



HOW TO STRENGTHEN THE ACTIVITIES OF LOCAL AND REGIONAL GOVERNMENTS IN PUBLIC SECURITY COMPETENCES

Dialogue and capacity building of
local and regional authorities
in EU partner countries
in the fields of development
and local governance

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**How to Strengthen the Activities of Local and Regional
Governments in Public Security Competences**

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I. INTRODUCTION

The enterprising and innovative experiences of many local and regional governments in Latin America demonstrate that it is possible to make progress regarding improved security by means of policies to prevent violence on multiple fronts. Future security strategies must be based on citizens who practice activism and community values and abandon exclusively individualist positions.

It is along these lines that policies of security and community policing come together to definitively break with outmoded repressive policies. The prevention practices implemented by municipalities and regions are in keeping with this spirit defined by the economist Richard Florida as creative cities and regions, which have innovative citizens and workers that impregnate society as a whole with activities that are social, business, scientific, cultural, etc. As this North American economist stresses, this spirit is the key to economic and cultural development and also to security¹.

It must be emphasised that the three governments of Pernambuco, Peñalolén, and Guadalajara have this enterprising spirit and the will to experiment with innovative security systems that include new fields such as domestic violence, road safety, and environmental safety.

This is the reason for success in reducing crime rates. Citizens perceive that the Administration and the government are concerned and committed to guarantee their safety even with a wider approach such as the prevention of risks that affect their health in a manner not directly related to crime.

An example of these experiences that may serve as an example to other local governments is the action of the police of Recife in an incident that occurred this very week. On a day of heavy rain there were armed attacks and the initiative of the town police, which is an unarmed proximity force, was to patrol the streets on foot with unarmed guards wearing bulletproof vests, among them the Director of Security of Recife, the acknowledged journalist Eduardo Machado. This creative action proved to have an immediate effect on the way in which citizens perceive this force. The population immediately understands that the police officers are there to protect them from the armed attackers and are very grateful for the proximity that they appreciate and because they feel that they are being watched over and protected. This is the basis for improved levels of security and for the citizens to trust the police and for the latter to feel appreciated.

“Crime is not an individual choice but rather emerges from the social psychology of a community. The Local Government has the tools to transform this community psychology and culture into a more solid, civic, and cooperative model.”²

¹ Florida, R. The creative class: the transformation of the culture of work and leisure in the 21st century. Paidós, 2010.

² Wilson, J.Q., Kelling, G.L. Broken Windows, 1982.



II. THE COMPETITIVE ADVANTAGES OF LOCAL GOVERNMENT: AN ENTERPRISING AND CREATIVE SPIRIT TO INNOVATE IN PREVENTION AND SECURITY

1. Enterprising and creative Governments encourage Community Activism

The drop in the crime rate of the cities on which this study was carried out is due to the fact that they have enterprising governments that implement innovative initiatives. They have understood that community activism is necessary in order to achieve a unified society. This is the future of security, activism in which the citizen understands the advantages of collaborating with the security forces because he can see that they are working to ensure his security and to detect problems and new risks as they emerge. It provides a dynamic vision of security that is constantly evolving and also of the fields of action of local administrations in contrast to the traditional static concept of public order.

Obama is an example of this profile, since as he stresses in his autobiography he learnt more as a community organiser in a Chicago suburb than at the Harvard Law School. Nowadays many American universities offer a master's degree in community organisation. He fought against the use of asbestos, which is now prohibited and which killed from lung cancer more people than all the gangsters of Chicago. This is the new version of complete security as human security.³

In the words of Obama himself, "when I began to work as a community organiser in the Catholic churches of Chicago [he was at the Church of the Virgen del Rosario, to be precise], I learnt that no governmental programme can replace either a good civic neighbourhood community that is united and active or the people that strive in its name."⁴

2. Local Government as an experimental security laboratory

The scientific method is based on the "trial-error-improvement" principle and on a new attempt at improvement involving a new improved test... It is this chain of testing that progressively produces fewer errors, which generates innovations that materialise in the form of improvements and scientific, legal, and social progress.

Scientific and technological certainty does not exist *a priori*. The maximum scientific and technological certainty can only be achieved by means of these processes of experimentation and innovation and of continuous improvements that entail a number of incidents. This has allowed the detection and correction of security levels in the interests of creating a society of greater technological advances related to this security.

The technique of experimentation is a legal principle that is constantly present in North American jurisprudence and which has become one of the constitutional mainstays that articulate the "Composed State" model. This can be gathered from the famous pronouncement by Judge Brandeis in the New State Ice Co versus Liebmann case (1932), in which the value of the federal and decentralised system of the US is referred to as an example of cohesion between a plurality of models in which each entity (whether state, region, or municipality) has the capacity and the independence to experiment and thus to innovate:

³ Interview of Manuel Ballbé. La Vanguardia, 9-7-2010.

⁴ McGurn. Community Organizers Sue Obama. Wall Street Journal. 9-7-2012.

“The denial of the right to experiment may have serious consequences for the Nation. One of the successful episodes of the federal system is that a single brave State can serve as a laboratory and can try new social and economic experiments at no risk to the rest of the country.”⁵

This capacity for experimenting in order to innovate that the judge advised is also valid for Public Administrations, security forces, communities, or companies. In a comparative perspective it is revealed that **the most innovative countries are those that in addition to not limiting experimentation and encouraging the search for new solutions are based on the values of independence and decentralisation for decision-making.** Decentralisation gives each power centre (federal government, state government, or local government) the opportunity to have the independence and the capacity of its own to decide and to experiment.

