Official Vigilantism

Rebecca Hanson[*] Dorothy Kronick[†]

December 20, 2024[‡]

Abstract

Official vigilantism, or police officers' extralegal punishment of perceived offenses, is often understood as the product of a repressive state. We show that official vigilantism can also arise in reaction to a state deemed insufficiently repressive. When criminal justice reform strengthens protections for suspects or defendants, police can turn to extralegal punishment as a substitute for newly disallowed tools of legal punishment. We investigate this dynamic in a case study. When Venezuela implemented criminal procedure reform in 1999, we find, some officers responded by killing those whom they could no longer arrest or detain. We then discuss the conditions under which rights-oriented reform can spark official vigilantism.

[*]Assistant Professor, Departments of Sociology and Criminology, University of Florida.

[†]Corresponding author, Assistant Professor, Goldman School of Public Policy, U.C. Berkeley.

[‡]Thanks to Nicolás Idrobo, Salvador Traettino, and Alessandra Sanchez for research assistance, and to Magaly Mercedes Vásquez González, Josbelk González-Mejías, and Keymer Ávila for their time and expertise. For comments, we thank Andrés Antillano, Dan Brinks, Isa Chaves, Thad Dunning, Tulia Falleti, José Luis Fernández-Shaw, Brodwyn Fischer, Marie Gottschalk, Guy Grossman, Etan Green, Steve Haber, David Hausman, Yue Hou, Ian Lustick, Jonathan Mummolo, Daniel Ortega, Liliana Ortega Mendoza, Rogelio Pérez-Perdomo, Tara Slough, Dawn Teele, Alejandro Velasco, Alex Westerfield, and workshop participants at the University of Pennsylvania, the University of Chicago, Brown, Princeton, and Columbia.

Police officers across the Americas kill thousands of people every year. In the United States, the killing of unarmed black men has sparked major protest movements. In El Salvador, even before the violent crackdown of current president Nayib Bukele, police committed nearly one-fifth of all firearm homicides; "Seven rats eliminated," began one officer's WhatsApp message, obtained by local journalists, "What joy!" (Cano and Osse, 2017; Avelar and Martínez d'Aubuisson, 2017; Economist, 2017). In Brazil, brown and black residents of major cities are often subject to lethal "police terror" (e.g. Alves, 2018; Denyer-Willis, 2015).

Punitive police violence is often seen as the product of repressive states. Weaver and Prose (2020), for example, persuasively argue that we should understand violent policing in the United States not as a deviation from otherwise democratic governance but rather as one of several expressions of longstanding and outright racial authoritarianism. In Rio de Janeiro, Magaloni et al. (2019) notes that a right-wing state government infamously instituted "bravery bonuses" for officers using lethal violence; in Mexico, Magaloni and Rodriguez (2020) describe "institutionalized police brutality," in which torture was routinely used to extract confessions. In these accounts and many others, officers act as agents of repressive principals: elected officials, courts, and regulators who seek to use the police for social control.

We argue that punitive police violence can also be a reaction to a state deemed insufficiently repressive. When elected officials, courts, or regulators strengthen protections for suspects and defendants in a criminal justice system, police officers sometimes respond by attempting to punish suspects directly. This idea is rooted in insights from a previous wave of academic literature on police killings in the Americas. Chevigny (1995), for example, observed that police officers' impatience with courts in Latin America creates "an explosive brew of state power and vigilantism" in which police "bypass the rest of the system and punish by violence" (143). He quotes a jurist in Buenos Aires: "Faced with a criminal, the police think, 'I'll punish you just in case the judges don't" (181). Skolnick and Fyfe (1993) describe a similar phenomenon in the United States, noting that police may use excessive force in order to control those "underpunished by established law" (24). We develop this argument and document evidence in support of it in a study of Venezuela.

Our theory and evidence concern a subset of police killings: those that are expres-

sions of what we call *official vigilantism*, or police officers' extralegal punishment of perceived offenses, where *offenses* refers not only to alleged crimes but also to violation of norms (following Bateson 2021). Not all police abuse of power is official vigilantism, nor is all police violence official vigilantism, a point that we develop in Section 1. Our definition does not embed a cause. Official vigilantism does often arise as the result of a repressive state, as in police support for lynching in the U.S. South (e.g. Dray, 2003, Ch. 10). We show here that it can also be a reaction against courts, politicians, or regulators whom the police deem soft on crime.

We find empirical evidence of this dynamic in studying an instructive case. In 1998, the Venezuelan legislature approved a new code of criminal procedure that strengthened protections for suspects and defendants, part of a wave of similar changes implemented across Latin America since 1995 (Langer, 2007). One of the objectives of Venezuela's new code was to curb arbitrary arrest and detention; to accomplish this, the code disallowed arrests "for investigative purposes." The restriction worked: arrests plummeted. But police chiefs, who had been consulted only cursorily during the drafting of the new code, denounced it in the press, saying that it tied their hands and favored criminals. Journalists and NGOs alleged that some officers began to use violence—including, rarely, lethal violence—to punish those whom they could no longer arrest or detain. We find evidence to support this allegation in mortality microdata and in original interviews with officers active at the time. Venezuela's new code of criminal procedure changed *de jure* rules but not *de facto* incentives for police chiefs, who faced pressure to continue "their pernicious decades-long practice of social control" (Rosales, 2001, 302). This combination sparked official vigilantism.

The general lesson from this case is that well-meaning constraints on legal punishment can induce harm, in the form of official vigilantism, when police officers face pressure to continue business as usual. In imposing such constraints in the future, then, policymakers might seek to align officers' *de facto* career incentives with the objectives of *de jure* rule changes. Otherwise, policymakers risk sparking "resistance ... in the form of many small acts of sabotage, aided and abetted by the police corporation" (Brinks, 2008, 5).

We suggest that these unintended consequences emerged in part because of the instrumental incoherence of part of the reform process. Faguet and Shami (2022) define

instrumentally incoherent institutional reforms as those that (1) change institutions (in the sense of altering the rules of the game) and (2) are implemented in pursuit of objectives that are ancillary to the reform's principal consequences (i.e., in pursuit of "side effects" rather than "main effects," to use Faguet and Shami's language). To some extent, Venezuela's new code of criminal procedure was instrumentally *coherent*: the jurists who originally conceived and drafted it indeed sought to strengthen protections for suspects and defendants in the criminal justice system ("main effects"). But the legislators and politicians who passed it also had other objectives in mind, as we discuss in Section 2. In particular, we suggest that Venezuela's new code of criminal procedure was embraced as part of a wave of institutional reform aimed at undermining the country's then-dominant political parties ("side effects").

Our study makes two contributions to the political science literature on police violence. First, we define and conceptualize *official vigilantism*, distinguishing it from other forms of abuse of police power. Second, as noted above, we establish that official vigilantism occurs not only at the behest of repressive states but also as a reaction against progressive reform. Previous work shows that police violence often occurs as a result of selection (e.g. Ba et al., 2021; Worden, 2015; Lersch and Mieczkowski, 2005) and because of incentives created by agency culture, internal directives, and/or judicial sanction (e.g. Wilson, 1968; Magaloni et al., 2019; Brinks, 2008). We highlight incentives of a different type: those arising as the unintended consequence of rights-oriented reform. In doing so, our findings also recall research that documents popular demand for repressive policing (Wacquant, 2009; Bonner, 2019; Hanson and Smilde, 2022; Gonzalez and Mayka, 2023), as well as work demonstrating the effect of public opinion and political pressure on police activity in Latin America (González, 2020).

Beyond political science, we build on police-violence research in criminology and sociology. Sherman (2018) emphasizes that de-escalation training and re-engineering dispatch—elements of what he calls system-crash prevention—may be more effective than deterrence (i.e., prosecuting officers) in curbing lethal police killings; our results similarly underscore the value of working with and within police agencies, rather than imposing rules and constraints exclusively from elsewhere in the judicial system (see also Mummolo, 2018). Jauregui (2015) studies "police vigilantism" in India, arguing

that police justify extralegal killings by seeing them as part of a "just war" on crime. We study a related phenomenon in Venezuela, focusing on how legal changes affect officers' use of this type of justification for extralegal police killings.

We also contribute to a growing empirical literature on criminal procedure in Latin America. Resonant with our finding that Venezuela's new code of criminal procedure caused a large reduction in arrest and incarceration rates, this literature finds that new codes of criminal procedure drove decarceration in Mexico (Cepeda-Francese and Ramírez-Álvarez, 2023), Chile (Tiede, 2012), Uruguay (Cattaneo et al., 2022), and Colombia (Hartmann Arboleda, 2016); that Colombia's new code caused a sharp decline in arrests (Idrobo and Kronick, 2024); and that Mexico's new code caused a large reduction in the use of torture (Magaloni and Rodriguez, 2020). To the best of our knowledge, ours is the first study to document police backlash.

Finally, our findings echo some studies of international efforts to protect human rights. Hafner-Burton (2008), for example, finds that a spotlight on specific human rights violations can induce governments to switch to other, less-scrutinized abuses. When international actors decry political imprisonment, shamed governments often release prisoners but simultaneously ramp up torture or state-sponsored killing (DeMeritt and Conrad, 2019, 142). We establish that this "repression substitution" also threatens domestic criminal justice reform. More generally, our findings emphasize the need to anticipate how armed agents of the state re-optimize in response to new rules (Eubank and Fresh, 2022; Acemoglu et al., 2020).

1 Official Vigilantism

Definition. *Official vigilantism*, or *police officers' extralegal punishment of perceived offenses*, is a specific type of abuse of police power. It is the abuse of power that occurs when officers seek to punish people for suspected crimes, perceived slights, or perceived violations of social norms. Many high-profile incidents of police abuse and extralegal police violence fall into this category. In Colombia, for example, officers illegally killed three young men who were allegedly involved in killing a police officer (BBC, 2022); in Rio de Janeiro, police execution of alleged drug traffickers is so common that it has a name: Troy, because officers routinely hide in a residence in

order to ambush the victim (Amnesty International, 2015, 47); in the United States, a police officer in Minneapolis murdered George Floyd, who was suspected of using a counterfeit twenty-dollar bill (The New York Times, 2022).

Many scholars have also documented police behavior that fits our definition of official vigilantism. Police officers in Brazil participated in death squads that emerged during the dictatorship (1964–1985) and proliferated during the transition to democracy (Huggins, 1997). These death squads left bodies in the favelas of Rio de Janeiro with notes reading "I was a thief" or "I sold drugs." Encounter killings in India, in which police officers use ostensibly spontaneous but actually planned confrontations to kill suspected criminals, are also expressions of official vigilantism. Indeed, Jauregui (2015) calls these killings "police vigilantism." Jauregui argues that encounter killings stem from officers' lack of trust in the state, from the belief that they must use lethal violence to maintain social order, and from Indian cosmologies that position officers as "polluted souls fighting for purity" as they wage a spiritual war aimed at serving "divine justice" (47). Other instances of official vigilantism, beyond those noted in the introduction, include the use of police terror in contemporary São Paulo (Alves, 2018), "state-sanctioned" police vigilantism in twentieth-century United States (Banteka, 2024; Kotecha and Walker, 1976), and the extrajudicial detention and beating of minors in Portugal (Zoettl, 2017).

