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Law Enforcement Actions in Urban Spaces Governed by Violent Non-State Entities: Lessons from Latin America

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Executive Summary

In response to a crime epidemic afflicting Latin America since the early 1990s, several countries in the region have resorted to using heavy-force police or military units to physically retake territories *de facto* controlled by non-State criminal or insurgent groups. After a period of territory control, the heavy forces hand law enforcement functions in the retaken territories to regular police forces, with the hope that the territories and their populations will remain under the control of the state. To a varying degree, intensity, and consistency, Brazil, Colombia, Mexico, and Jamaica have adopted such policies since the mid-1990s.

During such operations, governments need to pursue two interrelated objectives: to better establish the state's physical presence and to realign the allegiance of the population in those areas toward the state and away from the non-State criminal entities. From the perspective of law enforcement, such operations entail several critical decisions and junctions, such as:

- Whether or not to announce the force insertion in advance. The decision trades off the element of surprise and the ability to capture key leaders of the criminal organizations against the ability to minimize civilian casualties and force levels. The latter, however, may allow criminals to go to ground and escape capture. Governments thus must decide whether they merely seek to displace criminal groups to other areas or maximize their decapitation capacity.
- Intelligence flows rarely come from the population. Often, rival criminal groups are the best source of intelligence. However, cooperation between the State and such groups that

goes beyond using vetted intelligence provided by the groups, such as a State tolerance for militias, compromises the rule-of-law integrity of the State and ultimately can eviscerate even public safety gains.

- Sustaining security after initial clearing operations is at times even more challenging than conducting the initial operations. Although unlike the heavy forces, traditional police forces, especially if designed as community police, have the capacity to develop trust of the community and ultimately focus on crime prevention, developing such trust often takes a long time.
- To develop the community's trust, regular police forces need to conduct frequent on-foot patrols with intensive nonthreatening interactions with the population and minimize the use of force. Moreover, sufficiently robust patrol units need to be placed in designated beats for substantial amount of time, often at least over a year.
- Establishing oversight mechanisms, including joint police-citizens' boards, further facilitates building trust in the police among the community.
- After the disruption of the established criminal order, street crime often significantly rises and both the heavy-force and community-police units often struggle to contain it. The increase in street crime alienates the population of the retaken territory from the state. Thus developing a capacity to address street crime is critical.
- Moreover, the community police units tend to be vulnerable (especially initially) to efforts by displaced criminals to reoccupy the cleared territories. Losing a cleared territory back to criminal groups is extremely costly in terms of losing any established trust and being able to recover it. Rather than operating on an a priori determined handover schedule, a careful assessment of the relative strength of regular police and the

criminal groups post-clearing operations is likely to be a better guide for timing the handover from heavy forces to regular police units.

- Cleared territories often experience not only a peace dividend, but also a peace deficit –in the rise new serious crime (in addition to street crime).Newly-valuable land and other previously-inaccessible resources can lead to land speculation and forced displacement; various other forms of new crime can also significantly rise. Community police forces often struggle to cope with such crime, especially as it is frequently linked to legal businesses. Such new crime often receives little to no attention in the design of the operations to retake territories from criminal groups. But without developing an effective response to such new crime, the public safety gains of the clearing operations can be altogether lost.

Introduction

To an unprecedented degree, Latin Americans complain about living in fear of crime. With the exception of Colombia, criminal activity throughout the region has exploded. Rates of violent crime are six times higher in Latin America than in the rest of the world.¹ El Salvador frequently ranks as one of the countries with the highest murder rate in the world, with 57.3 per 100,000 in 2007. In 2006, Colombia's murder rate was 42.8 per 100,000, and Venezuela's 36.4 per 100,000 in 2007, and Brazil's 20.5 in 2008.² Over 11,200 people died in drug-related violence in Mexico in 2010.³ Kidnapping in the region is also frequent.

Organized crime is one of the principal sources of the violence. But street crime also flourishes in the region and frequently receives far less attention from the region's governments. Two decades of efforts to improve and reform law-enforcement institutions in the region often have little to show in improvements in public safety and accountability of law enforcement.

