HYPOTHETICAL CASE

I. INTRODUCTION

1. Buenaventura is a large island located in the Atlantic Ocean. It was a British colony during the 18th and 19th centuries, and is now a very important commercial center because of its accessible ports and proximity to mainland neighbors rich in natural resources. The population, mostly descendants of former West African slaves, as well as Spanish and British settlers and indigenous ethnic groups, numbers approximately 20 million. The official languages are Spanish and English. The Social Democratic Party, described as centrist, has been in power for the last four years.

2. The economy of Buenaventura is very strong, based mostly on international commerce and tourism. There has been a recent boom in higher education, with five new universities opened in only the last five years. The excellent standards of these institutions, especially in the areas of international law and medicine, have attracted a large number of students from throughout the region.

3. In the last five years, there has also been a notable increase in crime, mostly related to drug trafficking from neighboring countries and money laundering. The capital city of Cambacropolis, in particular, has seen a steady rise in crime and the increasing penetration of organized crime.

4. The government of Buenaventura, which has direct authority over the National Police Department in Cambacropolis, has been stepping up efforts to meet the threat and respond to calls for better citizen security through the allocation of greater resources, increased patrols, more community policing and legal reforms designed to improve the efficiency of the judiciary. In the upcoming elections of November 2002, all three major candidates are running on law-and-order platforms, as polls show it is the main concern for the population of Buenaventura.
II. FACTS OF THE CASE

5. Equal Justice Now (EIN) is a community-based non-governmental organization working in Buenaventura since 1992 on rule of law issues, specifically police reform. It was founded in Cambacropolis, and now has offices in the three largest cities of Buenaventura. It has one team dedicated to community-based strategies, and another dedicated to legal strategies. A central aspect of the organization’s work has been the issue of police violence. In fact, EIN was founded by a group of community activists and family members of individuals killed in police shootings that were questioned as excessive uses of force. The group came together in the wake of a particularly notorious shooting, which local leaders and the families protested as a tragic case of police negligence. EIN’s founders pressured for further investigation, and subsequent intervention by police, prosecutors and the judiciary resulted in the prosecution and punishment of the officer in question for negligent homicide.

6. EIN has been especially active in pressing for oversight on the use of force by the police, and to ensure that any such use of force is subject to strict guidelines and full clarification of the circumstances. Since its founding, EIN has been involved in the follow up to dozens of police shootings, insisting on prompt and full clarification of the facts. EIN also had a central role in pressuring for and working with local officials in the establishment in 1997 of the Cambacropolis Civilian Review Board, which provides oversight of the Cambacropolis Police Department through review of policies and oversight of the actions of the Office of Professional Responsibility of that Department. Over the years, the relationship of EIN with local officials has sometimes been collaborative, and sometimes strained, but they have always been able to express their concerns, and their proposals have often been well received.

7. In the context of rising crime rates and increasing public pressure on the authorities to improve citizen security, the Cambacropolis Police Department has over the last five years focused on improving the training of and increasing the number of officers on foot patrol in local communities and officers detailed to anti-narcotics activities. In fact, as these initiatives were implemented, rates of arrests and convictions have begun to increase. So too, however, have the number of complaints of police abuse of detainees and the number of police shootings, mostly in the capital. While EIN has expressed its strong support for increased police training, and the allocation of additional human and material