exist now that the drug traffic is in all the blocks, and there is a lot of envy, a lot of jealousy. I think that now I would worry about living there [Legua Emergencia], and now I would be a bit afraid, with a lot of fear.

Gabriela, of a similar age, who has lived in La Legua for more than forty years, is more forceful when she compared with the past:

On New Year's Eve, I accompanied my grandfather to greet the neighbours. He went from house to house, hugging every person he met. We came back at, I don't know, five or six in the morning, and I was a child! That has been lost... I always say La Legua would be the best place in the world if it were not for the bullets.

For Ricardo and Gabriela, lifelong residents of La Legua, a clear distinction exists between historical forms of criminality, primarily associated with robbery, and the criminality associated with drug gangs. They perceive 'traditional criminals' as having respected neighbours and adhering to codes of honour, operating outside the neighbourhood. Most significantly, these criminals did not inflict violence upon residents. In their view, the most substantial transformation brought about by drug trafficking is the internalisation of violence within the neighbourhood, placing all inhabitants at risk.

Residents emphasise how gunshots disrupt their daily lives, compelling them to alter their walking routes, avoid specific alleyways where friends or family reside, and even restrict their movements outside their homes. Constanza, a resident of La Legua who volunteers for a children's support organisation, describes an experience that exemplifies this disruption. She recalls walking with a large group of children ('not just five, but fifteen or twenty children following me') when gunshots erupted:

We were walking at 15:00 or 16:00, and the shots started. Everyone to the floor! We were half a metre from a neighbour's house, and she opened the door and screamed, "Come in!" I swear we crawled into the house, crawling on the floor with all the children and volunteers.

Pablo, a thirty-one-year-old man, responds that he 'does not feel safe, I have got used to living with bullets':

Bullets have grazed me. You're walking along, and you come across a shooting. And you have to hide, get down on the ground, get behind a post, get into a neighbour's house, whatever. I've been close several times, and I've felt the bullets as they pass by me; I've been saved from several; I'm a survivor.

He highlights that 'sometimes the shootings last three or four hours, and how many bullets! And of money because bullets are very expensive! It is like a war, the Third World War here!' Diego, twenty-five years old, also reflects on the money involved in the shootings: 'My brother and I began counting the shots because we wondered how much money these guys spend daily. And we counted about three hundred bullets in a short time!'

He remembers his childhood when there were no gunshots in the neighbourhood. 'I could play with my friend in the street and ride our bikes, but then when I grew up, we had to retreat to the houses to protect ourselves from the shootings'.

Changing daily routines to protect oneself from shootings extends even to indoor spaces. Teresa, a sixty-nine-year-old community leader who arrived in Legua Emergencia during its initial settlement, recalls a period from a few years ago when:

They were shooting, and bullets came from here to there, back and forth, because they were firing machine guns, so I came to the living room and lay a mattress on the floor to sleep because my room's walls were wooden.

These extracts illustrate residents' perceptions of the most severe threats to their safety in La Legua. Notably, interviewees overwhelmingly identify gunshots as the singular threat to their security. This exclusive focus is noteworthy, as residents frequently emphasise their lack of fear regarding assault, robbery, or other types of crime. Tomás summarises this contrast when noting that:

Here, mornings are super safe because all the shooters are sleeping. Those who shot wake up late, much after midday, so you can do whatever you want in the morning, walking safely and tranquil. But in the evenings, this changes because the shootings can come at any moment.

According to the interviewed residents, the persistent gun violence in La Legua significantly influences their expectations of police responsibilities. Interviewees express a primary

demand: that police curb drug gang-related shootings disrupting daily life. These participants yearn for a fundamental sense of peace and security. Throughout my research journey, a striking observation has been the enduring faith some residents maintain in the police, which persists despite a history of unmet needs, as evidenced by Carabineros' two decades of intervention in La Legua, which will be explored further in the following section detailing the area's policing patterns.

The expectations, however, are not unfounded. People have seen that the police have the capacity to reduce drug shootings, as apparent in this reflection by Teresa:

They are stationed in one spot, and that's my anger because there is a shooting, and they come before or after the shooting is over. And then the shooting starts again. They drive around the place, but nothing happens.

Diego remembers that once:

It was a very long shooting. The GOPE car came to patrol a couple of times, but then it left. And when the GOPE came, the shots stopped! But then the GOPE left, and shots began again! And again, the same dynamic the whole day.

Tomás labels this feeling 'a duality' because 'sometimes they provide tranquillity, especially the moments of shootings because when the GOPE⁵⁴ comes, the landscape calms down'.

Residents' lived experiences suggest that the police can reduce shootings given their substantial equipment and resources. This perception fuels a legitimate demand placed upon the police. However, the police's actions have consistently fallen short of these expectations, reinforcing residents' feelings of vulnerability. This inherent tension offers a valuable lens for examining the concept of democratic policing. Residents' expectations of police action align with the core principles of a democratic-egalitarian society: protection from private violence that restricts their freedom and life prospects. Ultimately, the demand for protection signifies

⁵⁴ GOPE is the acronym for *Grupo de Operaciones Policiales Especiales* (Special Police Operations Group). It is one of Carabineros' special task forces.

recognition of the value of residents' lives and their membership within the political community.

However, for over two decades, these expectations have been consistently frustrated by police actions. The police have instead adopted patterns of mistreatment, contempt, and violence, which I will explore further. A detailed examination of these patterns is crucial as they convey specific messages to residents regarding their position within Chilean society.

Shaping neighbourhood boundaries

The policing of La Legua shapes the symbolic borders of the neighbourhood by signalling it as a distinct space from the rest of the city, inhabited by people who are subject to special policing measures. Scholars of urban policing have argued that policing shapes boundaries between those populations who enjoy all the rights and benefits of the polity and those regarded as subordinates who require policing and control (Fassin, 2011, 2013; Weber, 2020; Christensen & Albrecht, 2020). In La Legua, this manifests through an array of practices, from police visibility to their operational deployment within the neighbourhood.

The police presence in La Legua has become an ingrained aspect of the neighbourhood's daily life, as described by several interviewees. Diego, who was six years old when the intervention began, exemplifies this sentiment: 'After so many years living with the police, one cannot imagine La Legua without them. It would be strange; although one might wish it were different, it seems impossible'. In a similar vein, Pablo affirms that:

Police are everywhere. You leave your house, and [you meet] the police. I don't know if there is a car parked on your block in front of your house or if they come in every minute. You go to the corner, and you find more cops [*pacos*] all over the place; there, here, police.⁵⁵

⁵⁵ 'Paco' is the colloquial term for 'police officers'. Each time the interviewees use the word, I have translated it as 'cop' to denote its colloquial use. Its origins likely lie in the colours of the 'poncho' used by vigilantes in colonial times. See Palma, D. (2023) for a historical overview.

Police presence also shapes borders more tangibly. For several years, officers stationed at six access points demarcated the boundaries of Legua Emergencia (NHRI, 2015). This map in the NHRI report highlights the six access points under Carabineros surveillance, a pattern that persisted for many years.



Source: NHRI, 2015

Officers intensified controls on people entering and leaving La Legua, employing legal powers such as stop and search procedures and traffic checks. The rationale behind this practice appears to be the monitoring of individuals passing through the relatively small neighbourhood, distinguishing residents from those entering for other purposes. This distinction would then potentially serve as the basis for identifying those suspected of engaging in illicit activities.

Police deployment underwent a shift several years ago. Police vehicles are no longer stationed permanently at entry points. Instead, these fixed positions have been replaced by regular patrols circulating within the neighbourhood. Consequently, it is common to see police vehicles patrolling throughout the area rather than positioned at access points.

However, interviewees continue to perceive the police role as controlling the neighbourhood's boundaries. In Pablo's words:

You see the police every day at all the borders of La Legua. In *Carlos Valdovinos, Mataveri, Santa Rosa, Pedro Alarcón, and San Gregorio*, they are in all the borders.

Constanza recalls that officers carried out intensive controls in one of the access points:

I swear to you, they control there every day. There is only the bus stop, and I asked them, "Why are you controlling me if you see me every day here?" I went to take the bus, and they stopped me. They stopped everyone at the bus stop and asked for their Identity Card—every day. Every day they asked me for my Identity Card! One day I said to one of them: "I am tired! I guess you know my card by heart because you ask me daily, what do you want?" And he said, "This is normal; it should be done".

The control and surveillance practices implemented at the entry points of La Legua evoke a sense of enclosure, effectively separating the neighbourhood from the rest of the city. Furthermore, police presence in La Legua shapes symbolic boundaries. The deployment of uniforms and weaponry signifies a distinction between La Legua and other areas of the city. Residents perceive these practices as unique to La Legua, suggesting an implicit understanding that such policing methods would not be tolerated elsewhere. Pablo reflects on the uniforms officers wear in La Legua: 'They are part of the neighbourhood and are always heavily armed, as in the [video game] "Call of Duty"'. For Ernesto, the police's armament marks a distinction between La Legua and other settings: 'When has a boy from the upper neighbourhood seen a cop with a fusil while he plays in the street? Never! But why do we have to see it? Because they know where to do it!'

Gabriela, a 59-year-old woman, finds the weaponry and uniforms employed by Carabineros in La Legua bewildering:

I felt it was violent to pass with a child with a cop practically in full costume. And with a machine gun. Not even with a gun; it was with a tremendous machine gun standing on a corner when you were going to drop the kids off at the kindergarten. I find that violent to look at it.

Similarly, Tomás wonders: 'Why do they need to show those heavy arms daily? Why do they normalise the weapons here? They could do exactly the same without showing their weapons all the time'.

These quotes illustrate how police actions communicate to La Legua residents that they inhabit a distinct, marginalised space where the state's coercive power is overtly exercised. However, this power is not employed to safeguard residents from the significant threats they face. As Fabián observes: 'They carry war-style weapons, small tanks and large machine guns although they are useless'. The deployment of power reinforces residents' disadvantaged position, conveying their subordinate status and enabling the police to exert their authority within the neighbourhood with impunity.

Police as part of the daily neighbourhood landscape

One consequence of over two decades of state intervention is the residents' perception of the police as an ever-present element in their daily lives (NHRI, 2015; Chamber of Deputies, 2017; Muñoz, 2021; Lin, 2021). As Diego highlights, 'if you walk with someone unknown, you are also stopped'. Here, 'unknown' refers to anyone who does not reside in the neighbourhood, effectively constituting an unfamiliar face for the officers. However, the notion of controlling every unfamiliar person within a densely populated neighbourhood of more than five thousand residents is as unrealistic as it is potent, signifying the state's asserted control over mobility within La Legua. Pablo powerfully expresses this sentiment: 'It's like being in prison here in La Legua'.

Constanza recounts an incident that exemplifies the police's pivotal role in La Legua's daily life. Each December, a week or two before Christmas, as summer approaches, local social organisations in La Legua hold a carnival to celebrate the neighbourhood's identity, reclaim its streets from violence, and bring residents together outdoors. The organisations arrange

performances for the occasion, featuring stilt walkers, drumming bands and street dancers. The organisation where Constanza works encouraged children to create a float representing elements of neighbourhood life. 'The kids made the 'GOPE car!' she exclaimed, with a soft, resigned laugh. She continues:

They went around La Legua shouting "GOPE is coming! GOPE is coming!" When one kid shouted this, the other kids jumped over houses' fences and held on to them. Of course, for these kids, seeing the GOPE is part of their daily lives, and they have learned that it is a threat and that people hide or run away when it comes.

She then shifts to a contrasting experience. Constanza describes taking a group of girls in her care on a camping trip to a rural village near Santiago. In the night:

We made a campfire and sat around it, and one of the girls exclaimed, "Hey, aunt, how strange! I don't hear GOPE!" They exclaimed: "Nobody shouts, GOPE is coming! You don't hear anything! No screams, no bullets, you don't hear GOPE!". They were happy because they escaped it all for a while. It is so normalised, so internalised in their daily lives, that they miss it or find it strange not to hear it.

The omnipresence of police in La Legua transcends mere visibility. It permeates residents' daily lives of residents, shaping a pervasive sense of being surveilled, controlled and, ultimately, treated with contempt by the state. This perception stems from a fundamental paradox: whilst police patrols have become a constant fixture in the neighbourhood, a core function of democratic policing – safeguarding residents from violence – remains unfulfilled. Residents navigate the daily reality of gang-related shootings, yet the ever-present police apparatus appears more focused on controlling movement and exerting authority than ensuring safety. This dissonance fosters a sense of being singled out and subjected to constant scrutiny rather than being protected as citizens. The ineffectiveness of the police in addressing the root causes of insecurity raises questions about the alignment between deployed resources and the state's commitment to protecting disadvantaged groups. This may explain why, in making sense of police presence in La Legua, residents draw upon notions of inequality, to which we now turn.

The lens of inequality to make sense of police violence

Many interviewees interpret police actions (and inactions) in La Legua as manifestations of social inequality. Specifically, they connect these actions to the neighbourhood's socio-economic marginalisation. These reflections closely align with the previously described pattern of establishing symbolic borders, marking La Legua as a distinct and dangerous space. The key distinction lies in how the physical location – the neighbourhood itself – emerges as a crucial factor in people's understanding of police work. The focus here is on how interviewees interpret policing patterns in La Legua as a manifestation of socio-economic inequality.

Constanza contrasts her experiences with the police in La Legua with what she has observed in other areas of Santiago:

I am a person who moves around the city a lot, and when you go to the upper town, I have seen how they treat the people—saying "please", speaking kindly, cordially, maintaining respect. In contrast, they are very violent here because, for them, we are just drug dealers and shooters. We are all the same because we live in the same space.

In her view, police mistreatment stems from prejudices that lead to residents' stigmatisation, as they are perceived to be associated with criminal activities ('we are just drug dealers and shooters').

Fabián recalls multiple instances of mistreatment that, in his view, demonstrate discrimination. He recounts inviting a friend to La Legua. His friend 'was blond and light-eyed and lived in Vitacura [the richest municipality of Santiago]'. They were riding a motorcycle through La Legua when they encountered the police officers:

We saw a police car there at a fixed point and [that] some officers on motorcycles were following us. They stopped us shouting "Get down, motherfuckers". I was trying to calm them down the entire time because I didn't want my friend (pause) ... You know, the people from the upper town aren't used to that, so I didn't want something like what happened to me to happen to him, that he wet himself, or whatever. And the officer said to me: "Go on [to the track], get in and undress". And I told him, "Look mate, calm down, calm down, look, he's my friend, he's not from

here, I took him for a walk around the neighbourhood to show him my neighbourhood, and this is the first thing he saw”. And the officer looked at my friend, saw his light eyes, and said, “Oh yes, excuse me, we were looking for others who were on a motorcycle”. I think that's the only time an officer has ever been nice to me in La Legua because he saw my friend's blue eyes. Then we left, we got to the house and my friend said to me: “Hey, is it always like this here?”.