The response of Latin American countries to the crime epidemic has varied. Some, such as in Central America, have adopted the so-called *mano dura* (iron-fist) policies. Several countries have ultimately resorted to using heavy-armed police or outright military forces to retake

¹See, for example, Jorge Sapoznikow et al., "Convivencia y Seguridad: Un Reto a la Gobernabilidad" (Coexistence and Security: A Challenge to Governability), Inter-American Development Bank, Washington, DC: 2000, and Centro Nacional de Datos, Fondelibertad, Ministerio de Defensa Nacional, República de Colombia, "Cifras Extorsión" (Extortion Rates), June 20, 2007; available from www.antisecuestro.gov.co/documentos/7_16_2007_4_58_07_PM_CifrasHistorias.pdf, accessed May 17, 2008.

²"Murder Rate Among Youths Soars in Brazil," *The Washington Post*, February 24, 2011. Since data collection, reporting mechanisms, and strength of law enforcement varies greatly among Latin American countries and many murders go unreported and undetected, there are limits to the accuracy of the data. Moreover, data are not always available for the same year for all countries.

³"Ejecutómetro 2010" (Metrics of Execution 2010), *Reforma*, December 27, 2010; *Grupo Reforma* statistics cited in Transborder Institute, *Justice in Mexico News Report*, August 2011, www.justiceinmexico.org.

territories with weak state presence and essentially governed by criminal groups or illegal militias (and in the case of Colombia, by an insurgent group). This article presents some of the key law enforcement lessons from retaking such urban spaces ruled by criminal groups.

Brazil adopted such an approach in Sao Paolo and Rio de Janeiro in the 2000s. Rio's Pacification Policy (UPP) toward the poor and crime-ridden *favelas* (slums) especially has received widespread attention. In Mexico, President Felipe Calderón deployed the military to Mexico's streets to take over law enforcement functions in many of the country's cities, including Ciudad Juárez and Tijuana. In Colombia's Medellín, the counterinsurgency and anti-crime policies in the 2000s also follow similar patterns. President Álvaro Uribe first sent the military to the city in 2002 to retake the poor *comunas* ruled by the leftist guerrilla group the Revolutionary Armed Forces of Colombia (the FARC). That allowed the crime lord-cum-paramilitary leader Don Berna to consolidate his control over the criminal markets in the city. In the latter part of the 2000s, Don Berna was imprisoned and ultimately extradited to the United States. The Tivoli Gardens neighborhood of Kingston, Jamaica has been ruled for several decades by drug gangs linked to Jamaica's political parties, including since the 1990s by the drug lord Christopher "Dudus" Coke. When in 2010 the Jamaican Prime Minister Bruce Golding finally yielded to U.S. pressure to arrest Coke and extradite him to the United States, he resorted to sending a heavy force to the Tivoli Garden in an operation that resembled more urban warfare than a standard police arrest.

Between December 2009 and April 2011, I have conducted fieldwork in all the places mentioned above, with the exception of Jamaica. The goal of my research was to study the design and

effectiveness of the law enforcement approaches adopted in those places. For that purpose, I interviewed local government officials, police and military officers, academics and think tank experts, NGO representatives, journalists, residents of the poor neighborhoods, and, when possible, also members of the drug gangs and criminal groups operating in those areas. The lessons presented below are derived from this fieldwork. For the case of Jamaica, I rely on written analyses of other scholars.

The Twin State-Making Challenge

When dealing with urban areas pervaded by illicit economies and violent criminality and inadequate State presence, where organized non-State actors *are* present, the government needs to pursue two interrelated objectives: First, it needs to better establish its own physical presence. In some cases, such as, for example, in Rio's *favelas*, such an assertion (or even insertion) of State authority may require retaking territory that has been physically controlled by violent non-State entities. In other cases, establishing such presence may entail demonstrating that the preponderance of physical power, if not actually monopoly on violence, lies with the State and its law enforcement apparatus.

