

Police Use of Deadly Force in the Philippines

Kreuzer, Peter

Veröffentlichungsversion / Published Version

Zeitschriftenartikel / journal article

Empfohlene Zitierung / Suggested Citation:

Kreuzer, P. (2019). Police Use of Deadly Force in the Philippines. *ASEAS - Austrian Journal of South-East Asian Studies*, 12(2), 149-166. <https://doi.org/10.14764/10.ASEAS-0019>

Nutzungsbedingungen:

Dieser Text wird unter einer CC BY-NC-ND Lizenz (Namensnennung-Nicht-kommerziell-Keine Bearbeitung) zur Verfügung gestellt. Nähere Auskünfte zu den CC-Lizenzen finden Sie hier:

<https://creativecommons.org/licenses/by-nc-nd/3.0/deed.de>

Terms of use:

This document is made available under a CC BY-NC-ND Licence (Attribution-Non Commercial-NoDerivatives). For more information see:

<https://creativecommons.org/licenses/by-nc-nd/3.0>

Police Use of Deadly Force in the Philippines: Comparing Levels and Patterns Before and Since Duterte

Peter Kreuzer

► Kreuzer, P. (2019). Police Use of Deadly Force in the Philippines: Comparing Levels and Patterns Before and Since Duterte. *Austrian Journal of South-East Asian Studies*, 12(2), 149-166.

This article provides a detailed analysis of pre-Duterte and Duterte police use of deadly force in the Philippines. It first develops a set of indicators that allow for assessing the magnitude of police use of deadly force in “armed encounters”, its relation to the threat environments in which the police operate, and the lethality of such violence. Then, based on a self-developed dataset for the pre-Duterte decade and the ABS-CBN dataset on Duterte period police killings, it establishes the past and current patterns of police use of deadly force. The analysis shows that in the past decade as under Duterte inter-provincial spatial and temporal variation of police use of deadly force has been very high. Differences in the threat environment play only a minor role in explaining this variation. Differences in sub-national units’ reactions to the Duterte campaign mirror those in police use of deadly force during the earlier decade, signaling strong path-dependency. Lethality-levels have been outstanding in both periods despite dramatically differing levels of lethal violence. Clearly, Philippine police tended to shoot-to-kill already before Duterte granted them a *carte blanche*.

Keywords: Duterte; Philippines; Police Killings; Police Use of Force; Police Violence

~

INTRODUCTION

The history of the modern Philippines is also a history of political violence that comes in many forms. The Philippines still harbors a revolutionary movement that challenges the state. The long-standing ethno-political armed conflict seems currently to be coming to an end after half a century of intermittent fighting. Further, the Philippines stands out with respect to less prominent forms of political violence in Southeast Asia. Despite being the oldest democracy in the region, Philippine elections are regularly accompanied by the killing of officeholders, candidates, and political supporters; not to mention that the Philippines are the regional front-runner with respect to killed journalists, political activists, and human rights defenders. Finally, one should also mention that the Philippines have by far the highest homicide rate in Southeast Asia. Taken together, these observations signal that by regional standards the Philippines seem to have a multidimensional problem of violence.

Whereas the spatial and temporal patterns of most of the above-mentioned forms of violence are fairly well documented, police use of deadly force against criminal suspects has escaped public and scholarly attention almost completely in the past.

This has only changed recently, when Rodrigo Duterte instigated a vast anti-drug-crime campaign as he took over as president of the Philippines on 30 June 2016. Reports on campaign-like killings of criminal suspects focused almost completely on the dirty work of death squads that were generally perceived to have been instigated and led by local politicians and manned to a significant extent by moonlighting policemen. This made the everyday violence perpetrated by the police under the label of “armed encounter” largely invisible in the media. With the Philippine National Police (PNP) proudly reporting success measured not only by the number of arrests, but also by the number of suspects killed in “legitimate encounters”, police use of deadly force became a prominent subject of public discourse.

Yet, attention is mostly focused on the obvious, on the monstrous phenomenon that catches the eye. A number of questions are largely left unanswered: What was the magnitude of police use of deadly force before Duterte? What did its spatial dispersal look like? How much did violent police behavior increase under Duterte as compared to earlier police use of force? Do we see much path-dependency, or do sub-national units react differently from what might be expected on account of their past records of police violence? To what extent do magnitude as well as spatial and temporal variations of violence relate to objective factors of threat and danger to which policemen are exposed to different degrees in varying environments? And, how many of the killings do not result from self-defense, but must be categorized as extra-judicial killings? Some of these questions have been left unanswered for lack of empirical data, others for want of a suitable approach.

When answers are provided these are generally based on analyses of a small number of cases. Whether these are representative of the general situation or rather exceptions is as unclear as whether there is one general pattern of police use of deadly force and not an array of different local patterns.

This article intends to fill these gaps by providing a comprehensive analysis of armed encounters between the PNP and (supposedly) armed suspects on the sub-national level from 2006 until 2018. Spatial and temporal analyses allow for the creation of a detailed map of such violence that uncovers patterns that are lost in works based on small samples of rather prominent cases, as for example studies on earlier vigilantism in Davao under Duterte, in Cebu City under mayor Tomas Osmeña, or in other cities and municipalities (Human Rights Watch, 2009). These patterns also escape most analyses of current police violence under Duterte that tend to miss the extraordinary spatial and temporal variation in the concrete patterns police deadly use of force takes in the various provinces of the Philippines.

The rest of the paper is organized as follows. Section two summarizes literature on police violence in the Philippines. Section three introduces the concepts and indicators that I use to analyze police violence. Section four describes the datasets used in the analysis. Finally, in section five I investigate the temporal and spatial patterns of pre-Duterte and Duterte police violence as well as the role of the threat and the lethality of PNP use of deadly force.

POLICE VIOLENCE IN THE PHILIPPINES: A SHORT OVERVIEW OF THE LITERATURE

Even though police use of deadly force is a regularly reported by Philippine media, it has been largely ignored by social scientific research. In general, it has been subsumed

under the broader heading of extralegal, summary, and arbitrary executions by human rights groups, as for example by the Free Legal Assistance Group (2007) and the special report of the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston (2008a, 2008b, 2009), which, however, gave prominence to violence exerted against journalists, human rights defenders, and social activists (see also, Parreño, 2011). Studies that focused on violence against suspected criminals focused exclusively on the phenomenon of death squad killings (Breuil & Rozema, 2009; Human Rights Watch, 2009; Picardal, 2016). Karapatan, a left-wing NGO that provides the most comprehensive account of state-perpetrated violence likewise does not cover fatal violence against criminal suspects in its statistics¹. One of the first studies to explicitly take note of this specific form of violence was a study on the role of violence in upholding domination by political families in Pampanga (Kreuzer, 2012) that established a typology of “top-down violence” that included police shoot-outs as a distinct category (Kreuzer, 2012, pp. 24-26). Even prominent “armed encounters” as the one in Atimonan (Quezon province) in 2013, in which 13 suspected members of a drug syndicate were summarily killed by combined forces of the PNP and the Armed Forces of the Philippines (AFP) at a checkpoint, did not elicit serious scientific interest, even though in this case a forensic report by the Philippine National Bureau of Investigation concluded: “The apparent objective of the operation was to kill all the victims” (National Bureau of Investigation, 2013, p. 49).

