

**Gender biased police misbehaviour. An analysis of deviant police practices
and female offenders' experiences in Ecuador (1979-2010)**

Dissertation

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Chapter I

1.1 Introduction

Juliana (1987), a former Alfaro Vive Carajo (AVC)¹ member, was forced to get into the patrol's car and was subjected to death threats during her arrest. Luna (1992) was tortured by policemen who were trying to extract sensitive information from her. Her nipples were ripped in the process. During her time in a police detention cell, Jéssica (2010) had sexual intercourse with a police officer in exchange for soap, food and protection. In the slum where she lived, Rose (arrested several times between 2001² and 2006) was constantly extorted by police officers during her career as a drug dealer. Mariuxi (2007) was physically and verbally abused by racist police officers when she was alone in a police detention centre. These are just five cases of police deviance³ found among the testimonies of women who were arrested for their participation in illegal activities between 1979 and 2010 in Ecuador. These women had different characteristics/identities and most engaged in crime for money. The officers who mistreated them were not punished, and these women developed different resistance strategies against their victimisation by the police.

¹ The group Alfaro Vive Carajo (AVC) made its public appearance in 1983 (Terán, 2006). It was a clandestine left-wing organization, also called guerrilla and terrorist group that engaged in different crimes during the 80s and in the context of the Cold War. It became the main target of the government and the police between 1984 and 1988. Human rights' organisations have accused Febres-Cordero's administration (1984-1988) and its security forces of perpetrating several human rights violations against its members ("LFC y las acusaciones contra los derechos humanos", 2009). The leader of AVC died in an alleged confrontation with the police in 1986 ("Cayó Ricardo Arturo Jarrín Jarrín," 2016), although the prosecutors' office has declared that he was tortured and extra judicially killed ("Arturo Jarrín fue drogado en Panamá y traído a Ecuador en estado de inconsciencia", 2016). The group made a peace agreement with the administration of former President Rodrigo Borja in 1989, and handed over their weapons to the Catholic Church in 1991 ("Ecuador: Alfaro Vive entrega las armas, 1991).

² She has been arrested 23 times since 2001.

³ All the aforementioned cases, as well as the majority of the others used for this study, are not among those reported by the Truth Commission Report, which revealed that of 456 known victims of human rights violations perpetrated by the country's security forces between 1984 and 2008, 16% were women (Comisión de la Verdad del Ecuador, 2010). The police committed most of the recorded crimes.

The police, as Klockars (1996) describes them, are a group to which we give the right to use coercive force when they believe a situation requires it. They are similar to other professionals, for example, doctors, to whom we also give special powers and rights to do things we would not allow others to do (e.g. the police have the power to control, investigate, arrest, stop people, search properties and discharge weapons) (Klockars, 1996). However, when the police use these “special powers/rights” improperly and engage in corruption, crime and discriminatory attitudes, members of the public start to lose trust⁴ in them, as well as the criminal justice system (CJS) overall.

This study starts from the premise that the victimisation of female offenders by the police in Ecuador, and its sustenance over time, would be insufficiently explained taking into consideration a single factor or reason. Instead, the study takes into account that the criminal and corruptive activities carried out by the police required certain minimum elements to converge over time and space: a target, an offender and an absent guardian. Moreover, this study demonstrates the importance of examining each of the aforementioned elements, taking into consideration the historical, social and cultural context in which they interact.

For example, when analysing the examples of police deviance, described at the beginning, in more detail, it was found that all had a motivated offender, meaning a police officer who was motivated, willing and able to abuse his/her authority and act illegally. The examples also involved a suitable target; a female offender who was accessible to police officers, but unaware of her rights and who did not pose a threat. Finally, the aforementioned cases occurred in the absence of capable guardianship, and so the victimisation of women occurred in places where there was poor to zero public oversight, and in the absence of a public de-

⁴ Enhanced police legitimacy results in a citizen’s compliance with police commands during an encounter (White, Mulvey & Dario), and in the case of offenders, if they are satisfied with the treatment received by the officers, the police might be able to encourage more active cooperation from them (Romo Pérez, 2018).

fence lawyer, prosecutors and/or other criminal justice system' officials, who could have otherwise defended these women from the abuse they suffered.

Routine Activities Theory, unlike other theories that concentrate on backgrounds or characteristics of offenders, explains that in the context of everyday life, whenever the opportunity arises, crime or victimisation occurs (Lee, 2014), and this is more likely when the three aforementioned elements converge over time and space. The theory indicates that the activities of individuals put them in environments or situations where they are more or less exposed to potential offenders, and therefore more at risk of criminal victimisation (Finkelhor & Asdigian, 1996).

After the democratic transition, women have increased their participation in activities away from the household. For example, whereas in 1982 only 11.9% of the Ecuadorian female population reported having a job, in 2010 the percentage increased to 25.5%. Similarly, just 3.1% of women reported having higher education qualifications in 1982, but by 2010, the percentage had increased to 12.8%. Women's increasing presence in the labour market and their increasing enrollment in higher education, for example, has expanded their networks, interests, and responsibilities. However, many women have been affected by poverty, and inequality between women and men has persisted, especially in terms of employment, not only in Ecuador, but across the globe⁵. Many women in Latin American countries, for example, have worked in the informal economy and have been more affected by precarious jobs (Benería & Floro, 2006) and unemployment than men. As a result, certain women in their path of attempting to improve their living conditions and those of their loved ones have become accessible to criminal networks, as they offer them the opportunity of earning

⁵ Moreover, despite women's increasing participation in the labour market, they also continued to be responsible for domestic chores and for the care of children (Benería & Floro, 2006) and other family members, which resulted in an excessive workload (Arriagada, 2006). Women globally have also been confronted with a gender wage gap.

money by conducting illegal activities. The increasing involvement of women in the criminal sphere has also increased their physical visibility and exposure to, as well as contact with, police officers. Many of these female criminals became suitable targets for police officers who were pressured to deliver results against the crime problem in the country and who were seeking different kinds of individual or organisational rewards. During their interactions with the police, these female offenders had been exposed to several different criminal and corrupt activities in the absence of capable guardians, as they mostly occurred in places with poor or zero public oversight (e.g. patrol's car, police station cells and provisional detention centres) and without sufficient regulation from other authorities.

Police officers have ample opportunity to engage in different deviant activities. In fact, the nature of the job, which involves the absence of supervision during the execution of many police officers' daily duties, and the frequent contact police officers establish with offenders and law-abiding citizens (Maher,2003), provides the opportunity for predatory crimes, committed by police officers, to occur, increasing offenders' risks of criminal victimisation. Although offenders are an extremely unpopular and stigmatised segment of the population, their experiences reveal a great deal about the functioning of the criminal justice system and particularly of the police in a country. These individuals have had one or several different interactions with the police due to their involvement in criminal activities. Moreover, some spend hours, days, or even months, in police custody, which makes them direct witnesses of police service and work.

In this study, I consider the female offenders as rational agents who, in their condition, thought that committing a crime would be a coherent solution to escaping their often-

difficult economic situation. These women are rational decision makers⁶ with a goal in mind, usually being economic gain, who considered the potential costs and benefits before committing the crime⁷. The study employs a qualitative approach because it allowed me to explore the circumstances in which police deviance occurred in Ecuador in detail, as well as the factors influencing this behaviour. A qualitative approach also allowed the examination of the distinct strategies employed by women to resist their victimisation by the police. It should be highlighted in this section that contrary to previous studies, this research takes into consideration the perspectives and experiences of both police officers and female offenders, with the aim of providing a broader view of the subject of police deviance, and to identify patterns within the interaction of these two parties. In fact, in this dissertation I worked with police officers who actually admitted their participation, or that of their fellow officers, in corrupt and criminal activities against offenders. This information allowed the construction of a more detailed and complete analysis of the extent, characteristics and continuation of police deviance in Ecuador.

Considering the increasing participation and arrests of women for drug-related offences, it was found that the limited research conducted on female criminality in Ecuador is related to their participation in the drug market, followed by their punishment for transgressing the law. Publications are mostly about the situation of women and their children in prison, and

⁶ The intention of this dissertation is not to mask women's involvement in crime and portray them as victims of their own marginalisation and/or of the criminal justice system, as they were active agents who made rational choices in their path to crime, and not all reported negative experiences with law enforcement agents either. Here women's guilt is assumed, due to the fact that their experiences are analysed after their arrest and after they had been sentenced.

⁷ Also, in line with other scholars who have made a contribution to the Rational Choice Theory (e.g. Hill, 1997; Koppl & Whitman, 2004) I believe women's social context could not be neglected when analysing their path to crime, since it is precisely their social context "which shapes preferences and influences of what the individual perceives as rational" (Ajzenstadt, 2009). This perspective allowed a better understanding of female criminality and of the whole process women underwent before taking the risk of becoming offenders, being arrested and incarcerated. Throughout this dissertation, I will often provide information on women's social context before making their criminal decisions.

their involvement in drug trafficking. The focus on these factors has prevented the amount of studies and analyses concerning female criminality in the region to be looked at from other perspectives. For example, the relationship between female offenders and the CJS in its early stages is a topic that has been neglected by Academia in the region, and particularly in Ecuador.

The analysis will be centred on women's experiences with the police, either positive or negative, after committing an offence. Since it was unusual and more difficult to identify positive experiences with the police in the different sources used for this study, the analysis will be more inclined to examine the rich evidence describing women's experiences with deviant police officers. These experiences, their perpetrators, their victims, and the way in which the latter reacted toward their victimisation have remained for the most part "invisibilised", reason enough for this study to conduct an analysis that will respond to the following two research questions:

- Along what lines and under what circumstances did police deviant behaviour occur in Ecuador and how was it confronted by female offenders between 1979 and 2010?
- Have there been any changes in the treatment of female offenders on the part of the police, and if so, how can the changes in the treatment of female offenders that took place between 1979 and 2010 be explained?

The review of literature reveals that while there is an abundance of studies on police deviance in Latin America, academic literature on female offenders' victimisation by the police in Latin America, and particularly in Ecuador, is extremely scarce. This study therefore attempts to advance the research on criminal and corrupt actions taken by the police against female offenders, and the strategies employed by these women to resist their victimisation. To give a theoretical relevance to the study, the researcher sought to examine the usefulness

of Routine Activities Theory in the Ecuadorian context by asking the aforementioned research questions.

In this research, my focus is on police crimes and on police corruption, but due to a lack of agreement in the literature regarding the scope of each term, criminal or corrupt activities committed by the police will usually fall under the term police deviance. The terms police crime or police corruption will also be used occasionally based on the case discussed and following the typology and definition of these two concepts provided by Punch (2000). Police misconduct will not be considered, as I will not analyse violations of police internal rules and standards unless they occurred in parallel to the other two. The main focus is on police crime and corruption because most of the acts committed by police officers and reported by female offenders during the period examined in Ecuador fell into one or both of these two categories.

The temporal focus of this study is on the years between the end of the military dictatorship (1979) and 2010. Whereas it is assumed that during dictatorial rule the State commits several criminal violations against its citizenry, and that after the democratic transitions the picture is very different, this is not always the case. In this research I am more interested in State and police repression during the recent democratic years.

As is generally known, the democratic transitions in Latin America were followed by increasing crime rates, violence and perceptions of insecurity among the population (Dammert & Bailey, 2005; Cruz, 2003). For example, the homicide rate in Ecuador went up from 6.4% in 1980 to 17.5% in 2010.

In addition, during the 1980s, the War on Drugs became a priority policy for the United States, which influenced drugs-related legislation and police operations in Latin American countries. In that connection, Ecuador became one of the countries in the region with one of the most severe drug laws. In fact, since the 1980s, drug-related offences became the

main cause of criminalisation of women in the country (Torres, 2008). Furthermore, the repression against subversives in the context of the Cold War, and more specifically between 1982 and 1991 in the country, served as another reason to create different specialised police bodies, which could address the presence of subversion and of all the aforementioned public safety concerns. In other words, there was a greater expectation placed upon the police to reduce the crime rate, which included removing drug-related offenders and subversives from society.

Since 1991, subversives were not a concern for the State anymore because Alfaro Vive Carajo and the government signed a peace agreement and the group handed in their weapons. State and police efforts, however, continued to be concentrated on dealing with the increasing levels of crime and violence in the country, linked not only to drug trafficking, but also to other types of offences.

First, between 2007 and 2008, and later in 2010, different processes and events converged to demonstrate the political will aimed at punishing police deviance and controlling police activities, as well as protecting citizens from their victimisation by law enforcement. Between 2007 and 2008, for example, the government increased the salaries of law enforcement officials to amounts above the cost of the basic food basket. This measure was aimed at creating better working conditions for police officers and at reducing the corruption of the organisation. The transitional Unit for the Public Defense Service was also created in 2007 so detainees could be provided with proper defence services. Police and military courts were disbanded, and under the framework of the 2008 Constitution, the mission and duties of the police began to have a strong inclination toward respecting human rights.

In 2010 the Omar Vidal's case (police officers attacked a law-abiding citizen) received high media coverage and the controversy surrounding the case had a considerable impact on police procedures and their control by the government. Moreover, the presentation of the

final report of the Truth Commission in 2010, which revealed different cases of human rights violations perpetrated by security forces during the recent democratic years, motivated the reopening of cases by the judicial system. This involved a series of investigations by the Prosecutors' Office and the punishment of law enforcement officials who were involved in the incidents.

Instances of police deviance affecting female offenders could be traced through human rights reports, newspapers, the Truth Commission report, and prison and court documents produced in the course of those years. Moreover, oral testimonies of female offenders and in-depth interviews with police officers provided two additional sources with which to examine the interaction between these two parties. National legislation, such as codes of penal procedure, criminal justice system-related laws and the three national Constitutions also provided rich information for this analysis.

While chapter two is devoted to the theoretical framework for this research, and the methodology, chapters three and four present the study findings. Chapter three is divided into two parts; the first analyses each element of the Routine Activities Theory from a historical perspective with the aim of examining the prerequisites for the occurrence of police crime and corruption and how these affected female offenders during the research period. This part explores female offender's suitability for illegal treatment by deviant police officers, and how not having a consistent capable guardian against their victimisation affected the treatment they received. Also, this first part allows the tracing of the motivations behind police officers' illegal behaviour.

The second part of this chapter examines the alteration of one element of the theory: the suitable target, which should have, according to Cohen and Felson (1979), prevented police crimes from occurring from 2007-2008 on. However, this study found that the alteration of

this element seemed to have deterred only one form of police deviance: torture against women.

Whereas in chapter three female offenders are analysed more generally as suitable targets, chapter four focuses on the experiences of the two most vulnerable groups of women to be subjected to police abuse in the country: black and Colombian women. The chapter first presents a historical overview of the situation of Colombian nationals in the country with the aim of examining the reasons behind their discrimination within Ecuadorian borders. Later, the chapter is divided into two parts. The first part concentrates on testimonies of black and Colombian female offenders about their experiences with police officers during their arrest and while in police custody. In this part, I work with an intersectional framework in order to examine women's experiences, taking into consideration not only their race/ethnicity and nationality, but also the intersection of those two with other identities such as gender, age, level of educational attainment and sexuality. By looking at their experiences through an intersectional lens, it was possible to identify how their privileged and marginalised identities positively or negatively affected the treatment that these women received by police officers. In the second part of chapter four, I examine the relationship between police officers' perceptions of minority female offenders and the treatment these women received during their arrest and while in custody. More specifically, the section explores the prejudices officers had with regard to these women's racial-ethnic, and national backgrounds in relation to crime and violence. This chapter is based on oral testimonies of 51 female offenders arrested since 1992, and 50 in-depth interviews with police officers. Finally, chapter five presents the conclusion regarding the circumstances in which the victimisation of female offenders by the police occurred in Ecuador, the pre-requisites for po-

lice deviance, and the way in which women resisted it. The chapter also presents the limitations of the study and makes suggestions for future related research.

The findings produced in this research are a contribution to the community of researchers involved in security and police studies, gender studies, the study of Latin American democracies from a historical perspective, criminology, and political sciences, among others.

1.2 State of the art

1.2.1 Police deviance in Latin America: exploring negative interactions between citizens and the police

Police deviance has been a subject of much examination, mostly in Anglo-Saxon contexts, since the 1970s. Its occurrence and particularities in Asian, African, European and Latin American contexts have also attracted a lot of attention (see e.g. Gerber & Mendelson, 2008; Tankebe, 2010; Ekenvall, 2011; S T Quah, 2014). Some scholars have focused their attention on broadening the knowledge of police corruption from different perspectives (Barker, 1977; Skolnick, 2002; Punch, 2009; Caldero, 2010; Lee, Lim, Moore & Kim, 2013); others on police prejudice and discrimination (Wortley & Homel, 1995; Weitzer & Tuch, 2005; Brunson & Miller; Gatto, Drambrun, Kerbrat & De Oliveira, 2009; Rios, 2009; Solis, Portillos & Brunson; 2009), while others have analysed police deviance in its other different forms, including police sexual misconduct (Kraska & Kappeler, 1988; Kraska & Kappeler, 1995; Kappeler, Sludder & Alpert, 1998; Maher, 2003; Goldschmidt & Anonymous, 2008; Porter & Warrender, 2009; Donner & Jennings, 2014; Maher; 2008; Maher, 2010; Stinson, Liederbach, Brewer Jr., & Mathna, 2015).

The topic of police deviance in Latin America, either in the form of corruption, crime, abuse, discrimination or misconduct, has also been discussed by several scholars. Authors have explained the continuity of police violence and abuse of authority in the region from

different perspectives; some have argued that, to a large extent, it responds to the increasing demands of a civil society to arrest criminals (Benítez, 2004), while others attribute the abuse of authority of certain police officers with the amount of sensitive information they manage, their low salaries and the lack of resources given to the organisation, as well as to police culture⁸ (Ruíz & Azaola, 2014) which includes loyalty among police officers and the institution, and has a connection to the blue code of silence. In connection to the latter, Ruíz and Azaola (2014) conducted a research in Mexico with police officers incarcerated for kidnapping. The interviews with the police officers revealed common elements of police culture, such as distrust and loyalty, but also of other features such as authoritarianism, discretionality and negotiation among police officers and how these contributed to the occurrence of different illegal practices. The study showed how certain police officers were dismissed by the institution for the sake of public opinion, and also others were forced to blame themselves for the crime and ended up being incarcerated for kidnapping because they did not comply with the internal corruption or illegal “arrangements” of other police officers and/or supervisors. This study showed both: corruption within the police organisation, and also of individual police officers who actually engaged in kidnapping and other criminal activities.

The study of Arturo Alvarado and Carlos Silva (2011) on the other hand, was based on surveys, field observations and focus groups to show not only the frequency of contact between the public and the police, but also incidents of police corruption and abuse of authority in the city of Nezahualcóyotl and in the Federal District of Mexico. The results

⁸ Police culture has been understood as “widely shared attitudes, values, and norms that serve to manage the strains created within the occupational (e.g. their interactions in the streets with citizens, including offenders) and organizational environments of policing (e.g. their contact with police supervisors)” (Paoline III, 2004, pp. 205-206). It has been said that the culture has considerable influence over the way in which police officers interact with citizens and think (Loftus, 2010). The culture has been linked to different negative traits, such as racial prejudice, and machismo.

showed that among those encounters where officers used force, in 40.7% of the cases, officers also engaged in bribery. The authors also concluded that the likelihood of an abusive encounter with the police increased when the person was a young man while using public transport or driving a vehicle.

Other authors have analysed the topic of abusive policing focusing on the experiences of adolescents or youths, who sometimes have also been part of certain minority groups. Tenenbaum (2015) for example, based his study on in-depth interviews with adolescents between 15 and 18 years detained by the police for committing an infraction in Montevideo, Uruguay. The author used labeling theory to analyse how these young individuals recognised themselves as deviant (or acted according to, and assumed, that identity) just as society and the police had already labeled them as such to justify their condemnation and harassment. Adolescents were seen and harassed as suspects based on different factors, such as their age, any previous record, slang speech, clothes and the neighborhood, which in the eyes of the police and other social institutions were associated with deviance. In a similar vein, one study conducted in Cali, Colombia, showed how young black men were more likely to be suspected by police, searched and harassed in certain areas of the city (see Lam & Ávila Ceballos, 2013).

Hoffman (2013) discussed the topic of police violence in Brazil especially against non-whites and the poor, by taking up a single case of abusive policing which occurred against a young, Black man who was falsely arrested, beaten and verbally mistreated by a Black police officer in the city of Aracaju. The Black man won the case against the state, as the judge disavowed the action of the police officer. The author identified and discussed three paradoxes emerging from this case: first, Brazilians simultaneously fear crime and the police; second, Black cops mistreat black citizens; and third, government representatives deny

responsibility by strongly criticising and stigmatizing the police for their racist violent actions (Hoffman, 2013).

In general each police organisation has its own peculiarities, but what can be seen from these and other academic works, is that the problem of police abuse of authority, crime and corruption has been far from uncommon in the region. Victims of abusive practices are diverse; rich and poor, young and old, whites and Blacks, men and women. Furthermore, the literature suggests that in Latin America as well as in other diverse international contexts, poor, young, Black, men and other minorities are more often targeted by police officers. This leads me to include, later in this review of the literature, the relationship between minorities and the police, and to consider how their (minorities) different identities influence the treatment they receive when arrested or while they are in police custody.

1.2.2 Police deviance in Ecuador

Throughout the years in Ecuador, police deviance, in its different forms, has been researched and discussed by governmental commissions, human rights' organisations, and the media. At an academic level however, the topic has not been discussed as much as it has in Anglo-Saxon contexts or other countries as seen above.

When discussing the topic of police deviance in Ecuador, the most controversial cases of police misbehaviour taking place in the recent democratic years are recalled. The Restrepo brothers (1988) and the Dolores (2003) cases, for instance, revealed how both innocent citizens and criminals were tortured and extra judicially killed by the police. These two cases, in fact, have been the most notorious as they revealed the common illegal practices of the police not only to punish detainees but also to hide or destroy evidence (including the victims' bodies) of their crimes.

The arrest of 23 Black individuals (2008) for their alleged suspicious conduct in the Park La Carolina, in Quito, is another controversial case of police misconduct, considered an example of the institutional racism of the police in the country, as the arrest was found to be unjustified (“Grupo ecologista denuncia a Policía de Ecuador por racista, 2008; “El gobierno pide disculpas por racismo”, 2008; “Primer caso de discriminación racial que trata el Municipio”, 2008). The Terranova case (2008) revealed the victimisation of offenders and of an innocent man who was tortured and forced to sign a confession incriminating himself for the robbery of a jewelers (“El caso Terranova”, 2011). This case resulted in the elimination of the GAO (Supports operation group), a special police body accused of perpetrating several human rights violations since its creation in the 1990s. The Vidal case in 2010 also revealed the authoritarian conduct of the police against victims of crime, as well as their habit of writing reports containing false information.

Hardly any cases of police crime against women have received public attention, but the results of this investigation reveal that several other serious cases of police crime and corruption were perpetrated against women, and have remained invisible.

At the scientific and academic level it was found that only a handful of studies qualitatively analysed or discussed the problem of police deviance in Ecuador. For example, Liset Coba (2015) study, involving in-depth interviews and life stories, revealed certain illegal practices perpetrated by the police and the discrimination faced by poor Black women involved in drug trafficking. The author took into consideration the lack of opportunities and the constant marginalisation, violence and exclusion faced by these women throughout their lives, which continued during their contact with the criminal justice system and particularly with the police. Bribery, physical abuse and rights’ violations were common in these women’s testimonies.

Alvarez (2015) for his part, analysed the everyday experiences of racism and discrimination of young, black men living in a violent neighborhood of Ecuador's capital, Quito. The author used the category of "capital delictivo" (criminal capital) which he linked to the concept of the cultural capital of Pierre Bourdieu. Cultural capital "refers to a wide variety of cultural resources, such as verbal facility, general cultural awareness, aesthetic preferences", etc (Swartz, 2018). Bourdieu in his later writings suggested that the concept can also be understood as "informational capital" (Swartz, 2018). In this context, *capital delictivo* referred to the learning of the national legislation by the Black youth, who when confronted by the police, used this knowledge to defend themselves from police abuses and discrimination, and also to intimidate the officers.

Romo (2018) analysed the subject of police deviance from the perspective of female offenders. The author used the concept of procedural justice to analyse women's perceptions of fair and unfair treatment by the police officers. The article showed that the few women who had positive experiences with the police ignored the irregularities they witnessed during the arrest, and while in custody, because they were satisfied with the treatment received. On the other hand, the majority of women, who had a negative experience with the police officers, showed their dissatisfaction by not being willing to cooperate with the police.

In addition, other publications which are not of an academic nature provide insights into the topic of police deviance. One example is the book of Hugo España (1996) a former police officer involved in the Restrepo case, who revealed the training and operations of police special and clandestine units created in Ecuador between the late 1970s and mid 1990s. Although that book did not provide a deep examination of the relationship between the police and offenders, it provided a general description of police deviant activities affecting vulnerable groups and detainees at the time. For example, the author mentioned that sex

workers were, on many occasions, raped by members of the Escuadrón Volante, and citizens suspected of participating in subversive activities, terrorism and other offences were tortured, kidnapped and occasionally killed by members of the SIC-10 clandestine police body. The book was written based on the experiences of the author, who worked for the Ecuadorian police force during the administration of León Febres-Cordero, when efforts were focused, as well as in other Latin American states at the time, on battling communism and subversion⁹ in the country.

Other studies on police illegal behaviour in the country have been conducted by international organisations. For instance, in 2011, Philip Alston, a UN special rapporteur on extrajudicial executions in Ecuador, identified four types of police killings in the country: 1) Killings connected with police work; 2) Police involvement in hired killings; 3) Police involvement in social cleansing groups; and 4) Killings related to personal disputes. The investigator mentioned the case of JGR¹⁰ a police officer who was shot by the police in February 2010 and who was found to be involved in executions of suspected criminals in Los Rios Province. Alston also revealed the difficulties of working with statistical data on police killings, as it was found that the information recorded by the government in this regard was poor and “very general” (p. 12). He said that “the abysmal state of police statistics means that officials are unable to have any real sense of the extent of police misconduct” (Alston, 2011, p.12). The rapporteur also mentioned that Ecuador had one of the lowest rates of accountability for police killings in any country he had visited, where 1% to 3% of

⁹ A large part of the studies dealing with the role of the police during the first decade after the democratic transition in Ecuador have concentrated their attention on their attempt to defeat subversion and on human rights violations perpetrated by the police against those individuals who were part of it. Therefore, this study will avoid concentrating exclusively on the police’s treatment of individuals aligned to the left-wing armed group or guerrilla Alfaros Vive Carajo (AVC). Instead I will direct more attention to other types of offenders who have been ignored by previous research.

¹⁰ This police officer has been referred to JGR in legal and media documents presumably for security reasons.

those reported killings were actually punished. He added that due to corruption, lack of will and fear of retribution, the perpetrators of these crimes were rarely punished.

Furthermore, national human rights organisations like the Ecumenical Commission on Human Rights (CEDHU) created in 1979, and other international organisations such as Amnesty International, Human Rights Watch, the International Federation for Human Rights (FIDH), as well as the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Organization of American States, and the U.S. Department of State have constantly made efforts to investigate and disclose instances of police crime and corruption throughout the years without neglecting the experience of offenders. In these studies and reports police deviant actions affecting offenders have not been profoundly analysed. Police abuses have been also discussed from a legal perspective (e.g. Zambrano Pasquel, 1998; Zambrano Pasquel, 2005; Duque, 2007) or have been briefly mentioned when discussing more recent developments of the police organisation in Ecuador (Pontón, 2009; Pontón J., 2016; Pontón D., 2016).

Finally, regional polls have revealed that in Ecuador and other Latin American countries the perception is that the police is involved in criminal activities and is abusive. For example, by 2008 over 50% of Ecuadorian respondents believed that the police was involved in criminal activities. At the time, in Guatemala, Venezuela, Bolivia, and Argentina, more than 60% of those surveyed thought that their local police were involved in crime (Cruz, 2010). Another survey asked Latin American citizens about encounters where the police had verbally or physically abused them. Whereas Argentina ranked first with more than 8% of the population reporting having been a victim of police mistreatment, Ecuador ranked ninth with more than 4% of the population reporting the same situation (Cruz, 2009).

The aforementioned authors and organisations have placed more emphasis on police crimes and abuse, whereas others have focused their attention on a different category of police

deviance: corruption. Previous research and media reports have highlighted and discussed the pervasive police corruption in Ecuador and in several other Latin American countries (U.S. Department of State, 2001; Latinobarometro, 2004; Dammert & Bailey, 2005; “Corrupción en Policía de Ecuador, fuera de control”, 2006; Hanashiro & Pontón, 2006; Pontón, 2009; Pontón, 2016), as well as its influence to the widespread public distrust in the institution over the years. What is more, corruption not only affected relationships among officers within the force, but also the relationship between police officers and offenders, and between the police and law-abiding citizens.

For example, former police officers have denounced the corrupt practices that they experienced during their training at the police academy in Ecuador. In his book, former SIC-10 agent Hugo España described how police trainees had to pay a sum of money to the officers in charge in order to have their weekend (*salir franco*) off (España. 1996). This occurred in spite of the very little money earned by trainees between 1983 and 1984 (700-800 sucres)¹¹. Also, over the years and until the end of the period under examination corruption cases linked to the police admission system and abuses among police officers were reported (Pontón & Rivera, 2016).

Corruption also affected citizens’ perceptions of the police in the country. For example, according to a survey conducted by Flacso Ecuador in 2003, 80% of those surveyed in Quito, Guayaquil and Cuenca assessed police performance as between barely adequate and poor (Hanashiro & Pontón, 2006). Additionally, according to the 2004 Latinobarometer poll more than 50% citizens surveyed said that it was possible to bribe a police officer in

¹¹ España also mentioned that a common practice was that officers with higher ranks tended to “announce” that one of their personal belongings was “lost” in order to charge each trainee a sum of money for the alleged lost or stolen object. Other benefits and promotions could be expected in exchange for gifts (España, 1996).

Ecuador (Latinobarometro, 2004). Other countries with percentages over 50% were Argentina (57%), Paraguay (58%) and Mexico (65%).

The survey ENACPOL conducted in 2005 on the other hand, showed similar results. According to the survey the National Police, together with the judiciary, were the two worst evaluated institutions (Pontón, 2007). More than 70% of those surveyed in the country said they had little or no trust in the national police (Hanashiro & Pontón, 2006). According to the same survey, 40.1% of the households had been victim of one type of crime. Sixty percent of those living in these households did not report the incident to the police, and when asked the reason, over 36% of them responded that they did not report the case because they did not trust the police (Hanashiro & Pontón, 2006).

Seligson (2006) for his part, made an analysis of the levels of trust in the country's institutions between 2001 and 2006. The author used the data from the Latin American Public Opinion Project (LAPOP) to show that whereas the Catholic church and the media were the two institutions who enjoyed the highest levels of confidence of the public in 2006, the police was in an intermediate position, and the political parties were the worst evaluated in the same year. During previous years, more specifically in 2001 and 2004 the police was in a similar position in terms of citizens' trust, always behind the two aforementioned higher ranked institutions and the Armed forces (Seligson, 2006).

In general, since the beginning of the 21st century the citizens of the Americas have had a relatively high perception of their public officials (including the police) as corrupt. Ecuador was more or less in an intermediate position within the continent. According to Donoso, Montalvo, Orcés and Seligson (2011) between 2001 and 2010 Ecuadorians had a very high perception of their public officials as corrupt. In 2010 the perception of corruption was the lowest recorded by the AmericasBarometer in the country whereas 2006 was the highest (Donoso, Montalvo, Orcés & Seligson, 2011).

In connection to the foregoing, Dammert and Bayley (2012) noted that one characteristic feature of the Latin American police forces has been the citizens' distrust in these, due to their lack of efficiency, corruption and low professionalism.

Most of the studies analysing police corruption in the region and particularly in Ecuador are based on public opinion polls whose participants are usually law abiding citizens. It can be seen then, that studies analysing the experiences of offenders and particularly of female offenders with police corruption and crime in the country are scarce.

Only the final report of the Truth Commission, released in 2010, in addition to the studies of Coba (2014) and Romo (2018), attempted to provide a picture of the experiences of female arrestees with the police and how police deviance affected them. That report however, focused its attention, perhaps for political reasons, on the period from 1984 to 1988 when former President León Febres-Cordero was in office, and when the government and law enforcement efforts were concentrated on tackling subversion in the context of the Cold War¹². The commission reviewed other cases of police deviance which occurred under the different administrations existing until 2008, but the focus was on the aforementioned period as, according to the report and other studies, during those years most of the human rights violations perpetrated by security forces' agents against detainees and other citizens occurred. The report obviously has its limitations: it focuses its analysis on the victims' testimonies, which is the actual purpose of the research, and does not explore the views of the perpetrators; it does not analyse the subject of police corruption and how it affected offend-

¹² Although the National Security Doctrine (NSD) was gaining momentum in Latin America during the 60s as a form to confront subversion, it is the anti-subversive policy implemented during the administration of León Febres Cordero (1984-1988) during the 80s, which stands out in the case of Ecuador. The implementation of this policy led to the creation of specialised internal security operational elements, such as the Intervention and Rescue Group (GIR) and the Special Operations Group (GOE) of the National Police. Furthermore, during the 80s and with the aim of fighting subversion, and drug trafficking in the country, special police and clandestine units, such as the SIC-10 also known as the Anti Subversive Intelligence Unit (UIAS) and its successor: the Special Investigations Unit (UIES) were created ('Fiscalía confirma existencia de grupo clandestino SIC-10,' 2013; Pontón & Rivera, 2016; Romo Pérez, 2018).

ers; it focuses on men and women arrested mostly for their connection to subversion, neglecting to some extent the experiences of women and men who were arrested for other types of crimes; the victims were mostly portrayed as passive agents who did not usually resist their victimisation; the different identities or characteristics of the victims albeit described, were not qualitatively analysed from an intersectional approach and therefore the impact of the intersections on the treatment received by the police is not acknowledged properly. This means that the treatment received by minorities due to their different oppressed identities was not described.

This dissertation will attempt to fill those gaps by employing Routines Activities Theory (RAT) in order to analyze the circumstances and context in which cases of police deviance affecting female offenders occurred in Ecuador between 1979 and 2010 and the way in which women resisted these.

1.2.3 Police sexual misconduct (PSM) in the literature

There are a handful of researchers who have analysed the topics of police sexual misconduct and police sexual violence from different angles. The methods chosen to explore these topics have also been diverse, ranging from interviews to surveys and news-based content analyses. For example, Stinson Sr., et. al. (2015) used the latter method, together with the analysis of court records, in order to explore cases of sex-police crime across the United States (where practically all the studies on PSM and PSV have been conducted), and found that of the 548 cases resulting from the news search, 398 sworn law enforcement agents had been arrested for this type of behaviour between 2005 and 2007. The majority of the cases involved street-level male officers, and most of the victims were female and young, under 18 years old (Stinson Sr., et. at., 2015). Their study also identified serious cases of police

sexual violence such as forcibly sodomy, and sexual assault with an object (Stinson Sr., et. at., 2015).

Another study conducted in the United States used a population of female offenders aged 18 years or older, who were part of a HIV intervention study and who had been arrested for non-violent offenses such as prostitution and demonstration (Cottler, O’Leary, Nickel, Reingle & Isom, 2014). Of the 318 women surveyed, 25% said they had traded sex for favors with police officers (Cottler, O’Leary, Nickel, Reingle & Isom, 2014). Among these women, 96% reported that the encounter occurred while the officer was on-duty and in the presence of another police officer. Forty nine percent confessed that they did not always use protection while having sex with the officer. Fifty eight said that the police officer with whom they had the “encounter” promised not to charge or arrest them. Eighty seven percent of the participants said the police officers kept their promise. Finally, 34% described the encounter as rape (Cottler, O’Leary, Nickel, Reingle & Isom, 2014).

It is important to note here that although previous research has found that sex workers in different contexts were – and are – often vulnerable to police sexual misconduct (Cottler, O’Leary, Nickel, Reingle & Isom, 2014; Daich & Sirimarco, 2014; Williamson, Baker, Jenkins & Cluse-Tolar, 2007; Sherman, Footer, Illangasekare, Clark, Pearson & Decker, 2015), the opportunities for police to engage in inappropriate behaviour with marginalised women who were not necessarily engaged in prostitution have been varied and many in Ecuador and in Latin America according to previous research. In Mexico for instance, a recent report from Amnesty International, which studied the cases of 100 women behind bars, revealed that police torture (perpetrators were municipal, state or federal police officers or agents of the National Army and Navy) and acts of sexual misconduct against female offenders to secure convictions and confessions were far from uncommon (Amnesty International, 2016). The Truth Commission Report of Ecuador also dedicated a section to the

analysis of sexual violence against men and women arrestees between 1984 and 2008, and found among other interesting results discussed in the third chapter, that most of the perpetrators were police officers followed by members of the national army.

In general, American scholar Timothy M. Maher's studies (2003; 2008; 2010) are among the most relevant contributions to the body of research on police sexual misconduct and provide a platform to the study of this phenomenon in different contexts. In his first study (2003) the aim of the author was to explore police officers' perceptions of the extent of police sexual misconduct and the factors influencing their decisions to engage or avoid this behaviour. The author surveyed 40 police officers in the United States (St. Louis) and found that according to officers' perceptions the majority of cases of police sexual misconduct were not of a serious-criminal nature, like rape and sexual assault. The data of the study also revealed that officers perceived police sexual misconduct as something relatively common, that the majority of cases involved consensual sex (which might not have been considered consensual for the victims) (Maher, 2003), and rarely involved violence. With regard to the factors influencing police sexual misconduct, officers mostly named their "personal morals and values" as influencing their conduct. Self control and spouse reaction were also named as influencing factors for not engaging in this behaviour. Even when the majority of the police officers responded that they did not feel peer pressure to engage in this type of behaviour, they recognised that the work atmosphere might play a part in influencing some officers.

Maher's second study (2008) was based on 20 interviews with police chiefs about their perceptions of the nature, extent and sources of police sexual misconduct. Most of the interviewees believed that police sexual misconduct was a problem but also believed that serious forms of this phenomenon were rare, but that less serious cases were more common. The study also revealed that police chiefs and other police personnel received little training

on police sexual misconduct and that opportunities provided by the job (low supervision and constant interaction with citizens) was a factor contributing to police sexual misconduct occurrence. Finally, another important factor contributing to police sexual misconduct was found to be the police culture, which manifested itself through a code of silence, whereby police officers felt free to engage in sexual misbehaviour with little fear of being reported by a fellow officer (Maher, 2008).

Maher's 2010 study focuses on 20 female officers' perspective of police sexual misconduct. The study reveals that, in their view, PSM was common, but that the majority of cases involved less serious forms of this behaviour (e.g. voyeurism and sex on duty). Once again police culture, according to female officers, played a big role in sustaining PSM. They also argued that there was not much willingness to report this behaviour and that there was a certain tolerance toward it. In connection to the foregoing, Kraska and Kappeler (1995) found that an important element throughout their police sexual violence continuum was the sexist organisational ideology of the police culture. Another important factor influencing police sexual violence was found to be the officers' exploitation of their position in society. Finally, as part of their research Walker and Irlbeck (2002; 2003) identified police officers using their traffic enforcement powers to harass, stop and assault female drivers; a problem they called "driving while female". In their 2002 report as well in their 2003 report, they found that certain police officers abused their authority to take advantage of vulnerable people, such as teenage girls, prostitutes and people stopped for traffic violations.

1.2.4 The profile of the female offender

Internationally, research on female criminality has focused on the individual physiological and psychological characteristics of these, and tended to exclude other important factors

such as social class or socio-economic situation, race, education, and marital status of women. From the 1970s and 1980s onwards, the work on female criminality reflected some important changes from earlier studies. These works have tended to explore the influence of a poor economic background on women offenders, and studied female criminality and its relationship with the women's movement (Flowers, 1987). Also, more recent attention has been given to the fact that most female offenders tend to be part of a racial minority (e.g. in the US), are poor, undereducated, self-supporting, and often having to support others (Flowers, 1987).

According to Dorie Klein (1973) poor women and those who live in developing countries engage in criminal activities as a viable economic alternative (Flowers, 1987). Although this can be true to some extent, the reality is that certain criminal activities are seen as a means to escape a difficult economic situation for women all over the world and not only for those in developing countries. Also, not only poverty motivates women to engage in crime.

Latin American and international literature have often described the profile of female offenders as women with scarce resources, increasingly the breadwinners for their relatives, and with a low level of educational attainment, which complicates their opportunities for improving their quality of life. Different studies and reports from, and outside, Latin America have linked economic need with women's involvement in trafficking and other economic offences. For example, Reckdenwald and Parker (2008) found that in the United States, economic marginalisation was specifically related to two financially motivated crimes: female drug sales and female robbery. Similarly, Jenifer Fleetwood (2010) found that many of those Latin American female offenders interviewed in her study described financial concerns and supporting families as their main reasons for engaging in drug-related crimes.

Other studies have also described them as poor; with low levels of education, and as the primary caregivers of dependent individuals (Giacomello, 2013; De Miguel Calvo, 2014;

Youngers; Pieris; Nougier; Chaparro, 2016). Past research has also included history of victimisation as one of the characteristics of these women (Norza; González; Moscoso; González, 2012). Furthermore, Steffensmeier and Allan (1996) found that the social background of male and female offenders is similar, with the main difference being a greater presence of dependent children among women.

By 1986 Vega Uquillas described female drug offenders in Ecuador as women who were- and are- often used as carriers or smugglers of illegal drugs, mainly in the border areas of Peru and Colombia. The author noted that these women had personal socio-economic problems, were either underemployed or had no job at all, came from broken homes, some were single mothers who lived in poor households or were internal or foreign migrants (Vega Uquillas, 1986, pp. 107).

In connection with this matter, Andreina Torres' research published in 2007 found that most of the women imprisoned in “El Inca”, a prison located in Quito, were there for drug related offenses and the majority came from a poor economic and social background. By 2011, the majority of those male and female individuals imprisoned under drug charges were problematic drug users, poor, and members of minority groups (Edwards, 2011). Edwards (2011) noted that, according to the National Social Rehabilitation Service statistics, for several years up to 80% of all women incarcerated in Ecuador were accused of drug charges. The author argued that since the Ecuadorian police suffered from weak infrastructure and lack of resources, they tended to target these women, who were the easiest to detain.

The increasing incarceration of women in the country, as the author explained, had relation to not only the growing number of women participating in the drug business, but also to the fact that for several years Ecuador had one of the most draconian drug laws in Latin America (Edwards, 2009). Furthermore, as Ecuador became an important transit country for illicit drugs, precursor chemicals, and money laundering (Edwards, 2009), there were greater

opportunities for poor uneducated (men and) women who were the breadwinners of the family, to earn money quickly by participating in these illicit activities. In addition, as property crimes generated immediate profit, these also increased during the period under consideration.

It is important to take into account that during the 1980s in the country, and more specifically between 1984 and 1988 those belonging to “subversive” groups, were the most targeted by the police. Soon after the group *Alfaro Vive Carajo (AVC)*¹³ was created, women belonging to AVC were chosen to perform certain tasks for the group without running the risk of being identified by the police (Jiménez, 2016). As time passed and women engaged more often in the criminal activities of the group, they attracted police suspicion¹⁴, one of the pivotal characteristics of police culture. Women were engaged more often in intelligence and security tasks, in the transportation of weapons and in forging documents (Jiménez, 2016). They were also in charge of making Molotov bombs, producing informative brochures about the organisation and distributing them later (Jiménez, 2016). Few women participated in positions of leadership, and there were fewer women than men in the group (Jiménez, 2016). More men participated in violent confrontations with the police; however there were some cases in which women took up arms as well and participated in “recuperaciones” (bank or firearms robberies) (Jiménez, 2016), where a few of these women died.

¹³ Whereas there is not much information on these women, experiences with the police in prison and the courts’ archival documents, the report of the Truth Commission provided a clear picture of the victimisation of “subversive” women by the police. That information will be included within the analysis, together with the little information found in archival sources by the author.

¹⁴ According to Robert Reiner (2010), “suspicion is a response to the danger, authority, and efficiency elements in the (policing) environment” (p. 121), as well as a result of cops’ sense of mission. The author notes that stereotyping is closely related to the suspicion element of the police culture.

Although a relation was found between the economic marginalisation of women and female criminality in this study¹⁵ as well, it is important not to think of women as passive agents who were simply the victims of unemployment, low salaries, casual jobs, and third parties who induced them to commit criminal activities (Torres, 2008). Previous research has found that female criminals act as rational, active agents seeking to attain particular goals (Ajzenstadt, 2012; Brookman; Mullins; Bennett; Wright, 2007). Previous studies have also argued that women engagement in crimes and violence is not always related to poverty, but also to other reasons, for example the need for respect, recovering their reputation (Batchelor; Burman & Brown, 2001), street justice and retaliation (Brookman; et al., 2007). This research identified that, with the exception of a few cases, most motives behind women's involvement in the criminal sphere were income-oriented.

1.2.5 Previous research on intersectional experiences, minorities and the police

Previous research has demonstrated “how specific discourses that construct and stereotype criminals are embedded in intersectional and marginalised social identities defined by race, class, and gender” (Romo Pérez, 2017, p. 3). For instance, Brunson and Miller (2006) found that young African-American men in St. Louis, Missouri, felt they were persistently treated as suspects and were treated more aggressively by the police. The majority of the young men who participated in that study, reported being harassed by the police in their neighborhoods at all hours. Young Black women expressed their concern about police sexual misconduct (Brunson & Miller, 2006).

¹⁵ This study also provides enough evidence of a few women who entered the criminal sphere or were active participants in it for different reasons, such as: enjoying the adrenaline and excitement resulting from the experience, ambition, fear of disapproval, revenge, etc,

Similarly, Kessler and Dimarco (2013) found that poor young men and women who lived in poor and stigmatised neighborhoods in Buenos Aires, Argentina, stimulated police suspicion and as a consequence were subjected to more hostile police treatment. The young men interviewed reported that police officers used to treat them disrespectfully and often made them participate in strip searches (Kessler & Dimarco, 2013). The young women complained about certain forms of police sexual misconduct (Kessler & Dimarco, 2013).

In general, empirical studies conducted in different countries have shown that poor, young, and adult Afro descendant people show less confidence in the police; and are more dissatisfied with them than whites due to perceived racial prejudices (Dottolo & Stewart, 2008; Lam & Ávila Ceballos, 2013; Solis et al., 2009; Alvarez, 2015).

1.2.6 Women who violate normative sex-roles and their treatment by the police

Although previous academic research has noted that women are treated with more leniency than men when confronted with criminal justice system officials (Franklin, 2008; Zaplin, 2008), certain scholars have argued that lenient sanctions are received only by select women (Visher, 1983 as cited in Romo Pérez, 2017). Women, according to the chivalry hypothesis, have been continuously stereotyped as passive, weak agents who need protection. On the other hand, the concept of selective chivalry or the “evil woman thesis” argues that women are treated more severely or are given harsher sanctions whenever they break normative gender-roles (Embry & Lyons, 2012, as cited in Romo Pérez, 2017).

For example, when women commit stereotypically “masculine” crimes they are punished more severely than women blamed for more feminine offenses (Kruttschnitt & Savolainen, 2009). The seriousness of the offense might have some influence in the treatment given by the police to a suspect, however it has been argued that when a woman commits a more

masculine or serious crime, she may be punished twice. In those cases the woman is punished for both, transgressing the law, like men, and for violating normative gender roles and expectations (Kruttschnitt & Savolainen, 2009 as cited in Romo Pérez, 2017).

