



Powers of the Mexican Federal Police with Foreign Country Comparisons

Mexico

Afghanistan • Algeria • Argentina • Austria
Bosnia-Herzegovina • Brazil • Canada
Chad • France • Italy • Madagascar
Netherlands • Portugal
South Africa

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SUMMARY Prior to 2008, the power to investigate federal crimes in Mexico was exclusively vested in prosecutors and their investigative officials while the authority to conduct preventive policing was vested in a separate entity. Pursuant to a 2008 amendment to Mexico's Constitution, investigating crimes is now a shared duty between prosecutors and the police, although the latter must act under the direction and command of the former in the discharge of this duty. Mexico's federal law enforcement structure was reorganized in 2009 to correspond with the 2008 reallocation of duties, vesting both preventive and investigative functions in the newly created Federal Police.

After discussing Mexico's historical and current policing structure, this report then examines the structure of police forces in selected other countries. The main criteria for the inclusion of other countries was the functional and geographic divergence of law enforcement duties across various jurisdictional levels. The list of countries included is not intended to be exhaustive.

I. Policing Structure and Functions under Mexican Law

Mexico's policing structure and related functions underwent considerable changes in 2008. The discussion below outlines current and pre-2008 functional divisions, highlights pending legislation on the subject, and includes information from a nongovernmental organization on the practical realities of policing in Mexico.

A. Impact of the 2008 Amendments

Mexico's Constitution currently provides that although investigating crimes is the duty of prosecutors and of the police, the latter must act under the direction and command of the former in the discharge of this duty.¹ This constitutional provision was enacted in 2008 in order to provide the police with the power to investigate crimes. Prior to this amendment, the power to investigate crimes was exclusively granted to prosecutors and their investigative officials.²

¹ CONSTITUCIÓN POLÍTICA DE LOS ESTADOS UNIDOS MEXICANOS [POLITICAL CONSTITUTION OF THE MEXICAN UNITED STATES], *as amended through 2018*, art. 21, DIARIO OFICIAL DE LA FEDERACIÓN [D.O.F.], Feb. 5, 1917, available on the website of Mexico's House of Representatives, at http://www.diputados.gob.mx/LeyesBiblio/pdf/1_270818.pdf, archived at <https://perma.cc/C7SL-GZ6Z>.

² GENARO GARCIA LUNA, THE NEW PUBLIC SECURITY MODEL FOR MEXICO 33-35 (2011).

The separation of investigatory powers prior to 2008 is described by Mexico's former Secretary of Public Security as follows:

The Constitution . . . established a strict separation between preventive police and . . . investigative [officials]. The former were responsible exclusively for implementing crime prevention policies and the latter for crime fighting through their investigation duties. This situation generated . . . a lack of communication between [them]. Additionally, relevant information to help develop investigative strategies and design preventive policies was lost. . . . As a consequence of [the 2008] reform, police [were] given technical and functional autonomy to investigate crimes through . . . methods that allow them to . . . collect information on groups and individuals, their motives, resources and connections, for the purpose of preventing crimes. In this context, the Federal Police can conduct investigations . . . to help prevent criminal acts [and to pursue] reported crimes under the auspices of the Federal Public Prosecutor's Office.³

Accordingly, Mexican law now permits the Federal Police to conduct investigations, but provides that they must act under the direction and command of federal prosecutors while investigating crimes in a manner that allows the evidence gathered to be admitted in pertinent court proceedings.⁴ Under the Mexican Constitution, federal prosecutors have the authority to pursue federal criminal cases in court and present pertinent evidence therein.⁵

Prior to 2008, the Federal Preventive Police (Policía Federal Preventiva) was responsible for preventing and combating crime, while investigative capabilities were vested in the Federal Investigative Agency (Agencia Federal de Investigación).⁶ Following the 2008 constitutional amendment, police reforms enacted in 2009⁷ created a successor agency to the Federal Preventive Police known as the Federal Police (Policía Federal), which was created under the purview of the Secretary of Public Security (Secretaria de Seguridad Publica). The 2009 police reforms placed investigative powers formerly held by the Federal Investigative Agency in the Federal Police. The 2009 reforms also replaced the Federal Investigative Agency with the Federal Ministerial Police (Policía Federal Ministerial). Both the Federal Police and the Federal Ministerial Police were given investigative authority.⁸

In addition to investigatory authority, the Federal Police also have broad preventive policing powers, including covert operations, intelligence gathering in public places, monitoring public

³ *Id.* at 35, 36.