If we analyse the various state systems for decision-making, we can see that these have been based on two axes: the decentralised axis and the centralised and uniform or centralist axis. The states that have most progressed on all levels (economic, social, political, and regarding security) have been those of the first decision-making system (the decentralised one) which are based on “trial and error” experimentation. As a result, macrostate solutions in which there is a certain temptation of union in the uniformisation and in which a single solution “from above” is anticipated as an objective so as to achieve perfect order (perfect security and prevention) may incur the typical defects of centralist systems that make it impossible to implement the necessary flexibility and dynamism for innovating by means of various permanent experiments.

It should not be forgotten that it is local administrations, owing to their closeness to society, which are most familiar with the needs of their municipalities on both a preventive level and regarding security strategies. This is why they are the ideal entities for finding more efficient solutions than those imposed by a centralised government that offers standard “recipes” for all points of the territory without taking into account their peculiarities.

Experimentation within the framework of local administrations involves great benefits as it allows the possibility of innovating to multiply exponentially the length and breadth of the legal and social fabric. Experiments that are successful in a given territory could be imitated and imported by the remainder of the towns with similar problems.

The disadvantages of a regulation that aspires to bring together a range of very varied territories is the distancing that occurs regarding the actual administration of a specific town, which ends up missing risks that may lead to more serious problems if they are not detected by these preventive proximity police forces.

Each new experience acquired in the municipalities or regions must serve as a powerhouse for innovation and allow the promoting of an improvement that will prevent a similar accident from happening in the future, both in the immediate area and in the remainder of the towns applying similar techniques.

The experimental method means that the solutions do not come from the prior discovery of the correct solution by the experts; on the contrary any progress requires testing in advance. Owing to its scientific nature the experimental system involves a succession of trials and errors that will lead to the obtaining of improvements. The experimental advance system therefore requires regional or local unity if the negative impact is not to have general repercussions. It is in this context that **local governments represent the ideal experimental laboratory for innovation** as the possibility of a localised error is much less expensive at all levels, especially in terms of health and security, than a large-scale error.

“Innovation and law are concepts that are not often related. There is little awareness of the fact that innovation is one of the nuclear values of the pluralist constitutional system and in actual fact the true powerhouse of the administrative and political system.”⁶

By the same token, Professor Stewart from the New York University School of Law has examined the interaction between regulation and innovation from the perspective of Administrative Law and concludes that on many occasions innovation has been curbed by uniform, generalist, and centralised regulatory measures.⁷

⁵ 285 U.S. 262, 311.

⁶ Ballbé, M. Principios de Derecho Administrativo en el Estado Pluralista. Volume I. P. 114.

⁷ Stewart, R. B. Regulation, Innovation and Administrative Law: a conceptual framework, California Law Review. Vol. 69, 1981.



3. Competitive advantages of Local over Central Government

In the economic development of countries it is not only companies that compete; quality competition also occurs in public administrations, security forces, courts, and in general in the capacity, activism, and passion of their citizens who always seek to innovate, detecting new risks and new objectives for action.

Local authorities hold distinct competitive advantages over centralised authority of which they should be aware and which may help them to continue to generate initiatives in this competitive race for quality or *race to the top*⁸. On the one hand, of all authorities the local government is the nearest to the citizen. This gives it the power of compiling at first hand all kinds of information relating to new challenges and security risks and allows it to be potentially the first to propose active policies that watch over the new and changing needs of society. This proximity policy has evolved from the democratic police model that was initiated in 1829 with the London Metropolitan Police or Scotland Yard and has proved a success compared with the repressive and distant policing model that misses the opportunity to learn from the evolution of society itself.

Another of the competitive advantages of local authorities compared with central authority is their capacity to apply prevention policies owing to the fact that the units of the local quarter are the first to know the new risks. In short, local administrations are the first to detect social changes or risks such as sources of pollution, increases in migratory flows and for this reason have the role of proposing the corresponding prevention policies. If the local government does not act and waits for the central government to do so, no doubt the opportunity of applying preventive treatment will be lost and we will be subsequently heading for social conflict or damage if this has not already occurred.

The concept of human security, which is much wider than the classic concept of security, is characterised by being human-centred rather than state-centred. The administration and the local police have the opportunity to show themselves more easily as institutions at the service of the citizen compared with the vision of the central administrations that work for the state.

The latest demonstration of the success of the proximity policing model is that of the techniques used by the security forces in the US after the September 11 attacks, which after having observed the failure of their elite forces that were out of touch with the situation in the streets (being incapable of detecting the terrorism threat that hung over the country) decided to create task forces or collaboration groups in which the FBI and the CIA join efforts with the local police. They have realised that distant elite forces lose that vital connection with the citizen. The task forces that fight against organised crime in New York or terrorism in cities such as Chicago or Los Angeles are examples of this interconnected collaboration. Permanent joint collaboration in local quarters allow them to detect risks early enough to apply preventive measures.



⁸ Ballbé, M. Padrós, C. Estado Competitivo y Armonización Europea. Ariel, 1997.

III. COMMUNITY MANAGEMENT, THE MOST EFFICIENT FORM OF GOVERNMENT

Elinor Ostrom was the first woman to be awarded the Nobel Prize for Economics. This professor's work concentrates on self-government mechanisms through decentralised associations that operate in various societies⁹. She studied local public economics (in particular the municipal provision of police services, the administration of water supplies, aquifers, forestry, and development in the less advanced world). Her study concentrates on the rules that govern the behaviour of individuals in their interactions both with nature and among themselves.

Ostrom, from the Public Choice school, went further than the always conflicting traditional theories which defend on the one hand the perfection of the market and the invisible hand of Adam Smith and on the other the need for state intervention to correct market faults. Its legacy suggested the possibility that the market might fail and that moreover the government's corrective policies might not work.