Second, the government needs to realign the allegiance of the population in those areas toward the State and away from the non-State criminal entities. For that, its presence needs to be not only robust, but also multifaceted and positive. In urban areas of inadequate State presence, great poverty, and social and political marginalization, large populations, numbering in the tens of thousands to over a million, are dependent on illicit economies, including the drug trade, for economic survival and the satisfaction of their other socio-economic needs. For many,

participation in informal economies, if not outright illegal ones, is the only way to provide for their security and achieve social advancement, even as they continue to exist in a trap of insecurity, criminality, and marginalization. By sponsoring such illicit economies and using proceeds from them to deliver otherwise absent socio-economic goods and other public goods, non-State entities, such as criminal gangs, drug trafficking organizations, or urban militias, step into the stateless void. Paradoxically, these non-State entities often provide at least a modicum of security for the residents of the areas they control. Yes, they are the sources of insecurity and crime in the first place, but they often regulate the level of violence, suppress street crime, such as robberies, thefts, kidnapping, and even homicides. Their ability and motivation to provide public goods varies, of course, but such provision often takes place regardless of whether the non-State entities are politically-motivated actors or criminal enterprises.⁴ This explains how even non-ideological criminal groups can obtain and enjoy a great degree of political capital.⁵ The more they deliver order, security, and economic goods, the more they become de facto proto-State governing entities.

Obtaining trust and allegiance of the community is frequently a complex task that requires appropriate policies and time. If the community had previously experienced primarily negative manifestations of the State -- such as violent repression against criminal groups, suppression of illegal economies but no provision of legal livelihoods, or social stigmatization -- it will be deeply mistrustful of greater State presence.

⁴ For some of the dimensions of how such delivery of public goods by non-State entities varies, see Vanda Felbab-Brown, *Shooting Up: Counterinsurgency and the War on Drugs* (Washington, DC: The Brookings Institution, 2009).

⁵ For details, see, Vanda Felbab-Brown, "Human Security and Crime in Latin America: The Political Capital and Political Impact of Criminal Groups and Belligerents Involved in Illicit Economies," (WHEMSAC Monograph, Florida International University, Applied Research Center, September 2011).

Efforts to pacify violent and neglected urban areas thus parallel many aspects of population-centric counterinsurgency. Drawing such a parallel can be politically very sensitive in Latin America, where allusions to counterinsurgency (COIN) policy can conjure up vivid and painful memories of the region's anticommunist counterinsurgency campaigns. However, the realization that some policies to combat urban violence mimic aspects of population-centric COIN policies does not imply that the State that faces violent urban challenges has failed. It does indicate that COIN and consolidation policies in places, such as Colombia or even more distant and very different locales, such as Afghanistan and Pakistan, may nonetheless provide some important lessons.

Retaking Territory

In all the cases listed above, the government ultimately resolved that it had to physically “retake” the problematic urban space from non-State entities. In many of the cases, the government adopted such a policy only after other measures had been applied, often over many decades, such as physically blocking off and then ignoring the festering areas, negotiating multiple iterations of *modus vivendi* with the non-State entities controlling the urban space, or buying them off with political handouts.

When retaking or clearing operations have been employed since the 1990s in Latin America, these have usually involved the insertion of “special” forces to supplement or at least temporarily replace regular police forces deemed to be too incompetent or corrupt to redress the levels of violent criminality that plague the community. Such physical retaking of urban space may have

different connotations in different urban contexts: In Rio de Janeiro, the police had often been physically blocked off by the drug gangs from entering the *favelas* and, apart from highly violent raids into the poor neighborhoods, remained altogether absent. In the slums of Sao Paolo, the police were not as completely denied entry, but their presence consisted merely of sporadic and ineffective patrols. In the *colonias* of Ciudad Juárez, the police, although present to some extent, still were ineffective and unmotivated to roll back the control of the Drug Trafficking Organizations.

What Clearing Means: Arrests?

The underlying concept of the clearing operations is that either military forces or SWAT-type police forces retake the urban spaces from criminal groups and then, after a period of time of suppressing the local non-State entities, hand law enforcement responsibilities for the urban spaces back to regular police forces. To the extent that military forces in particular are deployed, they need to be deployed with a very clear operational mandate as to their specific task in the clearing operations: Are they supposed to merely protect police forces, with the latter remaining in charge of arrests and investigations? Are they only to patrol the streets, on the assumption that such patrols will reduce the violence, or are they also mandated to capture designated high-value targets?