I asked him what he responded to his friend. 'Yes, of course, the police always treated us rudely', he said. He then recalled how he was riding his bicycle when a police car pursued him and began to shout because he had ridden across a pedestrian crossing. The officer 'insulted me, shouted profanities at me, and called me a motherfucker. He did not beat me, *he treated me as the police treat you here*' (Fabián, emphasis added).

For Ricardo, police mistreatment in La Legua is a straight manifestation of inequality:

I was working in a radio taxi when I was younger, and I realised that we lived in opposite worlds and the police acted according to the location. I worked in the upper town and I had acquaintance with some officers who were usually stationed there. They told us that if they saw an intoxicated adolescent driving a car, they would take him and drop him off at his house, giving the keys and the car to his parents. And here in my neighbourhood, it wasn't like that. They took you to jail, they took you to court, they confiscated your documents, and that's when I started to realise that they don't act the same way everywhere.

These quotes demonstrate that, for interviewees, there is an immediate link between police conduct and the disadvantaged position of the neighbourhood. Officers behave differently in wealthier and poorer neighbourhoods, and in the latter, the treatment is unanimously perceived as inferior. Discriminatory treatment is a well-documented finding in policing studies (Fassin, 2013; Weber, 2020). What is significant to observe here is how interviewees perceive discrimination and how they see policing practices as a reflect of their position within Chilean society. The mistreatment extends to how the police exercise their legal powers and fulfil their duties in La Legua. Diego affirms that:

I know that if they control me in the city centre, they will do it very differently from how they do it here. They will not shout to me, “Where do you come from, mother fucker?”.

Constanza echoes this sentiment when describing how they surveil the neighbourhood: :

They flew their helicopter here at midnight. One night, I woke up with the light, thinking, “how strange! This looks like an alien”. And then I realised that it was the Carabineros' helicopter. Why do they do this at midnight? Many people here study, many people work, and they cannot sleep because of the helicopter. This went on for a month, it was horrible; the helicopter would come and go.

Gabriela compares police behaviour in the neighbourhood with her experience meeting high-ranking officers at their headquarters. She recalls going with another community leader to discuss the neighbourhood situation: 'Both of us were camouflaged, nobody knew where we went'. The meeting, approximately a decade before this interview, included authorities from the Ministry of the Interior and senior officers. She stated that the meeting was futile because nothing changed in the neighbourhood, but she remembers how 'respectful the officers were'. She immediately contrasts this with her daily experiences within La Legua: 'Here, they treat us very rudely, but they do so only in the shantytowns because they know where they can do it. They do not do it in the uptown'.

. Interviewees' perceptions of differential police treatment inside and outside La Legua go beyond merely making sense of police services. By recognising and affirming that the police behave differently within the neighbourhood, people shape their relationships with the police and their willingness to resort to them when needed. I asked Ernesto if he would call the police, and he responded: :

Good question. You know, I have friends from outside who, whenever they hear you speak negatively about the police because of how you grew up, because of everything you've seen, they always say to me, "But if you have a problem, in a house, or anywhere, who are you going to call?" I think that if there is violence inside the neighbourhood, I wouldn't call the police, but if I experience violence outside, I would.

For Ernesto, calling the police from La Legua is a risk: 'You live with that fear that you never know what could happen to you'. Diego expresses a very similar opinion:

I think I would not call them because I have never felt safe doing so. Well, perhaps I would call them if something happened to me outside La Legua. But if something happened to me here in La Legua, the last thing I would do would be to call the cops.

Why do interviewees perceive calling the police as a risk? According to Pablo: 'People who call the police are labelled as snitches, and many residents have been forced to leave the neighbourhood after being targeted for calling the police'. Research on unfair policing practices has extensively explored the concept of 'snitching' in marginalised communities, explaining why residents are often reluctant to engage with the police (Rios, 2011; Kirk & Papachristos, 2011; Clampet-Lundquist et al., 2015). In La Legua, the fear of repercussions from drug traffickers for calling the police deters residents from seeking help. This apprehension raises a crucial question: whom do interviewees perceive the police are protecting in the neighbourhood? The next pattern I analyse partly addresses this question.

Violence, ineffectiveness, corruption

Most interviewees emphasise that they would not call the police from within La Legua because, as Tomás explains, drug traffickers 'are going to find out who is calling'. Diego wonders:

I have thought of calling the police multiple times to report those who sell and traffic drugs; we know who they are, where they live, of course. But what if something happens to me afterwards? Because they [traffickers] will know who called the police, and they can hurt me then.

Other empirical studies in the neighbourhood have reported a similar conclusion: people point to the existence of 'corruption networks' between the police and drug traffickers (Flores, 2022, p. 72; Muñoz, 2021, p. 81; Álvarez, 2010, p. 213; Manzano, 2009, p. 216; Sánchez, 2019, p. 70). Significantly, none of the interviewees make accusations against specific officers. They do not point fingers at any individual within the police force. However, a recurring theme emerged: research participants perceive a general connection between traffickers and officers. This perception ultimately renders the police presence ineffective and even detrimental to the community they are meant to protect. Constanza affirms that:

I have seen police officers who go looking for backpacks with money to take away. This is well-known; it has been demonstrated that there is corruption in La Legua with the police. That's why sometimes they change them, and the police rotate.

Similarly, Tomás reflects: 'You see a GOPE car outside a house where you know they traffic drugs, and they are parked outside. They go into the house, come out and leave'.

For Pablo, 'everyone here knows that they are on the take. If you sell drugs here, the cops come and say to you, "alright, we'll do nothing to you, but you have to pay us"'. For the interviewees, these connections make police presence in the neighbourhood useless and even damaging because the police will not protect people from the same traffickers with whom they are associated. These links would also explain why, after more than twenty years of state programmes, drug violence has not diminished: 'The cops cover for the traffickers, they protect them, so I don't know what the Intervention means; in the end, cops are involved in the drug traffic', affirms Ernesto.

According to most interviewees, connections between officers and traffickers result in police protecting traffickers' economic activity whilst remaining passive to traffickers' violence. Ultimately, this renders police presence ineffective, as many interviewees assert. There is a widespread perception that the police are ineffective. Ricardo describes the situation: 'The [Carabineros's] van is parked with ten, twelve officers, and I don't see them doing anything productive'. Similarly, Cristina recalls approaching the officers to ask them to intervene during gunfire and receiving a curt 'go home, madam, let them kill each other' as a response. Therefore, she wonders: 'Why do they come here? Only to sleep and chat because that is what they do the whole day, sleeping and chatting'. Tomás remembers a similar experience:

A shooting began, and a lady approached the Carabineros' van asking them to do something to stop the shootings, and they responded: "Let them all die". We started laughing, saying amongst ourselves, "These sons of bitches, how can they answer like that?"

Ernesto recalls from his childhood:

I often saw the cops outside the school while the traffickers were shooting, and they didn't do anything. It was a van or a bus with lots of cops, all of them with large visible weapons. You thought they were going to take you home, they were going to look after you, they were going to escort you. Nothing. They just stayed there until the change of shift.

Teresa expresses a similar opinion:

Carabineros' actions are laughable. They don't do anything; they drive the car, but they just pass by. Once, an officer came and asked me: "Why do people here disrespect us?" And I said to him, "because you disrespected us first. You mock us, driving the car, looking at us, and doing absolutely nothing".

However, police ineffectiveness is not necessarily associated with inaction. Ernesto recalls that, whilst he was expecting protection, officers would typically take him and his companions to a passageway to 'check' them, forcing them to undress and subjecting them to full body searches.

Interviewees consistently report experiencing ongoing behavioural control by officers, primarily through frequent stops and searches. As previously discussed, this is exemplified by the repeated control of residents at the neighbourhood's entry points. Pablo illustrates this experience, highlighting the frequency with which he has been personally stopped:

They stop you, I don't know, three times in the afternoon. People get angry and say "fuck, you have stopped me three times". Then comes the shift change, and they do the same thing, and they stop you again.

Constanza recalls an incident whilst leading children's activities in one of La Legua Emergencia's alleyways. The group was using a small space in the middle of the alley when officers drove past slowly. 'They were only going slowly to be spiteful,' she explains, 'because we were just using a very small space, and they were just kids!'. For her, this incident exemplifies how power is displayed for its own sake, coupled with the wasted time and energy such operations represent. Ernesto remembers an occasion when he and his friend

went to buy materials they needed for school and encountered police officers, an episode he describes as the 'most violent I have ever experienced with cops'. He recounts it as follows:

The man grabbed me between my trousers and squeezed my testicles. He crushed them in such a painful way, I don't know, to check if I had anything, I don't know, they crushed me, and then they just left me lying there.

He not only remembers the physical violence of the episode but also recalls feeling:

Totally powerless when I went to the police station to ask for an explanation. They denied everything, so, of course, I wanted to insult them, to tell them they were liars because I was just a kid anyway, and they denied everything.

Fabián points out that one of his first life memories ('I swear to you, I have tried to identify my first memories, and I find this') is 'seeing a police officer pressing my neighbour's head against the floor'. He continues:

I went to look, like any curious child who wishes to understand what is happening. And one officer saw me looking at the situation and shouted at me, "Go into your house, you little bastard, or we'll catch you too". I was four years old.

These episodes of police violence highlight a central and enduring tension within state intervention in La Legua: a policy supposedly designed and implemented to safeguard residents from violence itself perpetuates a form of sustained violence. In doing so, the police transform from protectors into a source of threat for the very people they are meant to serve. As Constanza poignantly describes, 'The police make me feel insecure. They are frightening because of their arrogance, how they look at you, and how they treat you.' This is not the action of isolated officers but a sustained pattern, with the intervention itself used to justify these actions.

Ernesto recounted an experience where he and a friend were forced to undress by police. When he questioned the officers' actions, their response was, 'La Legua is under intervention.' Other research in the neighbourhood has documented similar findings, with officers invoking the intervention as justification for abusive behaviour, such as forcing people to undress and touch their genitals (Álvarez, 2010). The systematic nature of this

pattern, coupled with the officers' attempts to justify it using the intervention itself, ultimately leads interviewees to perceive the police as a threat rather than protection from the serious threat posed by drug gang violence. Fabián articulates this sentiment clearly: 'Police subject us to a double violence. We live under the violence of drug-trafficking gangs, on the one hand, and under the threat of police violence, on the other'.

Conclusion

In this chapter, I have examined the policing patterns in La Legua, the first neighbourhood targeted by the Chilean state's intervention to curb drug violence. Residents in La Legua have endured intensive police control for over two decades. I have begun by tracing La Legua's historical marginalisation, a feature that has persisted for over a century. Examining this history has been crucial to argue that the police response is an element within a larger structure of social inequality. In other words, the historical analysis has suggested that understanding the policing of La Legua necessitates understanding the socio-economic context surrounding the state intervention.

In the second half of the chapter, I have presented interviewees' lived experiences of policing in La Legua. Through extended quotes, I have showcased their perspectives, experiences and judgements, aiming to capture their nuances and thought processes. Interviews began by exploring the neighbourhood's safety landscape – how participants perceive their personal safety and the main threats they face. Notably, interviewees have consistently identified gun violence as the singular threat to their safety. The pervasiveness of shootings manifests as a form of private violence, subjugating residents by hindering their daily lives and preventing a sense of ease within their environment (Bradford et al., 2023; Loader & Walker, 2007). Significantly, respondents identify these shootings—rather than conventional crimes like robbery or assault—as their sole security concern. Gabriela's

statement encapsulates this contrast: 'La Legua would be the best place in the world if it weren't for the shootings'.

Highlighting this specific safety landscape . provides more than just a thick description of the area, though that remains important. My primary interest has been in revealing how this situation shapes interviewees' expectations of the police. From their perspective, the police mandate in La Legua appears to be singular and unequivocal: to reduce the threat of gun violence, a threat that residents themselves are not equipped to handle.

I have also demonstrated how the police are embedded within the daily experience of democracy. As I have shown, the police act as signifiers of the respondents' belonging to Chilean society. They mediate residents' sense of place and reinforce their position within an unequal social order. Police behaviours, such as the stops and searches at neighbourhood boundaries and their heavy armament, have contributed to the feeling of being treated differently, as a potential threat requiring control rather than as people deserving protection. The police have exacerbated residents' disadvantaged position by denying them the basic protection they deserve as members of the political community and also by deploying state power against them.

Despite patterns of mistreatment, discrimination and violence becoming commonplace, residents' expectations of the police persist—a paradox that I consider crucial for theorising the role of policing within a democracy. Understanding why these expectations endure, despite consistent disappointment, is critical for determining whether the police can have a rightful place in a democratic society. I will revisit these reflections in Chapter 9. Let us now turn to another marginalised neighbourhood with contrasting patterns of policing to see what further insights we can glean about democratic policing.

CHAPTER 8. Policing El Castillo: underenforcement and marginalisation

Introduction

In this chapter, I examine the lived experiences of policing among residents in El Castillo, a marginalised neighbourhood in Santiago. Like La Legua, El Castillo has been the target of state intervention programmes to improve residents' safety and living conditions (Luneke & Varela, 2020). However, while these programmes share the broad objective of 're-establishing the state's presence' in the neighbourhood (Chamber of Deputies, 2017), their approach differs markedly from La Legua's case. Rather than implementing permanent police presence and intensive surveillance, El Castillo's intervention takes a different form. Nevertheless, the programmes still incorporate a 'police pillar', assigning a pivotal role to the Carabineros in disrupting local drug markets and undertaking preventive work.

Both neighbourhoods share crucial contextual similarities: they experience high rates of social marginalisation and similar patterns of urban violence, primarily manifested through gunshots linked to drug trafficking activity. These shared characteristics, alongside the contrasting patterns of police presence, make them a compelling comparative case study. I explore whether residents' experiences with the police differ substantially between La Legua and El Castillo and, given the prevalence of gun violence, whether residents hold similar expectations of the police.

I contend that understanding peoples' expectations of and experiences with the police is essential for developing normative frameworks concerning the role of police within democratic regimes. As with La Legua, to fully understand the meaning of police work for El Castillo's residents and their expectations of the police, it is crucial to have a clear picture of their social position within Chilean society. Throughout this chapter, I shall demonstrate that

respondents interpret their experiences with Carabineros through the lens of their neighbourhood's social marginalisation.

I begin by tracing El Castillo's historical development, which is inextricably linked to Chile's political trajectory over the past five decades. El Castillo emerged from the dictatorship's urban redesign project—a response to marginalised groups' political activism during the 1960s and early 1970s. Understanding this broader societal context is essential to comprehending El Castillo's history and current situation.

