



Asociación para una Sociedad Más Justa and Transparency International
Collaboration and Good Faith Agreement for the Promotion of Transparency

Ministry of Security

Investigation Summary



Collaboration and Good Faith Agreement

The Collaboration and Good Faith Agreement for Promoting Transparency, Combatting Corruption, and Strengthening Systems was signed by the Government of the Republic of Honduras and Transparency International/Association for a More Just Society in October, 2014.

This Agreement does not look to substitute any State institution; instead it looks to partner with public institutions in order to strengthen them, increasing their efficiency and effectiveness in order to better serve the needs of Honduran citizens.

The Collaboration and Good Faith Agreement has the following objectives:

- To perform independent monitoring and evaluation of the integrity, transparency, and accountability of the institutional management of five of the most vulnerable public sectors: a) Education, b) Tax Management, c) Infrastructure, d) Health, and e) Security.
- To strengthen public institutions through Civil Society in the areas of integrity, citizen participation, and accountability
- To establish baselines from which to monitor improvements in the selected entities
- In the long term, to develop public services of health, education, security, and infrastructure that better respond to the needs of Honduras' citizens

Ministry of Security

The President of Honduras, the Minister of Security, and other relevant personnel have expressed willingness to cooperate with ASJ/TI's investigations, complying with requests for access to information and divulging information about processes and protocols.

The Minister of Security also cooperated in the selection of samples in order to choose representative cases so as to better select opportunities for improvement. It is important to emphasize that the evaluation presented in this investigation does not represent a score for the entire management of the Ministry of Security, rather it reflects the study of the few processes selected as samples.

The investigation into the Ministry of Security, presented on November 12th, 2015, can be read in full, in Spanish, [here](#). The investigation establishes a baseline from which civil society can monitor and evaluate the Security System, as well as offers recommendations that the Ministry of Security can use to create improvements and enforce corrective actions. To complement the results of the investigation, the Minister of Security released a [Plan for Improvement](#) which will be monitored and evaluated in a consistent and systematic way, every six months, by the ASJ/TI team.

Contracts and Purchases

Investigation into the Contracts and Purchasing sector of the Ministry of Security revealed irregularities including a lack of documented processes for major purchases, major purchases misused or missing, and the exploitation of a State of Emergency for unauthorized and misused vehicles.

Methodology and Request for Documentation:

1. The Ministry of Security provided a list of the different contract proceedings made by this ministry from 2012-2015. Of these, three samples were selected: Acquisition of Armored Trucks, Remodeling of Six Police Stations, and Acquisitions with the Security Tax
2. ASJ/TI requested specific documentation from the Ministry of Security including budgets reports, operating plans, purchase records, and other relevant documentation. Only 68.18% of requested documentation was delivered.
3. 6,685 pages of documentation were scanned and reviewed
4. For each of the selected contract proceedings, a score was given based on a series of over 500 affirmative or negative criteria, divided into topical indicators (<http://asjhonduras.com/ti-asj/base-de-registro-de-datos/>)

Findings: Acquisitions of Armored Trucks:

ASJ/TI audited the Ministry of Security's purchase of 13 armored trucks in 2013 and 2014, a purchase that totaled \$1,545,454.55. The following chart illustrates that according to the following nine indicators, average compliance with written regulations and protocols was 14.27%:

No.	INDICATORS	% Compliance
1	Prerequisites	53.57%
2	Contract Procedure	20.69%
3	Execution and Modification of Contract	13.04%
4	Delivery and Reception of Goods	0.00%
5	Inventory and Storage of Goods	13.16%
6	Distribution of Goods	28.00%
7	Disciplinary Process	0.00%
8	Auditing and Oversight	0.00%
9	Social Auditing	0.00%
	AVERAGE	14.27%
	Contracted Company	LATIN AMERICAN ARMOR COMPANY, S.A. (LAACSA)
	Amount	L. 34,000,000 or US \$1,545,454.55

Prerequisites:

- On December 5, 2011, the President declared a 90-day State of Emergency, a decree that lifted certain legislative requirements and allowed purchases without normal due process. This State of Emergency was extended until January 27, 2014 (784 days later),

- The executive agreements which provided authorization for the truck purchase (No. 03-2014 and No. 09-2014) were authorized on January 30th, 2014 and February 5th, 2014, respectively. They were declared only after the State of Emergency’s mandate expired, which is not in line with stated procedures.
- There was no analysis of market prices before the purchase and acquisition of the armored trucks.