Not specifying the military's role to such a detailed level will limit the effectiveness of its operations and complicate interagency cooperation. Mexico since 2006 provides ample examples

of such problems with an underspecified mandate for the use of military forces for domestic law enforcement operations.⁶

A primary question that needs to be answered in preparing such a clearing operation is whether or not to announce the force insertion in advance. Announcing the raid in advance, as for example the government of Jamaica did when it finally decided to arrest Christopher “Dudus” Coke, can be an important mechanism for mitigating violence levels, limiting collateral damage, and minimizing other harms to the community.⁷ For example, advance warning can allow citizens to escape the crossfire by moving out of town for the duration of the operation. (Such population displacements even when actually temporary entail their own tough consequences and costs.) Prior announcements of clearing operations may also enhance the transparency of law enforcement actions, an outcome that can be a building block toward constructing the community’s trust in the government. Such transparency can be particularly important in areas where previous police incursions have been highly violent and brutal. And the early warning may deter the criminal gangs from resisting the law enforcement actions, once they appreciate the full scope and preponderance of State power they will face.

However, such announcements come with costs. They can allow the criminal groups to dig in and develop defenses, preventing law enforcement forces from being able to capitalize on the element of surprise. Such surprise often critically facilitates capturing key leaders of criminal

⁶ See, Vanda Felbab-Brown, “Addressing Organized Crime, Drug Trafficking, and Violence in Mexico: Lessons from Tijuana, Ciudad Juárez, and Michoacán,” section “Ciudad Juárez and the Evolution of Mexico’s Security Policy,” Brookings Institution, September 2011.

⁷ For details on Jamaica’s drug gangs, their relationship to political parties, and the 2010 operation to arrest Coke, see Desmond Arias, “The Impact of Organized Crime on Governance and Statebuilding,” Center for International Cooperation, New York University, forthcoming Dec. 2011.

groups. Even worse, it can induce members of the criminal groups to melt into the population or move to other areas for the duration of specialized forces presence. Government forces may find it extraordinarily difficult to sift through population, identify members of the criminal gangs, and locate its reputed leaders –especially where members of the criminal gangs come from the community, enjoy at least a degree of its support, and have a superior knowledge of the local urban terrain. Because the criminal organizations may have accumulated substantial political capital with the local population and because the population may fear violent reprisals for cooperating with law enforcement forces, the local population often tends to be extremely reluctant to provide actionable intelligence that can lead to the arrest of key leaders. Thus, Brazil’s BOPE forces, as the heavily-equipped military-like police forces there are known, had to struggle to identify and arrest gang members during the clearing operations in Sao Paolo and in Rio, even though the BOPE tried to interrogate virtually every single male in some of the retaken shantytowns and impose population controls. When the local population provides intelligence at all, it is usually in areas where a gang had previously alienated the community through the use of violence that surpasses typical norms in the area.

Accordingly, policymakers need to carefully assess, on a case-by-case basis, the extent to which *not* announcing an operation in advance will facilitate making arrests that critically weaken the criminal groups and can help anchor State presence in the community. Such assessments need to consider how easy it is for the criminal groups to generate new effective leadership and how much the government’s own violent tactics will alienate the community from the state. The fact that someone is the number one or two or three in a criminal group does not mean that arresting him (or her, in some cases) would result in the collapse of the criminal group. Many so-called

high-value targets (HVTs) should rather be thought of as high-visibility targets instead of having a real interdiction value in the sense that their arrests will severely limit the regeneration and leadership capacity of the criminal group. Historically, criminal groups have been able to replace their captured leaders rather easily, far more so than terrorist groups. Mexico has been learning this painful lesson over the past five years.

Who Provides Intelligence?