⁴ Ley de la Policía Federal [Law on the Federal Police], arts. 4(VI), 45, D.O.F., June 1, 2009, available as amended through 2011 on the website of Mexico's House of Representatives, at <http://www.diputados.gob.mx/LeyesBiblio/pdf/LPF.pdf>, archived at <https://perma.cc/6EUP-DS6M>.

⁵ CONSTITUCIÓN POLÍTICA, as amended through 2018, art. 102-A(VI).

⁶ BETH J. ASCH, NICHOLAS BURGER, MARY MANQING FU, MITIGATING CORRUPTION IN GOVERNMENT SECURITY FORCES: THE ROLE OF INSTITUTIONS, INCENTIVES, AND PERSONNEL MANAGEMENT IN MEXICO 22 (2011), available for download at https://www.rand.org/pubs/technical_reports/TR906.html, archived at <https://perma.cc/R8PG-YYV7>.

⁷ Ley de la Policía Federal, *supra* note 4.

⁸ ASCH ET AL., *supra* note 6, at 23.

internet sources, and patrolling in public places subject to federal jurisdiction, such as borders, customs offices, airports, and federal buildings.⁹

B. Pending Legislation

Notably, the Mexican government is about to enact a bill that would amend the Constitution in order to create the National Guard, which would take over the investigative powers of the Federal Police.¹⁰ Pursuant to this bill, the National Guard would be formed with officials from the Federal and Military Police, per executive orders to be issued by the President.¹¹ The measure would direct Mexico's Congress to pass a law regulating the powers of the National Guard within sixty days of the bill's enactment.¹² This measure apparently would not change the constitutional rule that the police must act under the direction and command of prosecutors while investigating crimes.¹³

C. Practical Outcomes

A 2014 report published by the Washington Office on Latin America provides an analysis as to how Mexico's police forces have worked in practice in recent years.¹⁴ In sum, the report argues that over the last two decades, "successive Mexican administrations have taken steps to create more professional, modern, and well-equipped police forces. While these reforms have included some positive elements, they have failed to establish strong internal and external controls over police actions, enabling a widespread pattern of abuse and corruption to continue."¹⁵

⁹ Ley de la Policía Federal art. 8 (III), (VI), (VII), (XXXVI), (XLII).

¹⁰ Proyecto de Decreto por el que se reforman, adicionan y derogan diversas disposiciones de la Constitución Política de los Estados Unidos Mexicanos, en materia de Guardia Nacional [Bill to Amend the Constitution in the Matter of the National Guard], art. Segundo Transitorio, Feb. 28, 2019, available on the website of Mexico's House of Representatives, at http://www.diputados.gob.mx/LeyesBiblio/votos/20190228_guardia/01_minuta_28feb19.pdf, archived at <https://perma.cc/4ZLT-U479>.

¹¹ *Id.*

¹² *Id.* arts. Primero, Segundo Transitorios.

¹³ *Id.* art. 21.

¹⁴ MAUREEN MEYER, WASHINGTON OFFICE ON LATIN AMERICA, MEXICO'S POLICE: MANY REFORMS, LITTLE PROGRESS (May 8, 2014), [https://www.wola.org/sites/default/files/Mexico's Police_Many Reforms, Little Progress.pdf](https://www.wola.org/sites/default/files/Mexico's%20Police_Many_Reforms,_Little_Progress.pdf), archived at <https://perma.cc/D2DX-NM7W>.

¹⁵ *Id.* at 1.

II. Comparison Countries

The following countries, listed in alphabetical order, reflect a functional and geographic divergence of law enforcement duties across various jurisdictional levels. The country selections are intended to provide useful examples; this discussion is not exhaustive.