Contracting Procedure:

- The delivery receipt states that the reception of the goods was carried out under strict compliance with Executive Agreement No. 33-2013 and stated that 14 armored trucks were to be purchased. Nonetheless, the Executive Agreement authorizes the purchase of only 5 trucks and not 14.
- There is no documentation or evaluation that justifies the selection of the company that fulfilled the contract for the armored vehicles, Latin American Armor Company, particularly as their bid was not the lowest.
- No contract with the selected company was signed.

Distribution of Goods:

- Despite the fact that the 13 vehicles were purchased with funds from the Ministry of Security’s budget, only four are currently with the Ministry of Security.

Disciplinary Process:

- Despite clear and documented noncompliance with written policies, there have been no investigations or disciplinary action against those who administered the contracts, nor sanctions for offenses related to the Contract Law of the State.

Findings: Contracts for the Remodeling of Police Stations (With Interamerican Development Bank Funds):

In 2013, the Ministry of Security opened bids for the remodeling of six police stations. The Interamerican Development Bank (IDB) funded and oversaw these remodels. The following chart illustrates that compliance with written regulations and protocols for the contracts, according to the following nine indicators, was 36.58%:

No.	INDICATORS	% Compliance
1	Prerequisites	77.78%
2	Contract Procedure	57.52%
3	Execution and Modification of the Contract	58.82%
4	Delivery and Reception of Works	58.82%
5	Disciplinary Proceedings	0.00%
6	Auditing and Oversight	3.13%
7	Social Auditing	0.00%
	AVERAGE	36.58%
	Contracted Company	Construcciones y Supervisiones Montes, S. de R.L. (COSUMO)
	Amount	L. 4,410,517.02 or US \$200,478.05¹

Prerequisites:

¹ Amendment No. 4

- Mariam M. Leiva, general coordinator of the Project-Coordinating Entity UCP of the Secretary of Security, was responsible for naming the various committees responsible for the contract. She also served as a member of the Evaluation Commission, which is not allowed according to the program’s Operating Regulations, as she was already required to be a part of the Reception Committee.
- There was not a reasonable period of time for companies to make offers nor to make changes to bids after amendments to contract stipulations.
 - The project has a budget of over \$200,000 and a project scope of six police stations. In spite of this, the bidding process only lasted 15 days, with a term of three days to adjust bids after 37 amendments to the contracts were added.
 - One firm (Construcciones y Supervisiones Montes, S de R.L.) was also offered special permission to amend their proposal, a privilege that was not extended to other companies offering the lowest prices. Construcciones y Supervisiones Montes was awarded the contract despite failing to offer the lowest bid.

Average Compliance Score for Purchases and Contracts:

The following chart shows that the Ministry of Security’s overall average compliance score for the three areas of Purchases and Contracts investigated was 25.43%:

Evaluated Processes	% Compliance
Acquisition of Armored Trucks	14.27%
Police Station Remodels (IDB Funds)	36.58%
General Compliance Level	25.43%

Recommendations for Purchasing and Contracts:

- In the future, the Secretary should carry out market analysis for all goods it acquires. This should be independent from the contract procedure, in order to guarantee the best available prices.
- The Ministry of Security should program audits in the Annual Plan for Internal Auditing for verification of legality and regularity in all purchasing and contract procedure.
- Mechanisms for participation of civil society in contracting procedures should be implemented.
- The Ministry of Security should administer trainings in contracting and purchasing procedure for all personnel through the ONCAE (Office for Contracts and Acquisitions of the State).

Management of Human Resources

ASJ/TI investigated the human resources processes used by the Ministry of Security regarding the hiring and termination of police officers. The ASJ/TI team also reviewed and provided extensive suggestions to the drafts of the Organic Law for National Police and the Regulation for Police Security’s Career Path in Honduras.