In her work on local public economics and common resources she concentrated on the real rules in which decentralised individuals and associative groups trust in order to make decisions and coordinate their behaviour to overcome social dilemmas. She discovered that the power of self-government was successful even in resolving very complex situations.

She analysed how by means of voluntary associations groups are capable of transforming the situation of the common resources of a "tragedy of the commons" to an "opportunity of the commons"¹⁰.

The Nobel prize-winner explains that decentralised groups such as voluntary associations or community activism constitute the instrument for allowing the appearance of new systems of organisation through social cooperation. She studies the way in which people make decisions when it is a case of assets of common use and comes to the conclusion that the most efficient administration is that of communal assets through these decentralised associations. This efficiency is due to the fact that the group ends up creating rules of use that are respected and enforced as occurs with private property, but these rules are more effective because they are perceived by individuals as being more legitimate because they feel involved in the preservation of these assets which also "belong" to them because they are communal.¹¹

Local governments must not miss this opportunity and this knowledge to use periods of economic crisis such as the current one as a chance to have citizens play a more active part in the community strategy for security. The collaboration and promotion of collective associations is the best scenario for innovation in prevention that will give a greater guarantee of security. Only if citizens feel that the security strategy of their municipalities involves them all as a group and in some way "belongs to them", maximum efficiency will be achieved in danger detection systems, the avoiding of risks, and the implementation of prevention systems that really work.

Ostrom demonstrated that the assets that achieve greater levels of innovation are those of common use because they can count on the active involvement of citizens. Moreover, this community administration model is the powerhouse of a more sustainable vision for the using of resources and imbues citizens with a more civic spirit of respect and preservation.

As can be observed,

*"security successes are obtained more by less spectacular and less repressive policies and by active work with the associative fabric and with the recognition of the professionals and the citizens who know that our security depends less on alarmism and more on activism and the integration of the community. The former dean of the Kennedy School of Government at Harvard, Robert Putman, has shown in all his studies that community activism and working together with policemen and other public servants are decisive factors in the quality of security and the reduction of the feeling of insecurity."*¹²

⁹ Ostrom, E. *Governing the Commons: The Evolution of Institutions for Collective Action*. Cambridge University Press, 1990.

¹⁰ Boettke, P. Ostrom: por qué deberían alegrarse quienes valoran la libertad. *Tribuna Libre*. 16-11-2011.

¹¹ Ostrom E. *Governing the Commons: The Evolution of Institutions for Collective Action...* op. cit.

¹² Ballbé, M. Un buen modelo de seguridad. *El Periódico*. 3-5-2007.



During the current financial crisis all these guidelines are even more relevant because communal administration is not only more human and more efficient but is also a very economical resource.

This is a step forward in the evolution of state organisation systems. Individual centrism has given way to state centrism in which the State has taken the form of a paternalist entity that must protect citizens from any danger. The new paradigm consists of moving closer to a **central-community State** in which the centre of power lies in the community and in its activism.

IV. THE FUNDAMENTAL RIGHT TO SECURITY AND THE NEW CONCEPT OF HUMAN SECURITY

The Universal Declaration of Human Rights¹³ establishes the inherent and fundamental right to security for all:

“All individuals have the right to life, to freedom, and to personal security.”

The traditional concept of security referred solely to the risks associated with violent crime and homicides. From this perspective security was left only in the hands of the forces of law and order.

Beyond this concept of security, the United Nations coined the term **“Human Security”** in the 1994 report on Human Development¹⁴, which is much more global in nature and includes aspects as interrelated and interdisciplinary as human rights, arms control, environmental security, food security, employment security, and the social responsibility of companies, among others... The new concept of security is concerned with the prevention of all risks affecting human life¹⁵.

It is within this framework that the so-called “regulatory state” has been shaped; it has taken the trouble to guarantee these new rights that are civil, environmental, racial, anti-discrimination, on health and safety at work, on road safety, etc. This security movement understood in a global manner generated a regulatory wave that culminated in the 1970s.

We should note the extremely extensive environmental regulations which are the fruit of the ecological movements and those in defence of consumers led by Ralph Nader, who is known as the architect and global regulator of the rights of risk prevention and environmental, food, road, and employment security that are spreading all over the world.¹⁶

The objective of this normative influx was to judicialise protection by means of regulation in all sectors affecting citizens' right to health and life and which produced a number of fatalities much higher than that of common crime. Until then those victims were unknown or relativized in an economy based on productivity and profits and not on the security of its workers and its consumers, in short its citizens.

¹³ Art. 3 Universal Declaration of Human Rights.

¹⁴ PUNDP (United Nations Development Plan), 1994. Report on Human Development 1994: Nuevas dimensiones de la seguridad humana. Fondo de Cultura Económica. México.

¹⁵ Fernández, J. P. Doctoral thesis. La seguridad humana. Director: Ballbé, M. June 2005.

¹⁶ Ballbé, M. Seguridad Humana: del estado anómico al estado regulador. Prologue to the Spanish edition. Ariel, 2006.

The 1970s also saw the creation of administrations and regulations which, like the Occupational Safety and Health Agency (OSHA), were to implement very specific regulations for the prevention of occupational hazards as a result of the demands of the trade unions and of these new collective security concerns in all aspects of human life and naturally also concerning employment. In companies a department for preventing these risks was established and prevention delegates and specialised technicians were appointed. It became compulsory to submit to external audits, certification and accreditation certificates, etc., which generate improved security and quality. In short, the administrative model designed by Professors Landis and Frankfurter for the prevention of financial risks and external audits was extrapolated to employment risks and subsequently to other fields in the company (environmental risks, the prevention of the risk of discriminating against black people or women, etc.).

