



Peña Nieto's Piñata: The Promise and Pitfalls of Mexico's New Security Policy against Organized Crime

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By Vanda Felbab-Brown

Mexico's new president, Enrique Peña Nieto, has a tough year ahead of him. After six years of extraordinarily high homicide levels and gruesome brutality in Mexico, he has promised to prioritize social and economic issues and to refocus Mexico's security policy on reducing violence. During its first months in office, his administration has eschewed talking about drug-related deaths or arrests. The Mexican public is exhausted by the bewildering intensity and violence of crime as well as by the state's blunt assault on the drug trafficking groups. It expects the new president to deliver greater public safety, including from abuses committed by the Mexican military, which Mexico's previous president, Felipe Calderón, deployed to the streets to tackle the drug cartels.

Seeking to bring violent crime down is the right priority for Mexico, and indeed, should be a key goal for law enforcement in any country. The United States should wholeheartedly support that objective in Mexico. But achieving violence reduction will not be easy, major questions remain about the outlines of the security strategy Peña Nieto has sketched, and some approaches to reducing violence would come with highly negative side-effects.

The Problems of Calderón's Approach

In 2006, President Felipe Calderón inherited a Mexican law enforcement apparatus that had been profoundly hollowed out by decades of laissez-faire and cooptation arrangements between the state and its law enforcement institutions on the one hand and the drug trafficking organizations (DTOs) on the other.

As Luis Astorga, a prominent Mexican expert, argues, under the Institutional Revolutionary Party (Partido Revolucionario Institucional or PRI) rule in the 1960s and 1970s, the former Federal Security Directorate (Dirección Federal de Seguridad or DFS) and the Federal Judicial Police (Policía Judicial Federal or PJF) regulated the drug trafficking organizations, mediated between them as well as protected them.¹ Some analysts further suggest that DFS developed particularly strong relations to the

¹ Luis Astorga, "El Tráfico de Fármacos Ilícitos en México: Organizaciones de traficantes, corrupción y violencia," paper presented at a WOLA conference on *Drogas y Democracia en México: El Impacto del Narcotráfico y de las Políticas Antidrogas*, Mexico City, June 21, 2005, cited in Laurie Freeman, "State of Siege: Drug-Related Violence and Corruption in Mexico: Unintended Consequences of the War on Drugs," WOLA Special Report, June 2006.

drug trafficking organizations during the 1970s when it tolerated their activities in exchange for their assistance with paramilitary operations against a leftist urban terrorist group, the 23rd of September Communist League.² After the leftist group was wiped out in the late 1970s, DFS personnel went into business with the traffickers. Following the economic shocks of the 1980s that rocked the power of the PRI and facing an increasingly corrupt and eviscerated law enforcement apparatus, the drug-trafficking groups in the 1980s started to increasingly and visibly disobey their overlords in the police forces and PRI power structures. Meanwhile, many law-enforcement reform attempts between 1980 and the early 2000s mostly failed, and the power and aggressiveness of Mexican criminal groups had been rising steadily.

The challenge to public safety and the authority of the state that the Mexican drug trafficking groups posed at the beginning of Calderón's term was large and reducing their power, impunity, and brazenness was important. But with its preoccupation on high-value targeting, lack of prioritization, and lack of operational clarity, the Calderón administration's strategy inadvertently greatly escalated crime-related violence. During Calderón's six-year rule, between 47,000 and 60,000 people died as a result of the drug violence in Mexico (12,366 in 2011³ and also over 12,000 in 2012) and over 25,000 disappeared.⁴ Mexico's National Institute of Statistics and Geography (Instituto Nacional de Estadística y Geografía) put the total number of all homicides (drug-related and others) between 2007 and 2011 at 95,646, with 27,213 in 2011 alone.⁵ Such phenomenally-high levels of violence significantly surpass those in Afghanistan and Iraq, two countries caught up in insurgency and civil war. Per capita homicide levels in several Central American countries are higher than in Mexico, but that does not negate the fact that the intensity and gruesomeness of the Mexican violence has been aberrant even by criminal market standards.⁶

For years, the Calderón administration dismissed the violence, arguing that it was a sign of government effectiveness in disrupting the drug trafficking groups. Indeed, the arrests or killing of top *capos* splintered the DTOs and set off internal succession battles among ever-younger *capos*. The decapitation policy also sparked external power competition among the drug trafficking groups in a

² Peter Reuter and David Ronfeldt, "Quest for Integrity: The Mexican-US Drug Issues in the 1980s," *Journal of Interamerican Studies and World Affairs*, 34(3), Autumn 1992:102-103.

³ Mexico's newspaper *La Reforma*, which until November 30, 2012 reported drug related homicides on a weekly basis, puts the total number through November 2012 at 47,253. The government of Mexico often provided higher estimates, such as over 60,000 killed in drug-related violence since 2006, with 16,000 in 2011 alone. See, for example, Alfredo Corchado, "Violence Levels off in Some Parts of Mexico, but Spreads to Others," *Dallas Morning News*, February 4, 2012.

⁴ Nick Miroff, "A Quieter Drug War in Mexico, But No Less Deadly," *Washington Post*, February 1, 2013; and Ana Laura Magaloni Kerpel, "La Revisión del Pasado," *La Reforma*, December 15, 2012.

⁵ Instituto Nacional de Estadística y Geografía, deaths by homicide data set, http://www.inegi.org.mx/sistemas/olap/proyectos/bd/continuas/mortalidad/defuncioneshom.asp?s=est&c=28820&proy=mort_dh.

⁶ United Nations Office on Drugs and Crime, *Global Study on Homicides: Trends, Contexts, Data*, 2011, http://www.unodc.org/documents/data-and-analysis/statistics/Homicide/Globa_study_on_homicide_2011_web.pdf.

complex multipolar criminal market where the DTOs have struggled to establish stable balances of power and territorial control.

The vast majority of the dead have been members of drug trafficking organizations or youth gangs increasingly hired by the DTOs to conduct hits or control drug-distribution *plazas*. Inevitably, however, the violence has affected the broader communities. It might well be that criminals are shooting at other criminals, as Calderón's officials used to point out, but as long as the bullets are flying on the streets of a city, the public is scared away from gathering places, and business elites, as well as ordinary citizens, may feel compelled to pack up their assets and leave. Northern Mexico and Acapulco in particular have seen the most extensive departure of business elites as well as lower-class Mexicans.⁷ Moreover, as the homicides absolutely overwhelmed Mexico's law enforcement and getting away with crime became easy, other types of crime have also greatly increased, such as robberies, kidnappings, and generalized extortion, creating an atmosphere of fear. Contested by several large drug-trafficking groups and smaller local gangs, Ciudad Juárez quickly became one of the epicenters of violence—and a critical test for Calderón's policy. In 2011, walking the streets of the *comúnas* particularly badly affected by drug murders could eerily resemble a walk through a cemetery, with locals anxious to point out corners where people were killed and stores shut down due to extortion, collapsed business, and fear.⁸ Traveling around the state of Michoacán, another area symbolic of the war on the cartels, entailed encountering a widespread paranoia that the *halcones* (lookouts) of the criminals were behind every corner and controlled many aspects of people's lives.⁹

A reduction in the brazenness, impunity, and intensity of violence allows communities to mobilize and participate more actively in anti-crime strategies and for economic activity to return. Under auspicious circumstances, often dependent on broader structural patterns of political-economic arrangements in the country, the resulting upturn in economic activity might start generating taxes and accountability and perhaps even legal jobs so that young men are no longer easily seduced by the lure of vast crime profits amidst a paucity of legal alternatives. Reducing violence should thus always be a key priority.

⁷ Estimates of the number of people internally displaced in Mexico as a result of the drug violence has varied greatly—between thousands and hundreds of thousands—and monitoring has not been systematic nor often well documented. For a comprehensive discussion of the scale of drug-violence related displacement and its patterns, see Internal Displacement Monitoring Center and Norwegian Refugee Council, *Mexico: Displacement due to Criminal and Communal Violence: A Profile of the Internal Displacement Situation*, November 25, 2011, [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/59056CIDEFCFC954BC1257953004FDFA2/\\$file/Mexico+-+November+2011.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/59056CIDEFCFC954BC1257953004FDFA2/$file/Mexico+-+November+2011.pdf).