If a woman is seen as less respectable she is also less likely to receive lenient sanctions. (Kruttschnitt, 1980–1981). For example, women involved in prostitution are one example. Scholars have noted that these women contradict traditional gender expectations (Daich & Sirimarco, 2014; Novich, 2016). As a result, they experience several forms of police deviant actions (Nichols, 2010). Those more likely to experience victimisation by the police are sex workers with a background of poverty or those who belong to the Afro community minority (Nichols, 2010). One study conducted in Argentina revealed that police officers often extorted prostitutes. These women also had several incidents with police officers who threatened them, and physical or verbal abused them (Daich & Sirimarco, 2014).

Finally, previous studies have reported that many lesbian, gay, bisexual, and transgender (LGBT) people have negative perceptions of, and interactions with, the criminal justice system in general and in particular with the police. A report revealed that LGBT people suffer from police verbal and physical abuse, are victims of police sexual misconduct, and sometimes are murdered by law enforcement officials throughout the American continent (Inter-American Commission on Human Rights, 2015). Members of the LGBT community who are more vulnerable to police harassment and police deviance are people of color. In several occasions, the intersection of their racial background and their sexual identity or orientation results in their mistreatment (Inter-American Commission on Human Rights, 2015, as cited in Romo Pérez, 2017).

Chapter II

2.1 Theoretical Framework

2.1.1 The Routine Activities Theory (RAT) framework

For several years, and particularly before the 1970s, many criminologists believed that opportunity played a minor role in crime, meaning opportunity merely provided the means for criminal inclinations to be expressed (Natarajan, 2011). However, there were some scholars who focused their attention in explaining crime rather than criminal dispositions and as a result developed crime opportunities theories. One of these being Routine Activities Theory, developed by Cohen and Felson in 1979 (Natarajan, 2011)¹⁶.

Routine Activities¹⁷ Theory (RAT) focuses on the necessary features that make criminal interactions easier to occur (Hollis; Levente; Fenoff; Wilson, 2015). One of the aims of Cohen and Felson (1979) was to focus on predatory crimes themselves and the prerequisites for their occurrence. They used Glaser's (1971, p.4) definition of predatory violations as illegal acts "in which someone definitely and intentionally takes or damages the person or property of another" (Cohen & Felson, 1979, p. 589). The authors argued that routine activity patterns can influence crime rates by affecting the convergence in space and time of three elements: 1) the presence of motivated offenders, 2) the availability of suitable targets, and 3) the absence of capable guardians. The latter two elements symbolize the opportunity for crime (Natarajan, 2011), which the offender might be able and willing to take. In other words, the convergence of the aforementioned three elements generates opportunities for crimes to occur and increases the risks of criminal victimisation (Yucedal, 2010).

¹⁶ Bounded rational choice perspective by Cornish and Clarke (1984, 1985, 1986) and crime pattern theory by Brantingham in 1991 are two other crime opportunity theories (Natarajan, 2011).

¹⁷ "An individual's routine activities are defined by that person's daily routines" (Hollis, et.al., 2015, p. 258).

They also concluded that the lack of any of the aforementioned three elements is enough to prevent the occurrence of a direct-contact predatory crime (Cohen & Felson, 1979).

Since the creation of the theory, several scholars have used it to analyse different types of crimes. In fact, Routine Activities Theory has been one the most widely known or popular mainstream criminological approaches (Schwartz; DeKeseredy; Tait & Alvi, 2001). For example, it has been used to analyze sex crimes, white collar crimes, cyber crimes, hate crimes, property crimes, and product counterfeiting. The theory has not been employed yet to analyze police deviance (either in the form of police crime or corruption). This study offers an ironic twist by using the theory to explore crimes committed not by common criminals, but by police officers.

Cohen and Felson (1979) argued that the increasing number of activities to be conducted away from the household after World War 2 (e.g. increasing female labor force participation and college enrollment) represented freedom and prosperity, but also increased the risk of personal and property¹⁸ victimisation. In their work of 1979 Cohen and Felson took motivated offenders as a given (Felson & Clarke, 1998); therefore they did not provide a nuanced analysis of this element. Instead, they focused their attention upon illegal acts themselves and the prerequisites for their occurrence (Cohen & Felson, 1979). Furthermore, traditional Routine Activities Theory research has paid little attention to what motivates criminals to approach any given suitable target (Hollis, et. al, 2015), and it is precisely this lack of attention about offenders' motivation which has been one of the main criticisms of the theory (Schwartz; DeKeseredy; Tait & Alvi, 2001). This little interest in the likely of-

¹⁸ When explaining the rise of burglary during the 1960s and 1970s in Western Europe and United States, the authors found that there was a decline in capable guardianship as women were entering full-time paid jobs and as a result households were empty for longer periods of time during the day, increasing the opportunities for burglary (Natarajan, 2016). They also found that suitable targets increased, since people were more often buying lightweight electronic devices, and so it was more likely for burglars to find something of value that they could easily take with them, in many homes (Natarajan, 2016).

fender is related to the fact that **it** (emphasis added) has been the focus of other theories (e.g. Gottfredson and Hirschi general theory of crime¹⁹ or Akers social learning theory²⁰) and also, as (2011) pointed out, to the fact that a number of persons willing to commit crimes or seeking perceived rewards by violating the law are assumed to exist.

Routine Activities Theory is supposed to provide a more holistic explanation of a particular criminal activity, because it looks at three interconnected elements at the same time. Therefore when employing the theory none of the elements should be neglected.

With regard to “target suitability”, Cohen and Felson (1979) argued that 4 major elements increase a target’s risk of illegal treatment by offenders, and these are: value, physical visibility, access and inertia (Cohen & Felson, 1979). In the Routine Activities Theory approach a suitable target can be a person or an object (Byers & Crider, 2002; Felson & Boba, 2010). The aforementioned elements are considered from an offender’s point of view (Felson & Clarke, 1998). First, the value given to, or the symbolic desire offenders have for a particular target play a role in their decision to approach/attack this target. Inertia refers to the weight, size or physical capacity of the target to resist the attack. If he or she is able to withhold the victimisation (in case it is a person instead of an object) the offense is less likely to occur. Visibility refers to the exposure of the targets to offenders- in other words the offender must know that the target exists (Bennet, 1991)- and finally, accessibility refers to the offender’s possibility to come into physical contact with the target (Bennet,

¹⁹ This theory, also called self-control theory, asserts that the crucial element of criminality is the lack of or low self-control (Arneklev; Elis; Meddlicot, 2006). Individuals with high self-control take into consideration the long-term consequences of their actions, whereas low self-control is a predictor of criminal behaviour (Jenkins, 2017). Self-control according to the authors, forms usually early in the life of an individual and his /her level of self-control remains relatively stable once it is formed (Jenkins, 2017). The theory has also received its criticisms, as it is considered by some as tautological (Arneklev; Elis; Meddlicot, 2006).

²⁰ This theory asserts that it is more probable for an individual to engage in criminal behavior when they differentially associate with others who engage in criminal behavior and show support for it, when they have personal dispositions favorable to crime, when they are exposed to noticeable criminal deviant models, and when they have received in the past, and predict that in that moment or in a future situation they will receive, greater reward than punishment for their behaviour (Akers, 1998).

1991). Depending on these characteristics the target can be more suitable or not for the offender to carry out the crime. Also important to note is that, as the motives of the offender in committing a crime change, targets will also (Hollis et. at., 2015).

According to the theory as stated before, for a common predatory crime to occur, capable guardians should be absent when a motivated offender has found a suitable target (Felson & Clarke, 1998). Various authors define guardians differently. Bennet (1991) for example, grouped guardians in three different categories: formal social, and informal social, control agents, and target hardening activities (Bennet, 1991). Formal social control agents include criminal justice system officials, such as the police and courts (Bennet, 1991). Informal social control agents include citizens who protect other individuals or objects from victimisation through surveillance and involvement, and target hardening activities include objects such as locks and alarms (Bennet, 1991). In general, the guardian or guardians are supposed to have sufficient power and means to prevent crime from occurring (Byers & Crider, 2002). Also important to note here is that “guardians carry out supervisory activities as they progress through their daily routines” (Hollis, et. al, 2015, p. 259). In the case of this study, anybody who was willing and able to prevent the victimisation of the target (female offenders) in the hands of the police, could be considered as a guardian (this includes the public). Since certain agents were created in the country precisely with the aim of protecting offenders and all citizens from all sorts of police abuse (e.g. prosecutors, *defensores del pueblo*, public defenders, the State itself), their role, capacity, presence and /or absence during the period under examination will be analysed in the third section of chapter 3.

To be able to complement the analysis of the three elements of the theory, a consideration of the historical socio-political and cultural context is believed necessary. It is not possible to understand such a persistent deviant behaviour without understanding the context in which it has survived.

2.1.2 Working with the concept of Police Deviance

A myriad of terms has been used to define different sorts of police deviance. Punch (2000) made a distinction between police crime, police corruption and police misconduct²¹ and integrated all of the three under the umbrella of police deviance. Punch (2000) expanded the threefold typology above and came up with 7 categories of police deviance: misconduct, straightforward corruption, strategic corruption, predatory corruption, noble cause corruption, police crime and state-related police crime. When referring to police crime he said:

“this refers to areas not related to relationships with the underworld or to ‘nobly’ inspired motives but to worrying practices of police-initiated criminality: abuse of rights, racial discrimination, sexual harassment, theft and burglary, extreme violence, drug use and drug dealing, and even rape and murder of colleagues (Remnick 1997). These are crimes committed by criminals in uniform” (Punch, 2000, p. 305).

Furthermore, Punch defined corruption in a previous work as follows:

“Corruption occurs when an official receives or is promised significant advantage or reward (personal, group or organisational) for doing something that he is under a duty to do anyway, that he is under a duty not to do, for exercising a legitimate discretion for improper reasons, and for employing illegal means to achieve approved goals (Punch 1985, p. 14 as quoted in Punch, 2000, p. 304)”.

Punch (2009) noted that one element that the various definitions of corruption have in common is the orientation to individual gain; evidence suggests however, that although

²¹ This occurs when officers break departmental regulations and procedures (Punch, 2000).

deviant practices can at times be individual (rotten apple²²), these are also very much collective (rotten barrel) (Punch, 2009). These practices, the author suggests, can occur in small groups, special squads, a segment of, or almost throughout the whole force (Punch, 2009). He also said that “gain” can take different forms and might not necessarily be financial. For example, it can be related to getting an arrest or conviction or to receiving a recommendation or recognition, etc (Punch, 2009). When referring to the aforementioned definition of corruption then, the author noted that this definition tried to escape from the assumption of personal reward and instead moved to group or organisational benefit (Punch, 2000). It also focused on “doing or not doing something for approved goals and not just illegitimate ends” (Punch, 2000, P. 304). Also, as seen, Punch (2000) distinguished four different types of corruption, which might be useful when trying to identify what specifically motivated the officers to become involved in corrupt activities.

The most popular typology of corruption so far has been provided by Roebuck and Barker (1974) (Newburn, 1999). The authors identified 8 types of police corruption: 1) corruption of authority: when a police officer takes advantage of his/her position to receive unauthorised material gain, but not necessarily violating the law in the process (e.g. the police officers receives free meals and discounts or gets paid for extra-protection of a citizen’s property); 2) Kickbacks (soborno o mordida in Spanish): refers to the collusion between legitimate businessmen and the police, so the first can benefit from the business relationship with the police; 3) Opportunistic theft: this involves stealing items or money from arrestees, traffic accident and crime victims, and dead people (Newburn, 1999); 4) Shakedowns: police officers accepting bribes from citizens who want to avoid a traffic charge or arrest. This

²² Barker (1977) described rotten apples as “either weak individuals who have slipped through the elaborate screening process of most police departments and succumbed to the temptations inherent in police work, or deviant individuals who continue their deviant practices in an environment which provides them ample opportunity” (p. 354).

violates criminal and departmental laws; 5) Protection of illegal activities: police officers protecting people involved in prostitution, drugs and other illegal activities; 6) The Fix: officers agree with the criminal to give perjured testimony or alter evidence; 7) direct criminal activities: police officers committing criminal activities (e.g. robbery) against people or property for material gain; 8) internal payoffs: Privileges accessible to police officers (e.g. shift allocations and promotions) are bought, negotiated for and/or sold; 9) ‘Flaking’ or ‘padding’ (added by Punch in 1985): planting evidence usually in drug cases (Roebuck & Baker, 1974; Newburn, 1999; Punch, 2000).

Over the years, other scholars offered definitions for police corruption. Ross (2001) argued that police corruption is both an economic and a nonviolent crime. Overall he said, corruption involved the receipt of benefits or resources (Ross, 2001). Barker and Roebuck (1973) provided a more elastic definition of it as “deviant, dishonest, improper, unethical or criminal behaviour by a police officer” (p. 3). Roberson (2017) described corruption as police officers seeking personal gain, failing to respect people’s rights, discriminating against individuals, using excessive force or committing other types of crimes. Even the concept of noble police corruption has been put forward. This involves “using illicit means for organisationally and socially approved ends” (Punch, 2000, p. 305). More specifically, an intrusive and inappropriate body search from which a minimum quantity of drug is found might be justified as a noble cause. Planting evidence to secure a conviction might be seen in this way as well (Punch, 2000). Noble police corruption²³ can result from a high pressure from the public or from superiors to get convictions (Punch, 2000). As Punch (2000) pointed out, it can be explained by the old saying “the ends justify the means”.

²³ A previous study found that noble cause corruption happened less often than personal gain corruption (Porter & Warrender, 2009).

As can be seen, many of the actions included under their broader definition were also included under the label of police crime provided by Punch (2000). This makes not only difficult to compare the results of different studies, but creates confusion when selecting the proper concept or term to be used.

For this reason, Ross (2001), Stinson and colleagues (2010) and Stinson (2015) have tried to conceptualize police crime. Ross (2001), for example, provided a multidimensional taxonomy of police crime (Stinson; Liederbach & Freiburger, 2010), and made four bipolar distinctions of police criminality based partly on whether the act was (a) violent or non-violent, (b) economically or not economically motivated, (c) perpetrated on behalf of the individual or the organisation against the citizenry or opposition, and finally (d) committed by police officers against the organisation or committed by the organisation against the officers (Ross, 2001).

Stinson (2015) argued that the distinction among the varieties of deviance is that all police crimes entail a violation of criminal law and are subject to criminal prosecution, whereas not all acts included under police corruption or misconduct contravene criminal law. Furthermore, Stinson (2015) distinguished five essential types of police crime: sex-related, alcohol-related, drug-related, violence-related, and profit-motivated.

Finally, Maurice Punch (2009) defined deviance as “an umbrella term for all forms of police activity that transgress internal regulations, the law and public expectations of legal and ethical conduct by the police” (p. 31). This definition takes into consideration the three subsections or categories reviewed in this section: misconduct (small incidents that are not criminal), corruption (more serious offenses considered criminal) and crime (deeply criminal acts that are not seen as justifiable, and which break the law in serious ways). Police deviance covers criminal and non-criminal behaviour (Maher, 2008). Furthermore, as has been suggested before, due to the large number of acts listed by Punch in 2000 (Porter &

Warrender, 2009) and other authors, it might be more useful to employ the heading ‘police deviance’ as it includes all of the aforementioned behaviours corresponding to each category (Porter & Warrender, 2009).

This research suggests that police officers tended to abuse their authority and special status (corruption) to commit an offense either for personal or organisational benefit (noble-cause corruption). It was also found that officers often got involved in serious offenses (police crime) that violated national criminal law and that represented a gross abuse of power (Punch, 2009). The three broad categories of police deviance put forward by Punch (2000), and the expansion of his above-mentioned threefold typology to 7 categories seems more suitable for the analysis, as all of these categories include all ranges of behaviours committed by police officers in Ecuador and as such deserve a proper examination and consideration.

In that connection, I reviewed the 1971 Ecuadorian Code of Penal Procedure, reformed 46 times until May 2010 (COIP, 2014), and identified in it the most common criminal offences perpetrated by the police and reported by female offenders during the research period (see table 5 in Appendix). These were perpetrated by police officers in active service with more or less frequency in the country. Whatever the police did off-duty will not be covered in this research.

Finally, the subject of police sexual misconduct (PSM) will have its own section. This is a form of police deviance, which can take the form of a crime and can be found in the penal code (e.g. sexual harassment, rape, etc) when it is of a serious nature. There was also behaviour described by women which was of a less serious nature and that was not considered criminal neither by the law nor by the literature (e.g. unwarranted strip searches and unwanted flirtatious advances), but that still fell into the concept of police sexual misconduct. I will elaborate more on this specific type of police deviance, and on its serious and less

serious forms due to the nature of my study. Police sexual misconduct will have a particular section in the next chapter. This section will be included within the discussion of women as suitable targets, as some police officers saw women particularly suitable to obtaining from them, by suggestion or force, sexual pleasure or gratification.

2.1.3 Selecting the proper conceptualisation of Police Sexual Misconduct

While police occupational deviance, especially corruption, has been a subject of great interest and preoccupation within the past four decades (Rabe-Hemp & Braithwaite, 2012; Maher, 2003), little research has covered other forms of police misbehaviour (Maher, 2003). There is, however, a small body of literature focused on what in general has been known as police sexual misconduct or violence²⁴ (Barker, 1978; Kraska & Kappeler, 1995; Maher, 2003, 2008, 2010; Stinson, Liederbach, Brewer Jr., & Mathna, 2015; Cottler, O’Leary, Nickel, Reingle & Isom, 2014). In fact, it is only recently, that police sexual misconduct has been acknowledged by Academia as a serious problem (Maher, 2008).

Historically some authors when referring to police sexual misconduct have focused on consensual sex, which according to them involved citizen-initiated contacts in which “lonely” or mentally ill women looking for the companionship of police officers, or feeling attracted to the uniform, participated (Sapp, 1998 as cited Maher, 2008). Furthermore, Barker (1978) argued that police officers are likely to establish contact with several women as part of their routine patrol activities, including those who are intoxicated at night, which could result in these women offering a sum of money to avoid arrest or a traffic ticket, or which left these

²⁴ Researchers have differentiated police sexual misconduct from police sexual violence, noting that police sexual violence is “officially recognised and involves violence or the use of police force” (Maher, 2003, p. 357).

women vulnerable to be abused by rogue officers (Barker, 1978). Although the author mentioned the possibility of women being abused by police officers, he also said that often women are willing to participate in such consensual encounters because, among other reasons, they feel attracted to the uniform.

Kraska and Kappeler (1995) rejected this consensual sex assumption because it “assumes tacitly that deviant police are passive actors who are corrupted rather than active corruptors” (p. 88). They also argued that this assumption not only weakened the identification of police sexual deviance as crime committed against women, but also promoted a lack of serious consideration of the problem (Kraska & Kappeler, 1995).

Throughout the years other authors (Barker, 1978; Maher, 2003) have emphasised that opportunities provided by the job allow officers to engage in several instances of police sexual misconduct. For example, a combination of lack of supervision for a large part of police work, and isolated contact with the public and the authority attached to the occupation, provide the context for police sexual deviant activities with, or against, women to occur (Maher, 2003; Maher, 2008).

Whereas Kraska and Kappeler (1995) defined police sexual violence (PSV) as “those situations in which a female citizen experiences a sexually degrading, humiliating, violating, damaging, or threatening act committed by a police officer through the use of force or police authority” (p. 93), Maher defined police sexual misconduct (PSM) as “any behaviour by a police officer, whereby an officer takes advantage of his or her unique position in law enforcement to commit a sexually violent act, or to initiate or respond to some sexually motivated cue for the purpose of sexual gratification. This behaviour must include physical contact, verbal communication, or a sexually implicit or explicit gesture directed towards another person” (p. 357).

Although both definitions have certain elements in common (e.g. both refer to police officers taking advantage of their authority or position), the second definition seems to be less narrow and more specific. For example, Maher (2003) considered officers not only as the initiators of sexual deviant acts, but also as those responding to external parties' sexual behaviour. Also, even when the author did not specifically acknowledge in the definition that both men and women can be victims of this type of behaviour, he used the words "another person" which implicitly takes into consideration men, women, children, and other fellow officers among possible victims of police sexual misconduct.

When referring to police sexual misconduct, Maher (2008, 2010) distinguishes those acts that constitute less serious non-criminal forms of police sexual misconduct from serious criminal forms of police sexual misconduct. The former category includes but is not limited to voyeurism, unwanted flirtatious advances, and on-duty consensual sex. The latter includes rape, sexual assault, sexual shakedowns [sex in exchange for leniency], etc. The empirical data obtained for this research demonstrates that there are several other behaviours that were not described by Maher and her interviewees, but which were described by female offenders in Ecuador and by other scholars in different studies (e.g. Kraska & Kappeler, 1995; Stinson et.al. 2015). For example, unwarranted custodial strip searches, body cavity searches, and deception to gain sexual favours were described by Kraska and Kappeler (1995) as obtrusive behaviour within the continuum of police sexual violence but these were not considered criminal behaviours by the authors. More specifically, Kraska and Kappeler (1995) conceptualised police sexual violence as a continuum that is focused on obtrusive, unobtrusive and criminal behaviour. Unobtrusive conduct, according to the authors, includes voyeurism, viewing sexual photographs or videos of victims, and other invasions of the victim's privacy. Obtrusive conduct "includes unnecessary, illegal, or punitive pat-down searches, strip searches, body cavity searches, the provision of police ser-

vices or leniency for sexual advantage, the use of deception to gain sexual advantage from citizens, and some instances of sexual harassment. Criminal behaviour involves certain instances of sexual harassment, sexual assault and rape” (Kraska & Kappeler, 1995, p. 94). For this study, Maher’s definition of police sexual misconduct is seen as more suitable for the analysis of the subject in the next chapter.

2.1.4 Intersectionality and Police Stereotyped Views of Minorities

Feminist criminology was born in the 1970s as a product of the second wave of the women’s movement, and as a response to the large exclusion of women from carrying out criminological research and to their minimum inclusion or distortion as subjects in that research (Chesney-Lind, 2006; Renzetti, 2013). Traditionally, criminologists tended to exclude women from research due to the fact that they have always participated less frequently in crimes than men. For that reason they were not seen as relevant or interesting to be included, but feminist criminologists have been interested in knowing what is behind gender differences in criminal offending (Renzetti, 2013), and in exploring more in depth women’s experiences as victims or workers of the CJS.

According to Daly and Maher (1998), the contribution of feminism in criminology is divided in two stages. The first phase, according to the authors, started in the late 1960s and the second during the late 1980s. During the first phase the academic activities concentrated on critiquing the traditional criminological theories for their lack of consideration of gender difference and the characterisation of women in sexist ways. During this stage the work was also concentrated on conducting empirical research focused on women’s experiences as offenders, victims and agents of the Criminal Justice System (Daly & Maher, 1998). The second stage, or phase, of feminism in criminology “emphasised the diversity of women’s

experiences as CJS agents, victims or offenders, and it has attempted to analyse how women are constructed in and by particular cultural or discursive formations” (Daly & Maher, 1998, p. 4). In other words, this phase has paid more attention to differences among females and males, to the essentialism of theoretical categories, to the subjects of racism and heterosexism in the context of criminological and feminist thinking, and to the construction of men and masculinities (Daly & Maher, 1998).

With the continued development of feminism, the necessity of analysing how gender inequality intersects with other inequalities such as classism, heterosexism, and racism, forming a matrix of oppression which affects individuals’ everyday lives, their risk of becoming victims, their likelihood of becoming offenders, as well as their treatment by the Criminal Justice System either as employees or offenders, emerged (Renzetti, 2013).

The concept of intersectionality was born in the US context and has its roots in Black feminist theory and critical race theory (Potter, 2015). During the 1960s and 1970s African American activists were confronted with the fact that their needs within the anti-racist social movements, unions for workers’ rights and feminism, were insufficiently addressed (Hill Collins & Bilge, 2016). Each of these social movements put emphasis on one category of action or analysis over others (e.g. race in the case of anti-racist movements, or class in the case of unions) (Hill Collins & Bilge, 2016), but since African-American women were all of the above: female, workers and Black, the single-focus lenses of each of the aforementioned movements left their complex, specific issues and discriminations considerably unaddressed (Hill Collins & Bilge, 2016). In this regard Kimberle Crenshaw (1989) noted that “the point is that Black women can experience discrimination in any number of ways and that the contradiction arises from our assumption that their claims of exclusion must be unidirectional” (p. 149). Discrimination, as Crenshaw (1989) noted, may flow and impact people in one direction or in another. That is the reason why a person’s different identities

should not be ignored, because the result would be the lack of understanding of that person's- either part of the Afro-women community or not- entire life circumstances and struggles. It is in this context that intersectionality emerged as an analytical tool, so it could be used by African-American women – and other groups – to respond to these challenges (Hill Collins & Bilge, 2016).

The concept of intersectional argues that systems of power, such as race, class, and gender do not work alone when influencing our experiences but rather these “are multiplicative, inextricably linked, and simultaneously experienced” (Burgess-Proctor, 2006, p. 31, as cited in Romo Pérez, 2017). Hill Collins and Bilge (2016) offered a similar description of what intersectionality entails as follows: major axes of social dimensions (class, gender, age, etc) in a particular society at a certain time operate not as disconnected “and mutually exclusive entities, but build on each other and work together” (p.4).

The importance of intersectionality lies in the opportunity it provides to feminist criminologists to use empirical methods, either quantitative, qualitative or mixed, to explore the lives of individuals as victim, offenders, or Criminal Justice System workers from their particular social locations (Burgess-Proctor, 2006). Intersectionality then, allows researchers to identify and address more properly the complexities of individuals' life circumstances by looking at the discrimination or privileges they face not only for a single identity (e.g. for their race, gender or nationality), but to the discrimination they confront as a result of the intersection of two or more of these. As Patricia Hill Collins (2000) said:

“As opposed to examining gender, sexuality, race, class, and nation as separate systems of oppression, the construct of intersectionality references how these systems mutually construct one another” (p. 47).

No human being or group of individuals can be completely privileged or completely oppressed (Burgess-Proctor, 2006), but someone who belongs to a variety of underprivileged groups at the same time, can experience serious and specific forms of discrimination. This discrimination says Romo Pérez (2017), “might stem from the prejudices and stereotypes formed around a person or a group’s different and/or multiple social identities, such as race-ethnicity, social class, nationality, religion, sexual orientation, refugee status, etc” (p. 3).

Stereotypes are “beliefs about the characteristics, attributes, and behaviours of members of certain groups” (Hilton & von Hippel, 1996, p. 240). Although stereotypes can be positive and neutral, negative ones can lead to discrimination. Discrimination can be understood as “behaviour that creates, maintains, or reinforces an advantage for some groups and their members over other groups and their members” (Dovidio, Hewstone, Glick, & Esses, 2010, p. 10). Discrimination involves inappropriate and unfair treatment or active negative behaviour directed toward one or more individuals due to their group membership(s) (Dovidio et al., 2010). The level of discrimination based on the stereotypical image of certain female offenders in Ecuador, and the resistance of these women to it, will be analysed in chapter 5 of this research from an intersectional perspective.

2.2 Methods

This is a qualitative research based on 10 months of fieldwork conducted in the Andean country of Ecuador. For the study, qualitative data were obtained from the oral testimonies of 51 female prisoners, and in-depth interviews with 50 active and retired police officers. As Ungar (2003) has noted, qualitative methods are seen as those that give voice to groups that would be or are otherwise silenced (e.g. police officers, women, and female offend-

ers)” (p. 107). The interviews with the former group were conducted in the most populated female jails in the country, currently located in the cities of Latacunga and Guayaquil. Interviews with and the latter group were conducted in police stations in Quito and Guayaquil.

Before starting each interview, the interviewees were provided with an informed consent form to read and sign. The interviewer also notified each participant about the purpose of the research, as well as the use of audio or video recording. All interviews were recorded in video or tape, and then transcribed and coded by the author. Female inmates’ participation was voluntary. All interviewees, women and police officers, were promised strict confidentiality; therefore, pseudonyms are used for them.

The author/single interviewer used semi-structured and open-ended questions designed to explore women’s insights about, and experiences with, policemen and policewomen. The conversational style of a semi-structured interview gives the researcher the possibility of changing the direction of the interview based on the interviewees’ replies (Byrne, 2004). At the beginning, women were asked to describe their lives prior to their arrest. They were also asked to give information about the offence leading to their arrest and conviction. Then, female inmates were asked to provide details of both their positive and negative interactions with police officers and to offer their interpretation of what happened and why. The author also encouraged these women to talk about police incidents they had witnessed while in police custody.

The author was given the opportunity to conduct the interviews in the aforementioned penitentiaries for two periods of 3 to 4 months between 2014 and 2016. The testimonies of the inmates were between 30 and 90 minutes in length. All had committed one of the three most common types of crimes among women in the country, that is, drug offenses, murder, or property crimes (Naranjo Álvarez, 2015). Finally, all had been convicted and sentenced.

With police officers, the author also used semi-structured, in-depth interviews with open-ended questions. The aim was to collect information regarding their personal and professional perceptions of the women they had arrested. The author asked them about their views of, experiences with, and responses to female suspects and offenders. They were also asked about their perceptions of and relationship with minority groups in general, and minority female offenders in particular. Police officer participants were selected based on two factors: (1) they should have been working in Quito, Guayaquil, or both during the period chosen for the analysis (1979- 2010); and (2) they should have been working in police units and positions where they were in constant contact with the public and possible criminal suspects.

Officers were interviewed in police stations at prearranged times scheduled by the police commander. The police commander considered the factors outlined above for the selection of the interviewees; but, he reserved the right to choose who the police officers were, their ranks and how many of them were going to be interviewed. The author conducted the interviews with police officers individually and without any direct supervision. However, the author is aware of the fact that the officers were interviewed using a video camera and in police stations, which may have influenced their answers.

The qualitative part of the research-interviews and oral testimonies- was complemented with court documents information and quantitative data, both derived from the female prisoner files located in the above-mentioned penitentiaries' archives. All existing archival information was not digitalised nor organised in a way one could have easy access to it. Therefore, it was necessary to review all prisoner files to be able to organize them by date and proceed with the digitalisation of the documents. The quantitative information collected from the files included the socio-demographic characteristics of each inmate, (more than 5000 documents produced between 1980 and 2010 were digitalized by the author) such as

ethnicity, nationality, age, place, date of birth, occupation, marital status, level of educational attainment, place of residence, religious belief and crime committed. Since there is no unique or official model for prisoners' files, and in some of them part of the information was missing, it was not possible to collect the data in a standardized manner. For instance, race/ethnicity and religious belief indicators did not exist in the files encountered in Quito, and it was not possible to collect information about the inmates' children, their salary before being arrested and other characteristics in the files of Guayaquil. This constituted a limitation for the present study, which was attributed to the improper storage of documents and the lack of an effective and standardized data collection system in Ecuadorian prisons. Additionally, working with documents more than twenty or thirty years old that were not properly stored and preserved became a real challenge in some instances. In both archives some documents were missing while others had seriously deteriorated. As a consequence, the information of some files was unreadable and it was not possible to collect data from them. This situation was more evident in Guayaquil due to the temperature and humidity conditions to which they were exposed.

Figure 3 Inside back cover of a female prisoner's file 1987 (Quito)

DATOS SOCIO ECONOMICOS:	
NIVEL DE INSTRUCCION Y GRADO MAXIMO ALCANZADO	PRIMARIA 6 ^o grado MEDIA SUPERIOR SEMIANALFABETA ANALFABETO TECNICO OTROS
OCUPACION ANTERIOR oficinas domésticas.....	REMUNERACION .. \$ 5,000 mensuales.....
RESUMEN JURIDICO	
FECHA DE PERDIDA DE LIBERTAD 7 de enero de 1987.....	
FECHA DE INGRESO AL ESTABLECIMIENTO .. 25 de agosto de 1988.....	
CAUSA .. Tráfico de cocaína del Tena	
AUTORIDAD .. J. J. de Tena	
ESTADO DE LA CAUSA:	SENTENCIADO SUMARIADO
LUGAR NUMERO Y FECHA DEL OFICIO DE ENCARCELACION .. oficio de traslado autorizado DNRS	
FIRMA DEL INTERNO .. [Handwritten Signature]	

The prison archival data were collected in order to provide insight into the characteristics of women who were arrested and imprisoned during the research period and of the crimes they had committed. This material was also used as input for the interviews to provide further explanation. For instance, based on the information collected in the archives and in secondary sources, the police and the author discussed the increasing number of women involved in drug related offenses since 1980 and how criminal behaviour, as well as police responses toward it, have changed over time.

2.2.1 Experiences and challenges of the interviewing process during fieldwork

In addition to the challenges explained above, the author found other limitations and lack of opportunities of negotiation with the two groups to be able to gather the necessary information for this dissertation. In the prison of Guayaquil the atmosphere was more relaxed,

and the authorities did not overly restrict the freedom of movement of the inmates. During the day these women were either in their pavilions, different classes and courses, the patio, or in their rooms; and the author could interview these women in any of these places. It depended on the intern and of the permission of the Director for the author to be able to move inside the more restricted places of the prison. Women did not have uniforms, instead they wore their own clothes; usually shorts, skirts, and dresses as the city is quite warm. The possibility of using their own clothes made these women feel less like prisoners and more like ordinary women. The fact that these women could see their families at least once per week also made them feel better about their time in prison. As the majority of these women had committed drug offences without using violence and for the first time in their life, it was easier for them to open up and talk about the particularities of their experiences. For those who had committed violent crimes on the other hand, it was not so easy to talk about the details of their crime, and what happened afterwards with the police officers. Therefore, the author had to be more cautious and take more time in building trust with the inmates before asking hard and detailed questions. Usually women complained about the food in the prison and wanted to discuss it, but briefly.

In the city of Quito and Latacunga women had to wear uniforms and their freedom was considerably more restricted. They did not see their families as often as the women in Guayaquil did. The visiting days were during the week, and since most women from the Quito's prison were transferred to Latacunga's new penitentiary, most of them did not have their families close to them as they used to. Since they were transferred to the new penitentiary women had many complaints about the new system. In Quito, they had as much freedom as those women in Guayaquil, but things changed in Latacunga and women felt frustrated with the new changes. The strong control over the inmates in the new prison distanced many of them from drug addiction. However, many of them complained about the

food, water, mattresses, lack of jobs, lack of classes, mistreatment by prison guards, the lack of interest from authorities, the lack of visits and of time to be able to talk to their families by phone. More importantly, many of them complained about their files being lost during the transfer from one prison to another, which slowed down their individual cases in court. The problems these women faced affected to some extent the interaction with several of them who wanted to denounce their situation in prison and saw in these interviews the opportunity to do so.

Prison authorities did not seem to be very organised. One day the author had to wait four hours to obtain the necessary signatures and permission for the inmates to go the offices and be interviewed. The next day the process was the same, and another day the delays made it impossible to interview a single inmate, which slowed down the interviewing process there. After different meetings with one of the authorities, the author got permission to enter the pavilions and from there approach the inmates directly, explain to them about the project and convince them to participate. No guards or prison authorities accompanied the author, which could be seen as an advantage, because women felt more comfortable sharing their experiences with the author. In the prison the author was seen differently by each inmate. While some saw her as a person with whom they could talk and share experiences and thoughts, others saw her as a stranger or even an intruder. Many women did not want to participate because the author was not a lawyer who could help them with their cases, or because they believed the author was a journalist who would simply use their stories for her own benefit and would not show the reality of the prison. The process of gaining access to these women's life experiences was not as straightforward as the author might have thought at the beginning. Instead, the prison is a space of constant negotiation, where the author had to adapt according to the woman and the situation. When taken from the pavilions to the offices to be interviewed women felt somehow obliged to participate, although a few re-

fused to do so. When interviewed in the pavilions and without supervisors around, the situation changed in considerably. With some women the author had to use their slang, and in that way they felt more comfortable, others did not want their faces to be shown in video, so they only accepted their hands to be videotaped during the interview, and a few only allowed the use of a voice recorder. It was very important to explain all the time what was the project about, and the purposes and scope of it. The author explained several times that she was not a lawyer who could help them immediately after their participation, but encouraged them to share their life experiences so an academic investigation could be carried out which might, eventually, draw attention to the treatment women receive by the police in the country. Many women felt they did not want others to be treated the way they were, so they felt responsible to participate. Others simply participated because they wanted to help the author with her project and because they wanted to denounce the treatment they received by the police when arrested or when they were in police custody. More importantly, it was always highlighted that the project was of an academic nature.

Many women also felt scared of participating, believing this could be detrimental to their own security because they complained about the Criminal Justice System. On those occasions it was explained that the material was not supervised by the authorities at all, and that was only for the use of the author. The authorities, as explained to the inmates, never asked for the material or contacted the author to ask for any details relating to the women's testimonies.

The interviewing process with police officers was totally different. To be able to talk to the police officers the author had to go through a long and slow bureaucratic process. The authorities selected the policemen and policewomen to be interviewed, so they felt somehow forced to participate during their working hours or afterwards. It was an order they had to comply with. The author interviewed police officers in four different locations and had the

permission to videotape all the interviews. Despite the fact that there were no supervisors around, most police officers felt uncomfortable sharing sensitive details about illegal or corrupt practices they had committed or witnessed during their careers. Most of them did not want to share their thoughts or experiences as police officers during the years of the government of León Febres-Cordero, when the police, according to different sources and the Truth Commission, had committed several human rights violations not only against subversives but also against other citizens. Topics such as corruption, torture and police sexual misconduct were also very difficult to discuss with many of them. Although most of them opened up and shared sensitive information. I would say that during the interviewing process certain elements of police culture became very evident: suspicion, loyalty among them, and the secretive nature of police officers, which led them, in some instances, to cover sensitive details behind a blue wall of silence. This was not the case with all, of course, and each of the interviews had valuable and rich information about their perceptions and experiences with female offenders, which was very useful for this dissertation.

In order to be able to extract more sensitive data the author had to explain on various occasions that the project was of an academic nature. Also they were informed that their real names were not going to be used. That helped some of the police officers to feel more comfortable with the author and to share more information with her. Some police officers were very interested in participating because they could share their experiences, and also they could raise their concerns about the recent violent behaviour and rebellious attitude, they said, of female detainees.

2.2.2 Participants

Female inmates. Fifty-one women participated in this study: 34 Ecuadorian and 17 foreigners. Thirty-five identified as mestizas (people of mixed American Indian and European

descent); six as whites; seven as Black, Afro-Ecuadorians, or mulattas (people with European and Black African roots); two as indigenous; and one as Asian. Among the foreigners interviewed, 7 were Colombian and 10 were of other nationalities. Twenty-seven were arrested and convicted for drug-related offences; 17 were convicted of murder; five for their participation in both robbery and a drug offence; and two for their participation in both a sexual offence and robbery. All these women were convicted and sentenced to terms ranging from 5 to 25 years imprisonment.

A limitation to the sample was that the researcher did not have complete control over the composition of the sample prior to the interviews. Participation was voluntary, so even when it would have been convenient to have a sample that included a balance between nationals and foreigners, the result depended on who wanted to participate. Therefore, the number of foreign participants is not representative of the percentage of the foreign population in Ecuadorian prisons.

Police officers. Fifty police officers participated in this study: 47 men and 3 women. Forty-four identified themselves as mestizos, 4 as Afro-Ecuadorians, and 2 as montubios. Forty-seven were currently serving as police officers and three were retired.

Chapter III

3.1 Findings

3.1.1 Female offenders' victimisation by the police in Ecuador: Exploring the pre-requisites for the occurrence of police criminal and corruptive behaviour

The findings of this study will be presented in two different chapters. By employing Routine Activities Theory, this chapter will present a historical analysis of female offenders' victimisation by the police in Ecuador, taking into consideration the socio-political and cultural context during the research period. Moreover, this chapter will examine the way in which women reacted to, and resisted, officers' criminal and corruptive behaviour.

Cohen and Felson (1979) argued that the alteration of any of the three elements of the theory is enough to prevent the successful completion of a crime. In this vein, the second part of this chapter will show that since 2007, several other factors began to intersect, changing female offenders from suitable targets and transforming them, according to police officers, to be a threat to their careers. In addition to this, by 2010, different measures and events evidenced the political will to control police activities and punish violations of citizens' human rights by law enforcement. This increased control over police-offenders' interactions had a certain effect on the treatment given to female offenders by the police, and seemed to deter a single form of police deviance: torture. I will elaborate more on this at the end of the present chapter.

Some relevant figures

By 1980, drug-related crimes were the most common among female inmates, whereas property crimes were the most common among male inmates (Bonilla & Moreano, 2009). As Coba (2014) noted, during the 1980s and under different neoliberal administrations,

women who lived in a condition of radical exclusion shifted their casual employment activities to small and mid-scale trafficking of illegal substances.

In parallel, during US President Ronald Reagan's²⁵ administration (1981-1989), the War on Drugs became a policy priority (Rozemarijn, 2013). In that context, the Ecuadorian government aligned its efforts in battling the enemies identified by the US government, which were international terrorists and drug traffickers. As a result, drug legislation in Ecuador grew tougher, particularly from 1987 onwards (Edwards, 2011).

Whereas terrorism in Ecuador stopped being considered a real threat to its security from the 1990s²⁶, the War on Drugs in the country and its related national legislation continued and got more stringent. The combination of Law 108,²⁷ approved in 1991, together with the constant use of indefinite preventive detention, and the prioritisation to arrest a large number of individuals on drug charges, put a lot of pressure on the police and the courts (Edwards, 2011).

During the 1990s, drug-related crimes became the main reason for the criminalisation of men and women in the country (Pontón & Torres, 2007). Drug offences in the case of women did not usually involve the use of violence since a significant number of women

²⁵ The heavy-handed approach of Febres-Cordero was acknowledged and positively viewed by the US administration of the moment. In January 1986, during remarks at the welcoming ceremony for President Leon Febres-Cordero, Reagan said "...*The United States stands by your side, and we will continue to do all we can to help. When I say the United States stands with you, that is especially true when it comes to your determination to defeat the twin menace of international terrorism and narcotics trafficking. You've put yourself on the line against these vile and insidious forces... Drug traffickers and terrorists are the enemies of all decent people, and the United States is proud to be your ally in this brave struggle...*" (Reagan library, 2017).

²⁶ This occurred due to the fact that a peace accord was signed between the government of President Borja and the AVC organization in 1989, but it was not until 1991 that its members handed over their arms.

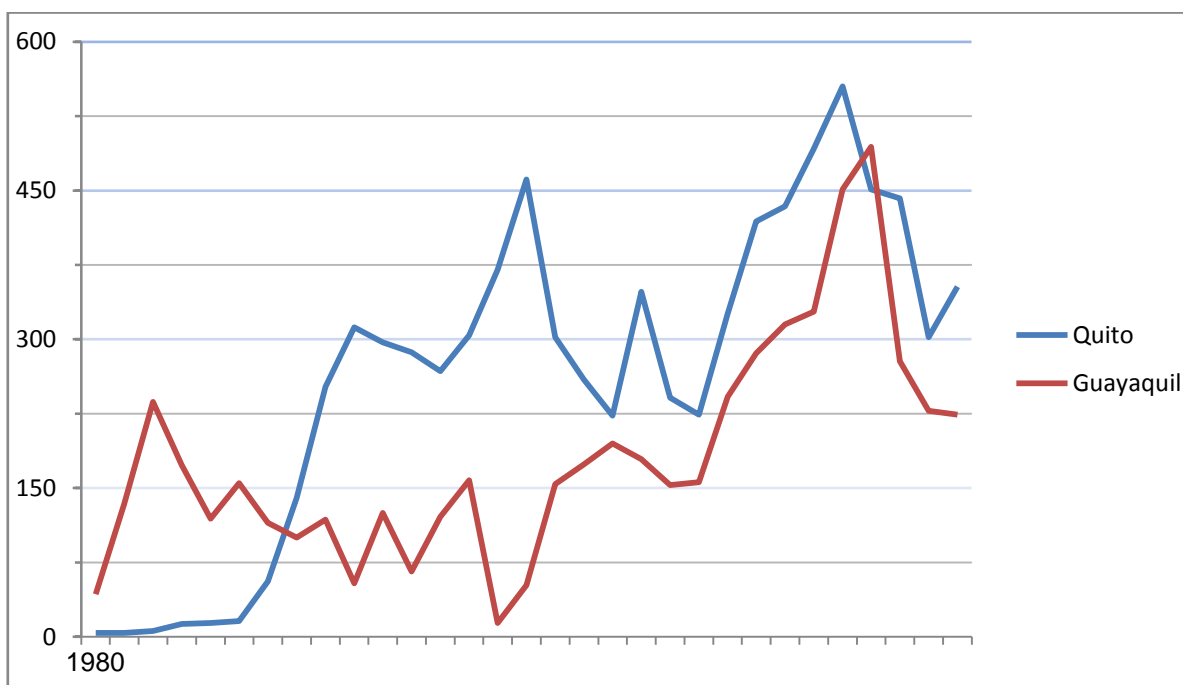
²⁷ In 1991, the Law of Narcotic Drugs and Psychotropic Substances, or Law 108, was approved. With this law, drugs stopped being treated as a public health issue, and instead priority was given to the use of law enforcement to deal with the problem (Edwards, 2011). With this law no distinctions were made between small and large-scale traffickers, all drug offenders were subjected to a minimum of a 10 year sentence, drug use was criminalised, and all drug charges were considered crimes of reclusion, meaning that the drug detainees could not request bail. The law was revised and certain changes (not everything) were made in 1997 (Edwards, 2011).

only participated in the business as “mules” (Bonilla & Moreano, 2009). Also, since the democratic transition, more specifically between the 1980s and 1990s, the country, along with other recently democratised Latin American nations, saw a growth in its property crime statistics and homicide rates (Pontón, 2008).

For this study, I kept a record of the number of inmates in the two most populated female prisons in the country between 1980 and 2010. These prisons, as stated in the methodological chapter, were located in the cities of Quito and Guayaquil during the research period. Secondary sources have reported that by 1980, there were 296 women behind bars in the country (Vega Uquillas et al. 1982-1983, p. 197, as cited in Pontón, 2007), whereas according to prison records, by 1980, there were only 47 women in the two prisons.²⁸ By 1990,²⁹ there were 422 female inmates in the aforementioned two prisons. By 2000, there were 394, and by 2010, these two prisons together contained 577 women.

²⁸ The reason for using secondary data for the year 1980 is that there was a fire in the prison located in Quito during the 1980s, which resulted in the destruction of several official files, including female prisoner files. Therefore, the number of files encountered for the first years in the aforementioned prison might not represent the exact number of inmates imprisoned there at the time.

²⁹ By 1997, women represented 8.9% of the total prison population in the country, meaning there were 844 women behind bars compared to 8,662 men. Of the 844 female inmates, 55.1% were already sentenced (DNRS, 1997, as cited by Cedhu, 1998).

Graphic 1 Female prison population Quito and Guayaquil (1980-2010)

Source: Elaborated by the author based on the number of female prisoner files found in the prisons of Quito and Guayaquil.

Based on the number of prisoners' files and the information found in them, it is clear that during practically the whole period (1979-2010) in Guayaquil, women were for the most part incarcerated for drug-related offences. During the three years of 1996, 1997, and 1999, however, the majority of the women behind bars were charged with property offences in this city. In Quito, at the beginning of the period (between 1980 and 1983), drug offences were the most common among women. During the following years, the situation remained almost the same. Only in 1987 and 1989, and between 1993 and 1994, did property crimes replace drug crimes as the main reason for women being incarcerated in Quito's prison, while in 1991 and 1992, the majority of files belonged to women incarcerated for fraud. As

can be seen, during most of the period under consideration in both prisons, drug crimes were the main reason for women to be behind bars³⁰, followed by property crimes.