It is no exaggeration to argue that scholarly research on police killings in the Philippines started with the Duterte campaign in 2016. In late 2016, Reyes (2016) and Curato (2016) offered two analyses that both focus on the phenomenological side of the current campaign. Both address the seeming paradox that a policy that victimizes thousands of people apparently has enduring public support. Whereas Curato (2016) links this to penal populism, Reyes (2016) conceives of police killings as spectacles of violence conveying the message that certain people do not belong to the people and can (or should) be killed in order to “enhance personal safety, public safety and law and order, which is very appealing to ordinary people who experienced insecurity in their daily lives” (Reyes, 2016, p. 118). Sheila Coronel (2017) sets out from a different vantage point that focuses closely on the economic logic underlying police perpetrated killings of suspects. She argues that, under Duterte, police-officers are rewarded with money and promotions if they meet the president’s demands; theft of victims’ belongings during police operations is tolerated as is extortion from drug suspects. She concludes that to many police officers, the drug-war has become a thriving business. Linking the present to reports of past police involvement in crime, she also argues that police officers directly profit from the new opportunities to neutralize opponents in various spheres of illegal business. According to her, “Duterte’s drug war was waged by a police force accustomed to extortion and execution”, a force that embraced the opportunity provided by Duterte’s policy “as entrepreneurs looking for maximum gain” (Coronel, 2017, p. 189). Her argument is given a further twist by Jensen and Hapal (2018). They provide an analysis of past and present police practice in the largest *barangay*² of the Philippines, located in Quezon City, that harbors

1 <http://www.karapatan.org>

2 Smallest administrative division in the Philippines.

a large community of urban poor. They argue that violent police coercion should be interpreted as a specific activity in exchange relationships that link the police to the (poor) local communities. In the past, selective extralegal killings provided the iron fist behind a normally smoothly working system that allowed police officers to extort money from suspects in exchange for release. Duterte's war on drugs "reconfigured the parameters of these relationships" to the advantage of the police, as "the price of survival seems to have gone up significantly" (Jensen & Hapal, 2018, pp. 57-58).

While these studies are insightful with respect to certain dynamics driving police violence, it is still largely unclear in how far the observed patterns are representative for the Philippines. Further, the extent as well as the temporal and spatial variation of pre-Duterte police use of deadly force is not dealt with.

In June 2018, David, Mendoza, Atun, Cossid, and Soriano (2018) published the first quantitative analysis of the lethal violence associated with the anti-drug campaign from May 2016 to September 2017. Their core results closely tally the analysis below. My analysis goes further in two respects: It extends to July 2018 and includes the provincial level, whereas David et al.'s (2018) analysis focuses on the regional level only. They conclude that lethal police (and vigilante) violence is distributed highly unevenly with the vast majority of killings happening in the National Capital Region (NCR)³ and the directly adjacent regions 3 and 4a (see, Figure 1). Like the ABS-CBN News (n.d.) dataset employed in this study (see below), David et al. (2018) only list the numbers of suspects killed but neither the number of the suspects wounded nor the police officers killed or wounded. Their dataset further does not allow to draw any conclusions about continuity and change from pre-Duterte to Duterte-period police use of deadly force.

INDICATORS FOR MEASURING AND EVALUATING POLICE USE OF (DEADLY) FORCE

Indicators for three core dimensions of police violence that allow for a fairly comprehensive mapping will be established: indicators for measuring magnitude, threat level to which police officers are exposed, and lethality of police violence. These rest on initial efforts of Paul Chevigny (1990, 1991), which, however, have only sporadically been used in research on police violence during the past decades.

A first scale for measuring the magnitude of police violence parallels the one used for measuring crime: police use of deadly force in relation to population (suspects killed per million inhabitants). A second scale, number of suspects killed divided by criminal killings, takes into account the abstract threat faced by police officers depending on the environment in which they operate. It assumes that police officers who operate in a dangerous environment (based on the ratio of murder and homicides per million population) will be more prone to use potentially deadly force than police officers who operate in peaceful environments. This second indicator of the relative magnitude of police violence already factors in one core explanation or justification for lethal police violence: the potential threat to which police officers are exposed. In so far it serves a dual purpose: to establish a relative scale for magnitude and simultaneously provide an answer to the question of whether police violence is a reaction to the objective threat level of the environment.

3 That is, Metropolitan Manila.

This dimension of ‘threat’ can be further specified by focusing on the direct threat experienced by police officers in a given environment, that is, the number of police officers that have been or are currently victimized in encounters in relation to the size of the police force (police officers killed/police force). This scale can be broadened by also considering how many police officers have been wounded in armed encounters (police officers wounded/police force).

The final two scales focus on the levels of lethality of police use of force in armed encounters. Here the core assumptions come, on the one hand, from the legal frameworks for police use of force that stress that use of force has to be reasonable and is legitimate only to avert imminent threats to the lives and well-being of the police officers or other persons. On the other hand, if police shoot-to-kill only in situations of self-defense in armed encounters, and when reports regularly state that suspects fired first, then one should assume a certain number of killed or wounded victims on the side of the police too. These two assumptions can be translated into two indicators for the lethality of police violence. First, given a large number of armed encounters, the absence or extraordinarily low numbers of killed or wounded police-officers signals excessive violence. This makes the ratio of suspects killed to police officers killed in such encounters a strong indicator for or against the assumption of extralegal killings as a prevalent police-practice. A second indicator for assessing the lethality of police use of force operationalizes the duty to apply only the minimum requirement of force necessary to subdue the threat. If this is the case, the number of suspects wounded should be higher than the number of suspects killed, given a sufficient number of cases. Otherwise, as Chevigny (1991) argues, one should “infer that deadly force is being abused” (p. 191). This leaves us with the following five indicators for the categorization and evaluation of police use of lethal force:

Indicator	Measurement
Absolute magnitude	$\frac{\text{suspects killed}}{\text{million population}}$
Relative magnitude Abstract threat	$\frac{\text{suspects killed}}{\text{criminal killings}}$
Concrete threat	$\frac{\text{killed police officers}}{\text{size of police force}}$
Lethality and threat	$\frac{\text{suspects killed}}{\text{police officers killed}}$
Lethality as expression of shoot-to-kill practice	$\frac{\text{suspects killed}}{\text{suspects wounded}}$

Table 1. Indicators of Police Use of Deadly Force.