Afghanistan

The Afghan National Police is the only law enforcement department working under the Ministry of Interior. The National Police is comprised of the following police agencies:

- Afghan Border Police
- Afghan Uniformed Police
- Afghan Highway Police
- Afghan National Civil Order Police¹⁶

Additionally, the Criminal Investigation Department, which works primarily in Kabul and thirty-four provinces, is tasked with crime investigation, crime scene forensics, and crime documentation.¹⁷

Algeria

Law enforcement functions in Algeria are carried out by several police agencies: the Gendarmerie, Sûreté Nationale (National Security), Sécurité Militaire (Military Security), and Police Judiciaire (Judicial Police).

- The Gendarmerie provides law enforcement in rural areas, operating under the authority of the Ministry of Defense. Its administrative structure and territorial distribution is similar to that of military – it is organized in battalions.¹⁸
- The Sûreté Nationale (National Security Directorate) is affiliated with the Ministry of Interior. Its main tasks are to maintain law and order, protect life and property, apprehend offenders, and control traffic.¹⁹

¹⁶ *Afghanistan*, INTERPOL, <https://www.interpol.int/Who-we-are/Member-countries/Asia-South-Pacific/AFGHANISTAN> (last visited Mar. 4, 2019), archived at <https://perma.cc/BT24-VUT6>.

¹⁷ *Id.*

¹⁸ *History of the National Gendarmerie*, NATIONAL GENDARMERIE, https://www.mdn.dz/site_cgn/index.php?L=an&P=histoire (last visited Mar. 19, 2019), archived at <https://perma.cc/FP5G-3QVN>.

¹⁹ 3 LARRY SULLIVAN, ENCYCLOPEDIA OF LAW ENFORCEMENT 937 (2005).

- The Sécurité Militaire (Military Security) operates under the Ministry of Defense. It functions as a military force akin to the military.²⁰
- The Police Judiciaire (Judicial Police) is in charge of criminal investigations. It is a branch of the General Directorate of National Security, which is affiliated with the Ministry of Interior (Homeland Security).²¹

Argentina

Argentine law enforcement is carried out by several police structures: the provincial police forces, Federal Police, National Gendarmerie, and National Coast Guard, the latter of which has a limited law enforcement mandate.

- Provincial police forces are responsible for conducting routine day-to-day law enforcement tasks within specific jurisdiction. These forces work under supervision of elected provincial government. Chiefs of Police (the heads of provincial police departments) are appointed by and responsible to the elected provincial governor.²²
- The Federal Police, which is subordinated to the Ministry of Internal Security, is responsible for enforcing federal laws. Additionally it performs security and judicial functions within the limits of Buenos Aires.²³
- The National Gendarmerie is armed national paramilitary law enforcement body. It is organized as a military and carries out both military and police functions. It is subordinated to the National Minister of Interior and carries out the functions of domestic security, border patrol, and counterterrorism, and provides support to the provincial and Federal Police in maintaining public order and enforcing airport security, port security, and the country's immigration laws. It is also engaged in countering smuggling and drug trafficking, and investigating environmental crimes.²⁴

²⁰ *The Algerian President Fires the Director of the Military Security*, AL QUDS (Aug. 22, 2018), <https://www.alquds.co.uk/الرئيس-الجزائري-يقيل-مدير-الأمن-العس/>, archived at <https://perma.cc/H3WF-37UG>.

²¹ *Directorate of Judicial Police*, GENERAL DIRECTORATE OF NATIONAL SECURITY, <https://www.algeriepolice.dz/مديرية-الشرطة> (in Arabic; last visited Mar. 19, 2019), archived at <https://perma.cc/G5YX-J8CC>.

²² ENCYCLOPEDIA OF LAW ENFORCEMENT, *supra* note 19, at 942.

²³ *Id.*

²⁴ *Id.* at 943.

Austria

Law enforcement in Austria is carried out by a number of bodies, including the Bundespolizei (Federal Police), Alpine Police, Air Police, Foreign Police, and Boarder Control.²⁵ The authorities of the Federal Police are spelled out in the Security Police Act.²⁶

- The Federal Police is an armed law enforcement agency, which was established in 2005 by merging the Federal Gendarmerie, Federal Security Guard Corps, and Detective Corps.
- The Alpine Police is tasked with law enforcement in the Austrian Alps. According to the Ministry of Interior, two-thirds of the Austrian territory is covered by alpine terrain. Therefore, the Alpine Police force is comprised of highly skilled officers able to conduct search and rescue operations in the Alps.²⁷
- The Air Police carries out law enforcement tasks associated with air patrol of roads and traffic, maintenance of public order, and maintaining peace and security. This police force also performs civil defense and disaster relief functions. Search and rescue operations for the Civil Aviation Authority are carried out by the Air Police force as well.²⁸
- Foreign Nationals Police and Boarder Control is tasked with the enforcement of immigration laws, as well as border patrol functions.