Yet not all forms of abuse of police power are expressions of official vigilantism. The solicitation of bribes at checkpoints, participation in trafficking of illicit goods, kidnapping for ransom, the use of torture specifically to extract confessions, or illegal involvement in partisan election-day operations, among other activities, are forms of abuse of police power that we would not classify as official vigilantism. Similarly, many forms of police violence fall outside the category of official vigilantism. By definition, legal police violence—whether protective of public safety, as when officers use violence to protect people from an aggressor; or not protective of public safety, as in the legal killing of fleeing felons in the United States before 1985 (Sherman, 2018)—is not vigilantism. Moreover, not all extralegal police violence, or even extralegal police killings, should be seen as vigilantism. Some extralegal police killings are what Sherman calls "system crashes," in the sense that they are a form of error caused by avoidable escalation and fear, analogous to airplane crashes, surgical

errors, or nuclear power accidents; de-escalation training (Dube et al., 2023) or re-engineering dispatch (Gillooly, 2022) may be useful prevention strategies in these cases. Distinguishing official vigilantism from other forms of abuse of police power is prerequisite to studying its causes and consequences.

Policy causes. Our definition of official vigilantism does not embed a cause. Many studies across many disciplines document the ways in which repressive governments directly encourage or condone official vigilantism. When a Brazilian police chief explicitly rewards officers for punitive extralegal violence (Magaloni et al., 2019), when U.S. courts refrain from prosecuting lynching carried out by police (e.g. Wood, 2011, 192), when the Salvadoran president sends police to make arrests under a "state of emergency" declared illegal by the country's highest court (The Economist, 2023), when Rodrigo Duterte prods police in the Philippines to commit extra-judicial killings (The Economist, 2021), we see *de jure* policies meant to encourage armed agents of the state to engage in extralegal punishment of perceived offenses. These are just a few of many examples in which a repressive state drives official vigilantism.

We argue that policies meant to *restrain* police and *protect* citizens from abuse can also spark official vigilantism, for three reasons.

First, police chiefs who face incentives to punish offenders might respond to an increase in the marginal cost of legal punishment by substituting toward extralegal punishment. We would expect to observe such substitution when reform introduces constraints on legal punishment without either (a) weakening incentives for punitive policing overall or (b) strengthening sanctions for extralegal punishment.[1] Incentives for punitive policing could arise because the politicians or voters to whom police chiefs are accountable seek to reduce crime and disorder, and because police chiefs believe that punishment will deter or incapacitate offenders (and "offenders"). The same incentives arise when politicians or voters value the *appearance* of tough-on-

[1]To put the point another way, let L denote people subject to legal punishment and V denote the number of victims of extralegal punishment. Then if police choose L and V to maximize $f[L+V] - c^L(\mathrm{L}) - c^V(\mathrm{V})$, where f is concave and the cost functions c are convex, all else equal, an increase in the marginal cost of legal punishment will increase the use of official vigilantism V^*. This holds unless the reform that targets c^L also changes f or c^V. In practice, many reforms target c^L while neglecting f and c^V.

crime policing (Holland, 2013), regardless of its effects on crime or disorder; similarly, politicians seeking to minimize the electoral influence of certain groups can criminalize their behavior, prompting police to punish them (Eubank and Fresh, 2022). In the case that we study, public and political pressure did push police chiefs to punish offenders, meaning not only people who commit crimes but also people who violate certain norms (Del Olmo, 1983, 1990; Antillano, 2010; Avila, 2016; Ungar, 2003, 219). And, as analysts noted at the time, the new code of criminal procedure neither changed those incentives nor strengthened sanctions for police abuse of power, as we discuss below. The implication is that well-meaning constraints on legal punishment can induce harm when officers face pressure to continue business as usual.

Second, the imposition of new constraints from entities outside the police (such as the legislature, as in the Venezuelan case, or the courts) can induce police protest. For one thing, police agencies opposed to a reform might reason that official vigilantism could force the government to backtrack; in Venezuela, as we discuss below, there is evidence that at least one police-linked death squad explicitly threatened not to stop killing criminals until the government repealed the new code. In this view, official vigilantism is a strategy that police agencies use to pursue their preferred policies.

For another, externally imposed constraints might offend police officers' sense of independence and honor, provoking affective responses aimed at reasserting independence and restoring honor. In our case, as we document below, many officers publicly denounced the reformers' failure to consult the police while drafting or implementing the reform, which was insulting. Officers also publicly aired their resentment at the ways in which the new code tied their hands and transferred power to prosecutors. The loss of power may be felt not only as an affront but as a threat to officers' value as providers of order. Official vigilantism might then arise as a form of reaffirmation.

Third, reform can induce major shifts in the composition of police–citizen interactions (Hausman and Kronick, 2023). Imagine, for example, that reform discourages discretionary or proactive interactions (such as police stopping people for minor violations) and thereby leads police to eschew all but the most serious, dangerous encounters (such as arrests of people suspected of violent crimes). In that case, the proportion of interactions that end in police violence might increase: not only because a higher proportion of post-reform interactions might prompt self-defense, but also

because people suspected of violent crimes might be those whom the police would be most determined to punish. By a similar mechanism, the changing composition of police–citizen interactions might increase the number (not just the proportion) of interactions that spark official vigilantism. Police time previously dedicated to low-risk, discretionary interactions might be reallocated to higher-risk, unavoidable interactions, leading to more incidents of official vigilantism in absolute terms.

These three pathways by which rights-oriented reform can produce official vigilantism are not mutually exclusive, nor are they exhaustive. Rather, they illustrate the generalizable logic underlying three of the mechanisms that appear salient in the Venezuelan case.

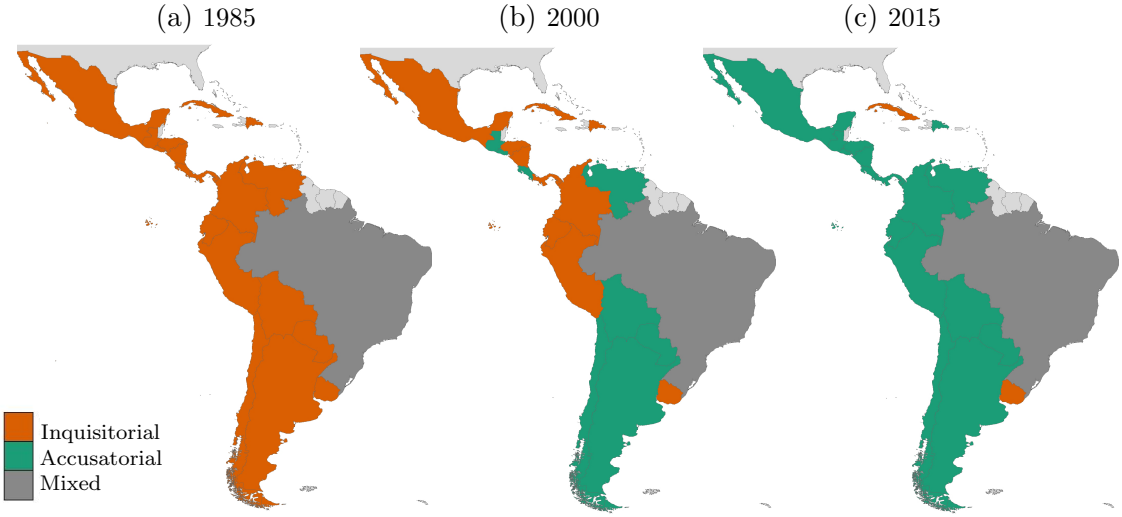
2 A New Code of Criminal Procedure in Venezuela

Background. The reform that we study was part of a "revolution in Latin American criminal procedure" (Langer, 2007): between 1990 and 2015, fifteen countries in the region replaced inquisitorial criminal procedure (typical of civil law) with accusatorial criminal procedure (typical of common law) (Figure 1). There are many differences between the two systems. Inquisitorial criminal procedure features a powerful judge—the inquisitor—who leads the investigation and then decides whether to convict; accusatorial criminal procedure removes the judge from the process of gathering evidence. In Latin America, inquisitorial criminal procedure was almost entirely written and devoid of juries; the new accusatorial codes introduced both oral proceedings and jury trials.

There is a word in Spanish that captures the spirit of the new codes: *garantista*, which might be translated as *rights-oriented*. The new codes strengthened protections for suspects and defendants in Latin America's criminal justice systems. The lawyers, judges, and legal scholars who promoted the new codes—whom Langer (2007) calls a "Southern activist expert network," *Southern* because they were from Latin America, *expert* because they were legal professionals rather than activists from outside the field—convinced local politicians, USAID, and international development banks that the new codes would foster due process, transparency, and efficiency. They also convinced a sufficient number of legislators that due process, transparency, and

Figure 1: "Revolution in Latin American Criminal Procedure" (Langer, 2007)

In 1985, nearly every country in Latin America had an inquisitorial criminal procedure; by 2000, seven countries had switched—or begun to switch—to accusatorial criminal procedure. By 2015, nearly every country in the region had an accusatorial criminal procedure.



efficiency were in the legislators' self-interest.

Venezuela's new code of criminal procedure. Venezuela's new code of criminal procedure exemplifies the regional pattern. By the 1980s, the public and jurists alike were disgusted by the corruption and inefficiency of the country's judicial system (Pérez Perdomo, 2007), which "remained a blemish on [Venezuela's] image of liberal democracy" and "crushed poor and uneducated suspects in its Kafaesque gears" (Alguíndigue and Pérez Perdomo, 2008, 2013). In the 1990s, local *activist experts*, led by the scholar and Supreme Court justice Jorge Rosell Senhenn, successfully pushed for a series of progressive reforms to the judicial system. Foremost among these changes was a new code of criminal procedure.

Venezuela's new code—passed in 1998 and effective as of July 1, 1999[2]—replaced an antiquated inquisitorial code that had been on the books since 1926 (Alguíndigue

[2]Three of the articles of the new code took effect as soon as the law passed the legislature, in January 1998: mechanisms for alternative dispute resolution (Articles 34–36), procedures for plea bargaining (Articles 376, 504, and 505), and access to exhibits for the defendant and her counsel (Article 313).

and Pérez Perdomo, 2013). The new code introduced sweeping changes. Newly empowered public prosecutors (*fiscales*) were placed in charge of investigating crimes, subordinating the investigative police to the prosecutors and removing judges from investigation entirely. The new code replaced written proceedings with oral trials; eliminated the "secret phase" of criminal procedure, requiring police to immediately inform people (and their lawyers) of the reason for arrest; established mechanisms for plea bargaining and alternative dispute resolution; and imposed new limits on pre-trial detention (USAID, 2015; Birkbeck, 2003).

Instrumental incoherence. To some extent, Venezuela's new code of criminal procedure was highly instrumentally *coherent* (in the sense of Faguet and Shami, 2022). The jurists who originally conceived of and promoted it, such as Jorge Rosell, sought to strengthen protections for suspects and defendants in the criminal justice system—which is precisely what the text of the new code did (Rosell Senhenn, 2014). Yet at the same time, *political* enthusiasm for the reform was instrumentally incoherent. Few *politicians* faced political incentives to advance the main effects of the reform (rights for suspects and defendants); if anything, politicians faced incentives to promote harsh treatment of offenders and people perceived as offenders. But the new code came to be seen as part of a wave of reform aimed at wresting Venezuelan institutions from the grip of the country's two major political parties, Acción Democrática (AD) and the Comité de Organización Política Electoral Independiente (COPEI). In this sense, we argue, it was instrumentally incoherent: the "side effects" of the new code—depoliticizing criminal courts, and thereby weakening AD and COPEI—were likely at least as attractive as the main effects of the new code.