Methodology:

1. Six different HR processes were identified. Of these, three samples were selected: Human resource planning, Hiring, and Disciplinary proceedings. The regulatory framework was analyzed as a fourth component.
2. ASJ/TI requested specific documentation from the Ministry of Security. The acquisition process was slow, requiring multiple requests for different documentation over a period of seven months.
3. 12,014 pages of documentation were reviewed and scanned
4. For each of the selected contract proceedings, a score was given based on the evaluation of a series of 460 files each with an affirmative or negative outcome for approximately 50 individual criteria based on compliance with the relevant law and best practices. (<http://asjhonduras.com/ti-asj/base-de-registro-de-datos/>)

Analysis of the Regulatory Framework:

- The ASJ/TI team worked with a group of security experts to provide the Ministry of Security with comments on new drafts of the Organic Law for National Police and the Regulation for Career Path of Police. Over 90% of the team’s suggestions and observations, by October 2014, were included by the Ministry of Security’s team. The work of the General of the Division, Julián Pacheco Tinoco, should be recognized.
- Passing this law is of primary importance, considering that the relevant law was formulated in 1998. Seventeen years and six governments have passed, and the Ministry of Security does not rely on this law to manage personnel correctly.

Findings: Management of Human Resources:

- ASJ/TI requested 36 types of documentation which included, but was not limited to: policies, organizational flow charts, position descriptions and manuals, awards given, strategic plans, amongst others. The evaluation of these documents resulted in a score of 29% for 2013 and 2014, taking into account the percentage of documents received, and criteria based on compliance with relevant law and best practices.

Verification Criteria (lists, policies, organization flow charts, protocols, etc.)	Year	
	2013	2014
No. Types of Documentation Evaluated per Year	36	36
Level of Compliance	29%	29%

- Former Ministry of Security Arturo Corrales conducted between three and five complete censuses of the police force of Honduras, carried out and donated by his own company, Ingeniería General. Access to

these censuses were not granted to ASJ/TI. The census is a source of fundamental information for the purging of corrupt police and for laying the foundation for good hiring practices and a correctly administered payroll.

Findings: Police Force Hiring:

The ASJ/TI requested 115 types of documentation which included, but was not limited to: police officer resumes, degrees, the police certification process, amongst others. The evaluation of these documents resulted in a score of 52% for 2013 and 61% for 2014, taking into account the percentage of documents received, and criteria based on compliance with relevant law and best practices. In the following graph, the scores for four of 19 criteria are shown as an example.

Verification Criteria	% Compliance by Year	
	2013	2014
Files Evaluated	115	115
Police Service Records	100%	99%
DIECP Resolutions	0%	57%
Police Certification Test	0%	0%
Proof of Criminal Records	60%	91%
Level of Compliance	52%	62%

- 80% of the personnel files did not have attached either: a copy of the letter of appointment of the individual, a document confirming their passage of the police certification test, or a confirmation of a degree from the Technical Policing Institute (ITP) or the National Academy for Policing (ANAPO).
- The Office for the Investigation and Evaluation of Police (DIECP) administers a four-part police certification process for applicants and students of the National Policing Education System, as well as periodic administrations for the police force at large. When ASJ/TI requested this information, the head of DIECP refused to hand over detailed statistics of the certification process, claiming that they were for internal use only. Nonetheless, DIECP provided general totals.
- The evaluations were not applied to all police previous to their hiring.
- Only 100 of the 230 new hires, or 43%, received all four parts of the police certification process.
- Out of 230 newly hired police in the representative sample, 42, or 18%, of them should not have been hired, as they failed to pass at least one part of the police certification process. Three failed personal background checks, while 39 failed polygraph tests.

The following chart demonstrates the inconsistencies in the Ministry of Security’s hiring databases received by the ASJ/TI team.

Number of Hires per File	Hire Control		Graduates Listed		Copy of Named Hires		Payroll Additions and Deductions, Benefits and Compensation	
	2013	2014	2013	2014	2013	2014	2013	2014
Department that produced the information	Hiring Entity of the		Hiring Entity of the PN		Payroll Entity of the PN		Administrative Management, Ministry of Security	

	National Police (PN)						
Number of Hires	884	238	639	404	641	348	808
Total Registered	1122		1043		989		1,218

- The four reviewed databases of new police hires were inconsistent. The database with the lowest number of new hires was 989, while the highest was 1218. No explanation was given for this vast difference of 229 new hires.
 - There were 123 instances in which a specific personnel file appeared in only one of the databases.
- There are no mechanisms to ensure transparency and accountability in this area; there is no open publication of promotions nor access to detailed police certification results.