⁸ Author's fieldwork in Ciudad Juárez, Spring 2011. See, Vanda Felbab-Brown, "Calderón's Caldron: Lessons from Mexico's Battle Against Organized Crime and Drug Trafficking in Tijuana, Ciudad Juárez, and Michoacán," *Latin America Initiative Paper Series*, The Brookings Institution, September 2011, http://www.brookings.edu/~media/research/files/papers/2011/9/calderon%20felbab%20brown/09_calderon_felbab_brown.pdf: 8-23.

⁹ Author's fieldwork in Michoacán, Spring 2011. See *ibid*: 24-36.

Peña Nieto's New Strategy

Mexico's new president Enrique Peña Nieto has accepted that prioritization. But he has been rather vague about how he actually plans to reduce violence, particularly homicides, kidnappings, and extortion. Throughout the presidential campaign, Peña Nieto clearly and repeatedly disavowed any inclination to engage in negotiations with the cartels. He also promised to move away from Calderón's frequent use of military forces in law enforcement tasks. After assuming office he announced that he intended to establish a new 10,000 member National Gendarmerie (Gendarmería Nacional); boost security spending and expand the federal police by at least 35,000 officers; reorganize Mexico's national security and law enforcement agencies and improve coordination among them; and divide Mexico into five distinct regions according to cartel presence and criminal activity type.¹⁰ His 34-point security plan *Pacto por Mexico*, which Mexico's major political parties signed, also includes establishing a unified police command system at the state-level and emphasizing crime prevention.¹¹ Like his predecessor, he has been asking the United States to do more to combat the southward flow of weapons and money to Mexican drug trafficking groups and to reduce the demand in the United States for illicit narcotics.

Negotiating with the DTOs? – Apparently Not in the Plan and Certainly Unwise

There has been concern in the United States policy community that the returning Institutional Revolutionary Party (PRI) which Enrique Peña Nieto leads and which had an authoritarian grip on Mexico for 71 years may be tempted to go back to some revived negotiated deals with at least some of the DTOs or to let the DTOs off the hook and allow them to have a freer run in exchange for violence being reduced. The negotiated truce between the two large gangs in El Salvador—the Mara Salvatrucha (MS-13) and Calle 18 gangs—endorsed and facilitated by the El Salvadorian government did reduce violence there during 2012 and was pointed to by some community leaders and analysts in Mexico as a possible model for how to deal with Mexico's crime problems.¹²

But even Peña Nieto's commitments aside, a negotiate-with-the-criminals strategy cannot easily be instituted in today's Mexico: The end of the PRI rule in 2000 brought the end of the so-called imperial

¹⁰ Enrique Peña Nieto, "U.S., Mexico Should Build on Their Economic Ties," *Washington Post*, November 23, 2012; Nick Miroff and William Booth, "Calderon Finishes His Six-Year Drug War at Stalemate," *Washington Post*, November 27, 2012; and Héctor Tellez, "'Preventiva y planificada', la estrategia anticrimine: Peña," *Milenio*, December 18, 2012.

¹¹ Presidencia de la República, Mexico, *Pacto por Mexico: Acuerdos*, <http://www.presidencia.gob.mx/wp-content/uploads/2012/12/Pacto-Por-M%C3%A9xico-TODOS-los-acuerdos.pdf>.

¹² Author's interviews with Mexican scholars and civil society leaders, July 2012. For details on the truce, see, for example, Linda Pressly, El Salvador Gang truce: Can MS-13 and 18th Street Keep the Peace? *BBC News Magazine*, November 21, 2012, <http://www.bbc.co.uk/news/magazine-20402216>.

presidency that concentrated great power in the PRI leadership and the office of the president. Political power in Mexico is now far more fractured and devolved to various layers of the government. Equally, the DTOs are too splintered and unstable to be able to commit to a grand bargain and struggle even to uphold any negotiated deals among themselves.

Yet under pressure to bring violence down quickly—difficult to do—the new government may be tempted to lessen federal law-enforcement pressure and let local authorities resolve their crime problems on their own. In many areas, municipal and even state authorities will be unable to generate sufficient resources to resist the coercion of organized crime. As has historically been the case in many rural municipalities in Mexico, including, for example, in the showcase of anti-crime efforts, Michoacán, many local authorities would yield to the coercion, cooptation, and corruption pressures and temptations from the criminal groups and strike localized deals with them. Local legal businesses would be forced to pay a cut to organized crime groups or launder their proceeds—be they avocado farmers or logging firms in Michoacán, mining companies in Coahuila, or even the national oil company Pemex.¹³ Authority would thus be (continually) located in the criminal groups instead of elected officials, and the public's allegiance may even rest with the criminals as well.¹⁴

Without a capacity to deploy effective local and state police forces to targeted municipalities and to strengthen local justice institutions, efforts to clean up municipal councils and mayors' offices from the corruption and coercion of organized crime groups have been met with only limited effectiveness. Early in his administration, President Calderón keenly focused on tackling corruption in the official political system and the penetration of organized crime into government institutions, making his native Michoacán a showcase of his efforts. In a massive operation in May 2009, on the cusp of state and municipal elections, the federal police rounded up thirty-five municipal governors, state officials, former security directors and a judge on charges of links to La Familia Michoacana. A determined and effective policy to clean up corruption, impunity and organized crime's penetration of the Mexican political system and government institutions would significantly advance Mexico's effort to combat the power of the DTOs. More broadly, it would enhance rule of law in the country. But this particular operation in Michoacán turned out to be a fiasco. Not only were the arrests and subsequent detention of the officials surrounded by complaints of serious human rights abuses, but the prosecution's case collapsed for lack of evidence. By July 2011, all but one of the original detainees had been released.

¹³ Felbab-Brown, "Calderón's Caldron": 24-36; Elia Baltazar, "Congelan Cuentas a Empresas Mineras," *El Siglo de Torreón*, January 25, 2013; Tracy Wilkinson, "Mexico Drug Cartels Cripple Pemex Operations in Basin," *Los Angeles Times*, September 6, 2010.

¹⁴ On how violent nonstate actors acquire political capital and legitimacy, see Vanda Felbab-Brown, *Shooting Up: Counterinsurgency and the War on Drugs* (Washington, DC: Brookings Institution Press, December 2009); and 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," FIU/WHEMSAC, September 2011, http://www.brookings.edu/~media/research/files/articles/2011/9/latin%20america%20crime%20felbab%20brown/09_latin_america_crime_felbab_brown.

“Michoacanazo,” as the operation became known, added little credibility to President Calderón’s anti-crime strategy.

In an uncanny repeat of Calderón’s raid against Michoacán’s local authorities, the Attorney General’s Office in the state of Chiapas moved in January 2013 to arrest at least ten former mayors and other municipal officials for alleged links to drug-trafficking groups and crimes such as embezzlement. The investigation into the local authorities’ ties to organized crime was precipitated by announcements in December 2012 that at least 70 (out of 122) municipalities in Chiapas were bankrupt and had no funds to pay their employees or cover their municipal budgets.¹⁵ Despite its many natural and historical treasures, Chiapas is one of Mexico’s poorest and most badly governed states, but still one that has so far escaped the bloodshed of the drug violence experienced elsewhere in Mexico.

Greater state and federal-level oversight is critical for discouraging the usurpation of public funds by local officials and limiting their cooptation by organized crime. But if local officials are not backed up in the security sector with equal vigor by the state and federal authorities, they will inescapably be highly susceptible to pressures from organized crime. The Peña Nieto government currently appears to favor greater centralization of security matters in the federal government and less power decentralization overall than his National Action Party (Partido Acción Nacional or PAN) predecessors Vicente Fox and Felipe Calderón.¹⁶ The PRI’s influence over public sector unions and legislative caucuses also gives the PRI more ability to obtain state governors’ cooperation with federal anti-crime efforts, such as vetting municipal and state police forces or deploying newly-certified ones.¹⁷ But if crime violence continues to remain high, the strategy to pass the buck to local authorities, to let them cope with or accommodate (and yield to) organized crime groups, may yet become very tempting for the new administration.