I then examine the state programmes implemented in the neighbourhood, which have given Carabineros a central role in curtailing drug-related violence. Subsequently, I explore residents' perceptions of daily life, focusing on their primary safety concern: gun violence associated with drug-trafficking gangs. These gunshots represent a form of private violence that subjugates residents by restricting their mobility and undermining their sense of safety, as they can erupt anywhere and at any time, disrupting even the most routine activities.

I demonstrate how the ever-present threat of gun violence shapes residents' expectations of the police, which I examine alongside their lived experiences that have largely fallen short of these expectations. As observed in La Legua, police practices can perpetuate social inequality through discriminatory treatment stemming from residents' disadvantaged position within Chilean society. However, policing patterns in El Castillo differ markedly: rather than maintaining a permanent presence, police responses are intermittent and arbitrary, occurring in ways that residents find difficult to understand. According to interviewees, these responses consistently fail to address their most pressing needs for police protection.

I then analyse that, despite the different patterns, police responses in El Castillo convey similar messages to those in La Legua: they both manifest and reinforce existing

social inequalities. Through these practices, the police erode the tenets of democratic equality by deepening existing social hierarchies. I explore how residents make sense of these responses, examining the crucial role they attribute to perceived collusion between police officers and drug traffickers. As in La Legua, participants do not identify specific officers or episodes but affirm that agreements between officers and drug traffickers explain the inadequate police response to severe threats.

I conclude by analysing residents' expectations of the police, which, remarkably, persist despite consistent disappointment in police performance. I will revisit these expectations in Chapter 9, examining how they can ground a framework for limiting police power and redirecting the police mission towards curbing the forms of private violence that subjugate marginalised people. Through this analysis, I explore how policing could better align to build a more democratic and egalitarian society.

Historical background

Poor people's settlement during the twentieth century

When the coup d'état occurred, the municipality of La Pintana, where El Castillo is situated, did not exist. Its lands were predominantly rural, and the people who now dwell in El Castillo lived dispersed throughout the city. What we now recognise as El Castillo was established at the beginning of the 1980s when the dictatorship implemented 'displacement and settlement policies' (Morales & Rojas, 1986, p. 11).

During the second half of the 1970s, the dictatorship began implementing radically transformative housing policies that aligned with its neoliberal agenda, reshaping the city's residential patterns (Celedon Forster, 2019). These policies aimed to transform the city by segregating wealthy neighbourhoods from the poorest ones. The dictatorship established 'socially homogeneous' municipalities by creating new administrative units capable of

responding to clearly identifiable social problems (Rojas & Morales, 1986, p. 22). For the regime's opponents, this measure constituted an 'apartheid' that segregated the city, evidenced by the dozens of army trucks that transported people across Santiago (Leyton, 2015)

This operation was the dictatorship's response to Santiago's urban development during the twentieth century. Until the democratic rupture in 1973, poor people's settlements had multiplied through the rapid growth of mushroom-like shantytowns and land seizures across the city (De Ramón, 1990, 2000; Murphy, 2014). In the wake of these movements, organisations representing the urban poor proliferated, demanding their 'right to housing' (Garcés, 2002). These organisations became some of the most active and significant political actors from the 1950s onwards. In 1957, a group of *pobladores* (shantytown residents) seized land in the Southern part of the city in an episode known as *La Toma de la Victoria* (Victory's Land Occupation) (Espinoza, 1988). This episode not only constituted the country's first land seizure but was also considered the first organised land occupation. Therefore, the *pobladores* were regarded as a highly politicized group that 'became a valuable constituency for leftist political parties' (Abufhele, 2018, p. 109).

In 1964, Christian Democrat candidate Eduardo Frei Montalva won the presidential election. Frei's government was heavily influenced by the 'marginality school', which advocated mobilising and integrating working-class sectors to achieve national development (Murphy, 2014, pp. 69-75). Upon assuming power, he implemented an ambitious programme to 'provide housing for the urban poor and transform them into homeowners' (*Id.*). Frei's programme echoed the demands of the urban poor organisations. Furthermore, addressing the housing issue served as a means to weaken Marxist influence among this key demographic, a crucial objective of the Christian Democrat project.

Frei 'promised to resolve the housing crisis' by constructing an unprecedented number of new housing units – 360,000 – during his six-year term. He also reformed public institutions by establishing the Ministry of Housing and Urban Development. At that time, tackling the housing shortage was a primary political concern. However, the government's results proved disappointing. They prioritised building middle-class housing projects whilst the number of poor people migrating to Santiago from rural areas rose steadily. Consequently, 'housing became scarcer and as more of it was developed for middle- and upper-income sectors, it became considerably more expensive' (Murphy, 2014, p. 78). By the end of Frei's administration in 1970, the housing deficit had become more acute, reaching 585,000 units.

One consequence of these trends was the surge in land seizures. Urban poor movements demonstrated vibrant activity, actively demanding settlements that offered more than the 'appalling living conditions' typically depicted in media reports and official discourse of the era (Murphy, 2014). Land seizures skyrocketed from 8 in 1968 to 215 in 1970 (Hidalgo, 2005, p. 318), fuelled by the emergence of leftist activist groups like the Movement of the Revolutionary Left (MIR).

Salvador Allende, who succeeded Frei after winning the elections in 1970 (see Chapter 4), aimed to address Chile's housing deficit by constructing approximately 100,000 units annually throughout his planned six-year term. However, he only managed to initiate construction on 102,000 units, of which approximately 57,000 were completed by the time of the coup in 1973 (Hidalgo, 2005, p. 334). Notably, land seizures continued to rise during Allende's three years in office (1970-1973).

The significant increase in land seizures during Allende's administration coincided with the widespread adoption of a new term to describe them: *campamentos* (camps). This

term was particularly prevalent in seizures promoted by leftist political organisations. The emerging Movement of the Revolutionary Left (MIR) actively encouraged and organised many of these camps, arguing that they represented a means of exercising and demanding fundamental political rights. The camps' resemblance to military outposts is striking: 'a quasi-military internal organisation and disciplined residents were necessary to protect the occupation from police forces, meet basic needs, and initiate negotiations with authorities' (Abufhele, 2018, p. 111).

The housing crisis loomed large in Chile when the coup d'état shattered life on 11 September 1973. Thousands lacked adequate housing, and informal settlements were scattered throughout the city. The dictatorship swiftly targeted these squatter settlements. Firstly, they reframed the housing issue, depoliticising it. They no longer considered it a 'right to be politically demanded' but rather an issue of poverty and marginalisation (Abufhele, 2023). Secondly, owing to the progressive politicisation of these settlements during the final years of democracy, the dictatorship cracked down on them, particularly those with a history of political activism (Murphy, 2014; Abufhele, 2018).

The creation of El Castillo in the context of the neoliberal city

A profound transformation of the city accompanied the repression of poor people's settlements. 'Campamentos were dealt with as political and social organisations to be dismantled and their residents to be relocated from wealthy neighbourhoods to peripheral areas' (Abufhele, 2018, p. 115). In 1976, the dictatorship launched the first relocation programme, the 'Confraternity Operation' that displaced poor people from the city centre to its periphery, where land prices were lower (Celedón Forster, 2019). Some studies have indicated that these displacements were 'directly formulated against the camps', aiming to liquidate 'all forms of organisation' (Palma, 2019).

The Confraternity Operation found a larger and more formalised continuation with the 'National Policy of Urban Development' launched in 1979. The policy rested on the premise that 'land use is always defined by its higher profitability' (Morales & Rojas, 1986, p. 18). This resulted in a highly segregated urban design, as the poorest populations were forcibly displaced from their settlements and resettled in new locations, many of which were formerly rural areas, effectively expanding the city limits.

Around the same time, in 1981, the dictatorship enacted a Law Decree that determined the 'limits of the Metropolitan Region of Santiago,' formally incorporating the former rural areas where the poor population now resided. This new administrative division relied on creating small, homogeneous municipalities. Among these new municipalities was La Pintana, a rural zone south of the city, approximately 18 kilometres from the *Plaza de Armas* (Main Square). It became 'the destination for most displaced families' in the southern city. The emerging La Pintana counted 79,000 inhabitants in 1982, whilst two years later, in 1984, it skyrocketed to 148,710, a growth of 80% (Morales & Rojas, 1986). One of the zones in La Pintana where the displaced people settled was 'El Castillo,' where approximately 31,000 people (5,969 families) arrived (Cornejo, 2012, p. 187).

Living conditions in La Pintana were harsh. Upon arrival, most people 'found a site demarcated with lime where only the basic sanitary unit had been built' (Álvarez & Cavieres, 2016, p. 181). This 18-square-metre unit housed both the toilet and the kitchen. Most families embarked on self-construction projects to expand their living spaces. These early years were 'characterised by widespread unemployment and a whole range of social problems, which gave rise to a series of survival strategies', such as female prostitution and the proliferation of small neighbourhood shops (ibid.).

Furthermore, alongside material precariousness, social and community structures were significantly fragile. People who came to La Pintana did not know each other, and consequently, mutual trust and communal bonds were weak. As Morales and Rojas observed, people:

Left behind socially recognised spaces, where community relations were generated and developed based on similar interests, origin and spatial continuity, to be relocated to peripheral spaces, being disconnected from the historically more structured population sectors and therefore with a high level of participation in their organisation (Morales & Rojas, *op. cit.*, p. 53).

The weakness of social bonds and the lack of belonging constituted a fundamental difference with La Legua, where there was a tradition of communal struggles and grassroots organisation. As we shall see below, the memories of these first years remain vivid.

State intervention, failed responses

Recent history of El Castillo and the background of the intervention

The history of El Castillo, as outlined thus far, holds significance in understanding why the state has decided to intervene in it. Amparo, a woman approaching her seventies, arrived in El Castillo amongst the first groups displaced from other parts of the city. She has vivid memories of that time:

I came from Las Condes.⁵⁶ I lived close to the Military School. Now, all there are military facilities. We have been here for 40 years. It was complicated for us to adapt because there was nothing here when we arrived: no business, no telephone, nothing. It was hard for us to adapt. We had to go through the whole centre to get to Las Condes, where I worked.

For her, 'things are now much better'. Upon arriving at El Castillo, she recalls taking the bus to her workplace, which took almost three hours. Amongst the improvements in the neighbourhood, she highlights the presence of more amenities and better material infrastructure. Enrique, a sixty-six-year-old who arrived in the neighbourhood twenty years

⁵⁶ 'Las Condes' is one of the three wealthiest municipalities in Santiago, in the northeast of the city, close to the Andean mountains.

ago, identifies street paving and the opening of new streets that have improved neighbourhood connectivity as significant progress. As a community leader, he interacts with numerous people. From this perspective, he remarks: 'When you speak with the old-timers, you immediately notice deep suffering due to the displacement. They immediately bring it up and discuss what that process meant for them'.

The re-establishment of democracy in 1990 ushered in a new era for the country, with El Castillo sharing this change. According to the leader of a civil society organisation who has worked in El Castillo for three decades, there has been a 'general improvement in urbanisation and connectivity conditions in the area' (quoted in Álvarez & Cavieres, *op. cit.*, p. 162). However, 'this did not translate into an improvement in other areas, such as employment opportunities or higher household incomes'. In making this point, the authors highlight an aspect that characterises the trajectory of La Pintana during the democratic transition: investment in physical infrastructure significantly outpaced investment in institutional improvements and people's well-being.

This investment disparity reveals one of the main continuities in El Castillo's history: its trajectory has been marked by material poverty, a lack of opportunities, and profound marginalisation from the country's macroeconomic success. Today, according to official instruments, La Pintana is the 'most vulnerable' municipality in Santiago (MDS, 2022). Within La Pintana, El Castillo has the highest poverty rate (Cornejo, 2012, pp. 186-187), as well as 'low levels of schooling, overcrowding, low job skills and high susceptibility in the labour market' (Palma, 2019, p. 272). Material exclusion also has a subjective dimension.. As Enrique observes:

In the schools here, students quickly learn to put a different address on their CVs. They know that if they put "La Pintana", they will have fewer opportunities, so they put "La Florida" or other nearby municipalities.

Within this reality of exclusion and stigmatisation, one lucrative business has emerged in the neighbourhood. As in the case of La Legua and many other urban shantytowns in Santiago, Chile, and South America, drug trafficking has occupied the territory. Drug sales and consumption have brought about considerable interpersonal violence, one of the neighbourhood's defining characteristics. As Álvarez and Cavieres mention, 'the massive introduction of drug use and trafficking (...) has had a strong impact on the area's social dynamics'. For most of the people they interviewed, it is 'the main cause of the social deterioration of the area' (Álvarez & Cavieres, 2016, p. 164). It has also led to an intensification of violence, as in most of the marginalised urban neighbourhoods throughout Latin America (Hernández-García & Salgado-Ramírez, 2022).

The state has implemented programmes to tackle these two phenomena, as they would encompass measures to address both the neighbourhood's social problems and security threats. For the former, state programmes would include urban regeneration and improvements to public infrastructure and connectivity. To tackle violence, the programmes included multiagency cooperation and coordination from the public prosecution office (Luneke & Varela, 2020, p. 58). As one political authority declared before the Chamber of Deputies, the intervention aimed to 'reestablish the presence of the State, improve living conditions and create a safe environment' (Chamber of Deputies, 2017, p. 24).

Public information regarding the plan, its stages and associated budget is scarce. Consequently, tracing the trajectory of the intervention in El Castillo is difficult. The changes in the official denominations and the lack of clarity regarding the institution responsible for the programme make it challenging to elucidate its scope. In November 2022, I requested information about the plans from the Ministry of Interior and Public Safety. The response

stated that the information regarding interventions was classified as secret because its publicity would affect 'the due fulfilment' of the Ministry's functions and 'national security'.⁵⁷

However, upon reviewing various official documents, we can conclude that the intervention has been in place since at least 2017. That year, the National Director of Order and Security in Carabineros explained that Carabineros participated in the intervention of 'critical neighbourhoods'. Among the 12 neighbourhoods in Chile that received 'permanent or targeted police intervention' was El Castillo. In numerous sections of the Chamber of Deputies report, 'El Castillo' is mentioned as one of the four urban neighbourhoods in the Metropolitan Region targeted for state intervention. A resolution by the Ministry of Interior in 2019 drew conclusions about the intervention in 'four neighbourhoods' in Santiago, enabling us to confirm that El Castillo was among them.

According to this document, the intervention directed at 'Priority Neighbourhoods' included a 'police pillar' that would disrupt the 'local drug market' and 'control and restrict access to firearms', whilst dismantling the presence of criminal organisations through preventive, control and investigative strategies. Carabineros would be responsible for the 'preventive dimension' to ensure 'permanent minimum safety conditions in the neighbourhood' (Ministry of Interior, 2019).