By way of background, we note that, in late 1997 and early 1998, when the new code was under consideration in the Venezuelan legislature, the Venezuelan public—voters, intellectuals, the press—expressed tremendous anger at and rejection of AD and COPEI (Molina, 2000). This anger and rejection stemmed from the extraordinary power wielded by the small groups of men that made up the parties' central committees (Coppedge, 1994) in combination with the bad outcomes that Venezuela suffered on their watch: a dramatic economic collapse (Hausmann and Rodríguez, 2015), which sparked not only class conflict (Ellner, 2003) but consequential intra-elite battles (Gates, 2010; Kronick et al., 2023); state violence (Velasco, 2015, Ch.

7); and corruption (Seawright, 2012); among others.

The criminal justice system was seen as part of the problem of the AD–COPEI duopoly. It was controlled by the so-called "tribes of David:" networks of political influence of longtime Adeco (i.e., member of AD) David Morales Bello. This term caught on so thoroughly that the word *tribes* became shorthand not only for Morales Bello cronies but also for party control of the judicial system in general. The primary tool of party control of the courts was the appointment of allied judges; reformers proposed to address this problem not through the new code of criminal procedure itself but rather through a parallel change—promoted by the same set of jurists and legal scholars—that would mandate merit-based judicial appointments. But the old code of criminal procedure was also seen as protective of AD and COPEI power, not only by association (i.e., by the mere fact that the old code was one of the institutions of Puntofijismo) but also directly, because of the infamous secrecy of criminal proceedings. Under the new code, trials were to be oral and public; under the old code, they were written and closed. Moreover, under the old code, the nature of the alleged charge against a suspect was kept secret even from the suspect himself during the *sumario*, the first phase of criminal proceedings, during which the suspect was often already detained (Alguíndigue and Pérez Perdomo, 2008). This secrecy was seen as part of the reason that the parties were able to use criminal courts to prosecute political opponents (especially journalists), protect police and other agents of the state from conviction, and generally engage in corruption.

For these reasons, the new code of criminal procedure came to be seen as part of a broader attempt to dismantle the two-party system (or, at least, to make the parties more open and responsive). Opinion articles in one of the country's two major daily newspapers, *El Universal*, articulated this link. The head of a local development corporation wrote that the spirit of the new code was to advance toward "de-partification (despartidización) of the judiciary" (Soto, 1997), which would (in his view) make Venezuela more business-friendly and attract investors. One prominent lawyer, in an op-ed called "Justice as power," decried party influence over judicial appointments, lamented that the judicial system had become "just one more arm of the institutional machine," and linked the new code to the revitalization of democracy (Echeverría, 1998):

> An inept, dishonest, lazy judge hides more easily in darkness and secrecy, which is why the *sumario* [secret first phase of criminal proceedings under the old code] is defended to the death; the political parties' interference is extremely harmful ... the presumption of innocence will be the cornerstone of the new system, together with the efficient application of protections for suspects, imbued with an undeniable intensity and depth of justice, until justice becomes what it should really be: a true check on power, such that we restore rights to citizens and vigor to democracy. I will close by recalling Cicero's famous question: When will the political class stop trying our patience?

Another prominent lawyer, after writing hundreds of words extolling the many benefits of the new code, acknowledged that, nevertheless, the new code had enemies; inevitably, he wrote, in language that captures the strength of his enthusiasm for the new code, "Every revolution births an involution. Underdevelopment opposes progress. Darkness opposes light" (Fernández, 1998). Some enemies of the new code were acting in good faith, he felt, but others were not. The bad-faith actors were those who benefitted from the "powerful industry of corruption born in the shadow of secrecy [of the old code], that will be undermined by the transparency of oral, public trails." Among those bad-faith actors, he explicitly named the *tribes*.

A former head of the state oil company was even more direct (Sosa Pietri, 1998). He wrote that the new code was the first step toward reforming the judicial system. But reforming the judicial system faced major obstacles, in his view, of which the largest was "the current structure of the state and the habits of the traditional political parties." In the same paragraph in which he lauded the new code, he concluded that the country's biggest challenge was "the restructuring of the state and the reorganization of the political parties, or the formation of new ones."

As it happened, the slate of anti-party reforms of which the new code formed part was so effective that AD and COPEI lost power before the new code even came into force.[3] The new code was signed into law in January, 1998; that December, Hugo Chávez won the presidency by a large margin, and he took office in February, 1999,

[3]As noted above, several articles of the new code came into effect immediately upon signing (in January, 1998), but almost all of the new code went into effect the following year, on July 1, 1999.

five months *before* the implementation date of the new code (July 1, 1999). Chávez initially claimed to support the new code but quickly turned against it, promoting a partial counter-reform. One clear indication of the strength of the perceived link between the new code and anti-party sentiment appears in a deeply informed analysis of the counter-reform effort. Venezuelan legal scholars Rogelio Pérez-Perdomo and Carmen Alguíndigue, whom we quote many times throughout this article, conclude that the Chávez administration abandoned the new code "because political parties were viewed as unimportant" (2008, 114). In other words, why would Chávez support criminal procedure that constrains state power after he *was* state power? Why waste resources on anti-party reform in the wake of the collapse of AD and COPEI?

New restrictions on arrests. One of the explicit objectives of the new code was to reign in what Jorge Rosell called "police justice" (Rosell Senhenn, 1997). That the Venezuelan police had so much power—to arrest, to shape case files to their liking, and even to punish directly—was, for Rosell, "a grave flaw that leaves citizens' freedom in the hands of police, which is incompatible with democracy." Rosell focused on the problem of arbitrary arrests, noting that arrests "for priors, for 'suspicious attitude,' in raids, or simply 'because I feel like it,' without any oversight or sanction because these arrests are 'normal,' puts the lie to our claim of living in liberty." Rosell was not alone in this observation. Writing about Venezuela in the 1980s, for example, Tosca Hernández noted that "Extraordinary police operations, through the arrest of massive numbers of 'criminals,' illusorily satisfy (albeit provisionally) demands for the protection of life and property and neutralize the poor, marginalized, and exploited groups whose dissatisfaction with the system could seriously threaten the legitimacy of the existing order" (Hernández, 1991, 160).

The new code affected police powers of arrest in three ways. First, it disallowed arrests "for investigative purposes." The previous (inquisitorial) code of criminal procedure allowed police to make arrests (1) with a warrant; (2) *en flagrancia*, i.e., when someone was caught in the act of committing a crime; and (3) "for investigative purposes," which is to say, in order to facilitate the process of gathering evidence (CEC, 1962, Article 75-H). In practice, arrests "for investigative purposes" amounted to the vast majority of all arrests (Rosales, 2001); raids, or *redadas*, involving mass arrests, were part of police routine. Police officers referred to these arrests as "eight-

plus-eight" arrests, because the old code allowed suspects to be held for eight days on police discretion alone and then for an additional eight days with the sign-off of a public prosecutor. The new code of criminal procedure disallowed these arrests "for investigative purposes," restricting arrests to those with a warrant and those in which a person was caught in the act of committing a crime (CEC, 1962, Article 75-H; COPP, 1998, Articles 259–264; Vásquez González, 2017; IADB 2002, p. 6–7).

Second, the new code required officers to read suspects their rights at the moment of arrest. One journalist reporting on officers' new obligations wrote that "it sounds like something from the script of a U.S. television show about cops," but that it was actually what police were required to say when making arrests under the new code (Escalona, 1999). Third, and relatedly, an instruction manual that accompanied the new code alerted officers to the fact that neglecting to read suspects their rights, or otherwise failing to comply with the new rules about arrests, could result in sanctions or even dismissal (ibid). Fear of such sanctions, combined with lack of familiarity with the new rules, likely further depressed arrest activity.

3 Consequences of Venezuela's new code of criminal procedure

In this section, we document the consequences of Venezuela's new code of criminal procedure. First, we show that the new code sharply reduced arrest rates and the incarceration rate. Second, we provide qualitative and quantitative observational evidence that these restrictions on legal punishment caused some police officers to impose illegal punishment, including lethal violence. We interpret these results as evidence in favor of the notion that criminal justice reform can lead to official vigilantism when officers' incentives conflict with reform goals.

One inferential difficulty is that Venezuela's new code of criminal procedure entered into force nationwide on July 1, 1999. Unlike the governments of Mexico, Colombia, or Chile, among others, the Venezuelan government chose not to introduce the new code in stages (i.e., one state or region at a time), but rather all at once across the whole country. In principle, this fact poses an empirical challenge: it is often difficult to interpret changes in a single time series, not least because, in this case, the new

code was implemented in the same year that Hugo Chávez took office as president of Venezuela. In practice, however, we aim to establish that the changes in arrest, incarceration, and police killings documented in this section are clearly caused by the new code of criminal procedure.

3.1 The effect of the new code on arrest and incarceration

As a result of the new code's restrictions on powers of arrest (see previous section), the arrest rate plummeted. Figure 2 plots the number of arrests per year, before and after July 1, 1999, when the new code of criminal procedure took effect; we located these counts in Venezuela's Statistical Yearbooks, and they reflect arrest activity from all police forces in the country.[4] Prior to the new code, Venezuela's arrest rate reached 600 per 100,000 per year (similar to the arrest rate in neighboring Colombia, which was approximately 700 per 100,000 per year); in 1999, the arrest rate dropped more than 80%, to 53 per 100,000 per year. While the published counts are annual, Venezuelan criminologist Rosales (2001) located data from three quarters of 1999, showing that the arrest rate dropped between the second and third quarters—coincident with the introduction of the new code.

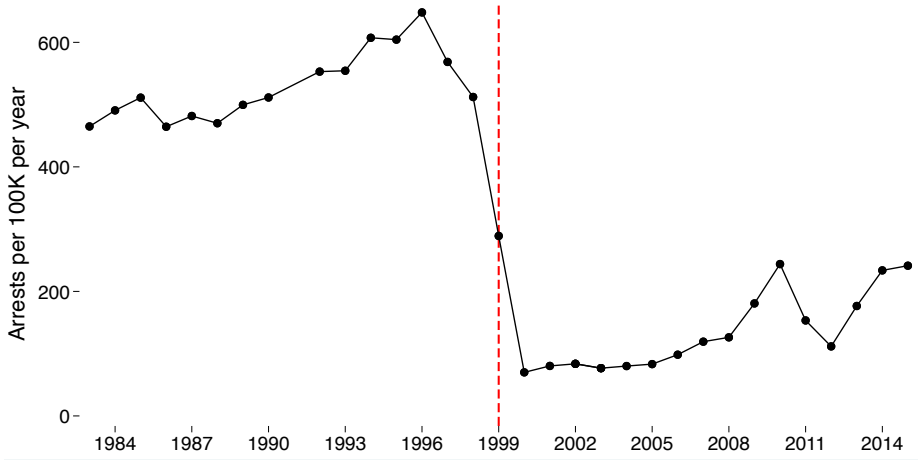
Unsurprisingly, this dramatic change was covered extensively in the contemporary press. On July 2, 1999, one day after the new code came into effect, a major daily newspaper reported that police officers "for the first time in 40 years abstained from arresting people in order to interrogate them" (Rodríguez, 1999). "Police jails emptied of prisoners," read one headline (Marín, 1999); and: "police paralysis" (Reinoso, 1998). Two weeks after the new code came into effect, one police supervisor told a reporter, "we had 800 people [here in our jail] sleeping standing up ... at this moment there are 40 left, and tomorrow I won't have even one" (El Nacional, 1999a). When we asked an officer who was active at the time of the reform whether it was possible that arrests really declined by more than 80%, he said, "No, that is not correct. The decline was 100%."

Police did not hesitate to publicly criticize the new restrictions on arrests. The head

[4]For details on how the Venezuelan national police (PTJ at the time of this reform, subsequently renamed CICPC) collate data from state and local police forces, see Kronick and González Mejías (2022).