Just like the previous discredited accommodation with the DTOs, passing the buck on anti-crime responsibility would only perpetuate the law enforcement deficiencies that have historically plagued Mexico; it would strengthen the already high sense of impunity among the DTOs; and it would allow the underlying law enforcement and justice sector weaknesses of the Mexican state to persist, while human security and rule of law problems fester.

¹⁵ Hermes Chávez, “Ya son 10 ex alcaldes aprehendidos en Chiapas,” *Milenio*, January 12, 2013.

¹⁶ On the move toward greater centralization and more direct action by Mexico’s federal government, see Eric Olson, “Security,” in Christopher Wilson, Eric Olson, Miguel Salazar, Andrew Selee, and Duncan Wood, “New Ideas for a New Era: Policy Options for the Next Stage in U.S.-Mexico Relations,” Woodrow Wilson Center Mexico Institute, January 2013, <http://www.wilsoncenter.org/publication/new-ideas-for-new-era-policy-options-for-the-next-stage-us-mexico-relations>: 18.

¹⁷ Alejandro Hope, “Peace Now? Mexican Security Policy after Felipe Calderón,” Inter-American Dialogue Working Paper, January 2013, http://www.thedialogue.org/PublicationFiles/Mexico_Security_Hope.pdf: 8.

Creating a New National Gendarmerie

Instead of negotiating, President Peña Nieto appears resolved to strengthen some of the existing law enforcement institutions and construct new ones, such as the announced National Gendarmerie. In many ways, establishing a *gendarmerie* makes sense in a place where criminals are very violent, regular police forces are overwhelmed, and law enforcement has lost deterrence capacity.¹⁸ A para-military force with heftier defense capacities than regular police can better withstand attacks by criminal groups and possibly even deter brazen violence. The existence of such a force would also allow pulling the Mexican military back from the streets and perhaps even obviate the need for their participation in interdiction operations. Although the roles and missions of the to-be-established *gendarmerie* have not yet been defined and specified, the *gendarmerie* could also be deployed to Mexico's rural areas (like in Italy, for example) where state law enforcement presence is frequently lacking and municipal police forces often function as militias of local drug gangs or politicians.

If Peña Nieto simply recalled the military today, regular police forces would often still be vulnerable prey to the cartels—despite six years of Calderón's efforts to rebuild and strengthen Mexico's police forces and rid them of corruption.

Yet building the new *gendarmerie* will take a lot of time. One of the major problems with the Calderón strategy was that it assumed that police reform could take place much faster than was realistic and that the reform was initiated the same time as—not prior to, as should have been the case—the launching of the assault on the DTOs. Even under auspicious circumstances, a robust police reform would take a decade—essentially an entire generation of officers needs to be replaced and habituated to new values and doctrines. Steady reformist leadership is required throughout the period. Thus, standing up a *gendarmerie* from scratch in Mexico will take a lot of time, easily far longer than Peña Nieto's six-year term. And it is always problematic to be flying a plane while one is still building it—in this case, deploying the *gendarmerie* into actual battle zones while the force is being created. The realization that standing up a new security force takes a lot of time was one of the reasons why the new administration in Mexico City quickly scaled down the size of the *gendarmerie* from an originally envisioned force of up to 60,000 to 10,000.

Unless, of course, the force is hired out of the military—an approach to police reform that Mexico has ineffectively adopted since the 1980s. In that case, however, all the problems associated with the

¹⁸ See Vanda Felbab-Brown, "The Violent Drug Market in Mexico and Lessons from Colombia," Foreign Policy at Brookings, Policy Paper No. 12, March 2009, http://www.brookings.edu/~media/Files/rc/papers/2009/03_mexico_drug_market_felbabbrown/03_mexico_drug_market_felbabbrown.pdf.

deployment of the military forces to patrol Mexico's streets would likely persist. After all, the force would be comprised of the same individuals who served in the military and mostly lacked the training to interact with the population, respect human rights, and participate in anti-crime operations. If the *gendarmes* are recruited from the military, they will need to be retrained and indoctrinated with a different mindset concerning the use of deadly and preponderant force.

One important question is whether the *gendarmerie* will have a legal mandate to investigate crimes—Mexico's military forces can only act against crime *in flagrante*, but not investigate beyond that. If not, the *gendarmerie* will be dependent on liaising with other law enforcement and prosecution agencies, thus encountering some of the same difficulties and tensions the military has run into.

The appointment of Colombia's supercop—General Oscar Naranjo, who had supervised great improvements in Colombia's police forces—to be in charge of creating the Mexican *gendarmerie* brings fresh perspectives and a wealth of experience. But even after sovereignty-conscious and prideful Mexican military and police generals have become acclimatized to the idea of a foreigner being parachuted in to tell them what to do, Naranjo's undertaking will not be easy.

Moreover, setting clear tasks for the National Gendarmerie is as important as training it properly. A key deficiency of the Calderón strategy was that the military was sent out to the streets of Mexico without a clear mandate and without a detailed operational plan. The strategy stated that the military was supposed to take over law enforcement functions until the crime threat was reduced from a national security to a public safety problem and until the reformed and retrained police forces were ready to take over again. But the strategy never operationalized what the soldiers were to do in practice—were they supposed to kill most of the criminals in a city, or arrest them, or displace them to marginal neighborhoods or other regions, or merely stop them from shooting at each other, and if so, how? Often the military would thus end up setting up checkpoints in the central parts of a city, snarling traffic and irritating local residents by frisking them at checkpoints, while the criminals would relocate their violent operations to other areas. When and how the military would hand over control to either the Federal Police or municipal forces remained equally undetermined throughout the six years, with no clear baselines or a criterion ever established, and was often done only because the local population's patience with the military ran out. Indeed, the latter was the reason why the military was eventually pulled out of Ciudad Juárez.¹⁹

¹⁹ See, for example, Felbab-Brown, "Calderón's Caldron": 8-16.

Reshuffling Mexico's Law Enforcement Agencies – Again

Like his predecessors, President Peña Nieto also decided to conduct public security reforms by changing the organizational setup of Mexico's law enforcement institutions. Already in his first month, he abolished the Secretariat of Public Security (SSP) that had been created by President Vicente Fox and directed the Federal Police. Under Calderón, the SSP grew in numbers and power and for a while became, despite many intense turf wars with other law enforcement agencies in Mexico, the leading actor in the war on the cartels. Having now abolished the SSP, Peña Nieto has rolled the Federal Police (which had tripled in size during the Calderón years and improved its technical capacities)²⁰ back under the control of the Ministry of Interior (*Secretaría de Gobernación* or SEGOB). The federal penitentiary system also now falls under SEGOB.

Badly designed institutions are, of course, a critical hindrance, but all too often, police and law enforcement reforms in Latin America have amounted to ineffective institutional reshuffles that dissipate the energies and political capital of the principals and mire them in infinite organizational battles while little improvement in public safety is achieved on the streets. Often, such institutional shell games take place every two or three years, as political leadership changes and few elements of police reform are actually applied steadily and long enough to take root. Mexico itself has a long history of conducting police reform by renaming law enforcement institutions. Just sticking with a reasonable, even if imperfect institutional design started by one's predecessor may do far more good to improve law-enforcement capacity than constantly changing the institutional setup.²¹

Improving agency coordination is another siren song and always a source of frustration. There is no doubt that better coordination is badly needed in Mexico. Deployed in the fight against the drug trafficking groups, the navy and the army bitterly compete with each other; and the Federal Police gets into regular shootouts with the municipal police, while state police forces float loosely and lost between them. All of these institutions struggle to cooperate and coordinate with Mexico's prosecutors, who should be empowered by the transformation of Mexico's judiciary from the old inquisitorial system to an accusatorial one. Expanding institutional coordination to also include agencies responsible for needed socio-economic approaches to combat crime and build communities resilient to recruitment and intimidation by criminal groups, such as Calderón's *Todos Somos Juárez*, is even harder. Thus a complex strategy that requires complex institutional coordination often ends up being

²⁰ Hope: 1.