Findings: Police Force Terminations of Employment²:

ASJ/TI requested 115 types of documentation related to police force terminations which included, but was not limited to: formal warnings, discharge audience proceedings, and termination agreements. The following chart shows that evaluation of these documents resulted in a score of 10% for 2013 and 9% for 2014, taking into account the percentage of documents received, and criteria based on compliance with relevant law and best practices. The scores for five of 26 criteria are shown as an example.

Verification Criteria	% Compliance by Year	
	2013	2014
Documentation corresponding to the responsible	5%	3%
Labor Absence Proceedings (abandonment)	100%	100%
Signed Discharge Audience	0%	1%
Reason for Separation	38%	30%
Obligatory Firearm Return	4%	3%
Level of Compliance	10%	9%

- The Organic Law for National Police has serious gaps, leaving it unclear who should be fired or terminated and under what circumstances. The collection of police termination data is inconsistent. This generates a high degree of risk that police who are let go will be able to challenge their termination and win. This could cost the Secretary millions of Lempiras and result in the reintegration of corrupt or incompetent police.
 - In the sample, 13 police officers who were let go between December 2013 and June 2014 continued to receive salary until July 2014, costing the Ministry of Security Lp.747,522.57 (\$35,596.31).
- There were vast differences in the police termination databases:

The following chart demonstrates the inconsistencies in the Ministry of Security’s termination databases received by the ASJ/TI team.

² This term includes various reasons for terminating a labor relationship: firing, retirement, and quitting, hereafter referred to as “terminations”

Type of Documentation	Ministry Paperwork		Payroll Additions and Deductions – Benefits and Compensations		Terminations	
	2013	2014	2013	2014	2013	2014
Office that Contributed the Information	Payroll Unit of PN		Administrative Management of Ministry of Security		Legal Unit of PN	
No. of Terminations	164	104	144	559	654	662
Total in File	268		703		1316	

- One database claims the Ministry lost 268 police, while another claims this figure was 1316.
 - Officials have claimed in the media that they have purged over 3,000 corrupt police. This is inconsistent with the databases examined.
- According to the Legal Unit of the National Police in 2013, 7% of all terminations were due to failing the police certification process. Forty percent were due to unjust abandonment, 29% due to voluntary retirement, and 8% due to judicial proceedings against the officer.
 - According to the same entity in 2014, 18% of the terminations were due to failures to pass the police certification process. This is an increase of 11%.
 - There is no correlation between the number of police certification tests and the number of police fired. In 2013, 3,776 police certification tests were administered and 44 police officers were fired. In 2014, only 1,758 police certification tests were administered while 119 were fired.
- There is no policy to ensure that the police certification test happens fairly and with regularity. Some police officers have never been subject to these evaluations, while others have received them up to four times in only three years.
- DIECP does not have a real ability to intervene in firing processes, limiting its function to the application of police certification tests. This leaves the National Police without an agency responsible for conducting investigations into the PN's procedural noncompliance or offenses.
- Regulatory gaps, noncompliance with termination proceedings, and limited documentation can result in the reintegration of corrupt or underperforming personnel or continuing compensation past termination dates, as in the case previously mentioned. Continued errors like these would cost the Ministry of Security millions of Lempiras.

Average Score for Management of Human Resources:

Evaluated Processes	Year	
	2013	2014
Management of Human Resources	29%	29%
Police Force Hiring	52%	61%
Police Force Terminations	10%	9%
General Compliance Level	30%	33%

- The level of compliance with requested documentation was low in the two years that were studied, with all evaluated processes earning compliance scores of less than 65%. Police Force Hiring received the highest score and still did not reach what would be considered an acceptable score.

- Serious communication breakdowns exist between different offices, which negatively affects the effectiveness of all areas of the Ministry of Security. This is due both to procedural errors and offenses and a lack of technological tools that could facilitate the flow and reliability of information within and between the different offices of the Ministry of Security.