Bosnia-Herzegovina

The police force in Bosnia-Herzegovina consists of the police in each of the ten cantons who operate under the authority of their respective ministries of interior. The Federal Ministry of Interior is responsible for coordinating relations between the cantons, as well as for maintaining public order and countering terrorism. The Interior Ministry of Republika Srpska oversees all areas of law enforcement within the territory of the region.

There are also other police forces in Bosnia-Herzegovina—for example, in the Brcko District, where law enforcement is controlled by the Director of Police who is subordinated to the mayor. In addition, the Court Police operate under the authority of the Federal Supreme Court, and the Finance Police operate under the authority of the Ministry of Finance.²⁹

²⁵ *Bundespolizei*, BUNDESMINISTERIUM INNERES [FEDERAL MINISTRY OF INTERIOR], <https://www.bmi.gv.at/202/>, archived at <https://perma.cc/84EA-YZ9H>.

²⁶ Bundesrecht Konsolidiert: Gesamte Rechtsvorschrift für Sicherheitspolizeigesetz, Fassung vom 03.04.2019 [Consolidated Federal Law: Entire Legislation for the Security Police Act, version of 03.04.2019], <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10005792>, archived at <https://perma.cc/9QXE-7PE4>.

²⁷ *Bundespolizei*, *supra* note 25.

²⁸ *Id.*

²⁹ ENCYCLOPEDIA OF LAW ENFORCEMENT, *supra* note 19, at 973.

A centralized agency, the State Investigation and Protections Agency (SIPA), is tasked with conducting antiterrorism and organized crime operations and the State Border Service provides border patrol.

Brazil

Brazil has federal and local police forces, which carry out different law-enforcement functions. The police force on the federal level consists of the Federal Police, the Federal Highway Police, and the Federal Railroad Police. The Federal Police has a judicial arm that is tasked with investigations of national and international crimes, focusing primarily on narcotics-related activities. This branch also has an oversight function over human rights violations committed by state authorities.

State-level police forces are divided into civil police and military police units. These branches function independently and report to their respective state governments. The Civil police are tasked with performing investigative functions and running various police stations. The military police perform patrols and maintain public order, especially in large urban centers.³⁰ There have been attempts to unify police functions and structures in the municipalities of São Paulo and Rio de Janeiro.

Canada

The Canadian police force consists of municipal, provincial, and federal structures. Additionally there is contract policing and aboriginal policing.

Federal Police

The Royal Canadian Mounted Police (RCMP) carries out the tasks of the federal police force. Its mandate and structure is outlined in the Royal Canadian Mounted Police Act.³¹ It operates under the authority of Federal Solicitor General and is tasked with enforcing federal statutes in all provinces and territories. The RCMP is unique in the world since it is a national, federal, provincial, and municipal policing body. The RCMP provides comprehensive federal policing services and policing services under contract to three territories, eight provinces (except Ontario and Quebec), more than 150 municipalities, more than six hundred Aboriginal communities, and three international airports.³²

The RCMP is divided into fifteen divisions, in addition to its headquarters in Ottawa. Each division is managed by a commanding officer and is alphabetically designated. Divisions roughly approximate provincial boundaries with their headquarters located in the respective provincial

³⁰ *Id.* at 977.

³¹ Royal Canadian Mounted Police Act, R.S.C., 1985, c. R-10, <https://laws.justice.gc.ca/PDF/R-10.pdf>, archived at <https://perma.cc/6HQR-RKP8>.