Nowadays Corporate Responsibility is an instrument imposed in other fields (social, human rights, etc.) and its origins lie in these social movements, which the most dynamic companies have been able to assimilate or even to turn to profit¹⁷. It is currently an unavoidable sign of identity in the most modern and competitive companies. As we have mentioned, it is now compulsory to have a system known as self-regulation (which is in fact regulated) through the appointment of an occupational hazard officer and an environmental officer as an internalised institution of self-control and preventive vigilance, which is also complemented with the duties of the inspecting Public Administration¹⁸. These officers represent a body within the company that is up to a point independent of the entrepreneur, who monitors security and public interests (environmental, concerning employment, etc.)¹⁹.

The new concept of human security guarantees the right to security in its widest form as a fundamental right inherent to human life and gives a capillary vision, in which by means of various regulations these “controls” impregnate our society and enter fields that were formerly excluded such as the environment, violence within the family, sexual abuse in the workplace, the toxicity of some carcinogenic pesticides, etc.

As has already been mentioned, the competitiveness of local administrations and their future projection depends on this new preoccupation for security understood as a whole.



¹⁷ Vogel, D. The market for virtue. The Potential and Limits of Corporate Social Responsibility, Brookings, 2005. Quoted in Ballbé, M. El futuro del derecho administrativo.

¹⁸ Revesz, Sands, Stewart. Environmental Law the economy and sustainable development. The United States, the European Union and the International Community, Cambridge University Press, 2001. Quoted in Ballbé, M. El futuro del derecho administrativo... op. cit.

¹⁹ Breunung, L. y Nocke, J. "Environmental Officers: A viable concept for Ecological Management?", en Teubner, Farmer y Murphy, Environmental Law and Ecological Responsibility. The Concept and Practice of Ecological Self-Organization, Wiley and Sons, 1994. See also the work of the German specialist Reh binder, E. "Environmental auditing and the transparency of companies", CEPAL (Economic Commission for Latin America and the Caribbean), LC/R. 1572, of 2nd August 1995. See also the work on self-regulation and risk management of Esteve Pardo, J.



V. SOME CAUSES OF CRIME AND LOCAL GOVERNMENT FIELDS OF ACTION TO DETECT AND PREVENT THEM

"There is definitely a correlation between policies of human security²⁰, public health²¹, and regulation in the prevention and reduction of violent crime"²².

1. Lack of affection in childhood and abandonment by parents

The first 7 years of childhood mark a person's character. The future adult's attitude throughout his life will depend on the amount of affection he receives. A lack of esteem or traumatic events such as abandonment by either of the parents are events that increase the possibility of vandalism or crime in the future. As we know these facts we should ask ourselves what we can do to prevent this future violence and inability to adapt.

The neurologist and psychiatrist Boris Cyrulnik, the world's leading expert on childhood traumas, has theorised on affective resilience. His personal story is highly revealing of his interest to study in depth this human capacity for overcoming adversity.

"Boris Cyrulnik lost both his parents in a Nazi concentration camp from which he managed to flee at the tender age of 6. After the war he passed through several children's homes before ending up in a charity farm. Fortunately some neighbours inculcated in him a love of life and literature and he was able to get an education and grow up to overcome his past"²³

"Resilience can be defined as the capacity of human beings subjected to adversity to overcome it and even to be strengthened by the experience."²⁴

In his book *The Ugly Ducklings* Cyrulnik explains that if children receive affection they can bounce back after these bad experiences and leave behind the risk of social exclusion, failure to adapt, or crime.

The cases of Obama and Clinton are very significant; the former grew up without a father. It was thanks to the love of his mother and in particular of his grandparents that he found sufficient support to want to study, to train, and to show great empathy with society's problems. Before going into politics he worked as community organiser in one of the most conflictive districts of Chicago, the South Side. The case of Clinton was similar but if anything even more traumatic. His father had died, but his mother rebuilt her life with a Mr Clinton, who was an alcoholic that ill-treated them and moreover gave them his surname. With this broken home background the statistics heralded a future adult with potential problems of social integration, but a music teacher noticed that the boy Clinton was good on the sax and motivated him to continue playing. The acknowledgement and esteem of this teacher, who detected the boy's aptitude, triggered his resilience.

When the father or mother that abandoned the child is alive, the regulator must take into account this risk that affects security and must establish administrative penalties for parents who wash their hands of their children. The abandoning of children is not only a family drama but constitutes a risk for society. Local public and welfare authorities have an active part to play in detecting these episodes and in curbing abuse at home. The local government must detect this behaviour promptly and the law must establish the corresponding instruments to curb these potential risks.

²⁰ This refers to the United Nations concept of human security, see Fernández, P., Seguridad Humana. Ariel, 2006.

²¹ Hemenway, D. Private Guns. Public Health. University of Michigan Press, 2007.

²² Ballbé, M. Martínez, R. Global Administrative Law: towards a Lex Administrativa. Robalinos-Orellana, J., Rodríguez-Arana, J. Cameron May. London, 2010. p. 182.

²³ Aldo Melillo. Sobre resiliencia. El pensamiento de Boris Cyrulnik. <http://www.redsistemica.com.ar/melillo.htm>

²⁴ Aldo Melillo. Sobre resiliencia. El pensamiento de Boris Cyrulnik. <http://www.redsistemica.com.ar/melillo.htm>

The United Nations Convention on the Rights of the Child²⁵ recognises the right of children to be heard in lawsuits in which matters affecting their interests are decided upon. This is an opportunity for the law courts and the Administration to detect the suffering of children and teenagers. This kind of legal instrument is a dissuasive element in itself. If families know that their children can come forward to declare, they will perhaps be much more careful to control certain behaviour that may affect the emotional stability and condition the future personality of their children.