A SHORT INTRODUCTION TO THE DATASETS

For the analysis of Duterte period police violence in armed encounters, I rely on a dataset established by ABS-CBN News (n.d.). While being by far the most detailed and

precise documentation of current police-violence since May 2016, it neither allows for a comparison of police deadly to non-deadly use of violence, nor does it allow an assessment of the threat to which police officers are exposed in such encounters as it only documents the number of suspects killed by the police, but not the victims on the side of the police, nor does it document armed encounters in which nobody is hurt or killed. One small remedy for this problem is a detailed analysis of the data for one province, Bulacan, for which a high-quality dataset based on the provincial PNP operation reports was established.

The dataset used for the analysis of the pre-Duterte decade from 2006 to 2015 has been developed during the past years by the author. Similar to the ABS-CBN News (n.d.) dataset or the The Washington Post (n.d.) and The Guardian (n.d.) datasets on police violence in the United States, it relies on extensive online media research in both English and Filipino, covering not only national, but also local media.

Coded were 11 regions of the Philippines. The regions are broadly representative for the regional variation of the Philippines, with a slight overrepresentation of highly urbanized areas and the Luzon island group due to the inclusion of the NCR that, with nearly 13 million inhabitants, is by far the largest urban agglomeration in the Philippines. The dataset includes regions that encompass approximately 70% of the Philippine population. In order to ensure comparability of the data, the analysis below will only cover those regions that have been included in both datasets, that is, the NCR; regions 1, 3, 4a, and 4b belonging to the island group Luzon; regions 6, 7, and 8 belonging to the Visayas island group; and regions 10 and 11, both of which belong to the Mindanao island group. The initial search was performed as a Google search with the search term “police shoot-out” in various spellings and the provincial name on an annual basis. In many cases the names of cities were also utilized, especially, when these were self-governing and not part of the adjacent or surrounding province, as in the cases of Angeles City (surrounding province: Pampanga) or Olongapo (adjacent to Zambales province). Sources encompass a total of 65 national and local news-outlets. Wherever possible, a second search of the archives of individual newspapers was conducted with the same search terms. By including local outlets like the Mindanao Times, Panay News, the Visayan Daily Star, or Tarlac Today, chances were maximized to detect also those cases that escaped the attention of the national media, like the Philippine Daily Inquirer, the Manila Standard, or the Philippine Star. Coding was by province and year. Four categories for coding the individual incidents were applied: suspects killed; suspects wounded; police-officers killed; and police officers wounded. News that reported shoot-outs with no victims were also included.⁴ As the PNP does not provide any data on police shoot-outs or the number of victims, corroboration of the data is problematic. However, the provincial PNP of Bulacan province has for the past years provided detailed accounts for all its major operations that run into several hundred pages for each year (Bulacan Philippine National Police, n.d.).⁵ A

4 For further details on the datasets, the news-media, and the coding, see the electronic appendix at: <https://doi.org/10.7910/DVN/CBR3G3>.

5 This source has been discontinued in July 2019. The content was erased shortly afterwards. Since September 2019, the website is “under construction”. The most recent version that can still be accessed via the internet archive WayBack Machine provides data to April 2019. The shift in policy seems to have been triggered by an Amnesty International Report (2019, p. 10) claiming that Central Luzon and specifically

comparison (Table 2) shows that the results of the media analysis closely fit the numbers of suspects killed in armed encounters as reported by the provincial police. The extraordinarily low number reported by the PNP for 2013 may be a result of a different “publication policy” of the then provincial police director. This hypothesis would fit a drastic change in spring 2018, when the formerly detailed reporting was temporarily discontinued after a new police director took office. Initially, the Bulacan PNP shifted to news provided by the Philippine News Agency that omitted many of the Bulacan operations. It is only since the end of July 2018 that the provincial news by the local PNP is back with considerable detail on police operations.

	2012	2013	2014	2015
Bulacan PNP	17	2	15	40
Own data	19	7	13	38

Table 2. Police Use of Deadly Force 2012-2015 in Bulacan. (Bulacan Philippine National Police, n.d.; own compilation).

DETAILING PHILIPPINE POLICE VIOLENCE

The indicators established above will now be applied to the two datasets on Philippine police-violence. First, I will provide an analysis of the magnitude of police encounter-violence that also allows for a mapping of temporal and spatial variation on the provincial level. Then, I will analyze whether threat provides a plausible explanation for police use of deadly force, followed by an account of the lethality of police violence. Finally, I will place Duterte and pre-Duterte police violence in international comparison to assess its ‘severity’.

Sub-National Magnitudes of Police Use of Deadly Force Before and Under Duterte

A detailed analysis of available data for the two periods before and under Duterte yields three types of key information: first, the change in overall numbers; second, variation in sub-national magnitude of violence during the two phases; and third, the relationship between the pre-Duterte and Duterte ranking of provinces and cities with respect to deadly police violence.

In the 11 regions analyzed, a total of 1,744 suspects were killed by the police in armed encounters in the decade from 2006 to 2015 (Figure 1). However, this violence was split very unevenly across the various regional and sub-regional units. Adjusted to population, the highest levels of deadly police violence could be observed in the NCR and the directly adjoining regions 3 and 4a. However, even within these regions, variation was high with outstanding levels for Manila and Quezon City.

The corresponding number to the 174 suspects killed per year in the sample regions from 2006 to 2015 is a staggering 1,202 persons killed per year for the first 25 months under Duterte (with a total 2,506 suspects killed from July 2016 to July 2018

Bulacan province have become the “epicenter of killings” in the Philippines directly implicating provincial police director Bersaluna of complicity.

in the 11 regions; Figure 2), based on the ABS-CBN News (n.d.) data. This is a rise by 590%. Yet, the distribution of violence remained rather stable. The vast majority of police use of deadly force adjusted to population occurred in the same regions: the NCR and the adjacent regions 3 and 4a. Again, within-region variation is high.