Frequently, intelligence flows during clearing operations come from rival criminal groups or militias. In Tijuana, for example, during the military operations in the late 2000s, the Sinaloa DTO allegedly was particularly effective in taking advantage of the government-installed hotline to provide information on its rivals.⁸ In Medellín in the early 1990s, the Cali cartel and Los Pepes, a militia precursor to the later *Autodefensas Unidas de Colombia* (AUC) paramilitary forces, provided critical intelligence on Pablo Escobar's Medellín cartel and physically cooperated with Colombia's security forces in the Medellín cartel's destruction.⁹ In a similar way, Medellín crime lord Don Berna cooperated with the Colombian military in destroying the presence of the FARC in the city in 2002. It would be foolish of course not to take advantage of such intelligence flows, especially as other criminal entities may have far superior knowledge of the targeted criminal group than the government. However, intelligence from such sources needs to be very carefully vetted.

⁸ See, Vanda Felbab-Brown, "Addressing Organized Crime, Drug Trafficking, and Violence in Mexico: Lessons from Tijuana, Ciudad Juárez, and Michoacán," section "The Tijuana Law Enforcement Model and Its Limitations," Brookings Institution, September 2011.

⁹ For details, see Vanda Felbab-Brown, "The Violent Drug Market in Mexico and Lessons from Colombia," Brookings Institution, March 2009, http://www.brookings.edu/~media/Files/rc/papers/2009/03_mexico_drug_market_felbabbrown/03_mexico_drug_market_felbabbrown.pdf.

Moreover, relying on or sanctioning the physical actions of criminal groups or militias against other violent non-State entities tend to come with severe costs for the state and society. Both in Colombia and in Rio de Janeiro, where such groups emerged in the 2000s, the militias' ability to deliver real security was limited. They often repressed the rival criminal or insurgent group only as much as was necessary to minimally satisfy their State or business sponsors and they turned out to be extremely abusive toward the community. They took over various forms of extortion and criminal activity and provided even fewer public goods and services to the marginalized community than did the criminal or insurgent entities they displaced. Even when the Colombian State or the Rio de Janeiro municipal authorities and business elite found themselves less threatened by the new criminal order, the community in the marginalized urban space often suffered greater physical abuse and socio-economic privation than before.

Moreover, apart from the inherent violations of the rule of law and citizens' human rights, the control of such actors presents a huge challenge to the State. Since the late 2000s in Medellín, for example, even after Don Berna was extradited to the United States, the remnants of his criminal militias have physically targeted ex-FARC combatants who have gone through the reintegration process sponsored by the Colombian government, de facto preventing them from living in Medellín and undermining the government's security policy.¹⁰ In Mexico in the 1980s and 1990s, the DTOs managed by the government's law enforcement agencies were able to corrupt and completely eviscerate these agencies.¹¹ More often than not, places as diverse as Medellín, Ciudad Juárez, Mogadishu, and Karachi have learned that the State-tolerated militias/criminal

¹⁰ Author's interviews in Medellín, January 2011.

groups over time start disobeying their political and State overlords. At times, they even try to become the powerholders dictating the terms of business and politics.

What Clearing Means: Displacement of Criminals?

Displacement of criminal groups to other areas is also costly. Often the State lacks the capacity to inject sufficient law enforcement forces to all areas. Instead of achieving an spreading ink-spot of security (with the zone of effective public safety steadily expanding), clearing operations may essentially amount to a shell game, with violent criminality and its associated social ills moving to other areas of weak state presence. To an important degree, such displacement is taking place in Rio de Janeiro under the current UPP policy, for example, with violent criminal gangs and violent criminal enterprises relocating from the *favelas* near the city center to the southern outskirts of the city.