³² *About the RCMP*, RCMP, <http://www.rcmp-grc.gc.ca/about-ausujet/index-eng.htm> (last modified May 7, 2018), archived at <https://perma.cc/TKM2-HGSB>.

or territorial capitals (except for the National Division, Ottawa; C, Montreal; O, London; and E, Vancouver). The Air and Marine Services supply support to the divisions.³³

Municipal Police

Communities with a population of ten thousand or more are required to have police services operating either by municipality or under contract to either the RCMP or a provincial police service.³⁴ Municipalities in all regions have the option of providing their own police service within legislative standards and guidelines. Municipal police are tasked with enforcing municipal and provincial statutes, the federal Criminal Code, and specific federal statutes (e.g., the Controlled Drugs and Substances Act).³⁵

Contract Police

Contract policing is a cost-sharing arrangement between large police services and provinces or municipalities that have not developed their policing capabilities. Two major police structures are associated with contract policing: the Ontario Provincial Police (OPP) and the RCMP.³⁶

Provincial Police

The provincial police are charged with enforcing the Criminal Code and statutes in the territories not covered by municipal police services. Provincial police forces operate under the supervision of the provincial attorney general or solicitor general.³⁷

Aboriginal Police

The foundations for the Aboriginal Police were set in the First Nations Policing Policy (FNPP). The FNPP was created in 1991 to enhance the effectiveness of policing services in First Nation and Inuit communities by ensuring cultural responsiveness. The FNPP allows indigenous communities to have input into the type of policing services they receive.³⁸ The goal of the FNPP was to negotiate cost-sharing agreements between Aboriginal communities, provincial governments, and the federal government. This allowed Aboriginal communities to set priorities for needs-based and community-specific police forces within the confines of their reserves.³⁹ The FNPP allows the Aboriginal population to contract with the OPP or RCMP, or alternatively develop their own police force. The Aboriginal Police has a law enforcement mandate within the

³³ *Id.*

³⁴ ENCYCLOPEDIA OF LAW ENFORCEMENT, *supra* note 19, at 994.

³⁵ *Id.*

³⁶ *Id.* at 995.

³⁷ *Id.*

³⁸ *First Nations Policing Program*, RCMP, <http://www.rcmp-grc.gc.ca/pubs/abo-aut/fncps-spcpn-eng.htm>, archived at <https://perma.cc/4BBQ-9QEL>.

³⁹ ENCYCLOPEDIA OF LAW ENFORCEMENT, *supra* note 19, at 996.

jurisdiction of reserve lands. This includes enforcement of the Criminal Code, making arrests, and enforcing federal and provincial statutes.

Chad

Chad's police structures reflect elements from its colonial past. Currently, the country's police force is comprised of the following structures: the Sûreté Nationale (National Security), National and Nomadic Guard, Gendarmerie, Rapid Intervention Force, and Republican Guard.

- Sûreté Nationale is tasked with maintaining law and order and other policing functions at the national level, mostly in large municipalities.⁴⁰
- The National and Nomadic Guard is an elite force tasked mostly with customs duties. It also performs as a military unit during armed conflicts.⁴¹
- The Gendarmerie is responsible for guarding rural areas in squads.
- The Rapid Intervention Force is part of the Ministry of Defense and is tasked with providing security for the head of state and defending the country's unity, sovereignty, and territorial integrity.
- The Republican Guard is an elite unit that reports to the President and performs both national security and law enforcement functions.⁴²

France

The National Gendarmerie (La Gendarmerie Nationale), French National Police (La Police Nationale Française), and Directorate-General of Customs and Indirect Taxes (Direction Générale des Douanes et Droits Indirects) are the main law enforcement bodies in France.

- The National Gendarmerie is a military force that until 2009 was subordinated to the Ministry of Defense. After 2009, the Ministry of Interior took over the command of the National Gendarmerie. The functions of National Gendarmerie are grouped in three categories:
 - The Divisional Gendarmerie carries out general policing and judicial and military activities.
 - The Mobile Gendarmerie is mainly responsible for ensuring the maintenance and restoration of law and order under any circumstances. It also participates in maintaining general public safety, alongside the Divisional Gendarmerie.⁴³

⁴⁰ *Id.* at 1,000.

⁴¹ *Id.*

⁴² *Id.*

⁴³ France: Law Enforcement Agencies, EUROPOL, <https://www.europol.europa.eu/partners-agreements/member-states/france> (last visited Apr. 5, 2019), archived at <https://perma.cc/PNJ5-PPKV>.