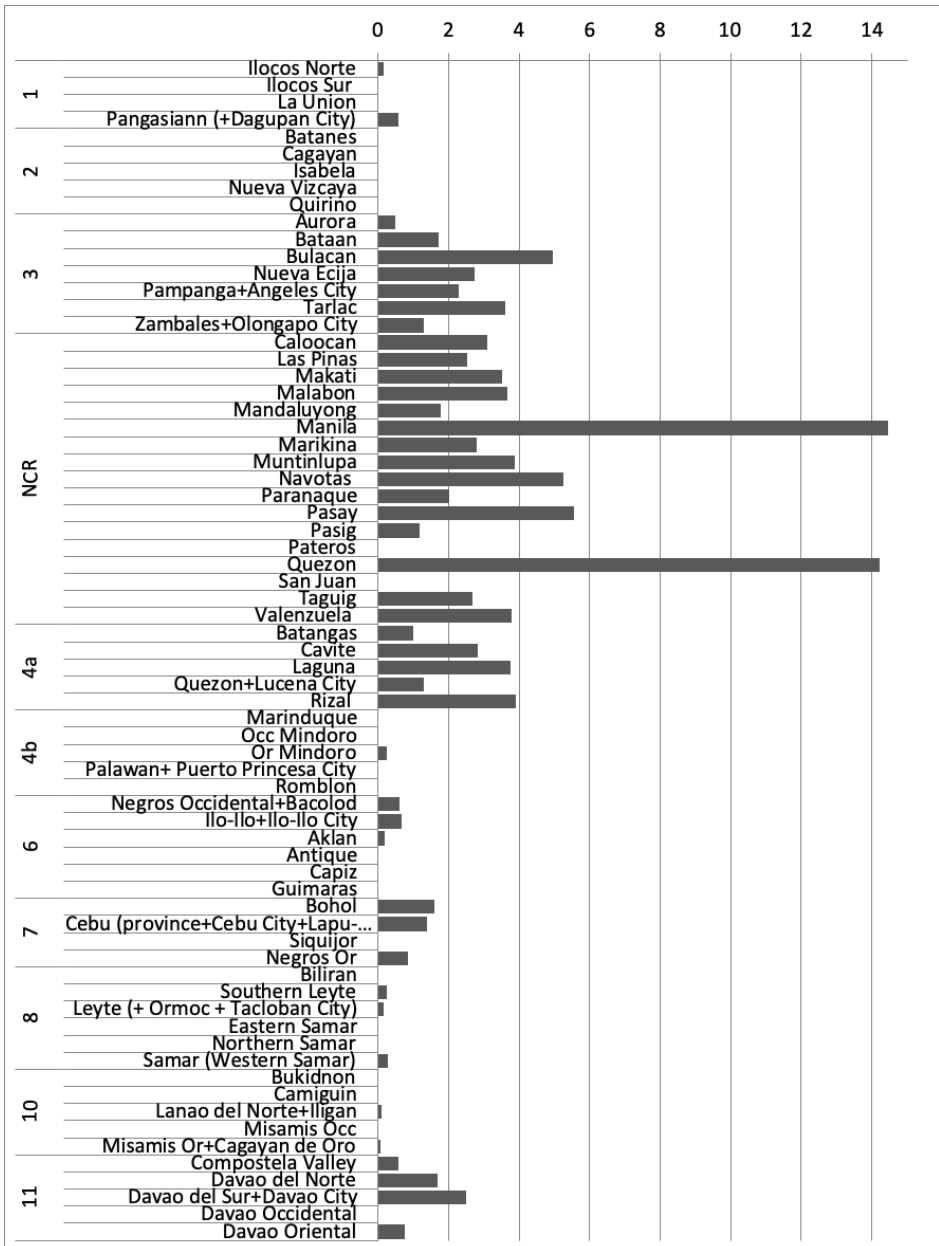


Figure 1. Suspects Killed per Year per Million Population 2006-2015. (Own compilation).

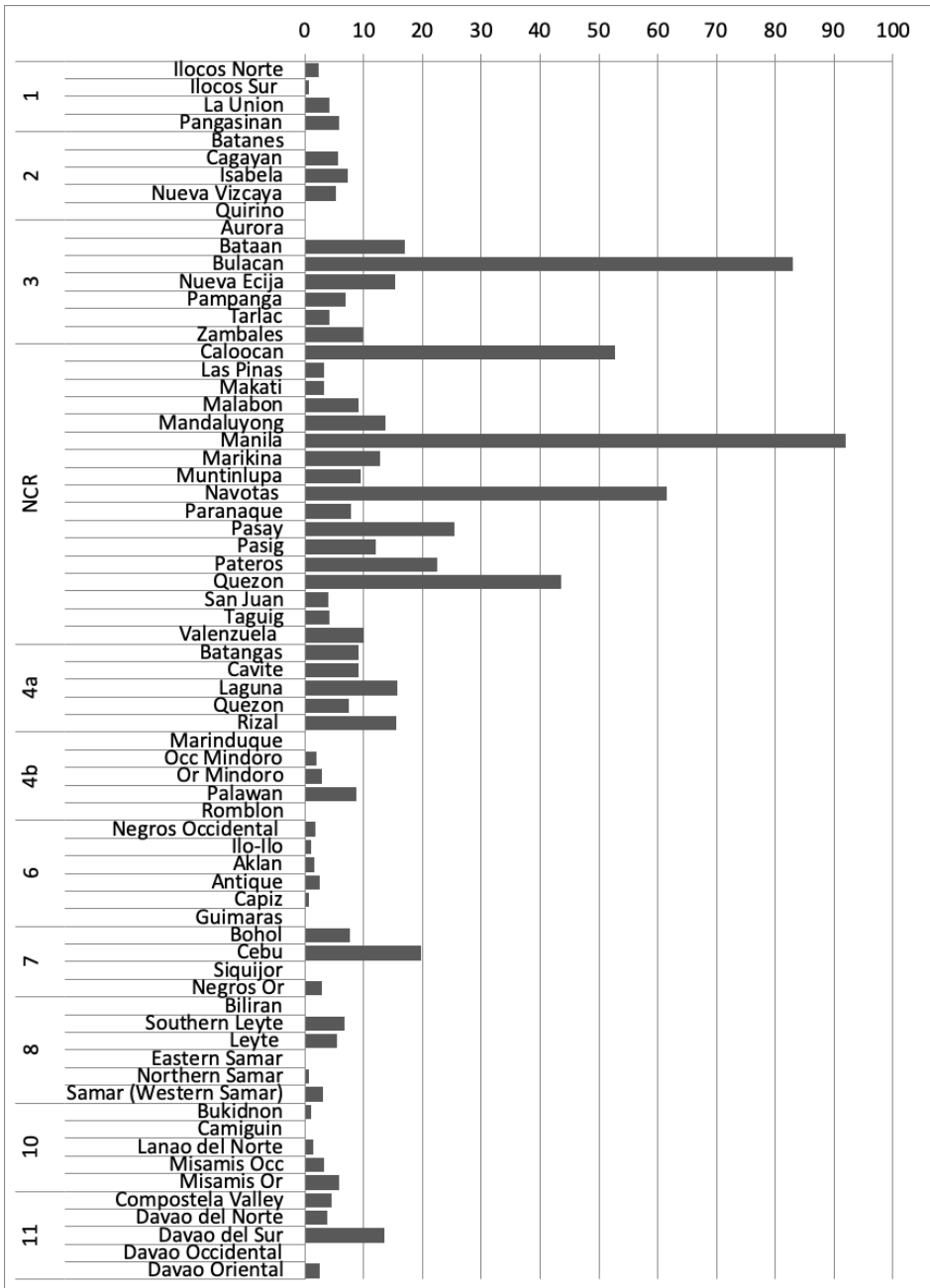


Figure 2. Suspects Killed per Year per Million Population from July 2016 to July 2018. ABS-CBN News, n.d.; dataset and 2015 census by Philippine Statistics Authority, 2016; own compilation).