²¹ For a comprehensive review of police reform efforts in Latin America and their effectiveness, see Mark Ungar, *Policing Democracy: Overcoming Obstacles to Citizens' Security in Latin America* (Baltimore: Johns Hopkins University Press, 2011); and in Mexico specifically, see Daniel Sabet, "Police Reform in Mexico: Advances and Persistent Obstacles," Woodrow Wilson Center Mexico Institute, May 2010, http://www9.georgetown.edu/faculty/dms76/Policefiles/Sabet_police_reform.pdf.

mired in implementation.²² Colombia's meager progress with its *Consolidation Policy* for bringing the state to areas where the leftist guerrillas, the Revolutionary Armed Forces of Colombia (FARC), have been defeated provides an unhappy example.²³

Cleansing Mexican institutions of corruption needs to remain as key a priority for Peña Nieto as enforcing better coordination, but that too is a long and difficult process. The August 2012 attack on U.S. CIA agents and their Mexican navy colleague by active officers of Mexico's Federal Police showed that even the law enforcement institution that has received the most training, vetting, and focus from the Mexican government—and greatest U.S. assistance—continues to be pervaded by the drug trafficking groups. What to do with corrupt police officers continues to pose a difficult dilemma. Imprisoning many strains the capacity of Mexico's corrections systems, already flooded by tens of thousands of presumed offenders arrested during the Calderón years. The expansion of federal prison facilities in Mexico from three to twelve during the same period only partially alleviated the strain.²⁴ Mexico's correction facilities continue to be overcrowded, unsafe and porous, with corrupt corrections officers facilitating not only smuggling between the prison and the street but also at times mass escapes from the prison.²⁵ But simply firing corrupt police officers is a prescription for their joining criminal groups.

Unifying the Police Command

Unifying the police command at the state level—i.e., merging into a single chain of authority municipal and state police forces—that Peña Nieto also set out to do could help reduce corruption in the police forces and increase their competence. All too often, municipal police forces in Mexico have served mainly as militias of local politicians or have been on the payroll of the narcos. Establishing a unified police command and abolishing the municipal police is something that the Calderón administration sought to do, but for years, the PRI stalled those efforts in the Mexican Congress. Peña Nieto will be able to deliver his own party, and the PAN will not likely switch its position to now reject the

²² On the complexity of such coordination, see, for example, Vanda Felbab-Brown, "Bringing the State to the Slum: Confronting Organized Crime and Urban Violence in Latin America," The Brookings Institution, December 2011, http://www.brookings.edu/~media/research/files/papers/2011/12/05%20latin%20america%20slums%20felbabbrown/1205_lat-in_america_slums_felbabbrown.

²³ See, Adam Isacson, "Consolidating 'Consolidation,'" WOLA, December 2012, http://www.wola.org/files/Consolidating_Con-solidation.pdf; and Vanda Felbab-Brown, "Colombia's Consolidation: Everything Coming Up Orchids?" The Brookings Institution, March 8, 2011, <http://www.brookings.edu/research/opinions/2011/03/08-colombia-felbabbrown>.

²⁴ Hope: 2.

²⁵ For a background on prison facilities in Latin America, see Christopher Birkbeck, "Imprisonment and Internment: Comparing Penal Facilities North and South," *Punishment and Society*, 13 (3), 2011: 307-332. For some of the recent prison escapes in Mexico, see, for example, "Mexican Prison Escape Try Ends in Death of 17 Inmates, Guards," *Associated Press*, December 19, 2012; Marilia Brocchetto, "Officials: Inmates Walked Out Front Door During Mass Prison Escape in Mexico," *CNN.com*, September 20, 2012; and Nick Miroff, "Mexican Prisons Failing to Keep Traffickers on the Inside," *Washington Post*, February 3, 2011.

establishment of a unified police command merely because it is now the political opposition. The reform may well pass.

Improving local police forces is badly needed. They are the weakest link of Mexico's law enforcement. Efforts to improve them have been particularly troubled. Often, reform efforts have consisted of mass firings or arrests of local police officers deemed corrupt, with little subsequent improvements in the quality of the local police forces. Most recently, in January 2013, Durango's State Police, State Office of Investigation, the Federal Police, and the Mexican Army arrested 158 members of the municipal police forces of the Lerdo and Gómez Palacio municipalities for suspected links to drug trafficking groups, and with great drama and show of force transported them to a prison in the state capital. But merely a few days later, 91 of the arrested police officers were released because prosecutors failed to present sufficient evidence of their criminal links; meanwhile, the released officers claimed to have been abused during their detention. Of those released, at least 81 subsequently resigned from the police force.²⁶

Perhaps the most well-known showcase of such municipal police "reform" via *en masse* arrests took place in Tijuana when Mexico's famous supercop Julián Leyzaola was the municipal police chief there between 2008 and 2012. Leyzaola set out to clean up corruption in the municipal police and make local police officers a more visible component of law enforcement efforts in central parts of the city. He encouraged policemen to denounce their colleagues cooperating with criminal groups and arrested tens of officers *en masse* on suspicion of ties to organized crime, handing them over to the military for interrogation. (These purges were subsequently surrounded by allegations of abuse of power and torture, with many of the allegations directed at Leyzaola himself.) Yet just like in Durango, many of the arrests did not stick. Out of the sixty-two former and active police officers and Baja California federal agents rounded up in one of Leyzaola's cleanup drives in July 2010, for example, forty were later released due to insufficient evidence.²⁷ As elsewhere in Mexico, the police and the prosecutors would blame each other for failing to collect admissible and sufficient evidence to achieve successful prosecutions. Many questions remain about the robustness and institutionalization of the municipal police reform in Tijuana.

A unified police command offers a mechanism to move municipal police reform beyond such sporadic mass firings. It can strengthen oversight over local police forces, regularize police vetting beyond a one-time test, and facilitate the development of greater skills on the part of the officials. But the

²⁶ "Renuncian los 91 Policías Liberados de Gómez Palacio y Lerdo," *Milenio*, January 23, 2013.

²⁷ Sandra Dibble, "Crackdown on Police in Mexico Falls Apart," *Union Tribune*, April 17, 2011.

operative word is *can*. The establishment of a unified police command in and of itself does not guarantee the accomplishment of such objectives. If top officials are corrupt, a unified command can merely centralize corruption.

Moreover, having permanent local police forces is critical. Whether they are placed under municipal, state, or federal authority, under unified command or not, the local police forces—ideally, structured as a community police force—need to be stationed in all municipalities and communities permanently. They cannot be merely deployed from the state capital to an area after a crime occurs or they will never develop and receive the local knowledge and cooperation from the community that is necessary to effectively tackle crime at the local level. Indeed, it is imperative that Mexico develops a far better picture of how local communities are permeated and influenced by organized crime. For that, it needs to establish a community policing capacity that is accepted by the local community and then permanently stationed in an area, not just parachuted into a community after troubles break out or crimes start occurring.

In the absence of such permanent and accepted local police forces, militias and citizens' vigilante groups will continue to mushroom around Mexico. The emergence of such a militia group in the Costa Chica region of the state of Guerrero recently attracted widespread media attention. There a citizens' vigilante group armed itself, set up checkpoints, began controlling who could access the area by checking people against blacklists, and arrested 53 individuals on charges of extortion, kidnappings and membership in organized crime groups. Calling itself "community police" and claiming that municipal police failed to protect the community from abuses by organized crime, it also took upon itself to try those arrested. The governor of Guerrero has been reluctant to act forcefully against the militia group, looking instead for a way to deputize its members as some sort of officially accepted police. At the same time, Mexico's Minister of Interior Miguel Ángel Osorio Chong has emphasized that the "community police" do not have any legal right to arrest or try any citizens or take justice into their own hands.²⁸ The militia group has since handed over 11 of the 53 detained individuals to state and federal officials; however, speculations have risen that militia arrests might possibly be targeting political rivals, and tensions with Guerrero community police have developed.²⁹

But this latest vigilante group in Guerrero is just one of a longer trend of militia formation that has been under way in Mexico for several years as violence escalated and citizens have felt increasing

²⁸ See, for example, Karla Zabłudovsky, "Mexico's Violence Prompts Self-Policing by Citizens," *New York Times*, January 26, 2013; and Adriana Covarrublas and Juan Cervantes, "Illegal, Justicia Por Propia Mano: SG a Autodefensas," *El Universal*, January 25, 2013.