Both affection and recognition are two essential elements for preventing crime in children who have experienced violent situations or childhood traumas or who have lived in broken homes with problems.

The groups that give the largest doses of recognition and esteem are women and the elderly. They represent a key factor in prevention strategies given the stereotype of the toughness of men. We will later comment on initiatives by local authorities to use all the potential of these groups to help young people and rehabilitate them as an active prevention system.

2. Damage to the prefrontal cortex

The prefrontal cortex is the part of the brain where emotions are inhibited and plays an essential role in our behaviour. A blow in this area may cause very serious damage, and as they cannot control their emotions those suffering from damage to the prefrontal cortex may become violent criminals and psychopaths owing to their inability to generate empathy. There are studies showing brain scanner images of people who are violent owing to visible injuries in that area.

This effect is more marked in children. The bone and brain structure of children is less resistant than that of adults, and for this reason a blow on the head received by a child may easily damage his cortex and convert him into a violent criminal for the rest of his life. If the damage is less serious, the child will no doubt suffer from behaviour disorders although they may be less serious. His attention and learning will also suffer.

Prevention in this sense must concentrate on giving parents this information so that they are aware of the very serious consequences of physical punishment for children. On the other hand, an administration is needed to aim to ensure that these episodes do not occur, and if they do it must establish penalties to prevent those who hit children (who are more vulnerable to injuries) from enjoying a certain "social impunity". Some regulations in this field have been very successful, for example the requirement for protective helmets to be worn both on building sites and when travelling by motor-bike. They explain the success in reducing violent crime, which has also been confirmed after the prohibition of leaded petrol.

3. The importance of the first six months of pregnancy

During the first six months of pregnancy it is essential for the mother to eat well, not suffer from stress, and receive suitable medical attention. Recent studies have shown the importance of this gestation period. A traumatic situation for the mother during these months produces a child with problems of adaptation, an attention deficit, or future criminal behaviour.

For this reason local authorities, which are closest to the citizen, can propose specific employment policies so that during these first six months pregnant women are not in jobs of considerable stress or danger. They may propose rotation at the company to allow them to fill posts of less psychosocial or physical risk and to return to their previous duties once this period has passed.

²⁵ United Nations. Convention on the Rights of the Child. Valid since September 1990.



In his book *Crime and Schizophrenia*²⁶ Raine published the results of a study that was carried out in towns of the Netherlands where after the Second World War food rationing had been implemented. This study confirmed that a vitamin deficiency during pregnancy and in particular during the first 6 months generates violent crime. Fifteen years later, when the boys were of an age when violence begins owing to their levels of testosterone, a significant increase in violent crime was noted in those areas. This was due to the lack of vitamins that the mothers of those boys had suffered during pregnancy. This could be confirmed owing to the registers of ration books.²⁷

Poverty is often associated with crime, but nowadays the evidence that vitamin deficiency generates violence and crime is irrefutable. We therefore know that with generic vitamins we can achieve nutritional rehabilitation by implementing local policies so as to reduce the amount of violence in municipalities and avoid the very high cost of prison rehabilitation.

Another measure that can be proposed by local authorities is a follow-up of the vitamin situation of pregnant women. This is a very cheap prevention policy owing to the low cost of generic vitamins and may represent an extremely high saving in the future if we prevent children suffering from concentration problems or academic failure or from having problems with the law.

On the other hand, it is also important for local authorities to take the trouble to provide women with good health care during childbirth owing to the potentially serious implications of any complication:

*"It has been seen that brain damage and the deficient functioning of the brain involves a predisposition towards violence; one of the reasons for brain damage may be complications during childbirth. There is evidence that providing improved health care both before and after the birth for disadvantaged mothers will help to reduce complications and therefore reduce violence."*²⁸

4. Lead poisoning

*"It has been suspected for a long time that exposure to pollution, particularly metals that have toxic effects, may cause slight levels of brain damage, which in turn favours antisocial and aggressive behaviour."*²⁹

One of the most important studies on this subject is that presented by Wright³⁰, who collected bone samples from 301 boys aged eleven.

He found that:

*"boys with higher lead levels were shown to be those with the highest levels of criminal and aggressive behaviour towards their teachers, more criminal and violent behaviour towards their parents, and higher levels of self-assessed criminal conduct."*³¹

The definitive study was carried out at Cincinnati University between 1979 and 1984 with a follow-up of the lead levels in the blood of 2,000 pregnant women. Some of them had lead poisoning and passed it on to the foetus. Years later during the follow-up the scientists were able to confirm that 55% of the children with lead poisoning had been arrested at least once during their teenage years.³² Girls with lead poisoning are not violent although they do have problems concentrating and suffer from academic failure. This can be explained by the fact that it is the mixing of testosterone (of which males have much higher levels) with lead that produces violent behaviour.

²⁶ Raine. *Crime And Schizophrenia: Causes And Cures*.

²⁷ Neugebauer, R., Wijbrand Hoek, H., Susser, E. Prenatal Exposure to Wartime Famine and Development of Antisocial Personality Disorder in Early Adulthood. <http://jama.jamanetwork.com/article.aspx?articleid=190990>.

²⁸ Raine, A. The biological Basis of Crime. In the book *Crime, ICS, 2002*. Quoted in Ballbé, M., Martínez, R. ... op. cit.

²⁹ Raine, A. The Biological... pp. 65-66. See also Rosner, D. Markowitz, G. Standing up to Lead Industry: an interview with Herbert Needleman, Special Report on Lead Poisoning in Children in Public Health Reports. Volume 120. 2005. Quoted in Ballbé, M., Martínez, R., ...op. cit.