Despite some variation between pre-Duterte and Duterte patterns of police use of deadly force, overall path-dependency is very strong. The Spearman rank correlation coefficient reveals a high and statistically highly significant correlation between pre-Duterte and Duterte violence levels ($r_s=0.728$; $n=69$; $p<0.000001$).⁶ Put simply, this means that while levels of violence changed dramatically, in general, the sub-regional units reacted as could be expected on the basis of their prior patterns. The scatterplot⁷ further reveals a broad variation in the reaction to Duterte’s war on drugs amongst those units that had the lowest levels of police violence during the preceding decade (Figure 3). Nine of them did not react at all: from Batanes, the northernmost province of the Philippines, to Quirino, Marinduque, Romblon, Guimaras, Siquijor, Eastern Samar, and Camiguin to Davao Occidental at the southern end of Mindanao. All of them are rather small and remote areas with rather small numbers of inhabitants. This also holds true, albeit to a lesser degree, for the following units of Capiz (6), Ilocos Sur (7), and Northern Samar (8) that also reacted rather weakly to the Duterte-campaign. Variation among the others is very strong, with one (Pateros in the NCR) rising from zero before to one of the top-scorers under Duterte.

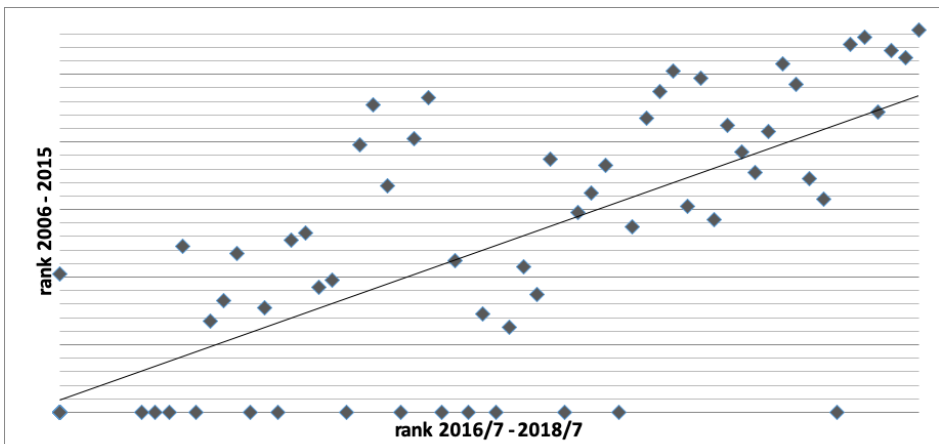


Figure 3. Comparing the Ranks With Respect to Suspects Killed per Million Population per Year 2006-2015 and from July 2016 to July 2018. (Own calculation).

This suggests that peripheral location may be one factor that explains lackluster response to the Duterte campaign. However, a number of provinces near or component cities of the NCR also reacted rather hesitantly (Las Pinas, Taguig, and Makati City, all in the NCR, or Tarlac in region 3), whereas other rather peripheral areas that earlier had exhibited low levels of violence before Duterte reacted vigorously (e.g., La Union, Isabela, Palawan).

6 The Spearman rank correlation coefficient is the numerical expression of the relationship between two rank orders. It measures the strength and direction of this relationship. The maximum value of 1 signals a perfect positive and -1 a perfect negative correlation of the ranks of the two variables. Values around 0 indicate a lack of correlation between the rank-orders of the two variables.

7 Tied ranks at the lowest levels (0) have been adjusted to 0 with a similar reduction of all corresponding ranks.

These preliminary results signal that explanations for police violence must go beyond uniform assumptions for the Philippines or the PNP. They show that there were options for local executives and police commanders to resist or at least dilute the Duterte government's centrally propagated policy advocating the killing of suspects.

Before turning to the temporal variation in police use of deadly force, it should be analyzed whether police officers' use of deadly violence varied with the danger emanating from the environment in which they operate. This ratio had to be established on the regional level as there are no data on murder and homicide available for the past decade on the sub-regional level.

Data on murder and homicide are only available for the years 2006 and 2014 on the regional level. The corresponding Spearman rank correlation shows a rather surprising result: a negative (albeit non-significant) correlation ($r_s = -0.5364$; $n = 11$; p two-tailed = 0.088). A similar correlation for the year 2017 yields no correlation at all ($r_s = -0.1091$; $n = 11$; p two-tailed = 0.749). Even though data availability with respect to this dimension is only partially satisfying, it suffices to discount the assumption that higher levels of police violence are a result of police officers having to work in a more threatening environment.

Temporal Variation of Deadly Police Use of Force

Another important result of the analysis of the Philippine data on deadly police violence refers to temporal variation. While there are various different temporal patterns of variation with respect to deadly police violence on the sub-regional level, they add up to a wave-like pattern both for the decade before and the first 25 months under Duterte (Figures 4 and 5).

Whereas in the decade before Duterte the consecutive waves entail an underlying rise of deadly police violence of more than 120%, the Duterte period police campaign against drug-related crime until July 2018 saw an overall decline of deadly police violence from its initial heights during the first few months after Duterte's inauguration as president. Yet, even during the second year from August 2017 to July 2018, deadly

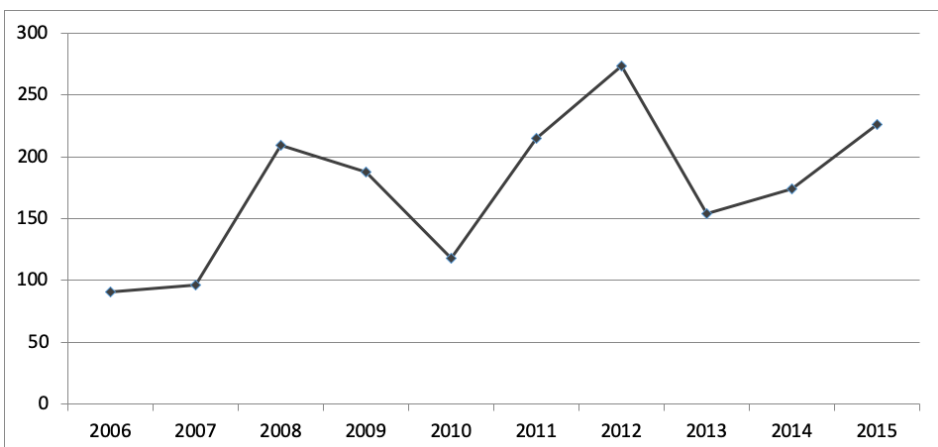


Figure 4. Suspects killed per Year 2006-2015. (Own compilation).