²⁹ Mexico's Vigilantes Turn Over 11 Detained Suspects," *The Associated Press*, February 8, 2013.

insecurity. In the municipality of Cherán in the state of Michoacán, a similar self-defense community force took on the local cartels in 2011. As is not uncommon in the state, illegal loggers invaded the community's land and over the span of two years cut down hundreds of hectares of ancestral old-growth forest. But in a manifestation of the new era of organized crime groups being robustly involved in various economic activities, including illegal logging, the rogue loggers arrived not just with chainsaws, but also with gunmen touting assault weapons. These bodyguards tried to lord it over Cherán, killing activists who opposed them and kidnapping others. In April 2011, after the gangs began felling massive tropical pines that surrounded Cherán's water sources, the town took matters into its own hands. At first, the townspeople merely seized the loggers' trucks piled with timber. But after the gunmen shot one of community organizers, the confrontation escalated.³⁰

By June 2011, the community expelled the local municipal and state police and replaced the mayor with a communal council. The council authorized the creation of a self-defense militia to guard the community and its forests, with a determination to fight both the invading criminals and the state authorities if they tried to return. Barricades were erected around the town and militia members armed with weapons began prowling the woods. The community came to see the state as useless in providing for its security.

The emergence of community self-defense forces and the creation of other militias are not a development unique to Guerrero or Michoacán. Similar self-defense militias have been cropping up around Chihuahua and elsewhere. In the town of Ascensión where such self-defense forces were established after two girls were kidnapped in 2010, the town also expelled the local police from town. A new police force was later established in the city, but in August 2011, the entire police force resigned for fear of organized crime. State officers and the military were sent to Ascensión to fill the void in law enforcement provision. In Mexico's industrial and technological hub of Monterrey, some among the business elite were alleged to have flirted with establishing a high-power militia to supplement the private security companies that guard their houses and businesses and rid the city of the encroaching violent DTOs.³¹

Indeed, Mexico has a long history of private militia forces operating in the country. Although the phenomenon has not taken on the disastrous intensity that has characterized militias and self-defense forces in Colombia, the *raison d'être* of Mexico's militias too has been the deficiency of the central state to provide consistent public security throughout the country. Many of Mexico's *caciques* (as the

³⁰ For details on illegal logging in Michoacán, see Felbab-Brown, "Calderón's Caldron": 31-34. For details of the escalation, see Anne-Marie O'Connor and William Booth, "In Mexico, Forests Fall Prey to Crime Mafias," *Washington Post*, July 6, 2011.

³¹ For details on these other militia groups, see Felbab-Brown, "Calderón's Caldron": 33-35.

powerful landowners-cum-patrons-cum-politicians are known) historically operated such militias to provide for their safety as well as prosecute their political and economic ambitions. Even in recent times, many a mayor in Mexico has treated the municipal police force as his private militia.

Whether such militias form around local powerbrokers or emerge as communal self-defense forces, they have a deeply destabilizing effect on a country. Rarely are they effective in suppressing criminality, and often they abuse the wider community. They only more deeply sever the bonds between the population and the state.

Instead of tolerating such militia forces, Mexico should more systematically and robustly incorporate citizens' concerns and priorities into the design of anti-crime and rule of law policies. At the local level, public security citizens' boards could be established, for example. Such boards bring together the area's law enforcement leaders and the business and civil communities. They often have a moderating influence on the use of heavy force by law enforcement agencies while they also reassure the community that police forces are responsive to their needs and that they do not need to resort to private security solutions.³²

Abandoning High-Value Targeting?

One potentially quick way to reduce violence in Mexico is to switch interdiction operations away from short-term hits against the highest *capos*, as President Peña Nieto has indicated he wants to do, and toward targeting the middle layer of DTOs. Weakening the middle layer—especially if most of the middle layer can be arrested in one sweep—makes it harder for criminal groups to regenerate. It can also limit warfare among the DTOs since a DTO that has lost the middle layer has less capacity to resist a takeover. Furthermore, arrests of middle-level operatives allow judicial prosecutors to use plea bargain enticements—reduced sentences to those who provide information—to generate evidence necessary for successful convictions of top-level *capos*.

An interdiction policy focused on the middle layer requires that law enforcement agencies have the capacity to run intelligence operations for lengthy periods, often several years, in order to develop a comprehensive picture of the group's organization. The needed intelligence capacity, however, continues to be lacking in Mexico. The country's various law enforcement and intelligence agencies are pervaded not only with stovepiping, but also with the fear that sitting on intelligence for any amount of time creates the risk of leaks and severely compromises even tactical operations.

³² For an overview of such efforts, see, for example, United Nations Office on Drugs and Crime (UNODC), *Introductory Handbook on Policing Urban Spaces*, http://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/11-80387_ebook.pdf.

To improve intelligence analysis, Mexico's Minister of Interior Miguel Ángel Osorio Chong recently announced plans to establish a new National Intelligence Center to fight organized crime. Located within the existing Mexican Center for Investigation and National Security (CISEN), the National Intelligence Center will collect information on criminal groups generated by all other agencies both at the federal and state level, including the police, military, and Justice Department.³³

Pulling information together and developing a comprehensive picture is always very useful for developing an effective strategy and for being able to anticipate how law enforcement actions stimulate reactions and reverberations in the criminal market. Such an ability to plan ahead and develop countervailing actions completely eluded Mexico's law enforcement during the Calderón years. Indeed, it was precisely this inability to anticipate the effects of law enforcement actions in the criminal market that set off the spiral of violence in which Mexico has been ensnared. But centralizing intelligence collection in one place greatly increases the chances of leaks. Mexico's law enforcement and intelligence apparatus is already highly prone to intelligence leaks. The Center will become a magnet for the various Mexican criminal groups to penetrate and plant their moles in, if not co-opt outright. Establishing redundancy vetting procedures for the intelligence center will be essential.

To boost the credibility of its law enforcement institutions and enhance the effectiveness of interdiction, Mexico's law enforcement agencies must deal with two separate yet related challenges. First, the agencies must develop insulated vetted units that can run intelligence operations for a sustained amount of time, as well as develop a strategic picture of the DTOs. This includes the need to develop good local intelligence gathering via community policing mechanisms, as described above. Second, and ultimately, they must translate such intelligence into tactical large-scale roundup operations.

But moving away from high-value targeting will also not be easy for the Peña Nieto administration. It requires a buy-in from Washington that reducing violence should be the priority, so that the U.S. government does not engage in a knee-jerk definition of such a strategy as the Mexican government being in cahoots with the cartels. Given the continually extensive cartel penetration into Mexico's institutions even at very high levels, distinguishing strategy from corruption in turn requires tight bilateral cooperation and information sharing, even beyond what the United States and Mexico accomplished during the Calderón years.