Even if only a relocation of the criminals is taking place, the State may prefer such an outcome if the clearing operations retake a particularly strategic area, such as a city center. Since city centers tend to be areas where business elites operate and sometimes live, the State may have some legitimate reasons to prioritize such areas. If the urban business elite decide to move away, as is, for example, happening in Acapulco today, such an exodus may lead to a brain drain and capital flight. That can in turn undermine both the administrative capacity of local authorities and the legal economy and hence, job generation and fiscal revenues of the city. Insecure business elites who enjoy important political power may be particularly effective advocates of the use of heavy-handed, human-rights-insensitive crime suppression measures, such as the various *mano dura* approaches that have proliferated around Latin America. Business elites may also be highly

motivated and tend to be well-positioned to sponsor illegal militias that go beyond private security companies. Such extralegal “anti-crime” groups generate their own criminality, deeply undermine citizens’ security, and weaken the State in the long run. Thus enhancing public safety in the city center may be a well-placed priority for the State. But without a credible plan to expand public safety provision to less privileged citizens and areas beyond the city center, merely pacifying the city center is insufficient. In the worst outcome, the government’s actions can spread violent criminality without achieving adequate improvement anywhere.

Sustaining Security

The other serious consequence of allowing criminals to temporarily go to ground as a result of announcing clearing operations in advance is that when the heavy police forces leave the retaken territory, the regular police forces may not be able to hold the territory. The regular police forces may be unable to cope with a highly violent effort on the part of the criminal groups to take the territory. For example, since the BOPE forces left Cidade de Deus, one of Rio’s famous *favelas* and one of the first to be treated to the UPP policy, and security there was transferred to the UPP community police, rumors have circulated several times that the Comando Vermelho gang was massing forces to push out the UPP police and reoccupy the *favela*. Although fortunately such a takeover has not materialized, the mere rumors have frightened the community sufficiently to limit extensive cooperation with the government.¹²

Even if criminals are pushed out from the city center to the outskirts or if a *cordon sanitaire* can be established around selected strategic areas, the effects of insecurity in the outskirts, such as

¹² Author’s interviews in Rio de Janeiro, January 2010.

from extortion driving legal enterprises out of businesses, may leak back into the city center, undermining security achievements in the prioritized zones. Thus the selection of what problematic urban areas will be selected for law enforcement action needs to be guided by a strong focus on the sustainability of the security to be provided in those spaces, rather than, for example, on the basis of the intensity of violence in an area or its electoral significance.

The insertion of heavy police or outright military force almost always tends to be temporary –for two basic reasons: First, the State often lacks sufficient numbers of such forces to cover all the areas in-need with a sufficiently-high troop density to achieve preponderance of power. Second, the heavy-handed use of force has other important shortcomings – in terms of civil liberties and human rights protection, but also in terms of developing local intelligence. Even when actually subject to substantial human rights training, a rare occurrence for heavy police and military forces in Latin America, the SWAT forces are built specifically to project great force. For that reason and because their personnel are alien to the retaken community, they often have to struggle to establish trust, develop deep knowledge of the community, and generate local intelligence.

Timing the Handover

Timing the handover to regular police forces -- ideally, community police -- however, is complex. In some cases, such as in the Sao Paulo operations, the BOPE forces were inserted into the shantytowns with a specific timetable: they were expected to be present for about eight weeks after which law enforcement would be handed over to regular police forces. In other places, such as in Ciudad Juárez, the duration of the deployment of the military forces was not

specified in advance. However, the departure of the military forces from Ciudad Juárez was driven far more by a negative reaction of the residents to the excesses of the military forces and by the failure of the military forces to reduce violence levels in the city, than by their success in doing so. If the heavy forces are pulled out prematurely and the cleared area is again retaken by violent criminal entities, the ability of the State to generate trust in its law enforcement a second time around will be greatly undermined. Rather than operating on an a priori determined handover schedule, a careful assessment of the criminal groups' strength remaining after clearing operations and of the capacity of regular police forces is likely to be a better guide for the handover. However, the goal should be to minimize the duration, extent, and lethality of the heavy forces as much as possible.

Establishing the Local Community's Trust

Unlike heavy-force law enforcement units, regular police forces, especially if designed as community police, can have the capacity to develop the trust of and support from the local population. Thus they potentially have the capacity to move away from crime suppression solely toward crime prevention. However, for them to develop such capacity, they need to solve intelligence problems that are different from those of units designed for the capture of high-value criminal targets. Instead of having the vetted, insulated and small intelligence units needed for the latter, community police forces need to have a permanent and widespread presence within the community. They need to conduct frequent, often on-foot patrols. A permanent police station in an urban slum where the police play cards inside the station and rarely venture outside among the slum residence will not be able to develop much local knowledge and intelligence capacity.