The objective of this work is not to evaluate the intervention, as that would constitute an entirely different project. Nevertheless, certain observations about its effectiveness warrant discussion. In social and economic terms, living conditions remain extremely difficult for El Castillo's inhabitants. The intervention has not improved opportunities for residents. Regarding safety, the situation has not been ameliorated; indeed, respondents perceive that

⁵⁷ E-mail received from the Undersecretariat of Crime Prevention on 27 December 2022, in response to my public information request on 28 November 2022. I have attached the request and the response in appendix 2, translated by myself.

drug-related violence has either persisted or intensified. I shall now examine how residents perceive the intervention in their neighbourhood.

Some views of everyday life in El Castillo

Julián, a 25-year-old man who has lived his entire life in El Castillo, spontaneously contrasts how he perceives life in El Castillo with how the media portrays it. According to him, news outlets consistently describe El Castillo as 'bad' and 'dangerous' but conceal 'what really happens' in the neighbourhood. He emphasises that 'People help each other; take care of others [...] if someone needs money for healthcare, the neighbours organise a bingo and help the person collect the money. There is a lot of comradeship and solidarity here'. Daniel, a man of similar age who also grew up in the shantytown, states that in El Castillo, 'It's not all drugs, it's not all alcohol, it's not all violence [...] if I need help for, let's say, a member of my family is sick, I know that my neighbours will help me, and this is one of the main characteristics of El Castillo, that every time someone needs help the neighbours are ready to do it'.

Francisco, a man in his forties who grew up and lives in El Castillo, recalls how vital his neighbours were in his upbringing, caring for him many days after school. Elena, a 54-year-old woman who has lived in El Castillo for 'almost forty-five years', emphasises that 'people are very close-knit; when I walk down the street, everyone greets me'. She highlights that 'the women are the closest-knit, they are warriors [...] for example, during the pandemic, they raised the 'common pots'.

Fernanda, a 37-year-old mother of three, mentions the 'solidarity amongst neighbours' as one of the traits of local life. She recalls, 'Recently, there was a fire here in the neighbourhood, and nobody came. It was extinguished by the neighbours themselves, who came together to put out the fire'. When describing life's 'positive' characteristics in El

Castillo, interviewees immediately contrast them with typical media portrayals. Like Julián, Antonia, a woman in her thirties, points out that the 'neighbourhood is not as the media describe. My family don't want to come here because they are frightened by what they see in the news, but I tell them that life is not as the news portrays [...] people are mostly good people. Of 100%, I'd say that 80% work and 20% are involved in crime'.

People tend to agree that gunfire poses the most significant threat to their safety within the neighbourhood. Tamara, a woman in her forties who has lived in El Castillo for more than two decades, affirms that 'before you would hear gunshots from time to time, but now this seems like a war [...] this does not happen every day, but it comes at the most unexpected moment, and it is gunshots and gunshots'. Amparo conveys a similar experience when she stresses that she is afraid on the second floor of her house because:

The gunshots begin, and we are very unsafe here. I have a six-year-old granddaughter, and we have to move her to the ground floor when the shootings start because you don't know when a bullet might come into your house.

As in La Legua, long-term residents distinguish between 'old' forms of violence, characterised by interpersonal encounters and the use of knives, and 'new' or more recent forms of violence manifested through gunfire. Francisco remembers witnessing many fights during his childhood, all involving two or three people. He recalls that the fighters often shook hands afterwards, even if the fight had been ferocious. Now, he reflects, circumstances are different. 'They begin to fight and shoot, so you don't know if a bullet will reach you. You can't know'. Fernanda shares a similar perspective when comparing her childhood with her daughter's: 'When I was a child, we played in the street all day. That is no longer possible; a bullet might hit them [her children]'.

Setting the scene: Drug gangs' violence as a safety threat

As mentioned in Chapter 2, I had not visited El Castillo before beginning my doctorate. When I commenced my fieldwork interviews, I was struck by how similar the descriptions of safety threats were between El Castillo and La Legua. In both neighbourhoods, residents identified gunfire as disrupting their daily lives.

For interviewees, gunfire is intrinsically linked to drug trafficking. Tamara suggests shootings occur when one gang attempts to seize another's drugs. Antonia, however, views them as displays of gang power. Shooting into the air 'shows your power and willingness to use it if necessary'. She even asserts that some people post pictures of their weapons on social media platforms, such as WhatsApp status updates.

These shootings represent the primary safety threat within the neighbourhood, as commented by every interviewee. Like La Legua, respondents comment that they have adapted their daily routines to avoid the risks of gunfire. We recently examined Fernanda's case, who no longer allows her young daughter to play freely in the street. Francisco has made a similar decision: his teenage children can only play on the street under his supervision, unlike the freedom he experienced in his childhood. Antonia, a mother of a four-year-old girl, expressed astonishment that her daughter is unafraid of bullets, having learned to go downstairs whenever gunfire erupts. Conversely, Fernanda states that her nine-year-old daughter has developed severe anxiety due to the shootings. Both testimonies illustrate how even children have adapted to living with gun violence.

Fabiola, a 25-year-old woman who lives and works in the neighbourhood leading groups of children, recalls that once, whilst they were celebrating Children's Day, a man approached the group and began shooting. Immediately:

The children reacted by saying, "Everyone to the ground!" and throwing themselves down. It was particularly significant because we realised how deeply ingrained this experience of violence is for the children, and how they have developed a protocol for action.

When discussing safety within the neighbourhood, nearly every interviewee emphasises the distinction they perceive between familiar and unfamiliar areas. Amparo confirms she feels safe 'in her environment'. When asked to clarify this, she replied, 'My street. The street where I live'. Fabiola expresses a similar sentiment: she feels 'completely safe in my sector, the part of the neighbourhood I regularly frequent'. Conversely, she recalls that 'if I need to go to other sectors with more fights or shootings, well, I try to avoid them'. For Tamara, the weekly street market feels safe because she visits it regularly and recognises many people. This phenomenon indicates severe fragmentation of security, where only specific areas within the neighbourhood are perceived as safe. Interviewees connect the feeling of security to familiarity with people in a space. They only feel secure when surrounded by familiar faces. These accounts reference very limited spaces within the neighbourhood, either the participants' own streets or areas they frequent regularly, like the weekly street market.

It is noteworthy how differently men perceive safety within the neighbourhood. Whilst they also identify familiarity with people as the primary security source, they navigate a broader area, encompassing most of the neighbourhood except specific locations. Daniel explains, 'I'm not afraid to walk here in the shantytown at two or three in the morning, but if someone unfamiliar comes along, I'd immediately tell them not to walk here alone'. Julián expresses a similar sentiment: 'I feel very safe here because I know many people. So, if I walk alone at night, I greet everyone'. Francisco even marks the boundary beyond which they no longer feel safe: 'I know I can go as far as Bus Stop 30, but beyond that, I don't know what could happen because I don't know anyone'. Thus, the shantytown appears less hostile to men, allowing them to have free movement within areas where they have social connections. This defines the boundaries between safe and unsafe spaces.

Research in everyday security studies has recently drawn attention to space as a crucial factor in the production of security (Crawford & Hutchinson, 2016; Nyman, 2021).

These studies emphasise the significance of 'mundane locations' (Nyman, 2021, p. 317), where ordinary life unfolds, as producers of in/security. Following insights from feminist scholarship, this approach advocates looking beyond the distinction between private and public spaces, recognising that all spaces are sites where security struggles occur. The interviewees' perceptions reflect these insights by demonstrating how different spaces within the neighbourhood carry varying implications for security production (or erosion). However, this extends beyond mere physical locations. Rather, it concerns the familiar presence of others in different spaces. The interviewees broadly concur that they feel safe in areas where they recognise people.

The lived experience of police intervention

Daily expectations over police responses

Participants regard gunfire as the primary safety threat within the neighbourhood. Faced with these threats, they hold certain expectations about how police forces might address or at least mitigate them. Initially, police appear equipped to manage this threat. Fabiola notes that 'sometimes when there are shootings, when gangs are fighting, and there are children present, you need someone to come and calm things down'. However, as she immediately adds, the police 'never appear'. For Elena, one of the main challenges in the neighbourhood is the shortage of police officers: 'There is a lack of police here. You see a van with two officers because the other two stay in the office [...]. I think there are too few here for El Castillo'.

Similar to La Legua, residents conceive a limited but crucial role for the police in providing safety, primarily related to curtailing gunfire. When asked what makes them feel safe within the neighbourhood, interviewees unanimously indicated that knowing people makes them feel 'in their environment'. As previously noted, this has geographic variations for men and women, but they share the fundamental view that familiarity with those around

them is a source of safety. However, this proves insufficient to curtail the threat posed by gunfire. For residents, this represents a threat that only the police can address.

Residents also turn to the police when confronting other forms of violence they are ill-equipped to tackle, such as domestic violence. Tamara, who has lived in the neighbourhood for over twenty years, states it clearly: 'In my neighbours' house, the husband beats his wife. We have called the Carabineros to come and see her, and they don't come, just like that, they don't come, so that creates more insecurity'. Julián, a man in his twenties, makes a similar point:

Even in simple cases such as domestic violence, they [the police] don't help people. When you call them for a domestic violence case, they come and judge the woman; they question her. "What were you doing!" and I don't know, in the end, people are left without solutions or answers; the guys are not a [source of] security.

These two testimonies highlight police ineffectiveness against a prevalent problem in the neighbourhood: domestic violence. Although their accounts differ, with one interviewee recalling police presence and the other their absence, they demonstrate a fundamental agreement: police do not resolve the issues for which residents call them.

Elena, a woman in her fifties, also cites domestic violence as a problem in the neighbourhood and describes Carabineros' response: 'They do not go when a husband beats his wife. They don't go because that's not the Carabineros' problem. But so I don't know whose problem it is'. Amparo provides a similar account: 'I have intervened in two marital conflicts. I have seen women lying on the floor, crying, completely blooded. And Carabineros does not come'. The perception of ineffectiveness, however, is not limited to domestic violence but extends to every instance where residents need police intervention. Fernanda emphasises:

Police officers do not come, do not patrol. They seem to be only for administrative stuff. When there are gunshots, you know by the 'Sosafe app' that someone called Carabineros, but they never come.

Elena recalls having called the police multiple times and received a response stating that the 'patrol is in police procedure'. 'Procedure', she repeats, 'there is one patrol, and it is always in the procedure'. This notion of police procedures also emerges in Antonia's account::

Once, I did an “experiment”. I heard many gunshots, and I called Carabineros, and the answer was that they couldn't come because they were doing a “procedure”, I don't know where. Every time you call Carabineros, they are in a “procedure”.

Police ineffectiveness becomes more evident when residents discuss gunfire. For Daniel:

When gangs start fighting and shooting from one side to another, they [the police] turn a deaf ear, and then they come one hour after the things happened because they aren't involved in these problems.

Similarly, Tamara states that, 'When there are shootings, the police do not come. Sometimes, maybe, only maybe, they come after all have finished, but usually, they do not come'. For Julián, 'they do nothing here. During the night, there are many gunshots, and nothing. They come for something extreme, I mean, after someone died. But they never come to resolve anything'.

Elena mentions the drug traffickers' funerals in the neighbourhood, where hundreds of bullets are fired, noting that Carabineros officers are absent on these occasions. For Fernanda, the unresponsiveness to serious threats residents face is particularly frustrating because it occurs even when police intervention is clearly feasible. She recalls one incident::

It was the summer; the police patrol was stationed here. A guy in a pickup truck drove by and started shooting with a machine gun. The officers did nothing; they just stood where they were; the people even began to mock them!

For El Castillo residents, contacting the police appears characterised by extended waiting periods. Amparo emphasises, 'You call them, and they come one hour later!' For Elena, response time is problematic, even in serious cases: 'If someone is stabbed here, and you call the police, they come with delay. I called them about family problems, and they took over two hours'. Daniel expresses a similar view, stating that 'when the police come, they come

two hours later, they fill the form and say goodbye, that's everything. What does this mean? This means that they do not care about people's problems'.

I lack evidence to compare whether these response times are longer than in other neighbourhoods. Unfortunately, no public data exists to compare police response times across different areas. However, what appears significant is that the experience of waiting is particularly perplexing for residents because they have witnessed different policing patterns within the neighbourhood. Previously, I discussed Antonia's experience of calling the police during a shooting incident and receiving the response that officers could not attend because they were engaged in a procedure. She compares that response to the occasions she has seen the police coming:

They never come! But if you put a bouncy castle on the street, and it obstructs traffic, then the Carabineros arrive very quickly. The situation is hilarious!

Q. Do they come because someone calls them?

Of course, because someone calls them or reports them on the app, they arrive immediately. They arrive immediately. Not even five minutes go by, and they come. However, if you call them to say that they are shooting, that there is a fight, or something serious, they don't arrive. And you know they're not going to come.'

This striking episode demonstrates that the police could respond, although they typically do not. Moreover, it is not only that the police respond, but they do so swiftly, as if addressing an emergency. What explains this pattern? Before answering this question, we should examine other police responses that appear contradictory to residents.

Fabiola expresses that she observes police officers in the neighbourhood, but their actions do not truly address the issues residents face:

What do they [the police] do? – laughter – too open-ended question. What do they do? - laughter - the big question we all ask ourselves. Here in the neighbourhood, from what I've seen, identity checks, going around, *one or two trumped-up raids* - laughs - because they always go to, not to the big fish as we would say, but to one side, and then they go back to the same place, and it works again.

Daniel shares a similar sense of bewilderment when recalling his repeated identity checks:

They controlled me a lot, and I told them, “Hey, it’s the third time in the month you are controlling me”. And they said that this was a routine task they should perform. But I said to them, “There are all these drug-addicted people consuming in the square, go there and do the controls; why are you controlling me?” And they did not say anything.

These testimonies mirror what we observed about La Legua in the previous chapter. They suggest that, although police do not provide solutions to residents, they maintain a presence in the area – the main difference from La Legua is that this presence is considerably less intense. Prowse and colleagues characterise these patterns as 'distorted responsiveness', where police are present but do not contribute to people's safety. Police can even be 'pervasively and menacingly active' regarding activities that seem peripheral to personal safety, 'and yet absent and unheeding in the kinds of situations anyone would think the police would be available to "protect and serve"' (Prowse et al., 2020, p. 1449). Residents make sense of the police's distorted responsiveness in El Castillo by drawing parallels with phenomena in La Legua: the existing links between officers and traffickers.