Figure 2: Arrests Plummet When New Code Comes Into Effect

When Venezuela's new code of criminal procedure came into effect on July 1, 1999, the arrest rate dropped more than 80%. This occurred primarily because the new code disallowed arrests "for investigative purposes," which previously accounted for the majority of arrests.

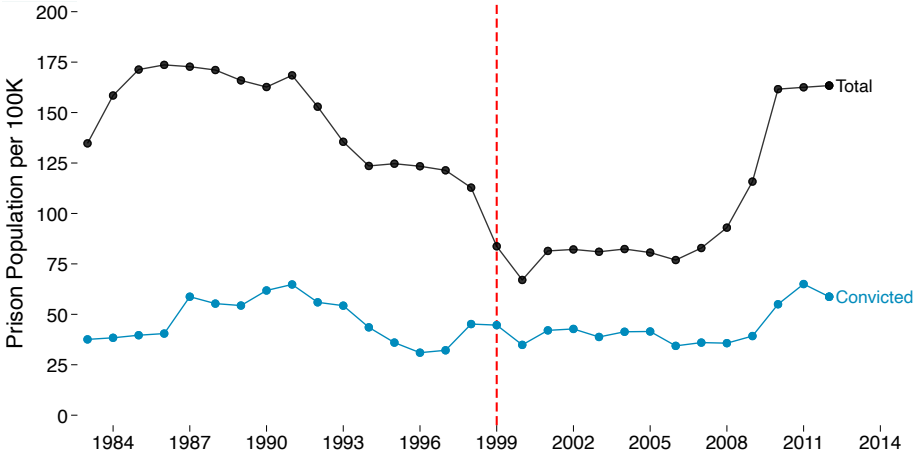


Sources: *Anuarios Estadísticos de Venezuela*, Rosales (2001), CICPC.

of the Metropolitan Police, Orlando Gutiérrez Rojas, said that the new code "has given the criminal a blank check ... Before, if a person was a suspect, you would arrest them, now you have to investigate first to arrest them. The investigation is no longer carried out and freedom is the norm" (PROVEA, 2001). José Lazo Ricardi, Commissioner of the National Investigative Police (PTJ) told the press that "This country requires *mano dura* against criminality, but the new code just provides benefits for suspects. It just brings impunity. For example, in [the disallowed period of arrest for investigative purposes] the police do important work and essentially achieve justice on their own. And now with the new code, we are minimized, we're supervised by the public prosecutors, we can't arrest anyone without permission" (Gómez, 1998). Commissioner Lazo's remark that arbitrary arrests previously allowed police to "essentially achieve justice on their own" is especially revealing; it echoes jurist Jorge Rosell's assertion (quoted above) that Venezuelans lived under a system of "police justice."

The new code also made pre-trial detention the exception rather than the rule, obligating the courts to release nearly 8,200 pre-trial detainees—without releasing convicted detainees (Figure 3). Prior to the new code, Venezuela's incarceration rate

Figure 3: New Code Drives Release of Prisoners Held Pre-Trial



Source: Anuarios Estadísticos de Venezuela; CICPC.

had been comparable to those of France, Spain, England, and Colombia;[5] for a decade afterward—until the Chávez government reinstated mass arrests beginning in 2009 (Hanson and Zubillaga, 2021)—the incarceration rate remained below 100 per 100,000, comparable only to incarceration rates in Sub-Saharan Africa and countries with very low crime rates (like Sweden). The reduction in the incarceration rate in those years was driven entirely by the release of prisoners who were awaiting trial; in that sense, this significant episode of decarceration is more analogous to the end of cash bail in certain jurisdictions than to major amnesties (as in mass pardons in Italy; Buonanno and Raphael, 2013).

Taken together, the data show that—as proponents boasted and critics decried—Venezuela's new code of criminal procedure introduced strong new protections for suspects and defendants in the criminal justice system.

3.2 The effect of the new code on official vigilantism

In the years following the implementation of Venezuela's new code of criminal procedure, local journalists and human rights NGOs alleged that it provoked official

[5]The incarceration rate had declined previously, in the early 1990s, as a result of both (1) the introduction of bail with the Ley de Libertad Provisional Bajo Fianza (1992) and (2) the move away from enforcing the Law of Vagrants and Crooks.

vigilantism. In particular, people said that some police agencies responded by killing suspects whom they could no longer arrest or imprison. We collect these statements, together with the opinions of informed Venezuelan scholars, in order to convey the hypothesis formed by contemporary local observers. We then systematically investigate this hypothesis using two types of original data: quantitative data on police killings and lethal violence, and interviews with twelve police officers who were active at the time of the reform. Both the interviews and the quantitative data support the notion that the *de jure* guarantees of the new code conflicted with police officers' *de facto* incentives, and that this conflict led to official vigilantism.

The hypothesis formed by contemporary local observers. Venezuelan journalists quickly began to report that police officials criticized the new code of criminal procedure and, in some cases, responding by attempting to punish suspects directly. In mid-August, 1999, for example, six weeks after the new code came into force, the daily newspaper *El Nacional* published a story under the headline, "The investigative police shapes the new code to its liking, making changes under the table" (El Nacional, 1999b); the story quoted the chief of operations of the national investigative police, saying that he was "putting out a call for officers to be more proactive in our responsibilities ... we simply want to take the reins."

The most direct link between the new code of criminal procedure and official vigilantism comes from the rural state of Portuguesa. In 2000 and 2001, Portuguesa police participated in death squads (*grupos de exterminio*) that were accused of dozens of murders (El Nacional, 2009). One of these death squads explicitly blamed the new code of criminal procedure "for the rise in crime that led [them] to act" and vowed not to stop killing criminals until the new code was repealed (Dep't of State, 2002).

The prominent Venezuelan editor, columnist, intellectual, and former politician Teodoro Petkoff compared the Portuguesa police to The Tag Man, a character from the wildly popular Venezuelan soap opera "Por Estas Calles" (Petkoff, 2001). The Tag Man was a police officer who killed those he deemed suspects and then hung a tag reading *irrecoverable* on the toe of each corpse.[6] Reacting to the news from Portuguesa,

[6] As an indicator of popular and political support for this behavior, when the screenwriter wrote a scene in which The Tag Man kills an innocent witness to his crimes—thereby revealing himself for the criminal he was—the network refused to air it (Petkoff, 2001).

Petkoff mentioned the new code of criminal procedure, writing that

> We have no doubt that some authorities are encouraging a policy of extrajudicial killings. There are just too many deaths in "confrontations," which seem to be less *confrontations* and more *shots in the back*. The proponents of these policies, who view the new code as "the enemy," tend to argue—with stupidity worthy of a greater cause—that those of us who defend the new code and oppose policies of "death to criminals" (not just because they are inhumane and illegal but also because they don't work) are unconcerned with the human rights of the victims. Well, in Portuguesa we have an eloquent example of what happens when the state tolerates human rights violations, when we we accept that to fight crime the state can become a criminal.

Venezuelan legal scholars and criminologists hypothesized that lethal police violence was one of the unintended consequences of the new code beyond Portuguesa. Writing in 2008, legal scholars Alguíndigue and Pérez Perdomo observed that

> The code of 1998 [the new code of criminal procedure] may have had an unintended indirect impact. The police felt that the legal reforms deprived them of the enormous power they previously enjoyed. The police could no longer imprison known criminals ... But even in cases where people were caught in flagrante delicto, the judges could set the criminals free on technicalities ... *The police responded by killing suspected criminals* rather than taking the risk that judges would free them later on procedural grounds" (emphasis added). (110)

Similarly, criminologist Andrés Antillano (2010) later wrote that the new code and related reforms "implied the reduction of the legal powers of the police (such as arrests without warrants...). This resulted in a decline in excessive use of legal power, such as arbitrary detentions and the use of torture to obtain confessions. But at the same time, there seems to have been an increase in the use of informal (and extra-legal) power by the police, such as killings (especially those in which physical force was used with the express purpose of causing deaths, or, in other words, executions)."

These statements appeared in published articles focused primarily on other topics,

not in articles substantiating these claims; for that reason, we take them as the informed opinions of scholars knowledgeable about the case, rather than as evidence in and of themselves.

To the best of our knowledge, the only systematic investigation of the relationship between restrictions on legal punishment and the imposition of illegal police punishment in Venezuela appears in Monsalve Briceño (2006). Based on interviews with fourteen police officers in Caracas, Venezuelan criminologist Monsalve Briceño concludes that the new code restricted arrest powers "that the police had used as effective substitutes for judicial punishment" and that, after the new code, officers might therefore consider it "within their competence" to directly apply punishment via physical force (14). Asked whether the police are legally responsible for applying punishment, one officer said "currently no, but before the [new criminal procedure code] yes" (Monsalve Briceño, 2009, 5). Monsalve Briceño's interviews also suggested that, if an officer were to suspect that a detainee would not be punished within the judicial system, the officer "might decide not to inform the public prosecutor and instead punish directly" (14); one interviewee told her: "I feel impotent when I see a criminal back on the street two hours after bringing him to the prosecutor" (20).

The major Venezuelan human rights groups COFAVIC (*Comité des Familiares de Victimas de los Sucesos de Febrero–Marzo de 1989*) and PROVEA (*Programa Venezolano de Educación Acción en Derechos Humanos*) also noted the police reaction to the new code of criminal procedure. COFAVIC wrote that the the police "waged war on the new system" by using the media to convince the public that the new code had increased crime (COFAVIC, 2005, 20). PROVEA noted that police had taken to conducing prolonged document checks, detaining people for long enough that the stops should be considered arbitrary detentions (PROVEA, 2001), observing that months with the highest incidence of these off-book detentions "coincide with those months in which there was more public discussion over revising [the new code], dominated by the opinion that the new code is responsible for a crime wave" (PROVEA, 2002). In their annual report for 2001, PROVEA attributed an apparent increase in extra-judicial killings (more on this below) in part to police reaction to implementation of the new code, which police officials had publicly blamed for "putting thousands of 'antisocials' on the streets" (37).

These statements from journalists, from police themselves in the state of Portuguesa, from Venezuelan scholars, and from human rights groups suggest that, given their incentives, some officers responded to the new code by engaging in official vigilantism. In the following sections, we use original quantitative and qualitative data to evaluate this hypothesis.

Quantitative data on police killings. Using quantitative data from three sources—the public prosecutor (*fiscal*), the health ministry, and the police—we find that police killings did increase when the new code of criminal procedure came into effect, likely more than doubling (from approximately 400–600 per year in the years prior to the new code to approximately 1,100 per year under the new code).

The best quantitative snapshot of the number of police killings in Venezuela during our period of interest comes from a study conduced by the Public Prosecutor's Office in 2005 (Isaías Rodríguez, 2006), when the government attempted to construct a comprehensive count of deaths at the hands of police over the preceding five years. Twenty-one public prosectors, working with officials from the national investigative police,[7] sought administrative records on police killings from Venezuela's 22 state police forces, 220 municipal police forces, and the national investigative police agency itself. This effort produced a count of 6,010 victims between 2000 and June 2005, approximately 1,100 per year on average.[8]

The limitation of the public prosecutor's study is that it provides a count at only one moment in time, not a time series. Nor do previous annual reports of the public prosecutor's office allow us to construct such a time series: they do not consistently report estimates the number of police killings, and when they do, the numbers are undercounted and not comparable to the 2005 report. Indeed, the 1,100-per-year figure far exceeded the counts included in the public prosecutor's annual reports for the early 2000s.

Even though the public prosecutor's 2005 investigation does not provide time-series

[7]Formerly called PTJ, for Judicial Police Technical Corps, in 2001 Venezuela's national police was renamed CICPC, for Scientific, Penal, and Criminalistic Investigation Corps.