Washington may also be concerned that the new Mexican government will weaken its efforts to counter illicit flows to the United States, such as drugs, in order to minimize violence in Mexico, and—

³³ Edward Fox, "Mexico to Create Central Intelligence Agency," *InSight Crime*, January 15, 2013.

inappropriately—reject such a strategy. In fact, in the case of transactional crimes in nondepletable resources, such as drugs, driving illicit flows down is an elusive goal that at a certain intensity of law enforcement efforts starts to generate diminishing returns and creates negative side effects. For transactional crimes in nondepletable resources, the right goals for law enforcement agencies and national governments should be rather to reduce the violence and corruption associated with such crimes and to diminish societal dependence on criminals for the provision of basic public goods and socio-economic services, as much, if not more, as reducing the volume of illicit flows.³⁴

Such an approach also demands patience and a long-term vision of strategy that rarely characterize governments. Since such a strategy takes time to start generating visible effects, it is predicated on a willingness on the part of the Peña Nieto administration to forego parading top arrested criminals in front of cameras as a demonstration of policy effectiveness to Mexico's public, an approach that used to be almost a daily occurrence during the Calderón years. Arguing that it only glorifies the narcos, Peña Nieto has instructed the Mexican security forces to curb that practice.³⁵

Although Washington continues to be wary of the new security policy in Mexico, the United States government has indicated an important willingness to elevate the importance of reducing violence in Mexico. There are precedents for such a shift in U.S. anti-crime priorities abroad. In Central America, for example, the U.S. government has come to give more attention to addressing violence suffered by ordinary people and reducing overall citizen insecurity. Its primary vehicle for combatting criminality in Central America, the Central America Regional Security Initiative (CARSI), shifted by 2011 to focus not only on disrupting the movement of criminals and contraband and supporting the development of strong, capable, and accountable governments in Central America, but also on creating safe streets for the citizens in Central America and fostering the rule of law.³⁶ The U.S. Mérida Initiative to support Mexico's anti-crime efforts equally evolved from its original emphasis on technological transfers and heavy equipment toward greater support for institutional building in the law enforcement and justice sectors and an emphasis on building communities that are resilient to penetration, intimidation, and cooptation by criminal groups. The changed focus was captured in the new label the first Obama administration gave its Mexico assistance package—*Beyond Mérida*.³⁷ Prioritizing violence reduction is a greater leap for U.S. anti-crime efforts abroad than the previous shifts and

³⁴ See, Vanda Felbab-Brown, "Focused-Deterrence Strategies and Selective Targeting in Drug Law Enforcement," *International Drug Policy Consortium*, February 2013, forthcoming.

³⁵ Miroff, "A Quieter Drug War in Mexico, But No Less Deadly."

³⁶ Andrew Selee, Cynthia Arnson, and Eric Olson, "Crime and Violence in Mexico and Central America: An Evolving but Incomplete U.S. Policy Response," *The Wilson Center and Migration Policy Institute*, January 2013, <http://www.migrationpolicy.org/pubs/RMSG-EvolvingPolicyResponse.pdf>.

³⁷ Vanda Felbab-Brown, "A Shared Responsibility: Counternarcotics and Citizens' Security in the Americas," Senate Foreign Relations Committee, Subcommittee on the Western Hemisphere, Peace Corps, and Global Narcotics Affairs, March 31, 2011, <http://www.brookings.edu/research/testimony/2011/03/31-counternarcotics-felbabbrown>.

one that requires a more radical break with the history and tendencies of U.S. supply-side counter-narcotics policy and outside-assistance anti-organized-crime policies—but it is the right strategy.

Prioritizing Violence Reduction – But How?

The announced plan to divide Mexico for the purposes of the security strategy into distinct regions by the type of crime and by cartel presence suggests that the Peña Nieto administration seeks to respond differently to different criminal activity and perhaps different criminal groups. In each distinct region, officials from the Ministry of Interior, Attorney General's Office, and Ministry of Defense are to coordinate and share responsibility for anti-crime efforts.

A strategy that tailors its responses to a careful analysis of local problems and institutional settings has a far greater chance of being effective than a one-shoe-fits-all approach. But the regions that the government of Mexico has come up with—Northwest, Northeast, West, Central, and Southeast—seem to have been determined more by geographic convenience rather than an anti-crime policy logic derived from a different behavior of criminal groups and different types and intensity of criminality in those areas. Nor is it clear yet how these divisions will cope with violence spillovers and displacement from one area to another—such as from Chihuahua to Nuevo León, Coahuila, or Veracruz or from Michoacán to Guerrero—and how policy will be coordinated at the national level to counter and mitigate and counteract such violence balloon effects.

Rather than being solely geographically focused, a prioritized law enforcement deterrence approach can be based on different criteria, with different cost-benefit tradeoffs and different implementation challenges.³⁸ One way to base prioritized law-enforcement strategies, as scholar Mark Kleiman suggests,³⁹ is to selectively concentrate on the most violent group or groups in a particular locale.

Such prioritized interdiction against the most violent group is a well-tested law enforcement approach, having scored some key successes around the world. It is perhaps best known from Boston's fight against violent gangs in the early 1990s, named *Operation Ceasefire*. The well-publicized targeting of the most violent criminal group and then the second most violent criminal group and so on led the Boston gangs to want to avoid being labeled as very violent so as not to become the

³⁸ See, Felbab-Brown, "Focused-Deterrence Strategies and Selective Targeting in Drug Law Enforcement."

³⁹ More precisely, Kleiman has argued that the United States should concentrate on targeting the most violent Mexican group on U.S. soil, given that U.S. intelligence and law enforcement capacity is far greater than those of Mexico and many of Mexico's criminal groups operate on both sides of the border. See Mark Kleiman, "Surgical Strikes in the Drug Wars," *Foreign Affairs*, September/October 2011.

focus of law enforcement. Over time, gang violence in Boston was dramatically reduced.⁴⁰ *Operation Ceasefire* became the model for similar approaches in Brazil, including in Rio de Janeiro, where the GPAE (*Grupamento de Policiamento em Áreas Especiais*) policy of the early 1990s and the current *Pacification* (UPP) policy for retaking the violent *favelas* were modeled on the Boston approach.⁴¹

In Mexico, however, such a prioritization strategy has already encountered difficulties. Particularly during its latter years, the Calderón administration tried in fact to prioritize targeting the most violent groups—La Familia Michoacana in Michoacán and Los Zetas in northern Mexico. However, the tactical gains were ephemeral. Decapitation of La Familia Michoacana only translated into the emergence of the still highly violent Los Caballeros Templarios. Rather than being clearly defeated, the Zetas have primarily been displaced to new areas, including Monterrey and Nuevo León and close to the southern border of Mexico. (They have also set up robust operations in Central America.)

Overall, the fracturing of the DTOs and the associated violence have not clearly reduced the power of the criminal groups. Smaller groups do not necessarily have less power vis-à-vis state authorities if law enforcement institutions in a local area continue to be corrupt and eviscerated and if out-of-area law enforcement units have limited knowledge of local dynamics.⁴²

One reason for this unsatisfactory outcome is that unlike in Boston in the 1990s or in Colombia in the 1980s and early 1990s, the great number of DTOs and associated gangs in Mexico makes it difficult for law enforcement agencies to ascertain who is perpetrating what violence. In Colombia, the market was essentially dominated by two groups—the Medellín and Cali DTOs—and hence a sequential targeting strategy there had the luxury of relatively clear intelligence of whom to target. In Mexico, partially as a result of law enforcement actions, many of the DTOs have splintered, new offshoots have emerged, and youth gangs have been contracted by DTOs for particular operations, creating a challenging intelligence environment. Moreover, a sense that all enforcement is overwhelmed and lacks knowledge of local crime dynamics has tempted and allowed criminals outside of the major

⁴⁰ See, for example, David Kennedy, *Don't Shoot: One Man, A Street Fellowship, and the End of Violence in Inner-City America* (New York: Bloomsberry, 2011); and David Kennedy, Daniel Tompkins, and Gayle Garmise, "Pulling Levers: Getting Deterrence Right," *National Institute of Justice Journal* (236), 1998: 2-8; and David Kennedy, "Pulling Levers: Chronic Offenders, High-Crime Settings, and a Theory of Prevention," *Valparaiso University Law Review*, 31(2), 1997: 449-484.

⁴¹ For an overview of and background to GPAE, see, for example, Antonio Carlos Carballo Blanco, *Grupamento de Policiamento em Áreas Especiais: Uma Experiência-Piloto*, Departamento de Ciências Sociais (Rio de Janeiro: UERJ, 2002); and Graziella Moraes D. da Silva and Ignacio Cano, "The Case of Pavão-Pavãozinho-Cantagalo in Rio de Janeiro's *Favelas*," in Tom Tyler, ed., *Legitimacy and Criminal Justice: International Perspectives* (New York: Russell Sage Foundations, 2007): 186-214. For an overview of the UPP, see, for example, Benjamin Lessing, "Depois da Queda do Alemão: o Futuro da Guerra do Tráficos," *O Globo Online: Favela Livre*, December 16, 2010; Benjamin Lessing, "Ciudad de Dios: ¿Un Ejemplo Para México?" *Nexos*, November 3, 2010, <http://www.nexos.com.mx/?P=leerarticulo&Article=1197804>; and André Gomes Alves, "Segurança Pública e Polícia Pacificadora: A Fruição do Direito a Segurança Pública nas Favelas de Rio de Janeiro," Universidade de Brasília, Faculdade de Direito, Junho 2011, http://bdm.bce.unb.br/bitstream/10483/1966/1/2011_AndreGomesAlves.pdf.