³⁰ Wright, J.P. et al. The Association of prenatal and childhood blood lead concentrations with criminal arrests in early childhood.

³¹ Needleman, 1996. Quoted in Ballbé, M., Martínez, R. ...op. cit. p.183.

³² Cincinnati University. Childhood Lead Exposure Associated With Criminal Behavior in Adulthood. <http://healthnews.uc.edu/news/?/6986/> See also Ballbé, M., Martínez... op.cit.

“High concentrations of lead in the blood in prenatal and postnatal situations are directly related to higher rates of imprisonment and/or arrests related to acts of violence. This is the first study to demonstrate the connection between exposure to lead during the stage of development and criminal behaviour in adults. In 1978, 13.5 million children in the USA had a level of lead in the blood five times the level established by the US Centers for Disease Control and Prevention as the maximum acceptable figure. Lead welding and lead paints were prohibited in 1986 and 1978 respectively by the federal government; leaded petrol was finally taken off the market in 1996. In 2002 a level of lead 5 times the maximum acceptable figure was present in only 310,000 children in the USA.”³³

In any case, boys exposed to lower levels of lead than those who had ingested particles or dust from remains of old paint, for example, could have problems in their intellectual development (the lowering of their intelligence quotient, attention deficit disorder owing to hyperactivity, and behavioural problems, including violent behaviour).³⁴

As Professor Lacey says, in an analysis of the regulatory aspects of criminal law one must think of a "regulatory space" occupied by a high number of different regulatory agents (one of them is local government, which must be particularly vigilant as it has a more direct contact with the citizen), which are different regulatory disciplines with different objectives to regulate.³⁵

“In accordance with this preventive vision of regulatory law, the continuous and well known reduction of the high levels of lead in the blood is largely due to regulatory interventions and federal and local programmes. The law continues to play an essential role in the fight to mitigate the harmful effects of lead in homes. While traditionally public health interventions concentrated on correcting environmental risks affecting health, an efficient response from the health system to lead poisoning in childhood requires innovative regulatory models and policies with solid provisions so that they can be enforced.”³⁶

The result of all this is a climate and a culture of respect for the right of all citizens to life and health. This climate is considered by the school of Environmental Criminology as one of the key elements for achieving a society with a permanent security culture and respect for human rights.³⁷

Lead poisoning can be avoided by means of regulations limiting its use, but lead can also be removed from the body by means of nutritional rehabilitation. Chlorella algae, for instance, or foods rich in peptin help to eliminate it. This is why it is important for the institutions closest to the citizen to forestall these risks of the increase in violence and academic failure in their communities by an analysis that can check whether teenagers have lead poisoning or are affected by other heavy metals, which as well as increasing aggression causes diseases such as Parkinson's or Alzheimer's in the long term.

5. Nutritional rehabilitation: a preventive opportunity for Local Government

“Recent studies suggest that while some parts of our brain (such as the cerebellum) are damaged by malnutrition, these effects can be reverted by nutritional rehabilitation.”³⁸

This gives public authorities a major field of action, as they have the opportunity of rehabilitating people who have suffered from poor nutrition during their childhood or even during the pregnancy period by supplying low-cost generic vitamins and also fatty acid supplements such as Omega 3.

³³ Wright, J.P. et al. The Association of prenatal and Childhood Blood Lead Concentrations with Criminal Arrests in Early Adulthood. Quoted in Ballbé, M., Martínez, R. ...op. cit. p. 183.

³⁴ Wright, J.P., ...op. cit. Quoted in Ballbé, M., ...op. cit. p. 183.

³⁵ Lacey, N. Criminalization as Regulation: The role of Criminal Law, Regulation law. Parker, Scott, Lacey, Braithwaite. Oxford. Pág. 147.

³⁶ Ransom, M., Thombly, M., Ekechi, C. Toward eradication: How law and Public Health practices can be used to prevent childhood lead poisoning. Tulane Environmental Law Journal, 22, winter 2008.

³⁷ Ballbé, M. Seguridad Humana: del estado anómico al estado regulador. Prologue to the book Hood, C. The Government of Risk. Oxford University Press, 2001.

³⁸ Liu, J. Raine, A. et al. "Malnutrition, Brain Dysfunction and Antisocial Criminal Behavior". In Raine, Crime and Schizophrenia. Nova Science Pub., 2006. Quoted in Ballbé, M., Martínez, R. ...op. cit. p. 182.



A study published in the British Journal of Psychiatry showed that a group of young violent prisoners reduced their levels of aggression and violence on following treatment that supplied them only with amino acids, vitamins, and Omega 3-6-9.³⁹

"Recent scientific conclusions and studies on the effects of food supplements in the reduction of antisocial and aggressive behaviour in prisoners are at odds with and refute the traditional view that the negative effects of malnutrition at an early age were permanent."⁴⁰

VI. THE TRIUMPH OF THE PREVENTIVE SECURITY MODEL COMPARED WITH THE FAILURE OF THE REPRESSIVE MODEL

1. The Spanish model of public security prevention compared with the repressive model of the US

It has been shown that repressive systems do not work and that the essential element for achieving maximum security levels is the prevention model.

We will take two countries as examples of each of these models so as to make a comparative analysis of the number of homicides, the number of policemen, and the number of prisoners. These conclusions, which are based on Spain as an example of a model stressing prevention and on the US as a model that traditionally has concentrated its efforts more on repression, can be extended to any other country depending on which security model it follows.

2. Comparison of the number of homicides

Spain has 1 homicide per 100,000 inhabitants, while the US has 10 homicides per 100,000 inhabitants, although they claim to have only 6⁴¹.