[8]In the public prosecutor's address to Venezuela's National Assembly (Isaías Rodríguez, 2006), he announced 6,377 victims for the entire 2000–2005 period. In the agency's annual report (Ministerio Público, 2005, 215), a table reports 6,010 victims for the 2000–June 2005 period.

data on police killings—or even two snapshots, before and after the implementation of the new code—it does provide a benchmark against which we can evaluate other sources of quantitative data.

One such source is the national investigative police. During our period of interest, Venezuela's national investigative police did not systematically collect data on police killings. But the national investigative police *did* collect data on the number of cases of "resistance to authority," a crime often imputed to victims of lethal police violence. The number of "resistance" cases is not equivalent to the number of victims for two reasons: first, not everyone charged with "resistance to authority" is killed by police; second, a single case could involve multiple victims. We nevertheless view the *trend* in "resistance to authority" cases as informative about the trend in police killings.

After hovering around 650 per year for four years prior to the implementation of the new code, the number of resistance-to-authority cases began to rise one month after the new code came into effect (see Appendix Figure A.6). In 2000, the first full year under the new code, there were 943 cases; in 2001, there were 1,251 cases; and in 2002, there were 1,719 cases. In the five-and-a-half years covered in the public prosecutor's report, 2000 through June 2005, there were 1,644 resistance-to-authority cases per year, on average—150% more than under the old code.

A third source of quantitative data provides additional reason to believe that resistance-to-authority cases track police killings: vital statistics. Venezuela's ministry of health produces a death registry that records the date, location, and cause of each death in the country, as well as characteristics of the deceased (age, sex, nationality). These microdata, which we obtained from the ministry through in-person meetings in Caracas, are built from paper death certificates that have excellent coverage: the World Bank estimates that approximately 97% of deaths produced a certificate during the period that we study (Danel and Bortman, 2008), likely because a certificate was required for cremation or burial.[9]

[9] A WHO Collaborating Center for the Classification of Diseases was active in Venezuela from 1955–2018 (Gabaldón, 2018). The high quality of vital statistics in Venezuela was also the legacy of public-health pioneer Dr. Darío Curiel. After earning his BA from Venezuela's premier public university, Curiel obtained a PhD in public health from Johns Hopkins in 1938 and then returned to Caracas to establish the Division of Epidemiology and Vital Statics within the health ministry. Curiel's commitment to vital statistics was recognized beyond Venezuela: in 1947, the WHO ap-

The International Classification of Diseases (ICD) includes a cause of death called "legal intervention," defined as "any injury sustained during an encounter with law enforcement." In theory, deaths coded "legal intervention" could provide an informative measure of police killings over time. In practice, only one Venezuelan state—Zulia—marks police killings as deaths by legal intervention; in other states, health ministry officials code police killings as homicides and/or violent deaths "of unknown intent."[10] But the data from Zulia alone are informative.

The navy line in Figure 4 plots the number of legal intervention deaths (from vital statistics) in Zulia in each month, 1994–2005. We first note that these figures are very similar to those of the public prosecutor: the public prosecutor counts 602 police killings in Zulia between 2000 and June 2005 (109 per year, or 9 per month); vital statistics code 714 deaths during that same period (130 per year, 11 per month). Moreover, the number of "resistance to authority" cases in Zulia, which we observe at the annual level for 1997–2000 and 2002–2005, track the number of legal intervention deaths in the vital statistics data. There were 68 legal intervention deaths per year in 1997–98, on average, and 76 cases of resistance to authority per year; in 2000 and 2002, those means increased to 147 and 158, respectively. The approximate correspondence between vital statistics and the level of police killings per the public prosecutor, as well as the close correspondence between the trend in vital statistics and resistance-to-authority cases, boosts our confidence that all three sources provide meaningful (if imperfect) measures of lethal police violence.

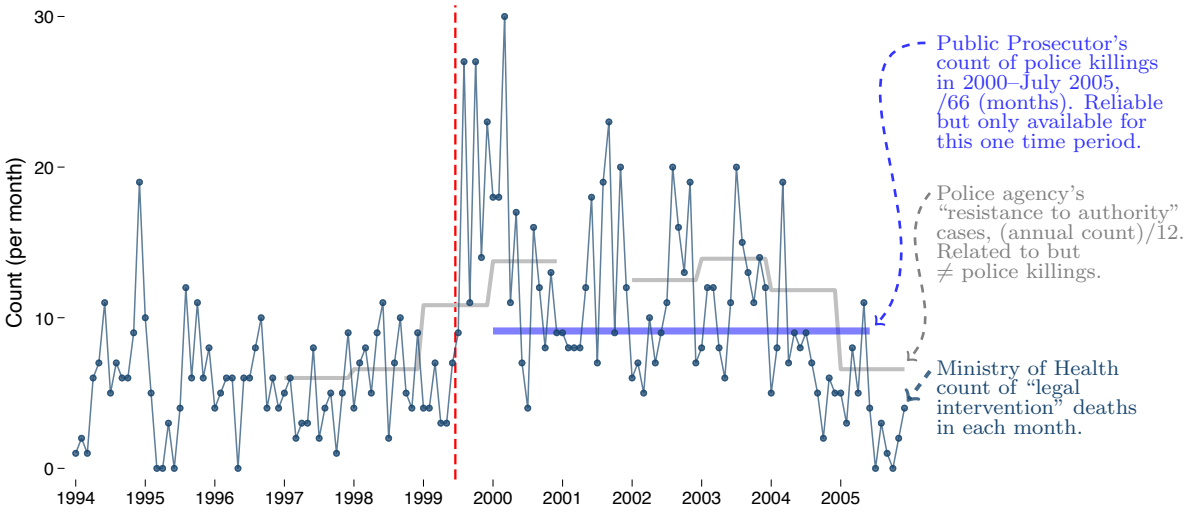
With this validation in mind, we observe that legal intervention deaths increased sharply in Zulia immediately after the new code of criminal procedure came into effect. In the six months prior to the new code (the first six months of 1999), there were 28 legal intervention deaths (4.7 per month); in the first six months under the new code, there were 111 legal intervention deaths (18.5 per month), an increase of nearly 300%. This pattern supports the hypothesis that lethal police violence

pointed him to the committee for developing the sixth revision of the International Classification of Diseases (ICD); two years later, the WHO appointed him to a panel of vital statistics experts. The vital statistics institutions that Curiel created in Venezuela survived for decades after his death in 1983. See Kronick and González Mejías (2022) for additional details on the quality of Venezuela's vital statistics system.

[10]The "legal intervention" code is also underused in the United States, where the extent of underuse also varies by state (Barber et al., 2016).

Figure 4: Police Killings in Zulia More than Double Under the New Code

The navy line plots the number of deaths coded "legal intervention" in the state of Zulia. The number of "legal intervention" deaths rose from five per month in the six months prior to the new code to 18 per month in the first six months under the new code. The Public Prosecutor's count of police killings in Zulia in 2000–July 2005 (blue line), as well as the police annual count of "resistance to authority" cases in Zulia (gray line), match the "legal intervention" counts almost exactly, suggesting that the "legal intervention" counts provide a valid measure of police violence.



Sources: We calculate "legal intervention" counts from the death registry microdata, which we obtained from the Venezuelan ministry of health. The Public Prosecutor's count of police killings in Zulia, 2000–July 2005, appears in Ministerio Público (2005). The police count of "resistance to authority" cases in Zulia is taken from Kronick and González Mejías (2022).

increased when Venezuela's new code of criminal procedure came into effect.

We can also use these data to construct a range of estimates of the number of police killings nationwide. In the 2000–July 2005 period, there were two-thirds as many police killings (according to the public prosecutor) as resistance-to-authority cases (see Table 1). If we were to assume the same ratio under the old code, we would conclude that there were approximately 431 police killings per year in the 1994–June 1999 period. Another approach might be to treat the vital statistics data as the measure closest to ground truth (rather than the public prosecutor's data). In Zulia, the ratio of legal intervention deaths to resistance cases was 0.89 in the *pre* period and 0.93 in the *post* period; while police practices in general and police violence in particular vary dramatically across Venezuelan states, the ratio of killings to resistance cases in Zulia may be close to the mean across other states. Applying

Table 1: Estimates of the Number of Police Killings per Year

National			
	Before Average per year, (1994–06/1999)	After Average per year, (2000–06/2005)	Change
Public Prosecutor (count of police killings)	—	1,093	–
Police ("resistance to authority" cases)	648	1,644	154%
Estimate (based on police:prosecutor ratio)	431	1,093	153%
Estimate (based on Zulia ratio)	575	1,530	166%
Zulia			
	Before Average per year, (1994–06/1999)	After Average per year, (2000–06/2005)	Change
Public Prosecutor (count of police killings)	–	109	–
Vital Statistics ("legal intervention" deaths)	68	130	92%
	Before Average per year, (1997–98)	After Average per year, (2000, 2002)	Change
Police ("resistance to authority" cases)	76	158	109%
Vital statistics ("legal intervention" deaths)	67	147	119%

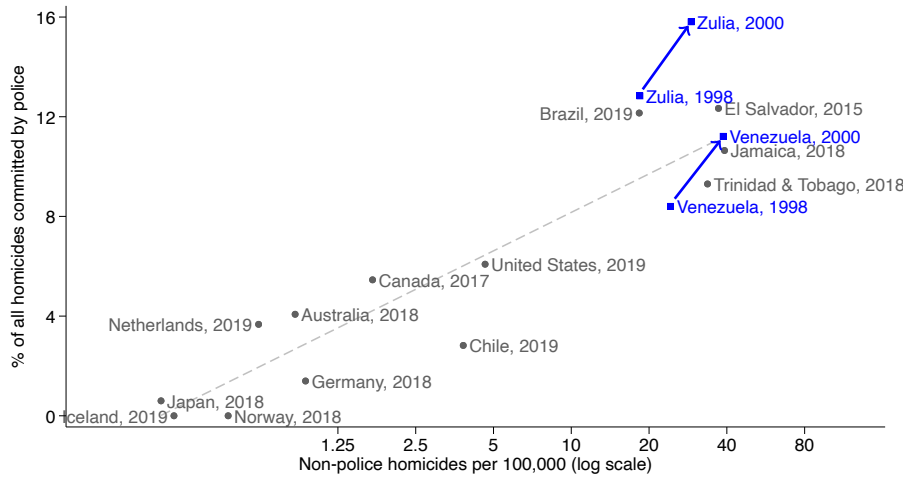
those same ratios to resistance cases at the national level, we would estimate 575 police killings per year in the last years under the old code, increasing to 1,500 per year in the first years under the new code (Table 1).

In short, all quantitative data sources point to a 100–150% increase in police killings when the new code came into effect: legal intervention deaths double in the vital statistics data from Zulia, as do "resistance to authority" cases in Zulia; "resistance to authority" cases increase by 150% nationwide; and, in the *post*-period, the total number of legal intervention deaths in Zulia and resistance-to-authority cases nationwide are similar to the number of police killings per year counted by the public prosecutor's office.

To put this change in context, recall the magnitude of the decline in arrests. As police killings rose from 400–600 to 1,100–1,500 per year, the number of arrests fell from more than 140,000 per year to fewer than 15,000 per year (Figure 2), a decline of more than 125,000. At most, then, the number of "additional" deaths at the hands of police was less than 1% of the number of "missing arrests." This comparison

Figure 5: A Sharp Increase in Police Violence

Across countries, the rate of non-police homicides strongly predicts the fraction of homicides committed by police. Our estimate of the increase in police violence in Venezuela between the year prior to the new code and the year following the new code (see text) is larger than the simultaneous increase in non-police homicides would predict.