Recommendations for Management of Human Resources:

- The Ministry of Security should submit the reformulations of the Organic Law of the National Police and the Regulation for the Career Path of Police to the National Congress for approval.
- New plans and manuals should be formulated in accordance with the new regulations, emphasizing a focus in efficiency, quality, and clarity in position descriptions and actions to execute in the areas of investigation and sanctions for offenses.
- A strategic plan and procedure for the management of human resources should be developed.
- A new census of the National Police should be executed.
- A new evaluation process for current personnel should be developed that permits an efficient purge for corrupt police, and that evaluates the entire police force as soon as possible.

Data Collection

ASJ/TI investigated the Ministry of Security’s methods of data collection in three areas: Homicide Records, Extortion Statistics, and the Distribution and Inventory of Patrol Cars. With the exception of the collection of homicide statistics, the team found that there are no published protocols for collection of these statistics. There are unwritten practices and procedures for collecting extortion statistics and distribution of patrol cars, but there is no established process for the inventory of patrol cars.

Methodology:

1. Together with the Ministry of Security, the team produced an index of statistics used by the Ministry for human resources, material resources, response and attention to cases, rates of victimization, citizen perception, and citizen participation. Three data sets were selected to evaluate the data collection process: homicide statistics, extortion statistics, and distribution of patrol cars
2. ASJ/TI intended to use the government transparency portal for needed information <http://www.transparencia-seguridad.gob.hn/>, which received a 100% score from Institute of Access to Public Information (IAIP). However, most of the needed information was missing.
3. The team requested documents directly from the government.
4. Because of the low percentage of received documents, on-site visits were completed to observe actual practices and obtain specific unofficial information such as actual inventories, numbers of police, manuals, and other previously requested documents. The team audited documentation practices in Comayagua, La Paz, Cortes, and Yoro.
5. For each dataset, the team reviewed the existence of official protocols, rated actual practices, and subsequent compliance with stated practices (written or unwritten).

Request and Delivery of Information:

After reviewing what was available on the government transparency portal, the team had to request additional documentation to complete the audit. Some documents were requested up to seven times, and some documents were never received. The team only received 38% of directly requested information. (Green: completely received; Yellow: received, but incomplete; Red: not received):

Description of the Request	Number of times documentation was requested
Management manuals for human resources	2
Inventory of goods (equipment, guns, communications, vehicles, buildings, and bullets)	3
Manuals of the distribution of goods (vehicles, motorcycles, other goods)	7
Number and lists of police payroll (police, officials, and investigators)	4
Manuals and processes for raises and reassignments	1
Statistics, orders of capture (received and executed)	1
Statistics and lists of received crime reports	1
Statistics and lists of 911 calls	1
Statistics and lists of investigations	1
Inventory and location of patrol cars (trucks and motorcycles)	1
Inventory of equipment and location (computers, printers, etc.)	1

Inventory of cell phones and their location	1
Inventory of weapons and their location (long and short)	1
Inventory of GPS and its location	1
Documentation of delivery and receiving of patrol cars (pick-ups and motorcycles)	2
Homicide statistics	1
Manuals and protocols used to calculate homicides	3
Process of delivery of patrol cars (pick-ups and motorcycles)	1
Statistics of reports of extortion and cases judged	2
Manuals or protocols used to calculate the extortion statistic	1
Verification of judicial cases in the process of investigation	1
Information delivered completely	38%
Information delivered incompletely	33.3%
Information not delivered	28.7%

Findings: Collection of Homicide Statistics

Description	Score
Existence of protocols	100%
Evaluation of actual practices	100%
Compliance with the practices	0%

- There is a written, formal protocol outlining the process by which the National Police collects homicide data.
- The team believes the practices found in the formal protocol should be considered some of the best in the region.
 - Included are inter-institutional working groups for comparison and validation of statistics.
- It could not be verified that the described process was followed due to a lack of documentation.

Recommendations for Collection of Extortion Statistics:

- Allow for the participation of social entities in order to guarantee the application of the protocol and trust in statistics.
- Take into account the irregularities presented by members of the working groups of UTECI.