Other countries such as Mexico have 25 homicides per 100,000 inhabitants⁴². Brazil has about 30 per 100,000 (with states such as that of Pernambuco having about 60 which the Campos government has managed to lower to about one homicide per 100,000) and Guatemala with 41 per 100,000 inhabitants. Chile had only 4 homicides per 100,000 inhabitants and has managed to lower the figure to 3 in an example of preventive security.

These figures must be related to others in order to examine their causality.

³⁹ Gesch, C.B., Hammond, S. M., Hampson, S.E., Eves, A., Crowder, M. J. Influence of Supplementary Vitamins, Mineral and Essential Fatty Acids on the Antisocial Behavior of Young Adult Prisoners. The British Journal of Psychiatry, 181, 2002. Quoted in Ballbé, M. Martínez, R. ... op. cit.

⁴⁰ Raine, A. op. cit.

⁴¹ The figure of 6 homicides per 100,000 has been doctored because it does not take into account those who were killed if they were armed. The statistics do not take all these people into account because they consider them to refer to self-defence instead of homicide.

⁴² UNODC Homicide Statistics. 2011 Global Study on Homicide. <http://www.unodc.org/unodc/en/data-and-analysis/statistics/crime/global-study-on-homicide-2011.html>

3. Comparison of the number of police officers in Spain and in the US

With regard to the number of police officers it is important to point out that although this is a relevant figure their efficiency will depend on their being well paid and appreciated by society and on their not being corrupt.

Spain has 1 police officer per 200 inhabitants and Chile has 1 police officer per 250 inhabitants. In contrast, the US has only 1 police officer per 300 inhabitants. Mexico has 1 police officer per approximately 370 inhabitants and Brazil 1 per 400.

In an initial approach it can be observed that Spain is the country with fewer homicides and with a larger number of police officers per inhabitant. This is a relevant detail that affects security levels. As we have mentioned however, it must also be taken into account that the police in Spain has a very low level of corruption and is well paid. This means that the population trusts the security forces and collaborates and helps to maintain this situation. When this culture is created, the feeling of those who want to commit crime is that every citizen is a possible policeman who will collaborate to improve this security.

One of the policies that can be promoted by the local government is that of encouraging police officers to undergo training. The police must have the same level of training as the average for society and it is a good thing for them to study at university. This is so because apart from the recognition they receive for their work and their knowledge, it has been shown that a police force with a good level of training is less repressive and greatly improves its investigation techniques which are also those of prevention.

The police officer is a professional who looks after the citizen and has to obtain recognition for doing so in a similar way to the lawyer, the judge, or the doctor; these are professions devoted to saving lives. As a professor of North American administrative law pointed out, the police are the administration that has most discretionary powers and the latter do not lie with the upper echelons but rather with its ground roots officers. The policemen in the street are the first to impart justice (or injustice) with their actions. For this reason they must be well prepared and well paid and their preventive work at the service of the community must be socially recognised.

4. Comparison of the number of prisoners

The number of prisoners in Spain is 140 per 100,000 inhabitants and the level of impunity from justice is almost non-existent. The USA has 740 prisoners per 100,000 inhabitants. This represents 5 times the Spanish prison expenses. In other words, the USA cannot spend on prevention because it already spends 5 times more than Spain on prisons, prison officers, criminal court judges, executioners, etc.

In Latin America most countries have about 200 prisoners per 100,000 inhabitants. This is due to the high level of impunity or the failure to resolve crimes. Although this figure may seem alarming in fact it has a positive reading. If there is the political will to invest in security prevention, these countries have the money that they do not devote to prison repression to invest in improving the preventive factors: universal free health care, welfare programmes, well paid preventive police, a suitable vitamin follow-up, etc.

In fact a society that focuses on prison repression has no future because the cost of maintaining a prisoner is too high to have all those who commit crime locked up. The only viable solution is to invest in a transverse and multidisciplinary prevention system, which is cheaper and also more effective.



5. Brown versus Plata, the failure of centralised prison systems and the decentralised prevention formula

The Brown versus Plata sentence of May 2011 is paradigmatic and marks a before and after in criminal law; it is the final proof of the triumph of preventive policies compared with unsustainable repressive ones.

California has 37 million inhabitants, which is a roughly similar figure to that of Spain which is approximately 47 million. While Spain has 50,000 prisoners, California has 150,000. Given that the level of impunity is almost non-existent in both areas although higher in California (between 2% and 5% regarding violent crime in Spain and 10% in California), these figures reflect that the work of preventive security in Spain has prevented some 200.000 crimes.

The sentence of the US Supreme Court analyses the case of a prison in California in which the prisoners were crowded together and without the necessary space, hygiene, and conditions to coexist in a reasonable and healthy manner. Plata and other prisoners denounced the conditions in which they were obliged to live, which were subhuman. The sentence incorporated for the first time photographs in which it could be seen that even the gym was crowded with bunk beds. This situation was due to the fact that the prison in question had been designed to hold half the number of prisoners who were actually serving their sentences there.

The Supreme Court found in favour of Plata, understanding that the treatment that these prisoners received constituted an additional sentence to that already imposed upon them in their respective trials. The ruling was clear and obliged the Californian authorities to release some 50,000 prisoners in two years owing to the insanitary conditions in which the prisoners were living.

This sentence leads to an important reflection for those who maintain that the Latin American countries such as Brazil should improve their repressive system in order to sentence all those who commit crimes and put an end to the high impunity. The imprisonment of all who have committed violent crimes would bring the countries to an economically unsustainable situation, as if the USA with some 10 homicides per 100,000 inhabitants has some 740 prisoners, Mexico with about 20 homicides per 100,000 inhabitants should have some 1,480 prisoners per 100,000 inhabitants and Brazil some 2,120 prisoners per 100,000. It is clear that the cost of this repressive system would bankrupt the State.