⁴² Vanda Felbab-Brown, "Lessons from Colombia for Mexico? Caveat Emptor?" *Revista*, February 2012.

criminal groups, including petty criminals, to perpetrate serious crimes, and has given rise to the proliferation of kidnapping, extortion, and even homicides.

The success of *Operation Ceasefire* in Boston critically hinged upon the preexisting deterrence capacity of the police. When the Boston police commissioner at the time (Paul Evans) indicated that he would focus his forces on the most violent gang, the gang believed that his forces had the capacity to undertake such a focused policy and that the gang's leaders would face serious consequences. Mexico's law enforcement agencies, as well as the military, have unfortunately been lacking in such credibility. Often they are only able to guess who is perpetrating killings in particular areas, especially if more than two DTOs operate there. In fact, the reason the Calderón administration stopped reporting its count of cartel killings in 2012 was that it could not objectively determine the cause of many deaths, given that less than 10 percent of crimes in the country were investigated.

Moreover, scale effects matter a great deal in collecting intelligence in a very murky, violent environment. But good intelligence is critical for promptly but selectively responding to misbehavior, as targeted deterrence requires. Implementing a targeted deterrence strategy in one neighborhood of a city with one city-level police force is immeasurably easier than implementing such a nuanced strategy that needs to be carefully-calibrated at a country level with many—competing—law enforcement agencies involved.

Political sensitivities are also inherent in such a targeted-deterrence strategy. Targeting the most violent criminal groups entails going palpably easier on the less violent ones and signaling that peaceful drug distribution, for example, will be prosecuted with lesser priority than distributing drugs violently. Persuading one's constituency and external allies that such a strategy is in fact sound requires skilled leadership. In Rio, citizens have embraced such a strategy under the UPP and reelected the city's mayor and endorsed his key security officials. But a decade earlier, the political controversy surrounding the prioritized focus on violence and not drug distribution per se was one of the Achilles' heels of GPAE and brought about its demise. In fact, throughout its reign, the Calderón administration had to fend off accusations that it was going easier on the Sinaloa cartel.

Strengthening and Unifying Mexico's Justice System

The effectiveness of any focused-deterrence and selective targeting law enforcement strategy toward organized crime also critically depends on the capacity of the justice system to successfully prosecute and punish criminals. Even if police forces arrest criminals, the inability of the courts to bring them to justice decreases the deterrence capacity of law enforcement agencies. Mexico's

justice system continues to be critically challenged in this area. Many cases against prominent politicians accused of links to organized crime have collapsed. The prosecutors' capacity is very limited, with current successful prosecution rates ranging between one and two percent in various parts of Mexico, including the most violent ones.⁴³ Consequently, many criminals can count on avoiding punishment or serving only very small sentences, perhaps only pretrial detention, lengthy as it is in Mexico. Thus, during the Calderón years, Mexico began to send its prominent drug *capos* to the United States for prosecution for fear that in Mexico, the state may not be able to build successful cases against them or that they will escape from prison (or continue running their criminal businesses from prison with only minor inconvenience). Along with a lack of resources, other problems, including difficulties in cooperating with the police in obtaining evidence and building cases, as well as corruption, continue to plague prosecutorial capacity in Mexico.

The broader reform of Mexico's judicial system—away from the old Spanish inquisitorial system to an oral trial-based accusatorial system—has proceeded unevenly and with little effective guidance and oversight from Mexico City. The accusatorial system promises to process cases more swiftly, reducing the backlog that has paralyzed Mexican courts; enhance due-process, human rights, and civil liberties protections for the accused; empower prosecution; and thus ultimately increase effective prosecution rates and the deterrence power of Mexico's law enforcement. By January 2013, the majority of Mexico's states have passed reform laws, but only less than half have implemented the new codes.⁴⁴ Moreover, even where the codes have been implemented, the effectiveness has been highly varied and so far often less than promised. In parts of Mexico, existing power holders within the judiciary are molding the reform efforts to maintain their power and limit the imposition of extra duties on them. Prosecutors tend to struggle to develop the necessary evidence to effectively prosecute accused criminals. And all too often, the Mexican public tends to dismiss the new system as too soft on crime rather than upholding the presumption of innocence.⁴⁵ Strengthening the quality of the reform and providing meaningful guidance from the capital to achieve uniformity in the new judicial system would critically enhance the effort to reduce violence in Mexico and facilitate the struggle against organized crime in Mexico as well as a broader effort to strengthen the rule of law there.

Turning Narco-Peace into New Law Enforcement Opportunities

With violence reduction still as the primary goal, a different prioritized-targeting strategy variant can be to first target the weaker groups in an area, as opposed to the most violent groups. Such a policy

⁴³ Author's interviews with Mexican prosecutors and justice officials, March 2011.

⁴⁴ Olson 2013.

⁴⁵ For a comprehensive review of the reforms, see Matthew Ingram, "Criminal Procedure Reform in Mexico: Where Things Stand," Woodrow Wilson Center Mexico Institute, January 2013, http://www.wilsoncenter.org/sites/default/files/Ingram_CrimProReformMexico_Jan_2013.pdf.

would allow a dominant group to reestablish territorial control and violence would greatly subside. Indeed, throughout the world, it has often been the victory of one criminal group over others and the establishment of its firm control over a city or an area's criminal market that brought violence levels down.

In Colombia's Medellín, the success of the counterinsurgency *Operation Orion* in defeating the FARC in the city allowed the crime lord-cum-paramilitary leader Don Berna to consolidate his control over the criminal markets in the city. His firm control over the poor *comunas* and a panoply of criminal rackets in the city resulted in a significant drop in homicides in the city throughout much of the first decade of the 2000s. Medellín mayors Sergio Fajardo and Alonso Salazar took advantage of the greater security in the city and extended a host of development activities to the poor *comunas*, including infrastructure and public spaces such as libraries.⁴⁶

But despite the social investments, the reduction in homicides was ultimately predicated on one group—Don Berna's Oficina de Envigado—controlling the city's criminal market. When in the latter part of the decade, Don Berna was imprisoned and ultimately extradited to the United States, violence again escalated in Medellín, as tens of criminal groups emerged and fought over control of drug smuggling and distribution, prostitution, extortion, and gambling. That violence subsided only when one criminal group—under the leadership of Maximiliano Bonilla, known as El Valenciano—won.⁴⁷ His arrest in the summer of 2012 has threatened to trigger another succession fight over Medellín criminal markets—this time, between the remnants of Valenciano's Oficina de Envigado and Los Urabeños.

To the extent that violence has subsided in particular parts of Mexico, including Ciudad Juárez and Tijuana, the violence reductions have been associated with the victory of one criminal group—in both cases, the Sinaloa cartel—over most of the areas' criminal markets and smuggling routes. Better policing, such as the adoption of hotspot policing, and perhaps even improvements in Ciudad Juárez municipal police under the leadership of Mexico's glamorous cop Julián Leyzaola, contributed to violence reductions, but the 2012 40% decline in murder rates in the city from its peak levels in 2009 and 2010 was critically underpinned by the emerging dominance of the Sinaloa cartel.

⁴⁶ For details, see Adam Isacson, "Medellín: Two Steps Forward, One Step Back," in *Tackling Urban Violence in Latin America: Reversing Exclusion through Smart Policing and Social Investment*, WOLA, June 2011; and Vanda 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.

⁴⁷ See, Felbab-Brown, "Bringing the State to the Slum."