Police Use of Deadly Force in the Philippines

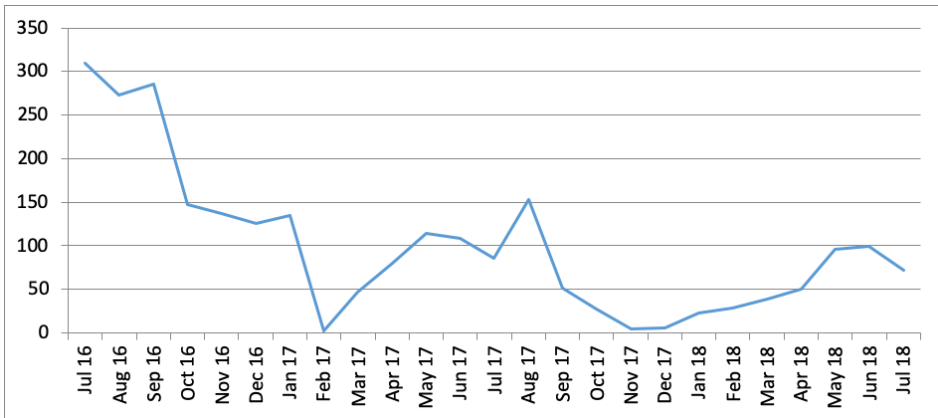


Figure 5. Suspects Killed per Month From July 2016 to July 2018. (ABS-CBN News, n.d.).

police violence was still substantially higher than during any of the pre-Duterte years. Despite this caveat, it is important to note that current levels of police use of deadly force are slowly diminishing even though the rhetoric of the government's anti-drug-crime campaign has not changed.

Considering the short-term spikes and the long-term pre-Duterte trend of rising police violence, it is clear that Duterte 'only' amplified a pre-existing trend of enhanced police use of deadly force. The low tides in the years 2007, 2010, and 2013 suggest that under 'normal' circumstances there may be a link between the Philippine electoral cycle and deadly police use of force, as all three years have been election years, during which the police has been busy in preventing election violence during the periods preceding and succeeding the elections.

Underlying these cumulative trends are various types of temporal variation at the local level that defy a uniform explanation. They again point to the need to take a closer look at local-level politics as a potentially crucial dimension for the explanation of both the magnitude of police use of deadly force and its variation.

The Influence of Environmental Threat on Police Use of Deadly Force

As detailed in the introduction, at first sight it seems sensible that police use of deadly force should depend on the type of environment in which the police operate. Environments characterized by higher levels of threat to the life and well-being of the police officers should elicit higher levels of deadly police violence, as police officers should tend to resort to violence in a number of situations that would warrant non-violent strategies in more peaceful environments. This abstract 'threat hypothesis' has already been tested and discounted above. Clearly, in the Philippines higher levels of deadly crime (murder and homicide) are not associated with higher levels of use of deadly force by a police force that reacts to a more hostile environment.

A second and more precise option for evaluating the relevance of threat for police behavior is to establish the ratio of police officers killed in relation to the strength of the police force, on the one hand, and correlate this with the respective ratio of police use of deadly force against suspects, on the other hand. This is possible only for the

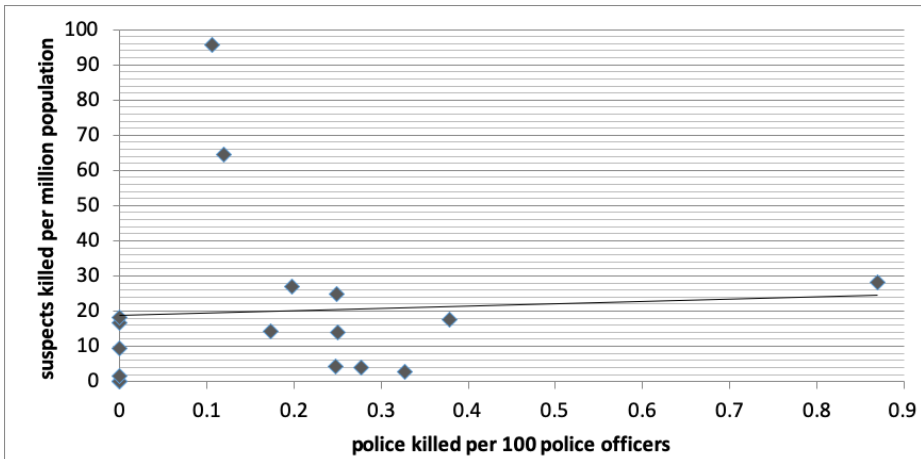


Figure 6. Relation Between Police Use of Deadly Force and Direct Threat to the Life of Police Officers in the NCR 2011-2015. (National Competitiveness Council Philippines, n.d.; own compilation).

component segments of the NCR for the years 2011 to 2015. However, a Spearman rank correlation only shows a very weak and statistically not significant positive relationship ($r_s=0.2519$; $n=17$; p two-tailed= 0.328). The scatterplot (Figure 6) likewise shows no relation between these two variables.

Given the rudimentary data, all that can be said is that police tend to use higher levels of deadly violence if there has been at least one victim on the side of the police during the past years.

Clearly there is significant need for additional research about the relationship between threat experienced by the police and their predilection to use deadly violence. The rough analysis above suggests that police threat-experience is no predictor of police use of deadly force against suspects.

The Lethality of Philippine Police Violence Before and Under Duterte

While information on the magnitude of police violence provides initial indicators for assessing whether such violence is excessive and may be characterized as masked extra-legal killing, this question is best dealt with by analyzing the precise patterns of police shoot-outs with respect to the numbers and ratios of victims on both sides. Unfortunately, the ABS-CBN News (n.d.) dataset does not provide the necessary data for the Duterte period as it only documents suspects killed. Therefore, the following analysis is confined to pre-Duterte armed police-encounters. However, an illustrative analysis will be added on the province of Bulacan, as the provincial police of Bulacan reports in detail on its daily operations, which allows for the establishment of a respective dataset.

As argued above, an initial indicator of the lethality of police violence is the ratio between suspects and police officers killed in so-called armed encounters. If encounters are 'real' and suspects actually target police officers, as is regularly asserted in police depictions of the incidents, then one should expect a non-trivial number of

victims on the police side. However, for the overall set of 69 provinces and cities the online search could document a total of 1,744 suspects killed, whereas only 50 police officers died in the encounters (or a ratio of 34.88 suspects killed for each victimized police officer) in the ten years from 2006 to 2015. This already excessive ratio hides extreme cases like Bulacan province (146/1), Manila City (243/3), Quezon City (391/4), Rizal (98/1), or Davao del Sur including Davao City (51/0). There were a total of 43 provinces with no victims on the police side, of which 24 had also no reports on suspects killed. These results illustrate that there is a clear problem of excessive police violence, which, however, is not uniformly present in the Philippines but concentrated in some regions.

An even more obvious proof of a regionally established shoot-to-kill policy is provided by the analysis of the relationship between suspects killed and wounded by the police. As argued above, the numbers of wounded must in any case exceed the number of killed, if one is to assume that police officers make use of reasonable force to avert imminent danger. However, the actual overall ratio for the ten years from 2006 to 2015 stands at 1,744 suspects killed against only 96 wounded or a staggering 18.2 killed suspects for each wounded. Again, the overall number masks dramatic differences on the local level. Extreme cases are again Bulacan (146/3), Rizal (98/1), Davao del Sur including Davao City (51/0), but also Laguna (101/3) and Caloocan (46/1), Pampanga including Angeles City (54/0), or Tarlac (46/0). There is not a single province with more reported suspects wounded than killed.