The relationships between police and drug traffickers

In Chapter 7, many interviewees understand police ineffectiveness through the connections between officers and traffickers. When reflecting on the bouncy castle incident mentioned above, Antonia states:

They know to whom they can do it. Because if the [drug] traffickers put bouncy castles, they do not come, although you have called them. My mom’s alleyway is seized by traffickers. They usually put games in the street, and I have never seen the police come to do anything.

According to Fabiola, "Officers are all bought, here it is a tremendous amount of corruption", a view that Julián corroborates by stating that: ‘They get by with the traffickers; they go around collecting monthly payments here in the village. They go hand in hand [with traffickers]. They take care of them; they are their bodyguards.’ For Amparo, although she shares this assessment, the reason for police inaction against drug trafficking remains unclear:

Each time police officers come to give us a talk [she refers to the seniors' club she participates], they ask us, do you know where drugs are sold? And I don't know why they ask this if they know it. The police know where they sell drugs and who the wholesalers are, so it's a foolish question. It's a foolish question because everyone knows, and they have received many denunciations about it. But they do not go, I don't know, maybe they are scared, I don't know.

Francisco shares a similar perspective when analysing police officers' activities in El Castillo:

I see officers in El Castillo, but they just chase people away because you see them, and they are controlling. They control the consumer, brother, never the seller, and everyone here knows who sells. They know where they sell, and they never bust anything. They go and, at most, they suddenly have one or two little things taken away from them.

Amparo states, 'If you report a person selling drugs, what happens? They pay ten, twenty thousand pesos⁵⁸ to the police officers, and that's all there is to it'. Elena recounts a similar experience:

Once, I was with my friend selling *Mote con Huesillo*,⁵⁹ and many cars passed. I told my friend, "Oh, I don't believe those cars are coming for bread" because they were costly cars, those with the rings [Audi], convertible cars. One car stopped close to us, and the man made a phone call. When finished, he said, "OK, guys, we are ready; we have a free pass. And suddenly, all the police vans vanished because there were some vans, but all vanished!

For Fabiola, the core issue lies in the relationship between police officers and traffickers, which renders police intervention futile:

There is an environment of distrust. If you call the police, you are a snitch; you are a coward. They don't protect your anonymity if you want to denounce anonymously. There is no solution for the real problems; they won't detain the 'big fishes'; they detain those drinking in the corner, those smoking pot, but there are much graver things that they should take charge of.

Antonia reinforces this idea by saying that 'you can't denounce because very soon the person you are denouncing knows immediately that you did it and even has the judicial file. I have seen that'. For Daniel, this is a widely recognised fact within the neighbourhood:

⁵⁸ 'Peso' is the Chilean currency. Approximately eight hundred pesos equals one dollar, so ten and twenty thousand pesos correspond to roughly 12 and 24 dollars, respectively.

⁵⁹ Mote con Huesillo translates approximately to 'peaches with wheat'. This drink consists of husked wheat (mote) and dried peaches (huesillo) soaked in sugar, water and cinnamon to create a sweet, non-alcoholic beverage. https://www.authenticfoodquest.com/6-famous-chilean-drinks/#1_Mote_con_Huesillo_%E2%80%93_Traditional_Chilean_Non-Alcoholic_Drink [Retrieved on July 20, 2023].

It even appeared in the news that some officers here were moved from this precinct because they colluded with the traffickers; they received money from them. The traffickers paid them, so they did not raid their houses.

Rather than pointing to individual accusations or specific corruption cases, these testimonies convey a pattern of police ineffectiveness stemming from the relationship between drug traffickers and police officers. Other studies have identified a similar pattern in El Castillo.

Palma quotes an El Castillo resident, according to whom:

They [Carabineros officers] should be there to protect, but they don't do it. I've seen carabineros here who shake hands with the traffickers. I don't trust the police in this municipality, in El Castillo; they don't give me security' (2019, p. 281).

This collusion ultimately prevents the police from effectively addressing drug trafficking and its impact on the neighbourhood. This situation mirrors what I observed in La Legua, as discussed above. The police, who should ostensibly protect residents from drug gang threats, instead collaborate with these criminal groups, leaving residents vulnerable. Such corrupt relationships undermine the police's fundamental mandate: to protect citizens from private forms of violence that subjugate them, disrupt their daily routines, and deprive them of a basic sense of security within their neighbourhood.

Police treatment in El Castillo

Another pattern interviewees convey is that police treatment is influenced by their place of residence. They describe it as distinctly different and more aggressive than in other areas.

According to Daniel, this discriminatory treatment extends to all shantytowns:

The police behave this way, I believe, because they come up with the idea that shantytowns are conflictive, so they have to impose their authority. In the 'upper neighbourhood of La Florida',⁶⁰ I know things are very different in how the police behave. And it is also very different in Las Condes. I think they behave in this way here because of the context and the social stigma that exists against shantytowns.

Fabiola describes police treatment in El Castillo as 'demeaning':

⁶⁰ 'La Florida' is a middle-class municipality in southern Santiago. It is the fourth most populated municipality in the city.

I think it is demeaning, and you can see how they talk and treat you; even when they have to arrest someone, they do it differently. More brutal, more violent, more authoritarian. It is like a despot; it is also more vulgar how they treat you, compared to a neighbourhood 'above' where they treat them [the residents] as if they were made of glass. As this is a peripheral sector, they attribute to themselves a certain power to treat you the way they want because, in the end, it is like your value is diminished by being from a certain sector compared to a much better-off sector. This is like saying that, as we are all poor, we are all delinquents, uneducated, so in the end they treat us as if our lives do not matter.

Francisco gives a similar description of police treatment: 'Here they come with their aggressive answers immediately. They come predisposed to treat you aggressively, to lord over you. When they asked about my documents here, they treated me that way'. In contrast, he recalls an occasion when police stopped him in 'Vitacura', the wealthiest municipality in the country. He was working there and went out with a colleague at lunchtime to smoke cannabis. They were walking down the street when police officers stopped them:

And we were wearing work clothes, very stained clothes. We told them, "Hey, we are young people, we are working, we are not disturbing anyone". But they said, "No, you can't smoke in the street", and took us to the precinct. My boss had to come to the precinct and talk with the officers, and then they released us after four hours or more. But all the time, they talked very respectfully, not as here. And, I don't know, man, they just controlled us, I guess because they realised that we were not from the neighbourhood. Why? I don't know; they stigmatise us'.

Daniel provides further descriptions when asked about police treatment in El Castillo. He says it is 'very rough, they act as bullies, arrogantly, to the point of denigrating you and mistreating you because you come from a shantytown'. Julián shares a similar perspective by linking police behaviour, their visual appearance, and their treatment of people to their location. In his words:

All the actions they do are violent. They don't think about the children, the little ones; do they think it is normal to see a person with a shotgun in their hands or a person with a rifle here in the shantytown?

He elaborates on the topic of police armament, noting that, for him, it has been a defining characteristic of El Castillo's policing. 'When I was a child, I saw them busting the houses, always with big rifles in their hands. That's violence, maybe indirect violence, but it is still

violent for a child to see that. From where I am, they have always busted houses'. He contrasts this with other parts of the city::

There are some municipalities where police look after the people, but here, you won't see that; you won't see the police look after someone here! Every time someone calls them because they see any threat, they are not interested! That happens in every periphery, in every shantytown, and there you see the classism; they see us in another way and bring that view from the institution. Prisons are not for everyone; prisons are for poor people.

According to Fabiola:

Carabineros is in a kind of power game in which they show you that they are the institution, they are the force so that they can do and undo. And that is playing with your dignity because you have to keep your head down because if you get a bit more defensive, unfortunately, the one who loses out is you, so it is like this kind of submission and keeping your head down because if not, it will be going to go badly for you.

All these testimonies demonstrate that police treatment is influenced by the location of these interactions. Being in a marginalised shantytown appears to sanction officers to behave in ways they wouldn't elsewhere. This perception of police treatment complements the observations about their effectiveness. The police's failure to respond to residents' needs and their inappropriate treatment function as two sides of the same coin: the sense that lives in El Castillo are not considered as worthy of protection as others. Through these actions, police reinforce the neighbourhood's marginalisation. As Daniel states, 'by coming late to the problems [lived here], they stigmatise the neighbourhood. I understand, maybe they are very few officers, but it is evidence that they don't regard El Castillo so much'.

Aspirations about the police

Testimonies consistently indicate that police forces have not fulfilled their expected roles within the neighbourhood. We have observed that interviewees perceive that the police either do not respond to their calls, or respond without providing concrete solutions to their problems. However, what renders the analysis more complex is the persistence of expectations about what the police could offer to the neighbourhood, despite the experiences

described above. I addressed this in the previous chapter: although the police consistently fail to meet people's expectations, these expectations endure.

These expectations demonstrate the powerful associations that the police evoke. The notion that the police represent one of the active centres of social order partly implies that they are perceived as equipped with the essential tools to protect life. Many interviewees emphasised that the police should address local problems seriously. For Fabiola, police must tackle 'gun control, and the violence of gangs who traffic drugs, and the deaths they provoke'. For Enrique, the issue with policing in the neighbourhood is its ineffectiveness in addressing drug trafficking as a business, as an organised enterprise beyond street corners. Therefore, for him, the neighbourhood requires more 'police intelligence' to dismantle trafficking organisations.

Interviewees regularly emphasise the necessity of 'non-corrupt police' in the neighbourhood. For them, this is vital for achieving more effective and legitimate policing. According to Fabiola, the officers in the neighbourhood 'should maintain their humanity, they should maintain their convictions, their values and go for the "big fishes" to tackle larger and more complex problems'. Julián shares a similar view, stating that 'they send the punished officers to El Castillo' it's a punishment for them to come here. Why do they see this place as a sanction? Why is it not here as in other places?'

Daniel believes that 'We need new police here in El Castillo, which should, first of all, be non-corrupt'. He proceeds to describe his vision of an effective police force for the neighbourhood.

They should be people who can be seen here in the shantytown, people who can be seen and are friendly at first sight, people who can help you. They should be seen as firemen. When you see a fireman, you know that she is a person who does good deeds and that they do great work for the population. But that does not happen with Carabineros because you see them, and they are against the *pobladores*. That negative vision should be eliminated... They should be more sensitive to the local reality.

Conversely, residents maintain expectations about police effectiveness. For Francisco, the neighbourhood needs police officers to conduct more stops and searches and monitor those whom 'everyone knows are doing bad'. For him, this lack of effective, well-targeted controls stems more from a lack of will than capacity. In his view, if 'everyone knows' who sells, the police 'could not ignore it'. Fabiola expresses a similar perspective when she states that the officers 'should participate more in the community'. The lack of participation is not a matter of capacity but of will.

Other interviewees, however, believe that the primary issue with police in the neighbourhood is their insufficient resources to perform their duties. For Amparo, what residents need is for the police to conduct 'at least one round a day', though she notes there are insufficient officers to accomplish this. Elena reinforces this point by saying, 'We need more police officers, and a true precinct proportional to what be here means'. The most striking example of the perception that police lack adequate capacity to address local issues comes from Antonia. For her, the police do not respond to gunshots because 'What could they do? What could they do with their two little guns against the traffickers' machine guns? They do not have enough firepower to stand up to the traffickers'. This final observation is particularly profound as it challenges the fundamental basis of the state. What purpose does the state serve if it cannot maintain a monopoly over force? While I cannot provide a definitive answer to this question, it invites us to examine more deeply the role of police forces within democratic regimes.

Conclusion

In Chapter 8, I have examined El Castillo residents' experiences with the police, beginning with a trace of the neighbourhood's history and the pervasiveness of social marginalisation. El Castillo emerged as a product of particularly severe neoliberal government policies - the

dictatorship's displacement of people from their settlements to the city's outskirts where land was cheapest, effectively excluding them from the benefits of urban living (Wolff & de-Shalit, 2024). As Enrique's poignant testimony reveals, this history persists as a raw wound for many residents.

While state programmes in El Castillo have represented an attempt to address this marginalisation, they have demonstrably fallen short. Social marginalisation endures, and security conditions remain poor. Neither has the intervention dismantled drug gangs nor reduced their primary threat to residents' safety - shootings. Throughout my interviews, residents have consistently identified gang shootings as their main safety concern, describing how these incidents disrupt daily routines and shape movement patterns within the neighbourhood, marking dangerous areas to avoid.

My initial research design approached La Legua and El Castillo as contrasting cases, given their apparent differences in policing patterns. The fieldwork has largely confirmed this assessment: La Legua experiences significantly more intense police surveillance, affecting residents' daily lives in ways absent from El Castillo, where police presence remains less embedded within the neighbourhood fabric.

Yet the most compelling finding from my analysis reveals striking similarities in participants' lived experiences across both neighbourhoods. They share consistent expectations of the police: primarily, a desire for protection against private violence – specifically gun violence – which only state authorities seem equipped to address. Although interviewees in both neighbourhoods identify community relationships as their primary source of safety, they acknowledge that gunshots present a threat beyond their informal safety networks' capacity to handle.

These expectations, however, have gone consistently unfulfilled in both neighbourhoods for similar reasons. Interviewees perceive officers' connections with drug traffickers as driving police inaction against trafficker-related violence. Such perceived links illuminate particularly troubling police behaviours, exemplified in Antonia's account of officers removing bouncy castles and in widespread reports of selective identity checks. These incidents demonstrate that while police possess the capacity to act, they choose not to exercise it in ways that would protect residents.

From a democratic-egalitarian perspective, these patterns reveal a fundamental failure of state protection. The observed pattern of 'distorted responsiveness' (Prowse et al., 2020) indicates systematic neglect of those most disadvantaged – precisely the groups requiring the greatest protection. This dynamic exemplifies what Natapoff (2006, p. 1717) terms 'underenforcement': 'a weak state response to lawbreaking as well as to victimisation.' Such underenforcement undermines democratic principles by denying certain groups their rightful state protection, with La Legua and El Castillo functioning as clear 'underenforcement zones' where exposure to violence remains systematically unaddressed.

The implications of this underenforcement compound other police actions that reinforce residents' subordinate position within Chilean society. My interviews have revealed consistent patterns of perceived discriminatory treatment, with residents convinced that police act differently towards more privileged groups - a pattern mirroring La Legua's experiences. Through these practices, the police have actively perpetuated an unequal social order.

Yet despite this documented pattern of failed expectations and discriminatory treatment, residents maintain their hope in police protection. They continue to expect the fundamental protection essential for meaningful societal participation, particularly against the

private violence that constrains their daily lives. In the next chapter, I examine these expectations in detail, exploring how police might contribute to building a more robust democratic-egalitarian society.