With regard to their characteristics, most of the women in each year identified themselves as mestizas and catholic. The average age was 32, and the majority of the women had completed either their primary or secondary education. In some rare cases, women had finished their graduate or postgraduate studies. With regard to their jobs, the majority of the women in each year were either housewives, domestic workers in a third party's house or merchants. However, it should be noted that from 1987 onwards in Quito, women started to report with more frequency that prior to their incarceration, they had jobs that required higher education, or that they were students. On the other hand, in Guayaquil, women reported having a degree, being students or working in professions that required higher education since the beginning of the period examined (1979-80). It seems that women who were arrested in Guayaquil started earlier than those arrested in the capital city of Quito, to engage in university careers and to have better paid jobs.

With regard to the salary earned by these women,³¹ it was found that most of them did not earn enough to pay for a "canasta básica" (a basic food basket) or did not even earn the minimum wage for the country.

Finally, census data revealed that between 2001 and 2010, Black people and mulattos together were the second largest group in the country's prisons, behind mestizos, the ethnic group with which most Ecuadorians identified themselves in the country. In fact, among all the ethnic minorities in the country, Black people and mulattos were more numerous among

³⁰ In 1998, women waited in prison for their sentence an average of 24 months and 7 days. In those cases where women were accused of a drug-related offence, they waited an average of 25 months and 6 days for their sentence (Cedhu, 1998).

³¹ This information or variable was not found in the prison files of Guayaquil's prison, but only in certain files produced in Quito's prison.

the penal population, above indigenous and white people. This would also imply that this was the ethnic minority having the most contact with the police.

Table 1 Penal Population only selected ethnic/racial groups per sex (2001)

	Race/ethnicity	Male	Female	Total (all ethnicities) 2001
2001	Blacks, mulattos and Afro-Ecuadorians	889	101	5.665
	Mestizos	3.262	393	

Source: National census data 2001

Table 2 Penal population only selected ethnic/racial groups per sex (2010)

	Race/ethnicity	Male	Female	Total (all ethnicities) 2010
2010	Blacks, mulattos and Afro-Ecuadorians	1.864	137	11.103
	Mestizos	5.639	574	

Source: National census data 2010

3.2 A Suitable target

In this section I argue that police sexual misconduct was a common form of police victimisation of female offenders during practically the entire research period. The value of a target, according to Routine Activities Theory, depends on “the purposes the offender may have in mind for the target once appropriated” (Yar, 2005, p. 468), which in this case was sexual pleasure or gratification.

During the period in question, evidence demonstrates that women for the most part were not experienced offenders and most of them had a good conduct record before their incarceration and during their time in preventative detention and in prison. In this context, women’s lack of experience in the criminal world, and their lack of knowledge about their rights and procedural guidelines (inertia), made it difficult for them to resist police deviance. It was also found that among female offenders, those women who had different marginalised identities aroused police suspicion, which often resulted in their victimisation by deviant and prejudiced police officers.

3.2.1 Examining female offenders’ capacity to resist police legal and illegal actions

Prison archival documents suggest that during the research period, women for the most part had very good, or exceptional, conduct prior to, and after, committing the crime. In order to demonstrate their good behaviour before being sentenced, which served as an attenuating circumstance during the trial, women presented certificates of good conduct formulated by prison authorities. These authorities had the opportunity to monitor and witness women’s behaviour during the time they remained in preventative detention waiting for their sentences. Prison data also revealed that in most cases, the testimonies given by the detainee’s

acquaintances confirmed they were “good” women before the arrest. The police reports also provided details about the offenders’ behaviour during the arrest, which did not seem to pose, in most cases, any threat to the safety of police personnel (e.g. police officers did not usually report cases of women carrying weapons and of attacking them during the arrest). Women also presented their police record certificate, which were most often clean.

In relation to the latter, information about recidivism was available only in certain prisoners’ files of Guayaquil. Almost every year there were a number of women who had been at different times in prison for the same, or other, crimes. The number of women who had a history of offences was small compared to the amount of women incarcerated in the same year, meaning that a clear minority were recidivists.

Table 3 Number of female inmates who had been incarcerated more than once

Year	Total penal population	Number of recidivists
1980	43	4
1981	134	10
1982	237	14
1983	173	3
1984	117	8
1985	155	1
1986	115	1
1987	100	1
1990	125	1

2001	156	1
2002	242	1
2003	286	1
2004	315	8
2005	328	4
2006	451	6
2007	494	2
2008	278	4
2010	224	1

Source: Elaborated by the author based on the amount of prisoner files containing information on women's history of offences per year.

In line with the above, police officers interviewed did not see women as a threat during the first two decades³² of the research period; they argued that during the 1980s and 1990s, women arrested by them were mostly involved in minor offences and did not react violently when confronted with authority³³.

The testimonies of the police officers below revealed that their perception was that women, including offenders, depended on men to have their financial needs met during most of the period. Since women were, they said, under the authority of men in the private sphere, of-

³² With a couple of exceptions, officers agreed that women tended to be cooperative and not violent during the first two decades under consideration. They also noted that women did not participate in serious criminal acts and if some did, they were associated with men and were rarely the leaders. In fact, according to the interviews conducted, officers could identify only two "famous" female criminal leaders since the 1980s: the "colorada" and the "mamalucha", who attracted police and media attention during the 1990s and 2000s.

³³ In fact, according to Torres (2008) the profile of Ecuadorian female offenders has not been considered a violent one, as the majority of women were involved in drug-related crimes and often as mules.

Officers linked female offenders' cooperative and obedient nature with women's subordinated position in society during the 1980s and 1990s. Also, by not being perceived as resistant or hostile (inertia) at that time, female offenders became a suitable target for police officers because they symbolised the safest and fastest way to secure convictions. During the first years of the 21st century, however, police officers began to notice a difference in women's behaviour. The following two officers observed:

When I became a police officer, women were always dependent of men, they were not very aggressive... whatever the man would say, the woman would obey. Women were very obedient because it was the man who provide for her and the family... One would talk to her, and she would wait for the police procedure to be carried out... Women cooperated, they knew why they were arrested, we read them their rights and they obeyed... At that time men and women respected the authority of the police a lot; they did not resist. But nowadays they do... (Ramon, police officer since 1985)

During my first years, women were mostly arrested for stealing a cell phone, a handbag, they were involved in theft... but they did not hurt anyone. I mean a robbery is a robbery, theft is theft, but the owner of that cell phone was not physically assaulted... Today is different... Women do not just steal a cell phone or a handbag... they also physically assault people who resist the robbery... in many cases we've seen they even killed them. Nowadays women carry firearms, and if not they carry a knife, scissors... We are witnessing how little by little women participate in more serious crimes. I think that as they see other women moving up in large companies, they think they should also get involved in major crimes... (Fernando, police officer since 2003)

Ramon, who became a police officer in 1985, and Fernando, who became a police officer in 2003, associated the lack of cooperation from women and their more recent violent behaviour with women's shift from the private to the public sphere. In other words, they linked

women's violent behaviour, and uncooperative attitude, with their increasing financial autonomy and empowerment. Moreover, Fernando linked women's criminal behaviour to a larger process in society. Census data (see tables 4 and 5 below) demonstrates that women in the country not only became more active in the labour market between 1982 and 2010, but also every decade the number and percentage of women registered in higher education³⁴ increased, whereas the number of women with no education decreased. As such, women started to shift their activities away from the home, and although in general, this represented the possibility of having financial autonomy and more independence, many women were faced with limited opportunities when trying to access secure employment or finding employment commensurate with their level of education. This subsequently affected some of these women's decisions to start their involvement in crime.

Table 4 Women reporting having a job 1982-1990-2001-2010 census data

Women having a job 1982 Census	Women having a job 1990 Census	Women having a job 2001 Census	Women having a job and offering a service 2010 Census
484,411	854,863	1,351,667	1,865,950
Total female population in the country 1982	Total female population in the country 1990	Total female population in the country 2001	Total female population in the country 2010
4.039.678	4.851.777	6.138.255	7.305.816

Source: Elaborated by the author with INEC statistical data processed through Redatam online. The table also includes archival data from the 1982 national census and from "Mujeres y hombres del Ecuador en cifras III. Serie información estratégica"(2010).

³⁴ By 1980, illiteracy affected over 16% of the population.

As can be seen, every year the percentage of women who reported having a job in the country increased. In 1982, only 11.9% of the female population reported having a job. This statistic increased to 17.6% in 1990, to 22% in 2001 and to 25.5% in 2010.

Regarding education, whereas by 1982, only 3.1% of the female population reported having higher education qualifications, the percentage increased to 6.5%, 8.7% and 12.8% between 1990, 2001 and 2010, respectively.

Table 5 Women reporting having no education and women reporting higher education qualifications

1982 Census		1990 Census		2001 Census		2010 Census	
No education	Higher Education	No education	Higher education	No education	Higher education	No education	Higher education
641,661	126,753	464,508	316,214	443,998	538,009	369,164	935,645

Source: Elaborated by the author with INEC statistical data processed through Redatam online. The table also includes archival data from the 1982 national census.

In spite of the increasing participation of women in education and the labour market in the country, women were more affected by unemployment. According to the 1990 national census³⁵, 4,759,190 men were employed at the time, whereas only 854,863 women were. The 1990 census data also revealed that 1,755,010 women performed domestic work, whereas only 35,311 men said they did. Data from the 2001 census revealed a similar trend: 3,079,711 men versus 1,351,667 women reported having a job. Moreover, according to the 2010 census, 3,289,377 men had a job or offered a service, versus 1,865,950 women.

³⁵ The author crossed variables taking into consideration the economically active population (PEA in Spanish) of 12 years or more, in order to obtain data for the years 1990, 2001 and 2010.

Household survey data revealed that the unemployment rate for women was higher than that of men during the three decades examined: 6.3% versus 3.9% in 1979, and 11.1% versus 5.9% in 1989. In 1997, the unemployment rate for women was 12.4% versus 6.6% for men, whereas in 2004, it was 10.8% versus 5.8%, respectively. Finally, the National Institute of Statistics and Census reported that in March 2010, the unemployment rate for women was 11.6% versus 7.2% for men.

Furthermore, most female offenders came from the poorest segment of the population. Evidence demonstrates that for the most part, these women were either illiterate, or had primary or secondary education qualifications. They also had jobs in the casual/informal labour sector and with low salaries; the majority of them were laundresses, seamstresses or carried out domestic chores. For example, Zeneida, a cook with primary education, in 1986 earned around 6,000 sucres³⁶ a month. She was single and had to provide for her three children; a reason which might have influenced her decision to get involved in the drug trafficking business. Narcisa, with primary education qualifications and working in domestic service, earned 5,000 sucres a month in 1987. She was a single mother and needed to provide for her three children as well. She was also convicted of drug trafficking. In 1986 the minimum living wage was 12,000 sucres, and in 1987, it was 14,500 sucres (Ildis, 1988). These women were therefore paid less than the minimum wage, usually had no university education, and were the sole breadwinners for their families.

³⁶ The sucre was the Ecuadorian official currency until early 2000. The minimum wage in Ecuador was of 182,000 in 1994 (Fierro, 1994). By 1985, the minimum wage in the country was 8,500 sucres, but different studies had suggested at the time that the minimum wage should have been around 15,000 and 20,000 sucres per month (Cedhu, 1986). By the year 2000, according to data of the Central Bank, a dollar was the equivalent of 25.000 sucres. That year the government opted for the dollarization ("Cotizaciones de las monedas, 2009).

By analysing female prisoner files it becomes evident that incarcerated women rarely had executive positions with high salaries, or a university degree. For example, in 1994, Olga³⁷, one of the few inmates with a higher education degree - she was a gynecologist - reported earning 800,000 sucres (\$140) a month. On the other hand, Rita Dueñas³⁸ had primary education and used to work as a seamstress before her arrest in 1994. She earned about 100,000 sucres a month, and Clara³⁹, a maid with secondary education, earned 140,000 sucres at the time. The minimum wage was of 182,000⁴⁰ sucres (\$32), the average household income was estimated at \$187.66, and the price of the basic food basket (*canasta básica*) was \$361.73 in 1994. These examples show how women whose educational levels were low earned less than the living wage, but it could also be seen that if women with higher education qualifications and better paid jobs depended on their sole salary, they could not afford a *canasta básica* either.

By 2005, Fanny⁴¹ and Sandra,⁴² with no higher education, earned \$120 and \$100 a month as maids, respectively. Fanny was arrested for robbery, while Sandra was arrested for a drug crime. The minimum wage in 2005 was \$145.77. In the same year, the cost of the *canasta familiar básica* was \$392.26, whereas the cost of the “*canasta básica vital*” was \$272.54 (“Gobierno solo alza 10 dólares en salarios en Ecuador”, 2004). In 2010, Veronica,⁴³ a laundress with no higher education, earned approximately \$186 a month, whereas the minimum wage was \$240 (“Nuevo salario básico del 2011 será de \$ 264, un alza de \$

³⁷ She was convicted of abortion. The crime had direct connection to her career.

³⁸ She was arrested for passing a bad check. She was also divorced and needed to provide for her five children.

³⁹ She was arrested for robbery and did not have children.

⁴⁰ (“Salario vital y remuneraciones complementarias: valores nominal y real Percibidas por un trabajador del sector privado”, 2006).

⁴¹ She was married and had seven children.

⁴² She was single and had four children to provide for.

⁴³ She was arrested for a drug offence. She was also single and had to provide for her three children.

24”, 2011). At the time the *canasta básica familiar* was \$544.71 and the *canasta básica vital* was \$390.10 (INEC, 2010).

Thus, women were increasingly finding remunerated activities to survive, but the limited education and career experience of most female offenders affected their chances of gaining access to secure employment and a competitive salary to improve their quality of life. As seen, female offenders more often than not belonged to the other end of the spectrum, to the most vulnerable and marginalised segment of the population. Their limited education in particular, and consequently their lack of knowledge of the law, left them little defence against deviant police officers.

Many offenders either no income or earned less than the minimum wage. In several cases they could dispose of their own income and did not depend on men to survive, but this did not change their difficult living circumstances because salaries did not always cover their needs and those of their dependants'. The financial difficulties of many incarcerated women in Guayaquil and Quito between 1980 and 2010, and their desperation to provide for their children, in most cases, influenced their decisions to participate in illegal activities, especially in property and drug crimes. Moreover, as property and drug crimes often required women to act publicly, this increased the likelihood of them attracting attention and being caught by the police⁴⁴. Their increasing participation in the criminal sphere therefore made these women more visible and accessible, not only to ethical police officers, but also to deviant ones.

In the view of the police officers interviewed during the 1980s and 1990s, women were more cooperative due to their more subordinate position in society. It was also rare to find

⁴⁴ During the 1980s, women became more active in “subversive” activities, instead of just doing intelligence work for their groups (AVC or Montoneras Patria Libre). Their increasing participation in other criminal activities also increased their risk of victimisation by members of the police force, who at the time had the pressure and support of the government to eliminate criminals and all forms of subversion.

in court documents cases of women who used weapons or violence to resist police actions during the first two decades examined. This might suggest that most women were not experienced dealers or thieves, that they did not have the physical capacity to resist police officers' legal and/or illegal actions or that they did not want to use their physical capacity to do so. Women apparently were for the most part desperate mothers or single women looking for an income through their engagement in economic crimes.

Moreover, most of the women incarcerated during the research period did not have a previous criminal conviction. Their lack of experience in the criminal sphere, and their low cultural capital, facilitated certain legal police activities (e.g. the arrest) and led them to become a more convenient target for police illegal actions (e.g. bribery, sexual misconduct, or forcing detainees to sign incriminating statements, etc) as well.

The data presented above demonstrates a clear relationship between the economic marginalisation of women and their participation in criminal activities. However, women were not incapacitated and their criminality was not only determined by their poverty, abuse or marginality. Describing women as passive victims of difficult life circumstances would be over-simplistic. Women's agency was evidenced through the different decisions taken by them while committing a crime, and as mentioned before, women had several motivations to engage in these acts in the first place, which were not always – but usually – related to poverty and marginalisation. Three cases might serve as an example:

1. In 1989, Olga Falconí and Sandra Calle were arrested for their involvement in an abortion case. The former was an obstetrician, and the latter was the mother of the foetus found by the police in the clinic where Falconí received her patients. Both women said they were innocent of the crime they were accused of. According to her testimony, Falconí had to

conduct the abortion because the mother went to her clinic in a critical condition (heavy vaginal bleeding, diarrhea, abdominal pain, etc), and her life depended on the procedure. She added that she did not think about the money, but only the urgency of that moment. Falconí did not have a criminal record and presented certificates of good conduct to the judge. She also had evidence of her university degrees, her “ethical” career and service to the community. Calle, on the other hand, confirmed she was experiencing abdominal pain and low blood pressure, and that this was the reason why she visited the obstetrician, who was known for helping poor people. Falconí told her that the foetus was already dead so they had to conduct an emergency abortion. Both women, as well as other women who were employees of Falconí, rejected the police report and accused the officers of writing false information in the police report. The obstetrician was nevertheless sentenced to 18 months for conducting, and Calle to one year for consenting to the abortion.

This case demonstrates that women had diverse reasons to engage in what the law considered illegal activities during the period examined. Falconí received money for conducting the abortion (less than what she asked Calle for, because she could not pay the total amount), and was accused of being active in that “illicit business”, but as a professional, she was within her rights to charge for her services. On the other hand, Calle had no other option but to consent to the abortion due to the fact that she was experiencing serious pain and Falconí had told her that the foetus was already dead. Even if the first woman had money as a motivation, the second one did not.

2. Rita, an Ecuadorian who had been arrested more than 20 times since 2001, confessed that the first two times she was arrested she had not committed any crime. She explained that after she was accused of selling drugs twice, when she was innocent, she seriously considered the option of joining the business. Once in the business, she started her career as a

drug dealer and remained active for more than a decade. When interviewed, Rita confessed she became jaded over time, due to the constant victimisation by police officers who took advantage of her and her fellow criminals to frequently extort them. She also complained about her long time in prison away from loved ones, reasons enough-she said- to stop her involvement in drug offences after release.

You don't know. I did this because it's horrible to be incarcerated for something that you didn't do. I didn't even know how the drug looked like... I didn't know how to sell it, but I said to myself that I was going to ask someone to teach me...

While interviewed, this woman assured the author that although she had a difficult economic situation and lived in a marginal neighborhood where she and others were constantly harassed by police officers, she never thought about committing a crime. However, she saw herself as a victim of injustice and eventually of police corruption, so she saw her involvement in the drug business as retaliation against the system.

3. Britney, an Afro-Ecuadorian on the other hand, was arrested when she was 19 years old in 2010 for international drug trafficking. She started her "job" as a drug smuggler at 16. She lived and studied in a European country and did not face any financial difficulties at the time. She said:

I was studying business administration... I was doing alright... I didn't have children... I don't know, I think it was ambition... I always said to myself it was going to be the last time I would do the job, but I lied to myself because I always did it...

This case also demonstrates that not all women faced financial difficulties when engaging in the drug business. Evidence from female prisoner files and their court documents also

demonstrates that during the first decade examined, a few women convicted of abortion or infanticide feared their parents' or society's disapproval, and as a consequence carried out the criminal act. Although there were some examples of women participating in illegal activities for reasons other than poverty, the majority of them since 1979-80 mentioned financial difficulties as their main reason.

In addition, as women's level of educational attainment was for the most part low, they did not have enough information about their rights, which also contributed to their vulnerability and made them a more suitable target for police abuse. This situation might have similarly affected several male offenders. Continuing with the lack of information and knowledge women had about their rights, the following three police officers said:

I've been a cop for 22 years, when a woman was involved in situations of public disorder in the past, we stopped her and put her into the car, she did not resist because there were not so many rights as there are now... (Jorge, police officer since 1993)

Many people suffered violence [at the hands of the police]. They didn't say anything because they didn't know their rights... (Wilfrido, police officer since 1996)

Before police officers considered themselves superior... [They thought] "I'm the cop, I do whatever I want"... I think that provoked too many human rights violations, people in general didn't know their rights, now they do... (Fernando, police officer since 2003)

Whereas in previous interviews, police officers referred to female offenders' lack of resistance and aggressiveness when arrested, meaning their physical capacity to resist or not to resist police actions, here officers associated women's capacity to resist victimisation through their knowledge of their Constitutional and human rights. It seems that, by having and showing a cultural or informational capital involving the knowledge of rights, due process guarantees, and procedural guidelines police officers are supposed to follow, female offenders could have avoided negative experiences with the police during the period examined. However, as the aforementioned police officers said, women and citizens in general had very little or no knowledge about their rights until the latter years of the research period. As a result, incidents of police abuse were naturalised or at least not resisted by certain offenders during most of the period.

3.2.2 Exploring a hidden crime: police sexual misconduct and offenders' victimisation

This section will provide a deeper understanding of women as suitable targets for this specific form of police crime which might have been experienced by female offenders in parallel to other types of police abuse, such as physical assault, and forced interrogations. Although men cannot be excluded from this type of victimisation, research has demonstrated that victims of sex crimes are most often female and young (Terry, 2013).

Victims of police sexual violence, as previous research suggests, are chosen based on weakness (Rabe-Hemp & Braithwaite, 2012). For police, this would include women engaged in prostitution and young, attractive law abiding citizens or offenders (Kappeler et al., 1998).

In the Ecuadorian context, female offenders were placed in a position where they became easier than men to arrest and to take advantage of (due to their cooperative attitude, their lack of physical resistance, and lack of resistance through their knowledge of the law/rights). Many women were harassed, sexually objectified and coerced by some of the mostly male officers in the country. The value given to some female offenders- as suitable targets- was linked to police officers' desire for sexual pleasure.

This section will be divided in two parts. The first part will provide a description of the nature of police sexual misconduct during the first two decades of the period based on secondary sources and prison archival documents. The second part will present an analysis of the qualitative experiences of female inmates interviewed for this study.

This second part will allow the reader to understand the nature of the different forms of police sexual misconduct experienced by women, and the way in which these women reacted towards this type of police officers' deviance. Also important, in the second part of this section the views of police officers interviewed regarding police sexual misconduct will be presented and analysed. By analysing both female offenders and police officers views of police sexual misconduct it was possible to identify gender differences in the perception of this behaviour. The interviews with police officers also allowed the author to notice that they shared the common assumption that women were often "tempting" and "offering" them sex while they occasionally fell into temptation and agreed to engage in such kind of behaviour.

3.2.3 Police sexual misconduct in Ecuador during the 1980s and 1990s

Prison archival documents provide evidence of cases of police sexual misconduct perpetrated against female detainees since 1992. Two of these cases were reported by Nubia,

arrested in 1992 for drug trafficking, and Diana, arrested in 1994 for robbery. The former woman was accused of smuggling drugs while entering Ecuador by bus from Colombia. She claimed she was forced to have sex with the officers during the investigations of her case. She reported the incident to the judge but it was not taken into account, due to the fact that the judge did not believe there was enough evidence to prove that such acts were committed.

The latter woman said she was pregnant when arrested. The woman claimed that the officers told her that if she did not want to be incarcerated, she had to have sex with them. She refused and later was taken to a provisional detention center where, according to her testimony, she was a victim of mistreatment by the police. As a result, she lost her baby. These two women were young; they were under 35 years old when arrested.

The former woman was also a foreigner who, as will be seen in chapter 4, was of a nationality linked to negative stereotypes (e.g. of easy women, prostitutes, drug traffickers, violent criminals) which might have had an influence in the abusive treatment she received by the police. As a young foreign woman, particularly Colombian, she was more vulnerable to be discriminated against and abused by the officers. Perhaps that was the reason why she was forced to have sex and later the judge did not order any serious investigation into the incident. In the second case officers tried to blackmail Diana, who was an Ecuadorian citizen, by claiming they would help her to avoid incarceration if she slept with them, but they did not physically force her to have sexual intercourse.

Although female prisoners' files do not provide information regarding cases of police sexual misconduct before 1992, the Truth Commission report published in 2010, provided details of sexual violence (SV) perpetrated by the country's security forces since 1984 against male and female suspects and detainees. Most of the victims were alleged subversives. Of

the 86 victims of sexual violence⁴⁵ perpetrated by the country's security forces between 1984 and 2008, 63 were women. Sixty seven percent of these cases were concentrated in 1985, 1986, and 1987, as during those years (Febres Cordero's administration) the fight against subversion was at its highest. In most cases it was the police who perpetrated the acts of sexual violence against the detainees (see table 6 below).

Table 6 Victims of Sexual Violence perpetrated by members of the country's security forces (1984-2008)

Victims reporting SV perpetrated by the police	Victims reporting SV perpetrated by the Army	Victims from joint police and military operations
42	26	4

Source: Adapted from the 2010 Ecuadorian Truth Commission report

In addition, the Truth Commission report described the number of cases of sexual violence perpetrated by the country's security forces according to each presidential administration as follows:

Table 7 Number of cases of sexual violence perpetrated by security forces, per each presidential administration (1984-2008)

Presidential term	Number of cases of sexual violence
León Febres-Cordero (August 1984- August 1988)	72
Rodrigo Borja (August 1988- August 1992)	3
Sixto Durán Ballén (August 1992- August 1996)	7

⁴⁵ The report used the concept of sexual violence, which included the following acts: "el lenguaje explícito y amenazas de tipo sexual, desnudez forzada, golpes o electricidad en genitales, amenazas de aborto o de apropiación de las criaturas en el caso de mujeres embarazadas, hasta la violación sexual" (p.59).

Abdalá Bucaram (August 1996- February 1997)	0
Fabián Alarcón (February 1997- August 1998)	0
Jamil Mahuad (August 1998- January 2000)	3
Gustavo Noboa (January 2000- January 2003)	1
Lucio Gutiérrez (January 2003- April 2005)	1
Alfredo Palacio (April 2005- January 2007)	1
Rafael Correa (January 2007- May 2017)	4

Source: Adapted from the 2010 report of the Truth Commission of Ecuador.

As can be seen, most of the cases were concentrated during the Febres-Cordero's administration. In fact, according to the Truth Commission of all the victims of sexual violence, 61% belonged to some organisation; of which the majority was represented by Alfaro Vive Carajo members (Comisión de la Verdad, 2010), who were the main "representatives" of the subversion at that time.

Also, according to the report, the type of sexual violence that affected male and female detainees almost equally was forced stripping (57.4% males versus 52.2% females reported this form of SV), whereas rape (34.8% females versus 4.9% males) and fondling (21.7% females versus 3.3% males) mostly affected women. Moreover, electric shocks were applied to the genitals of 42.6% of male detainees versus 34.8% of female detainees. Sexual verbal violence was also reported; the most common words used to humiliate the victims were "putas" (prostitutes) in the case of women, and the word "maricones" (faggot) was often used against men (Comisión de la Verdad, 2010).

3.2.4 Female inmates' qualitative accounts of police sexual misconduct (1992-2010)

In this section, an analysis of the testimonies of women who reported police sexual misconduct was conducted. Inmates' testimonies allowed understanding their qualitative experiences and subsequently provided an idea of how women reacted towards this type of victimisation between 1992 and 2010. The year 1992 is taken as the starting point for the analysis in this section, because from those women who were interviewed during fieldwork, the oldest case was reported by Luna, who was arrested in 1992.

In addition, this section contains perceptions of police sexual misconduct by police officers, which were qualitatively different from female offenders' perceptions. Their interviews allowed the identification of certain forms of police sexual misconduct considered to be common by the police officers but not necessarily widely accepted by all of them.

3.2.5 Describing instances of police sexual misconduct in Ecuador: the views of police officers and female offenders

Of 51 female inmates interviewed, 31 reported cases of police sexual misconduct occurring during the arrest or while in police custody. Not all of these women were direct victims of police sexual misconduct, but witnessed either less serious non-criminal forms of police sexual misconduct or serious criminal forms of police sexual misconduct with other detainees.

Table 8 below shows the number of women reporting direct victimisation, the number of women witnessing police sexual misconduct with other detainees, and the number of women who experienced both, direct victimisation and police sexual misconduct affecting their

fellow inmates. Table 4 shows the number of cases involving serious and non-serious forms of police sexual misconduct.

Table 8 Victims and witnesses of police sexual misconduct (PSM) reported by female offenders interviewed

Victims of PSM	Women witnessing PSM with other detainees	Women as victims and as witnesses of PSM
15	16	2

Source: Information provided by women interviewed.

Table 9 Less serious cases of police sexual misconduct versus serious criminal cases of police sexual misconduct

Less serious-non criminal forms of PSM	Serious-criminal forms of PSM
25	6

Source: Information provided by women interviewed.

As can be seen, and in line with previous research on police sexual misconduct, the majority of cases involved non-serious forms of police sexual misconduct. However, of those 31 cases reported, 6 were considered serious forms of police sexual misconduct, of which 5 were directly experienced by women and 1 was witnessed by one detainee.

Among the less serious-non criminal forms of police sexual misconduct it could be found: consensual sex, strip searches in front of several policemen, unwarranted and invasive strip searches, unwanted flirtatious advances, and police officer (s) watching the detainee taking a shower or using the toilet. Within the more serious-criminal forms of police sexual mis-

conduct, women reported sexual harassment⁴⁶, forcibly fondling, and officers trying to force sexual intercourse with them.

3.2.6 Less serious forms of police sexual misconduct

The majority of male police officers interviewed openly accepted that certain forms of police sexual misconduct were common during the research period, although they did not see these behaviours as really serious. They often blamed the women as the initiators of “sexual encounters” between male officers and female offenders, and the majority tended to emphasize that they never engaged in such behaviours, but that they had seen, or had known of, fellow officers “falling into temptation”. As the following three officers explained:

Generally when women are committing crimes... For the very reason that they are women they try to seduce a police officer... [They say] “Don’t take me [to a provisional detention centre], let’s meet on a given day, this is my number”... Things like that, in the end the result depends on each officer’s personality... (Victor, police officer since 2002)

The thing is that some of my colleagues fall prey to the temptations of the beauty, smile and charm of women... I do not agree with that, they must act in compliance with the law... (José Luis, police officer since 1993)

I’ve dealt with such cases but I avoided those situations [having sexual intimacy with offenders]. I do my job... Always when a woman knows she is attractive she tries to use that method... First [women say] “Look I have kids, help me; I don’t want to go to

⁴⁶ Sexual harassment is any unwelcome sexual advance, request for sexual favor, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another (“Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority”, 2008).

jail. I do whatever you say, ask me whatever you want right now that I will give it to you"... I mean in other words they are suggesting what they are able to offer... (José, police officer since 2010)

According to these and most of the officers interviewed, when certain women found themselves at risk of being incarcerated, they were the ones proposing an encounter with the officer. They revealed that these cases were far from uncommon and that some officers were willing to take advantage of the situation. It was unclear how often these "encounters" occurred when officers were on-duty or off-duty.

One officer explained in more detail how women used their attractiveness to "manipulate" a male officer and how police officers reacted to this. He said:

Yes, it has always happened and at present is still the same... Let's say for example, in the past some detainees were brought into custody... and immediately the detainee would call his wife, sister, or sister in law, and they would come dressed like women from the streets, and you know we are men and some of us are machistas. So she... proposed and the majority agreed and allowed her go inside the cell with food, clothes and everything [for the detainee] because in the past we didn't give food to the detainees, they spent the whole night in here and didn't have anything...

AR: What happened when the woman was not considered attractive by the police officer in charge?

T: She didn't receive any attention; she wasn't allowed to go inside. I mean those things happened... I see that nowadays is the same... (Thelmo, police officer since 1998)

In all of the aforementioned cases police officers described themselves or fellow officers who agreed to "help" women in exchange for a "physical encounter", as passive agents

who sometimes fell into temptation. They did not acknowledge the fact that police officers were in an advantageous position, whereas women were in a position of desperation. It seems that some of these women took desperate decisions in order not to lose their freedom, not to lose contact with their children, or to provide food and clothes to loved ones in police custody.

The last officer accepted that the machismo played a role in this type of situations. The machismo element in police culture, Reiner (2010) says, has been seen as an important source of abuse. The police officer also mentioned that those women considered unattractive did not receive any help from police officers, which means policemen did not play a passive role as other officers suggested. Instead, they were the ones selecting the women they wanted to “help” in exchange for sexual activities. Even when women could have initiated several sexual encounters with the officers, consensual sex or trading sex for favors or leniency have been considered forms of police sexual misconduct in previous research (Maher, 2010; Cottler et. al., 2014). Regarding this issue, Kraska and Kappeler (1995) noted that the consensual sex assumption, together with the idea that police are regularly attracted by women to trade sexual favors for leniency, assumes “that deviant police are passive parties who are corrupted, rather than active corruptors... This thinking...negates the possibility of a systematic generated form of police victimisation of women” (p.88).

Continuing with the analysis, of all those 31 women reporting police sexual misconduct, two reported having sexual encounters with officers in exchange for favors. They did not see themselves as victims as long as they had the situation under control. They justified their encounter(s) with male officers while in custody as necessary in order to have basic things like shampoo, food, and hot water to take a shower. Other women went beyond the basic things and were given the chance to make phone calls or were promised to have some

evidence removed. Two of these women were Diana and Jéssica, who were arrested for international drug trafficking in 2009 and 2010 respectively. They shared:

In the Anti-drug police unit... I met Robert who was very nice to me... there we didn't have hot water, I didn't have shampoo, nothing because everything I had was taken by them [when the arrest took place]... I didn't have food... This guy bought some shampoo and soap for me; he took me to the showers with hot water... He took me to his office so I could make a call from there...

AR: Did he make unwelcomed sexual advances to you?

Diana: No, [she laughed] well not like that... I mean I gave him a kiss and later I liked it...

Diana said she did not feel forced to have an intimate relationship with Robert, instead she felt grateful for the help and favours he provided to her and perhaps in exchange for those things she felt the need to kiss him. Whatever happened between them later seemed to be consensual, as she said she liked it. Again this woman was in a position of vulnerability; she was alone, scared, incarcerated for the first time, without basic things and food, her family did not live in the city where she was arrested, therefore she was clearly in a desperate situation. In that context, the police officer played the role of the hero and she was the damsel in distress. It was not an encounter that involved two individuals under equal conditions; she felt she needed him and he surely knew that. Diana however, was not able to notice that the officer took advantage of the situation; instead she felt he was one of the good guys because he did not force her, and they were “naturally” intimate.

Jessica on the other hand experienced a similar situation, but her testimony offered more details about the manner in which women traded sex for favors. She described an environment in the station of the Judicial Police (PJ) where officers openly made sexual propositions to women in custody.

There was only one bathroom, no showers... The door had to be opened; police officers had to see us using the toilet. Terrible! It was not correct but we had no other choice...

AR: Did policemen made indecent proposals to women in there?

Jessica: I remember in PJ there were some guys who said that if you wanted some things you definitely had to let them touch you and if not you had nothing...

AR: Things like what?

Jessica: Food... And if some more things happened you could have better stuff and not only food. You could have whatever you wanted. Of course, it was a very hard situation...

AR: Did they make proposals to all the women who arrived?

Jessica: No, not to everyone, just to those they liked... They said like "if you want something just let us know, but you know what you have to do"... One has an idea of what they mean. I had to go through it because I had no other choice; I had nothing to clean myself, nothing...

AR: Did you just kiss him or something else happened?

Jessica: Both things [she laughed]

AR: Did you feel forced to do it?

Jessica: I had to do it in order to have my stuff... and especially to eat... When he wasn't around [the officer with whom she had traded sex for favors] he would tell an-

other officer to keep an eye on me so no one could touch me because each of them had their own [woman]...

AR: So there were other women doing the same?

Yes but with other officers.

When asked if she was forced at some point to have sex she said:

Jessica: There was one lieutenant... he was older... he called me to his office... He liked me and told me straightforwardly that he wanted to be with me, and I said no, just ;no! Those were my words.

AR: Did you struggle with him or something?

Jessica: Yes, since I've always been strong... I pushed him and left...

AR: Did you talk about this with your lawyer?

Jessica: No, I never reported the incident...

The case of Jessica demonstrated different things. First, she reported other less serious forms of police sexual misconduct as she described female detainees had to use the toilet while policemen were watching, a situation that made her feel uncomfortable. Moreover, she revealed that trading sex for favors was far from uncommon, although she said police officers were the ones who initiated the encounters and not women, as claimed by the officers interviewed above. It seems that when arrested, usually in public places, women initiated the encounters so they could avoid incarceration, but once they were in police custody (in provisional detention centres or police cells), it was policemen who offered to help women in exchange for sex. In police station cells officers felt safer making indecent pro-

posals, as there were little opportunities for public oversight and women stayed there sometimes for weeks or even months.

Jessica said she accepted one officer's proposal due to the fact that she needed to eat and clean herself. However, at some point she was approached by a lieutenant who tried to force a sexual encounter with her. She found the way to escape from him at the time but did not report the incident later, maybe because she feared reprisals or that no one would believe her, as she had traded sex with another officer before⁴⁷.

3.2.7 Serious-criminal forms of police sexual misconduct

Police officers did not speak about serious forms of police sexual misconduct when interviewed. They only referred to cases of consensual encounters and some mentioned incidentally touching women in their different private body parts when arresting or searching them during the 1980s and 1990s. This however, became less common after the 2000s, when according to updates made to the Code of Penal Procedure (CPP) it was possible to request a female officer to conduct the body search when the suspect was a woman. During the last decade of the period examined women, according to the police officers interviewed, became more aware of this provision, which helped them to avoid being inappropriately touched by male police officers.

It was not surprising to find officer's hesitation to talk about more serious forms of Police Sexual Misconduct due to the so called blue wall of silence in policing, which serves to maintain in secret the details of police behaviour with others (Reuss-Ianni, 1983, as cited by Maher, 2003), including personally incriminating matters and those of fellow officers.

⁴⁷ Previous research suggests that many women who are victims of Police Sexual Misconduct do not report their experiences due to fear of not being believed, being blamed for the incident and/or retaliation (Kraska & Kappeler, 1995).

As mentioned above, there were 6 serious cases of police sexual misconduct. One of these experiences was reported by Carolina, who spent several days in one cell of the Judicial Police (PJ). She was also arrested for international drug trafficking in 2010. She got involved in the business because she needed the money to be able to travel back to Europe where she used to live when she was younger. She shared:

I met one girl in there [provisional detention cell], her name was Wendy. When she was transferred to this prison I stayed there alone and the officers started to bother me... One said "you are pretty" and all that stuff, then he entered the cell, and forcibly threw me on the bed and kissed me... I started to call someone and he left...

Did you punch him?

Yes... Another officer used to take me out during the nights to ask me how I was and to talk to me... I told him "you are probably used to seducing women in here but those things don't work with me"... I told him I didn't like that... On another night, as I used to sleep in the upper bed, he grabbed my feet from outside [the cell] and pointed a gun at me... I was scared... He said it was a joke, but I told him I didn't like that type of joke... The next day he did the same to me... I told my cousin what was happening, and he talked to him. I don't know what my cousin said to him but the guy left me alone...

Carolina reported two serious instances of police sexual misconduct. The first officer forcibly tried to kiss her and pushed her onto a bed in her cell. She had to scream for help in order to avoid the escalation of the officer's behaviour. Moreover, the second officer took advantage of her vulnerability, tried to build some trust with her and since she openly told him there were no chances with her, he started to make threatening jokes at night. A situation that made her feel uncomfortable and unsafe in there. As a result, she reported the inci-

dent to her cousin who was also a police officer but who did not work at that dependency. Her cousin talked to this officer and she no longer had to suffer any inconvenience. The “threatening jokes” of the officer might have been related to the fact that she refused to accept his advances, and maybe by threatening her he believed she would fear him enough to “cooperate”.

Similar cases were reported by other women in this group. One woman revealed that she was threatened with writing an incriminating report if she did not sleep with one of the officers. With regard to that she said,

“All that was in their hands, the case was still under investigation, they could write a dirty report... There no one sees them, for that reason they do whatever they want” (Aracely- arrested in 2005).

Aracely was arrested for both a drug and a property offense. She spent some days in police custody before she was transferred to the women’s prison. During those days, she was threatened by rogue officers who wanted to take advantage of her situation and have sex with her. She highlighted that in police station cells it was easier for officers to maintain these types of behaviours without consequences.

In this section it could be seen that police officers accepted that one form of police sexual misconduct was common during the entire period – that is consensual sex – and indicated that women were the initiators of these encounters because they were scared of losing their freedom or because they wanted to help a loved one who was in police custody. As certain forms of Police Sexual Misconduct were considered consensual and as officers completely believed they or they fellow officers were simply tempted by women willing to trade sex

for leniency, benefits or favors⁴⁸, the fact that officers were in a position of superiority and women were in a position of vulnerability or inferiority in the context where these contacts occurred, was ignored.

When women were asked, they revealed that policemen tended to initiate the encounters and that they openly negotiated favors and “benefits” in exchange for sex or touching them. The officer-initiated encounters often occurred in police station cells, where there was poor to zero public oversight. In such an environment officers felt more empowered, and it was easier – for those rogue officers – to engage in less serious or serious cases of police sexual misconduct without consequences.

What is missing in the literature about police sexual misconduct is the way in which female offenders – not including prostitutes – dealt with this type of victimisation. In this section it could be seen that women showed different forms of agency, whereby they found their way to enhance their situation while in police detention centres by engaging in sexual activities with officers, by physically resisting the policemen’s advances, or by reporting the incidents to someone.

The cases presented here (from women arrested between 1992 and 2010), as well as the number of women reporting police sexual misconduct (31 out of 51) revealed that this type of victimisation was far from uncommon during those years. Moreover, the data presented here reveals that when women were in custody they became a suitable target for police crime and more specifically for Police Sexual Misconduct. Policemen however, did not always achieve what they intended to. Based on the testimonies, women were seen as suitable targets to obtain sexual pleasure, but they did not always agree to have sexual intimacy

⁴⁸ Kraska and Kappeler noted that the policing literature assumed PSM most often involve sexual favours, consensual sex and rogue officers. Their definition of Police Sexual Violence referred specifically to women, which erroneously excluded men from this type of victimisation.

with the policemen. Women raised their voices or pushed officers away to resist their victimisation. It is not possible to know if other women could not, or did not try to, resist police officers' sexual harassment

3.3 A likely offender

3.3.1 Tracing police's motivations: Pressure for results and police officers search for individual, group or organisational gain

When common criminals were caught committing a crime, they could interact with either or both of the following: police officers who did their job respecting rights and procedural guidelines, or police officers willing and able to abuse their authority and engage in different criminal or corrupt activities.

The author identified two factors that converted several police officers into likely offenders. These were the high pressure faced by the police to produce results against increasing criminality in the country, and the search for individual, group or organisational gain, which motivated police officers to engage in corrupt activities, police sexual misconduct, and crime. Whenever there was an unprotected target and/or sufficient rewards, offenders had motivation and enough opportunities to commit the crimes.

In the following pages these two factors will be examined in order to understand how these stimulated police illegal behaviour affecting offenders' experiences with the Criminal Justice System.

3.3.2 Increasing crime rates in the region and in the country

Whereas during the 1970s and 1980s the main causes of concern among Latin American citizens were the military dictatorships and the political violence⁴⁹ in their countries, the democratic transitions in the region were accompanied by a different major concern for the public: criminality (Dammert & Bailey, 2005)⁵⁰.

During the 1980s and 1990s Ecuador saw a steady increase in its violence and crime rates, which elevated feelings of personal insecurity. The homicide rate per 100,000 inhabitants rose from 6.4 in 1980 to 10.4 in 1990 (Pontón & Rivera, 2016). Later, the rate of homicides per 100,000 inhabitants went from 16.6 in 2000 (Ministerio del Interior, 2018) to 17.5 in 2010, one of the highest rates after Ecuador's return to democratic order (Ministerio del Interior, 2018). Compared to world rates of 5.5% in 1980, 6.4% in 1990, 8.9% in 2000 (Villavicencio, 2004, as cited in Moser, 2009), and 6.9% in 2010 (UNODC, 2011), the Ecuadorian rates were higher in each decade.

Similarly, the number of complaints of property crimes increased from 320 in 1995 to 471.5 in 1999 (Arcos, Carrión and Palomeque, 2003, as cited in Pontón & Rivera, 2016), and to 515.78 in 2007 (Policía Nacional del Ecuador, 2007, as cited in Pontón & Rivera, 2016). Also, reported incidents of personal robbery increased to 16,000 in 2010 (Pontón & Rivera, 2016). It is worth noting that these type of crimes strongly affected public perception of security.

The increasing criminality experienced in the region resulted in the consideration of Latin America as the second most violent region in the world during the mid 1990s (Dammert &

⁴⁹ This also generated migration of many Latin Americans to different continents; from the US to Israel.

⁵⁰ According to Dammert & Bailey (2005), this process has been characterized by two phenomena: 1) the increasing number or rates of reported crimes, especially of those that involved the use of violence, and 2) the increasing feelings of insecurity among the population.

Bailey, 2005). Moreover, it became the only region in the world with growing homicide rates between 2000 and 2010 (Koonings and Kruijt, 2015).

Throughout the years after the democratic transitions, shocking forms of violence resulted in widespread public alarm and insecurity in Ecuador and in most of the recently democratised Latin American countries (Bergman & Whitehead, 2009). The situation lowered public confidence in state institutions, especially in the Criminal Justice System, and weakened support for human rights standards that emerged in the course of the struggle for democratisation (Bergman & Whitehead, 2009). In that scenario the fear felt by many Latin Americans was not an unreasonable one, and it explains why zero tolerance policing strategies started to become so attractive to politicians across the region⁵¹ (Swanson, 2013; Liebertz, 2017). Both poor and rich⁵² citizens called for and supported authoritarian measures (Krause, 2014).

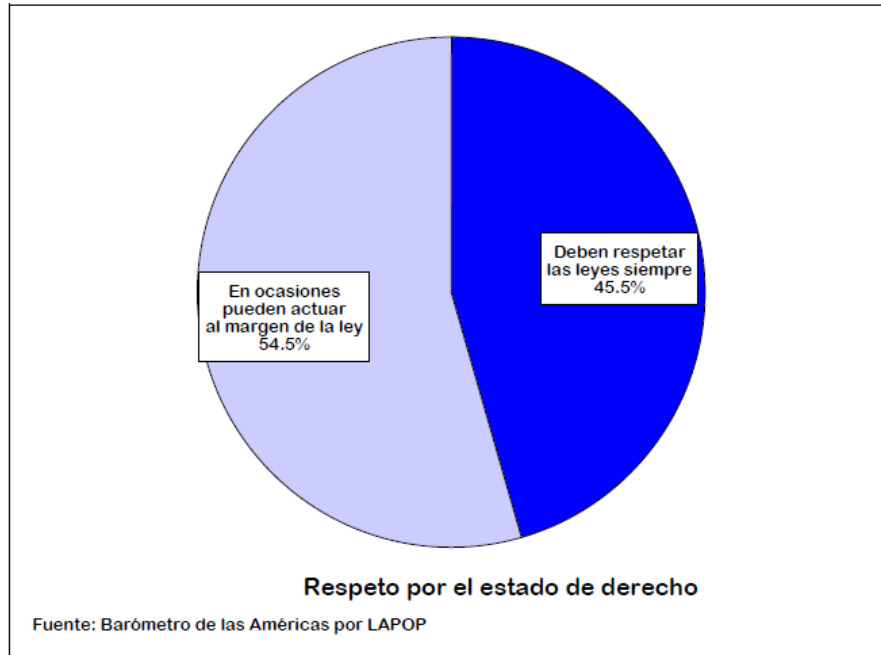
As seen in figure 4 below, the number of Ecuadorians supporting authorities in acting outside of the law in order to take into custody perpetrators of crime was higher than the number of citizens demanding the respect for the rule of law at all times (Donoso, Montalvo, Orcés & Seligson, 2011). Donoso, Montalvo, Orcés and Seligson (2011) noted that the values expressed by the citizens surveyed were “in opposition to values consistent with democracy, such as the right to due process for all people” (Donoso, Montalvo, Orcés & Seligson, 2011, p.93). When comparing the case of Ecuador with the situation of other Latin American countries, it was found that Peru and El Salvador together with Ecuador were

⁵¹ These violations make police work harder because they alienate the public and reduce their willingness to cooperate with police activities. Finally, there is a thin line between the abuses directed at criminals and those abuses that can be perpetrated against innocent citizens.