Moreover, sufficiently robust patrol units need to be placed in designated beats for substantial amount of time, often at least over a year. Without a robust presence, without a sufficient density of police officers per neighborhood, the beat patrols will feel vulnerable and may be tempted to retreat to the police station. Concentrating police resources, including police patrol presence, may well be politically difficult, but it is necessary.

In order to get to know the criminals, the local police patrols need to get to know the community and interact with it frequently and in a nonthreatening manner. The UPP forces in Rio de Janeiro have been operating under such guidelines, and at least in some “pacified” *favelas* have been began developing the trust of the community.¹³ Colombia too has been unveiling an urban policing plan built upon such principles, called *Plan Nacional de Vigilancia Comunitaria por Cuadrantes*; but it is too early to assess the effectiveness of the policy.

Establishing Oversight Mechanisms

Apart from having a sufficient density of police officers and sufficient intensity of nonthreatening interactions with the community, establishing the trust of the local community also requires setting up oversight and accountability mechanisms of police forces. Such mechanisms include establishing joint citizen-police boards that allow experts and community representatives to provide input to law enforcement and mandating reporting and careful examination of violent police actions. In Great Britain or the United States, for example, police officers often have to file a report every time they discharge their weapons.

¹³ Author’s interviews in the Babylonia *favela* in Rio de Janeiro,

Standing Up Community Police Forces

Standing up police forces takes time. In the United States, regular police officers, for example, receive at least six months of training. In Mexico, where police reform is a major component of the security overhaul, many police officers receive only eight weeks of training. The quality of training – from how to handle a weapon to respect for human rights – also matters critically as does the post-training standard operating procedures and leadership of the units into which new recruits are placed. Even under auspicious circumstances, effective police reform often requires a decade: essentially a generation of officers needs to be promoted from beat cops to key leadership positions and commitment to police reform needs to be sustained during that period at all levels of the police hierarchy.

Conducting police reform during times of intense and highly violent criminal activity tends to be particularly problematic. Law enforcement becomes overwhelmed and its energies preoccupied with responding to crime (and sometimes even hanging on for dear life) and diverted away from reforms. Thus, if some urban areas register a decline in violent crime, the State needs to take advantage of such opportunities to deepen and strengthen police reform. Such an opportunity should not be missed even if such a decline in criminal violence came as a result of a truce among the criminal entities.

Holding and Tackling “New” Crime

Apart from preserving and enlarging the security generated by suppression of the previous criminal groups of the marginalized urban areas, the regular police forces also need to be able to suppress the street crime and new organized crime that are likely to emerge in the “pacified”

areas. The destruction of the previous criminal order does not mean that a benevolent crime-free order emerges in its wake.

Often, criminal groups function as security providers (suboptimal as they are), regulating and punishing theft, robberies, extortions, rapes and murders and dispensing their rules and punishments for transgressions. The removal of the criminal gangs often results in a rise of street crime that can become a critical nuisance to the community and discredit the presence of the State and its law enforcement. That has in fact been the case in both Medellín in the post-Don Berna order as well as in the pacified *favelas* of Rio.¹⁴ Especially in areas where police have been trained as light counterinsurgency forces (in Latin America, unlike South Asia, this is more often a problem in rural areas rather than in urban spaces) they may be undertrained, under-resourced, and not focused on addressing street crime. Even community-policing forces may have little capacity to undertake criminal investigations that lead to meaningful prosecution, yet police units specialized in criminal investigations may continue to be too far away and have limited access to a pacified urban space to conduct investigations that reduce street crime. Providing training to community police forces for tackling at least some street crime and streamlining and facilitating the presence of specialized criminal investigation units, such as homicide squads and prosecutors, are of critical importance for improving public safety for the community and for anchoring State presence in the pacified areas.