† Sources: Cano and Osse (2017); Silva et al. (2019), our calculations.

clarifies that, even if we were to interpret *all* of the rise in lethal police violence as a direct response to the new code, that response was rare relative to the change in the arrest rate—which is what we would expect, given that lethal violence is such an extreme manifestation of official vigilantism.

Another relevant point of context is that the number of other homicides (that is, homicides *not* committed by police) also rose sharply just as the new code of criminal procedure came into effect (Figure A.7). This might have occurred as a consequence of the new code—because criminal violence rose as a result of weakened deterrence and/or decarceration (i.e., the release of prisoners, see Figure 3), for example, or due to civilian lynchings[11] of suspected criminals—or because of other simultaneous factors.[12] Given that the rate of police homicides is known to be correlated (across

[11](The press reported several such lynchings; in one case, the police told a robbery victim "that her report could not be processed because the new criminal procedure code had come into effect and there was no public prosecutor in the office to open the investigation" El Universal, 1999).

[12]We do not observe increases in reported robberies, thefts, or assaults in 1999, but depressed police activity may well have affected crime reporting; we therefore don't make much of these figures one way or the other.

countries) with the rate of other homicides (e.g. The Economist, 2017), we might expect an increase in police killings to accompany an increase in other types of lethal violence, for reasons that may or may not have anything to do with official vigilantism. In other words, if the hypothesis formed by contemporary local observers is correct—that some police officers responded to the new code by killing suspects whom they would otherwise have arrested—then we would expect police killings to increase by *more* than the amount predicted by the rise in non-police homicides violence. Otherwise, we might conclude that the increase in police killings in Venezuela during this period was driven by whatever mechanisms account for the cross-sectional correlation between non-police homicides and police killings, rather than the specific mechanism of interest here.

Figure 5 plots the proportion of all homicides that are committed by police against the rate of non-police homicides (per 100,000) across 16 countries (using data from Cano and Osse, 2017; Silva et al., 2019, for various years in the 2000s). Police commit a higher proportion of all homicides in countries with higher non-police homicide rates. If the Venezuelan non-police homicide rate increased from 24 to 39 per 100,000—as the vital statistics data indicate—then this correlation would predict that the percent of all homicides committed by police would increase by approximately one percentage point. But in fact, the proportion of homicides committed by police (according to the above estimates) increased more, from 8.4% to 11.2%. In Zulia, the increase in police violence similarly exceeds what the cross-sectional correlation might lead us to expect: as the non-police homicide rate rose from 18 to 29 per 100,000 the proportion of all homicides committed by police increased from 12.8% to 15.8%. In other words, the blue arrows in Figure 5 are considerably steeper than the regression line. In our view, then, Figure 5 is consistent with the hypothesis that the new code sparked lethal police violence.

The data that we have presented so far—press reports, the opinion of informed scholars, and quantitative data from the public prosecutor's office and the police and vital statistics—suggest that police violence increased sharply in response to the new code. For additional evidence, we turn to our original interviews.

Evidence from original interviews. Above, we collected press reports and quotes from qualitative scholarship that collectively suggest that Venezuela's new code of criminal procedure—in the presence of unchanged incentives for police to punish suspects directly—caused official vigilantism in the form of extrajudicial killings. Here, we complement this existing qualitative evidence with our own interviews. In particular, one coauthor and a research assistant conducted sixteen semi-structured interviews with police officers who were active when the new code came into effect (in 1999). The interviews took place in Caracas between November 2018 and April 2019, and each interview lasted between 45 and 90 minutes. The subjects are not a random sample of officers active at that time; rather, they constitute a purposive sample: subjects selected for their rich knowledge of the subject of interest. We interviewed officers from six different police agencies operating in Caracas.

Like the police officers quoted in the contemporary press (see above), our interviewees said that the new code made it much more difficult to arrest people. One interviewee used a highway metaphor: "With the CEC [the old code] we were at high speed, but the the COPP [new code] threw up a lot of barriers." Other officers said that, when someone was arrested under the previous code, "there was no power on this earth that could save you." In contrast, interviewees used words like *restricted*, *controlled*, and *limited* when talking about arrest powers under the new code.

These restrictions generated police resistance. Edgar, an officer of the national investigative police, told us:

> Look, there was complete resistance, [the new code] generated resistance. It was a question of adaptation but really what was being talked about was how we were going to do our work and that the COPP was taking away power from the police ... When people found out [about the new code] there was an ideological conflict where someone says to you "You can't arrest me. You can't grab me. You can't touch me. You can't hit me. You can't do anything to me." So they disrespect you. So the police resisted, they violated human rights.

Our interviewees also recalled how officers and supervisors responded to the new constraints on arrests. Many decided not to bother trying to arrest people, and

some officers stopped making arrests out of fear that they did not understand the new code. Interviewees even recalled stories of officers being arrested for violating the new code because "they did not know the correct form to fill out." Many officers blamed this confusion on insufficient training about the new code. According to Carlos, an officer from the state police of Miranda:

> Sometimes we would go a month without arresting someone due to ignorance about the [new code] and how to apply it, because in reality we weren't sure how to apply it ... And this lack of awareness brings fear on the part of officers. There were officers that were arrested for bad police practices when they apprehended someone ... they called it illegitimate deprivation of liberty. We came from a different model and had served for a long time under this model. Take me for example. I come from the old school and worked nine years with the [old code] and it is difficult to adapt to a model that guarantees human rights.

What is important here is that officers *felt* that the new code was tough on cops in general and, in particular, that it discouraged arrests (not only by disallowing arrests "for investigative purposes" but also through lack of familiarity with the new rules, combined with the possibility of punishment for improper arrests). These memories of fear of sanction might at first seem inconsistent with the increase in use of lethal force: if officers were wary of punishment for arresting someone without enough evidence, why would they not be yet more wary of punishment for killing suspects? Part of the answer to this question is that they were: recall that the vast majority of officers did *not* use lethal force (in response to the new code or otherwise); as noted above, the number of "additional" police killings after the new code is less than 1% of the number of "missing" arrests. Moreover, officers were rarely prosecuted for extrajudicial killings (Rosales et al., 2008, 146); while we do not know whether, in fact, any officers faced sanction for improper arrests, it is entirely possible that such sanctions did exist alongside impunity for more serious forms of misconduct.

In response to the new code—which officers perceived as lenient for criminals but restrictive for police—some officers turned to official vigilantism, according to our interviewees. Carlos, the officer from the state police of Miranda, put it this way:

> Look, to make an arrest an officer has to do a lot of work, check out the activities that someone is engaged in, where they are doing these, what their modus operandi is. So some said, 'No. Let's deal with this right now because I am not going to waste my time just so [criminals] laugh in my face [when they are released].' You feel like all this work you have done is a waste and the only way to solve this is by killing. And in a lot of places this is what happened. After the [new code] in different cities throughout the country you started to see 3, 4, 5, 6, 7 bodies show up, all of them with long rap sheets ... something that became a common practice due to the implementation of the [new code].

Strikingly, three of our sixteen interviewees independently brought up the soap-opera character mentioned above: the Tag Man, a police officer who killed suspects and then left a tag on their corpses reading *irredeemable*. "The Tag Man was a police officer [on a popular soap opera] who decided to become an anonymous avenger [by killing suspects]," one interviewee told us. "And some officers took that approach after [the new code] because it was helping so many people go free, who previously would have been in jail." Carlos explained:

> The Tag Man, this became a popular reference within police lexicon. People would say, 'The Tag Man got him.' They were called the Tag Man, those we assumed to be police officers who [would act] with reports from neighbors, reports from people from the sector, and no previous investigation. Some [killed] were delinquents but others were potential delinquents in the community ... At that time they started to eliminate, to kill delinquents and execute them in different parts of the country.

All of the officers whom we interviewed had heard of the extermination group in Portuguesa; one of our interviewees even brought up the case before we asked about it, using it as an example of how some officers responded to the restrictions of the new code. According to Carlos: "Everyone heard about the Portuguesa case. Everyone heard about Portuguesa because of the number of extrajudicial killings that happened there, [killings] this extermination group did to get rid of people they presumed to be criminals." Edgar, the officer from the national investigative police, explained:

> Look, I don't know the details of [the Portuguesa] case but this is what happens. Let me explain it to you ... When the [new code] was born the police saw themselves as vulnerable and said, "No, we are going to get rid of these people [criminals]... They have to be eliminated." So a lot of people reacted this way, not only in Portuguesa. It happened in Táchira as well, in Maracaibo, in Mérida. Why? Because el hampa [criminal groups] found out that the [new code] gave them more protections, more to them than to the police. So they armed themselves with courage and more weapons to fight the police. And the police said, "The only way to end this is to end them."

We need not take as fact officers' memories of how criminal groups responded to the new code. Rather, what is important is that officers recalled being under attack, suggesting that they felt that they could justify violence in response to feelings of vulnerability.

Other interviewees suggested that police supervisors created incentives for official vigilantism. "Before the [new code of criminal procedure] there were prizes for officer of the month," one offer told us. "The prizes were given primarily for number of arrests, so ... you assumed everyone was guilty. But then the [new code] came, and it was not appropriate for the Venezuelan reality, ... so the prizes were given for other activities like confrontations." Carlos also spoke about these prizes:

> Before the [new code] ... at least where I worked there were awards for best officer of the month. These awards were given out for the number of arrests an officer made. If I had 30, 40, 50 arrests even if another officer had something much more significant, like a confrontation, my 50 or 60 arrests mattered more, the 60 criminals I got off the street. So arrests won over an enfrentamiento ... [After the new code was passed] these awards still existed but were much less common. And in many departments, they stopped giving them out altogether ... At the moment you had to adapt ... so you were no longer given an award for arrests but instead for more relevant actions, like a confrontation, solving a homicide, rescuing someone from a kidnapping, etc.

These anecdotes suggest that some police supervisors switched from rewarding arrests to rewarding confrontations after the new code came into effect, creating institutional incentives for violent engagement with suspects.

We view police culture and these material rewards as complements in producing official vigilantism as a response to the new code. Researchers describe Venezuelan police agencies as paramilitary organizations, staffed by officers with militarized attitudes toward civilians, in the sense that officers see civilians as enemies to be subdued (Gabaldón and Antillano, 2007, 95). Such attitudes are not unique to the Venezuelan police (Chappell and Lanza-Kaduce, 2010). Writing about police culture in Britain, Holdaway (1983, 65) notes that officers view the world "as a place that is always on the verge of chaos, held back from devastation by a police presence." In Latin America, this culture is "rooted in the idea of police activity as a war proper, a war waged against enemies" (Campesi, 2010, 456). Police culture that positions officers as holding the line between chaos and order justifies and even valorizes aggressive and action-centered policing (McConville and Shepherd, 1992).

Edgar's reflections on officers' resistance to the new code speaks to this point:

> Who is the guy who came up with the Código Orgánico Procesal Penal [the new code]? It was a religious guy. He thought that we have to turn the other cheek. If someone slaps you, you have to turn the other cheek. No. Here in Venezuela we have to act with retaliation. We have to provide guarantees for the collective, because if we don't, we [the police] aren't worth anything.

Here Edgar voices beliefs consistent with findings from a large body of research on police culture across the Americas: he believes that forgiveness and lenience are ineffective, and that punitive action is necessary to protect society (in his words, the collective) from those who threaten it.