CHAPTER 9. Conclusion: Towards a critical theory of democratic policing - lessons from the Chilean case Introduction

In this final chapter, I theorise the meaning of democratic policing based on the evidence presented throughout this thesis. I argue that, considering the Chilean context examined, the Carabineros' distinctive resources and capacities can contribute to building a more robust democratic-egalitarian political community. The role that the police can play is 'small but vital' (Loader, 2006, p. 208) and rests on concentrating police work on curbing forms of private violence that communities themselves are not equipped to address. Central to my argument is the understanding that this does not imply that the democratic-egalitarian project should rest with the police, nor that the police should occupy a central role in Chilean daily social life. However, the police possess unique resources to address forms of violence that subjugate marginalised communities.

I reason normatively, addressing the question of how the police should function. Following the tenets of non-ideal theory, I envisage a proposal that aligns with the studied phenomenon. This approach necessitates considering the particular place Carabineros occupies in Chilean society. Let me briefly recount how its main characteristics challenge the expanded academic definitions and lead us to search for novel conceptualisations.

I contend that the depth of the Carabineros' embeddedness in the daily functioning of the Chilean state and society extends beyond the most influential conceptualisations of the police mission's scope. For instance, Wilson (1968) famously identified three core functions for the police: order maintenance, law enforcement, and public service. Similarly, Bowling et al. (2019) described the police function as both using force and providing service, an idea well-captured by Egon Bittner's iconic image: Florence Nightingale in pursuit of Willie Sutton (1974).

The Carabineros' mission is much broader. In Chapters 4 and 5, I demonstrated that the Carabineros has played a pivotal role in asserting state power since its establishment in 1927. What may initially appear paradoxical is that the Carabineros was a central actor in both the dictatorship and the daily operations of the subsequent democratic regime. I argued that this continuity is not a paradox but rather a deliberate inheritance from the authoritarian period. In Chapter 6, I showed that the Carabineros embraces self-legitimizing discourses highlighting this centrality, and specifically, the institution's pivotal role in marginalised contexts. The Carabineros posits itself as embodying state sovereignty in isolated places, assisting people experiencing harsh living conditions—from natural disasters to material needs—and supporting vulnerable groups: children with ill-health, elderly people living alone, and homeless people.

Yet beneath this self-legitimizing narrative, the Carabineros has also been instrumental in managing marginalised social groups, frequently reaffirming their subordinate status within Chilean society. I outlined this trait in Chapter 4 when examining popular protest repression. I developed it in more depth by presenting the experiences of people living in two marginalised neighbourhoods in Santiago. These accounts reveal an alternative, much more conflicting narrative about the Carabineros' relationship with marginalised populations. They illustrate how the state's attempt to respond to their concerns by endowing the police with such a significant role has resulted in further marginalisation, either through abuse or inattention to their needs.

These experiences also showed, however, that marginalised urban groups face physical threats that damage core elements of their belonging to Chilean society—threats they cannot tackle alone. Despite their persistent negative experiences with the police, people maintain expectations of them. These expectations are not trivial: they concern the most essential elements of axiomatic security.

In the remainder of the chapter, I develop a theorisation that encompasses all these elements. After briefly examining what it means to think normatively about the police, I foreground the threat that violence poses to democratic belonging. I then propose a model of policing capable of tackling this violence while playing a less central role in Chilean social life. I argue that the police should focus their role on counteracting the forms of violence that most severely affect marginalised constituencies.

Thinking normatively about policing

In Chapter 3, I explained the position of non-ideal theories within political philosophy debates and their main principles and commitments. Here, I revisit two key tenets of non-ideal theories. First, non-ideal theories aim to find 'practical solutions' to existing social problems. Through a careful examination of the analysed phenomenon, these theories propose meaningful horizons—what Young (1997) termed 'theorising with a practical intent'. Second, non-ideal theories incorporate the standpoint of marginalised social positions (Anderson, 2010). By grounding themselves in existing reality, non-ideal theories acknowledge and accommodate conflicts and divergent positions within them.

Through this approach, I aim to incorporate the complex relationship between the Carabineros and marginalised groups. I have shown that the institution constructs its identity through helping and relieving poor people, and that these actions are crucial elements of how the Carabineros defines its role within Chilean society. However, it simultaneously commits acts of violence and discrimination against marginalised people, as evidenced in the cases of La Legua and El Castillo (Chapters 7 and 8) and the police responses to social protests (Chapter 4). One of the elements that has most deeply struck me throughout my thesis is how, despite these actions and patterns of police mistreatment, people maintain expectations of the

police. I aim to take these aspirations seriously in considering how the police's resources can be directed to strengthen democratic equality.

I argue that the central element in aligning Carabineros with democratic equality must be its prioritisation of counteracting private violence. I take as a point of departure the empirical materials presented in Chapters 7 and 8, specifically, the expanding problem of gun violence within shantytowns. This particular manifestation of violence erodes the foundation of democracy by subjecting people to the domination of others, disrupting their daily lives and eroding, in sum, the foundation of axiomatic security that democratic standing requires (Loader & Walker, 2007). This form of violence, moreover, has a profoundly unequal impact, disproportionately affecting poor urban neighbourhoods—a pattern documented by numerous empirical works in Latin America (Luneke et al., 2019; Luneke & Varela, 2020; Auyero et al., 2015; Dammert et al., 2024).

In envisioning a role for the Carabineros in curbing this form of violence, I draw carefully from residents' expectations expressed in the interviews. It is important to emphasise that whilst people expect police intervention against this violence, their expectations are not overarching: they neither anticipate police resolution of every neighbourhood issue nor advocate for harsher policing strategies. Instead, their aspirations are more nuanced—they seek police assistance to reduce a form of violence that they themselves are ill-equipped to confront. Therefore, my proposal limits the police role to tasks they are uniquely equipped to perform.

By making these aspirations the core of my theoretical proposal, I aim to follow the aforementioned tenets of non-ideal theory: I theorise with the 'practical intent' of deploying police resources to curb one of the crudest manifestations of democratic inequality — the

violence to which marginalised people are subjected. Moreover, I aim to incorporate the standpoint of marginalised positions by taking people's concerns and expectations seriously.

To understand how the police can strengthen democratic equality, I shall consider potential reforms to the Carabineros that emphasise democratic oversight of the institution and its alignment with stated objectives. Drawing from Chilean history and institutional framework, I examine how the Carabineros could promote democratic equality by reducing the most severe manifestations of hierarchical relationships. The normative proposals and empirical evidence in this chapter share a dialectical relationship, each informing the other through an iterative process. The evidence grounds the theoretical framework by providing relevant real-world context, preventing theorising in a vacuum. In turn, the theoretical framework helps envision how its underlying values can transform existing practices (Zacka, 2017).

Police against private violence

Before developing my proposal for the police role, I wish to reflect on the impact of violence, particularly gun violence, on those who live surrounded by it and how this form of violence undermines democratic standing. I understand the violence I am interested in as 'the more or less intended, direct but unwanted physical interference by groups and/or individuals with the bodies of others' (Keane, 2004, p. 35). One defining characteristic of this type of violence is its embodiment: it is invariably experienced in the victim's body. By excluding other broader understandings of violence, such as institutional or symbolic violence, this definition focuses on the type of violence that the police can most significantly contribute to reducing.

Exposure to violence directly undermines democratic promises by signalling the state's inability to provide fundamental security. Violence deprives individuals of their basic freedoms. Moreover, the fear and anxiety engendered by the constant threat of violence can

'blinker the imagination', precluding alternative solutions to collective problems and demanding immediate, often punitive responses (Keane, 2004). This undermines a democratic ethos, which requires an openness towards others and a commitment to solutions that prioritise the community's well-being (Loader & Walker, 2007).

As discussed in Chapter 1, Latin American democracies exhibit high rates of violence, as measured by its most blatant manifestation, homicide rates (UNODC, 2023). This phenomenon has led some authors to describe these regimes as 'violent democracies', characterised by 'violent pluralism' where national states appear unable to consolidate control over substate violence (Arias & Goldstein, 2010, p. 28). Despite significant internal differences, violence shares a distinct characteristic: its differentiated expansion, disproportionately affecting marginalised groups (Auyero et al., 2015; Auyero & Servián, 2023), to the extent that many Latin American cities exist under 'a duopoly of governance and coercion', where the state shares its functions with gangs (Blattman et al., 2023). Latin American countries 'face a gradual and steady rise of violent non-state groups systematically eroding states' capacities to provide security for their populations' (Feldmann & Luna, 2022, p. 7).

The cases of La Legua and El Castillo demonstrate how pervasive violence affects daily lives and shapes people's expectations of the police. I have drawn upon the lived experiences of residents of both neighbourhoods to provide thick descriptions of the phenomena. Exposure to gunshots shapes people's daily lives by determining which places within the neighbourhoods they avoid and when they can leave their homes. For those who care for children, exposure to gunshots is the primary factor in deciding what their children can and cannot do. This vividly reflects the embodiment of violence: basic daily routines are disrupted by violence.

Gunshots pose a severe threat to safety within the neighbourhoods, undermining fundamental democratic aspirations. At their most basic level, gunshots disrupt the ordinary flow of daily life within these communities. Simple aspirations, such as the ability to walk freely in one's street, become compromised by the constant threat of gunfire. Unlike other safety hazards, the effects of gunshots are unpredictable and pervasive; a shot fired within one block can have devastating consequences across several. The testimonies presented in previous chapters, detailing lives lost to 'stray bullets' and families forced to confine themselves for fear of gunfire, attest to the indiscriminate nature of this threat. The potential of gunshots to harm residents regardless of their involvement highlights the profound challenge they pose to the promise of a safe and democratic community.

Unlike other forms of violence, gunshots possess a unique capacity to render insufficient the resources individuals typically rely upon for safety. This becomes apparent in the interviews, where people mention various resources that generate feelings of safety, such as knowing their neighbours. These resources offer little protection against the unpredictable and lethal threat posed by gunshots. Gunshots damage the foundations of people's 'axiomatic security', their capacity 'to feel relatively at ease' within their environment 'grounded in the tacit confidence' that they possess the basics to develop their life plans (Loader & Walker, 2007, pp. 167–169).

From a democratic-egalitarian perspective, the pervasive threat of gunshots severely undermines core values and exacerbates existing inequalities. Residents of marginalised communities, already facing multiple intersecting disadvantages such as poverty and high unemployment, experience the threat of gun violence as a profound restriction on their life plans and opportunities (Miller, 2013). This form of violence, compounding pre-existing social and economic barriers, widens the gap between these communities and the democratic ideal of equal opportunity and protection. Beyond its material consequences, the threat of

gunshots instils a pervasive sense of subordination, as daily routines become contingent upon the unpredictable actions of those who wield firearms. The damage inflicted by violence is particularly insidious because it reinforces social hierarchies, creating asymmetrical democratic experiences: whilst some enjoy the benefits of democracy, others are relegated to its margins, bearing the brunt of violence and its consequences.

I contend that a central focus of democratic policing must be to minimise this threat, as it directly undermines the foundations of democratic equality. The police occupy a unique position to address this challenge. They are equipped with material resources and state-sanctioned authority that exceed those available to ordinary citizens. This enables them to confront the threat of gun violence with a greater degree of force and coordination than individuals or community groups could achieve independently. This power must be exercised in service of the very democratic ideals that gun violence undermines.

In light of these complexities, the core democratic challenge lies in harnessing the police's unique capabilities to counteract the threat of gun violence whilst mitigating the potential for them to exacerbate existing inequalities. By understanding the multifaceted nature of police power and its potential impact on democratic principles, we can envisage how policing can strengthen the foundations of a more equal society.

I understand that this proposal may be received with scepticism: if the police can so quickly become another source of violence and oppression, is it justified to consider police involvement in fostering democratic equality? Moreover, this concern is not only theoretical: plenty of evidence worldwide shows how the police reinforce existing inequalities by subjecting marginalised communities to violence and mistreatment (Rios, 2011; Akbar, 2020; Cunneen, 2023b). I ground my proposal in two considerations. First, I contend that the severity of particular threats, such as persistent gun violence, makes it difficult to envision

how communities alone could effectively confront them without the resources that the police possess. To put it in the above terms, I aim to propose with practical intent. Second, I take people's own expectations seriously. When asked about their expectations of the police, interviewees often focused on tangible measures to reduce the threat of gunshots. My purpose of incorporating the standpoint of marginalised social positions implies grounding my reflections on these expectations.

Before elaborating on the proposed framework, I want to clarify the content and scope of this chapter within the broader context of the thesis. Based on the preceding paragraphs, a reader might infer that this chapter solely addresses the issues raised in Chapters 7 and 8, potentially overlooking the evidence presented in Chapters 4 to 6. This is not the case. In proposing a framework that allows us to envision the Carabineros' role in counteracting the pressing threat of private violence, I draw upon the entire spectrum of analyses presented throughout the thesis. This includes potential transformations to the institution's regulatory framework, a consideration of its historical trajectory, and a reflection on the inherent risks associated with the social welfare aspects of the Carabineros' work.

Non-Reformist Reforms: towards a democratic-egalitarian model of policing

How many mistakes would be avoided (and how many tons of paper!) if they [the intellectuals] would agree to take a stand only when they are ready to take the consequences in their own lives

Todorov, 1998, p. 274.

I resort to the concept of 'non-reformist reforms', coined by political thinker André Gorz (1987). Gorz sought strategies that would 'bring the future into the present' (p. 104), creating immediate gains while shifting the balance of power toward a more just and equitable society. At their core, non-reformist reforms embody a 'positive negation' of the present: they challenge existing relations of domination while simultaneously proposing alternative systems grounded in 'different and truer priorities', focused on deeper human needs (Gorz,

1987, p. 103). Such reforms work to build 'what should be made possible in terms of human needs and demands', leading to the modification of power relations within society.

Abolitionist authors, such as Mariame Kaba, have brought the concept of non-reformist reforms to the forefront of policing discussions. While acknowledging abolition as the ultimate goal, she recognises the potential for some interim reforms if they contribute to the long-term dismantling of police power (2014). Similarly, authors like Maher (2021) characterise effective non-reformist reforms as those that produce 'even the smallest cracks and fissures' in the power of the police. In other words, non-reformist reforms are those that 'contract the criminal legal system', including the police (Cunneen, 2023a, p. 31). The crucial feature of these reforms is their long-term trajectory – they are not merely tweaks to the existing system but rather represent incremental steps towards a future with significantly reduced police power or, for abolitionists, a future without police altogether.

This concept can be productively applied to develop a framework for democratic-egalitarian policing, even if the ultimate goal of police abolition is not the immediate focus. Here, I utilise 'non-reformist reforms' to explore how Carabineros can be reimagined to prioritise goals that directly address the democratic deficit created by gun violence as the form of violence that most severely affects marginalised communities. Consistently with its use by abolitionist authors, these reforms seek to reduce Carabineros' centrality in Chilean social life by limiting the institution's mission.