Similarly, in Tijuana, the Sinaloa cartel ultimately won the upper hand in the DTO power struggle. During the military operations there between 2009 and 2010, the Sinaloa cartel was allegedly particularly effective in taking advantage of the government-installed hotline to provide information on its rivals. In Tijuana too, there were improvements in policing, including Leyzaola's (then heading Tijuana's municipal police) efforts to reduce corruption among the municipal police; better coordination among the military, the police, and prosecutors; and the adoption of rapid responses to reported crime, particularly brazen attacks in Tijuana's business center. But the establishment of a new balance of power in the criminal market was critical.⁴⁸

The emergence of such a "narcopeace" is not necessarily detrimental to either the authority of the state or the well-being of a community, as long as the government takes advantage of such a reduction in violence to deepen police reform, institutionalize rule of law, and strengthen socioeconomic development for marginalized communities.

In fact, during times of intense criminal violence, it is extraordinarily difficult to effectively implement any such efforts, including police reform. Energies of police units become consumed by the need to survive and respond to criminal acts, and deeper institutional reforms inevitably receive fewer resources and attention.

However, to the extent that balances in the criminal markets are re-established and violence consequently falls off, such an outcome will only be a success for rule of law if law enforcement agencies use the opportunity to enhance their deterrence capacity vis-à-vis the criminals. Although law enforcement efforts cannot hope to eliminate all crime or stop drug trafficking, they can teach criminals that certain actions, such as highly violent behavior, is clearly out of bounds and will result in the preponderance of law enforcement power bearing down on them. Law enforcement efforts also need to teach criminals that they have to be prepared to accept such a response and not retaliate by shooting up the local police precinct or the mayor's office. In other words, the criminals need to be made to understand that authority and power lies with the law enforcement agencies.

The big danger with violence reduction being essentially the result of victory by one criminal group rather than of greater effectiveness of law enforcement institutions is that such "narcopeace" is ultimately vulnerable to changes in the balances of power in the criminal market. Should another group operating in Tijuana or Ciudad Juárez increase its strength relative to the Sinaloa DTO, whether through its own growth or as a result of law enforcement actions against the Sinaloa cartel, the

⁴⁸ For details, see Felbab-Brown, "Calderón's Caldron": 1-15.

narcopeace in both places could unravel. It is not clear that either Tijuana's or Ciudad Juárez's law enforcement institutions have the deterrent capacity to keep any future renewed power contestation from once again visibly and bloodily spilling out on the cities' streets.

Finally, regardless of to what extent the improvements in Tijuana and Ciudad Juárez can be attributed to better security policies and greater law enforcement capacities, they are hardly sufficient or consolidated. Over the past three years since violence dipped in Tijuana, there has been little effort to expand the security bubble beyond the city center out into the outskirts, as resources and commitment to improve slum areas are lacking.

Concentrating resources into a particular area—a standard practice in counterinsurgency and in law enforcement efforts—makes good sense, but such an “ink-spot approach” needs to be based on a determination to ultimately expand effective law enforcement to larger areas. Otherwise, Mexico's cities will continue being bifurcated between safe centers of business activity and human security and unsafe outskirts festering in violence and marginalization, with problems perhaps one day again spilling into the business areas.

Employing Well-Designed Socio-Economic Approaches to Combat Crime and Strengthen Bonds between Citizens and the State

Well-designed socio-economic approaches to combating crime can help address some of the root causes of criminal violence and sever the dependence of the population on criminal groups for the provision of public and socio-economic goods. They thus help prevent crime, strengthen bonds between the population and the state, and under some circumstances can even enhance intelligence provision by the population on the criminals.

Indeed, one of the most praise-worthy elements of Calderón's strategy was to ultimately recognize—with critical prodding from the United States—that crime grew in Mexico because many of its citizens have lacked adequate legal job opportunities. In the initial phases, Calderón's signature socio-economic anti-crime policy—*Todos Somos Juárez* in Ciudad Juárez—did suffer from many design and implementation problems.⁴⁹ Limited, isolated, discreet interventions, although politically attractive and cheap, are particularly ineffective in changing the socio-economic dynamics in a marginalized space. Interventions based on asking what a community desires most—an electricity generator, a school, or a clinic—and delivering that limited project may well improve the life of the community to

⁴⁹ Felbab-Brown, “Calderón's Caldron”: 16-23.

some extent, but they do not have the capacity to alter the basic social patterns in the community, generate jobs, and thus reduce crime. Robust local involvement in the overall planning is essential.

Generating legal alternative livelihoods in urban spaces, as in rural spaces, requires that the economic development strategy addresses all the structural drivers of illegal economic production. Beyond providing for security and the rule of law, such a comprehensive approach requires that stable property rights be established, access to microcredit developed, access to education and health care expanded, and infrastructure deficiencies be redressed. Generating sustainable legal jobs in urban slums or enabling the slum residents to access legal jobs elsewhere is always the hardest aspect of any urban development revival policy. Critically, it is dependent on the larger structural setup of the overall economy of the country. If the existing taxation system favors capital-intensive growth especially at the big-firm level and labor is taxed heavily, there may be real limits to what kinds of economic development will be feasible in the urban slums.⁵⁰

But, with all its myriad problems, the need for many policy design corrections, and the ability to deliver only in the long term, the *Todos Somos Juárez* was an important recognition that the state would come to troubled areas not only with its might, but also with a determination to build new bonds with citizens. In other parts of Mexico, even the highly violent areas have received little or no socio-economic policy interventions from the state, and the social problems underlying the crime have mostly gone on unaddressed—those include persistent poverty, social underdevelopment, and poor access to justice.

President Peña Nieto has declared that he keenly wants to focus on improving socio-economic conditions in Mexico and tackling poverty.⁵¹ He has also stated that he wants to redefine and rebalance the U.S.-Mexico relationship on bilateral and global trade and economic and energy cooperation. With his broader focus on socio-economic issues in Mexico, President Peña Nieto should also reaffirm his government's determination to adopt specific socio-economic approaches to tackling crime. Although he has announced that social investments to give young people alternatives to crime will be a part of his crime prevention efforts, his administration has yet to unveil any concrete plans, including for what will happen with preexisting efforts, such as *Todos Somos Juárez*.

Directing socio-economic programs to strengthen the bonds between citizens and the state also meshes well with Peña Nieto's efforts to increase human rights protections in Mexico's effort to

⁵⁰ Felbab-Brown, "Bringing the State to the Slum."

⁵¹ "Mexican President Vows to End Hunger for Millions," *Reuters*, January 21, 2013.

combat the criminal groups. As part of this focus, Mexico passed new legislation to protect and compensate the victims of drug violence and crime. Many aspects of the new law are not yet known and require clarification, including how a victim will be defined and what levels and types of compensation will be made available. As it stands now, the law requires authorities to assist victims and establish a national registry of victims and a reparation fund for victims, such as pay for victims' medical care.⁵² Putting human rights at the forefront of Mexico's law enforcement efforts is important. The goal needs to be to weaken the power of criminal groups while simultaneously enhancing human security and public safety.

Indeed, Mexico should embrace a multifaceted strategy for combating organized crime. Such a strategy would feature a smarter, prioritized interdiction policy to reduce violence—an objective embraced by President Peña Nieto. It would also include the development of local community policing capacity, a strengthened judicial system, and well-designed socioeconomic programs to combat crime. In its broad design, the new security strategy of President Enrique Peña Nieto embraces the right goals and contains many praiseworthy elements. How the strategy will be operationalized and implemented is yet to be seen; many a great strategy has died from poor implementation. Indeed, despite its very many positive elements, implementing Peña Nieto's new security and anti-crime strategy in Mexico's violent and still out-of-control market will be a challenge. By supporting a strategy to reduce violence in Mexico while weakening the power of Mexico's criminal groups, the United States can do much to help southern neighbor.

Efforts need to focus on ensuring that communities will obey laws, by increasing the likelihood that illegal behavior and corruption will be punished via effective law enforcement, but also by creating a social, economic, and political environment in which the laws are consistent with the needs of the people and allow citizens to embrace their police forces and state presence.

⁵² Tracy Wilkinson, "Mexico Enacts Law to Help Drug War Victims," *Los Angeles Times*, January 9, 2013.

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