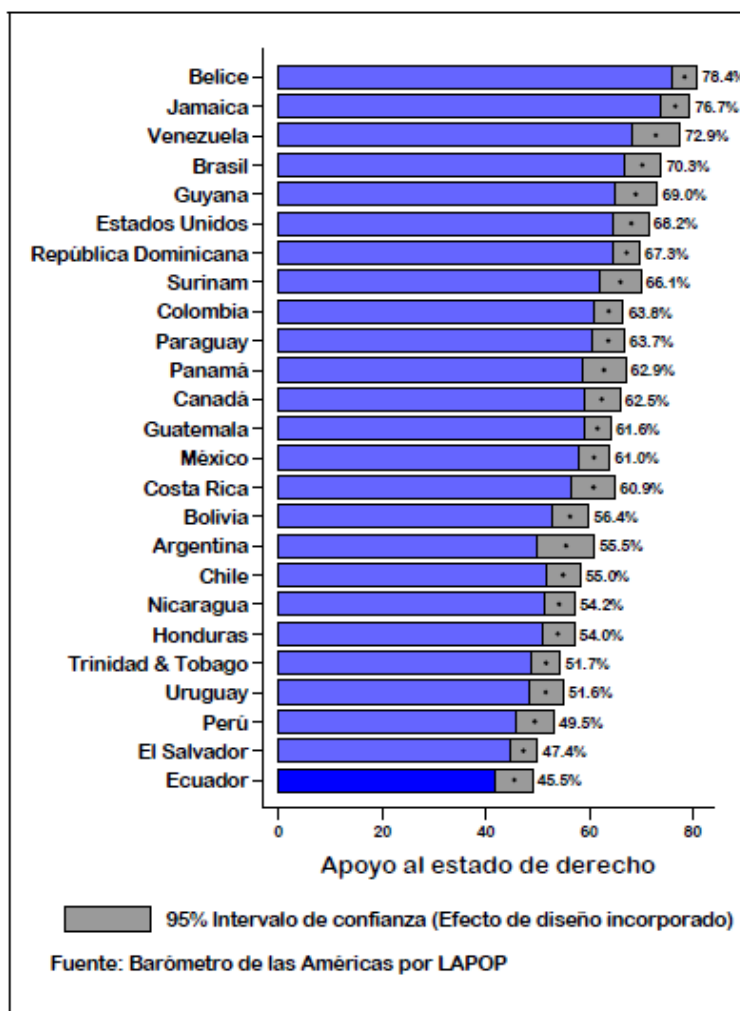
⁵² According to Bergman & Whitehead (2009), there have been different reactions to the perception of insecurity in the region. Wealthy citizens have been able to hire private security, whereas the poor remained for the most part unprotected. Among the different self-defense strategies, gated communities among the wealthy to *justicieros*, community patrols, and even lynching among the poor, were common (Bergman & Whitehead, 2009).

the countries where a minority of citizens showed support for the rule of law (Donoso, Montalvo, Orcés & Seligson, 2011).

Graphic 2 Support for the rule of law in Ecuador (2010)



Source: From “Political Culture of Democracy in Ecuador, 2010: Democratic Consolidation in the Americas in Hard Times”. Retrieved from <https://www.vanderbilt.edu/lapop/ecuador/2010-political-culture-English.pdf>

Graphic 3 Support for the rule of law in Latin America (2010)

Source: From “Political Culture of Democracy in Ecuador, 2010: Democratic Consolidation in the Americas in Hard Times”. Retrieved from <https://www.vanderbilt.edu/lapop/ecuador/2010-political-culture-English.pdf>

In the Latin American democratic context⁵³, where voters were increasingly concerned about the worsening of their personal security, politicians took advantage of the situation and securitized the issue of crime, mobilising in this way political support and securing electoral gains (Muller, 2016). What is more, the problem of criminality opened the possi-

⁵³ In democratic countries, at least in the western hemisphere, there has been a political trend toward appealing to the fear of crime as a popular issue in electoral campaigns.

bility for some to win elections and promote their political careers (Muller, 2016; see also press articles: Calderón: habrá mano dura contra el crimen, 2006; “Ofrece Madrazo dureza contra delincuencia en Chalco”, 2006).

In fact, the security issue played a central role throughout the region in several presidential campaigns taking place during 2006. There were proposals of death penalty for rapists in Peru, and of military intervention⁵⁴ in Mexico, among others (Dammert & Arias, 2007). These were short-term proposals lacking in-depth examination, and basically created with the purpose of securing votes (Dammert & Arias, 2007). Between 1999 and 2000 public demonstrations against the increasing property crimes and crimes against persons in the cities of Quito and Guayaquil resulted in the intervention of the heads of each municipality⁵⁵ in security issues, which did not fall under their competence (Pontón & Rivera, 2016).

Later, the political discourse of the Mayor of Guayaquil, Jaime Nebot, proposing iron fist measures against crime and insecurity in the city between 2005 and 2009, resulted in the legitimacy of his leadership and secured his time in office between 2000 and 2010⁵⁶ (Pontón & Rivera, 2016). Moreover, the confrontations around the issue of security between the Municipality of Guayaquil and the central government ended up affecting the coherence of the state’s plan to combat violence and crime in the country (Pontón & Rivera, 2016)

⁵⁴ Until the late 1980s, most of Latin America’s militaries were generally in charge of border protection and internal control (Ross, 2004). For those countries ruled by military dictators, this included silencing left-wing organizations and civilian opposition (Ross, 2004). In the absence of outright external aggression, the main role of several Latin America’s armed forces has shifted “to maintain internal order as a second-line police force” (p. 9) and to tackling crime and drug trafficking (Ross, 2004). Sources have indicated that evidence is clear in relation to the fact that the militarisation of internal security is detrimental for human rights and has low impact on crime and violence in the long run (Gagne, 2015). The states of emergency and the inclusion of the armed forces to intervene in internal security matters have occurred several times in Ecuador after the democratic transition.

⁵⁵ The municipalities of Quito and Guayaquil have their own metropolitan police forces which work alongside with the National Police (U.S. Department of State, 2010).

⁵⁶ Until the submission of this dissertation (2018) Jaime Nebot continued to be the Mayor of Guayaquil.

In several instances *mano dura* proposals created to secure victories ended up creating more problems around the security issue (Dammert & Arias, 2007). For example, dealing with the crime problem with an “iron fist”, and having a permissive approach to repressing offenders in the name of order and security have resulted in continuous violations of human rights and the subsequent loss of police legitimacy and the cooperation with, and respect for the police from the most marginalised sectors of society.

3.3.3 Dealing with the pressure of delivering results

A few years before the adoption of the 1979 democratic Constitution, former President Guillermo Rodríguez Lara⁵⁷ (1972–1976) when issuing a new Law on the Organisation of the Judiciary in 1974 mandated the creation of the Judicial Police as a specialised body of the National police (Guerrero Vivanco, 1995). Years later, first in 1978 and then in 1983 the Code of Penal Procedure (in force during most of the research period), Title III referred to the Judicial Police, and specified its function as an assisting force in the administration of justice. By 1995, the Judicial Police continued to exist only on paper (Guerrero Vivanco, 1995) therefore, until the year 2000, when the Judicial Police finally became operational (Pontón, 2009), it was the national police through its different specialised services⁵⁸ who conducted the investigation and control of criminal offenses (Guerrero Vivanco, 1995). More specifically, it was the Criminal Investigation Service (SIC) which assumed the obli-

⁵⁷ The SIC was created during the Rodríguez Lara dictatorship, through the 1975 Organic Police Law. According to this law, the National Police was integrated by different service/units, including the police urban and rural services, the criminal investigation service or SIC, the drug service and Interpol, the migration police, the prison police and the Judicial Police (Estrella, 1991-1992).

⁵⁸ In addition, the 1998 Organic Law of the National Police in its article 3 stated that the National Police could establish all services as it considered necessary for the fulfillment of its specific functions (Ley Orgánica de la Policía Nacional, 1998). According to the law, the *Direcciones Nacionales de Servicios* (Service Directorates) were 13, including the National Police's Anti-Narcotics Directorate (Antinarcóticos), the National Directorate of the Judicial Police and Investigations Service, and the National Migration Directorate.

gations and functions of the Judicial Police for several years⁵⁹, until through executive decree of September 2, 1991 the SIC was eliminated and the Office of Criminal Investigation (OID)⁶⁰ replaced it to assume the duties which were supposed to be carried out by the PJ (Estrella, 1991-1992).

According to the 1998 Organic Law of the National Police (article 56) the Judicial Police and Investigations Service had as its fundamental aims preventing and investigating criminal offenses and the arrest of the alleged perpetrators (Ley Orgánica de la Policía Judicial, 1998). Evidence shows that in addition to the Criminal Investigation Service (SIC) and the Office of Criminal Investigation, on several occasions specialised police bodies also carried out activities corresponding to the Judicial Police or assisted it in these. This was in accordance with the 1998 Organic Law of the National Police, which stated in its article 49⁶¹ that special units were apt to be used in different police operations (Ley Orgánica de la Policía Nacional, 1998). Among the units that collaborated with, or conducted activities of the PJ were: the International Criminal Police Organisation (Interpol⁶²), the National Police Inter-

⁵⁹ According to the Supreme decree No. 2636 of 26 June 1978, published in Registro Oficial No. 621 of 4 July of the same year, reforms were introduced to the Code of Penal Procedure. The reforms contained a transitory provision which stated that until the PJ became operational, the SIC and other specialized services of the National Police had to assume its obligations and functions (Estrella, 1991-1992).

⁶⁰ The SIC was eliminated by former President Rodrigo Borja who created the OID to replaced it (Estrella, 1991-1992).

⁶¹ Art 49.- “Las unidades especiales son comandos tácticos de reacción inmediata, flexibles y de gran capacidad de maniobra y movilización, con adiestramiento especializado y aptos para utilizarlos en diversas acciones policiales y sin perjuicio de otras que se crearen, son las siguientes: 1. Grupo de Intervención y Rescate (GIR); 2. Unidad de Investigaciones Especiales (UIES); 3. Grupo de Operaciones Especiales (GOE); 4. Unidad de Equitación y Remonta (UER); 5. Unidad Antisecuestros (UNASE); 6. Unidad de Protección del Medio Ambiente (UPM); y, 7. Unidad de Acción Comunitaria (UNACO)” (Ley Orgánica de la Policía Nacional, 1998).

⁶² The Interpol National Central Bureau (NCB) officially started operations in the country in March 1965, and depended on the National Police. The NCB was registered within the organization under the designation “Comandancia General de Policía Nacional Oficina Central Nacional de la O.I.P.C Interpol Quito- Ecuador” (López, 1984). Among others, the NCB functions included the control of illicit traffic of narcotics, international crime control; control of international theft of vehicles; control of counterfeit money, and fraud; illicit trade in gold, precious stones and jewelry; human trafficking and the corruption of minors (López, 1984). Later, the 1998 Organic Law of the National Police stated that one of the specific functions of the National Police was to prevent and investigate in coordination with INTERPOL, drug use and trafficking in the country, among other crimes (Ley Orgánica de la Policía Nacional, 1998). Moreover, the 2001 (later reformed in

vention and Rescue Group (GIR), the Rescue Operations Group (GOE), the Support's Operation Group (GAO), and the Special Investigation Unit (UIES). These police bodies were in charge of intelligence work, criminal investigations, and its agents were in constant contact with suspects and offenders. The agents of the SIC, OID and the aforementioned specialised bodies were also identified by detainees as those responsible for committing crimes or illegal acts during the time of the arrest and when detainees were in police custody. Once the PJ became operational, its officers were also identified by women as those responsible for conducting illegal procedures and treating them violently. What is more, several illegal interrogations, diverse irregularities, cases of PSM and torture took place in the offices and cells of the PJ ("Vi la muerte en las torturas de la Policía Judicial de Pichincha", 2009; Comisión de la Verdad, 2010).

As there was pressure for results coming from supervisors, the public and the government, several police officers, especially those belonging to any of the aforementioned special police bodies, felt they had to be more effective than procedurally just. It meant that in certain instances due process guarantees, human and constitutional rights of the suspects were ignored. One of the units constantly under pressure to deliver results was the Support Operations Group (GAO) whose creation date has not been specified (Comisión de la Verdad, 2010) but it has been estimated at around 1994. Although this unit started operations before the PJ became operational, it later operated under the command of the PJ (Pontón & Rivera, 2016). The GAO did not have a clandestine or reserved creation as the SIC-10 and UIES; however, the unit maintained the same "modus operandi" in its investigation processes, which were characterised by the application of practices contravening human rights

2007) Judicial Police Regulations, stated that one of the functions of the Interpol NCB was to carry out all activities aimed at preventing and repressing all "infracciones perseguibles de oficio" (Art. 105- Reglamento de la Policía Judicial, 2001). The same regulations in their third general provision pointed out that all units of the PJ interacted in a technical, permanent and coordinated way with the Anti-drugs body, Interpol and other services of the National Police (Reglamento de la Policía Judicial, 2001).

(Comisión de la Verdad, 2010). According to the Truth Commission report, between 2000 and 2008 the unit left 84 dead, therefore it was considered an extermination group (Derechos del Pueblo N° 171, 2009: 11, as cited in Comisión de la Verdad, 2010). The aforementioned report's assumptions were supported by the following testimony of a former GAO officer interviewed for this research:

The GAO was in charge of dismantling criminal gangs. It was mostly known as the cleansing squad... It was responsible for capturing... contract killers and disappearing them... [we were involved] in intelligence and disappearances because we were given a case, and we had to present results as quickly as possible... we [fought] against drug trafficking, contract killings and criminals...

AR: So, were there many human rights abuses?

Indeed.

AR: Were there female victims?

Indeed.

AR: Can you explain a bit more about your training, values and rules within the group?

Discipline within the institution more than intelligence... the discipline was the main thing within the institution and in the group... We were under the command of Colonel "Delgado", former GIR agent... he trained us for 6 months... in the city of Manta... for that group one agent was chosen for each province, 22 members to form the group... We had tough crimes; in Manta approximately 5 years ago (in 2009) we had 10 to 15 deaths every day at the hands of contract killers... We were sent to that city to be trained and stay there to solve [the problem], to reduce the murder rate there...

AR: And how did you address the problem of contract killers?

Disappearing them

AR: Did many of your fellow officers die during the confrontation with these criminals?

No, thank God no one died.

Contract killings became an exacerbated problem in different cities of the country, and attracted more attention during the first decade of the 21st century. Contract killings as such did not exist in the Ecuadorian CPP during the entire research period (1979-2010), but the media portrayed or described many murders as contract killings, even when the police denied the existence of that form of crime and referred to it as “*homicidio agravado*” (aggravated homicide)⁶³ or as murder (Pontón, 2008) with premeditation (Art.-450, 1a) or as murder for hire or promise of compensation (Art.-450. 1b) as indicated in the 46 times reformed code of penal procedure⁶⁴.

In spite of the fact that police authorities denied the existence of contract killings as such, one of the GAO’s main duties was to combat effectively this specific form of crime which was concentrated in urban areas, especially in the coastal part of the country (Carrión, 2008). The officer interviewed manifested that the official order they had was to disappear “sicarios” not arrest them, contravening human rights law⁶⁵. The GAO was related to two controversial cases of police crime in the country: the “Dolores” case in 2003 (also known as Caso González y otros, and Caso Fybeca), and the Terranova case, which resulted in the GAO’s being disbanded during the administration of former President Rafael Correa in 2009.

⁶³ One example of this is the declaration of the former Chief of the Judicial Police Rodrigo Tamayo, who said in 2007, “No consideramos la existencia del sicariato. Lo que aceptamos es el homicidio agravado” (Diario el Comercio, 2007, quoted by Carrión, 2008).

⁶⁴ The 1971 code of penal procedure was reformed 46 times in almost 40 years. The code of penal procedure approved in 2000 introduced the accusatory system (COIP, 2014)

⁶⁵ Both the Constitution (the right to life) and the Code of penal procedure.

By analyzing the operations of special police units it was possible to note that when police supervisors or politicians specified the ends that they wished to accomplish; e.g. zero tolerance policing or aggressive crime control, without specifying the means to these ends, they were implicitly leaving the details to their subordinates (Armacost, 2003). What is more, by rewarding some officers for their “successful operations” where unnecessary aggressive policing was apparent and constant, they allowed the perpetuation of an organisational culture that led police officers to view violence as acceptable. The two following cases of women arrested for murder, in the form of contract killings, provide examples of how police officers from special police bodies were used to employ excessive force and violence when confronted with serious cases of female offending. In these two cases, officers behaved aggressively and tried to secure convictions without regard for the suspects’ gender and despite the fact that the suspects said that they neither tried to attack the police officers nor resist arrest.

Alexandra, a Colombian woman, convicted of murder for hire (contract killing) in 2009, described how she was arrested and later physically and verbally abused by the officers of the Judicial Police in collaboration with another special police unit. She said:

I received a call like to confirm who I was... They asked if I was Alexandra, I asked who was calling and they hung up the phone. I tried to return the call from a phone booth but no one answered... I came out of the phone booth and I heard “marica you are under arrest, this is the police”... It was a whole police operation... There were many policemen with their faces hidden behind ski masks... lots of firearms and bulletproof vests... They took me to the Judicial Police (PJ) in Quito and they took me inside one office and asked me to get naked... They asked me to bend over but they did not find drugs on me... They never read me my rights ... They didn’t allow me to call anybody ... He [an officer] tried to force me to say that I killed the guy [the victim]. The officer was an indio from the PJ, from the homicides unit. He was incarcerated a

couple of years ago, I don't know what problem he had but I recognised him in the news... He punched me, he kicked me on my legs ... They covered my eyes ... But I remember I could see his boots with steel toe caps while he was kicking me ... He called me 'bit** Colombian prostitute, you just came to do bad things to my country' ... He said that they were going to kill me just like the doctor was murdered... I replied "you can kill me but I won't confess anything I didn't do"... They didn't have any order to arrest me or to search my house... Next day they told us [to her and to her accomplice]we were arrested for the disappearance of the doctor...The date of the arrest warrant was 29th November, but I was arrested on the 28th at 3pm. According to my file I was arrested at my apartment... they never wrote they arrested me in the street.

Marite, an Ecuadorian woman, was arrested in 2009 by police officers from the PJ for murder. She said:

I was arrested in Quito... The cops entered my house pretending they were interested in renting one of the apartments I had. I showed him around and he[one cop] said "I'll come back later" and I said okay and went to sit down next to the entrance [of the house]... Suddenly one car stopped... they came and asked "are you Marite?" and I said "yes"... They replied "we are agents from the PJ"... They pulled me to the vehicle... I asked "why?", and they replied "You'll see why"... They took me to the Atahualpa roundabout and then put me inside the car's trunk... I was inside at least until 5pm... I was detained around 11 am... [During these hours]They were sorting out all the formalities, the search warrant and all that. They didn't have the right to keep me inside the car's trunk. Around 8pm, in the night... they asked me "do you know why you are here?"... I said "no", and they replied "we have videos, we have videos", and then I replied "you can do whatever you want, if you have videos why do you ask me"... and talking and talking they told me I was arrested for murder.

The aforementioned two cases, and others that will be analysed in this and the next chapter, show that women arrested for violent crimes had their rights restricted, and in many instances were treated violently. These policemen seemed to be anxious to present results and

as a consequence they made a lot of (illegal) efforts to make these women confess their guilt or participation in the crime, although they ended up not having enough cooperation from them. In response to that, they continued to commit different irregularities to secure the convictions of these women, such as writing false reports and arresting them without a warrant. They also opted for other illegal means such as torture, perjury, verbal and psychological abuse.

In line with the above, former GAO officer Mayor Eduardo Gonzalez, who was on active duty for 20 years leading and participating in at least 50 special police groups' operations in the country (Garzón, 2006), was awarded the *Orden al Valor* twice, in 2000 and in 2001 in accordance to his professional performance in two “successful” operations. In the first operation 10 alleged criminals died, and in the second one 12, including one innocent man.

Table 9 shows that between 1996 and 2003 in at least 8 police operations where Gonzalez was in charge, 41 offenders, 3 civilians and 2 police officers died as a result of “confrontations” between criminals and the police. What is more, no investigations relating to the actions of the police were opened for those cases – with the exception of the investigations opened for the Dolores' case – and Gonzalez continued to work in the National Police. Although according to the police reports these were heavily-armed individuals with criminal records, police officers rarely died in these cases. Human Rights groups have suggested that the police carried out the killings with premeditation. Ecuadorian police officers have also been accused of writing reports containing false information, and hiding the killings of criminals behind the excuse of alleged confrontations between criminals and the police. As shown in Table 9, during several operations Gonzalez belonged to different special police bodies such as the UIES, GAO, GIR or the PJ.

Table 10 Number of casualties resulting from operations conducted by the Mayor Eduardo González (1996-2003)

No.	Date	Place	Unit intervening in the operation	Number of casualties (including alleged criminals, police officers and civilians)	Observations
1	23/02/96	Guayas	UIES	5	No investigations were materialised. García continued its police-related activities.
2	18/10/96	Guayas	UIES	7	No investigations were materialised. García continued its police-related activities.
3	22/02/97	Cuenca	UIES	1	No investigations were materialised. García continued its police-related activities.
4	07/03/97	Guayas	UIES	1	No investigations were materialised. García continued its police-related activities.
5	21/08/97	Babahoyo	OID	2	No investigations were materialised. García continued its police-related activities.
6	31/08/98	Babahoyo	GAO	10	He was decorated by the National Police for this case. No investigations were materialised.
7	29/08/00	Manabí	GAO	12	He was decorated by the National Police for this case. No investigations were materialised.
8	19/11/03	Guayas	GIR-PJ-UNASE	8	This case known “as the Fybeca’s pharmacy case” attracted a lot of media and public attention. Investigations were closed in 2004 but reopened in 2010. Eduardo G. was a fugitive in the United States, but the other police officers involved were sentenced for extrajudicial killings. The wives of the victims were compensated by the State.

Source: Adapted from a “Plan V” independent investigation.

In relation to the above, according to a United Nations special report on extrajudicial, summary or arbitrary executions in Ecuador, sources reported that 27 persons had been killed by the police in the country between 2000 and 2009 (UNHRC, 2011). Additional sources revealed that between 2000 and 2006, there were 164 extrajudicial executions by police (UNHRC, 2011). Additionally, the Police Inspector-General's office said that the police were responsible for 104 killings between 2005 and 2010, whereas data provided by the police commander showed that of 83 cases involving deaths caused by police between 2005 and 2010; 36 cases occurred during police operations and in alleged confrontation with criminals (UNHRC, 2011).

As supervisors, the government and citizens were interested in immediate results, most cases regarding police use of lethal force and violation of human rights remained unpunished, with the exception of a couple of controversial cases- named in the state of the art section- which obscured police reputation during the research period. From those cases in which Eduardo G. was in charge for example, a few criminals and law-abiding citizens died. They were in the presence of police officers who had specific orders to eliminate criminals or who were rewarded to do so. It could be noted that not only the pressure for results played a role in the officers' illegal behaviour but also their need for recognition from supervisors, and the public.

3.3.4 Financial and moral incentives: The cases of three special police bodies

In Ecuador while campaigning and once in office, politicians were under pressure to tackle the crime problem and in order to do so the aforementioned special police bodies⁶⁶ were created to fight specific manifestations of the crime threat over the years. The GAO, as was shown above, was created to direct efforts on fighting contract killings and organised crime, and its officers were rewarded with *Ordenes del Valor* for successful operations, which was nothing more than getting rid of offenders by employing illegal means.

Evidence shows that certain special police bodies received special support from supervisors, governmental officials, private enterprises and even other countries. The support came in the form of moral and financial incentives which sustained and motivated police officers to cripple subversives, and terrorists during the 1980s, contract killers and organised crime groups during the 1990s and 2000s, and drug-related offenders throughout the whole period.

According to the 2010 Truth Commission report, special police bodies were provided with all the facilities necessary for the exercise of their functions, and had all the freedom to initiate and conduct operations and arrest detainees. These special units were seen as institutionally, operatively and symbolically superior than other police units (Comisión de la

⁶⁶ Also, different administrations focused on equipping and professionalizing the police with the purpose of fighting organized crime and drug trafficking. Some of the administrations that provided more equipment and financial support for the police were those lead by León Febres-Cordero (1984-88), Gustavo Noboa Bejarano (2000-2003), and Rafael Correa (2006-2017). Until 1985 the military was responsible for intelligence tasks and conducting internal investigations. However, with the strengthening of the national police, certain special police bodies assumed this responsibility, among these the SIC-10, the GIR, the GOE, the UIES and the Escuadrón Volante (also known as a death squad). Most of these units were created during the Febres Cordero's administration (1984-1988) for specific intelligence and operative tasks. All of the aforementioned units were accused throughout the years of several human rights violations and of perpetrating illegal investigation techniques against detainees (Comisión de la verdad, 2010; "Ex policía del GAO confiesa crimen de Hernán Cedeño", 2010; Cedhu, 2011; "Dos uniformados del ex GAO acusados...", 2010; "El GAO fue una fuerza letal por trece años", 2011), which resulted in some of its members being prosecuted. By 2003, Ecuador had paid \$4,000,000 for abuses perpetrated by security forces, especially by the police ("\$4 millones ha pagado el Estado por abusos", 2003).

Verdad, 2010). The members of these units consolidated a position of personal power that even influenced their relationships within the force (Comisión de la Verdad, 2010).

The *Escuadrón Volante* was one of these units. It was created during the administration of León Febres-Cordero (1984-1988). The following quote from Jaime Nebot, former congressman, mayor of the city of Guayaquil and former President's Febres Cordero right hand, showed publicly the government's moral and financial support for the *escuadrón volante* unit⁶⁷. The quote is part of a public speech delivered by Nebot in 1985. That day arms and vehicles were donated to this recently created special police body. He said:

...In the short time of one year, patrol officers have been doubled... Within the next 45 days if not earlier, we will duplicate the escuadrón volante... ten new trucks, 100 new shotguns, 10,000 cartridges and 100 new men at the service of the city to duplicate the escuadrón volante in their fight against criminality... Today, like yesterday and tomorrow, we will give you precise orders, police officers, precise and clear orders because you have the moral, legal and economic support from the government... Go and use these firearms, do it within the legally indicated limit... but use them as you are authorised to do so... Soon certain individuals⁶⁸ will...start defending murderers, criminals, terrorists, rapists and kidnappers' human rights. They also have human rights, and we will respect these, but right now we are more concerned about the human rights of citizens... (EcuadorTV, 2011)

As can be seen as early as 1985 suspects' human rights, although recognised, were not as important as the government's interest in reducing crime. The *Escuadrón volante* beat the record of arrests in the city of Guayaquil compared to other units, as its police officers arrested between 18 and 25 people per day (España, 1996). The high number of detainees per

⁶⁷ The idea of this unit's creation came from the government of Febres Cordero (1984-1988), but it operated under the command of the Guayas Regiment and later throughout the country (España, 1996). Thirty police officers were selected for their height, optimum physical condition, and their bravery to respond to any situation, to be part of the unit (España, 1996). After a course of 8 days, the cops selected began their operation.

⁶⁸ He actually called these people (human rights' defenders) parrots.

day overburdened the capacity of the provisional detention cells of, at that time, the SIC-Guayas. Many individuals were detained simply for not having their identity documents, they were sometimes beaten and humiliated by the members of the *Escuadrón* and then they were transported to the SIC, which as mandated, conducted the criminal investigations in the country during those days (España, 1996).

Special police bodies like the *Escuadrón volante*, also received extra funding from different parties. The aforementioned unit subsisted on private funding and with money from the Central Bank of the country (ECTV, 2008). Members of this unit received additional economic incentives every month. According to ECTV they received extra bonuses of 30% of their salary. The low wages earned by police officers in Ecuador before 2007, for example in 2006 a second lieutenant earned \$472, in 2008 his salary had increased to \$935, and by 2010 he earned \$1.286 (Pontón & Rivera, 2016), meant that earning extra money was not only attractive but also necessary to improve their life quality. With their support however, the government and the private sector encouraged these police officers to maintain their abusive practices against alleged suspects, as long as they would present results. In relation to that, the following quote from Hugo España (1996) former *Escuadrón Volante* police officer (he used work for the unit in 1985) illustrates the abuses committed by the police to appear efficient at the time:

“The idea of forming this group was to eliminate criminality or part of it, because during those days we were caught up in a climate of tension resulting from the number of robberies and assaults taking place in the city of Guayaquil. We had green light to act under the premise that (government) authorities would give us their full support and that we would only be accountable to them (p.46)... Of all these detainees, it is no exaggeration to say that 95% were innocent... but since the order was to take detainees [to provisional detention cells] so citizens and the media could see how effective the unit was, we continued with these operations (p.48)... Soon after the *Escuadrón volante* spread throughout the country and became known for its consistent abuses... to

the extent that it became known as the Escuadrón VIOLante (the raping squat)... as many of its members raped prostitutes during the traditional [police] raids....” (Hugo España, 1996, p.49).

As can be seen, this former police officer affirmed that the abuses perpetrated by the police were tolerated and even motivated by the political authorities of that time. These numerous illegal detentions were seen as a tool for the government to boast about their “success” in tackling the crime problem in the country, while the ill-treatment of suspects was hidden or ignored. In addition to the ample opportunity for physical and verbal abuses to all detainees, some women, and particularly sex workers, were vulnerable to police sexual misconduct. The Escudron Volante also concentrated its efforts in detaining any suspicious person, including people of color, citizens without ID, marihuana consumers or persons wandering the streets at night (Coba, 2015).

Also sources suggest that members of the SIC-10⁶⁹ clandestine unit, created to deal specifically with the “subversion” problem during the 1980s, were secretly and directly paid by the Ministry of Government (now called Ministry of Interior), and received extra money for each subversive killed (España, 1996). Its members were also trained by foreign experts⁷⁰ on terrorism (España, 1996). At the time, revolutionary left-wing Latin American movements were the priority in the international agenda of the United States (Coba, 2015).

⁶⁹ The media reported that 1987 was the year of greatest activity of the SIC-10 unit, with 167 deaths recorded. Among the victims 77 were women and only 21 of them were members of AVC. In general, the remaining number of female victims included social activists or members of political organizations (Comisión de la Verdad, 2010).

⁷⁰ During the government of Febres-Cordero (1984-1988) the Israeli Ran Gazit, was hired as a consultant on security issues. His contract and his association with the government were classified information for some years, until President Febres-Cordero was accused of using public funds to pay Gazit without prior justification. Gazit has been accused of using detainees, either members of AVC or individuals involved in different crimes to show trainees how to apply special techniques which violated the suspect’s human rights. Among those officers who took these training courses some agents were selected to be part of the Rescue and Intervention Group (GIR in Spanish); special police unit created years later, specifically in 1977, and still existing within the institution. (“El GIR cumple 37 años de creación”, 2014)).

In line with the above, the case of the Special Investigation Unit (UIES) is another example of the economic support received by, and additional advantages certain special police bodies had in Ecuador. The unit was created on February 14th, 1986, through a reserved Executive Decree (Comisión de la Verdad, 2010). Recruits from the UIES⁷¹ had to subscribe to a commitment with the group especially on a disciplinary level (Comisión de la Verdad, 2010). All the officers had to ensure anonymity; therefore they had to take a loyalty oath to the group (Comisión de la Verdad, 2010). Its clandestine nature and its work in counterintelligence were the platforms for the operations⁷² of this unit, which was made up of 118 to 120 officers (“EE.UU. financió el 90% de la UIES”, 2009; “El espíritu de la UIES sigue en Pusuquí”, 2009). More importantly, this unit worked collaboratively with the Embassy of the United States; one reason why it received simultaneous funding from the government of Ecuador and from the aforementioned foreign delegation. The media reported that the Embassy of the US funded 90% of the aforementioned unit’s budget, whereas the remaining 10% came out of the National Police institutional budget (“EE.UU. financió el 90% de la UIES”, 2009; “UIES ejecutó 173 operativos en dos décadas de existencia”, 2009; Teleamazonas, 2009; “Personal de UIES recibía sueldo de Estados Unidos, según presidente Correa”, 2011). What is more, President Rafael Correa said that the UIES personnel were paid by the United States, and that that salary was much higher than the one paid by Ecuador (“Personal de UIES recibía sueldo de Estados Unidos, según presidente Correa”, 2011).

⁷¹ According to the Organic Police Law, the police “tiene la misión de buscar, procesar, cotejar, identificar, investigar y desarticular organizaciones de narcotráfico y subversivas en el país y en el exterior”.

⁷² The areas of action of the UIES and other special police units were: drug-related crimes, contract killings, money laundering, terrorism, arms and human trafficking, and corruption of public officials (Teleamazonas, 2009).

Although this police body existed during most of the research period, during the administration of Rafael Correa, one particular event triggered a series of investigations which resulted in its disbandment.

On 1st March 2008, after the bombings of a FARC camp in Angostura, which killed FARC commander Raúl Reyes and more than 20 others, the Ecuadorian government found that the CIA had infiltrated the security systems of the military and the national police and also found that “the country’s intelligence services were co-opted by foreign embassies” (“We Have Proof” of CIA in Ecuador: President Correa”, 2016). The bombings resulted in The Ecuadorean and Venezuelan governments expelling Colombian diplomatic personnel from their countries, and in Ecuador breaking off diplomatic relations⁷³ with its neighboring country, as the bombing on Ecuadorian soil was considered a violation of the country’s sovereignty (Silva, 2008; Romero, 2008).

Serious flaws were discovered in police and military agencies after the Colombian attack on the FARC camp (Tamayo, 2011 “Ecuador: Expulsión de la embajadora de Estados Unidos trae cola”). These agencies’ chiefs reported first to the U.S. or Colombia before reporting to the Ecuadorian government about the operation in Angostura (Tamayo, 2011 “Ecuador: Expulsión de la embajadora de Estados Unidos trae cola”). Furthermore, President Correa accused the CIA of having agents within the country’s security forces (La prensa, 2009 “Diplomático expulsado dirigía CIA en Ecuador”) and of collaborating with Colombian commandos in raiding the aforementioned FARC camp (“Ecuador says expelled U.S. official was CIA operative”).

Within this context, Former President Correa on May 15th, 2008, via Decree created the *“Comisión para la investigación de los servicios de Inteligencia militares y policiales*

⁷³ The Organization of American States (OAS) visited the site of the attacks and condemned Colombia for the incursion.

ecuatorianos” (Rivera Vélez, 2011), which among other duties was responsible for the investigation of a possible foreign infiltration of police and military intelligence services, and of investigating the responsibility of the intelligence sector in the Angostura case (Rivera Vélez, 2011).

The commission concluded and suggested that:

- The foreign intelligence network which presumably worked in Ecuador, maintained contact with the UIES and other security bodies, before, during and after the bombing in Angostura.
- The intelligence and operational units, considered as specialised by the National Police, maintained an informal economic dependency on the US, which allowed the payment of informants, equipment, training, etc. This situation consequently subordinated the country to US security policies, and allowed the foreign infiltration of units such as the UIES and the DNA.
- The commission recommended the restructuring of the Police General Intelligence Office (Dirección General de Inteligencia de la Policía Nacional in Spanish) and the elimination of the UIES as it was contaminated by influences unrelated to national interests.

As a result, the UIES was dissolved in March 2009, a measure widely criticised by private national media and other parties who saw the unit as necessary and successful⁷⁴ in its fight against criminality and drug trafficking (“UIES ejecutó 173 operativos en dos décadas de existencia, 2009; Teleamazonas, 2009). As mentioned above, Correa also expelled Max

⁷⁴ Until the year 2008, the UIES conducted 173 police operations in which 1,355 criminal suspects were arrested, the unit also confiscated 287,000 coca and poppy plants, as well as 111.5 tons of cocaine, 34 of marijuana, etc. These results among others, said former UIES chief Manuel Silva (1992-2009), positioned Ecuador as the third country in Latin America and the sixth in the world in the fight against drug trafficking, (“UIES ejecutó 173 operativos en dos décadas de existencia”, 2009).

Sullivan, the first secretary at the embassy, and diplomat Armando Astorga, for his interference in Ecuador's internal security affairs, specifically in the UIES (Labott, 2009). After the disappearance of the UIES, the Unit for the fight against organised crime (Unidad de Lucha Contra el Crimen Organizado ULCO in Spanish) "Mayor Eduardo Zea López", created by Resolution No. 2009-252-CsG-PN on March 26th, 2009 replaced it ("En 2008 se destapó la infiltración de la CIA", 2016). According to ULCO's chief, Juan Carlos Rueda, most of the same members- 106 in number- of the UIES began to work in the ULCO and in the same conditions: their faces were not revealed and they continued to use their "war names" ("El espíritu de la UIES sigue en Pusuquí", 2009). The objective of restructuring the UIES and replaced it by the ULCO⁷⁵ was to avoid the intervention of other States in aspects inherent to the sovereignty of the country (Policía Nacional). ULCO was created to conduct intelligence operations, and to provide training at the different training centers of the national police within the country.

When discussing other countries' intervention in domestic security issues, drug legislation and more specifically the approval of Law 108 (Law of Narcotic Drugs and Psychotropic Substances) in 1991 cannot go unmentioned. It is after its approval that the country shifted its focus on drugs as a public health issue to a problem to be dealt by law enforcement (Edwards, 2009). Much of that law contradicted the national Constitution with regard to the respect of rights and due process guarantees (Edwards, 2009). What is more, the Law implied a change of priorities in the country determined by international treaties on drug control and the flow of resources and money offered by the United States (Edwards, 2009). In this regard for example, the media revealed parts of the 2003 annual bilateral agreements

⁷⁵ After ULCO's creation, the National Police described it as a solid organization aimed at acquiring high levels of effectiveness, whose members respect human dignity and the rights stipulated in the National Constitution and international conventions.

reached under the framework of the U.S.-Ecuadorian anti-drug cooperation, where the country, among other things committed to increase by 15% the confiscation of arms and precursor of chemicals, and to increase by 12% the number of court hearings and individuals detained for drug crimes (Edwards, 2009). The police, then, had the order to detain as many individuals as possible under the framework of Law 108 in exchange for funding and resources (Edwards, 2009).

As seen in this section of the chapter, certain special units received additional economic support from the government and other parties during their years in operation. The extra income offered and the public and supervisor's recognition motivated police officers from these units to conduct "successful operations" by murdering criminals and in that way meeting expectations. On the other hand, the police officers who did not have the opportunity to work in any of the aforementioned units tended to look for other alternatives to make money, which often involved corrupt activities.

3.3.5 Corrupt cops: robbing and extorting offenders

Prison archival documents demonstrate that experiences with corrupt officers were not limited to those working in the police organisation and to law abiding citizens, but also occurred when offenders and police officers interacted. The sentence document of Alegría for example, arrested in 1988, revealed that during her declaration before the judge, she claimed that one of the officers who arrested her, asked for 300,000 sucres to release her. She also claimed that when searching her house, the police officers stole 50,000 sucres. Fanny Rueda in 1996 on the other hand, said that the police officers who arrested her took objects of hers, including the TV, while her kids were watching it. She said she was going to present documents to prove the ownership of the objects taken by the police so these

could be returned to her. Several similar cases were reported by women between 1980 and 2010.

Other prison documents identified cases where police officers directly worked with criminal organisations. For example, in 1980 after an investigation conducted by Interpol agents, five citizens were sentenced to 8 years in prison, including María Y. and Humberto G., a police officer in active service. Both of them were accused of participating in an organisation involved in drug trafficking. Years later the media reported that links between the country's security forces and criminal organisations had been known for years ("Funcionarios como los fiscales y jueces son también "blanco" de los antisociales", 2011). For example, the National Division against Drug Trafficking (DINACTIE)⁷⁶ created in 1979, and whose duties were similar to those of Interpol, was limited in its functions after it was linked to different irregularities and corruption (Estrella 1991–1992). The unit was finally disbanded during the administration of Rodrigo Borja (1988–1992). Media also reported that police officers involved in corruption cases were mostly driven by the desire for money and that the type of crime in which officers mostly participated was drug trafficking ("Funcionarios como los fiscales y jueces son también "blanco" de los antisociales", 2011), because the large sums of cash offered to the officers were very attractive.

In relation to that, Edison shared an anecdote of events that took place in 2008 when he and three of his fellow officers arrested a woman who was the leader of a drug trafficking organisation. He said:

⁷⁶ It originated from the Procuraduría General del Estado and one of its main functions was to investigate drug related crimes and criminals involved in this type of offenses (López, 1984). In the context of the Organic Law of the Public Ministry of 1979, the DINACTIE was created. Later, during the administration of Febres Cordero it became in DINACONTES. Finally the DINACONTES disappeared during the government of Rodrigo Borja ("¿Procuraduría debilitada?", 2004).

A colleague of mine approached the vehicle to verify who was inside... because it looked suspicious... The vehicle license plates seemed to be from the national police... My colleague asked the driver if that was a police vehicle, he responded that it was not. He asked him to unlock the car's trunk and then he found...drugs. There was a lady with a baby inside the Grand Vitara (car model)... the driver had a criminal record...He hit my colleague with a stick and the lady did the same... Then we went there... We caught the man and he asked us how much money we made [as police officers], we responded... He said "look I offer you 100,000 dollars now if you let me go and no one has to know anything"... We were 4 cops... We looked at each other and we said no because our careers were in danger... But one of my colleagues did not think the same... He thought that it was an opportunity he would never have again so he took their vehicle and left... My colleague had told us that he was going to transport the detainees... but later he abandoned the vehicle and the two detainees and took the money with him... We arrested my colleague after six months... with the money he had bought a farm in the Santa Elena's province... Since we were an intelligence group we could trace him... The woman was linked to several drug trafficking cases... She was not a mule... they were capos... we found a ton of drugs in the vehicle, in the doors, in the tires... The lady said she was part of a large drug cartel...

As can be seen, certain career criminals involved in the drug business offered police officers attractive sums of money to avoid arrest and subsequent incarceration. Edison said he and his other two fellow officers refused the money in order to keep their jobs. But, as he described, one of his fellow officers stole the drug-money from the detainees and escaped, not only deceiving high profile criminals but also his colleagues. According to Estrella (1991–1992) and Pontón and Rivera (2016) even before starting operations the Judicial Police received little attention from different governments. One of the main obstacles to its functioning was the lack of financial support, which not only affected its operations- conducted by the SIC and the OID until the 2000s but also contributed to the corruption of its members (Pontón & Rivera, 2016).

Before 2007 the salaries of the police were low in relation to the *canasta básica* (Pontón & Rivera, 2016) which made it difficult for police officers to pay for the goods and services needed to achieve a minimum standard of living. In 2000 after dollarization, the salary of a Second Lieutenant (Subteniente de policía) was \$188, by 2005 it was \$390, and by 2010 the salary had increased to \$1,286. The salaries of 2000 and 2005 were below the cost of the *canasta básica*, which was \$253 in 2000 (Observatorio de la Pyme, 2009)⁷⁷, \$426 in 2005 and \$538 in 2010 (“Hace dos años está cubierta la canasta básica”, 2013). Moreover, during the administration of Jamil Mahuad (August 1998 –January 2000), payment of salaries for police officers and other public officials was suspended on several occasions and for long periods, as reported by some of the interviewees.

In relation to the salaries, Ruiz (2009) analysed the conditions of police forces in certain Latin America countries between 1991 and 2006, and his research reveals that the police forces of Nicaragua, Ecuador and Bolivia were the worst paid during those years. The same author argued that the difference between salaries of higher and lower ranked officers in most Latin America countries analysed, including Ecuador, was abysmal. The financial problems faced by Latin American police officers then became one of the main factors influencing their engagement in corruption and criminal activities. This might have been beneficial for those criminals who had enough money to make a deal with the police officers, but for those female or male criminals whose financial situation was poor, the reality was different.

In this regard, several female inmates interviewed who were for the most part poor, complained about being victims of police corruption. For most of them, it was impossible to negotiate with the police officers, and if they managed to do so, the negotiations were al-

⁷⁷ The Observatorio used data from the Central Bank and the Institute of Statistics and Census of the country

ways more beneficial for the officers. For example, in certain cases police officers offered food or hygiene items to detainees who were in provisional detention cells, in exchange for valuable objects or money. One woman for example, reported that a half chicken cost \$40. Other women reported being asked for money but said that after explaining to the police officers their lack of financial means, they did not insist. Others, even after explaining their economic situation were blackmailed by the police officers, who in that case asked for sexual favors or anything of value they had at home. A few women reported that officers stole their personal belongings during the arrest. The stolen objects were usually jewelry, new clothes, perfume, cameras or anything they could sell later or that they could possibly use to give as a present to one of their relatives. A few women were asked for money by the cops so they could “delete” their criminal record, but the police officers never fulfilled their side of the bargain, as women were eventually transferred to prison to serve their sentences. Other women reported that the police stole their household electrical appliances and other things of value when conducting searches, usually without a warrant. One woman reported she was constantly bribing the police to avoid arrest. Finally, one woman reported that the police stole more than \$80,000 when searching her house. The four following cases provide more details about police corrupt practices experienced by detainees.

“La sombra” was arrested in 2006 for her involvement in her husband’s, a most wanted *narco*, drug businesses. She said:

I was first arrested in Brooklyn and remained in an US prison for three years... I was linked to all my husband’s drug trafficking businesses. The DEA said that if I plead guilty they would reduce my sentence, so I did. I was extradited to Ecuador in 2010. They set me free I think, so they could trace and arrest my husband... They entered my house one day when we were celebrating mother’s day. They did not ask us directly for money because they took \$80,000 and all the jewelry we had in our lockbox. I think there were approximately 200 policemen who participated in our detention. They told

our neighbors we were part of the FARC... They called the prosecutor after they had robbed everything...After arrest we spent 20 days in Interpol...

Fanny, a woman arrested for drug trafficking in 2010 revealed she was victim of police corruption when she was in police custody. She said different irregularities occurred when she was alone with the officers.

When they arrested me they never read me my rights and never explained to me why they were arresting me... They always approached me to ask for money when I was detained at Interpol. They said they would help me to clean my criminal record...

Similarly Rose, an Ecuadorian woman, who had been arrested 23 times for drug trafficking since 2001 shared:

They [police officers] arrest us, and then they tell us 'let's talk, if you have money now we can arrange something or take me to your house and if you have something [of value] pack it and give it to us ... We will put you inside the patrol car and we will leave you somewhere else' ... Once, he [one officer] said that if I gave him 5,000 dollars he would testify that he did not find me with drugs. He declared that I looked suspicious and that it was a mistake to arrest me. I was sent to prison only for three months, but I had to pay them 5,000 dollars.

María Eugenia, a Mexican woman arrested in 2009 and convicted of drug trafficking, also shared one anecdote related to police corrupt practices at Interpol. She said:

I only had \$100 and my colleague Cesar [in the drug trafficking business and who was also arrested] had around \$200... we had to give everything to the authorities when we were arrested, so they could not give this money back to us and we could not buy something to eat [when they were in the provisional detention cells at Interpol]... It was Cesar who told the guy in Interpol "look we are hungry and we also want some

blankets”, the agent replied “but what do you have to offer?” So, since we had a camera and cell phones we exchanged these with the agents of Interpol. They took the cell phones and the camera and then they bought food for us and a blanket for each... We negotiated with them... Since we could not use the money to pay them... and we were hungry... we gave them the cell phones...