These results show that although the absolute number of police deadly use of force was much lower before Duterte's anti-drug campaign, the past "legal encounters" were already utilized as a legally masked means to kill suspects, or one might say as the administering of an 'informal death penalty'.

This continued unabated under Duterte as the scarce information provided by the PNP suggests. The PNP reported 68 police officers killed and 184 wounded for the period from 1 July 2016 to 26 July 2017. For the same period, they reported 3,451 "drug personalities who died in anti-drug operations" (Philippine National Police, n.d.). While these data only comprise the drug-war related shootings, the ratio of 50.75 suspects killed for each police officer killed is worse than the corresponding ratio of pre-Duterte police violence. An analysis of the operation reports of the Bulacan PNP for the year from June 2017 to May 2018 reveals a total of 250 suspects killed in police operations (including August 2018 the number rises to 291). However, the reports only mention two suspects wounded. In the same period, one police officer was killed and three reportedly wounded. This makes for a ratio of 250/1 for suspects to police officers killed and a ratio of 125/1 for suspects killed to wounded. While one may at first sight assume that non-fatal injuries have been underreported, this most probably is not the case as even slight injuries of police officers were reported. Of the three injured policemen (all in one encounter) one was reportedly shot in the foot, whereas another "sustained minor injury on its [sic] right eyebrow" and the third "a minor injury on his left eyelid" (Bulacan Philippine National Police, 2017). The Bulacan PNP data reveal a further important detail on deadly police use of force: There is an almost complete separation between operations in which all suspects are killed and operations in which the suspects are arrested, but none is killed or wounded. Operations with mixed results are almost completely absent. This suggests that at least in

Bulacan and during the Duterte presidency it is generally decided in advance whether an operation aims at arresting or killing the target persons. One final stunning point should be mentioned: In Bulacan more people have been killed by the police than killed intentionally otherwise (188/181) – at least for the ten months from September 2017 to May 2018 and the month of August 2018.

CONCLUSION AND OUTLOOK

This article provided a comprehensive analysis of deadly police violence in the Philippines. It established detailed data for the analysis and comparison of pre-Duterte and Duterte violence that also allow for a comparison to other countries.

The past two years of police violence under Duterte brought a dramatic rise in violence. However, the temporal analysis showed that this violence evolved in slowly abating waves following the initial climax during the first months after Duterte's inauguration as president. This suggests that even under a strongman-president as Duterte the Philippines may return to the much lower levels of deadly police violence in the next years. The slow, but fairly constant, rise of police violence during the earlier decade from 2006 to 2015 demonstrated that the dramatic increase in deadly police violence under Duterte was based on a longer trend that may have facilitated the quick response to Duterte's 'invitation to kill' suspects.

The analysis of sub-national data revealed a huge amount of variation between sub-national units and fairly high levels of path-dependency of sub-national units. Those that had high levels of police use of deadly force before reacted more strongly under Duterte, whereas others hardly reacted at all. These differences did not correspond to levels of murder and homicide. This suggests that variations of the threat factor emanating from different environments in which police officers operate does not play an important role in explaining different levels of police use of deadly force.

Taken together, these results suggest the need for further analysis that takes into account the provincial level and below. The host of variation in reaction to Duterte's 'license-to-kill' and the at times significant variation of police violence in single units over time suggests that local political determinants should be given additional attention in research. In the Philippine context of "bossism" (Sidel, 1999), one obvious starting point would be the analysis of the attitudes of local chief executives, their relationship to the municipal and provincial police directors,⁸ and the dynamics of electoral political competition at the local level. Coronel's (2017) and Jensen and Hapal's (2018) focus on the (most probably uneven) entanglement of local politicians and police in illegal business might provide an alternative angle which may allow for

8 This seems a crucial vantage point as in actual practice local executives wield enormous influence over the local police at their respective levels, an influence only insufficiently visible in the already rather broad powers granted by Section 51 of Republic Act No. 6975 (Congress of the Philippines, 1990) that *inter alia* grants the following powers to local executives: to choose the local police director from a shortlist; to exercise operational supervision and control of PNP units; to impose disciplinary penalties for minor offenses committed by members of the PNP; to recommend the transfer, reassignment, or detail of PNP members as well as recommend the appointment of new members of the PNP. These powers have been further strengthened in the past decades by the PNP Reform Act (No. 8551, Sections 62, 63; Congress of the Philippines, 1998). In addition, the local government units shoulder a non-trifling part of the operating expenses of the local PNP units.

making sense of the overall magnitude of police use of deadly force as compared to the Philippines' neighbors and its subnational spatial and temporal variation.

The final dimension analyzed was the lethality of police violence before and during the Duterte presidency. Despite huge differences in the magnitude of police violence in armed encounters, the Philippines (or, more precisely, many regions of the Philippines) have been outstanding both before and under Duterte. In both periods, the ratios of suspects killed per police officer killed and suspects killed per suspect wounded clearly show that in most regions the PNP takes no risk when confronting suspects and shoots-to-kill instead of applying the minimum amount of force necessary to overcome resistance. In the rather calm decade before Duterte, the lethality rate stood at 18.2 suspects killed for any single suspect wounded and at 125 for Bulacan in the year from June 2017 to May 2018. This is much worse than the respective data for Mexico, a country engulfed in a notorious war on drugs. There, the respective ratio of suspects killed to wounded stood at 6.6 on average for the years 2008 to 2014 (Forné, Correa, & Rivas, n.d.).

This article aimed at laying the foundation for and stimulating more research on police violence in the Philippines that goes beyond the preoccupation with the current surge under Rodrigo Duterte. It showed that crucial dimensions of present-day police violence have their precursors in past practices. Most importantly, this article established that it is problematic to analyze police violence as if it were a rather uniform phenomenon given the huge amount of spatial and temporal variation before and during the Duterte presidency. Future research should especially focus on the catalysts at the local level that may either amplify or inhibit such violence. It should also focus on explanations for the extraordinarily high lethality rate of Philippine police use of force in 'armed encounters' which could be ascertained irrespective of the actual magnitude of such violence. Finally, it is important to add a comparative perspective to this research that aims at relating the Philippines to other countries in order to better establish a yardstick for evaluating the past and present seriousness of the problem of police use of deadly force.