- Special Branches consist of the Republican Guard in Paris, the Maritime Gendarmerie, the Air Force Gendarmerie, the Air Transport Gendarmerie, the Arms and Ammunition Gendarmerie, and nonmetropolitan units such as those serving in French overseas territories or provost detachments.⁴⁴
- The following law enforcement functions are carried out by the French National Police:
 - Providing for the security of law enforcement institutions and tasks
 - Enforcing immigration laws and combating illegal work
 - Administration of the National Police⁴⁵
- French Customs falls under the Directorate-General of Customs and Indirect Taxes, which is part of the Ministry of Budget, Public Accounts and Civil Service. The Directorate-General is in charge of detecting and addressing fraud, illegal drug trafficking, counterfeit products, and enforcing tobacco import and/or export legislation. ⁴⁶

Italy

Various structures carry out law enforcement functions in Italy. These include the Penitentiary Police Corps, the Italian National Police, the Carabinieri, the Finance Police, the Forest Police, and the Prison Guards.

- The Penitentiary Police Corps, subordinated to the Ministry of Justice, Department of Penitentiary Administration, is tasked with ensuring order and security inside and outside prisons, managing education programs for inmates, and providing escort and guard services for prisoners. It has its own marine service and dog and horse units. It can be deployed to carry out public order and security functions, including public rescue missions, or in cases where they are required to assist in providing specific civil protection.⁴⁷
- The Italian National Police is the largest police force in Italy and is responsible for patrol, traffic control, criminal investigations, intelligence activities, and combating organized crime.⁴⁸ Provincial offices of the National Police are called the Questura and are headed by the main public security authority on the provincial level.
- The Carabinieri is a paramilitary force tasked with conducting patrols, traffic regulation, criminal investigations, and other investigative and administrative responsibilities. The Carabinieri operate both in rural and urban areas.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ EUROPOL, <https://www.europol.europa.eu/partners-agreements/member-states/italy>, archived at <https://perma.cc/W6M3-TQFB>.

⁴⁸ ENCYCLOPEDIA OF LAW ENFORCEMENT, *supra* note 19, at 1136.

- The Finance Police operates under the authority of the Ministry of Finance. It is responsible for the enforcement of financial and criminal laws, including those addressing tax evasion, economic fraud, organized crime-related economic offenses, drug trafficking, counterfeiting, and border protection against smuggling and illegal entry.⁴⁹
- Additionally, there are two other law enforcement structures: The Forest Police, who work under the authority of the Ministry of Agriculture and Forests, and the Prison Guards, who are subordinated to the Ministry of Justice.

Madagascar

Madagascar's police force is divided into the National Police and the Gendarmerie. The National Police is headed by the Minister of Public Security and is responsible for maintaining law and order in urban areas. The Gendarmerie is subordinated to the Ministry of Defense and is responsible for law enforcement in rural areas.⁵⁰

Netherlands

The Royal Netherlands Marechaussee is subordinated to the Minister of Justice (civil and military law enforcement duties), the Minister of the Interior (public order duties), and the Minister of Defense (specific military duties). The authorities and mandate of the Royal Netherlands Marechaussee are outlined in the Police Act of 2012.⁵¹ Its specific tasks include

- carrying out policing and security duties at Schiphol and other airports;
- providing assistance to the civil police forces in maintaining public order and enforcing criminal law, including assistance in combating cross-border crime;
- enforcing immigration legislation at the external borders of the Schengen area and carrying out mobile surveillance within the Netherlands;
- assisting with the reception of asylum-seekers and the deportation of undesirable aliens and asylum-seekers who have been turned down;
- guarding (the premises of) members of the Royal Family and the prime minister;
- carrying out policing duties for the Dutch armed forces, for foreign military personnel stationed in the Netherlands, and for international military headquarters; [and]
- carrying out policing duties at sites under the control of the Ministry of Defense.⁵²

The Dutch Police force in the Netherlands consists of twenty-five regional forces tasked with enforcing the laws. There is also a national police force, the Dutch Police Agency, which is

⁴⁹ *Id.* at 1138.

⁵⁰ *Id.* at 1177.