VII. THE NEW CHALLENGES OF PREVENTIVE SECURITY

1. Women, a guarantee of improved security and prevention

The future of security lies in the full incorporation of women as security professionals and as active members of the preventive community. Women only commit 5% of violent crimes (as opposed to 95% committed by men) and only 30% of non-violent crime worldwide (compared with 70% by men).⁴³

These figures are applicable to all fields of security and prevention. For example, in road safety women commit 70% less offences than men. As far as corruption is concerned as an example of non-violent crime, it is the same story: only 30% of women have the potential to engage in corrupt practice compared with the figure of 70% in the case of men. Being aware of these figures allows governments to draw up policies for the equitable insertion of women in crime prevention and in state security forces.

⁴³ Interview of Manuel Ballbé. This is the moment to combat insecurity.

In the hypothetical case of a police force consisting only of men, on introducing 50% of women to it in the case of Mexico bribes would immediately be reduced by 35%. If the force consisted solely of women bribes would fall by 70%.

Neurological studies based on brain scanner images such as those presented by the neurologist Louann Brizendine⁴⁴ reveal that women are more observant and more precise when it comes to detail. She also explains that women have a larger number of the so-called mirror neurons which are those allowing empathy between people. This greater capacity means that women can understand the people around them in a more precise manner and can be of very great importance in the detection and prevention of possible risks. As they have a more developed capacity for empathy in their neuronal circuits, women are more conciliatory than men. Moreover, they are less contaminated by the dangerous prototype of the tough and aggressive man that has historically and wrongly been associated with the figure of the policemen.

It has already been shown that repressive systems with the model of a cold and violent policeman who is distant from the citizen do not achieve the results expected as 80% of the necessary information for resolving a crime comes from the citizens themselves. If society perceives the police as distant or does not trust them because it understands that they are part of a corrupt force, it will not transmit this valuable information to them. The "Rambo" policeman misses this 80% of necessary information while a policewoman with greater empathy will have a greater facility for detecting it and collecting it. This spirit is what has led the North American police to apply community policing policies with techniques to bring them closer to citizens, the introduction of immigrants into the force, etc., after realising the failure of its previous model.

It is a case of creating a human-based security model that is familiar with the problems and the risks of society compared with the obsolete model of state-based and distant security.

2. The elderly, an institution with affection

The elderly are one of the groups, together with women, that most tend to give affection. In the USA there are now local programmes that have the collaboration of 200,000 elderly people that have offered to accompany children and teenagers.

This spirit reflects the ideas of Putnam when he spoke of the need for creating local institutions that give affection:

"The key ingredient for generating social capital is the educating of community leaders and the creating of administrations that give affection. It is necessary to encourage intergenerational links to compensate for the current deficit in human and social capital".⁴⁵

These efficient and very economical methods affect people's emotional health and in the medium and long term the public security of society. Local governments should not miss the opportunity to recruit this "army" of people willing to collaborate with affection for the good of the community.

3. Volunteer work as a formula for security

The volunteering spirit is the seed on which activism in the community is based. Obama is an example of the capacity for achieving goals such as the prohibition of asbestos by means of movements that work to protect the community without expecting payment. This is because their interests go beyond the immediate effect of a compensation and aim to achieve goals that serve society a whole.

⁴⁴ Brizandine, L. The Female Brain. RBA, 2007.

⁴⁵ Putnam, R., Feldstein, L. Better Together: Restoring the American Community. Simon & Schuster, 2005.



Several criminologists maintain that crime is the result of the failure of the community. Braithwaite affirms that:

“The community will recover by means of involvement by families, schools, community networks, sports centres, and public services that defend society from drugs, sexual abuse, and ill-treatment.”⁴⁶

The 1992 Olympic Games in Barcelona provide Brazil with a good example of the number of activities that a city can prepare thanks to the indispensable collaboration of those who volunteer to help prepare a historical event for their city. A local government that is able to involve people in voluntary work will achieve united citizens with a strong feeling of identification with their municipality, their city, their region, and their country.

Volunteer work constitutes an option between proximity public policing and private policing, and is not only cheaper but is also more efficient and projects more civic and cooperative values.

VIII. FINAL REFLECTIONS

As is expounded in this report, the reduction of crime is linked to many factors but mainly to the new prevention policies that are guided by this concept of human security with caring institutions and with an active community that is vigilant in order to detect all those risks that may endanger people's lives and health.

The achievements of these active communities include prevention regulations such as the requirement for using a helmet when riding a motor-bike or when working on a building site; these measures have avoided many brain injuries that could have led to violent crime. The prohibition of leaded petrol has prevented the exposure of millions of people worldwide to high levels of pollution, which lead to academic failure, behavioural disorders, and violent behaviour in boys.

Given this situation, local governments which are in direct contact with citizens must make use of this competitive advantage compared with state power so as to implement innovative prevention policies such as nutritional rehabilitation, which are not only much more economical than repressive prison systems but are also more effective.

As the teacher Mary Parker Follett indicated in *The Giving of Orders* as early as 1926,

“All administration and management systems can be differentiated by the use of two prepositions: governing “with” or governing “over”.”

Local governments can choose between governing with citizens or governing over citizens, or governing with the police or over the police. Their choice will affect the degree of legitimacy of their decisions and the level of recognition they receive from citizens. In short, it is a case of choosing a security model with more humanity.

⁴⁶ Braithwaite, J. *Youth Development Circles*. Oxford Review Education, 2001.



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