Corrupt practices were more apparent when women were alone with the police officers and in places with poor or zero public oversight. For example, these cases occurred when women were arrested in their own domicile, when they were transported to the police station or to the office of the prosecutor, and when women were in provisional detention centres under police supervision, where neither the prosecutor nor a defense lawyer nor the public could witness the situation.

In the first case, the inmate revealed that the police stole a large sum of money, which presumably was divided among the officers who conducted the arrest that day. The woman claimed that the prosecutor was called after the police searched the house and took the money, which demonstrates that the time gap between the arrest of suspects and the time when offenders were in front of the prosecutor, provided opportunities for police officers to abuse suspects, threaten them, and steal from them. Other women reported the incident to the prosecutor in charge of their cases, and they mentioned that these were ignored.

In this case, suitable targets (female offenders), and likely offenders (corrupt officers) met, in the absence of a capable guardian able to protect them: the prosecutor. I am not implying that all prosecutors were not corrupt or that they did not take sides, but if the prosecutor would have always been present to fulfilled their legal role, there could have been more chances of police procedures staying within the law. Each case described by women above – either in their court documents or in their interviews, leads to a better understanding of the widespread corruption (and its different forms) of police officers who conducted crimi-

nal investigations in Ecuador since the 1980s. Despite the economic difficulties of most women incarcerated in Ecuador, officers sought opportunities to take advantage of their desperation and took from them the little they had. It is important to note that officers did not always start the negotiations, but sometimes criminals took the initiative. If they did so, it was perhaps because they had an idea of how corrupt the police was beforehand.

3.4 The absence of capable guardians

In this section the author identified two aspects that demonstrate the absence of capable guardians during practically the whole research period: 1) the tolerance of other CJS officials for police misconduct together with 2) the lack of an institutionalised Public Defense service which would protect offenders' rights and assist them in their defense. The existence of a special *fuero* or jurisdiction for police officers will also be discussed, as it allowed the impunity of police abuses during the research period.

3.4.1 Tolerance through the Criminal Justice Pipeline

According to article 54 of the 1983 Code of Penal Procedure, one of the duties of the judicial police⁷⁸ was:

Recibir, por escrito y con fidelidad, la versión que libre y espontáneamente haga el imputado sobre las circunstancias y móviles del hecho, su participación en el mismo, así como la de otras personas. Esta versión será firmada por el imputado, el Agente Fiscal

⁷⁸ Las funciones de la Policía Judicial comprenden también todas las diligencias investigativas que realicen los diferentes servicios de la Policía Nacional bajo la dirección y el control de la Fiscalía, como el de anti-narcóticos, investigación de accidentes de tránsito, de secuestros y extorsión, y otros que por necesidad de prevenir y combatir el delito existen o se crean (Reglamento de la Policía Judicial, 2001). The last reform of this document was made on November 27th, 2007.

y el respectivo Agente de la Policía Judicial. Si el imputado no supiere o no pudiere firmar, se hará constar este particular y, a nombre suyo, firmará un testigo.

Although the judicial police had the right to receive the free and spontaneous written declaration of the accused, this had to be accompanied by a strict formality, which was that the accused's version or testimony had to be signed by the prosecutor, the police officer and the accused him/herself. The provision that a representative of the Public Ministry (later named Prosecutors' General Office) would sign the record containing the extra-procedural testimony of the accused was intended to avoid any human rights violations against the suspect (Guerrero Vivanco, 1995). In practice, the police abused its power to question suspects and in many instances forced them to incriminate themselves (Guerrero Vivanco, 1995). Lawyers who worked on criminal cases at the time reported that in many instances the prosecutor arrived when the police had already questioned the suspect and made him/her "accept" his/her guilt or responsibility for the crime (Guerrero Vivanco, 1995). This can be explained by the fact that the prosecutor could "optionally" (emphasis added) participate in the "*indagación policial*" (Art. 50, *Código Penal*, 1983; Guerrero Vivanco, 1995), but if he decided not to do so, the *indagación* was still valid (Guerrero Vivanco, 1995). In practice therefore, only his signature was needed.

In addition, according to article 50 of the 1983 Code of Penal Procedure, district public prosecutors had to establish mandatory work shifts which had to be covered by prosecutor agents in the respective police units (*Código de Procedimiento Penal*, 1983). In this vein, different authors noted the power held by the police in drug trafficking cases. For example, in spite of prosecutors having their own offices in the premises of the Antidrug Police Force (*Policía Antinarcóticos*), police officers were the ones in charge of the suspects they arrested, they managed the questioning of these and elaborated the investigative reports'

conclusions, not the prosecutors (Zambrano Pasquel, 2001). Police officers were practically in charge of the whole investigation, including the questioning of drug-offenses' detainees. These detainees then, were more vulnerable to having their rights violated or to be confronted with abuses committed by the police and exposed to irregularities occurring during the time they spent in police custody.

After a constitutional reform on January 16th, 1996, the police did not have the constitutional legitimacy to conduct and promote preliminary and criminal investigations anymore (Zambrano Pasquel, 2001). Later, the 1998 (Art. 219) and 2008 (Art. 195) Constitutions, as well as other documents such as the 2000 code of penal procedure and the 2001 Judicial Police Regulations stated that the Public Prosecutor's Office was to act first in hearing the case, then direct and promote the preliminary and criminal investigation. The Prosecutor's Office was also responsible for organizing and leading a special police force and the legal medical and forensics departments which included civil and police personnel to conduct investigations (Constitución de la República, 2008). In spite of the fact that the prosecutor had the aforementioned powers, it was the police who on several occasions continued to assume the administrative control of the criminal investigation which created inter-institutional coordination problems between the two parties (Pontón & Rivera, 2016).

Furthermore during the entire research period, it was not uncommon for interrogations to be conducted neither in front of the prosecutor nor in the presence of a private or public lawyer who would defend the interests of the accused (Zambrano Pasquel, 2001). Some female detainees reported being forced to sign false confessions, or being tortured to do so either in the presence or absence of the prosecutor and often in the absence of a lawyer. The judge regularly ignored their claims as the *acta* was signed by, and the accused was supposedly interrogated in front of, the prosecutor. The following case serves as an example:

On June 3, 1982, at 22:30 Bertha and two other people were arrested by Interpol agents as they tried to deliver a package of coca paste to a Colombian woman named Carmen. According to her sentence document, Bertha ratified her statement given at the Juzgado Cuarto de lo Penal del Pichincha (Fourth Criminal Court of Pichincha) but rejected her extra-procedural statement given to Interpol, claiming she was physically and psychologically pressurised during police interrogations. Bertha declared she, her daughter, and a man were placed into a taxi, beaten and questioned by Interpol agents. She added that agents threatened her with torturing her daughter if she did not mention the name of a person involved in the drug business.

According to articles 57⁷⁹ and 128 of the 1983 penal code, the use of violence or means which violated human rights to extract a desired confession from the accused both at the criminal preliminary and the procedural investigation were forbidden. The law specifically mentioned that members of the Judicial Police had to abstain from using any means of investigation that violated detainees' human rights enshrined in the Constitution⁸⁰ and in all the international conventions⁸¹. However, Bertha's complaint was not considered by the judge, who based his decision and sentence, on her pre-procedural statement given at Interpol, and on the statement and report made by the four agents who participated in her arrest.

⁷⁹ “Art. 57.- Los miembros de la Policía Judicial están obligados a observar estrictamente las formalidades legales y reglamentarias en cuantas diligencias les corresponda practicar y se abstendrán, bajo su responsabilidad, de usar medios de averiguación violatorios de los derechos humanos consagrados por la Constitución, los convenios internacionales y las leyes de la República” (CPP, 1983).

“Art. 128.- “...No se obligará al encausado, mediante coacción física o moral, a que se declare culpable de la infracción. Por lo mismo, queda prohibido tanto en la investigación procesal como en la extraprocesal, el empleo de la violencia, de las drogas o de técnicas o sistemas de cualquier género, que atenten contra el testimonio indagatorio libre y voluntario. Los funcionarios, empleados o agentes de policía que contravengan a esta disposición incurrirán en la sanción penal correspondiente” (CPP, 1983).

⁸⁰ Title II, section 1, article 19 letter F of the 1979 Constitution stated “nadie puede ser obligado a declarar en juicio penal contra su cónyuge o sus parientes dentro del cuarto grado de consanguinidad o segundo de afinidad, o compelido a declarar con juramento, en contra de sí mismo en asuntos que puedan ocasionarle responsabilidad penal”.

⁸¹ Ecuador is a signatory to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, since 1985 and ratified it in 1988 (Benalcázar, 2016).

Although the judge mentioned having considered the successive declaration (*testimonio indagatorio*) of this woman given at the court, he did not order any investigation based on the detainee's allegations of mistreatment.

Two other cases occurring in different years provide further evidence of forced interrogations with the aim of securing convictions, and other irregularities occurring in the absence of prosecutors.

Rosa Andrade and Alicia Chassi (a recidivist) were arrested by Interpol agents in Guayaquil for drug possession in 1981 and sentenced to 12 and 16 years imprisonment respectively. Chassi reported that during the police questioning at Interpol she was subjected to violent treatment by police investigation officers and that:

“through psychological and physical pressure she wrote word by word a statement on a yellow paper, which was filled with falsehoods”...

Chassi's defense lawyer also claimed that the drug found in his client's house was placed by one police officer because she did not agree to pay money to him or to give him information about another suspect.

Rosa Andrade on the other hand, claimed she was never interrogated by the prosecutor as the agents stated in their report. Her lawyer stated that “*the criminal proceedings against his client and the other woman were a monstrous outrage against justice and the rule of law*”.

He also claimed that the police report was just part of the investigation and could not be admitted as evidence because these were normally prepared in police dependencies through inhuman procedures. This lawyer also presented a Press news article referring to the illegal practices of certain Interpol agents, to strengthen his argument in front of the judge. This leads to the assumption that at the time illegal practices by the police were already being brought to the attention of the public and of other CJS authorities.

Additionally, in 1994 Carmen Q. reported that during her extra procedural statement officers from the Office of Criminal Investigation (OID) of Pichincha took advantage of the fact that she was illiterate to make her sign a confession that they had prepared in which she incriminated herself for the crime. Her lawyer also mentioned that she was questioned in the absence of a prosecutor, and that she remained semi-nude during this process.

Similar cases of police agents mistreating female detainees in order to force them to incriminate themselves⁸² or to reveal sensitive information, were reported by Luz María in 1980, Lídice in 1981, Elizabeth L. in 1981, Ruperta in 1981, Carmen O. in 1983, Josefina in 1983, Zoila in 1984, Ramona in 1985, Elena in 1985, Janeth in 1987, Mónica in 1988, Alegría in 1988, Elizabeth in 1990, Rosa in 1990, Beatriz in 1991, Luisa María in 1992, Nubia in 1992, Amparo in 1993, Segunda 1993, María Guadalupe in 1993, Rosa Aurora in 1993, María Teresa in 1994, María Cruz in 1994, Sandra in 1994, Janeth in 1994, Grace in 1995, María in 1998, Tania in 2006, Alexandra in 2009, Alix in 2009, Lady in 2009. A closer look at the court documents of most of these female detainees⁸³ reveals that the judge did not give importance to the detainees' allegations of mistreatment, therefore did not order any investigation on the subject. What is more, in each case the detainees' extra-procedural statement given before the police was one of the main factors influencing judges' decisions, including the sentence they gave out.

By the end of the period under investigation, women continued to state that their reports of mistreatment were ignored by the judges. The case of Alix, arrested in 2009, serves as an example:

⁸² Furthermore, in most of these cases women were arrested for their alleged participation in drug crimes.

⁸³ The other 5 women revealed the torture to which they were exposed through their oral testimonies, but it was not possible to have access to their court documents.

They beat me on my legs... I told the lawyer, one public defender, what the police had done to me... He advised me to inform the judge during the audience that I was mistreated and that I was arrested on the 28th of November at 3pm... He advised me to tell everything I knew... They had written on my file that I was arrested on the 29th but I was arrested on the previous day... During the audience I removed my pants so the judge could see that I had bruises on my legs. The judge said that the legal doctor had to corroborate this... The legal doctor did not lie; he said that the bruises were from the previous day, that they were not recent... I told him that I had the bruises as a result of the beatings suffered on the 28th... Nothing happened...

As can be seen, following the instructions of her defense lawyer this woman reported to the judge that she was mistreated by police officers during the arrest and while in custody. Even when Alix removed her pants to show her bruises to the judge, a situation that made her feel quite uncomfortable as she was in the middle of a public audience and in front of several men, the judge did not really give consideration to the information of the day and time of the arrest given by the officers in their report.

Archival research made it possible to identify a couple of inmates who were released and whose cases were dismissed by judges due to the fact that their pre-procedural statements were not signed by the prosecutor⁸⁴. In those cases, however, women had to spend some time behind bars before obtaining their freedom. In other cases, as seen above, even when offenders' lawyers and the inmates themselves reported the absence of the prosecutor during the questioning process, the judge did not always consider these irregularities and did not order investigations against the officers.

⁸⁴ The case of "the seven of Putumayo" of 1993 is another example of judges dismissing cases with irregularities. The pre-procedural statement of one of the defendants, accused of homicide did not have his signature, nor the prosecutor's, and the defendant's lawyer was not present during the interrogation. In 1998, due to the irregularities observed in this process, his case and sentence were dismissed by the first Judicial Chamber for Criminal Cases (Zambrano Pasquel, 2005).

Additionally, other employees of the CJS tended to participate or allowed the maintenance of police violence. As one interviewed police officer, who was asked to describe the routine after arresting a suspect who ended up being injured, explained:

... Yes, people arrived [at police stations] beaten and sometimes even with their head opened [after their interaction with the police]. The only thing the prosecutor would say was “take him to get stitches”, we would take him to get stitches and the doctor of legal medicine would say “The person came in without incident” and that is how we would write the reports “without incident” in order to avoid inconveniences...
(Thelmo)

The previous extract of an officer’s testimony reveals that not only did policemen openly “present” the detainees they had beaten to the prosecutors and legal doctors, but prosecutors and legal doctors participated in the perpetuation of offenders’ mistreatment by allowing, or turning a blind eye to, this situation. Within this context several human rights violations were expected to occur and to remain in impunity.

A closer look at the court documents of women reporting mistreatment revealed that there were always at least two officers conducting the arrest, questioning and the investigations, but they never wrote any sensitive details about their misbehaviour in their report presented to the judge, nor contradicted the statement of their fellow officer(s). Police officers knew they were acting illegally and although they knew their violent behaviour was to some extent tolerated by agents of other branches of the CJS, they did not share “unnecessary” information that would have compromised or jeopardised their careers or that of fellow officers.

Although this practice might seem an obvious resource to avoid legal punishment for the violation of detainees' fundamental rights, according to the 2010 Truth Commission⁸⁵, special police units followed specific instructions in order to deal with sensitive information. The following paragraph corresponds to a document from the Military Intelligence Academy and specified the correct manner in which to write a report after conducting an investigation:

2.- *PRACTICAS QUE DEBEN EVITARSE.*-

c.- Nunca incluya en un informe los medios y las técnicas usadas para encontrar la información; LOS INFORMES CONTIENEN, lo que el investigador descubrió, no lo que hizo” (Comando General del Ejército. Escuela de Inteligencia Militar. Redacción de informes Carpeta: JU-00164, 1987, as quoted in Resumen Ejecutivo de la Comisión de la Verdad, 2010, p.228).

The document emphasizes that reports should never include the means and techniques employed to obtain information, instead they should only include what was learned by the investigator and not what the investigator did in the process to obtain it. The wide discretionary scope of this guideline for example, led to forced confessions of guilt and of incriminating statements obtained under threats or torture. It is important to note that even when the document belonged to the Military Intelligence Academy, former intelligence director of the army, Colonel Mario Pazmiño admitted that the majority of police officers were trained at the Military Intelligence Academy in Conocoto before the national intelligence system was reformed between 2009 and 2010 (“¿Ecuador tiene una estructura de Inteligencia debilitada?”, 2018), which means that the practice of writing reports excluding

⁸⁵ In Latin America, the *Comisiones de la Verdad* have been one of the main mechanisms of transitional justice projects. These commissions have been created in Argentina (1983), Chile (1990), Guatemala (1997), Perú (2001), Paraguay (2004), Ecuador (2007) and Brasil (2011).

sensitive details was part of police officers' initial training during most of the period examined.

The existence and perpetuation of different illegal police practices would not have been possible without the tolerance of other CJS officials who condoned abuses by not supervising police questioning practices and investigations, by ignoring detainees' claims of torture or corruption, and by ignoring the arrival of injured detainees to provisional detention centres.

In addition to the lack of effective control or supervision from other CJS officials, women often reported being the direct recipients of police mistreatment and illegal practices in places where there was little to zero public oversight. Felson (1987) noted that "just as lions look for deer near their watering hole, criminal offenders disproportionately find victims in certain settings" (p. 914). In the context of police deviance I would argue that offenders not only find targets in certain contexts more often than in others, but also tend to victimise them in certain settings that appeared to them more convenient for that purpose than others. The police's unsupervised work atmosphere and their frequent isolated contact with offenders provided several opportunities for deviance. Secondary sources have revealed that several human rights violations against male and female detainees in Ecuador occurred in official and non-official places between 1984 and 2008. Among the official places where detainees were abused by the police were: the premises of the SIC, which conducted the criminal investigations between the mid 70s and 1991; the premises of the Judicial Police (PJ), which started operations from 2000s on; Provisional Detention Centres (CDPs); Social Rehabilitation Centres (SRCs), and the García Moreno prison (Comisión de la Verdad, 2010). The present study has also found that Interpol, Antinarcóticos and OID police stations were places where different irregularities and the mistreatment of detainees occurred. On the other hand, illegal or non-official places of mistreatment were: clandestine detention

centres, and the domicile of the detainees (Comisión de la Verdad, 2010). Previous research has not mentioned anything about the mistreatment and abuse of detainees while they were being transported by car from one place to another, which was in fact very common since 1979 and until 2010 according to prison archival documents and personal testimonies of female offenders. In the above-mentioned places police had ample opportunities to abuse their discretionary power and often carried out their activities without consideration of suspects' rights and procedural guidelines.

3.4.2 Years without a proper rights' guardian: the case of the Public Defense Service

In addition to the above, offenders could not depend on an institution which would properly protect their constitutional rights and guarantees until 1997 when 1) the *Defensoría del Pueblo* was created, and 2007 when 2) the Transitional Management Unit for the Public Criminal Defense Service became operative. The latter unit was provisionally created until the Public Defender's Office was officially institutionalised in 2010.

The 1979 Constitution in its Section I, article 19, letter E, guaranteed all citizens the right to a defense at all stages of the proceedings⁸⁶. Also, in order to support the indigenous communities⁸⁷, for workers and any person who could not obtain legal representation service because of their financial situation, the State was responsible for establishing a group of public defenders who would manage their defense (Section III, article 107, 1979 Constitution).

⁸⁶ e) nadie puede ser penado sin juicio previo ni privado del derecho de defensa, en cualquier estado y grado del proceso.

⁸⁷ Article 24, numeral 10 kept the same guarantee and expanded it.

In 1996, a constitutional reform anticipated the compulsory legal assistance as a constitutional requirement with the aim, among others, of avoiding the questioning of people in the absence of a lawyer who would protect their interests (Zambrano Pasquel, 2005). Later, in March 1997, the Organic Law of the Public Ministry was approved. In the document, the need for legal assistance was also underlined (Zambrano Pasquel, 1998). Zambrano Pasquel (1998) argued that even when the legal assistance of individuals was gaining ground in the country, there was some resistance to the idea among the police.

The aforementioned 1996 constitutional reform created the *Defensoría del Pueblo* or Ombudsman Office, which was charged with the task, among others, of promoting and sponsoring the remedies of amparo, habeas corpus and habeas data. The Organic Law of the Ombudsman Office of February 20, 1997 reaffirmed the duties of the *Defensor del Pueblo*, who also had to carry out periodic visits to military and police stations to monitor the respect of fundamental rights⁸⁸ (Ley Orgánica de la Defensoría del Pueblo, 1997). It was reported in 2008 that the Defensoría del Pueblo had a poor performance as a guarantor of the rights of citizens against the excesses of the public administration personnel (Pontón, 2008).

In its article 11 the aforementioned law specified that public defenders would operate on the orders of the Ombudsman who, among other duties, guaranteed the right to a defense and the effective protection of citizens during the criminal preliminary and procedural investigation (Zambrano Pasquel, 2005).

⁸⁸ According to information provided by the Ombudsman Office, 42 women submitted a complaint accusing the police of different types of abuses, human rights violations and irregularities that affected them directly between 2005 and 2010. Another 24 women submitted complaints of police deviant actions that affected third persons, such as their husbands, sons, friends, and acquaintances; all of the latter also men. Among the complainants were offenders and law-abiding citizens. Despite the existence of the Defensoría del Pueblo since 1996, the information provided by the institution was only from 2005 on.

A few months later, the 1998 Constitution in its chapter 2, article 23, and numeral 27 guaranteed citizen's rights to a due process. In order to ensure a due process, article 24 numeral 4⁸⁹ specified a citizen's right to be informed about his or her rights of remaining silent, and requesting the presence of a lawyer (Constitución de la República del Ecuador, 1998). Moreover, numeral 5⁹⁰ specified that no-one could be questioned, even for the purposes of investigation, by the Office of the Public Prosecutor or by a police officer or any other authority, except in the presence of a private lawyer or a public defender (Constitución de la República del Ecuador, 1998). If the aforementioned precepts were not fulfilled, any judicial, pre-procedural, and administrative process would lack probative value (Constitución de la República del Ecuador, 1998).

In spite of the fact that the Constitution recognised the right to due legal process, and consequently the right to a defense, by 2005 the number of public defenders⁹¹ throughout the country working for the judiciary was 31⁹² (Zambrano Pasquel, 2005; Defensoría Pública del Ecuador, 2008-2012). Considering that 90% of those behind bars in the country required free legal assistance (Zambrano Pasquel, 2005), and that there were over 12,000 inmates in the country at the time, of which 1,151 were women (Núñez, 2009), the small

⁸⁹ 4. Toda persona, al ser detenida, tendrá derecho a conocer en forma clara las razones de su detención, la identidad de la autoridad que la ordenó, la de los agentes que la llevan a cabo y la de los responsables del respectivo interrogatorio. También será informada de su derecho a permanecer en silencio, a solicitar la presencia de un abogado y a comunicarse con un familiar o con cualquier persona que indique. Será sancionado quien haya detenido a una persona, con o sin orden escrita del juez, y no justifique haberla entregado inmediatamente a la autoridad competente.

⁹⁰ 5. Ninguna persona podrá ser interrogada, ni aun con fines de investigación, por el Ministerio Público, por una autoridad policial o por cualquier otra, sin la asistencia de un abogado defensor particular o nombrado por el Estado, en caso de que el interesado no pueda designar a su propio defensor. Cualquier diligencia judicial, preprocesal o administrativa que no cumpla con este precepto, carecerá de eficacia probatoria.

⁹¹ In 1997 the Inter-American Commission on Human Rights informed that only 4 public defenders were available in each of the two most populated cities of the country: Quito and Guayaquil, with-at the time- over two million and three million inhabitants, respectively. The commission also informed that there were approximately two dozen public defenders in the entire country (IACHR, 1997 see here <http://www.cidh.org/countryrep/ecuador-eng/chaper-3.htm>).

⁹² Other sources indicated there were 32 public defenders as part of the judiciary at a national level (Pazmiño, 2009).

number of public defenders could not possibly assist inmates and those recently arrested rapidly and efficiently. In addition, Pazmiño (2009) noted that public defenders did not receive any sort of training, and their work was not monitored.

By 2007 the “improvised” public defense service and its problems became more evident. As a result, in August of the same year the independent Transitional Management Unit for the Public Criminal Defense Service started operations by decree of the President of the country (Pazmiño, 2009). At the time the National Social Rehabilitation Service reported 18,000 inmates in the country, of which 60% did not have a lawyer (Pazmiño, 2009; Defensoría Pública del Ecuador, 2008-2012). The 2008 prison census revealed that of the 13,532 people behind bars in the country, 47% did not have a defense lawyer (Pazmiño, 2009). In fact, prison overcrowding and the high number of non-convicted prisoners at the time was a consequence of the difficulties poor individuals had to access justice and rely on a defense lawyer (Pazmiño, 2009). The figures dropped between 2007 and 2008, due to a free legal defense program implemented by the Transitional Unit to favor poor prisoners. However, it was not until October 20th, 2008, with the enacting of the new Constitution⁹³, that the creation of the *Defensoría Pública* as an independent organ of the judiciary became a reality. In that regard article 191 of the Constitution stated:

“Article 191. The Public Defense Service is an independent organ of the judiciary whose purpose is to ensure full and equal access to justice for persons whose vulnerability or economic, social or cultural situation prevents them from retaining defense counsel to protect their rights. The Public Defense Service will provide professional, appropriate, efficient and effective legal services at no charge, counseling people on their rights and upholding these on all matters and wherever required. The Public De-

⁹³ The code of penal procedure in its codes 11 and 12 also guaranteed the right to counsel and that the suspect was informed of his/her rights. Código de Procedimiento Penal del garantiza también el derecho a la defensa del imputado a través de los artículos 11 de la inviolabilidad de la defensa y 12 de la información de los derechos del imputado.

fense Service is indivisible and will operate on a deconcentrated basis, being administratively, economically and financially independent; it will be represented by the General Public Defender and will have human and material resources and working conditions equivalent to those of the Office of the Public Prosecutor”.

Yet by a mandate of the Constitution⁹⁴, the country had to wait two more years for the Public Defense Service to be finally institutionalised. Meanwhile the Transitional Unit continued its operations and provided free legal representation to poor detainees. The Defensoría Pública was legally established on October 20, 2010. Despite the official institutionalisation of the Defensoría Pública, by 2010 the police did not seem to properly acknowledge its existence. For example, CEDHU reported that authorities of Judicial Police facilities, where detainees stayed for preliminary investigations, did not allow certain detainees to receive visits of family members or a counsel (US Department of State, 2011).

In spite of the existence of the Transitional Unit since 2007, and later of the Public Defense Service, some women continued to report several irregularities occurring in the absence of the prosecutor and a defense lawyer. The following three cases serve as examples. The first woman was arrested for drug trafficking, whereas the other two were arrested and convicted of murder.

The police entered my house... I allowed them to enter. They said they wanted to search my house. I asked them to tell me what was happening, and they replied that they were informed that I had drugs in my house. They searched the house and found a box from my neighbor with cocaine inside. I told them it wasn't mine, and so they asked who the owner was, but I didn't know if I should say something. They questioned me without any lawyer present in the room and made me sign my declaration... (Morena- arrested in 2010).

⁹⁴ During the first quarter of 2009, the Organic Code of the Judiciary came into force. The Code consolidated the Public Defense service.

They insulted me on our way to the court because I had an audience with the judge... They beat my ex partner and pointed a gun at his head to make him confess, but not to me... They did interrogate me without a lawyer in the room... (Paola-arrested in 2009)

... They didn't have an order to search my house... I told them they didn't have an order to arrest me... I also told them I was pregnant... The officer let me go... Later they came back to my house and arrested me because my boyfriend was still missing and they had found his trunk abandoned with blood all over it... They found him next day... He was stabbed ... When I was taken to the Judicial Police they never questioned me... they only questioned the other three [who were connected to the crime]... I heard them screaming, they were tortured, I think... They asked me to sign a declaration prepared by them. They said I had to sign because they didn't have time to hear my version... I told them I couldn't sign because I hadn't confessed anything, but one said "we don't need to hear your version, the only thing we need is you to sign here"... It was fast... I didn't know... Then I was taken to the prosecutor's office... (Guadalupe-arrested in 2008)

In all of the aforementioned cases women were asked to provide details about their participation in the crime investigated in the absence of a prosecutor and/or a defense lawyer who could have avoided the occurrence of irregularities or police abuses. Several women reported that police officers searched their houses without a warrant, arrested them when they were not found in flagrante delicto or without an arrest warrant, and forced them to sign incriminating statements that could be used against them at trial. Many cases occurred after the Unidad Transitoria was created, and there were several other women reporting similar situations during 2010, after the Defensoría Pública was officially institutionalised. Most of these women did not have the means to pay for a private defense, and many were not aware of their rights to have a counsel and to remain silent. Moreover, they were intimidated by

the police officers during the time they were in custody. Important to note however, is that in 2010, there were no reported cases of torture. As mentioned before, women were victims of PSM, psychological, verbal and certain instances of physical abuse like being pushed or grabbed aggressively, but no cases of torture were found among the women interviewed or in the court documents of women imprisoned in 2010.

3.4.3 Fuero policial

So far two factors demonstrated the absence of effective guardians against police crime during practically the whole research period: the tolerance of other CJS officials for police abuse and corruption, and the absence of a proper public defense service. But in this section, the contribution of the *fuero policial* will also be briefly discussed, as during its existence several cases of police abuse remained in impunity.

The 1979 Constitution in its article 131 established a “*fuero*” for members of the security forces, including the police. The 1998 Constitution was more specific regarding the functioning of the police and military special courts; and in its article 187 established that “special courts had jurisdiction over all their (police and military) offenses except common crimes, which remained under the jurisdiction of ordinary courts” (Fellner, Gimbel & García-Sayán, 1988, p. 77; Constitución de la República del Ecuador, 1998).

For several years however, the special jurisdiction in Ecuador, which included the police and military justice systems, conducted criminal proceedings in parallel to those started in the ordinary courts against police or military officers accused of violations of fundamental rights and ordinary offenses (Amnesty International, 2004).

For example, in 1988 a report from the Americas Watch Committee noted that police courts routinely exercised jurisdiction over cases of alleged torture, rape, and other abuses against civilians (Fellner, Gimbel & García-Sayán, 1988).

What is more, the same report stated that a number of NGO's were worried about the unwillingness of these courts to issue sentences against their own members (Chapter III- IACHR, 1997⁹⁵). According to a 1995 accounting from the Subsecretary of the Police, almost none of the actions within the jurisdiction of the police courts had resulted in the issuance of a sentence. "Of the 4,568 cases initiated since 1985 (and until 1995), only 46 had resulted in provisional sentences, and only 5 had resulted in final sentences⁹⁶. The majority remained in process or had been archived. More than 50 had been declared prescribed" (Chapter III- IACHR, 1997). Moreover, the information from 2003 to 2008⁹⁷ available at the Office of the Public Prosecutor indicated that only two trials for offences against individual freedom and torture resulted in convictions (UN Committee against torture, 2010).

National and international human rights' organisations demanded for years that members of the police accused of perpetrating human rights violations had to be prosecuted by the ordinary justice (Amnesty International, 2004). One of their concerns was the lack of impartiality of the police justice system, as it was subordinated to their superiors within the police hierarchy. More specifically, judges involved in the first instance in the police court system, which spans the investigation stage of a case until the initial judgment was passed, were all police officers on active service, who as specified in the Constitution, were subordinated to

⁹⁵ See report in here <http://www.cidh.org/countryrep/ecuador-eng/chaper-3.htm>

⁹⁶ Pontón (2009) using data from the Public Minister noted that from those 4,568 legal processes initiated only 4 had resulted in condemnatory sentences.

⁹⁷ Regarding allegations of professional misconduct and police abuse presented from 2003 to 2008, it could be noted that 19 allegations were brought before the police courts, whereas 77 were brought before different criminal tribunals, and 560 before circuit courts within the same period (UN Committee against torture, 2010).

the organisational hierarchy and had a duty of obedience to the chain of command (Amnesty International, 2004).

In this connection, the District Police Courts and the National Court of Police Justice were made up mainly of members of the National Police on “passive service”, who in most cases shared the values of solidarity and loyalty common within police forces (Crank, 2004; Skolnick, 2010; Reiner, 2010), which consequently resulted in the unlawful protection of police officers accused of several human rights violations.

In 1998, the provision No. 26 of the Constitution, stipulated: “*all magistrates and judges under the executive branch shall be transferred to the judiciary, and, unless otherwise provided for by law, shall be subject to their own organic laws*”. This provision included military and police judges. The aforementioned constitutional provision was ignored for the 10 years up until the 2008 Constitution was adopted, as special jurisdiction in Ecuador, including the police justice system, continued to operate in parallel to the ordinary justice system, in clear contravention of the Constitution.

With the elimination of police and military courts, all the powers formerly possessed by these passed to the judiciary, which were wholly regulated by the new Organic Code of the Judiciary since it came into force in 2009⁹⁸. Although police courts ceased to exist, impunity prevailed during practically the whole period under consideration in the country where most officers responsible for human rights violations were never convicted and /or sentenced (Comisión de la Verdad, 2010). Since the 1980s only a few cases attracted public and governmental attention leading to results benefiting the victims and not the officers. Three of these cases were the disappearance of the Restrepo brothers (1988), the Dolores (2003) and the Terranova’s cases (2009), which eventually resulted in the punishment of

⁹⁸ Published in the supplement to Registro Oficial No. 544 of Monday 9 March 2009

the alleged suspects or, in the reopening of cases where officers were responsible for the extrajudicial killings, torture or enforced disappearances of the alleged suspects.

Since a Public Defense Service was non-existent or did not effectively protect all women with scant resources, other criminal justice system officials tolerated police abuse and corruption, and police courts protected officers accused of human rights' violations, there were practically no capable guardians monitoring the respect for, and protecting the rights and constitutional guarantees of, suspects arrested and in police custody. The lack of guardians facilitated the interrogation and incrimination of suspects through illegal methods. Many of these suspects were unable to pay for a private attorney and also were not assigned a public one. Furthermore, although some of the suspects complained about police abuse, judges ignored their claims and gave more importance to the police report and the signature of prosecutors to send suspects to pretrial detention and/or to sentence them during the first two decades where the 2000s CPP was not in force. For many of those cases where a criminal process against officers was under way in the ordinary courts, a parallel prosecution was opened in police courts, where often officers were acquitted. Moreover, the "esprit de corps" existing within the police resulted in "cover-ups and the unlawful protection of officers believed to be responsible for serious HR violations, thereby jeopardizing the independence and impartiality of police jurisdiction" (Amnesty International, 2004, p. 12).

3.5 Bringing about a change in the police-female offenders interaction: altering the suitable targets and the capable guardians

3.5.1 Women changing from suitable targets to being a threat to police officers' careers

Starting in 2007 and later with the entry into force of the 2008 Constitution, the mission of the police in the country underwent a significant change. Whereas the previous constitutions referred to the police as the body responsible for ensuring public order and security, the 2008 Constitution broadened the scope of their mission and training as follows:

The Armed Forces and the National Police are institutions designed to protect citizens' human rights, liberties and guarantees. The members of the Armed Forces shall be trained in accordance with the fundamental principles of democracy and human rights, and shall respect the dignity and rights of the people without any discrimination and with full observance of the legal regulatory framework...

Internal protection and upholding law and order are exclusive duties of the State and responsibility of the National Police Force (Sec. 158).

Additionally, article 160 and 163 stated:

Persons wishing to have a career in the armed forces or police force shall not be discriminated against for admittance. The law shall stipulate the specific requirements for those cases where special skills, knowledge or capabilities are required (Art. 160).

The members of the National Police Force shall receive training based on human rights, specialised research, prevention, control, and crime prevention, and the use of methods of deterrence and conciliation as alternatives to the use of force (Art. 163).

The mission and duties of the police began to have a strong inclination towards respect for human rights. From that moment on, several measures taken by the government in office

were directed towards this end. The different actions implemented to secure police respect for citizen's rights, the inclusion of minorities in the force, and a stricter control of police activities, directly affected the relationship between female offenders and the police. What is more, I argue that a number of measures taken altered female offenders as suitable targets and provided alternative capable guardians against police crime.

Prior to the adoption of the Constitution, the President of the Republic declared as state policy the elimination of gender violence and signed Decree No. 620 on 10 September 2007, which provided for the establishment of the 2008 National Plan for the Eradication of Gender Based Violence against Children, Adolescents and Women (Ministerio del Interior, 2012)⁹⁹. Unlike the Violence against Women and the Family Act (No. 103)¹⁰⁰, approved on 29 November 1995, the aforementioned plan recognised that gender violence could also be perpetrated outside the family environment, for example that it could be perpetrated by community or state officials. The plan also highlighted statistics relating to reported cases of gender violence. According to the plan, 40% of those women between 15 and 49 years old living in the country, reported having experienced some kind of violence during their lifetime. Furthermore, according to the Public Ministry on 2005, 8,682 complaints of sexual violence were recorded, whereas in 2007, the number of complaints increased to 10,204, of these, 320 cases resulted in a conviction (Plan de Erradicación de la Violencia..., 2008, p. 34).

One of the objectives of the plan was to provide training to public officials, more specifically to agents of the National Police, the military and prison guards, in human rights with the aim of improving the treatment given to citizens (Plan de Erradicación de la Violencia...,

⁹⁹ See plan in Spanish here: <http://www.ministeriointerior.gob.ec/estado-afrenta-la-violencia-de-genero-de-forma-interinstitucional/>

¹⁰⁰ This law focused on intra-family violence and did not mention anything about gender violence perpetrated by the state.

2008, p. 34). Moreover, the plan proposed, among other things, a massive public awareness campaign to deter gender based-violence. Both of these objectives were in line with Art. 66, numeral 3 of the Constitution¹⁰¹, and with policy 9.5 and 9.4 of the 2007-2010 National Development Plan, and of the 2009-2013 National Plan for well-being respectively. The 2008 Constitution introduced the concept of *sumak kawsay* or well-being. Within this context and with the goal of guiding State structures towards the achievement of well-being for all citizens of Ecuador, the National Plan for Well-being, formerly the National Development Plan was created. Human rights were the focus of this plan, as without the full enjoyment of these, *sumak kawsay*¹⁰² could not be achieved.

The legislation and different measures implemented by the government after 2007 were intended to raise awareness about gender based violence, women's rights, and human rights among police officers and citizens in the country. Within this framework, in 2008, a number of national capacity-building initiatives were launched, among others, in the areas of: human rights and mobility, human rights and non-discrimination, human rights and gender diversity, and public safety from a human rights perspective. As a result, 2,417 police officers were trained in 15 of the 24 provinces of the country. In 2009, 80 officers were given instruction in human rights and human mobility, and in 2010 the country began a program to train 150 police trainers, who in turn were supposed to "provide training to 42,000 members of the National Police on the contents of the new human rights manual¹⁰³ for police

¹⁰¹ Art. 331 referred to the prohibition of violence and discrimination of women in the workplace. Other articles related to gender based violence are the 35, 81, 46 (numeral 4), 38 (numeral 4).

¹⁰² "They are systems or ways of living that conceive relationships between human beings and Nature in holistic, relational, and harmonic terms, considering community as the fundamental axis of the reproduction of life, based on principles of reciprocity and complementarity" (Azcarunz 2011, as cited by Báez & Cortéz, 2012).

¹⁰³ The manual was created through the joint collaboration of the National Police and the International Committee of the Red Cross (ICRC, 2007).

officers” (UNGA, 2010, p. 15¹⁰⁴). In parallel, in March 2010 the government launched the campaign “Wake up Ecuador, machismo is violence”, which not only included awareness-raising workshops, media spots, and artistic shows to spread the message to citizens (“Reacciona Ecuador, el machismo es violencia”, 2010), but also the training of police officers and other CJS officials on themes of gender and violence (UNGA, 2010).

Although organisations like the International Committee of the Red Cross (ICRC) started working together¹⁰⁵ with the Ecuadorian National Police after 2000 in a program aimed at integrating human rights into all of the police professional activities (ICRC, 2007; “Policías orientados a utilizar la fuerza cuando no es posible el diálogo”, 2014), almost all the officers interviewed noted and remarked on the lack of training they received in the past on these matters, and the impact human rights training had on their work since 2008. From the collaborative work between the ICRC and the NP however, the “The Manual of Human Rights Applied to the Civil Police” created and published in 2006 should be highlighted. The manual established procedures and techniques for police intervention in line with human rights. Officers received, as stated above, training on the content of this manual at the time.

A handful of officers admitted that they did receive human rights training while they were at the police academy but not during their careers as police officers. The following policemen shared their opinion on the topic of HR training:

Before we did not have any sort of training on human rights, now we are being trained constantly. You can notice a change... the technology... the police have changed a lot... The way of working was quite different; we were more aggressive before... (José, police officer since 1993)

¹⁰⁴ More information on this regard can be found here: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N10/313/77/PDF/N1031377.pdf?OpenElement>

¹⁰⁵ During the first three years more than 250 police officers were trained as human rights instructors, with the collaboration of the Police Undersecretariat and the National Education Directorate. (ICRC, 2007).

Since Mr. Correa took office, he promoted human rights... We are more professional now... Things are different to what they were 8 to 9 years ago... (Jaime, police officer since 2005)

It did not exist [the human rights training]. We had none, at all. It has been a very eye-opening experience for me. There were things one did not know, things one did as a cop without knowing the problems one got into, but not anymore. Now, one is more aware of the law and the rights of people, so now one respects and knows how to act with different ethnicities or people regardless of their status... (Juan, police officer since 1993)

Before the 2008 Constitution, Ecuador always respected human rights; they were there but there was no socialisation... We are socializing them now... I'm a human rights instructor, my mission is to train... teach them how to treat [citizens]... We can't talk about a 100% change of our institution, but at least of a 70%... The other 30%... well there will always be some resistance... (Marlon, police officer since 1996)

The officers above associated their education on human rights with a better treatment given to citizens since the training started. They were also able to identify the political will aimed at socializing and promoting the respect for human rights within the force since 2008. Juan and José admitted that the police acted more aggressively or that they got into trouble in the past because they did not know much about citizens' rights. Marlon on the other hand, recognised that the socialisation of rights changed the organisation to a large extent, but that there was still some resistance to change. In relation to that resistance another instructor noted:

During my first class I was talking about the right to freedom... One raised his hand and asked me, “Of what rights are you talking about? if no one respect my rights!”... The culture led to that resistance, because among police officers there have always been abuses from superiors within the police hierarchy... Many, many said, “If my rights are not respected in here, why would I respect rights out there [referring to citizens’ rights]”... Supervisors don’t motivate, they tell a police officer “if you don’t meet your obligations I don’t know what will happen to you, and that’s it, get out, I don’t want to see you here”... so the cop... feels discouraged... goes to the street to conduct an operation and says [to citizens]“all of you, what are you doing here, get out”, to put it mildly. All that is changing... (Orlando, police officer since 1993)

Orlando’s comments provided an idea of how treatment received by supervisors negatively influenced the treatment police officers gave to citizens. This might explain in part the existence of police illegal behaviour toward offenders during the research period. Although Orlando pointed out that this type of behaviour from supervisors was changing, he directly linked the resistance to change from some officers with the lack of encouragement and disrespect from the police leadership. Literature has suggested before that the feeling of police officers that they are poorly supported by their leaders contributed to a stronger police culture (Terpstra & Schaap, 2013). More specifically, a perceived lack of support by leaders may contribute to isolation, cynicism and distrust among officers (Terpstra & Schaap, 2013). Also other scholars have noted that the culture supports the violations of citizen rights, cases of PSM, and abuses of police authority (Cottler, et.al., 2014; Armacost, 2004; Maher, 2008). Other officers interviewed for this research also complained about the lack of support from supervisors.

Since the 1990s attempts were made to include courses on human rights in the curricula of the police (Carrión, 2006). By 2006 the police training period lasted 9 months and officers

attended a number of 39 courses (Merino, 2006). They had only one course of human rights (Merino, 2006).

In spite of the existence of legislation that recognised the human rights of all citizens during the entire research period, in previous years, as could be seen, police officers did not receive a constant or profound training on human rights which would have impacted police actions (Carrión, 2006). Furthermore, the majority of female detainees did not know about their constitutional rights nor the initiatives to protect them. The socialisation therefore, initiated by the government after 2007 was not only directed at police officers, but to the entire population, including criminals and law-abiding citizens. National legislation, and respect for human rights were disseminated not only through the traditional media and different campaigns or workshops as pointed out before, but this material became accessible to citizens through the internet as well. Also, a pocket version of the 2008 Constitution was distributed temporarily to citizens in public places. All this allowed citizens to be informed about their Constitutional rights and guarantees.

In addition to the aforementioned initiatives made in order to promote respect for human rights, in 2008 the Judicial Police created a card setting out the rights of arrested persons. A copy of the card was issued to all members of the police force, so when conducting an arrest, officers were required to read out the card to inform citizens of their rights to: communicate with a family member, to have a counsel whether public or private, and to remain silent.

Figure 4 Card setting out the rights of arrested persons



These fundamental legal safeguards or guarantees were included in both the 1998 and 2008 Constitutions. However, as officers were not used to informing detainees of their rights in the two previous decades, reading the card was supposed to help officers get used to complying with this constitutional mandate. The majority of officers interviewed recognised that they did not read the suspect's rights when arresting people before 2008. For example two officers said:

Now there is a different way to arrest them, for example we read citizens their rights... It was not like that before, we would just arrest them, and we would put them into the patrol car without reading them their rights... Since 2008 everything began to change... What is more, now there are public defenders for those who don't have their own... (Alfredo, police officer since 1985)

The constitutional guarantees stated in article 77 numeral 3 and 4... when the suspect is arrested we... can read him his rights so he knows what my fellow officers can and cannot do to him. This existed before but there was no socialisation... so in the past sometimes we skipped these steps... (Marlon, police officer since 1996)

Although it became more common to inform all suspects about their rights, some of the women interviewed – who were arrested after 2008 – reported that police officers never informed them about their rights, not even after the maximum permitted time (6 hours) for officers to read their rights to the detainees (Ministerio del Interior, 2010).

The two groups of women who were more often informed about these were: the foreigners, with the exception of Colombians (see a discussion of this in the next chapter), and those women arrested for international drug trafficking at the airport. Since the airport is a public place, officers might have felt the need to appear more professional in the eyes of other citizens and airport workers. Those women whose rights were informed by the officers felt they were treated fairly and said they were grateful for the professionalism shown by the officers.

The cases of Margoth and “B” serve as examples. The former was arrested at the airport in 2009 when she was trying to return to her country with some stereo equipment she was asked to buy for a friend. A considerable amount of drugs was found inside the speakers. After explaining her situation to the police officers and other authorities, and declaring herself innocent in the case, she was placed under arrest and incarcerated for international drug trafficking.

He [the officer] asked me...if the stereo equipment was mine and I said yes, then he continued with the procedure and said ‘You are under arrest ... You have the right to remain silent. You have the right to an attorney’... I cannot lie... they were very nice to me...

When interviewed “B” also said:

Yes, he read me my rights and actually he gave me the paper where it was “googled” translated to Croatian that I had the right to an attorney and all that...

As opposite to the case of Margoth and “B”, who were foreigners arrested at the airport, women arrested in isolated places or at their own houses, and those arrested for more serious crimes were rarely informed about their rights even after the socialisation began in 2008, and on certain occasions were physically or verbally abused by the officers, which made these women feel they were unjustly treated. Since most cases of police misuse of authority and illegal behaviour occurred in secluded places, these were rarely known by citizens, until the Vidal case attracted media attention in 2010. This does not mean that during the previous decades examined, other cases of police abuse did not attract considerable public attention (other cases were mentioned above), but the Vidal case occurred at a moment where government efforts through the Ministry of Interior were concentrated on the protection of human rights and their socialisation within the force. As a result, the Vidal case resulted in an immediate reaction by the authorities and in a stricter control of police activities. The Vidal case can be summarised as follows:

“On July 25, Omar Vidal accused five police officers of attacking and arbitrarily detaining him. Vidal called the police after a robbery but stated that police attacked him and hit him in the face. Prosecutors opened an investigation and requested video from the street surveillance cameras for evidence in the case. On August 20, because of the investigation, two of the accused police officers, Wilmer German Galarza Loor and Armando Patricio Campoverde Llamuca, were fired. Another officer, Jorge Macias Moreira, was suspended” (US Department of State, 2011).