Under some circumstances, law enforcement actions against the governing criminal entity may give rise to intense turf warfare among other criminal groups over the spoils of the criminal market. After Don Berna was extradited to the United States, for example, many criminal gangs

¹⁴ Author's interviews in Rio de Janeiro, January 2010 and Medellín, February 2011.

in and around Medellín, including two large ones led by Sebastian and Valenciano, began fighting each other over smuggling routes, local drug distribution, prostitution enterprises, and protection rackets. The turf war triggered extensive violence, including homicide rates in over 100 per 100,000 in the late 2000s and on par with those before the FARC was defeated in the city, and Don Berna established his “narco-peace”.¹⁵ Similarly in Mexico, law enforcement actions against established DTOs triggered intense violence among splinter groups and new gangs, such as in the Mexican state of Michoacán where interdiction operations against La Familia Michoacana have given rise to Los Templarios. That criminal gang has since been battling with Los Zetas, another of Mexican DTOs originating as splinter group, over control of criminal markets in the state. Such turf wars can compromise the physical and economic security of local communities far more than even the previous criminal order.

In some circumstances, an urban area to which State presence has been extended may even suffer a peace deficit. Along with or instead of the hoped-for peace dividend of legal businesses moving into the urban space and providing legal jobs and income, the new areas may be attractive as a source of new land to be taken over by nefarious land developers. Such demands for land in the newly “pacified” urban areas may generate new forced land displacement, instead of benevolent gentrification. In rural spaces, the cause of such new illegal displacement may be the presence of profitable resources, such as gold, coal, and others, or the agricultural potential of the land, such as for African oil palm plantations. In urban spaces, housing development and real estate speculation may well drive such illegal displacement. Competition over State resources inserted to “pacified” areas, such as for socio-economic development, may generate new

¹⁵Vanda Felbab-Brown, “Reducing Urban Violence: Lessons from Medellín, Colombia,” The Brookings Institution, February 14, 2011, http://www.brookings.edu/opinions/2011/0214_colombia_crime_felbabbrown.aspx.

temptations of illegal behavior. Militias or new criminal groups seeking to set up new protection rackets and usurp the inserted State resources may well emerge. Many urban spaces in Colombia suffer from such old-new criminality today, as they have historically.

Local community forces, even while effective at keeping the old criminals out, may not have the capacity to prevent such nefarious activities cloaked as legal development. At the same time, criminal units specializing in white-collar organized crime and asset expropriation are often located in the city center of a State capital far away from the “pacified” slums and may be paying little attention to such phenomena in the newly-liberated spaces. Moreover, since such land takeover and asset expropriation may well be linked to legal and politically-powerful developers, municipal authorities may lack the motivation to pay close attention to such criminal developments in the “pacified” urban areas.

Yet without diligent and concerted law enforcement actions against such new crime, the benefits of the complex and costly State interventions in the marginalized urban areas may be altogether lost. Instead of addressing the causes of illegal economies and violent organized crime by strengthening effective and accountable State presence, the State intervention may ultimately only alter the manifestation of illegality and displace existing problems to other areas. Not only criminality and criminal gangs, but also the marginalized residents of the urban shantytowns themselves may merely be forced out to other slums.

Conclusions

Several key elements determine the effectiveness of law enforcement operations to retake urban spaces governed by violent non-State entities: the ability to develop intelligence for arrests of critical operators of the criminal groups and evidence for their effective prosecution, the ability to develop trust of the local community, such as by minimizing violence and establishing community police units, the ability to effectively address street and new organized crime likely to emerge post clearing operations, and the ability to sustain security after the heavy-force units depart. Apart from these modalities of the actual law enforcement operation, the success of increasing public safety in problematic urban neighborhoods cannot be divorced from the capacity to provide effective and speedy dispute resolution mechanisms and access to the justice system in the “pacified” spaces.

Ultimately, an effective State strategy toward organized crime is not merely one of law enforcement suppression of crime. Law enforcement plays a critical and indispensable role; it is the founding block of establishing effective State presence. But an appropriate response toward dealing with marginalized urban spaces is ultimately a multifaceted state-building strategy that seeks to strengthen the bonds between the State and marginalized communities.

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