⁵¹ Politiewet 2012 [Police Act 2012], <https://wetten.overheid.nl/BWBR0031788/2019-02-01#Hoofdstuk2>, archived at <https://perma.cc/5TBL-M7YT>.

⁵² *Netherlands*, EUROPOL, <https://www.europol.europa.eu/partners-agreements/member-states/netherlands> (last visited Mar. 13, 2019), archived at <https://perma.cc/KZ6R-FMF8>.

responsible for supervision of the national infrastructure (motorways, railways, and waterways), nationwide crime investigation including provision of expertise when necessary, and protection of royal persons.⁵³ Additionally, the Military Police is tasked with protection of the Royal Family, performing security tasks for the Dutch army, controlling the national borders and airports, and providing assistance to the civilian police. The Military Police also participate in international operations in conflict zones.⁵⁴

The Public Prosecution Service is tasked with investigating and prosecuting criminal offenses, and is the only body that may bring suspects before the criminal courts. The Service works closely with the police and other investigative services.⁵⁵ The Ministry of Housing, Spatial Planning and the Environment's Information and Investigation Service is tasked with maintaining public order in specific areas under the purview of the Ministry.⁵⁶

Portugal

Portugal's law enforcement structure includes the Public Security Police, Republican National Guard, and Judicial Police.

- The Public Security Police is a uniformed urban force responsible for internal security and public safety. It is subordinated to the Ministry of Internal Affairs and is responsible for maintaining security and public order in the main urban areas on the continent and on the islands of Madeira and the Azores. It is also tasked with the enforcement of firearms laws as well as with the protection of national and foreign dignitaries.⁵⁷
- The National Republican Guard performs law enforcement and public security tasks only in rural areas of border towns. It is responsible for internal security and is subordinated to the Ministry of Defense in wartime and to the Ministry of Internal Administration in peacetime.⁵⁸
- The Judicial Police is responsible for conducting criminal investigations of major crimes on the national level, including investigations in missing persons cases, abductions, hostage situations, and others. It is subordinated to the Ministry of Justice.
- The Alien and Border Service is tasked with enforcement of immigration and asylum laws. To fulfill this mission, the Service has a wide variety of domestic and international tasks. Domestic tasks include controlling the entry and exit of foreign nationals, supervising foreigners' activities within the national borders, and issuing residence permits. The Service

⁵³ ENCYCLOPEDIA OF LAW ENFORCEMENT, *supra* note 19, at 1205

⁵⁴ *Id.* at 1206.

⁵⁵ *Netherlands*, EUROPOL, *supra* note 52.

⁵⁶ *Id.*

⁵⁷ *Portugal*, EUROPOL, <https://www.europol.europa.eu/partners-agreements/member-states/portugal>, archived at <https://perma.cc/N8PK-K5EF>

⁵⁸ ENCYCLOPEDIA OF LAW ENFORCEMENT, *supra* note 19, at 1259.

investigates criminal offenses regarding trafficking in human beings, facilitated illegal migration, forgery, sham marriages, and other related crimes.⁵⁹

South Africa

The South African police force consists of the South African Police Service (SAPS) and municipal-level forces. The mandated authorities of SAPS are outlined in the South African Police Service Act adopted in 1995.⁶⁰ The SAPS's mission includes crime prevention, investigation of criminal activity, and apprehending and assisting in the prosecution of suspects. SAPS is subordinated to the Ministry of Safety and Security.

The Municipal Police law enforcement force operates mostly in the large urban areas of Cape Town, Johannesburg, and Durban. The Municipal Police receives its funding from and is subordinated to the local government. Consultation with SAPS is necessary for the establishment of a local municipal police force. In addition to assisting SAPS, the Municipal Police enforces motor vehicle laws and regulations, as well as local laws and ordinances.⁶¹

⁵⁹ Portugal, EUROPOL, *supra* note 57.

⁶⁰ South African Police Service Act 68 of 1995, <http://www.lawsofsouthafrica.up.ac.za/index.php/browse/police/south-african-police-service-act-68-of-1995/act/68-of-1995-south-african-police-service-act-2015-01-31-to-date-pdf/download>, archived at <https://perma.cc/3D2Q-SM6C>.

⁶¹ ENCYCLOPEDIA OF LAW ENFORCEMENT, *supra* note 19, at 1309.