The case received substantial media coverage, as the person abused by the police officers was a victim himself of a crime (he was robbed a couple of hours before he could report the case to the officers) and not a criminal (“Agresores de Omar Vidal fueron retirados de la Policia”, 2010; “El caso Vidal cambia los procedimientos policiales”, 2010; Caso Vidal: la

Fiscalía dispone acciones; 2010; “Prisión para dos policías que presuntamente agredieron a Omar Vidal”, 2010). Moreover, the street surveillance cameras revealed that what police officers had written in their report was false. The media, citizens and the government condemned the actions of the officers who participated in the mistreatment of Vidal (“Ministro Jalkh dispone exhaustiva investigación sobre agresión de policías a un ciudadano”, 2010). The controversy generated by the case, resulted in an immediate response from the government to this issue. On 18 August 2010 then, the Ministry of Interior and the National Police signed an agreement with the intent of adopting new directives aimed at controlling and regulating the basic principles on the use of force and firearms by the police in line with international standards of human rights¹⁰⁶. The document contained 4 directives, summarised as follows:

- *Criteria to regulate the procedures of detention of individuals by the police:* in this section the document specified point by point what the police officer had to do before, during and after the arrest of suspects.
- *Progressive use of force, lethal and not lethal weapons:* in this section the document specified the situations in which officers could use force &/or weapons and the way in which they could use them.
- *Use of firearms and psychological support:* in this section the document indicated that after a police officer had used a firearm, the nature and circumstances of the act committed had to be investigated. Also, the need for an evaluation of the officer’s mental health after the use of a firearm was specified.
- *Occupational and mental health policy:* The document specified the initiatives to be undertaken in order to provide, promote and protect officers’ mental health in rela-

¹⁰⁶ The document was in line with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

tion to their occupation. For example, psychological examinations were supposed to be conducted on all officers once per year.

Although the directives were approved and socialised within the force with the aim of improving and controlling the treatment of all citizens in the country, there were certain sections of the document that directly dealt with the procedures involving female suspects/offenders. For example, in its first section or directive, the document indicated that a body search had to be conducted by an officer of the same sex. This was already indicated in the 2000 CPP; however, as it was not often implemented women did not always know they could request to be searched by policewomen in previous years. Moreover, as there were even less women in the force before 2010, policemen tended to conduct the searches. For example in 1983 the first class of female line officers (performing operational tasks) graduated (“Seis mujeres en la lista de aspirantes a general”, 2014). At the time, there were already women in the force but they were involved only in administrative duties (“Seis mujeres en la lista de aspirantes a general”, 2014). The sequential recruitment of operative female officers began in 1998 (“Seis mujeres en la lista de aspirantes a general”, 2014). By 2007, women represented approximately 8% of the total number of police officers in the country (Pontón, 2009). By 2010 the percentage was similar. After the directives were approved, body searches conducted by someone of the same sex became compulsory. Although the police officers interviewed recognised the importance of their female counterparts in situations where women were arrested, they also complained about female offenders constantly reminding them that they could not be touched by men. Most of them also complained about women threatening to sue them if they tried to touch them with the purpose of conducting a body search. In this regard six officers said:

Women now use human rights to say that they can't be touched. In the past we had more authority, just the fact that they knew you were a cop... they obeyed, they easily cooperated, but with all these rights now the police have lost their own rights. As a policeman you can't touch a woman, not at all. Sometimes there are no policewomen around, and what can you do? (Carlos, police officer since 1995)

Now if there is no female colleague around you can't proceed. Things have changed too much because women have too many rights, and now it is a problem to touch a woman. They use that to scream at you, treat you badly and to do whatever they want... (Victor, police officer since 2002)

I remember this lady told me "You don't know who I am, you can't touch me, I will sue you, and if I do that your career is over", and I was like "lady please I found you with [the evidence]..." Suddenly I threw the woman to the floor and asked her "do you prefer to stay inside [the house where she was trying to steal some things] or you prefer to stay here outside quiet until my colleagues will arrive?" She responded "I will stay here and quiet" and then she sat down... There are some women who try to dominate the police with their aggressiveness... You know with these human rights men can't touch them... with women it is very difficult... (Edison, police officer since 2006)

Since things changed and with the new Constitution women feel more entitled, they can't be touched... so women throw themselves at you because they know men can't do anything, they can't touch her because if one touches her she will say "he punched me", "he mistreated me", "he touched my private parts"... So that's the reason why the State also created policewomen... so they can intervene when women are arrested... (Ramón, police officer since 1985)

In 2003, 2004 and 2005 they obeyed our orders... Not now. They know exactly when they tell you “you can’t touch me for this and for that”, they know the articles, they have read the laws that protect them and so they feel more entitled... (Fernando, police officer since 2003)

There are some people who have been very rude... they have called us tomboys, they had called us lesbians because we have to touch them in order to search them... “You are not going to touch me” [female offenders say], and one has to control them... Thank God I haven’t had the need to punch them... (Gaby, police officer since 2005)

They used to hide the drugs in their private parts where we cannot touch her because we are men... (Victor, police officer since 2002)

Edison described a situation where he was trying to control a suspect peacefully but the woman threatened him with ruining his career, something that according to most officers interviewed, was very common to hear from pregnant female suspects since 2008. Although he admitted that policemen had to be particularly careful with women, he acted aggressively with the female offender during their interaction. His aggressive behaviour confirmed that even when directives were introduced to change police abusive procedures and most police officers were trying to comply with these, in some circumstances policemen continued to behave inappropriately with women, especially when they were alone with the female detainees. When asked about body searches of female offenders, the majority of the police officers interviewed used words such as “impotent”, “difficult”, “complicated”, and “cautious” to describe the arresting process with women and the way in which they felt about it.

Officers complained about women threatening them or acting violently when arrested because according to them, they felt “protected” by the law, which in their view complicated police work. In this context, policemen recognised the necessity of having women in the force. Also importantly was the testimony of Gaby and the other two female officers interviewed, who also complained about the aggressiveness of certain women during the arresting process. Of the total 50 police officers interviewed, the majority (44) perceived offenders and particularly female offender’s knowledge of the law as something detrimental to their authority.

The directives were not specific regarding the procedure to be followed with pregnant women; however, the first directive established that during the arrest officers had to obtain a medical certificate from a qualified medical practitioner who would evaluate the state of health of the alleged offender¹⁰⁷. In general, the purpose of this order was to verify that detainees were not physically harmed during the time they were in police custody. In the case of women, internal police norms in line with the 2008 Constitution established that officers had to ask them if they were pregnant, and if they responded affirmatively, during the medical examination a test was done to confirm the pregnancy.

In line with this, the 1998 and 2008 Constitutions specified that pregnant women were among the priority groups in the country. The 2008 Constitution in its article 43 numeral 3 specified that the State was responsible to guarantee the protection and care of women’s integral health and life during pregnancy, childbirth and postpartum (Constitución de la República, 2008).

In addition, by 1998 article 58 of the CPP established that no pregnant woman could be deprived of their liberty or sentenced until 90 days after birth (Neira, 2005). The 2000 CPP

¹⁰⁷ This was done before the directives were created. However, based on detainees’ reports, officers complied with the norm less often before 2010.

adjusted the aforementioned article and replaced the preventative detention in the case of pregnant women by house arrest until 90 days after birth (Neira, 2005). During the 24 hours after arrest, if the prosecutor believed that there was enough evidence to open an investigation against a pregnant detainee, he had to request the house arrest of the suspect to the judge (Neira, 2005). During the time these women¹⁰⁸ were under house arrest they were notified about the court judgment, and 90 days after birth they were sent to prison to serve their sentences (Neira, 2005).

When asked about the arresting process with pregnant offenders, officers complained about them using their pregnancy to commit illegal activities, and also to avoid arrest and incarceration. Some also said that they received threats from pregnant women, who said that they would report they were mistreated during the arrest even when they were not. As a result, officers felt more stressed and pressured to conduct the arrest of women in state of pregnancy. In relation to that they said:

We have to be very careful now... because the law protects pregnant women a lot... we ask their cooperation and they would say "I am gonna sue you"... Those are the phrases they use so you can't do your work... They try to intimidate us... (Lenin, police officer since 2006)

Based on the code of penal procedure they can't remain in detention because they are pregnant... Sometimes I take them to the hospital so they can take the pregnancy test... They would carry with them a urine sample hidden in their private parts... but it

¹⁰⁸ Despite the fact that women could not be held in prison facilities during pretrial detention, it was found that until the end of the period under examination according to different NGOs, police sources and the press "many pregnant women were jailed rather than being confined to their homes during pretrial detention" (US Department of State, 2011, p. 8). Some women interviewed for this study also reported this type of irregularity.

is from another person who is actually pregnant...I told my colleagues to be very careful when arresting a woman, to always ask a female officer to make sure that the urine was from the detainee herself... (Edison, police officer since 2007)

The laws used to be very different... the prosecutor did not participate. Do not forget that [in the past¹⁰⁹] there were pregnant women behind bars, they were deprived of their liberty and their rights were violated... they even served their sentences there and they just left prison to give birth. They were later taken back to prison to raise their child in there. Now with the new Constitution... their rights are respected (José, police officer since 1981)

Now many women go over the line either because they are pregnant or because they are women (Luis, police officer since 1997)

Finally, when asked to compare the arrest of female and male suspects, officers agreed for the most part that arresting men became easier than arresting women. They claimed that with men they could justify the use of force in certain circumstances whereas with women they had to be extra cautious.

AR: Would you say it is more difficult to arrest men than to arrest women?

Wilfrido (police officer since 1996): With men I can use force, and with women I need to be very cautious. If she does not collaborate I need to ask for help (back up) in order to avoid legal problems later...

Henry (police officer since 1999): With women... because they make a fuss... It is more difficult because you cannot arrest her and use force. In contrast, with a man if he wants to attack me I can use force progressively...

¹⁰⁹ In Ecuador, until the end of the period examined it was possible to find pregnant women in prison.

Edison (police officer since 2007): With men you can even beat them and nothing will happen... with women it is very difficult... men cannot touch them, and one complaint against us... can ruin our careers...

Francis (police officer since 2000): In my view with men [it is easier]... because we are under equal conditions. You can use force more than with women... With them you have to be very cautious...

Roberto (police officer since 2002): With women is more complicated... In the past women were not like that... A lady, as I always say, should know better how to behave... We used to use the psychology with them in the past and that was enough... the women collaborated... not now, they are aggressive...

Agustín (police officer since 2005): Women are more delicate... if we struggle and – God forbid- I touch her in her private parts... immediately she will sue me and say I went too far and touched her... Women know more the law, for example they would tell you “I know my rights, I am a woman”, it is worst when she is pregnant...

In this section it was possible to identify through police officers' perceptions, how the legislation aimed at promoting and controlling the respect for human rights and police procedures in the country, changed the way in which police officers acted with all detainees (male and female), but also especially impacted the interactions between female offenders and police officers. Between 2007 and 2010, national legislation aimed at eradicating gender violence, respecting human rights, protecting vulnerable groups, improving and control-

ling the mission and activities of the police became more specific. But more importantly, the socialisation/implementation of laws, plans and initiatives with each of the aforementioned purposes, became a routine activity of the government and the concerned line ministries. The content of the legislation was not only disseminated by the media when reporting cases of gender violence or police abuse, but it was permanently available through the internet and it was constantly reminded of by the authorities, including the President of the country, when speaking publicly to citizens. Therefore, it became generally easier to stay informed. This information was also strongly circulated within the police force. As a result both women and police officers became more aware of rights, due process guarantees, and the particularities of police procedures. Police officers were able to notice the differences between how they used to treat arrestees in the past, and the now opportune manner to treat them. Women for their part were able to inform themselves about their rights and demanded that they be respected. As a result, women were less often considered suitable targets for police deviant actions. On the other hand, based on police officers' perceptions of men being easier to handle at the end of the period, it could be noted that the violence against male detainees was to some extent justified by the police officers.

The government established the eradication of gender violence as a State policy and recognised that this could also be perpetrated outside the family setting, for example by state officials; the subject therefore was especially socialised among police officers (and also among public defenders, judges) who were also supposed to protect victims of intra-family violence. Moreover, with the aim of changing abusive police practices, initiatives and directives were created and implemented. Again, these were socialised within the force and with citizens.

Although most changes in the legislation and their socialisation sought to protect all citizens' rights and due process guarantees regardless of their sex, there were certain aspects

that specifically affected the treatment given to female offenders. For example, body searches of women could not be conducted by policemen anymore. This was established in the 2000 CPP but it was not very often put into practice; as a result there was no strict compliance with that aspect of police work. Also asking women if they were pregnant, and if they were, confirming the pregnancy through a test so they could be granted precautionary measures (mostly house arrest), became almost unavoidable¹¹⁰.

Police officers for the most part did not like the pressure and stress coming from these norms. They complained about women using their knowledge of the law to commit illegal activities and to avoid immediate punishment. It seems that by using their cultural capital or capital delictivo, women started to resist their victimisation.

Officers complained about women often threatening to file a complaint against them for violation of their rights. Officers recognised that women were not only more active in the criminal sphere, and had become more aggressive, but also that they were well informed about the law, which made the arresting process with women more complicated and simultaneously motivated policemen to rely on their female colleagues. Women were not described as passive, collaborative, ignorant of the law, submissive and non-violent anymore. Based on police officers' perceptions women went from being suitable targets for police crime to becoming a threat to their careers.

On the other hand, women continued to report cases of police deviance, either in the form of crimes, corruption, sexual misconduct or discrimination until the end of the period. However, no reports of police torture and physical abuse by women were encountered after 2010. In line with the foregoing paragraph and based on inmates' oral testimonies, 9 wom-

¹¹⁰ I use the word almost because there were three cases of pregnant women reporting not having their rights respected when they were arrested. Although they were pregnant, they spent months in a police detention cell or were sent to prison when it was supposed to be forbidden. They were not physically mistreated.

en out of 51 reported physical abuse, including torture, but only up to 2009. No woman reported torture or being seriously injured by the police in 2010. The author also did not find any reports of torture by female detainees in the prisoners' files and in secondary sources.

3.5.2 Citizens as capable guardians

As noted before, the nature of police work provides ample opportunities for deviance, as many activities are performed in isolation from public observation (Chappell & Piquero, 2010). However, the proliferation of technologies such as camera-phones and the simultaneous online interactivity (Brown, 2015) have exponentially increased the possibilities of capturing police incidents, and to make these visible to the entire population.

During the 1990s the portable computer, the internet and the cell phone began expanding across Ecuador (Hurtado, 2017). During the first decade of the 21st century the Smartphone together with popular social media sites such as Facebook (2004), Twitter (2006), and Youtube (2005) revolutionised the way individuals communicated worldwide (Hurtado, 2017). When ordinary people are caught in events of extraordinary nature and spontaneously adopt the role of a news reporter, they automatically enter the world of citizen journalism (Greer and McLaughlin 2010b). Citizen journalism also involves “the use of tools of modern technology and the distribution capacity of the Internet to create media” (Lievrouw 2011, as cited in Brown, 2015, p. 293), became more frequent.

The Ekos magazine¹¹¹ reported that before the dollarization in Ecuador, and more specifically in 1995, only 9% of citizens from the middle class owned a computer. By 2010, the number had increased to 67.8% (Revista Ekos, 2012). According to the 2010 census data, of a little more than 13 million respondents, 3,254,899 reported having used internet in the past 6 months, whereas 7,120,914 respondents had used a cell phone in the past 6 months¹¹². Although not all Ecuadorians had the financial means to own a Smartphone or to have 24 hours access to the internet in 2010, the use of these technologies started becoming popular, and with their proliferation tangible documentation and explicit exposure of police mis/conduct was more possible than in previous years.

The development of these technologies and their use coincided with the political will to investigate and punish violations of human rights in the country perpetrated by state officials and especially by members of the security forces. On 3 May 2007 through executive decree No. 305, the Truth Commission¹¹³ was created to investigate all human rights violations cases perpetrated by the State especially between 1984 and 1988, but also other cases occurring up to 2008 (“Derechos Humanos: Ecuador de nuevo al banquillo”, 2015). Another objective of this commission was to formulate initiatives aimed at compensating the victims and their families (“Derechos Humanos: Ecuador de nuevo al banquillo”, 2015). On 29 October 2010, the final report of the commission presented to the Inter-American Commission of Human Rights, revealed the results of the investigations as well as its recommendations (“Derechos Humanos: Ecuador de nuevo al banquillo”, 2015). The report disclosed that most of the HR violations occurring between 1984 and 2008 were perpetrated

¹¹¹ The magazine used data from the National Institute for Statistics and Census of Ecuador. More specifically it used data from the following surveys: “Encuesta de Condiciones de Vida (ECV)” and the “Encuesta de Estratificación de Nivel Socioeconómico”.

¹¹² The previous censuses did not provide information about the use of internet or smartphones.

¹¹³ The investigations conducted by the Commission cost the State \$2 million dollars. (“Comisión de la Verdad pone fin a investigaciones”, 2011).

by the police (370 victims) followed by members of the national army (362 victims) (Comisión de la verdad, 2010, p. 75). What is more, the report allowed the reopening of cases, for example, the investigation of the extrajudicial killings occurred at the Fybeca pharmacy (Dolores case) in 2003 (“Diez años sin responsables del operativo en farmacia Fybeca”, 2013).

Although the results of the report did not impact the general population as it impacted primary and secondary victims of the human rights violations during the period examined by the commission (Reyes, Grondona & Rodríguez, 2015), the report established an important precedent in terms of investigating police abuses and punishing them.

In this context, the police organisation accused of several human rights violations, as well as the former mayor of Guayaquil who was also accused of witnessing individuals being tortured in previous years, rejected the report and considered it biased (“Defensa de generales de la Policía rechaza informe de Comisión de la Verdad”, 2010), but that did not impede citizens’ condemnation of police violent actions. Also, as citizens became more aware of their rights and of the government’s intentions to sanction HR violations, police officers began to fear being caught on video engaging in any conduct which could be considered inappropriate, especially with women. In this vein, three officers observed:

For example, if there is no female colleague around and I have to arrest the person... if suddenly when arresting her I touch her something, that’s bad for me because if... someone sees a video, they would say “look the cop touched her, look he pawed her”... so today it is very difficult for us because if a video is disseminated we are more affected than the criminal (Carlos A., police officer since 1995)

If for some reason you punch someone... and... someone around is filming you, with that video someone can file a complaint... but the reality is different... we are doing

our job but those people [citizens filming] try to harm us... (Roberto M., police officer since 2002)

One woman tried to attack me... and the people [around] would support her, [they said] “leave her, she is a woman”, so she feels more entitled and starts insulting the officer... if one touches her, she is already filming me and [she says] “you are touching me, I am going to sue you, you are violating my rights”... Now they say we are violating the rights of women... they are filming you, they want to file a complaint... In the past there were no phones to film or a person interfering with the procedure... (Raúl, police officer since 1995)

As can be seen, police officers complained about being constantly under the spotlight thanks to the technology and bystanders or offenders “willing to harm” their image and careers by filming interactions which could be used to file complaints against them. By acknowledging the possibility of citizens filming police procedures, they implicitly recognised the power of citizens to capture and disseminate material containing police actions which could cause controversy and public concern.

Perhaps one of the best examples of citizen journalism in the country occurred on 30 September 2010, when several citizens including journalists captured police officers’ misconduct on their Smartphone and informed citizens through social media, mostly Twitter, about the events. A police strike paralysed many activities in the country. For example, the airports were seized, and different shops, banks and pharmacies closed their doors in the absence of police protection (Pontón & Rivera, 2016). The officers were requesting the government to repeal the Public Service Law, as in their view it cut their benefits (Carroll, 2010; “30S insubordinación policial”, 2010), for example it eliminated bonuses linked to promotions and service decorations (“30S insubordinación policial”, 2010; “Ecuador de-

clares emergency as police protest, president is attacked”, 2010). In addition, officers were complaining, among other things, about the elimination of the “fuero policial” or police jurisdiction (see more about it above), as they felt unprotected without it (LaTVEcuador, 2016).

As a reporter with one of the biggest national newspapers, I was first-hand witness of the consequences of the protest in the city of Guayaquil, where several citizens abandoned their daily activities and returned home, whereas others, including kids, participated in shop lootings. In Quito, the police used excessive force to disperse largely peaceful demonstrations condemning the actions of the police.

On September 30, 2010, between 7:30 and 8:00 am several hundred police officers at Quito’s Regiment No. 1 went on strike to protest the aforementioned law (Becker, 2016; Pontón & Rivera, 2016). When the President knew about the protest he raced off to the barracks to clarify the intent of the law with the rebel officers (Becker, 2016). Correa among other things, spoke of his support for salary increases, but the protesters did not respond positively (“30S insubordinación policial”, 2010). As a result Correa lost his temper and screamed at the group of officers: “If you want to kill the president, here he is! Kill me if you want to! Kill me if you are brave, instead of hiding in the crowd like cowards!” (Solano & Bajak, 2010).

Later, when he attempted to leave the barracks, the police attacked with tear gas (Becker, 2016). The president’s security staff evacuated the debilitated leader to the neighboring police hospital so he could receive medical attention (Becker, 2016). Once in the hospital, Correa declared that he was a victim of a coup attempt (Becker, 2016). Hours later, police officers forcefully repelled a group of his supporters that arrived at the hospital (Becker, 2016; LaTVEcuador, 2016). Finally, hours after the police protest began, an elite special

police squad (personnel of the GIR and GOE) and members of the army entered the hospital to free the president (LaTVEcuador, 2016).

As radio and TV stations were ordered to interrupt programming and carry state news broadcasts until 20:00 (“30S insubordinación policial”, 2010) (which resulted in a group of people forcibly entering the offices of Ecuador TV during the police insubordination), and media websites stopped working temporarily, different journalists and citizens began to inform people about the situation in the country through social media. Twitter became an essential tool for newspapers reporters and editors for example (see interview with Susana Morán in 2010)¹¹⁴, whereas several other citizens uploaded videos of the events they witnessed during the day. Several videos recorded with cell phones and uploaded on Youtube focused on the police abusing protestors, throwing stones at civilians, and on the chaos experienced in Guayaquil. All journalists at my workplace had an intense day of work covering the events of the police protest. Efforts were made to capture every detail of the events, and so even sports reporters were sent out onto the streets to cover all matters relating to the police insubordination and the lack of security in the city.

At the end of the day, 10 people died (among them police officers, army personnel, civilians and journalists) and several others were injured (Pontón & Rivera, 2016). Citizens and the government, as well as international leaders (“Ecuador declares emergency as police protest, president is attacked”, 2010), condemned the actions of the Ecuadorian National Police.

After the events of September 30, 2010, the police suffered the worst crisis of legitimacy in its history (Pontón & Rivera, 2016; Paz y Miño, 2010). The protest also resulted in the government’s lack of trust in the police force (Pontón & Rivera, 2016). As a consequence, al-

¹¹⁴ The reporter was interviewed in relation to her experience during the 30S here: <http://www.clasesdeperiodismo.com/2010/10/04/periodista-cuenta-como-twitteo-la-revuelta-en-ecuador/>

most immediately the national intelligence secretary was removed of his position as well as the officers who were members of the police leadership (“Ecuador releva a la cúpula policial tras la revuelta, 2010; Pontón & Rivera, 2016). Different judicial investigations were initiated in order to identify and punish those responsible for the rebellion (Pontón & Rivera, 2016). More importantly, the 30S resulted in politically motivated efforts to make structural changes in the police force (Pontón & Rivera, 2016). The 30S also revealed the power and interest of citizens to document and disseminate cases of the police’s abuse of authority in the country through the use of social media and technological devices they had to hand (e.g. cell phones and video cameras). Such kinds of incidents tended to remain hidden in the past or if someone witnessed a case of police abuse, without pictures or videos to confirm it happened, it was the witness’ word against that of the officer. Citizen’s journalism as a result, became a very important tool to control acts of police deviance in the country after 2010.

Moreover, during the presidency of Rafael Correa, the government made significant efforts to improve the internal security of the country and officers’ well being, for example the Citizens Security Plan was created in 2008, which resulted in more resources for, and a better professionalisation of, the police (“Reseña histórica de la Policía Nacional”, 2012; Senplades, 2017). Also the importing of firearms became forbidden, the police budget went from \$550 million in 2006 to \$917 million in 2010, and the number of police officers¹¹⁵ increased from 10,146 in 1990, 21,399 in 1999, to approximately 40.000 by 2007¹¹⁶

¹¹⁵ Under the framework of the Citizens Security Plan for example, in May 2008, former Government Minister Fernando Bustamante made the official presentation of 500 newly hired police officers who were starting operations in the city of Guayaquil. The newly hired officers had the mission of reducing the high crime rates in the city. The Minister also announced that the goal was to hire in total 1700 new police officers who would operate in Guayaquil. At the time 320 million dollars had been provided to the police.

¹¹⁶ In spite of governmental efforts, between 2008 and 2010 the country had the highest homicide rates of the decade. As a result the government called a referendum in January 2010 to put in place justice reforms aimed at improving public security (Pontón, 2016). The population supported the government in these elections and

(Policía Nacional del Ecuador, 2015 as cited in Pontón, 2016). Whereas between 1991 and 1992 there were 1,341 police officers working for the O.I.D (Estrella, 1001-1992), by 2009 the number of officers working for the judicial police were 3,319 and were augmented later (Pontón & Rivera, 2016). Also, from 2007 the government increased police wages and invested in different programs aimed at improving police officers' well being (Pontón & Rivera, 2016). The wages, for example, went from \$517 and \$616 for a cabo segundo (second class corporal) and a second lieutenant respectively, to \$897 and \$1,286 in 2010. Also by 2010, a captain's salary increased to \$2,140, while a major's wage was \$2,280 ("Ecuador increases police and army wages", 2010).

But it is not until after the release of the Truth Commission Report, the Vidal case, and the 30S, (all occurring during 2010) that the control of the police work and of the police leadership became a clear priority for the government. After this date, significant efforts were directed not only at taking direct control over the police¹¹⁷ (Pontón & Rivera, 2016), but also to punish police officers' human rights violations, and to improve the operations of the Police through special directives. By 2010 the government could also count on an official institution to provide poor citizens with free legal assistance through public defenders. Simultaneously, in 2010 the training of potential police trainers on human rights began. After the training of these police officers, the rest of the police officers began to receive with more frequency courses on human rights within the organisation. Governmental actions were also concentrated on creating awareness against gender-based violence.

after the referendum different zero tolerance actions were implemented to fight crime in the country (Pontón, 2016).

¹¹⁷ One important step was the issuance of the 632 Decree of January 17, 2011, by which the administrative, financial and legal autonomy of the police came to an end. With this decree all institutional operations were taken over by the Ministry of Interior.

The Ecuadorian police achieved significant positive and unprecedented results during 2010, before and especially after the 30S police revolt.

3.6 Chapter discussion and conclusions

In this fourth chapter I divided the analysis into two parts. In the first part I examined how women became suitable for police deviant acts. Female offenders did not usually have a high level of educational attainment; they were mostly poor and lacked the financial means to support themselves and their relatives. In this context they tried to look for legal and illegal means to earn money. Once they engaged in illegal activities, and were arrested for these, they were more at risk of becoming victims of deviant police officers. Their victimisation occurred mainly for two reasons: they did not physically represent a threat to police officers and they did not have the cultural capital, meaning the education or knowledge to resist police deviant actions during most of the period examined. Women were perceived to be passive, cooperative and non-violent until almost the end of the first decade of the 21st century. According to prison archival data produced between 1979 and 2010, with a few exceptions, women's certificates of conduct were for the most part favorable, the offenders normally did not have a police record, did not carry guns with them when conducting crimes, and according to what police officers said in the interviews they believed women were very easy to handle before 2007-2008. After these years, police officers started to perceive women as a threat to their careers, among other reasons because women were better informed about their Constitutional and human rights and about the procedural guidelines officers were supposed to follow. This increasing number of "informed" women was a result of the political will to secure, promote and inform all citizens about the strategies and initiatives to protect their human rights, including those of offenders, to deter gender-based violence, to protect priority and vulnerable groups in the country, such as pregnant women,

and to enhance police practices and service. Women for their part studied and informed themselves to expand and show their cultural capital to the officers. In this way, they began to resist attempts of police abuse against them. It is also important to note here, that their knowledge of the law and rights could have also had other effects. Women could have used their legal information to take the risk of committing a crime during their pregnancy, because in the worst case scenario they would have been put under house arrest.

Police officers admitted they did not feel entirely safe taking procedures with women, not only because of their increasingly violent behaviour but also because of their constant defiant conduct. The latter, they said, was a negative outcome of the state's protection of women. Many felt frustrated when they tried to arrest women, and believed male offenders were easier to handle. More specifically police officers complained about not being able to conduct body searches of women, and about having to wait for their female counterparts to conduct the procedure, as mandated by the 2000 code of penal procedure and the 2010 directives aimed at controlling and regulating the basic principles on the use of force and firearms by the police. Women, they said, took advantage of those provisions by threatening to file a complaint against them and intimidated them if they tried to touch them, which made the arrests of women more stressful and complicated. Police officers also complained about pregnant offenders, who as they said, took advantage of their pregnancy to commit crimes because they were usually granted precautionary measures by the judge. Precautionary measures were given to these women in order to avoid incarcerating mothers or children in prison.

Also, as pregnant women became part of vulnerable groups or priority groups in the country according to the 1998 and 2008 Constitutions¹¹⁸, the State directed more efforts to protect them. As a result, police officers were confronted with pregnant offenders who did not want to be touched or arrested, and who threatened them with filling a complaint against them and ruining their careers if they tried to do so. As could be seen in the perception of motivated offenders (police officers) there was a change in the suitability of the targets; female offenders however, continued to report cases of police crime or corruption directly and indirectly affecting them until the end of the period. The only crime that stopped being reported was torture.

A second element of the Routines Activity Theory analysed in this chapter was the motivated or likely offender. Literature suggests that offenders must be motivated for some reason to commit a crime (Byers & Crider, 2002). In this regard, this chapter examined two main motivations for police officers to engage in crime or corruption affecting female offenders. These were: 1) individual, group or organisational gain, and 2) pressure for results. Both motivations are interrelated. With regard to the former, the “gain” could take the form of money, recognition or sexual pleasure. It could be seen that individuals or groups of police officers engaged in bribery, extortion, robbery, theft, or became members of criminal organisations themselves for ambition or to enhance their financial situation. Individuals or groups of police officers also engaged in less serious and serious forms of police sexual misconduct, abusing their authority to receive sexual pleasure from women. Finally, gain in terms of recognition meant for individuals, special units, and the entire organisation to be recognised for their achievements by their superiors and/or the public. In this vein, police

¹¹⁸ According to the 2008 Constitution, persons deprived of their liberty became also members of priority groups in the country, which meant they should have received immediate and specialized attention in the private and public spheres. As this study analyzes the experiences of women when they were arrested or while in police custody, and not when they were officially in prison, I have just mentioned pregnant women as members of the constitutionally called priority groups.

special groups/units and police organisations engaged in what has been known as “noble corruption” in order to meet their supervisors’, the government’s and the public’s expectations in reducing the crime threat. To be able to deliver results and secure convictions, police officers engaged in perjury, torture, murder, intimidation, planting evidence, and/or physical, verbal, and psychological abuse of offenders.

The last element analysed was the absence of capable guardians. The analysis revealed that during practically the whole period examined, there were no guardians protecting offenders from police deviant actions. Prison archival data, and more specifically court documents produced between 1979 and 2010, reveal that several women complained of being forced to sign declarations under threats or torture practices, often in the absence of prosecutors and public or private defenders. According to the 1983 Code of Penal Procedure the prosecutor could be present during the interrogation of suspects, but had to sign the statement given by the detainee. By signing the statement of the detainee, the idea was that the prosecutor made sure that the rights of the accused were not violated. However, previous studies revealed that prosecutors tended to sign the declarations but were not always present during the interrogations. Court documents also reveal several complaints in this regard. What could be found, then, was that prosecutors did not always comply with their duty of protecting detainees from police abuses. Some other employees of the CJS, such as legal doctors, were also aware of police illegal practices against detainees and in some instances supported these or ignored them, perpetuating in this way the mistreatment of offenders and the violation of their rights. Finally, despite the fact that the 1979 Constitution guaranteed all citizens the right to a defense at all stages of the proceedings; and the 1998 Constitution specified a citizen’s rights to be informed about his or her rights of remaining silent, and requesting the presence of a lawyer, it is not until 2007 that the independent Transitional Management Unit for the Public Criminal Defense Service started operations, as a prede-

cessor of the Public Defense Service, which was Constitutionally established in 2008 as an independent organ of the judiciary, and which was officially institutionalised in October 2010. As can be seen, considering that most female offenders between 1979 and 2010 did not have the means to hire a private lawyer, and there were very few or no public defenders to legally protect offenders, female criminals were unprotected during practically the whole period examined. In this context, deviant cops had ample opportunities to take advantage of offenders and force them to sign forged declarations to secure convictions. In other instances, women who lacked legal assistance signed incriminating testimonies out of ignorance or fear, even when they were not coerced to do so.

Considering that the State did not appropriately protect the rights of offenders in the country, in the second part of the chapter, an alternative group of capable guardians is examined: the public through their technological devices. Public surveillance was analysed in the context of the 30S (30th of September), when an unprecedented police revolt or insubordination labeled by the government a Coup attempt, paralysed the country. By that time, the use of the Smartphone, internet and social media were increasing in the country; technology that provided citizens with the necessary tools to supervise and disseminate material involving police legal and illegal actions. Since regular private television programming was not available for some hours, several videos and reports from citizens and journalists were disseminated by social media websites such as Twitter, Facebook and YouTube during the 30s events, keeping the public informed of the details of events occurring that day. From that moment on, police officers began to feel the pressure of being constantly at risk of being caught on camera “starring” in a controversial incident.

Despite the alteration of women as suitable targets in the eyes of the police since 2007, female offenders continued to report cases of police deviance, more specifically of corruption, certain criminal activities, sexual misconduct, verbal violence and discrimination be-

tween 2007 and 2010. Cases of police physical abuse and torture however, stopped being reported by women arrestees from 2010. This finding suggests that in the context of police crime in Ecuador, the alteration of one element of Routine Activities Theory, in this case the suitable target, had only limited effect in the deterrence of police deviance.

Only torture practices were no longer reported by women in 2010, and this might be related to the fact that officers perhaps believed this type of deviant actions was more difficult to hide. Bruises on women's bodies and other signs of mistreatment could have served as evidence against the police officers. Also, as women became more aware of their rights, and they had more access to public defenders by the end of the period, they were able to report an incident to their lawyers. In this scenario, and with the elimination of police special courts, police officers felt unprotected and more at risk of losing their careers if they were caught as the perpetrators of this type of illegal behaviour. The government's willingness to punish human rights violations, to protect priority groups and to promote the eradication of gender-based violence served as a platform for women to defend themselves more actively from deviant police officers. The probabilities of being caught on video or of being sued by women at the time also had a deterrent effect on many police officers.

Chapter IV

4.1 Intersectional Identities of minority offenders and experiences with deviant police officers

Whereas in the previous chapter women as suitable targets were analysed based on their knowledge of their rights, and the police perception of them as a minimum at first, and later as a high threat to their security and careers, this chapter presents a thorough analysis of the qualitative experiences of minority female offenders, who among all women, seemed to be the most vulnerable to become victims of different forms of police deviant actions. These women were considered to be the most unprotected ones among female offenders because capable guardians against their victimisation not only did not take seriously the discrimination faced by Black and Colombian individuals in the country but in several instances were prejudiced themselves against these minorities. For example, the media and the political discourse disseminated throughout the years diverse negative stereotypes of Colombians which linked them to crime, violence and prostitution. As a result, these men and women not only faced discrimination and abuse by different civilians, but also by deviant and prejudiced police officers.

In the following pages, the experiences of these Black and Colombian women as suitable targets for different forms of police deviance will be analysed, taking into consideration their diverse identities, not only their race/ethnicity and nationality. Their age, sex, education, or social class combined with the aforementioned two identities resulted in unique and complex experiences with officers¹¹⁹. By exploring each case through an intersectional lens, I make an attempt to respond how these women's intersecting identities influenced the

¹¹⁹ The experiences of the vulnerable were diverse and did not depend on a single characteristic, such as race. That's the reason why I did not want to use the concept of racial profiling, because it tends to homogenize somehow the situation of Black people, without considering these individuals' additional characteristics.

treatment they received by the police. Additionally, I examine the relationship between officers' prejudices and the treatment given to minorities.

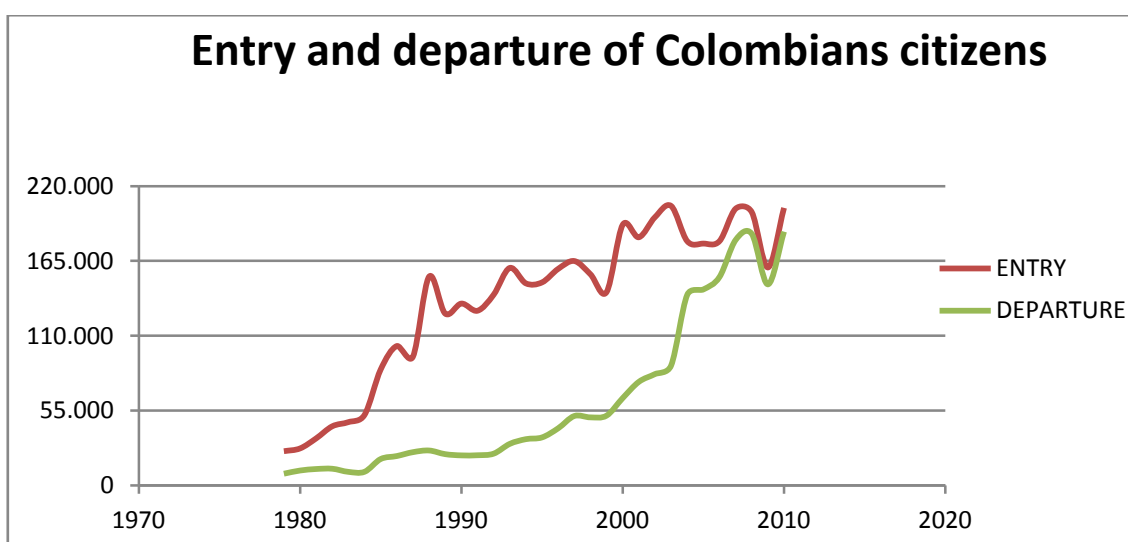
There are several studies on the criminal justice system's responses toward women offenders, but there is no study contrasting the police's perceptions with those of female offenders who felt affected by police discrimination, and/or deviant behaviour. There are a few studies that consider the accounts of convicted women regarding their experiences with police officers¹²⁰. But less is known about the experiences of female offenders with the police in Latin America and, specifically, in Ecuador. Whereas in the literature review section above, it became clear how the experiences of young Black women and men with the police were negative in different contexts, including the Ecuadorian, the situation of Colombians and their discrimination by the country's criminal justice system have not received the same international academic attention. As a result, I will start this chapter by presenting the historical context of the situation of Colombians within Ecuadorian territory with the aim of explaining the reasons why this population was considered to be in a vulnerable situation and was often subjected to police abuse during the period examined. Later I will present the qualitative intersectional experiences of these two minority groups (Colombians and Black men and women) with the police in the country during the research period by using archival data, specifically court documents of female inmates produced since 1980, and in-depth interviews with 51 female offenders arrested since 1992. Finally, I will present the police's perceptions of these minority offenders. Fifty in depth interviews with police officers served as the basis for the second part of the analysis.

¹²⁰ See Cobbina and Morash's (2015) and also Tatar, Kaasa, & Cauffman (2012), and Baker et al. (2013).

4.1.1 A review of the situation of refugees and immigrants of Colombian origin

Between 1977 and 2009 more refugees left Colombia (546,611) than those that entered the country (17,462) (Lis-Gutiérrez & Moreno Silva, 2012). The main destinations for Colombian refugees during the aforementioned years were the United States (173.245), Ecuador (120.215) and Canada (94.440) (Lis-Gutiérrez & Moreno Silva, 2012).

Graphic 4 Number of all Colombians citizens entering and leaving Ecuador between 1979 and 2010



Source: Adapted from the data of the “Anuarios de entradas y salidas internacionales” (1979-2010) of the Instituto Nacional de Estadística y Censos (INEC). Combination of archival and online data

Since 1979, as can be seen in the graph above, of all the number of Colombians entering Ecuadorian territory, less than half left during the same year. By the end of the period, the number of entries versus the number of departures was not so dramatic. As can also be seen, the number of Colombians entering Ecuador increased. By 2010, Ecuador was already known as the country hosting the largest number of refugees in Latin America, of

which the majority (97%) were at the time, Colombians (United Nations Agency for refugees, 2010-2011).

Ecuador started to attract a significant number of Colombian refugees and immigrants as early as the 1950s. Agrarian reform processes in Ecuador opened up the labor market during the 1950s, but it is from the 1960s onwards that the movement of Colombian citizens to Ecuador doubled (Guerrero, Rodríguez, Molina, 1995). Their entry continued to increase during the 1970s; so much so that by 1977 out of 11,000 inhabitants in the Canton of San Lorenzo, located in the Ecuadorian border province of Esmeraldas, 3,600 were Colombians (Guerrero, Rodríguez, Molina, 1995).

During the 1970s, social and economic difficulties affecting rural areas of Colombia, especially in those districts along the border with Venezuela and Ecuador, resulted in their exodus to the neighboring countries (Guerrero, Rodríguez, Molina, 1995). During the mid 1970s, approximately 50,000 undocumented Colombians were estimated to be in Ecuador. Of these, 40,000 were agricultural laborers, or who worked occasionally in the cities (Guerrero, Rodríguez, Molina, 1995). Many Colombians were seen as “cheap labour” for agricultural businessmen (Guerrero, Rodríguez, Molina, 1995). Oil exploration, initiated in the north east part of the country, became another factor that stimulated the demand for foreign workers and which attracted Colombian immigrants (Guerrero, Rodríguez, Molina, 1995).

During the first half of the 1990s, the majority of Colombian women who migrated to Ecuador were housewives, used to working in the agricultural sector, or as laundresses, and maids in Colombia (Guerrero, Rodríguez, Molina, 1995). The majority of them decided to move to Ecuador to look for better jobs, but ended up working in the same type of occupations (Guerrero, Rodríguez, Molina, 1995). Young women were particularly encouraged to migrate due to the fact that there was a great demand for domestic servants in different cities of the country, such as Tulcán, Ibarra and Quito (Guerrero, Rodríguez, Molina, 1995).

Most men were poor workers or small landowners who entered Ecuador through different provinces (Guerrero, Rodríguez, Molina, 1995). For example, some scholars have estimated that throughout the mid 1990s, there were approximately 6,500 and 7,500 Colombians living in the border provinces of Carchi (closer to Nariño) and Esmeraldas (closer to Tumaco) respectively (Guerrero, Rodríguez, Molina, 1995). Moreover, the same authors have estimated that a significant number of Colombians (10,000) were living in Santo Domingo; many of them from the department of Nariño (Guerrero, Rodríguez, Molina, 1995). Apart from the interest of Colombian citizens to find better jobs, not necessarily related to agriculture, many citizens moved from Colombia to Ecuador in search of security and peace. For more than 40 years, Colombia experienced an internal armed conflict between the government, guerrillas and paramilitary groups. However, it is after the implementation of *Plan Colombia* and *Plan Patriota* that violence intensified in the northern and southern regions of the country (Andretti Vélez, 2009). This violence resulted in thousands of Colombian citizens fleeing their country in search of international protection (Andretti Vélez, 2009). As a result, some sources have pointed out that by 2004 there were 300,000 official and non-official Colombians dispersed throughout Ecuador (Refugees International 2007, as cited in Shedlin, Decena, Noboa, Báez, Betancourt, Villalobos, Moreno, Betancourt, 2014).

Plan Colombia (was created during the government of President Pastrana, and was initially named “Plan de desarrollo: Cambio para construir la paz 1998-2002”) focused on fighting drug trafficking. The plan ultimately resulted in the destruction of legal crops, human rights violations, displacement of the population, and triggered tensions with neighboring countries, including Ecuador. Plan Patriota on the other hand, was launched in 2004 by the government of Colombia. Its focus was to eliminate the guerrillas by targeting the Fuerzas Armadas Revolucionarias de Colombia (FARC) in the southern region of the country. It also

resulted in human rights violations against civilians and contributed to the displacement of parts of the population.

Many Colombian citizens who fled for the aforementioned reasons became illegal residents, especially because they did not know the necessary requirements to move from one country to the other or did not have the financial means to legalize their status. The low educational level of many of these Colombians complicated their access to local educational services and contributed to their limited knowledge of human rights. This, as will be seen later, brought them serious problems with officers whose prejudices resulted in the discrimination against minorities in the country.

An important challenge Colombians had to deal with while crossing the border was their stigmatisation by civil society, the press and the political discourse in Ecuador (Salcedo, 2014). It has been noted that natives often attribute several social problems to the presence of immigrants (Tonry, 1997). This is more common in periods of high population movement (Tonry, 1997). During the first decade of the 2000s Ecuador became the main recipient country of Colombian refugees in Latin America (Ortega & Ospina, 2012). Before and during the significant immigration flow coming from Ecuador's bordering country, the levels of fear and insecurity increased throughout Latin America (Dammert & Bailey, 2005). Between the 1980s and after year 2000 Ecuador saw rising crime figures and experienced increasing levels of violence. For example, the homicide rate per 100,000 inhabitants rose from 6.4 in 1980 to 10.4 to 18.7 in 2010. Homicides were closely related to "contract killings" which, according to media and police discourse, was brought to Ecuador by Colombians. Results from this study reveal that police officers tended to blame Colombians as the "teachers" for Ecuadorian criminals. They saw the latter as less aggressive and passive agents who simply assimilated the criminal knowledge given to them by Colombians. Moreover, during the administration of Febres-Cordero (1984-1988) Colombians were

linked to the M-19, and during the entire research period, to the Revolutionary Armed Forces of Colombia (FARC), which automatically made them vulnerable to police suspicion and in many instances to police coercion (Comisión de la Verdad, 2010).

The direct association of Colombians with increasing crime figures in certain areas of the country, especially in the cities along the border with Colombia, was common especially during the last decade of the research period. By 2002 there were 789 women versus 7.925 men behind bars in the country. Of those imprisoned for drug related crimes 70% were women and 46% of these female prisoners were Colombians. In the case of men only 27% were Colombians (Rivera Vélez, 2005). Authorities throughout the years identified crimes such as: contract killings, human trafficking, kidnapping, drugs, arms, and cars' trafficking as particularly common in the border with this country. This association brought about what others have called the "colombianization of violence" or the perception of an inevitable expansion of the violence in Colombia to Ecuador (Pizarro, 2004).

With the idea of protecting the border from the violence that prevailed in the neighboring country and with the aim to avoid being "contaminated by the dynamics of drugs and arms trafficking and their underground economies" (Salcedo, 2014, p. 103), Ecuador carried out more rigorous controls at the border; a situation that negatively affected Colombians seeking refuge. In 2009, due to increasing criminality in the country, and within the framework of the diplomatic tensions between Ecuador and Colombia (as explained in the previous chapter), the government of Ecuador announced that every Colombian who wished to enter the country needed to present a "pasado judicial" or in other words a clean police record (Shedlin, et.al., 2014; Salcedo, 2014). This violated the Andean Community of Nations' regulations on free movement for the inhabitants of the country members within the region. Fander Falconí, former Ecuadorian foreign minister, told the media that the measure aimed at preventing criminals from entering the country and to protect the "good" Colombians

who were already recognised and protected by Ecuador ("Ecuador pedirá pasado judicial a colombianos para controlar delincuencia", 2009). Colombian authorities for their part labeled this measure as xenophobic.