In other words, I use the concept of non-reformist reforms to encourage a shift in emphasis when thinking about the roles that the police can play within democracy. In my proposal, the personal security that the police can contribute to fostering is not about eliminating every risk inherent to societal living; I explicitly avoid an overarching security purpose. In this vein, I emphasise the importance of avoiding the risks of 'securitising' public

discussion. Rather, I argue that the police can contribute to reinforcing the core elements of axiomatic security that are indispensable to fostering a political community where everyone can relate to each other as equals. In my analysis, I ask: How can the Carabineros foster a democratic-egalitarian policing model that aligns with the Chilean context and demonstrably contributes to safer daily lives, especially for the most marginalised groups? How can I envisage a future based on a positive negation of current deficits? I devote the rest of the chapter to setting out the components of this policing.

Minimal policing, maximum safety

I would like to recount two reasons that are instructive of the case of La Legua. Firstly, as I have been insisting throughout this chapter, it demonstrates the severity of the threats endured by residents. I have argued that gunshots disrupt their lives and pose a risk to people's physical safety that undermines basic democratic guarantees – no genuine democratic standing is attainable where people cannot feel safe in their neighbourhoods.

Secondly, the case of La Legua underscores the ineffectiveness of a purely police-centric response to safety threats. The problem in La Legua has not been one of capacity or resources; the state has made significant investments and deployed a strong police presence. The 'militarised landscape' about which the NHRI (2015) warned and the feeling that 'police are everywhere', as Pablo summarised it, attest to the over-policed nature of the state response. This case, therefore, serves as a crucial warning against the temptation to focus solely on tougher policing to address complex safety issues.

I have found that there seems to be a consensus among the interviewees that the police have a role to play in counteracting the threat of gunshots. This aspiration is evident in both neighbourhoods. Whilst in El Castillo it manifests as a call for more police presence, in La Legua, people advocate for a more effective presence to address the real issues affecting

their lives. Even in a context where interviewees generally distrust the police, they retain an expectation that police presence could play a part in curbing gun violence.

The dilemma is not easy to resolve. From my research, I observe that whilst police seem equipped to protect people from violence, they simultaneously entail the risk of subjecting people to state violence – as the case of La Legua has shown. Finding how the police can effectively contribute to people's well-being, especially amongst disadvantaged groups, implies bringing people's safety as the primary value, disentangling the association between policing and safety. As I discovered through the interviews, people leverage different resources to nurture their feeling of safety, such as knowing their neighbours or strengthening local networks. The main question, I argue, is what makes people feel safe, and only after elucidating this, as an ulterior step, should the question about the contributions police make to safety take place.

I envisage a model for the police that concentrates the institution's capacities on curbing gun violence, primarily associated with drug-trafficking gangs, whilst limiting the institution's roles to addressing only those risks that people themselves lack the capabilities and resources to tackle. This implies a strategic deployment of police resources to confront the aforementioned threats and challenging programmes that endow the police with a protagonist role in people's daily lives, as has been the case in La Legua.

In looking for theoretical models that help to articulate my proposal, I have found an inspiring framework in the notion of 'minimal policing' (Kinsey et al., 1986; Lea, 2016; Lea & Fleetwood, 2022). What I deem particularly valuable about this approach is its recognition of the disproportionate impact of violence on marginalised communities (Kinsey et al., 1986; Young, 1999; Lea & Young, 1984). I argue that minimal policing seeks to address violence and its consequences whilst mitigating the potential harms of over-policing, which also tends

to affect these communities. From a democratic-egalitarian perspective, the minimal policing model's core strength lies in its ability to frame police contributions in unequal contexts (Albrecht, 2019). Rather than merely offering localised solutions, I contend that this model provides criteria to evaluate police actions within unequal contexts where necessities and demands vary across social groups

In what follows, I structure my proposal around the four elements proposed by the minimal policing model: maximum public initiation of police action, maximum access to the police, minimal police-initiated action, and minimum use of coercion (Kinsey et al., 1986, pp. 186-215). I take these as guiding principles for a policing approach that is responsive to community needs whilst limiting potential harms.

However, I must emphasise that I am not offering a comprehensive examination of the minimal policing model, nor am I proposing a direct adaptation to the Chilean context. Instead, I utilise the model's core principles as a starting point to conceptualise how Carabineros can contribute to a more democratic-egalitarian society; I use these principles loosely to think of a policing model that affirms democratic equality. There are crucial differences between the context in which left realist criminologists originally proposed their model and the Chilean reality. The severe levels of gun violence characterising urban peripheries in Chile, alongside the highly centralised structure and historical ties of the Carabineros to the Executive Power, pose distinct challenges. What I take from it, in sum, is a series of ordering principles that help me to articulate my proposal with precision.

Fostering a maximum public initiation of police action: expanding public definitions over police

The minimal policing model I propose for the Chilean context strongly emphasises maximum public initiation of police action as a foundational element, which, as I understand it,

mandates 'maximising the voluntary input of the public' (Kinsey et al., 1986, p. 189). In my analysis, this signifies fostering processes where communities collectively define policing priorities, establishing general guidelines and goals for police operations rather than simply responding to individual demands.

This focus on collective input carries a twofold significance. Firstly, it avoids the pitfalls associated with solely maximising individual interactions. As I argue, relying heavily on individual complaints risks replicating a market-based model of policing in which the public is relegated to the role of consumers (Bell, 2019). Secondly, I contend that emphasising the collective dimension mitigates the potential for vigilantism that can arise when individuals take a protagonist role in safety issues.

Within the Chilean context, I argue that maximising public input into police action necessitates a critical examination of the Carabineros' regulatory framework. As I have emphasised throughout this thesis, Chile lacks a history of open dialogue about the police's purpose and structure. From my analysis of the Constitutional Organic Law in Chapter 5, I have shown how these crucial aspects are enshrined in its regulatory framework. Therefore, I maintain that any meaningful process of maximising public definitions of Carabineros' purposes requires active engagement with and potential reform of this regulatory foundation, enabling the democratic process to shape these fundamental aspects of policing. Based on my research, I conclude that addressing the regulatory framework is crucial in fostering genuine public input in the Chilean case.

I argue that fostering a comprehensive and inclusive dialogue about the Carabineros' regulatory framework and priorities addresses the complexity of the political community and the need for negotiation to establish overarching policing goals. Through open discussions incorporating diverse perspectives, this model can transcend parochial concerns and reconcile

the often-competing interests of various constituencies. In addition, I argue that an open and broad discussion about the police's roles can be a process of 'education in society' (Loader & Walker, *op. cit.*, p. 167), where the democratic capabilities of Chilean society can be strengthened. These discussions, I suggest, may help demonstrate that the police cannot be the response to every security issue, and that reinforcing people's security depends on fostering communal capacities, such as the use of public spaces, community ties and other collective resources.

Furthermore, an expansive deliberative framework for defining policing priorities allows for a realistic consideration of resource limitations (Loader & Walker, *op cit.*, p. 216). This is particularly crucial in Chile, where violence disproportionately threatens the safety of specific social groups. In such contexts, public demands for increased policing can become potentially limitless. I argue that a robust and inclusive dialogue can help balance these demands against actual resource constraints, leading to allocation criteria that promote both public safety and democratic accountability.

While expanding the dialogue about the Carabineros' regulatory framework within the National Congress offers an avenue for enhancing public input into policing definitions, it is crucial to acknowledge certain limitations and consider how to mitigate them. A core potential shortcoming of representative institutions arises in contexts of profound inequality. As González (2021) has demonstrated through her comparative study of security policies across South America, representative institutions can be susceptible to the disproportionate influence of powerful constituencies. This dynamic manifests in the enactment of harsher policing measures that disproportionately target marginalised groups.

These risks underscore the necessity of incorporating mechanisms that actively counteract the effects of inequality within the expanded dialogue, rather than abandoning the

role of representative institutions altogether. Whilst the specifics of such mechanisms require careful consideration, I identify several potential approaches. For instance, measures such as affirmative action could improve the representation of marginalised constituencies (Williams, 1998). Additionally, establishing principles of justice in police work that prioritise certain categories of offences to compensate for systemic inequalities might provide appropriate guidance (Grimshaw & Jefferson, 1984).

In considering how to apply such principles to the Carabineros, I argue that this would mean placing significant emphasis on reducing violence that most severely impacts disadvantaged communities' well-being. This approach leads me to envisage alternative ways for police to carry out their tasks, such as prioritising investigative work and intelligence gathering over invasive patrolling in specific areas.

While the regulatory framework discussion provides a crucial opportunity to establish overarching policing priorities and reconcile competing interests, it is insufficient in itself to promote a police force fully equipped to mitigate the most harmful consequences of inequality. I argue that a democratic-egalitarian model must also be responsive to specific, localised concerns to achieve effective and equitable policing outcomes.

Maximum public access to the police: minimising the risks of local deliberation

To achieve genuine democratic control over police definitions, I argue that it is essential to complement deliberations within representative institutions with mechanisms that maximise public access to police. This focus on responsiveness encourages sensitivity to the particular needs and concerns that often vary across communities. By creating robust channels for local communities to express their priorities and shape expectations for police conduct, I suggest we can foster a model that balances overarching strategic goals with adaptability to localised conditions.

While I have outlined the benefits of broad, inclusive deliberation at a national level, it remains equally important to acknowledge the value of local responsiveness in addressing the multiple ways that inequality and insecurity affect communities. Specific mechanisms for community engagement will be crucial to bridge this gap. These should provide structured ways for communities to voice their unique priorities and establish clear expectations that inform police actions within those localities. I argue that fostering genuine responsiveness to local communities necessitates providing them with ample space to articulate their priorities. Although defining the precise contours of 'community' warrants further discussion, these can be conceptualised as units that share everyday needs and experiences (Maglione, 2017). Depending on the specific circumstances and goals of the initiative, the scale of these units might vary, ranging from neighbourhoods to municipalities.

Learning from the shortcomings of previous attempts to localise security programmes is crucial in designing community-driven processes. I contend that these initiatives should avoid state actors imposing their interpretations of community problems unilaterally. My research shows that existing programmes like the Carabineros' Community Integration Offices sometimes illustrate this pitfall, operating more to legitimise the police institution's perceptions than genuinely engaging with local concerns. Moreover, these local instances of deliberation must actively safeguard against another documented risk within localised security initiatives: the tendency to advocate for harsher policing that can exacerbate marginalisation within those communities (González, 2021; Cheng, 2024). I argue that a democratic-egalitarian model must pursue localised input to inform targeted policing measures that emphasise violence reduction for the community as a whole rather than selectively harsher responses toward specific segments.

Fostering spaces of deliberation and engagement that amplify local capacities and knowledge can contribute to empowering communities to define their priorities and address

the most harmful impacts of violence. These spaces should leverage communities' resources. As the interviews presented in Chapters 7 and 8 illustrate, residents often draw on a sense of familiarity, including personal networks and knowledge of their surroundings, to navigate daily life and maintain feelings of safety. These sources appear as the primary resources people rely on to feel safe. Participation and deliberation at the local level should reinforce these capacities, expanding the range of safety sources beyond policing. Fostering instances of localised deliberation aligns with what Nancy Fraser labelled 'subaltern counterpublics':

Parallel discursive arenas where members of subordinated social groups invent and circulate counterdiscourses, which in turn permit them to formulate oppositional interpretations of their identities, interests, and needs (1990, p. 67).

This involves recognising the value of existing community engagement sites, such as schools or local organisations, and actively developing strategies to maximise inclusion (Young, 1990). Unlike state-sanctioned channels, subaltern counterpublics offer the potential for expressing complex, nuanced aspirations. Within these spaces, communities can articulate their needs and desires in ways that transcend the limitations of formal bureaucratic processes or narrowly defined policy categories.

An example from the interviews analysed in Chapter 7 illustrates this idea. Constanza recalled how children created a toy car for the neighbourhood carnival, imitating and mocking the police's GOPE vehicle. The children were clearly mimicking the fear and intimidation that residents experience when police approach the neighbourhood. I argue that by paying more attention to local instances like this, the authorities could develop a more informed understanding of what local communities need and expect.

Fostering spaces of localised deliberation not only provides a platform for communities to express their needs and aspirations but also serves as a vital mechanism for enhancing police accountability to communities. Research in La Legua reveals that years of intensive police presence have often lacked a clear purpose or demonstrated effectiveness as

perceived by the residents they are meant to serve. I contend that structured channels for community dialogue would enable residents to express their expectations of the police directly, empowering communities to influence police actions and drive responsiveness to localised priorities and concerns. This model, by defining accountability as the capacity to address specific community needs, transcends narrow metrics and positions the public as active participants in shaping their safety.

It is crucial to recognise the complementary nature of public input into police definitions at both the national and local levels as a means of fostering democratic control and directing police efforts toward the pressing needs of marginalised communities. While I observe that national-level deliberations facilitate comprehensive priority-setting in the context of competing demands and limited resources, I argue that localised participation channels empower communities to express their unique needs, leverage their strengths, and shape expectations for police conduct. A democratic-egalitarian approach maintains a productive tension between these levels. By harmonising broader strategic goals with localised feedback, I propose that this model maximises the potential for police actions to effectively reduce the violence that disproportionately affects the most vulnerable segments of society.

While I acknowledge that broadening dialogue about police definitions holds significant democratic potential, it is crucial to mitigate the risk of overemphasising policing as the sole or preeminent response to broader societal challenges (Millie, 2014). To avoid this 'policification' and the accompanying illusion of police 'everywhereness' (Loader, 2006), I argue that democratic participation must extend to other responses better aligned with community needs and resources. I advance this substantive point through the other two core tenets of the Minimal Policing model: minimising police-initiated action and minimising reliance on coercion.

Minimal initiated police action: Expanding communities' capacities

The debate about how to reinforce the democratic character of the police – how to align the police with democratic equality – raises a concern that I want to examine: the risk of 'policifying' the debate, that is, of broadening the mission of the police instead of limiting it. From a democratic-egalitarian perspective, excessive reliance on policing may undermine fundamental aspirations because policing has inherent limitations when it comes to enabling the full flourishing of individuals and communities. Genuine democratic equality necessitates conditions that allow people to develop and pursue their life plans as equals. I maintain that the police can play a vital role in curbing the forms of violence that most seriously damage democratic equality and that their role should be limited to this.