Police officers were not alone in perceiving a clash between the principles of the new code and the culture of the criminal justice system. Legal scholars also noted this clash and lamented reformers' failure to do anything about it. In a passage that echoes the sentiment of many of our police interviewees, Alguíndigue and Pérez Perdomo (2008) decry the reformers' "magical legalism:"

> Reforming criminal procedure entails complex social and political processes, not just a mere change of the rules. ... The drafters of the 1998 code ... showed admiration for Germany's liberal code, low crime, and notably small incarcerated population. According to the principles of magical legalism, if country two adopts similar rules to those in country one, then similar social results will ensue regardless of the different social context. ... The group of lawyers and judges that promoted the new criminal procedure found support in the international community. ... The reformers did not give any attention to the Venezuelan external or popular legal culture, in which the only conceivable form of punishment is prison or corporal punishment. Given this pervasive cultural belief, legislation that tried to restrict imprisonment was quickly perceived as pro-criminal. No study of this culture was done, and no effort to educate the Venezuelan public was even attempted.

In such an environment, it is perhaps unsurprising that some police officers would react to restrictions on police power by turning to official vigilantism. If they saw the new code as protecting criminals and threatening their ability to prevent disorder, it would be their responsibility to take matters into their own hands. Official vigilantism, in this context, would not constitute a violation of police ethos but rather an expression of it. As Marks (2005, 16) reminds us: "While law and policy are by no means obliterated by police culture, they are refracted in one another direction according to the way they resonate with the existing police culture." In the case that we study, police culture refracted the law in the direction of official vigilantism.

4 Conclusion

We provide a new take on *official vigilantism*, or police officers' extralegal punishment of perceived offenses, a major source of police violence. Whereas the literature most often understands official vigilantism as the product of a repressive state, we argue that it can also constitute police officers' response to a state that they deem insufficiently repressive. For that reason, official vigilantism can be an unintended consequence of rights-oriented criminal justice reform, as in the case that we study.

We posit that the confluence of three conditions produced this outcome in the Venezuelan case. First, as the Venezuelan scholars cited above have long recognized, both career incentives and police culture pushed officers to punish suspects directly. Under the old code of criminal procedure, this punishment often took the form of legal but arbitrary mass arrests; when the new code disallowed those arrests, officers turned toward official vigilantism. Second, and related to this punitive culture, neither police chiefs nor the courts provided sufficient sanctions against officers engaged in extralegal violence (as many contemporary observers noted). Third, the new code was conceived by jurists and legal scholars, passed by the legislature, and then imposed on the police from the outside in a manner that was *inconsulto*: without consultation. This lack of engagement with the police, and a related lack of training, led not only to confusion about the new rules but also to the feeling that the new code was an affront, a challenge to police independence and power. In short, while we cannot evaluate this hypothesis by studying a single case, we attribute officers' response to the new code to *mano dura* expectations together with infrequent prosecution of police misconduct and limited involvement of police agencies in the reform process.

As countries throughout the Americas continue to pursue criminal justice reform, reformers might therefore consider whether they have the political support necessary to change not only formal rules but also informal incentives. We should "be conscious that reality doesn't change by decree" (Pérez Perdomo, 1998, 40). Otherwise, we risk what Venezuelan legal scholar Elsie Rosales calls "two parallel systems: that of the 'rights-oriented' criminal justice system and another of police 'justice.' Parallel systems lead to infinite human rights violations—especially for the most vulnerable" (Rosales, 2001, 295).

References

Acemoglu, D., Fergusson, L., Robinson, J., Romero, D., and Vargas, J. F. (2020). The perils of high-powered incentives: evidence from colombia's false positives. *American Economic Journal: Economic Policy*, 12(3):1–43.

Alguíndigue, C. and Pérez Perdomo, R. (2008). The Inquisitor Strikes Back: Obstacles to the Reform of Criminal Procedure. *Southwestern Journal of Law and Trade in the Americas*.

Alguíndigue, C. and Pérez Perdomo, R. (2013). Revolución y proceso penal en Venezuela: 1999-2012. *Anales de la Universidad Metropolitana*, 13(2):119–144.

Alves, J. A. (2018). *The anti-black city: Police terror and black urban life in Brazil*. U of Minnesota Press.

Amnesty International (2015). You killed my son: Homicides by military police in the city of rio de janeiro. Amnesty International.

Antillano, A. (2010). ¿Qué conocemos de la violencia policial en venezuela? Las investigaciones e hipótesis sobre el uso de la fuerza física por la policía. *Espacio Abierto*.

Avelar, B. and Martínez d'Aubuisson, J. (2017). En la intimidad del escuadrón de la muerta de la policía. Revista Factum.

Avila, K. (2016). La instrumentalización del delito: política, empresas de comunicación e inseguridad. *CEJA Américas*.

Ba, B. A., Knox, D., Mummolo, J., and Rivera, R. (2021). The role of officer race and gender in police-civilian interactions in chicago. *Science*, 371(6530):696–702.

Banteka, N. (2024). Police vigilantism. *Virginia Law Review*, 110.

Barber, C., Azrael, D., Cohen, A., Miller, M., Thymes, D., Wang, D. E., and Hemenway, D. (2016). Homicides by police: comparing counts from the national violent death reporting system, vital statistics, and supplementary homicide reports. *American journal of public health*, 106(5):922–927.

Bateson, R. (2021). The politics of vigilantism. *Comparative Political Studies*, 54(6):923–955.

BBC (2022). Colombian police officers held over killing of youths. Vanessa Buschschlüter.

Birkbeck, C. (2003). Venezuela. In *Datos Mundiales Sobre Los Sistemas de Justicia Criminal*. Bureau of Justice Statistics.

Bonner, M. D. (2019). *Tough on crime: The rise of punitive populism in Latin America*. University of Pittsburgh Press.

Brinks, D. M. (2008). *The Judicial Response to Police Killings in Latin America*. Cambridge University Press.

Buonanno, P. and Raphael, S. (2013). Incarceration and incapacitation: Evidence from the 2006 italian collective pardon. *American Economic Review*, 103(6):2437–2465.

Campesi, G. (2010). Policing, urban poverty and insecurity in latin america: The case of mexico city and buenos aires. *Theoretical Criminology*, 14(4):447–471.

Cano, I. and Osse, A. (2017). Police deadly use of firearms: An international comparison. *The International Journal of Human Rights*, 21:629–649.

Cattaneo, M. D., Dıaz, C., and Titiunik, R. (2022). Breaking the code: Can a new penal procedure affect public safety? Working Paper.

CEC (1962). Código de Enjuiciamiento Criminal. *Gaceta Oficial N. 748*.

Cepeda-Francese, C. A. and Ramírez-Álvarez, A. A. (2023). Reforming justice under a security crisis: The case of the criminal justice reform in mexico. *World Development*, 163:106148.

Chappell, A. T. and Lanza-Kaduce, L. (2010). Police academy socialization: Understanding the lessons learned in a paramilitary-bureaucratic organization. *Journal of contemporary ethnography*, 39(2):187–214.

Chevigny, P. (1995). *The Edge of the Knife: Police Violence in the Americas*. The New Press of New York.

COFAVIC (2005). Los grupos parapoliciales en Venezuela. *http://bit.ly/2yQ7MCL*.

COPP (1998). Código Orgánico Procesal Penal. *Gaceta Oficial N. 5208*.

Coppedge, M. (1994). *Strong parties and lame ducks: presidential partyarchy and factionalism in Venezuela*. Stanford University Press.

Danel, I. and Bortman, M. (2008). An Assessment of LAC's Vital Statistics System: The Foundation of Maternal and Infant Mortality Monitoring. *HNP Discussion Paper, World Bank*.

Del Olmo, R. (1983). El castigo sin derecho a castigar: la violencia policial y la violencia carcelaria. *International Annals of Criminology*, 21:273.

Del Olmo, R. (1990). Violencia policial en las calles de caracas. *Segunda ruptura criminológica, Universidad Central de Venezuela, Caracas*, pages 7–41.

DeMeritt, J. H. and Conrad, C. R. (2019). Repression substitution: Shifting human rights violations in response to un naming and shaming. *Civil Wars*, 21(1):128–152.

Denyer-Willis, G. (2015). *The Killing Consensus. Police, Organized Crime, and the Regulation of Life and Death in Urban Brazil*. University of California Press.

Dep't of State (2002). Country report on human rights practices. *Bureau of Democracy, Human Rights, and Labor*.

Dray, P. (2003). *At the hands of persons unknown: The lynching of Black America*. Modern Library.

Dube, O., MacArthur, S. J., and Shah, A. K. (2023). A cognitive view of policing. Technical report, National Bureau of Economic Research.

Echeverría, J. M. (1998). La justicia como poder. El Universal.

Economist (2017). Murderous latin american police need to start policing themselves. The Economist.

El Nacional (1999a). Ptj solicitará bs 4 millardos para instalar laboratorios técnicos. El Nacional.

El Nacional (2009). Grupo exterminio amenaza de muerte a 127 personas en portuguesa. El Nacional.

El Nacional (August 13, 1999b). Realiza cambios por debajo de cuerda ptj acondiciona el copp a su estilo.

El Universal (July 4, 1999). Intentan linchamiento ante falta de un fiscal. *El Universal*.

Ellner, S. (2003). Introduction: The search for explanations. In Ellner, S. and Hellinger, D., editors, *Venezuelan Politics in the Chávez Era: Class, Polarization, and Conflict*. Lynne Rienner.

Escalona, V. (1999). Copp obliga a cambiar actitud policial. El Universal.

Eubank, N. and Fresh, A. (2022). Enfranchisement and incarceration after the 1965 voting rights act. *American Political Science Review*, pages 1–16.

Faguet, J.-P. and Shami, M. (2022). The incoherence of institutional reform: decentralization as a structural solution to immediate political needs. *Studies in Comparative International Development*, 57(1):85–112.

Fernández, F. (1998). El nuevo proceso penal. El Universal.

Gabaldón, J. C. (2018). Cevece: Rise and fall of venezuela's historical epidemiology center. Caracas Chronicles.

Gabaldón, L. and Antillano, A. (2007). La policía venezolana: Desarrollo institucional y perspectivas de reforma al inicio del tercer milenio. *Caracas, Comisión Nacional para la Reforma Policial*.

Gates, L. (2010). *Electing Chávez: The business of anti-neoliberal politics in Venezuela*. University of Pittsburgh Pre.

Gillooly, J. W. (2022). "lights and sirens": Variation in 911 call-taker risk appraisal and its effects on police officer perceptions at the scene. *Journal of Policy Analysis and Management*, 41(3):762–786.

Gómez, L. (1998). La democracia está en deuda con la ptj. El Nacional.

Gonzalez, Y. and Mayka, L. (2023). Policing, democratic participation, and the reproduction of asymmetric citizenship. *American political science review*, 117(1):263–279.

González, Y. M. (2020). *Authoritarian police in democracy: Contested security in Latin America*. Cambridge University Press.

González Mejías, J. and Kronick, D. (2022). The problem with venezuelan homicide data, and a solution. In Hanson, R., Smilde, D., and Zubillaga, V., editors, *The Paradox of Violence in Venezuela*. Pittsburgh University Press.

Hafner-Burton, E. M. (2008). Sticks and stones: Naming and shaming the human rights enforcement problem. *International Organization*, pages 689–716.

Hanson, R. and Smilde, D. (2022). Dilemmas of reform: Crime, policing, and public opinion in venezuela. In Smilde, D., Zubillaga, V., and Hanson, R., editors, *The paradox of violence in Venezuela: revolution, crime, and policing during Chavismo*, pages pp.153–169. University of Pittsburgh Press.