"Nos preocupa que haya un tratamiento discriminatorio, estigmatizado y quizá, incluso, xenofóbico, que puede haberlo, para los colombianos en ese país (Ecuador) o en cualquier otro país", afirmó el jueves Bermúdez, al referirse a la reanudación del requisito migratorio"¹²¹ ("Ecuador pedirá pasado judicial a colombianos para controlar delincuencia", 2009).

4.1.2 Negative stereotypes, the media and the stigmatisation of Colombians

In 1999 Ecuador had registered 276 refugees (Jiménez, 2012). In 2000, after Plan Colombia was initiated, the number increased to 365. By 2007 the number was 2,806 and by 2009 it increased considerably to 25,636. The increasing presence of refugees brought about more media and political attention throughout the years. Media reports constantly attracted citizens' attention to negative aspects of Colombian migration and regularly highlighted and created a stereotyped perception of these citizens.

A study conducted in 1997, which examined the image foreigners had of Colombians, concluded that media coverage of topics associated with drug trafficking, political corruption, violence and poverty in the country resulted in a negative image of Colombians abroad (Palacio & Gosling, 1997). These associations were commonly perpetuated by the media

¹²¹ In December 2012, the Ecuadorian Ministry of Foreign Affairs informed that the "pasado judicial" was no longer a requirement for Colombians who wished to enter the country ("Ecuador ya no exige el certificado de antecedentes judiciales a los colombianos que deseen ingresar a ese país", 2012).

throughout the 1970s and 1980s and have remained so in Ecuadorian and international minds ever since.

Especially during the first years of the 21st century, the increasing presence of Colombian refugees in different cities, and not only in the border areas of Ecuador, created social distress (Salcedo, 2014 as cited in Romo Pérez, 2017). According to the United Nations High Commissioner for Refugees (UNHCR) more than 50% of Colombian refugees and asylum seekers were living in the two most populated provinces and urban centers of the country: Pichincha and Guayas in 2010 (Romo Pérez, 2017). With the increasing visibility of Colombians in big cities, the media and the political discourse began to strongly associate their presence with the increasing levels of crime and insecurity (Romo Pérez, 2017). This situation affected public perceptions regarding the arrival of those Colombians seeking refuge (Salcedo, 2014).

The Ecuadorian media has frequently portrayed Colombian male refugees and some immigrants as the leaders of criminal organisations, engaged in drug crimes, money laundering, and hired killings, while Colombian women have often been associated with sex work (Andreotti Vélez, 2009; Ospina, Santacruz, & Vallejo, 2012; Shedlin et.al., 2014; Romo Pérez, 2017). Several media and political prejudices are rooted in the imaginary of many Ecuadorians, including law enforcement officials (Salcedo, 2014).

Due to the increasing presence of Colombians in Ecuador, and increasing levels of crime in the country, between 2009 and 2010 the media devoted considerable attention to the relationship between Ecuador and the neighboring country of Colombia. More specifically, it put emphasis on three different issues (Shedlin, et. al., 2014). The first two were: the break-up of diplomatic relations between both countries, and the adoption of the 2008 Ecuadorian Constitution, which broadened the guarantees of those citizens- nationals and foreigners- living within the country (Shedlin, et. al., 2014). The third matter of interest for the media

was the “registro ampliado” (Enhanced Registration Project) initiated in March 2009 (Shedlin, et. al., 2014). This government project was intended to facilitate the recognition of Colombians who had fled the conflict, and who were already living in Ecuador but who were unknown or unregistered (Celi, 2015; "Registro Ampliado: una operación sin precedentes en América Latina", 2010.).The political project lasted one year and did not cover those refugees living in inner cities (Salcedo, 2014). According to Salcedo (2014), strong criticism of the project by the media and certain politicians, who associated the increasing and now “legal” presence of Colombian refugees to the increasing levels of crime and violence in Ecuador, ruled out completely the application of the “Registro Ampliado” in other areas of the country (Salcedo, 2014).

Previous studies have identified various ways in which the media depicted Colombian immigrants in the national and international press, especially since 2009. Celi (2015) for example, classified into six categories the treatment media gave to the migration of these citizens to Ecuador: 1) The victim, 2) the threat, 3) political tension, and 4) statistics were seen as the most common. The two other categories were 5) information, and 6) empowerment, which appear in the press to a lesser extent. According to Celi (2015), although the Ecuadorian newspapers prioritised the use of statistics when referring to Colombian immigrants and refugees, and also often used the victim category, it was common to find their depictions of threat and crime in *El Comercio* and *El Universo*, two of the newspapers with the widest circulation in the country. News headlines associating violence and crimes with Colombians in national and international press were far from uncommon. These associations shaped the image Ecuadorians had of Colombians living in the country, and resulted in many negative stereotypes, prejudices and discrimination against this population, especially of those who were in a more vulnerable situation, such as prisoners (Parra, 1996), refugees and undocumented individuals (“Miedo y discriminación al llegar a Ecuador”, 2004; Ayala,

2007), who constantly complained about the discriminatory treatment they suffered by civil society and criminal justice system officials.

Moreover, previous academic and social research conducted in Ecuador, as well as media publications have shown the negative experiences Colombian women and men have had when interacting with Ecuadorian police officers (Andreetti Vélez, 2009; Ospina et al., 2012; Salcedo, 2014; Romo Pérez, 2017). Many of these negative interactions have been accompanied by acts of discrimination linked to the stereotypes police officers have of Colombians (Romo Pérez, 2017).

Although the automatic association of criminality with Colombians became more common after 2000, court documents demonstrate that female criminals already perceived their stigmatisation by the police in Ecuador during the 1980s. For example, Fanny, a Colombian woman arrested in 1987 expressed the following before a judge:

During one of the usual police inspections that the border police carry out, a package containing cocaine was found under one of the seats of the bus I was traveling on... Since they [the police] didn't know who were the owners of the drug... They, based on prejudices... blamed me for the ownership of the drug saying that Colombian women are prostitutes, thieves or criminals.

Fanny spent 11 months in prison and then was released after her lawyer began the habeas corpus process. María Lucía experienced a similar situation in 1993. She was arrested and later incarcerated for drug trafficking. According to her sentence document, she claimed that law enforcement agents tended to generalize and categorize Colombians and that they believed that all Colombians were drug traffickers. She also claimed to be innocent of the crime. Similar police incidents and cases of discrimination were encountered in the female prisoner files of Colombian women arrested by the police in 1980, 1982, 1991, 1994, and 1998 and were reported by all the Colombian women arrested since 1992 and who were

interviewed for this research project. The results of the interviews with minority female inmates- including Black and Colombians- will be presented below.

4.2 Intersectionality and minority-women accounts of police deviant behaviour

The results of this chapter show that female offenders who interacted with the police in Ecuador underwent diverse experiences of mistreatment, discrimination, abuse, but also of privilege. Their experiences were to some extent shaped by their social location, during the arrest or while in police custody.

Among all the interviewees, 20 assured the author that they were victims of verbal abuse. Among these 20 women, 7 were foreigners and the rest were national citizens. Among the national citizens 4 were women of color. Five of the 7 foreign prisoners came from Colombia. Nine female prisoners out of 51 in the sample said they were victims of physical abusive practices perpetrated by the police. Of these, 3 were of Colombian nationality and 2 were women of color. A high number of women in the sample (45) described irregularities occurred during their time with the police.

4.2.1 The interactions between Colombian immigrant and refugee women with the police.

Among all the women interviewed, Colombian refugees and immigrants stood out due to the fact that they always reported negative interactions with the police in Ecuador. Their marginalised position in society made them suitable targets for different police deviant actions. Their nationality as well as other social identities, such as gender, class, and sexual orientation, shaped their experiences with the police. Out of 51 female offenders in the sample, all seven Colombian interviewees experienced at least one form of police deviance,

ranging from police sexual misconduct, torture, discrimination, and extortion. They were abused verbally, physically or both, and/or were affected by the irregularities which occurred while in police custody.

The case of Lily is an example. She was arrested for murder, an alleged contract killing, together with Carolina, her Colombian flatmate. Both were under the age of 25 years when arrested. During those days, this woman's application for refuge was being processed. She talked about feeling discriminated against and criminalised by citizens as soon as she entered Ecuador (Romo Pérez, 2017).

Every country has good and bad people, but people normally generalize. If you are a Colombian woman [living in Ecuador] people believe you are a prostitute . . . [as such, you] hear indecent proposals, offers, and awkward questions e.g. "In which brothel...or street do you work? . . ." If you are a Colombian man you are labeled as a drug dealer or a hired killer . . .

Her testimony demonstrates that intersecting gender and nationality stereotypes shape the profile of Colombian male and female offenders (Romo Pérez, 2017). For example, Colombian men are associated with drug offenses and hired killings while women are associated with sex work (Romo Pérez, 2017). Previous studies have noted that this association of Colombian women with prostitution puts them in a more vulnerable social location where they are more likely to experience sexual misconduct by police and other parties (Andreotti Vélez, 2009; Ortega & Ospina Lozano, 2012; Viviel Castellanos, 2006; Romo Pérez, 2017).

Moreover, Lily reported that she and Carolina were confronted by a series of police deviant actions soon after they were arrested. She remembers that both policemen treated them as if they were guilty without enough evidence of their participation in the criminal act. She sees

the cops' behaviour as a clear indication of criminalizing herself and her compatriot simply for being persons of Colombian origin. Later, other identities of Lily intersected producing different and often negative results in that context.

Two police officers from the Grupo de Apoyo Operacional. . . who knew nothing about us, called us murderers and told us, “you Colombians come to Ecuador to do what you can't do in your country” . . . To them... we were guilty of murder... just because of our nationality. Carolina was taken to another room... I heard her scream...when they were torturing her . . . they kept beating my ribs and my body...In that way they were trying to force me to confess that I killed the man who was found dead. . .

She remembers that she and Carolina were frequently called prostitutes, and because the police officers associated them with that profession, they felt empowered to make unwanted sexual advances to her flatmate (Romo Pérez, 2017). In response to this situation, Lily decided to confess that she was not a prostitute because she was a homosexual woman. With regard to that she said,

When they said I was a hooker who allegedly killed one of my customers [the victim], I felt the need to highlight that I am a lesbian. I said I don't like men... to them, they said, I was repulsive ... Carolina wasn't raped but she was sexually harassed by them . . .

It is clear that, although the policemen seemed to disapprove her sexual orientation, making that confession allowed her to avoid being sexually harassed by them. They actually told her that she was disgusting (Romo Pérez, 2017). On the contrary, the intersection of Caro-

lina's gender and nationality placed her in a position where she experienced police sexual misconduct.

When asked to describe her general perceptions of the criminal justice system, intersections of gender and nationality emerged as crucial to her views. Lily said:

“Simply because we are women and we are Colombians we are treated as prostitutes and called prostitutes. With Colombian women they (Ecuadorian policemen) would do whatever they want, with men it is different because they fear reprisals. They are afraid of doing something to Colombian men...”

In her view the intersection of her nationality and gender automatically placed her in a more disadvantaged position than her male counterparts. She was not only discriminated against because of her nationality, but also because she was a woman. Being a Colombian woman meant, for the officers, she was a prostitute and it also meant she did not comply with the expected behaviour and lifestyle corresponding to her gender. As seen above, previous studies have noted that women receive special treatment in exchange for displaying behaviours appropriate to their gender role in society. This is better explained as follows: “when law enforcement officials such as police officers, prosecutors and judges, most of whom are male, interact with female violators, the encounter is transformed into an exchange between a man and a woman” (Visher, 1983, p. 6). In this situation, “appropriate gender behaviours and expectations may become more significant than strictly legal factors in the official sanctioning of female offenders” (Visher, 1983, p. 6). In fact, if women fail to behave according to traditional female roles, and this bargain is broken, chivalrous treatment is also over (Chesney-Lind, 1978). Although Lily did not mention having an aggressive behavior toward police agents, they used verbal and physical violence with her, and this might be related to the fact that policemen perhaps thought she was a not a respect-

able woman because she was involved in prostitution and she was associated with a violent crime.

Lily used to work as a waitress despite having a degree in law from her country. Her legal status in Ecuador did not allow her to practice her profession. After her arrest she believed her legal knowledge was going to work in her advantage, but the opposite occurred. She said:

My education was another reason for them to make fun of me... When I emphasised that I knew my rights because I had a law degree and worked as a lawyer in my country... they took it as a joke... they said “oh the doctorcita who came to prostitute herself... to work in a chongo [brothel] and to kill whoever man crosses her path”... For that reason I stopped saying that I was a lawyer because I felt things worked better for me when I stayed quiet...

As can be seen, Lily tried to resist victimisation by showing her knowledge of procedural guidelines and human rights. Telling the officers about her education background did not work in her advantage though, instead officers found it as another reason to verbally offend her. Lily's case demonstrates how a person's different intersected identities can result in serious forms of victimisation by the police. Although her level of educational attainment could have worked in her favor, in her case her sex and nationality were more significant for police officers, who did not stop associating her with prostitution, and blaming her for a contract killing. In response to the extra mistreatment from police officers linked to her education, she protected herself by keeping quiet.

Conversely, Blanca (Ecuadorian), a woman arrested and incarcerated for drug trafficking in 2008 with her ex-partner, claimed that when arrested her husband was treated worse than her because he is a man and a Colombian national.

I had to collect a bag at the bus terminal... I was supposed to deliver the bag to my ex (who she hadn't seen for a long time but who introduced her into the business), and as soon as I delivered the bag (with drugs) to my ex-partner, the anti-drug police force arrived and they threw my ex on the floor... I told them not to punch him because I was the one who was carrying the bag. I insisted. I asked them, 'why do you hit him?... He is a Colombian', so they said...um...something like, 'you Colombians come to our country to do your things...' I insisted that the bag was mine, so one (police officer) replied, 'don't worry lady you will also come with us', so I got into the car. I think the police are more lenient with women than with men. When we were in the car (on their way to Antinarcóticos) they handcuffed him but they did not handcuff me...

Blanca thought that because she is a woman the police were not going to mistreat her. She also believes that her ex was the target of the police, even when she, herself, admitted to the crime. Blanca assumes a more privileged position than her ex because her social identities such as gender and nationality – being an Ecuadorian woman - allowed her to feel safer in that context. Blanca pointed out that as soon as her ex was out of the picture, (he was sent to prison first) one agent tried to make sexual advances to her. She also reported that when in police custody police officers made fun of her when she claimed innocence:

“They told me like, yes sure, you lived with a Colombian and you are innocent, sure, sure...”

In this particular context she did not have a privileged position anymore; she became just another who faced improper sexual advances. She was also judged by her relationship with a Colombian national, and therefore seen as guilty of the crime committed.

Another case was reported by Nuria, a Colombian arrested in 2003. She was a mother and a widowed, whose husband was killed by paramilitaries during the conflict in Colombia.

Driven by her daughter's health issues and her difficult economic situation, she decided to smuggle drugs when crossing the border to Ecuador, without expecting to find herself as a victim of police misbehavior. She believed her negative experience was related to the combination of two of her identities: her nationality and sex/gender.

I think that due to the fact that you are a Colombian woman you are in a lose-lose situation... They made me get naked, there was a policewoman in there, but the policemen were also there [watching]... There was a cop who was constantly bothering me... he did some sexually explicit gestures to me, vulgar gestures, despite asking him to leave me alone... [Once in a police detention cell] police officers threw water to us [Colombians] when we did not want to sweep the floor, and they said we were a bunch of criminals...

Nancy's testimony reveals that in her perception being a Colombian woman entailed a number of disadvantages mostly related to unwanted sexual advances and less serious forms of police sexual misconduct. She made a connection between the intersection of her sex /gender and nationality, and her negative experiences with male cops. Despite having a policewoman doing the body search after her arrest, policemen did not feel the need to leave the room, and watched her during the process. Moreover, despite asking a cop to stop making vulgar gestures to her, he continued. She believed that the lack of consideration and respect shown by the officers during the arrest were related to the fact that she was a Colombian woman, two identity patterns that together, as described above, were linked to prostitutes or the idea of "easy women".

All the previous cases show that instead of being passive agents, who did not try to enhance their situation while under police custody, these women tried to resist victimisation in different ways and depending on the situation they were in. In the first case, Lily not only tried

to avoid being blamed by the crime by explaining the officers that she was not a prostitute who killed a client because she did not even like men, but also emphasised her knowledge of the law and her rights. In some cases the strategies developed by her to survive the situation did not work as expected, but she continued to look for the best way to handle the cops., Nancy constantly asked an officer to stop making sexual explicit gestures to her while in custody, and although he did not stop doing these, his behaviour did not escalate to a more serious form of police sexual misconduct, which might be related to the fact that she made it very clear that she was not going to engage in any sexual activity with the cop.

4.2.2 Black women and their interactions with the police.

Seven women in the sample identified themselves as Afro descendants or mulattas. Only one of these women reported a positive experience with the police. The other 6 said they faced discrimination by the police because of their racial/ethnic background and its interconnection with their other identity aspects. They also experienced various forms of police deviant actions. For example, Alexa, one of the youngest offenders, said,

I've been arrested 4 times during these four years... I needed the money . . . I had to take care of my son and my siblings... I used to steal from bus passengers and once when a cop saw me, he pulled my hair, pushed me to the wall and wanted to search my body. I resisted, so he...slapped me in the face... They generally tell you things like "Black whore . . . we will burn you."

In addition Alexa said,

I've seen a lot of discrimination against people because of the color of their skin. I've robbed with white girls and police officers would tell them in front of

me “do not hang out with this Black whore” . . . One time when I was alone in a police cell a cop told me that if I would have sex with him he would let me go. I said no, I am not going to have sex with you. He wanted to touch me and then I asked him to leave me alone... I threatened him with throwing something at him . . . Later he punished me by not letting me use the bathroom... I remember I used a few plastic tubs I found in my cell . . .

The policeman, that Alexa described, tried to have on-duty consensual sex with her. In order to convince her, he offered her certain “privileges”. Aware of his authority and more privileged position in that context he set the conditions of the negotiation. Alexa’s identities—a poor, young, Afro-Ecuadorian woman—on the other hand, made her a suitable target for police discrimination and harassment. She was not only discriminated against because of the color of her skin, but her identities and the fact that she was alone, placed her in a position where she was a convenient target for police sexual misconduct.

When Alexa refused the officer’s sexual advances, she was punished. It seems that, when certain policemen feel rejected or challenged by female detainees they may seek revenge.

In such situations, however, each female offender might express some form of agency (Romo Pérez, 2017). This young girl for example, decided to use plastic tubs as a toilet, instead of accepting the cop’s sexual advances.

Mixi, a woman over her twenties, was convicted of murder. She was born in a Guayaquil, a coastal city of Ecuador and identified herself as mulatta. The woman shared:

While in police custody, they told me I was going to die as soon as I was released because of what I did. They threatened me, threw me water and did not give me anything to eat... they called me murderer... There were more

“serranos”¹²², so they discriminated against me... they called me fucking mona (monkey)... I escaped prison and when they (the police) recaptured me I was beaten. They insulted me and made fun of me; they even made a song about me and called me black all the time...

Mixi’s experience served to identify the discrimination of this woman based not only on her racial background, but also because she was born in Ecuador’s coastal region, since she was called “mona”. The word *mono* has a pejorative sense and is mostly used in Ecuador to refer to people of color and citizens born in Ecuador’s coastal region (Romo Pérez, 2017).

Beverly, a woman who identified herself as Afro descendant, and who was arrested when she was about 21 years old, was charged with drug trafficking after she tried to smuggle drugs at the airport. She tried to smuggle drugs from Ecuador to Europe; a continent where she was a university student. The young woman had some years of experience smuggling drugs, but this last time she got caught by the police. During her years in the business, she read a lot about her rights and cops’ procedural guidelines. She was also aware of the consequences of being a drug trafficker.

At the airport... after the arrest I kept quiet. I had to do this because the people I worked with knew where my family lived . . . They had all information. . . The cops took me to the police station... I went through some check-ups. I tested positive with a pregnancy test.... They put me under house arrest . . . Since the beginning they supported me... They read me my rights . . . In the police station he [a police officer] found me a mattress . . . When I was under house arrest, they were the first to give me some clothes for my baby . . . During my time in custody I could always count on them. . .

¹²² Police officers from the Ecuadorian highlands or sierra.

Beverly's testimony demonstrates that not all minority women are affected by police deviance. Also despite of being a young, Afro-Ecuadorian woman, her situation was quite different from that of Alexa, who had certain similar identity patterns. Beverly did not complain about the treatment she received by the police. In fact, she said she felt thankful for the consideration and kindness shown by police officers. She had read about her rights, and knew how to react in the case of being arrested. Beverly's higher educational level might have some connection to the fact that she was constantly informing herself about the possible scenarios linked to her illegal job. Her knowledge shaped her experience with the police and in that context seemed to have more importance than the intersection of her "suspicious" characteristics (young-Afro descendant-woman) (Romo Pérez, 2017). Moreover, the favorable treatment she received by the police might have been related to her pregnancy. When comparing this case with Lily's one, it is impossible not to wonder why the education of Beverly helped her with the cops, while Lily's law degree worked against her. Apparently, even when Afro-Ecuadorians are a marginalised group in the country, being a national citizen seemed to have placed Beverly in a more privileged social location than Lily. Furthermore, Lily had diverse marginalised identity aspects which combined made her a more suitable target for different forms of police deviance. Although they were arrested by two different groups of police officers, the fact that Lucy was arrested for a violent crime, and Britney was not, should also be considered when trying to understand the different behaviour of cops in those two similar situations.

4.3 Common Stereotypes among Police Officers. Exploring an additional potential motivator for likely offenders

Skolnick (1994) said that stereotyping is an essential element of the police officer's world. Deeply rooted societal prejudices against the aforementioned minorities, could have served as a motive for their mistreatment and discrimination by the police, and as a reason for the lack of serious attention to these women negative experiences with the police and the criminal justice system in the country. In this section of the chapter the common views and stereotypes among police officers will be summarised. The aforementioned minorities were associated with aggressiveness, violent crimes, and difficult behaviour by the majority of police officers (36 out of 50).

4.3.1 Police officers views of Afro descendant women.

Nicky was one of the few policewomen interviewed for this study. Nicole joined the police organisation in 2005. She shared:

Women from Esmeraldas¹²³, because they are corpulent, they feel above us . . . and will shout insults and threats. Because they are Black they are very offensive. The one I arrested was very Black, an Afro-Ecuadorian, and she was very energetic so I had to be harsher than I normally would be . . .

José R. was born on the coast of Ecuador, specifically in the province of El Oro; he identified himself as a mestizo. José became a policeman in 1993. He stated:

I think Afro-ecuadorians sometimes, because of their body composition, are more violent. You know, some of these women are more corpulent and tall, so sometimes they are like men. They are more violent and aggressive... Their ed-

¹²³ According to 2010 census data, this province has the largest percentage of people identified as Black or Afro-descendants.

ucation too...um...they are not educated...sometimes they have just basic education, so there is no collaboration, they don't think about the consequences, and on other occasions they don't even know the law...

Marlon, a policeman since 1996, also identified as a mestizo and born in the country's sierra or highlands, specifically in Loja, shared a similar perception:

“In my view, mestizas commit more crimes than Afro-ecuadorians, but when Afro-ecuadorians commit a crime they tend to be more violent when apprehended, because they are more corpulent so...I remember... when I arrested some Afro-ecuadorian women, they thought I was also Afro-ecuadorian, so they complained because they said we had the same racial background...so I shouldn't arrest them... maybe because of my skin color they thought I was from Esmeraldas but thank God I'm not!”

So far it could be noted that Afro descendants were associated with violent and uncooperative behaviour. The majority of the officers interviewed said, that these group stimulated suspicion and were more difficult to handle due to their physical appearance and body composition. Many other police officers associated this group with robbery and other property crimes. This suspicion resulted in a more severe treatment toward them. As stated above, these and most of the officers interviewed identified themselves as mestizos.

4.3.2 Exploring police officer's perceptions of Colombian citizens

Colombian nationals, especially refugees were associated with sex work and violent offenses. Police officers also believed people with this nationality were the “instructors” for the criminals in Ecuador (Romo Pérez, 2017).

Juan R. became a policeman in 2003. He shared the following:

These foreigners come here and our criminals learn from them... I can't say for sure... um...but my appreciation is that many foreigners come and...um...there are many things that didn't exist here... like the paquetazos (a type of scam), like drug trafficking, the ways to pass it on (the drug)... But not all Colombians are like that, some come here with good intentions... I think maybe 50 per cent of them (Colombians) come to teach bad habits... The Sacapintas (specialists in armed robbery) didn't exist before, so it is something that maybe came from abroad or they (Ecuadorian criminals) went abroad and learnt this, I don't know... Sicariato (contract killings)...um...we had but not like today...

Similarly, William said,

[Among foreign female offenders] we more often deal with Colombians and in the second place, Peruvians . . . Colombian women are implicated in assaults, in drug offenses. . . Since Colombians came to Ecuador . . . they practically became teachers for our criminals, like in planning the murder of individuals and things like that . . . Peruvians commit fraud . . . but the violent ones are the Colombians . . .

Roberto joined the force in 1999. He said:

Those who tend to get more involved in crime are women of color and ladies of Colombian origin . . . Colombians are associated with drug crimes and prostitution... I believe this happens because they have no other alternatives. They come to Ecuador and no one helps them, they don't have someone who will offer them a job.

As can be seen, certain officers believed that Colombian nationals were the instructors of Ecuadorian criminals. But Roberto tried to explain that Colombians get involved in illegal activities, because in his view, they do not have many options to find a job and improve their living conditions. Therefore, Colombians engage in activities which are not always legal. Most interviewees associated Colombians in the country with hired killings, drug offenses, and sex work (Romo Pérez, 2017).

4.4 Chapter Discussion and Conclusion

This chapter concentrated on examining how the intersecting identities of two groups of minority female offenders shaped their experiences during their time in police custody. The connection between officer's perceptions of these two groups of women and the treatment the latter received during the arrest and while in police custody were also analysed in this part. The intersection between these women's more marginalised socio-demographic characteristics (race/ethnicity and nationality) and others, such as their sexual identity, age, gender, education or social class, resulted in diverse, but also unique experiences of discrimination (Romo Pérez, 2017).

Those women who were members of the Black community or of the Colombian immigrants or refugees living in Ecuador, tended to stimulate police suspicion (Romo Pérez, 2017). This suspicion was linked to negative stereotypes about Colombian immigrant and refugee women, often perceived as violent criminals and prostitutes, and of Black women as aggressive, and corpulent property criminals (Romo Pérez, 2017). The associations that police officers made sometimes resulted in discrimination against these two groups of women. It could be seen that both minority groups of women complained about their victimisation by

the police. They mentioned officers' typical use of disrespectful language that stereotyped and generalised them, and instances of other police deviant actions.

A relationship was found between officers' perceptions of these women and the treatment women received during their interactions with police officers. Police officers participants verbally expressed the negative stereotypes they associated with these two minority groups, and those officers who arrested these women also expressed their stereotyped views through their deviant and discriminatory actions (Romo Pérez, 2017). In this context, it could be said that not only deep-rooted societal prejudices against these two minority groups made these women suitable targets for police deviant actions, but it also provided an extra motive for certain police officers to treat these women inappropriately. In other words, negative stereotypes linking these women to prostitution, aggressiveness and crimes could have served as a motivation for certain police officers to violate these women's rights and abuse them. The dissemination of negative stereotypes related to these groups by the media and the government discourse, also facilitated the victimisation of these individuals in the hands of the police and the general population. In a context where governmental officials, other criminal justice system agents, the media, and the civil society did not take the discrimination of these groups seriously or were prejudiced themselves, and where the public and governments tended to support an iron fist against criminals, likely offenders (deviant cops) had more opportunities to abuse, mistreat and commit crimes against these two groups of women without much regard to the consequences.

In this chapter it was also possible to identify the influence of gender when female detainees interacted with the police. It was found that any violation of traditional gender expectations by female detainees resulted in some form of revenge or mistreatment by policemen.

Among Afro descendant women, one felt thankful by the treatment she received by the police. Her education seemed to play a big role in that context, so much so that her marginalised identities were ignored by the police.

The cases presented here are not necessarily generalizable. It must be noted, however, that the majority of women in the sample (45) complained about the behaviour of the police. This might suggest that criminal suspects often deal with deviant police officers in Ecuador. More importantly, analyzing women's experiences and the reactions of police officers through an intersectional lens was and is essential to understand victimisation and resistance strategies from different social locations.

Chapter V

5.1 Conclusion

This study has demonstrated that Routine Activities Theory is a useful tool to provide a more holistic explanation of police deviance and the victimisation of female offenders by police officers in Ecuador. However, some aspects of the theory must be rethought in line of this study's findings.

It is important to note that despite Cohen and Felson (1979) mentioning that the lack of any of the elements of the theory (a capable guardian, a suitable target and a motivated offender), would be sufficient to prevent crime from occurring, this research showed that even when women were not seen by the police officers interviewed as suitable targets anymore after 2008, and despite the Public Defense Service being institutionalised in the country, women continued to report their victimisation by the police (with the exception of cases of torture) until the end of the period.

Apparently there are certain deep-rooted criminal and corrupt activities among police officers in the country that require more attention and intervention to be changed. For example, as long as certain minorities continue to be associated with criminality and violence by the media and the political discourse, and their mistreatment tolerated, chances are, the discrimination against them will continue. Also, as long as there is no external supervision in provisional detention centers run by the police, male and female detainees will continue to experience all sorts of police deviant behaviour in those places, as there is poor to zero public oversight.

This study analysed each of the three elements of the theory from a historical perspective in Ecuador. From a detailed analysis of the data within each major element, themes emerged

based on archival, official and secondary sources, as well as participants' testimonies and interviews. The study produced two different but interconnected empirical chapters.

As said before, some aspects of the Routine Activities framework should be reassessed. As it was revealed, police deviant behaviour could not be explained by only considering the three elements of the theory. In addition, it was necessary to look at each of them from a historical, social and cultural perspective. The theory by itself is not enough to explain deviant behaviour and its continuation over time, if the social, historical and cultural aspects of a particular context, in this case, of Ecuador, are not taken into consideration.

Police deviance is a persistent problem that is not exclusive to Latin America or Ecuador, but rather it exists in different contexts. By employing a Routine Activities Theory approach without neglecting the historical, cultural and social factors of a particular context, researchers on security institutions and police studies can identify most, if not all, the elements contributing to the problem and produce a broader range of prediction, deterrence and police crime prevention possibilities.

This research revealed that police illegal actions against female offenders were far from uncommon in the country during the period examined, and that this victimisation responded to the convergence of different elements in time and space: a suitable target, the absence of guardianship, and a motivated offender.

Based on the criminal history of female offenders, their certificates of conduct, as well as the interviews with police officers, it was found that the majority of women arrested in Ecuador during the period examined, did not seem to pose a physical threat to police officers. Moreover, officers also identified citizens' lack of familiarity with the law during most of the period as a source of much police abuse. In other words, many detainees did not know their rights or the procedural guidelines police officers were supposed to follow. Women therefore became suitable targets for police deviance. They became the fastest and safest

targets to secure convictions and also were seen in diverse circumstances, as sources for sexual gratification.

When exploring the inertia of targets in this study, meaning the physical capacity of the victims to resist victimisation, it was found that for women, it was more useful to resist deviant police actions through their cultural capital than through their use of physical force. The theory should consider and incorporate the different resources a person has and which can be useful to avoid her/his victimisation, instead of focusing typically on the person's physical capacity.

For minority female offenders, the risks of criminal victimisation by the police were higher. This was the case because society, government and the media to a large extent were prejudiced themselves against minority groups and either supported or tolerated their discrimination and harassment in the country.

The last chapter analysed police stereotyped views of these groups and found that there was a relation between the negative perceptions that police officers had of minority groups in the country, and the treatment they gave to those female offenders belonging to these groups. Black women and Colombians were the most affected by police officers' discriminatory actions, but also by other criminal and corrupt behaviour. These women had different intersecting identities, which either positively or negatively influenced the treatment they received by police officers.

The analysis of these women's experiences through an intersectional lens allowed the understanding of the specific challenges some women had to confront when arrested and when they were in police custody, and their specific victimisation by the police. Moreover, the use of an intersectional framework made it possible to avoid the generalisation of female offenders' experiences.

This study also covered the problem of police sexual misconduct, which has received little attention in Latin America. The analysis revealed that women were more affected by less-serious forms of police sexual misconduct than from serious-criminal ones. Although police officers admitted that these encounters were common, they tended to blame women as the initiators of sexual interactions and mostly described themselves as passive agents who occasionally fell into temptation.

Female inmates for their part suggested that in police detention centers, it was police officers who, directly or indirectly, made sexual proposals or suggestions to them, or tried to force an encounter. In police detention centers there was practically zero public oversight and supervision by the authorities. As a result, certain police officers had ample opportunities to sexually victimise women or to take advantage of their vulnerable situation by having “consensual” interactions in exchange for soap, protection or food.

Since the democratic transition in Ecuador, as well as in other recently democratised Latin American countries, crime rates rose rapidly. The penal population also increased at a rapid pace. Police officers were confronted with pressure to deliver results during the whole period under examination. Police supervisors, the government and the public demanded that the police took effective measures to eradicate the crime problem in the country. But iron fist policing approaches were not a subject of negotiation during the democratic transitions in Latin America; a situation that has affected to some extent the endurance of certain police illegal actions against criminal suspects in the region (Pereira & Ungar, 2004).

This high demand for results left police officers in a position where “noble case” corruption, perjury, extrajudicial killings, torture, forced confessions, threats, verbal and psychological abuse, as well as police sexual misconduct, were the common means to justify the ends. In other words, officers engaged in a myriad of deviant actions against offenders, with the aim of gaining results and obtaining rewards. Many officers were constantly seek-

ing individual, group and organisational gain. Some officers extorted and stole from offenders, or worked with criminal organisations with the aim of obtaining money. Others engaged in other serious offences, such as perjury, torture or abuse with the aim of securing convictions and being rewarded by the police organisation. The need for money and recognition were two clear motivators for the perpetuation of several police criminal and corrupt activities during the period examined.

During the administration of President Rafael Correa, which started in 2007, various government actions converged, giving law-abiding citizens and offenders enough tools to protect themselves from police illegal behaviour. The government concentrated its efforts on promoting the respect for, and the knowledge of, human rights by the citizenry and the police, punishing human rights violations committed by the country's security forces, deterring gender-based violence, controlling and enhancing police activities and service, and protecting priority groups in the country, including pregnant women.

Within this platform, women stopped being considered by the police officers interviewed as suitable targets, and began to be considered by them as a threat to their careers. In this research, I reflected on what police officers said, and although it might be problematic to accept their narratives as fact, I have carefully taken their perceptions as evidence of the truth. Women took advantage of the initiatives launched by the government and informed themselves about their rights and of police officers' procedural guidelines. As a result, women expanded their cultural capital and in this way began to resist any irregularity arising during their interactions with police officers. Officers perceived women's knowledge and constant usage of the law as something detrimental to their authority because, in their view, they used this content to avoid their deserved punishment and to intimidate them.

Female offenders' constant resistance to their victimisation by police officers mostly since 2007 and 2008, together with the increasing presence of capable guardians, as well as the

increasing interest of the government in punishing police human rights violations since 2010, seems to have deterred one form of police deviance: torture. As noted above, in 2010, the last year of the period examined, no women reported cases of torture during their time in police custody. This seemed to be partly the result of citizens' access to a public defender, and of the increasing intervention and interest of the public in reporting incidents of police deviance through their technological devices.. Before these years, offenders had to confront a criminal justice system and a State that, in many instances, ignored their victimisation or those who participated in it.

In this research, women were not portrayed as passive agents. Instead, the study explored women's different forms of agency to make their criminal decisions and to resist their victimisation by the police officers. Even when many offenders were affected by several forms of police deviance during the period examined, they did not passively accept their victimisation, but employed different tactics to enhance their situation in police custody. It is necessary to explore these strategies employed by victims of police criminal actions in more detail, and to stop seeing and treating victims as passive agents who do not do anything to protect themselves.

The sources used for this study allowed the identification and analysis of the pre-requisites for, and circumstances in which, the victimisation of female offenders by the police occurred in the country. It would have been useful to have had access to police reports as well, since they could have also served as a rich source of information to analyse the perceptions of police officers about the behaviour of female criminals since the beginning of the period examined. In the future, researchers should insist on obtaining access to these official sources.

A qualitative approach was chosen for this research because it allowed me to explore in detail the extent, patterns and circumstances in which police deviant actions occurred from

the perspective of both parties: police officers and female offenders. Police officers also shared a lot of valuable information about criminal and corrupt practices committed by themselves or by their fellow officers. Their narratives were seen as a rich source of information to understand their reasons to commit deviant actions and the maintenance of these activities over time. It also served to understand their perceptions of certain “naturalised” deviant activities in the force, such as consensual sex or the physical mistreatment of certain (mostly male) detainees. Their narratives also allowed me to identify how they changed their perception about their interactions with female suspects over time. Having access to police officers sharing sensitive information about their criminal and corrupt activities is a contribution that this research makes to the area of police deviance in particular, and of police studies in general. Criminologists, political scientists, scholars in fields of gender studies, history, human rights and sociology can also take the findings of this study as a reference for future research.

Usually studies about the perceptions of the police make use of public opinion polls and other similar methods, whose participants are typically law-abiding citizens who have little or no contact with police officers. By focusing on female offenders, this study took into consideration that these women had several contact points with the police and sometimes not only for several hours, but for entire days or weeks. This allowed them to become direct witnesses of police service and work. The testimonies of these women provided extensive information about the topic of police deviant behaviour in Ecuador.

5.1.2 Suggestions for future research

This study might serve as a platform to promote the conduction of studies involving female offenders and their interactions with the entire Criminal Justice System. So far, studies in Ecuador, and in most Latin American countries, on the prison population, have been con-

centrated on the experiences of male and female prisoners within the walls of the prison, whereas the interactions of offenders with police officers, prosecutors, defence lawyers, and judges have remained invisible. By studying the experiences and perceptions of offenders, researchers can broaden the knowledge on the functioning and challenges of Latin American criminal justice systems, as well as to provide recommendations to improve the problems found.

For a future research study, I would recommend conducting research on inmates' positive experiences with the criminal justice system in Latin America, to be able to identify how these positive interactions would influence the behaviour of offenders in the short and long term. This study can also encourage and serve as a reference to conduct research on police training in a historical perspective, using documents from police academies, such as manuals. An additional recommended research direction would be on the role of the public and private defender, as well as the existent challenges in the interaction between offenders and defence lawyers.

Other scholars interested in analysing police deviance, especially in the region from different perspectives, might benefit from the use of Michel Foucault's works on discourse, the concept of police culture, which has diverse contributors, among them Robert Reiner, Eugene Paoline, Bethan Loftus, and Janet Chan, or Ronald Akers' Social Learning Theory.

Bibliography

Ajzenstadt, M. (2009). The relative autonomy of women offenders' decision making. *Theoretical Criminology*, *13*, 201-225. doi: 10.1177/1362480609102879

Akers, R. L. (1998). *Social learning and social structure: A general theory of crime and deviance*. Boston: Northeastern University Press.

Alston, P. (2011). *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston: Mission to Ecuador*. United Nations General Assembly.

Alvarado Mendoza, A., & Silva Forné, C. (2011). Relaciones de autoridad y abuso policial en la Ciudad de México. *Revista Mexicana De Sociología*, *73*, 445-473.

Alvarez, W. (2015). Persecuciones étnico/raciales: Policía, jóvenes afrodescendientes y resistencia en las calles de Quito- Ecuador. Un análisis sobre la encarnación del Estado racial en el racismo cotidiano. *Áskesis*, *4*, 72-82.

Amnesty International. (2016). *Surviving death: Police and military torture of women in Mexico* (1st ed.). London.

Amnesty International (2004, November 18). *Ecuador: Broken promises- impunity in the police court system continues*. Retrieved from <https://www.amnesty.org/en/documents/amr28/018/2004/en/>

Andreotti Vélez, A. (2009). *Gender-based violence towards Colombian uprooted women in the northern borderland of Ecuador: A case of human security and securitization*. Unpublished master's thesis, Graduate Institute of International and Development Studies, Geneva, Switzerland. Retrieved from http://graduateinstitute.ch/files/live/sites/iheid/files/sites/genre/shared/Genre_docs/2342_TRavauxEtRecherches/Memoire_AndreottiVelez.pdf

Arneklev, B., Medlicott, S., & Elis, L. (2006). Testing the General Theory of Crime: Comparing the Effects of "Imprudent Behavior" and an Attitudinal Indicator of "Low Self-Control". *Western Criminology Review*, *7*, 41-55.

Arriagada, I. (2006). Desigualdades, exclusiones y discriminaciones de género en el mercado laboral de América Latina. In G. Herrera, *La persistencia de la desigualdad Género, trabajo y pobreza en América Latina* (pp. 21-48). Quito: Facultad Latinoamericana de Ciencias Sociales (Flacso).

Arturo Jarrín fue drogado en Panamá y traído a Ecuador en estado de inconsciencia. (2016, July 1). *El Telégrafo*. Retrieved from <https://www.eltelgrafo.com.ec/noticias/judicial/12/arturo-jarrin-fue-drogado-en-panama-y-traido-a-ecuador-en-estado-de-inconsciencia>

Ayala, M. (2007, November 12). Los brotes de xenofobia en Ecuador contra colombianos toman tintes preocupantes. *El Tiempo*. Retrieved from <https://www.eltiempo.com/archivo/documento/CMS-3812514>

Báez, M., & David C. 2012. "Buen Vivir, Sumak Kawsay." InterAmerican Wiki: Terms - Concepts - Critical Perspectives. http://www.uni-bielefeld.de/cias/wiki/b_Buen_Vivir_Sumak_Kawsay.html.

Barker, T. (1977). Social Definitions of Police Corruption: The Case of South City. *Criminal Justice Review*, 2, 101-110. doi: 10.1177/073401687700200210

Batchelor, S., Burman, B., Brown, J. (2001). Discussing Violence: Let's Hear It From The Girls. *Probation Journal*, 45, 125-134. doi.org/10.1177/026455050104800208

Benalcázar, P. (2016, November 8). Ecuador y la prevención de la tortura. *El Telégrafo*. Retrieved from <https://www.eltelegrafo.com.ec/noticias/punto/1/ecuador-y-la-prevencion-de-la-tortura>

Benería, L., & Floro, M. (2006). Informalización del mercado laboral, género y protección social: reflexiones a partir de un estudio en hogares pobres urbanos en Bolivia y Ecuador. In G. Herrera, *La persistencia de la desigualdad Género, trabajo y pobreza en América Latina* (pp. 141-175). Quito: Facultad Latinoamericana de Ciencias Sociales (Flacso).

Bergman, M., & Whitehead, L. (2009). Criminality, public security, and the challenge to democracy in Latin America. Notre Dame, Ind.: University of Notre Dame Press.

Brookman, F., Mullins, C., Bennett, T., Wright, R. (2007) Gender, Motivation and the Accomplishment of Street Robbery in the United Kingdom', *British Journal of Criminology* 47, 861–84. doi.org/10.1093/bjc/azm029

Brown, G. (2015). The blue line on thin ice: police use of force modifications in the era of cameraphones and youtube. *British Journal of Criminology*, 56, 293-312.

Brunson, R., & Miller, J. (2006). Gender, Race, and Urban Policing: The Experience of African American Youths. *Gender & Society*, 20(4), 531-552. doi: 10.1177/0891243206287727

Burgess-Proctor, A. (2006). Intersections of race, class, gender, and crime: Future directions for feminist criminology. *Feminist Criminology*, 1, 27-47. doi:10.1177/1557085105282899

Byers, B., & Crider, B. (2002). hate crimes against the Amish: a qualitative analysis of bias motivation using routine activities theory. *Deviant Behavior*, 23(2), 115-148. doi: 10.1080/016396202753424529

Byrne, B. (2004). Qualitative interviewing. In C. Seale (Ed.), *Researching society and culture* (pp. 179-192). London: Sage.

Caldero, M., & Crank, J. (2010). *Police Ethics: The Corruption of Noble Cause* (3rd ed.). New York: Routledge.

Calderón: habrá mano dura contra el crimen. (2006, September 22). La Jornada. Retrieved from <http://www.jornada.com.mx/2006/09/22/index.php?section=politica&article=007n1pol>

Carranza, E., Coyle, A., Isaksson, C., Christian, J., Domínguez, J., & Rodríguez, M. et al. (2009). Cárcel y justicia penal en América Latina y el Caribe. *Como implementar el modelo de derechos y obligaciones de las Naciones Unidas*. México: Siglo XXI editores.

Carrión, F. (2007). Reforma policial : ¿Realidad ineludible de una nueva doctrina de seguridad?. *URVIO - Revista Latinoamericana De Estudios De Seguridad, Editorial*, 5-22.

Carrión, F. (2008). Sicariato. *Ciudad Segura Programa de Estudios de la Ciudad. Facultad Latinoamericana de Ciencias Sociales*, 24, 2-12.

Cayó Ricardo Arturo Jarrín Jarrín. (2016, May 10). *Expectativa*. Retrieved from <http://www.expectativa.ec/cayo-ricardo-arturo-jarrin-jarrin/>

Celi, C. (2015) *Breaking News on South American Immigration: Investigating Ecuadorian and Colombian Newspaper Coverage*. Unpublished master's thesis, *Concordia University, Montreal, Quebec, Canada*. Retrieved from https://spectrum.library.concordia.ca/980410/1/Celi_MA_F2015.pdf

Chesney-Lind, M. (1978) "Chivalry reexamined: women and the criminal justice system," pp. 197-223 in L. Bowker (ed.) *Women, Crime and the Criminal Justice System*. Lexington, MA: D. C. Heath.

Coba Mejía, L. (2015). *SitiadAs: La criminalización de las pobres en Ecuador durante el neoliberalismo*. Quito: Flacso Ecuador.

Cobbina, J. E., & Morash, M. (2016). Women offenders' perception of treatment by police and courts. In C. Kruttschnitt & C. Bijleveld (Eds.), *Lives of incarcerated women: An international perspective* (pp. 126-141). New York, NY: Routledge.

Código de Procedimiento Penal 1971. Codificación s/n, suplemento 147 (Ecuador).

Código de Procedimiento Penal 1983. Ley 134 Registro Oficial 511 (Ecuador). Retrieved from <http://181.211.115.37/biblioteca/juri/LEGISLACION/CODIGO%20DE%20PROCEDIMIENTO%20PENAL.pdf>

Código de Procedimiento Penal 2000. Ley s/n, Registro Oficial Suplemento 360 (Ecuador). Retrieved from https://www.oas.org/juridico/mla/sp/ecu/sp_ecu-int-text-cpp.pdf

Código Orgánico Integral Penal 2014. Año I , Registro Oficial 180 (Ecuador). Retrieved from https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/EQU/INT_CEDAW_ARL_ECU_18950_S.pdf

Código Orgánico de la Función Judicial 2009. Ley s/n, Registro Oficial Suplemento 544 (Ecuador). Retrieved from https://www.oas.org/juridico/mla/sp/ecu/sp_ecu-int-text-cofj.pdf

Collins, P. (2000). Gender, Black Feminism, and Black Political Economy. *The ANNALS Of The American Academy Of Political And Social Science*, 568, 41-53. doi: 10.1177/0002716200568001005

Comisión Ecuémica de Derechos Humanos (Cedhu). (1986). Derechos Del Pueblo: Balance 1985, (31). Retrieved from <https://www.cedhu.org/index.php/derechospueblo/111-derechos-del-pueblo-92/file>

Comisión Ecuémica de Derechos Humanos (Cedhu). (1987). *Balance 1986: Queremos la vida, queremos la paz*. Quito: Comisión Ecuémica de Derechos Humanos (CEDHU).
 Corporación Latinobarómetro. (2004). *Informe-resumen Latinobarómetro 2004: Una década de mediciones*: Santiago, 2004. Retrieved from http://www.latinobarometro.org/LATOld/LATBD/LATBD_Latinobarometro_Informe_2004.pdf

Comisión Ecuémica de Derechos Humanos (Cedhu). Cedhu 20 años: Avances y tropiezos. (1998). Derechos Del Pueblo, (106). Retrieved from <https://www.cedhu.org/index.php/derechospueblo/34-derechos-del-pueblo-20/file>

Cohen, L., & Felson, M. (1979). Social Change and Crime Rate Trends: A Routine Activity Approach. *American Sociological Review*, 44, 588. doi: 10.2307/2094589

Comisión de la Verdad. (2010). *Informe de la Comisión de la Verdad. Sin Verdad no hay Justicia*. Quito: Comisión de la Verdad del Ecuador.