While the risks of 'policifying' the debate warrant serious consideration, I argue that they do not stem from intrinsic hazards of public participation, but from existing power imbalances within it. If these imbalances remain unaddressed, it is likely that state institutions privilege certain voices within marginalised communities that call for expanded policing. Under conditions of acute violence, it is natural for people to seek immediate solutions (Keane, 2004), and traditional police responses can seem appealing. This dynamic, illustrated by the extensive literature on how marginalised communities often endorse harsher policing (González, 2021, González & Mayka, 2023; Cheng & Qu, 2022), highlights the need for a fundamentally democratised dialogue framework

Mitigating the risk of 'policifying' the debate requires proactively leveraging communities' capacities and prioritising their diverse aspirations. Studies have demonstrated that when communities are empowered, discussions about safety and security naturally expand beyond policing to encompass broader structural and social conditions, such as poverty, discrimination, and unemployment (Chaudhary et al., 2021; Miller, 2013; Luneke,

2021). Chapters 7 and 8 revealed that residents hold aspirations for a thriving neighbourhood life that extends well beyond the exclusive domain of policing.

Consequently, reducing police-initiated actions requires limiting police tasks to addressing the forms of violence that communities themselves are not equipped to tackle. This shift requires moving away from ambient policing strategies focused on pervasive surveillance and control and developing effective policing methods to reduce this form of violence. While the precise measures most likely to achieve this goal require careful analysis, I suggest that prioritising intelligence operations and investigative work offers a promising approach, with the potential to reduce gun violence while simultaneously mitigating the harmful social consequences of over-policing.

For a long-term project, I argue that this should include reducing the role of Carabineros in supporting people in need, as illustrated by the cases examined in Chapter 6. Through these tasks, Carabineros legitimises itself through welfare provisions, broadening the institution's mission scope. Additionally, these tasks risk colonising other areas of social life with a police logic of control and surveillance. Social assistance can rapidly turn into control of marginalised communities, as empirical research has shown (Luneke et al., 2022).

I want to be careful with this proposal. In Chile, Carabineros historically assumed these roles due to the absence of other institutions. Unlike the trajectories observed in many Global North nations (Garland, 2001; Wacquant, 2009), Chile never developed a robust welfare state. Instead, in a context of poverty and material precarity, Carabineros emerged as the sole state agency with sufficient resources and reach to provide basic support across the country. The example of the shelters for homeless children that I mentioned in Chapter 4 is perhaps the most vivid illustration of this history. Therefore, I do not advocate for an abrupt termination of these roles, but rather call for serious deliberation about whether the police

remain the best-equipped institution to fulfil these needs, and whether, in the future, other state agencies might be better suited to perform these tasks.

Minimising police-initiated actions is a strategy designed to mitigate the risks of over-policing while harnessing the unique contributions police can make to safeguard the public, particularly the most marginalised segments of society. As a long-term objective, it envisions a system where those facing challenges beyond the police's core functions can readily access other, more appropriately equipped state agencies (Friedman, 2021). This does not preclude that the police should attend and help when the use of force is necessary but calls for more robust inter-agency cooperation in which, at least, the police are not the sole responder to every kind of social emergency (Fleetwood & Lea, 2022).

As Ernesto aptly phrased it: ‘a true state intervention should be a social intervention, with genuine opportunities for kids and adults, not a police intervention’. To achieve this ideal, a strategy of minimal police-initiated action must be accompanied by rationalisation and limitation of coercive police measures, a topic to which the following subsection will be devoted.

Minimum use of coercion

The final trait of the minimal policing model I propose is minimising the use of coercion. Whilst the principle of minimal initiated police action sought to reduce the scope of police labour by concentrating on tasks the police are best equipped to perform, the principle of minimum use of coercion aims to establish democratic controls over police use of their coercive powers. These principles can be seen as complementary, as they both seek to reduce the damaging consequences that police discretionary use of coercion may have for democracy. I shall proceed in two steps: first, explaining how I understand this principle, and second, how it can contribute to shaping policing in ways aligned with democratic equality.

Minimising the use of coercion seeks to limit police use of coercive powers to meet democratically defined objectives, reducing their discretionary use when there is no strong democratic justification. This reduction of discretionary powers implies a dual benefit: firstly, constraining the enactment of coercion to democratically prioritised tasks; secondly, reducing the number of coercive interactions between the police and the population, which can mitigate the discriminatory consequences of police coercion.

This principle entails an active role for the bodies which should adopt democratic definitions of the use of police power. The legislative framework would 'define the limits of minimum necessary coercion' and 'the precise extent of police powers of intervention and interferences in private lives' to 'minimize the role of police-initiated activity while maximizing that of the public' (Kinsey et al., 1986, p. 193).

Defining 'necessary coercion' is far from straightforward. However, we can find substantive criteria to delineate it by revisiting the concept of 'legitimacy risks' (Monaghan, 2023b). Police should direct coercion towards activities that entail low legitimacy risks. In the Chilean case, as I have argued throughout this thesis, this would entail concentrating coercive powers on curbing the most serious threats to people's well-being, whilst limiting their use for other purposes.

The transformative potential of this proposal can be better appreciated by envisaging what it would mean in Carabineros' case. Two examples illustrate how this approach would substantively limit Carabineros' coercive powers. Firstly, it would entail restricting police powers such as stop and search. As demonstrated in Chapter 5, legislative changes to stop and search have progressively amplified Carabineros' discretion in exercising this faculty, resulting in its discriminatory use and a lack of grounded evaluation about its contribution to meeting democratically defined objectives. Under a model seeking to minimise the use of

coercion, a legal power like stop and search must be subjected to strict external controls and designed with clear objectives.

Secondly, minimising coercion renders state programmes like the 'intervention' in La Legua unacceptable. As extensively discussed in Chapter 7, this programme has relied heavily on police coercive powers, furthering discrimination against residents. Conversely, a model of minimum coercion would seek to limit police coercive powers to reduce forms of private violence subjecting people.

Drawing from extensive empirical evidence presented throughout this thesis, I argue that minimising coercion fundamentally strengthens democratic equality by reducing coercive encounters between the police and the population. Such reduction enables critical 'teachable moments' (Tyler, 2012) where institutional signals foster inclusion rather than perpetuate discrimination. As I have demonstrated systematically across this research, coercive encounters with the police profoundly damage democratic belonging. By reducing these encounters that reinforce people's subjection, and instead prioritising more effective solutions to address the needs of marginalised groups (Bell, 2017), this approach holds significant potential to enhance social inclusion and democratic participation.

Coda: Toward democratic-egalitarian political communities

I remain conscious that the minimal policing model I have proposed in this chapter may seem naïve or ingenuous. After all, the empirical evidence I have presented in this thesis, along with extensive evidence about urban policing worldwide, has shown that police relationships with marginalised communities remain fraught, with the police reinforcing the consequences of socioeconomic marginalisation. Why have I argued that this case might differ and that the police could protect the most disadvantaged groups?

I have acknowledged that I cannot be certain a minimal policing model works. However, I have demonstrated that my proposal moves in a fundamentally different direction from current practices. At the model's core lies the reduction of police power to concentrate the institution's mission on counteracting one specific and urgent threat to democracy. In this model, I have emphasised viewing the police as guarantors of essential conditions for living together, enabling us to relate to others as equals. This has not meant giving more power to the police but rather limiting their mission and roles to deploy their unique resource.

This proposal embodies what Loader & Sparks (2022) term 'reasonable hope'. It rests on 'a worldly sensibility, grounded in recurrent experiences of disappointment' that affirms that 'there are (still) good reasons for thinking that a better politics of crime needs to be both robustly democratic and explicitly egalitarian in its commitments' (Ibid., pp. 115 – 116). I have contended that despite the recurrent experiences of disappointment with the police documented throughout this thesis, under current circumstances where unequal exposure to violence affects the most marginalised groups, the police capacity could be harnessed to foster more robust democratic-egalitarian political communities.

I remain acutely aware that building more democratic-egalitarian communities does not primarily rest on police agencies. Democratic equality, as an ideal of social relations,

requires broader institutional arrangements ensuring opportunities and welfare. None of these elements should be provided by the police. Conversely, as I have argued throughout, the police role should remain limited and concentrated on the tasks they are best equipped to perform. However, this does not diminish the potential role the police can play in counteracting some of the most damaging consequences of social hierarchies, particularly the violence impeding people from developing their everyday lives. This stands as the core argument I have endeavoured to develop throughout this thesis.

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Law 20,477. Modifica competencia de tribunales militares [Modifies jurisdiction of military courts]

Law 20,502. Crea el Ministerio del Interior y Seguridad Pública y el Servicio Nacional para la Prevención y Rehabilitación del Consumo de Drogas y Alcohol, y modifica diversos cuerpos legales [Creates the Ministry of Interior and Public Security and the National Service for Drug and Alcohol Use Prevention and Rehabilitation, and modifies various legal bodies]

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Appendices

Appendix 1. Interview Guide

General Objective

To understand, based on their daily experiences with the police, the meanings that people attribute to this institution and its activity.

Specific Objectives

- i. To understand what people expect from the police.
- ii. To compare the expectations and experiences of interviewees with the content of legal and administrative documents that regulate police function.
- iii. To understand the relevance that people attribute to the police, as well as to other state institutions with which they interact.
- iv. To learn about the perceptions that neighbourhood residents have regarding the treatment they receive from the police.

Questions

A. General Introduction and Background Questions

1. Let's begin by talking about you and where you live. Could you tell me when and how you came to live in this neighbourhood? Could you tell me which places in this neighbourhood are significant to you? Similarly, which institutions, actors or people have been important to you in this neighbourhood? (Think broadly: any neighbours' association, church, community leader, etc.)
2. In general terms, how would you describe your experience of living in this neighbourhood? Do you feel comfortable/safe/confident, etc.? Regarding safety, what

makes you feel secure in this neighbourhood? Conversely, what makes you feel insecure?

3. Returning to the relevant actors and institutions in this neighbourhood. Would you include the police among them? Is the police a relevant actor in the daily life of this place?

B. Specific Questions Regarding the Police

1. Have you had any direct encounters with the police within the neighbourhood? If so, how would you describe it?
2. In which cases, if any, do you or would you call the police? Do you believe the police offers or provides something valuable for your life, or for the lives of your neighbours?
3. How would you describe the daily activity of the police, what they do day-to-day in the neighbourhood?
4. What is the role of the police in providing security? What should the police do? And, conversely, what should they not do?
5. In your opinion, what should good policing look like? If we think about an individual officer, what characteristics should they have?
6. What makes you feel safe? Do the Carabineros (police) play any role in this?
7. If the police were to stop you in the street to carry out a procedure that requires your cooperation or consent (for example, to conduct an identity check), would you be willing to cooperate? Why? Or, if not, why not?

8. What do you think about the treatment that the police give to you and your neighbours, compared to how they treat people in other places, other neighbourhoods? Do you think it is fair? What would make it fair?
9. Shifting topics slightly, do you remember any situation where you requested help, assistance or aid from any state institution? Which institution was it? What is your opinion of this institution? Do you think it operates similarly to or differently from the police?
10. Do you think the police are accountable for what they do in the neighbourhood? If you could meet with the person in charge of the nearest police station (identify with the precise number according to the corresponding station), what would you say or ask them?

Appendix 2. Ministry of Interior

The following document is my translation from Spanish of an email sent by the Chilean Ministry of the Interior and Public Security on 27 December 2022, responding to my freedom of information request regarding state intervention in neighbourhoods. The original email was received through Chile's Transparency Portal as a response to my formal enquiry about the Priority Neighbourhoods Programme, its implementation, and its relationship with police activities in specific territories.



Dear Gonzalo García - Campo Almendros,

In response to your request for access to information where you state:

"I need to access the following information regarding the Priority Neighbourhoods programme: Which neighbourhoods in the Metropolitan Region are currently under the
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Priority Neighbourhoods programme? I would greatly appreciate if you could indicate the date when each neighbourhood was incorporated into the programme. What actions does the Priority Neighbourhoods Programme contemplate? Where are these detailed? What is the legal framework that regulates the Priority Neighbourhoods programme? What powers are given to the Carabineros de Chile within the framework of the Priority Neighbourhoods programme? Has there been training for Carabineros to involve them in these programmes? For example, in La Legua, the Priority Neighbourhoods programme and its predecessors ('Critical Neighbourhoods'; 'Safe Neighbourhood', etc.) have involved a permanent police presence in the area. Are there specific instructions from civil authorities regarding what Carabineros should do in the area? What is the budget for the Priority Neighbourhoods programme? Ideally, is it possible to know the detailed budget for each neighbourhood?"

I hereby inform you of the following:

In accordance with Article 10, paragraph 2 of Law No. 20,285 on Access to Public Information, access includes the right to know information contained in acts, resolutions, minutes, files, contracts and agreements, as well as all information prepared with public funding, regardless of its format or medium. Furthermore, the same Law allows access to information that, at the time of the request, is present in the required administrative body and contained in some medium, regardless of what this may be. Consequently, this Institution agrees to make a partial delivery of the requested information, by express order of the Head of Service.

By virtue of the above, this State Undersecretariat - according to the information gathered by the Territorial Management Division - complies by stating the following, according to your queries:

Regarding which neighbourhoods in the Metropolitan Region are currently under the Priority Neighbourhoods programme and their incorporation dates:

It should be noted that the information relating to this matter has been declared secret or reserved through Exempt Resolution No. 1419 of 2019, which contains the grounds that motivated this Undersecretariat to issue said act. In compliance with Article 23 of Law No. 20,285, said resolution is published in this Institution's transparency banner, in the index of acts classified as secret or reserved, which can be consulted directly at the following link: <https://www.portaltransparencia.cl/PortalPdT/pdttta/-/ta/AB091/AIP/ADCSR>

However, it is possible to indicate the municipalities in the Metropolitan Region that have a priority neighbourhood agreement and their respective year of entry:

CERRO NAVIA: Entry 2019

CONCHALI: Entry 2021

EL BOSQUE: Entry 2019

HUECHURABA: Entry 2020

LA FLORIDA: Entry 2021

LA PINTANA: Entry 2019

LO ESPEJO: Entry 2020

MAIPÚ: Entry 2019

MELIPILLA: Entry 2021

PUENTE ALTO: Entry 2019

QUILICURA: Entry 2019

SAN BERNARDO: Entry 2019

SAN JOAQUÍN: Entry 2019

Regarding the actions contemplated by the Priority Neighbourhoods Programme, their details, and legal framework:

Exempt Resolution No. 2053, dated 13 November 2019, which approves the National "Priority Neighbourhoods" Plan of the Crime Prevention Undersecretariat and revokes the indicated administrative acts, is attached.

Regarding the powers given to Carabineros de Chile and their training:

The duties of Carabineros de Chile associated with the Programme are directly linked to the police pillar, detailed in Exempt Resolution No. 2053 that approves the National "Priority Neighbourhoods" Plan of the Crime Prevention Undersecretariat, approved on 13 November 2019.