Findings: Collection of Extortion Statistics

Description	Score
Existence of protocols	0%
Evaluation of actual practices	85%
Compliance with the practices	100%

- There is no formal protocol or published guide outlining the process by which the National Anti-Extortion Force collects extortion data.

- The unwritten practice is internally consistent and fairly complete.
- The National Anti-Extortion force gave the ASJ/TI team an opportunity to review the implementation of these practices. The team found that these unwritten practices are followed very closely.

Recommendations for Collection of Extortion Statistics:

- Create an official protocol that permits the normalization and coordination of the presentation of statistical data and that in time permits the generation of greater trust in these statistics and a closer approximation to reality.
- The protocols or the practices that are developed and implemented should guarantee citizen participation in social oversight – this will permit more trust, both national and international, in the resulting data.

Findings: Distribution of Patrol Cars:

Description	Score
Existence of Protocols	0%
Evaluation of actual practices	85.32%
Compliance with the practices	0%

- There is no published protocol for the distribution of patrol cars.
- The described process received a fairly high score. While the Minister attempts to give at least one car to each municipality, the rest of the assignments of patrol cars are arbitrary; there is not an adequate criteria to determine these assignments.
 - Problems with collecting accurate regional crime data makes the realization of a need-based distribution of patrol cars difficult.
- A lack of documentation left it unclear whether the described process was followed.

Findings: Inventory of Patrol Vehicles:

Description	Score
Existence of Protocols	0%
Evaluation of actual Practices	0%
Compliance with the Practices	0%

- There is no published protocol for the collection of inventory data of police vehicles.
- There is no consistent unwritten process of inventory control that permits a credible and correct manner of inventory for national goods in general, and for police vehicles in particular.
 - The only registry received was the number of patrol cars purchased between 2012 and 2015. There is no account of any patrol vehicles before 2012, nor data on cars that were totaled, stolen, or no longer working.
 - The management of inventory is based on the personal criteria of whoever happens to have access to the goods.

- It could not be verified that the described process was followed because of a lack of documentation and a failure to rely on citizen participation and the contributions of observatories and organizations.

Overall Average Compliance Score:

Description	Score
Existence of Protocols	25%
Evaluation of actual practices	67.58%
Compliance with practices	25%

Recommendations for Distribution and Inventory of Patrol Vehicles:

- Create a protocol for the assignment and distribution of patrol vehicles.
- Make use of the statistics of criminality, crime, homicides, population, and territory for the assignment of police patrol cars.

Findings: Public Opinion Security Sector

- The LAPOP (Latin American Public Opinion Project) at Vanderbilt University publishes the Barometer of the Americas, which measures public opinion across the Americas. In terms of self-reported levels of criminal victimization, (those Hondurans that report they have been the victims of a crime) Hondurans rank 11th out of 18 Latin American countries.

Crime victimization – Central America up to December 2014	El Salvador	18.60%	Source: LAPOP-PNUD 2014
	Honduras	18.30%	
	Nicaragua	17.20%	
	Guatemala	17.00%	
	Costa Rica	12.50%	

- The Public Opinion Poll carried out by APJ shows that there is a very low level of confidence in the police. It will be a grand and important challenge for the police to change in the eyes of the public and to produce positive results.

Institution	A Lot of Trust	Some Trust	Some Distrust	A Lot of Distrust	No Response
National Police of Honduras	12.35%	24.30%	32.64%	29.67%	1.04%
The Military Police	24.06%	26.30%	25.82%	21.97%	2.00%
The Military	22.61%	25.5%	26.06%	23.26%	2.57%
The Public Ministry (US Equivalent - Dept of Justice)	9.54%	21.89%	29.91%	34.32%	4.33%
The Supreme Court of Justice	8.10%	21.65%	28.47%	35.61%	6.17%

- In the public opinion poll carried about by APJ with the support of LeVote, the citizenry was polled on their trust in the National Police. Between 2013 and 2015, the public's confidence in the police has increased 10%, which reflects an improvement in the management of policing.

"How much trust do you have in the National Police?"	National Police	
	2013	2015
Trust	27%	37%
Distrust	72%	62%