Hanson, R. and Zubillaga, V. (2021). From carceral punitivism to systematic killing: The necropolitics of policing in post-chávez venezuela. *Violence: An International Journal*.

Hartmann Arboleda, M. (2016). La detención preventiva y la reforma procesal penal en colombia.

Hausman, D. and Kronick, D. (2023). The illusory end of stop and frisk in chicago? *Science advances*, 9(39):eadh3017.

Hausmann, R. and Rodríguez, F. R. (2015). *Venezuela before Chávez: Anatomy of an economic collapse*. Penn State Press.

Hernández, T. (1991). "extraordinary" police operations in venezuela. In Huggins, M., editor, *Vigilantism and the state in modern Latin America: essays on extralegal violence. Praeger, New York*, pages 157–165. Praeger.

Holdaway, S. (1983). *Inside the British Police: A Force at Work*. Blackwell.

Holland, A. C. (2013). Right on crime? conservative party politics and" mano dura" policies in el salvador. *Latin American Research Review*, pages 44–67.

Huggins, M. K. (1997). From bureaucratic consolidation to structural devolution: police death squads in brazil. *Policing and Society: An International Journal*, 7(4):207–234.

Idrobo, N. and Kronick, D. (2024). Oversight, depolicing, and crime: Evidence from colombia. Working Paper.

Inter-American Development Bank (2002). Support for reform of the criminal justice system. *Loan Document*.

Isaías Rodríguez, J. (2006). Address to the national assembly of the bolivarian republic of venezuela. Asamblea Nacional de Venezuela.

Jauregui, B. (2015). Just war: The metaphysics of police vigilantism in india. *Conflict and Society*, 1(1):41–59.

Kotecha, K. C. and Walker, J. L. (1976). Vigilantism and the american police. *H. Jon Rosenbaum and Peter C. Sederberg. Np: U of Pennsylvania P*, pages 158–72.

Kronick, D. and González Mejías, J. (2022). The problem with venezuelan homicide data, and a solution. In Smilde, D., Zubillaga, V., and Hanson, R., editors, *The paradox of violence in Venezuela: revolution, crime, and policing during Chavismo*. University of Pittsburgh Press.

Kronick, D., Plunkett, B., and Rodriguez, P. L. (2023). Backsliding by surprise: the rise of chavismo. *Political Science Research and Methods*, 11(4):838–854.

Langer, M. (2007). Revolution in Latin American Criminal Procedure: Diffusion of legal ideas from the periphery. *The American Journal of Comparative Law*.

Lersch, K. M. and Mieczkowski, T. (2005). Violent police behavior: Past, present, and future research directions. *Aggression and violent behavior*, 10(5):552–568.

Magaloni, B. and Rodriguez, L. (2020). Institutionalized police brutality: Torture, the militarization of security, and the reform of inquisitorial criminal justice in mexico. *American Political Science Review*, 114(4):1013–1034.

Magaloni, B., Vivanco, E. F., and Melo, V. (2019). Killing in the slums: Social order, criminal governance, and police violence in rio de janeiro. *The American Political Science Review*.

Marín, E. (1999). Los calabozos policiales quedaron sin presos. El Nacional.

Marks, M. (2005). *Transforming the robocops: changing police in South Africa*. University of Kwazulu Natal Press.

McConville, M. and Shepherd, D. (1992). Watching police, watching communities. Routledge.

Ministerio Público (2005). Informe anual del fiscal general de la república 2005. Ministerio Público, Venezuela.

Molina, J. E. (2000). Comportamiento electoral en venezuela: cambio y continuidad. *Revista Venezolana de Economía y Ciencias Sociales*, 6(3):45–70.

Monsalve Briceño, Y. (2006). Repercusiones del sistema de justicia en el castigo policial. *Capítulo Criminológico*.

Monsalve Briceño, Y. (2009). Control social y castigo: percepción en funcionarios policiales venezolanos. *Capítulo Criminológico*, 33(1).

Mummolo, J. (2018). Modern police tactics, police-citizen interactions, and the prospects for reform. *The Journal of Politics*, 80(1):1–15.

Pérez Perdomo, R. (1998). El código orgánico procesal penal y el funcionamiento de la administración de justicia. *Capítulo Criminológico*.

Pérez Perdomo, R. (2007). Medio siglo de historia judicial en venezuela (1952-2005). *Cuadernos Unimetanos*, (11):3–24.

Petkoff, T. (2001). El hombre de la etiqueta, por teodoro petkoff. Tal Cual.

PROVEA (2001). Situación de los derechos humanos en Venezuela. *Informe Anual*.

PROVEA (2002). Situación de los derechos humanos en Venezuela. PROVEA.

Reinoso, V. M. (August 10, 1998). Procurador denunció a jueces. *El Nacional*.

Rodríguez, G. (1999). Policías y fiscales se estrenan temerosos. *El Universal*, July 2:1–3.

Rosales, E. (2001). Sistema penal y relegitimación procesal. In Briceño-León, R., editor, *Violencia, sociedad y justicia en América Latina.*, pages 289–311. Buenos Aires: CLACSO.

Rosales, E., Borrego, C., and Núñez, G. (2008). *Sistema penal y acceso a la justicía*. Number 93. CDCH UCV.

Rosell Senhenn, J. L. (1997). Justicia policial. El Universal.

Rosell Senhenn, J. L. (2014). La reforma procesal penal en venezuela ¿en qué fallamos? *Ciencias Penales desde el Sur: Segundo Congreso Latinoamericano de Derecho Penal y Criminología*.

Seawright, J. (2012). *Party-system collapse: the roots of crisis in Peru and Venezuela*. Stanford University Press.

Sherman, L. W. (2018). Reducing fatal police shootings as system crashes: Research, theory, and practice. *Annual Review of Criminology*, 1:421–449.

Silva, C., Pérez, C., Cano, I., Ávila, K., Castillo, J., Bueno, S., Acero, H., and Bergmann, A. (2019). Monitor del uso de la fuerza letal en américa latina. un estudio comparativo de brasil, colombia, el salvador, méxico y venezuela.

Skolnick, J. H. and Fyfe, J. (1993). *Above the Law: Police and the Excessive Use of Force*. The Free Press.

Sosa Pietri, A. (1998). Visión 1998. El Universal.

Soto, L. (1997). Inversión en el nuevo proceso penal. El Universal.

The Economist (2017). Murderous latin american police need to start policing themselves. The Economist.

The Economist (2021). How many people have been killed in rodrigo duterte's war on drugs? The Economist.

The Economist (2023). Nayib bukele shows how to dismantle a democracy and stay popular. The Economist.

The New York Times (2022). How george floyd died, and what happened next. The New York Times.

Tiede, L. B. (2012). Chile's criminal law reform: Enhancing defendants' rights and citizen security. *Latin American Politics and Society*, 54(3):65–93.

Ungar, M. (2003). LA POLICÍA VENEZOLANA: EL CAMINO PELIGROSO DE LA POLITICIZACIÓN. *Revista Venezolana de Economia y Ciencias Sociales*, 9(3):205–229.

USAID (2015). Balance diez años de funcionamiento del sistema penal acusatorio en colombia (2004 - 2014). *United States Agency for International Development*.

Vásquez González, M. M. (2017). Personal email communication.

Velasco, A. (2015). *Barrio Rising: Urban Popular Politics and the Making of Modern Venezuela*. University of California Press.

Wacquant, L. (2009). *Punishing the poor: The neoliberal government of social insecurity*. duke university Press.

Wilson, J. Q. (1968). *Varieties of Police Behavior: The Management of Law and Order in Eight Communities*. Harvard University Press.

Wood, A. L. (2011). *Lynching and spectacle: Witnessing racial violence in America, 1890-1940*. Univ of North Carolina Press.

Worden, R. E. (2015). *The causes of police brutality: Theory and evidence on police use of force*, volume 2. Routledge, New York, NY, ed.

Zoettl, P. A. (2017). Minor narratives: Extrajudicial punishment of youth offenders by police officers in portugal. *International Journal of Law, Crime and Justice*, 48:27–39.

A Appendix

Figure A.6: "Resistance to Authority" Cases Triple Under the New Code

The black and gray lines mark the number of "resistance to authority" cases recorded by the police (we do not have access to monthly data prior to 1999). The blue line marks the mean monthly number of police killings for 2000–June 2005, according to the public prosecutor's report.

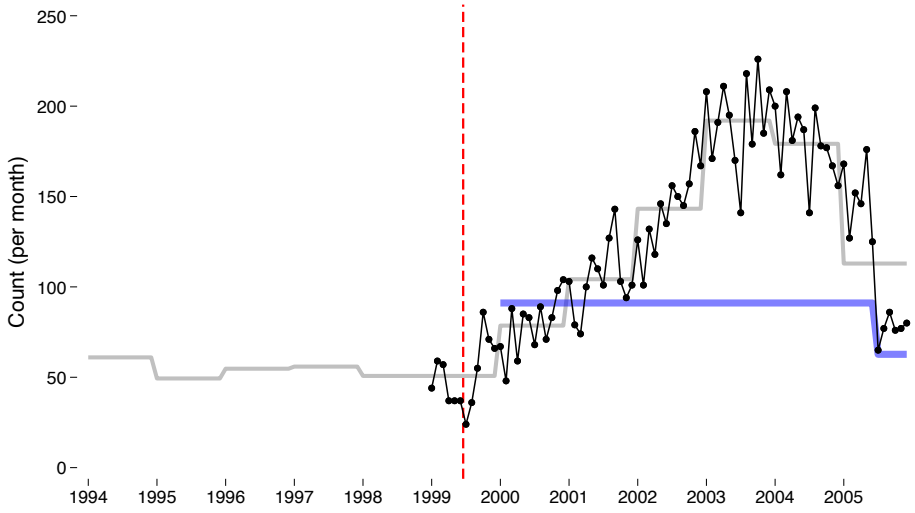
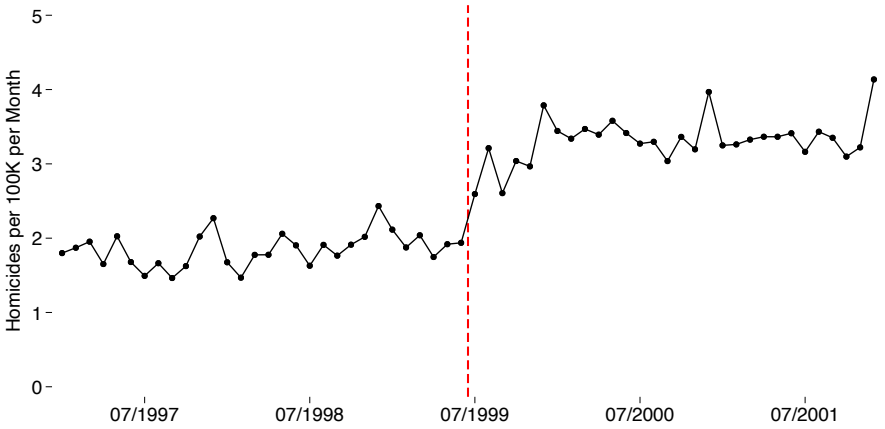


Figure A.7: Homicides Increase When New Code Comes Into Effect

This figure plots the number of homicides† per 100,000 per month, as recorded in Venezuela's vital statistics (produced by the health ministry, not by the police). Homicides increase sharply beginning in July, 1999.



† This measure includes (a) known homicides (ICD-10 codes X85–Y09), (b) firearm deaths "of unknown intent" (Y22-Y24), and (c) "legal intervention" (Y35–Y36). See main text and González Mejías and Kronick (2022) for additional discussion.