Corrupción en Policía de Ecuador, fuera de control. (2006, November 14). *ABC Color*. Retrieved from <http://www.abc.com.py/edicion-impres/internacionales/corrupcion-en-policia-de-ecuador-fuera-de-control-943928.html>

Cottler, L., O'Leary, C., Nickel, K., Reingle, J., & Isom, D. (2014). Breaking the Blue Wall of Silence: Risk Factors for Experiencing Police Sexual Misconduct Among Female Offenders. *American Journal of Public Health*, 104(2), 338-344. doi: 10.2105/ajph.2013.301513

Cruz, J. (2009). *Maltrato policial en América Latina* (pp. 1-8). Nashville: Latin American Public Opinion Project (LAPOP).

Cruz, J. (2010). *Mala conducta policial y democracia en América Latina* (pp. 1-6). Nashville: Latin American Public Opinion Project (LAPOP).

Daich, D., & Sirimarco, M. (2014). Policías y prostitutas: El control territorial en clave de género. *Publicar-En Antropología y Ciencias Sociales*, XVII.

Daly, K., & Maher, L. (1998). *Criminology at the crossroads. Feminist readings in crime and justice*. New York: Oxford University Press.

Dammert, L., & Arias, P. (2007). El desafío de la delincuencia en América Latina: Diagnóstico y Respuestas de Política. In L. Dammert & Lisa Z. *Seguridad y Violencia: Desafíos para la Ciudadanía* (21-66). FLACSO.

Dammert, L., & Bailey, J. (2005). Reforma policial y participación militar en el combate a la delincuencia. Análisis y desafíos para América Latina. *Revista Fuerzas Armadas y Sociedad*, Año 19(1), 133-152.

Darlic M, V. (1988). Estadísticas del Ecuador 1988. Quito: Instituto Latinoamericano de Investigaciones Sociales (Ildis).

De Miguel Calvo, E. (2014). Encarcelamiento de mujeres. El castigo penitenciario de la exclusión social y la desigualdad de género. *ZERBITZUAN*, (56), 75-86. doi: 10.5569/1134-7147.56.05

Diplomático expulsado dirigía CIA en Ecuador. (2009, February 22). La Prensa. Retrieved from <https://www.laprensa.hn/mundo/513333-97/diplomatico-expulsado-dirigia-cia-en-ecuador>

Donoso, J., Montalvo, D., Orcés, D., & Seligson, M. (2011). *Political Culture of Democracy in Ecuador, 2010 Democratic Consolidation in the Americas in Hard Times* (pp. 3-219). The United States Agency for International Development (USAID) and Latin American Public Opinion Project (LAPOP). Retrieved from <https://www.vanderbilt.edu/lapop/ecuador/2010-political-culture-English.pdf>

Dottolo, A., & Stewart, A. (2008). “Don’t ever forget now, you’re a black man in America”: Intersections of race, class and gender in encounters with the police. *Sex Roles*, 59, 350-364. doi:10.1007/s11199-007-9387-x

Dovidio, J., Hewstone, M., Glick, P. & Esses, V. (2010). Prejudice, stereotyping and discrimination: theoretical and empirical overview. In J. F. Dovidio M. Hewstone & P. Glick *The SAGE handbook of prejudice, stereotyping and discrimination* (pp. 3-28). London: SAGE Publications Ltd doi: 10.4135/9781446200919.n1

Duque, C. (2007). El procesamiento en fuero especial a responsables de violaciones a derechos humanos. Los fueros militar y policial. *Aportes Andinos*, 18.

Ecuador: Alfaro Vive entrega las armas. (1991, February 27). *El Tiempo*. Retrieved from <https://www.eltiempo.com/archivo/documento/MAM-32817>

Ecuador increases police and army wages. (2010, October 5). *BBC News*. Retrieved from <https://www.bbc.com/news/world-latin-america-11474446>

Ecuador pedirá pasado judicial a colombianos para controlar delincuencia, (2009, January 26). *El Espectador*. Retrieved from <https://www.elespectador.com/noticias/judicial/articulo111785-ecuador-pedira-pasado-judicial-colombianos-controlar-delincuencia>

Ecuador says expelled U.S. official was CIA operative. (2009, February 22). Reuters. Retrieved from <https://www.reuters.com/article/ecuador-usa-cia-idUSN2131245320090221>

Ecuador ya no exige el certificado de antecedentes judiciales a los colombianos que deseen ingresar a ese país. (2012). Retrieved from <http://www.cancilleria.gov.co/newsroom/news/ecuador-ya-no-exige-certificado-antecedentes-judiciales-los-colombianos-que-deseen>

EcuadorTV. (2011). *ECTV NOTICIAS-ESCUADRÓN VOLANTE/ el Banco Central del Ecuador y la empresa privada financiaron el temido "Escuadrón volante"*. [Video]. Retrieved from <https://www.youtube.com/watch?v=ZY61YmRLo7I>

Edwards, S. (2011). A short history of Ecuador's drug legislation and the impact on its prison population. In P. Metaal & C. Youngers (Eds.), *Systems overload drug laws and prisons in Latin America* (pp. 50-59). Amsterdam, The Netherlands: Transnational Institute and Washington Office on Latin America.

Ekenvall, B. (2003). Police attitudes towards fellow officers' misconduct: the Swedish case and a comparison with the USA and Croatia. *Journal of Scandinavian Studies in Criminology and Crime Prevention*, 3, 210-232. doi: 10.1080/14043850310004881

El caso Vidal cambia los procedimientos policiales. (2010, August 19). El Universo. <https://www.eluniverso.com/2010/08/19/1/1422/caso-vidal-cambia-procedimientos-policiales.html>

El espíritu de la UIES sigue en Pusuquí. (2009, September 29). *El Comercio*. Retrieved from <https://www.elcomercio.com/actualidad/espíritu-uies-sigue-pusuqui.html>

El GAO fue una fuerza letal por 13 años. (2011, June 13). *El Comercio*. Retrieved from <http://www.elcomercio.com/actualidad/seguridad/gao-fuerza-letal-13-anos.html>

El gobierno pide disculpas por racismo. (2008, June 29). El Diario. <http://www.eldiario.ec/noticias-manabi-ecuador/82842-el-gobierno-pide-disculpa-por-racismo/>

Neira, M. (2005, August 16). Embarazadas, con garantía del arresto domiciliario. El Universo. Retrieved from <https://www.eluniverso.com/2005/08/16/0001/10/CEC6ECC52C2540558568DCD96168F1EE.html>

Embry, R., & Lyons, P. (2012). Sex-based sentencing: Sentencing discrepancies between male and female sex offenders. *Feminist Criminology*, 7, 146-162. doi:10.1177/1557085111430214

España, H. (1996). *El Testigo* (1st ed.). Quito: Editorial El Conejo.

Estrella, H. (1991). La Policía Judicial (Curso Superior de Seguridad Nacional y Desarrollo). Secretaría General del Consejo de Seguridad Nacional.

- Felson, M. (1987). Routine Activities and crime prevention in the developing metropolis. *Criminology*, 25, 911-932. doi: 10.1111/j.1745-9125.1987.tb00825.x
- Fellner, J., Gimbel, W., García-Sayán, D. (1988). *Human Rights in Ecuador*. The Andean Commission of Jurists.
- Fierro, V. (1994). Ecuador: político salarial 1984-1994. *Cuestiones Económicas*, (23), 7-55.
- Finkelhor, D., & Asdigian, N. (1996). Risk Factors for Youth Victimization: Beyond a Lifestyles/Routine Activities Theory Approach. *Violence And Victims*, 11, 3-19.
- Fiscalía confirma existencia de grupo clandestino SIC-10. (2013, June 5). *El Telégrafo*. Retrieved from <https://www.eltelegrafo.com.ec/noticias/judicial/12/fiscalia-confirma-existencia-de-la-policia-clandestina-sic-10>
- Fleetwood, J. (2010). Drug mules in the international cocaine trade: diversity and relative deprivation. *Prison Service Journal*, (192), 3-8.
- Flowers, R. (1987). *Women and Criminality: The Woman as Victim, Offender, and Practitioner*. Westport, CT: Greenwood Press.
- Franklin, C. A. (2008). Women offenders, disparate treatment, and criminal justice: A theoretical, historical, and contemporary overview. *Criminal Justice Studies*, 21, 341-360. doi:10.1080/14786010802554238
- Friedrich, R. J. (1980). Police use of force: Individuals, situations, and organizations. *The Annals of the American Academy of Political and Social Science*, 452, 82-97. doi:10.1177/000271628045200109
- Gabbidon, S. L., Higgins, G. E., & Potter, H. (2011). Race, gender, and the perception of recently experiencing unfair treatment by the police: Exploratory results from an all-black sample. *Criminal Justice Review*, 36, 5-21. doi:10.1177/0734016810379904
- Gagne, D. (2015). The Siren Call of Militarization in Latin America. Retrieved from <https://www.insightcrime.org/news/analysis/explaining-appeal-militarization-latin-america/>
- Gatto, J., Dambrun, M., Kerbrat, C., & De Oliveira, P. (2009). Prejudice in the police: On the processes underlying the effects of selection and group socialization. *European Journal of Social Psychology*, 252-269. doi: 10.1002/ejsp.617
- Gerber, T., & Mendelson, S. (2008). Public Experiences of Police Violence and Corruption in Contemporary Russia: A Case of Predatory Policing?. *Law & Society Review*, 42(1), 1-44. doi: 10.1111/j.1540-5893.2008.00333.x
- Giacomello, C. (2013). Women, drug offenses and penitentiary systems in Latin America. International Drug Policy Consortium, IDPC Briefing Paper, 1-23.

Gobierno de Ecuador. (March 27, 1979). Constitución Política del Año 1979. Decreto Supremo 000, Registro Oficial 800. Retrieved from https://www.cancilleria.gob.ec/wp-content/uploads/2013/06/constitucion_1978.pdf

Gobierno de Ecuador. (August 11, 1998). Constitución Política de la República del Ecuador. Decreto Legislativo 000, Registro Oficial 1. Retrieved from https://www.oas.org/juridico/spanish/mesicic2_ecu_anexo15.pdf

Gobierno de Ecuador. (October 20, 2008). Constitución de la República del Ecuador 2008. Decreto Legislativo 0, Registro Oficial 449. Retrieved from https://www.oas.org/juridico/pdfs/mesicic4_ecu_const.pdf

Gobierno de Ecuador sólo alza 10 dólares en salarios en Ecuador. (2004, December 28). Ecuadorinmediato.com. Retrieved from http://www.ecuadorinmediato.com/Noticias/news_user_view/gobierno_solo_alza_10_dolares_en_salarios_en_ecuador--6780

Greer, C. and McLaughlin, E. (2010a), 'Trial by Media, Policing, the 24/7 Mediasphere and the 'Politics of Outrage'', *Theoretical Criminology*, 15: 23–46.

Grupo ecologista denuncia a Policía de Ecuador por racista. (2008, April 15). Ecuadorinmediato.com. Retrieved from http://www.ecuadorinmediato.com/Noticias/news_user_view/ecuadorinmediato_noticias--75905

Guerrero, F., Rodríguez, L., & Molina, C. (1995). Inmigrantes Colombianos en el Ecuador y Derechos Humanos. Quito: Conferencia Episcopal Ecuatoriana. Departamento de Movilidad Humana.

Hanashiro, O., & Pontón, D. (2006). Elementos para una reforma policial en el Ecuador. *Ciudad Segura*, 4, 4-9.

Hace dos años está cubierta la canasta básica. (2013, December 30). El Telégrafo. Retrieved from <https://www.eltelegrafo.com.ec/noticias/economia/4/hace-dos-anos-esta-cubierta-la-canasta-basica>

Hill Collins, P., & Bilge, S. (2016). Intersectionality. Malden: MA: Polity Press.

Hill, G. (1997). History, Necessity, and Rational Choice Theory. *Rationality and Society*, 9, 189-213. doi: 10.1177/104346397009002003

Hilton, J., & von Hippel, W. (1996). Stereotypes. *Annual Review of Psychology*, 47, 237-271. doi:10.1146/annurev.psych.47.1.237

Hoffman French, J. (2013). Rethinking Police Violence in Brazil: Unmasking the Public Secret of Race. *Latin American Politics and Society*, 55(04), 161-181.

Hollis, M., Fejes, Z., Fenoff, R., & Wilson, J. (2014). Routine activities and product counterfeiting: a research note. *International Journal of Comparative And Applied Criminal Justice*, 39, 257-272. doi: 10.1080/01924036.2014.973055

Informe de Penetración de la CIA en las Fuerzas Armadas y Policía Nacional (2008, May 15). Comisión de investigación de los servicios de inteligencia militares y policiales de Ecuador.

Inter-American Commission on Human Rights. (2015). *Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas*. Retrieved from <http://www.oas.org/es/cidh/informes/pdfs/violenciapersonaslgbti.pdf>

Instituto Nacional de Estadística y Censos y ONU Mujeres. (2010). Mujeres y hombres del Ecuador en cifras III. Quito. Retrieved from http://www.ecuadorencifras.gob.ec/wp-content/descargas/Libros/Socioeconomico/Mujeres_y_Hombres_del_Ecuador_en_Cifras_III.pdf

Instituto Nacional de Estadística y Censos. (2011). Reporte mensual de Inflación. Septiembre 2011. Quito: Instituto Nacional de Estadística y Censos. Retrieved from http://www.ecuadorencifras.gob.ec/documentos/web-inec/IPC/ipc-2011/septiembre-11/Reporte_Inflacion_Septiembre_2011.pdf

Jenkins, W. (2017). *A General Theory of Crime*. London: Macat International.

Jiménez, G. Vivir como refugiado. Un status que estigmatiza. (2012, July 16). *El Universo*. Retrieved from <http://especiales.eluniverso.com/otroguayaquil/vivir-como-refugiado-un-estatus-que-discrimina/>

Jiménez, D. (2016). *Las “mujeres nuevas” de Alfaro Vive Carajo: identidades de género, experiencias, historia y memoria política*. Unpublished master's thesis, Facultad Latinoamericana de Ciencias Sociales sede Ecuador, Quito, Ecuador.

Kappeler, V.E., Sluder, R.D., & Alpert, G.P. (1998). *Forces of deviance: Understanding the dark side of policing*. Prospect Heights, IL: Waveland Press.

Kessler, G., & Dimarco, S. (2013). Jóvenes, policía y estigmatización territorial en la periferia de Buenos Aires. *Espacio Abierto Cuaderno Venezolano de Sociología*, 22, 221-243.

Klein, D. (1973). The Etiology of Female Crime: A Review of the Literature. *Issues in Criminology*, 8, 3-30.

Klockars, C. (1996). A theory of excessive force and its control. In W. Geller & H. Toch, *Police Violence: Understanding and Controlling Police Abuse of Force* (pp. 1-22). New Haven and London: Yale University Press.

Koonings, K., & Kruijt, D. (2015). *Violence and resilience in Latin American cities*. London: Zed Books.

- Koppl, R., & Whitman, D. (2004). Rational-choice hermeneutics. *Journal of Economic Behavior & Organization*, 55, 295-317. doi: 10.1016/j.jebo.2003.07.006
- Kraska, P.B., & Kappeler, V.E. (1995). To serve and pursue: Police sexual violence against women. *Justice Quarterly*, 12, 85-111.
- Krause, K. (2014). Supporting the Iron Fist: Crime News, Public Opinion, and Authoritarian Crime Control in Guatemala. *Latin American Politics And Society*, 56, 98-119. doi: 10.1111/j.1548-2456.2014.00224.x
- Labott, E. (2009, February 18). U.S. protests expulsions of diplomats from Ecuador. *CNN*. Retrieved from <http://edition.cnn.com/2009/WORLD/americas/02/18/us.ecuador.diplomats/>
- Lam, Y., & Ávila, C. (2013). *Orden público y perfiles raciales: experiencias de afrocolombianos con la policía en Cali* (1st ed.). Bogotá, Colombia: Centro de Estudios de Derecho, Justicia y Sociedad, Dejusticia.
- Lee, J. (2014). Routine Activities and Crime. In *The Encyclopedia of Criminology and Criminal Justice*. Blackwell Publishing Ltd.
- Lee, H., Lim, H., Moore, D., & Kim, J. (2013). How police organizational structure correlates with frontline officers' attitudes toward corruption: a multilevel model. *Police Practice and Research*, 14, 386-401. doi: 10.1080/15614263.2011.635483
- Ley Orgánica de la Defensoría del Pueblo 1997. Ley 1 Registro Oficial 7 (Ecuador). Retrieved from http://www.oas.org/juridico/PDFs/mesicic4_ecu_org4.pdf
- Ley Orgánica del Ministerio Público 2006. Codificación 2, Registro Oficial 250 (Ecuador). Retrieved from http://www.oas.org/juridico/spanish/mesicic2_ecu_anexo35.pdf
- Ley Orgánica de la Policía Nacional 1998. Ley 109, Registro Oficial 368 (Ecuador) Retrieved from <http://www.policiaecuador.gob.ec/wp-content/uploads/downloads/2016/03/Ley-Organica-Policia-Nacional.pdf>
- LFC y las acusaciones contra los derechos humanos. (2009, January 15). *El Universo*. Retrieved from <https://www.eluniverso.com/2009/01/15/1/1355/38B422F30E474FC0A45641EADE158282.html>
- Liebertz, S. (2017). Political Elites, Crime, and Trust in the Police in Latin America. *International Criminal Justice Review*. doi: 10.1177/1057567717747012
- Lievrouw, L. (2011), *Alternative and Activist New Media*. Polity.
- Loftus, B. (2010). Police occupational culture: classic themes, altered times. *Policing and Society*, 20, 1-20. doi: 10.1080/10439460903281547

Maher, T. (2003). Police Sexual Misconduct: Officers' Perceptions of its Extent and Causality. *Criminal Justice Review*, 28, 355-381. doi: 10.1177/073401680302800209

Maher, T. (2008). Police chiefs' views on police sexual misconduct. *Police Practice and Research*, 9, 239-250. doi: 10.1080/15614260701797504

Maher, T. (2010). Police Sexual Misconduct: Female Police Officers' Views Regarding Its Nature and Extent. *Women & Criminal Justice*, 20, 263-282. doi: 10.1080/08974454.2010.490480

Miedo y discriminación al llegar a Ecuador. (2004, December 29). *La Hora*. Retrieved from <https://lahora.com.ec/noticia/1000297117/miedo-y-discriminacion-3b3n-al-llegar-a-ecuador>

Ministerio del Interior. (2018). *Análisis de homicidios en Ecuador 1980-2017*. Presentation. Quito: Ecuador. Retrieved from http://cifras.ministeriodelinterior.gob.ec/comisioncifras/documentos/Serie_Homicidios_1980-2017.pdf

Molina, C. (2012). Causas, perfiles e itinerarios hacia Ecuador [Causes, profiles and routes to Ecuador]. In C. Ortega & O. Ospina (Eds.), *No se puede ser refugiado toda la vida . . .” Refugiados urbanos: el caso de la población colombiana en Quito y Guayaquil* (1st ed., pp. 29-55). Quito, Ecuador: Facultad Latinoamericana de Ciencias Sociales (Flacso) Ecuador.

Moyer, I. (1981). Demeanor, sex, and race in police processing. *Journal of Criminal Justice*, 9, 235-246. doi:10.1016/0047-2352(81)90073-8

Mujeres en prisión. (1998). Derechos Del Pueblo. Retrieved from <https://www.cedhu.org/index.php/derechospueblo/33-derechos-del-pueblo-19/file>

Müller, M. (2016). *The Punitive City: Privatized Policing and Protection in Neoliberal Mexico* (1st ed.). London: Zed Books Ltd.

Naranjo Álvarez, K. (2015, October 5). El 40, 30% de las privadas de la libertad cometió delitos relacionados con drogas. *El Telégrafo*. Retrieved from <http://www.eltelegrafo.com.ec/noticias/judicial/13/el-4030-delas-privadas-de-la-libertad-cometio-delitos-relacionados-con-drogas>

Narcotráfico: Las leyes como las telarañas enredan al pobre, pero son rotas por los poderosos. (1991). Derechos Del Pueblo, (63). Retrieved from <https://www.cedhu.org/index.php/derechospueblo/142-derechos-del-pueblo-123/file>

Nichols, A. (2010). Dance Ponnaya, Dance! Police abuses against transgender sex workers in Sri Lanka. *Feminist Criminology*, 5, 195-222. doi:10.1177/1557085110366226

Norza, E., González, A., Moscoso, M., & Gonzáles, J. (2012). Descripción de la criminalidad femenina en Colombia: factores de riesgo y motivación criminal. *Revista Criminalidad*, 58, 339-357.

Nuevo salario básico del 2011 será de \$ 264, un alza de \$ 24. (2010, diciembre 25). *El Universo*. Retrieved from <https://www.eluniverso.com/2010/12/25/1/1356/nuevo-salario-basico-2011-sera-264-un-alza-24.html>

Ofrece Madrazo dureza contra delincuencia en Chalco. (2006, Febrero 18). *El Universal.mx*. Retrieved from <http://archivo.eluniversal.com.mx/notas/331547.html>

Ortega, C., & Ospina Lozano, O. (2012). “*No se puede ser refugiado toda la vida ...*” Refugiados urbanos: El caso de la población colombiana en Quito y Guayaquil [“Can’t be a refugee forever...” Urban refugees: The case of the Colombian population in Quito and Guayaquil] (1st ed.). Quito, Ecuador: Facultad Latinoamericana de Ciencias Sociales (Flacso) Ecuador.

Ospina, O., Santacruz, L., & Vallejo, A. (2012). Vivir en la ciudad: El proceso de inserción Sociocultural. In C. Ortega & O. Ospina (Eds.), “*No se puede ser refugiado toda la vida . . .*” *Refugiados urbanos: El caso de la población colombiana en Quito y Guayaquil* (1st ed., pp. 57-125). Quito, Ecuador: Facultad Latinoamericana de Ciencias Sociales (Flacso) Ecuador.

Parra, E. (1996, December 9). Ser Colombiano es el peor delito en la cárcel de Tulcán. *El Tiempo*. Retrieved from <https://www.eltiempo.com/archivo/documento/MAM-631934>

Paoline, E. (2004). Shedding Light on Police Culture: An Examination of Officers’ Occupational Attitudes. *Police Quarterly*, 7, 205-236. doi: 10.1177/1098611103257074

Parker, K., & Reckdenwald, A. (2008). Women and Crime in Context. *Feminist Criminology*, 3, 5-24. doi: 10.1177/1557085107308456

Pazmiño, E. (2009). *Desafíos y perspectivas para la Defensoría Pública en el Ecuador*. Defensoría Pública Del Ecuador, 124-155.

Plan Nacional de erradicación de la violencia de género hacia niñas, adolescentes y mujeres (2007) No 1109. Presidencia de la República del Ecuador.

Pereira, A., & Ungar, M. (2004). The Persistence of the “Mano Dura”: Authoritarian Legacies and Policing in Brazil and the Southern Cone. In *Latin American Studies Association International Congress* (pp. 1-34). Las Vegas: Latin American Studies Association International Congress.

Pizarro Leongómez, E. (2004). Una democracia asediada: balance y perspectivas del conflicto armado en Colombia (1st ed.). Bogotá: Editorial Norma.

Pontón, C. D. (2009). *Policía comunitaria y cambio institucional en el Ecuador*. Quito: Facultad Latinoamericana de Ciencias Sociales Ecuador.

Pontón, D., & Rivera, F., F. (2016). Postneoliberalismo y policía: Caso de Ecuador 2007-2013. *Desafíos*, 28, 213-253. doi: 10.12804/desafios28.2.2016.06

Pontón, J. (2016). “Mano dura” en Guayaquil: medios, inseguridad y populismo punitivo. *Razón Y Palabra*, 20, 186-203.

Porter, L., & Warrender, C. (2009). A multivariate model of police deviance: examining the nature of corruption, crime and misconduct. *Policing And Society*, 19(1), 79-99. doi: 10.1080/10439460802457719

Potter, H. (2015). *Intersectionality and Criminology: Disrupting and revolutionizing studies of crime* (1st ed.). Routledge.

Presidencia Constitucional de la República del Ecuador. Reglamento de la Policía Judicial (2001). Quito-Ecuador.

Primer caso de discriminación racial que trata el municipio. (2008, April 19). La Hora. Retrieved from <https://lahora.com.ec/noticia/709743/primer-caso-de-discriminacion-racial-que-trata-el-municipio>

Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority. (2008). United Nations Secretariat. Retrieved from <http://www.un.org/womenwatch/uncoordination/antiharassment.html>

Punch, M. (2000). Police corruption and its prevention. *European Journal on Criminal Policy and Research*, 1, 301-324.

Punch, M. (2009). *Police Corruption: Deviance, Accountability and Reform in Policing*. Devon: Willan Publishing.

Quah, J. (2006). Preventing Police Corruption in Singapore: The Role of Recruitment, Training and Socialisation. *Asia Pacific Journal Of Public Administration*, 28, 59-75. doi: 10.1080/23276665.2006.10779315

Rabe-Hemp, C., & Braithwaite, J. (2012). An Exploration of Recidivism and the Officer Shuffle in Police Sexual Violence. *Police Quarterly*, 16(2), 127-147. doi: 10.1177/1098611112464964

Ronald Reagan Presidential library and Museum. Remarks at the Welcoming Ceremony for President Leon Febres-Cordero Ribadeneyra of Ecuador (1986, January 14). Retrieved from <https://www.reaganlibrary.gov/research/speeches/11486a>

Registro Ampliado: una operación sin precedentes en América Latina. (2010, April 5). *Acnur*. Retrieved from <https://www.acnur.org/noticias/noticia/2010/4/5b0c21f710/registro-ampliado-una-operacion-sin-precedentes-en-america-latina.html>

Reiner, R. (2010). *The politics of the police* (4th ed.). Oxford, UK: Oxford University Press.

Renzetti, C. (2013). *Feminist Criminology*. Key ideas in criminology series. New York: Routledge.

Reuss-Ianni, E. (1983). *Two Cultures of Policing: Street Cops and Management Cops*. NJ, New Brunswick: Transaction Books.

Rios, V. (2009). The Consequences of the Criminal Justice Pipeline on Black and Latino Masculinity. *The ANNALS Of The American Academy Of Political And Social Science*, 623(1), 150-162. doi: 10.1177/0002716208330489

Rivera, F., Ortega, H., Larreátegui, P., & Riaño, P. (2007). *Migración forzada de Colombianos. Colombia, Ecuador, Canadá*. Medellín, Colombia: Corporación Región, Facultad Latinoamericana de Ciencias Sociales (Flacso Ecuador).

Rivera Vélez, F. (2011). *Inteligencia estratégica y Prospectiva*. Quito, Ecuador: FLACSO Ecuador.

Romero, S. (2008, March 4). Crisis at Colombia border spills into diplomatic realm. *The New York Times*. Retrieved from <https://www.nytimes.com/2008/03/04/world/americas/04iht-04venez.10678109.html>

Romo Pérez, A. (2017). The experiences of Black and Colombian Female Offenders with the police in Ecuador. Understanding Minorities' intersecting identities. *Feminist Criminology*, 14(3), pp. 330-348.

Romo, Pérez, A. (2018). Assessing police treatment in Ecuador: the view of satisfied and disaffected female serious offenders. *Police Practice and Research*, 19, 443-457. doi: 10.1080/15614263.2018.1428898

Reagan library. (2017). President Reagan's Remarks at State Arrival for President Febres-Cordero on January 14, 1986/State Visit Ecuador. Main camera of arrival ceremony for President Leon Febres-Cordero [Video]. Retrieved from <https://www.youtube.com/watch?v=bhQRzuEVXYw>

Ross, J. (2004). The Changing Role of the Military in Latin America. *Canadian Foundation for the Americas (FOCAL), Policy paper, 1-11*.

Rozemarijn, L. (2013). *Ronald Reagan's war on drugs: a policy failure but a political success* (Masther's thesis). Leiden University.

Ruiz Torres, M., & Azaola Garrido, E. (2014). Cuadrar el delito. Corrupción institucional y participación de policías en el secuestro en México. *Perfiles Latinoamericanos*, 22(44), 91-112. doi: 10.18504/pl2244-091-2014

Salario mínimo versus costo de la canasta básica en dólares. (2009). Retrieved from http://www.uasb.edu.ec/UserFiles/381/File/SALARIO%20MINIMO%20VITAL%20VS%20COSTO%20CANASTA%20FAMILIAR%20BASICA%201990-2009____.pdf

Salario mínimo vital y remuneraciones complementarias: valores nominal y real Percibidas por un trabajador del sector privado. (2006). Retrieved from https://contenido.bce.fin.ec/documentos/PublicacionesNotas/Catalogo/IEMensual/m1852/m1852_56.htm

Salcedo, R. (2014). *Frontiers of identity: Transnational displacement, clandestinity and conflict in the Ecuadorian-Colombian borderlands and inner cities in Ecuador* (Doctoral dissertation). George Mason University, Fairfax, VA.

Sapp, A.D. (1998). The seductions of sex. In J.P. Crank (Ed.), *Understanding police culture* (pp. 41–43). Cincinnati: Anderson.

Seligson, M., Donoso, J., Moreno, D., Orcés, D., & Schwarz-Blum, V. (2006). *Democracy Audit Ecuador 2006* (1st ed.). Quito: Vanderbilt University Latin American Public Opinion Project (LAPOP).

Sherman, S. G., Footer, K., Illangasekare, S., Clark, E., Pearson, E., & Decker, M. R. (2015). "What makes you think you have special privileges because you are a police officer?" A qualitative exploration of police's role in the risk environment of female sex workers. *AIDS Care - Psychological and Socio-Medical Aspects of AIDS/HIV*, 27, 473-480. doi: 10.1080/09540121.2014.970504

Silva, J. (2008, March 3). Ecuador breaks off Colombia ties in Andean crisis. *Reuters*. Retrieved from <https://www.reuters.com/article/us-venezuela-colombia/ecuador-breaks-off-colombia-ties-in-andean-crisis-idUSN0227633020080303>

Skolnick, J. (1994). *Justice without trial law enforcement in democratic society* (4th ed.). New Orleans, LA: Quid Pro Books.

Skolnick, J. (2002). Corruption and the Blue Code of Silence. *Police Practice and Research*, 3(1), 7-19. doi: 10.1080/15614260290011309

Shedlin, M., Decena, C., Noboa, H., & Betancourt, Ó. (2014). Sending-Country Violence and Receiving-Country Discrimination: Effects on the Health of Colombian Refugees in Ecuador. *Journal Of Immigrant And Minority Health*, 16(1), 119-124. doi: 10.1007/s10903-013-9777-9

Solis, C., Portillos, E. L., & Brunson, R. K. (2009). Latino youths' experiences with and perceptions of involuntary police encounters. *The Annals of the American Academy of Political and Social Science*, 623, 39-51. doi: 10.1177/0002716208330487

Smith, D., & Visher, C. (1981). Street-level justice: Situational determinants of police arrest decisions. *Social Problems*, 29, 167-177. doi:10.1525/sp.1981.29.2.03a00070

Spohn, C. (1999). Gender and sentencing of drug offenders: Is chivalry dead? *Criminal Justice Policy Review*, 9, 365-399. doi:10.1177/088740349900900305

Steffensmeier, D., & Allan, E. (1996). Gender and Crime: Toward a Gendered Theory of Female Offending. *Annual Review of Sociology*, 22, 459-487. doi: 10.1146/annurev.soc.22.1.459

Stinson, P. M., Liederbach, J., Brewer, S. L., & Mathna, B. E. (2015). Police sexual misconduct: A national scale study of arrested officers. *Criminal Justice Policy Review*, 26, 665-690. doi: 10.1177/0887403414526231

Swanson, K. (2013). Zero tolerance in Latin America: Punitive paradox in urban policy mobilities. *Urban Geography*, 34, 972-988.

Swartz, D. (1997). *Culture and Power: The Sociology of Pierre Bourdieu*. London: The University of Chicago Press.

Swartz, D. (2018). Cultural Capital. Retrieved from <http://www.oxfordbibliographies.com/view/document/obo-9780199756384/obo-9780199756384-0209.xml>

Tamayo, E. (2011). Ecuador: Expulsión de embajadora de EE.UU. trae cola. Alai. Retrieved from <https://www.alainet.org/es/active/45660>

Tankebe, J. (2010). Public Confidence in the Police: Testing the Effects of Public Experiences of Police Corruption in Ghana. *British Journal Of Criminology*, 50, 296-319. doi: 10.1093/bjc/azq001

Teleamazonas. (2009). Gobierno del presidente Correa, desmantela a los grupos especiales de la Policía ecuatoriana UIES/ [Video]. Retrieved from <https://www.youtube.com/watch?v=w0QNrmKZ3cg>

Tenenbaum Ewig, G. (2015). La detención policial de adolescentes en Uruguay: percepciones y experiencias. *Revista De La Facultad De Derecho*, (39), 227-258.

Terán, J. (2006). ¡Alfaro vive carajo! y la lucha por el olvido. *Ecuador Debate*, 61-76.

Terry, K. J. (2013). *Sexual offenses and offenders: Theory, practice and policy* (2nd ed.). Belmont, CA: Wadsworth - Cengage.

The United States War on Drugs. (2018). Retrieved from https://web.stanford.edu/class/e297c/poverty_prejudice/paradox/htele.html

Tonry, M. (1997). Ethnicity, crime, and immigration. *Crime and Justice*, 21, 1-29. doi:10.1086/449248

Torres Angarita, A. (2008). *Drogas, cárcel y género en Ecuador: La experiencia de mujeres "mulas"* (1st ed.). Quito, Ecuador: ABYA YALA.

The United Nations Refugee Agency (UNHCR). (2010). Ecuador. The United Nations Refugee Agency (UNHCR). Retrieved from <http://www.unhcr.org/4b0518a39.pdf>

Uies ejecutó 173 operativos en dos décadas de existencia. (2009, May 4). *El Universo*. Retrieved from <https://www.eluniverso.com/2009/05/04/1/1356/43C1CAC932184F23852C88F240BFD95C.html>

United Nations High Commissioner for Refugees. (2016). *Acnur en Ecuador*. Retrieved from http://www.acnur.org/t3/fileadmin/Documentos/RefugiadosAmericas/Ecuador/2016/ACNUR_Ecuador_2016_General_ES_Abril.pdf

United Nations Office on Drugs and Crime (UNODC). (2011). *Global study on homicide. Trends, Contexts, Data*. Vienna, Austria.

United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. (2010). *Consideration of reports submitted by States parties under article 19 of the Convention, Ecuador*.

Ungar, M. (2003). Qualitative Contributions to Resilience Research. *Qualitative social work*, 2, 85-102.

U.S. Department of State, Country Reports on Human Rights Practices. (2001). *Country Reports on Human Rights Practices: Bureau of Democracy, Human Rights, and Labor: Ecuador 2001*. Retrieved from <https://www.state.gov/j/drl/rls/hrrpt/2001/wha/8356.htm>

U.S Department of State, Country Reports on Human Rights Practices. (2010). *Country Reports on Human Rights Practices: Bureau of Democracy, Human Rights, and Labor: Ecuador 2010*. Retrieved from <https://www.state.gov/j/drl/rls/hrrpt/2010/wha/154504.htm>

U.S Department of State, Country Reports on Human Rights Practices. (2011). *Country Reports on Human Rights Practices: Bureau of Democracy, Human Rights, and Labor: Ecuador 2011 Executive Summary*. Retrieved from <https://www.state.gov/documents/organization/186722.pdf>

Vega Uquillas, V. et al. (1986-1987). *Tendencias de la criminalidad en el Ecuador, Archivos de Criminología Neuro-Psiquiatría y Disciplinas Conexas*. Quito, Facultad de Jurisprudencia, Ciencias Políticas y Sociales de la Universidad Central del Ecuador, No. 28, 3era época, Vol. XXVI. pp. 99-109

Vera Santos, R. (2014). *Dinámicas de la negritud y africanidad*. Construcciones de la afrodescendencia en Ecuador (1st ed.). Quito, Ecuador: Ediciones Abya-Yala.

Visher, C. A. (1983). Gender, police arrest decisions, and notions of chivalry. *Criminology*, 21, 5-28. doi:10.1111/j.1745-9125.1983.tb00248.x

Viviell Castellanos, A. (2006). *Las representaciones en prensa de las/os inmigrantes colombianos/as en Ecuador (2000-2004)*. Unpublished master's thesis, Programa de Estudios Políticos Facultad Latinoamericana de Ciencias Sociales (Flacso) Ecuador, Quito. Retrieved from <http://repositorio.flacsoandes.edu.ec/>

Walker, S., & Irlbeck, D. (2003). *Police sexual abuse of teenage girls: A 2003 Update on "Driving While Female"*. Omaha: University of Nebraska.

Weitzer, R., & Tuch, S. (2005). Racially Biased Policing: Determinants of Citizen Perceptions. *Social Forces*, 83(3), 1009-1030. doi: 10.1353/sof.2005.0050

White, M., Mulvey, P., & Dario, L. (2015). Arrestees' Perceptions of the Police. *Criminal Justice and Behavior*, 43, 343-364. doi: 10.1177/0093854815602501

Williamson, C., Baker, L., Jenkins, M., & Cluse-Tolar, T. (2007). Police-Prostitute Interactions Sometimes Discretion, Sometimes Misconduct. *Journal of Progressive Human Services*, 18, 15-37. doi: 10.1300/j059v18n02_03

Wortley, R., & Homel, R. (1995). Police prejudice as a function of training and outgroup contact: A longitudinal investigation. *Law and Human Behavior*, 19, 305-317. doi: 10.1007/bf01501662

Yar, M. (2005). The Novelty of 'Cybercrime' An Assessment in Light of Routine Activity Theory. *European Journal Of Criminology*, 2, 407-427.

Zambrano Pasquel, A. (1998). Ministerio Público, asistencia legal y el defensor del pueblo. *Eguzkilore*, 12, 319-338.

Zambrano Pasquel, A. (2005). *Proceso Penal y Garantías Constitucionales* (1st ed.). Guayaquil: Universidad Católica de Santiago de Guayaquil, Facultad de Derecho.

Zaplin, R. (2008). *Female offenders: Critical perspectives and effective interventions* (2nd ed.). Sudbury, MA: Jones and Bartlett.

Annex 1: Table 11 Crimes in the Penal Code committed by police officers and reported by female offenders in Ecuador

Offense in the Ecuadorian CPP	Brief description	Book- chapter- article
1.- crimes against individual freedom	including arbitrary detention, physical mistreatment, torture, abduction, and extrajudicial killings	chapter III article 180
2.- hate crimes	for example any acts of physical or moral coercion against persons due to their religion, sexual orientation, skin color, nationality, etc.	chapter added and published in Registro Oficial, supplement 555 of 24 March 2009
3.- crimes against the inviolability of the home	meaning the police and other CJS personnel, as well as civilians unlawful entry to a citizen's home	Chapter IV, article 191-196
4.- crimes concerning the testimonies/statement of accused persons and their relatives	This included confessions obtained under torture	Chapter VI, articles 203 and 204
5.- crimes against detainees and prisoners	involving their torture, holding them incommunicado, and having individuals in clandestine detention centers	Chapter VII, articles 205-208
6.- crimes concerning racial discrimination	including all violent and non-violent racist actions	Chapter VIII-A, articles 212 A-212 E
7.- "Common provisions under this title"	included any arbitrary and detrimental act against Constitutional rights and liberties ordered by a public employee or a member of the country's security forces	

8.- crime of abuse of authority and breach of duties by government officials	this included the failure to enforce and implement the law, to arbitrarily take money or other objects under their care by virtue of their position for their own benefit, steal and destroy public documents like those containing criminal proceedings, receive gratuities or payments they were not entitled to, use violence without legitimate motive and during the fulfillment of his/her functions against a person	Chapter V, articles 249-276
9.- breach of legal duty or <i>prevaricato</i>		Chapter VI, articles 277-284
10.- bribery		Chapter VII, articles 285-291
11.- the escape or <i>evasión</i>	escape of a prisoner or detainee due to the negligence or the support of the person who was in charge of supervising him/her	
12.- False testimony and perjury		Chapter IV, articles 354-360
13.- unlawful association		Title V crimes against public safety, Chapter I, articles 369-372
14.- intimidation		Chapter III, articles 377-382
15.- crimes against life		Title VI crimes against persons, Chapter I crimes against life, articles 441-462
16.- infliction of personal injury		
17.- slander		Title VII, crimes against honor, articles 489-502
18.- rape and statutory rape		Chapter II, articles 511-516
19.- Theft		Title X, crimes against property, chapter I, articles 547-549
20.- Robbery		Chapter II, articles 550-...
21.- Extortion		Chapter IV, article 557

Source: 1971 Code of Penal Procedure, with reforms until 2010.

Annex 2: English abstract

Police deviance covers all forms of illegal and unethical conduct by police. Previous research has revealed that the occurrence of police criminal and corrupt activities not only destabilizes the police organization's legitimacy, but also affects that of the State. This qualitative study analyzes in detail the circumstances in which police deviance occurred in Ecuador after the democratic transition (1979-2010), as well as the factors influencing this behaviour. The study also examines the distinct strategies employed by female offenders to resist their victimisation by the police. By taking into consideration the perspectives and experiences of both police officers and female offenders, this study demonstrates that police officers had two main motivations when engaging in this behaviour: extreme pressure faced by the police to produce results against increasing criminality in the country, and the search for individual, group or organizational gain. It also reveals that the tolerance of other criminal justice system officials for police misconduct together with the lack of an institutionalised Public Defense service which would protect offenders' rights and assist them in their defense, encouraged this behaviour. Moreover, it was found that women were seen as suitable targets for police abuse during most years of the period examined. Deep-rooted societal prejudices against certain minority women made them even more suitable targets for police deviant actions. As the end of the research period approached, officers began to change their perceptions of female suspects, and believed these became a threat to their careers. The study was based on 51 oral testimonies from female inmates and 50 in-depth interviews with police officers. The qualitative part of the research was complemented by archival information found in court documents and female prisoner's files produced between 1979 and 2010, as well as by other official and secondary sources.

Annex 3: German abstract

Police deviance enthüllt alle Formen von illegalem und unethischem Verhalten der Polizei. Die bisherige Forschung hat gezeigt, dass das Vorkommen von kriminellen und korrupten Aktivitäten nicht nur die Legitimität der Polizeibehörde, sondern auch die des Staates beeinträchtigt. Diese qualitative Studie analysiert ausführlich die Umstände, in denen *police deviance* in Ecuador nach dem Übergang in die Demokratie auftrat(en). Es werden auch die von Täterinnen unterschiedlich angewendete Strategien untersucht, die es ermöglichten der Viktimisierung durch die Polizei zu widerstehen. Unter Berücksichtigung der Perspektiven und Erfahrungen der Polizisten, als auch der Täterinnen, beweist die Studie, dass die Polizisten zwei Hauptmotivationen hatten, wenn sie in diese Verhaltensweise verfielen: Empfinden extremen Drucks, um Ergebnisse gegen die

zunehmende Kriminalität im Land zu erzielen und das Streben nach persönlichem und kollektivem Vorteil. Es zeigt auch, dass die Toleranz anderer Beamter des Strafrechtssystems für polizeiliches Fehlverhalten zusammen mit dem Fehlen eines institutionalisierten öffentlichen Verteidigungsdienstes, der die Rechte von Straftätern schützt und ihnen bei ihrer Verteidigung helfen würde, dieses Verhalten förderte. Darüber hinaus wurde auch festgestellt, dass während der meisten Jahre des untersuchten Zeitraums, Frauen als entsprechende Ziele für polizeiliche Misshandlung gesehen wurden. Tiefsitzende gesellschaftliche Vorurteile gegen bestimmten Minderheiten zugehörigen Frauen, machen diese noch empfindlicher gegenüber *police deviant actions*. Als das Ende dieser Untersuchung nahte, begannen Polizisten ihre Wahrnehmung von weiblichen Verdächtigen zu ändern und glaubten, dass diese eine Bedrohung für ihre Karriere seien. Die Studie basiert auf 51 mündlichen Aussagen weiblicher Inhaftierter und 50 ausführlichen Interviews mit Polizisten. Der qualitative Teil dieser Forschung wurde durch archivierte Informationen von Gerichtsdokumenten und Akten der Inhaftierten ergänzt, die zwischen den Jahren 1979 und 2010 generiert wurden, sowie durch andere offizielle und sekundäre Quellen.

Annex 4: List of conferences and publications

Conference Presentations and Workshops

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| 06. 2015 | Romo, Andrea. Criminalidad femenina y reacción policial en el Ecuador en el marco de la democracia (1979-2010). Una revisión histórica
X International Conference on Interdisciplinary Social Sciences
University of Split
Split- Croatia |
| 07. 2015 | Romo, Andrea. Criminalidad femenina y reacción policial en el Ecuador en el marco de la democracia (1979-2010). Una revisión histórica
Arbeitsgemeinschaft Deutsche Lateinamerikaforschung (ADLAF)
Freie Universität Berlin
Berlin- Germany |
| 05. 2016 | Romo, Andrea. Ecuadorian women in crime after 1979: Police and female offenders since the restoration of democracy
XXXIV International Congress of the Latin American Studies Association
New York- United States of America |

08. 2016 Romo, Andrea. Sobreviviendo al arresto. Mujeres detenidas y la inexplorada discriminación policial en el marco de la democracia
Catholic University of Santiago de Guayaquil
Guayaquil- Ecuador
09. 2016 Romo, Andrea. Sobreviviendo al arresto. Mujeres detenidas y la inexplorada discriminación policial en el marco de la democracia
National Institute of Advanced Studies- Instituto de Altos Estudios Nacionales
Quito- Ecuador
11. 2016 Romo, Andrea. Surviving the arrest: Exploring female detainees' perceptions of discrimination by the police
Workshop Intersektionalität in aktuellen Forschungen zur Frauen- und Geschlechtergeschichte
Technische Universität Dresden
Dresden- Germany

Academic Publications

Romo, P. A. (2017, December). The experiences of Black and Colombian female offenders with the police in Ecuador: Understanding minorities' intersecting identities. *Feminist Criminology*, 1–19. doi: 10.1177/1557085117744875

Romo, P. A. (2018). Assessing police treatment in Ecuador: the view of satisfied and disaffected female serious offenders. *Police Practice and Research*, 19, 443-457. doi: 10.1080/15614263.2018.1428898

Romo Pérez, A. (2016). Ecuadorian women in crime after 1979: Police and female offenders since the restoration of democracy Conference paper
International Congress of the Latin American Studies Association

Annex 5: Curriculum vitae of the author

For reasons of data protection, the curriculum vitae is not published in the electronic version.

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