REFERENCES

- ABS-CBN News. (n.d.). Map, charts: The death toll of the war on drugs. Retrieved from <https://news.abs-cbn.com/specials/map-charts-the-death-toll-of-the-war-on-drugs>
- Alston, P. (2008a). *Report of the special rapporteur on extrajudicial, summary or arbitrary executions, Philipp Alston: Summary*. UN-Documents A/HRC/8/3. Retrieved from <http://www2.ohchr.org/english/bodies/hrcouncil/docs/8session/A-HRC-8-3.doc>
- Alston, P. (2008b). *Report of the special rapporteur on extrajudicial, summary or arbitrary executions, Philipp Alston: Addendum Mission to the Philippines*. UN-Documents A/HRC/8/3/Add2. Retrieved from <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/130/01/PDF/G0813001.pdf?OpenElement>
- Alston, P. (2009). *Report of the special rapporteur on extrajudicial, summary or arbitrary executions, Philipp Alston: Addendum*. UN-Documents A/HRC/11/2/Add.8. Retrieved from <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G09/130/39/PDF/G0913039.pdf?OpenElement>
- Amnesty International. (2019). 'They just kill': Ongoing extrajudicial executions and other violations in the Philippines' war on drugs'. Retrieved from <https://www.amnesty.org/download/Documents/ASA3505782019ENGLISH.PDF>

- Breuil, B. C. O., & Rozema R. (2009). Fatal imaginations: Death squads in Davao City and Medellín compared. *Crime, Law and Social Change*, 52(4), 405-424.
- Bulacan Philippine National Police. (2017). 8 Armed drug pushers killed, 12 arrested as cops wounded in Bulacan police operations. Retrieved from <http://bulacanpnp.com/news%20press%20release%20JUN%202017.html#JUNE302017>
- Bulacan Philippine National Police. (n.d.). Bulacan's Accomplishments. Originally retrieved from <https://bulacanpnp.com/> (no longer online since July 2019); most recent accessible version <https://web.archive.org/web/20190718100846/https://bulacanpnp.com/>
- Chevigny, P. G. (1991). Police deadly force as social control. Jamaica, Brazil, Argentina. In M. Huggins (Ed.), *Vigilantism and the state in modern Latin America: Essays on extralegal violence* (pp. 189-218), New York: Praeger.
- Chevigny, P. G. (1990). Police deadly force as social control. Jamaica, Argentina, and Brazil. *Criminal Law Forum*, 1(3), 389-425.
- Congress of the Philippines. (1990). Republic Act No. 6975: An act establishing the Philippine National Police under a reorganized Department of the Interior and Local Government, and for other purposes. Retrieved from https://www.lawphil.net/statutes/repacts/ra1990/ra_6975_1990.html
- Congress of the Philippines. (1998). Republic Act No. 8551: An Act for Providing for the freedom and re-organization of the Philippine National Police and for other purposes, amending certain provisions of Republic Act numbered sixty-nine hundred and seventy-five entitled "an act establishing the Philippine National Police under a re-organized Department of the Interior and Local Government, and for other purposes". Retrieved from: https://www.lawphil.net/statutes/repacts/ra1998/ra_8551_1998.html
- Coronel, S. S. (2017). Murder as enterprise. Police profiteering in Duterte's war on drugs. In N. Curato (Ed.), *A Duterte reader. Critical essays on Rodrigo Duterte's early presidency* (pp. 167-198). Quezon City: Ateneo de Manila University Press.
- Curato, N. (2016). Politics of anxiety, politics of hope. Penal populism and Duterte's rise to power. *Journal of Current Southeast Asian Affairs*, 35(3), 91-109.
- David, C. C., Mendoza, R. U., Atun, J. M. L., Cossid, R. P. N., & Soriano C. R. R. (2018). *The Philippines' anti-drug campaign: Building a dataset of publicly-available Information on killings with the anti-drug campaign*. Ateneo School of Government Working Paper 18-001. Retrieved from <http://dx.doi.org/10.2139/ssrn.3201814>
- Forné, C. S., Pérez Correa, C., & Rivas R. G. (n.d.). *Índice de letalidad 2008-2014. Disminuyen los enfrentamientos, misma letalidad, aumenta la opacidad* [Decreasing encounters, same lethality, increasing opacity]. Retrieved from [http://www.elfaro.net/attachment/913/%C3%8Dndice%20de%20letalidad%202008-2014%20\(M%C3%A9xico\).pdf](http://www.elfaro.net/attachment/913/%C3%8Dndice%20de%20letalidad%202008-2014%20(M%C3%A9xico).pdf)
- Free Legal Assistance Group. (2007). *Extrajudicial, summary or arbitrary executions in the Philippines, 2001-2006*. Retrieved from <http://philrights.org/oldsite/images/Extrajudicial,%20Summary%20or%20Arbitrary%20Executions%20in%20the%20Philippines,%202001-2006.doc>
- Human Rights Watch (2009). "You can die any time". *Death squad killings in Mindanao*. Retrieved from https://www.hrw.org/sites/default/files/reports/philippines0409webwcover_0.pdf
- Jensen, S., & Hapal, K. (2018). Police violence and corruption in the Philippines. Violent exchange and the war on drugs. *Journal of Current Southeast Asian Affairs*, 37(2), 39-62.
- Kreuzer, P. (2012). *Mafia-style domination: The Philippine province of Pampanga*. Peace Research Institute Frankfurt PRIF-Report No. 114. Retrieved from https://www.hsfk.de/fileadmin/HSFK/hsfk_downloads/prif114.pdf
- National Bureau of Investigation. (2013). *NBI probe report on the Atimonan, Quezon incident: Executive report*. Retrieved from <http://www.gov.ph/downloads/2013/03mar/20130306-NBI-Report-Atimonan-Quezon.pdf> (no longer online)
- National Competitiveness Council Philippines. (n.d.). Cities and municipalities index. Retrieved from <https://www.competitive.org.ph/cmindex/pages/historical/?lgu=> followed by the name of the local government unit, which had to be added manually (no longer online available)
- Parreño, A. A. (2011). *Report on the Philippine extrajudicial killings 2001-2010*. Retrieved from <https://www.asiafoundation.org/resources/pdfs/ReportonPhilippineEJK20012010.pdf>

Police Use of Deadly Force in the Philippines

- Picardal, A. (2016). The victims of the Davao Death Squad. Consolidated report 1998-2015. *CBCPNews*. Retrieved from <http://www.cbcnews.com/cbcnews/?p=76531>
- Philippine National Police. (n.d.). #RealNumbersPH update. Retrieved from http://www.pnp.gov.ph/images/2017News/realnumbers/rn_731.pdf
- Philippine Statistics Authority. (2016). *Highlights of the Philippine Population 2015 Census of Population*. Retrieved from <https://psa.gov.ph/content/highlights-philippine-population-2015-census-population>
- Reyes, D. A. (2016). The spectacle of violence in Duterte's "war on drugs". In: *Journal of Current Southeast Asian Affairs*. 35(3), 111-137.
- Sidel, J. T. (1999). *Capital, coercion, and crime*. Stanford: Stanford University Press.
- The Guardian. (n.d.). The counted. People killed by police in the US. Retrieved from <https://www.theguardian.com/us-news/ng-interactive/2015/jun/01/the-counted-police-killings-us-database>
- The Washington Post. (n.d.). Fatal force. Retrieved from <https://www.washingtonpost.com/graphics/2019/national/police-shootings-2019/>; (direct link to the dataset: <https://github.com/washingtonpost/data-police-shootings/blob/master/fatal-police-shootings-data.csv>)

ABOUT THE AUTHOR

Peter Kreuzer is senior researcher and member of the Executive Board of Peace Research Institute Frankfurt (PRIF). He is working on political violence in the Philippines.

► Contact: Kreuzer@hsfk.de