Cuidado: The Inescapable Necessity of Better Law Enforcement in Mexico

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SUMMARY

- Major human rights violations related to the drug violence, whether perpetrated by organised crime groups or military and police forces, persist in Mexico.
- President Peña Nieto's administration has relied on the military and Federal Police: with similar lack of planning, prepositioning and operational design as preceding President Calderón's administration.
- A 2012 CIDE study suggests over 60% of Mexico's 250,000 prisoners, including 80% of female inmates, were jailed for drug crimes; 36% for marijuana offenses.
- Civil society has sought to advance policy innovation: *e.g.* influencing the Supreme Court decision in November 2015 to allow individuals the right to grow and distribute marijuana for personal use.
- Policy innovations, such as decriminalising drug use, are important but not sufficient to tackle organised crime.
- These innovations need to be coupled with comprehensive law enforcement (beyond high-value targeting), extending state presence, developing socioeconomic anti-crime efforts and strengthening citizen-state bonds.
- Indeed, robust state presence and effective law enforcement is needed to ensure that organised crime is excluded from a legal drug trade.
- Policing and rule of law are indispensable elements of suppressing violent criminality and illegal economies. So is regulating the legal economies so that they are not socially or environmentally destructive.

Even as the administration of Mexico's President Enrique Peña Nieto has scored important reform successes in the economic sphere, its security and law enforcement policy toward organised crime remains incomplete and ill-defined. Despite the early commitments of his administration to focus on reducing drug violence, combatting corruption, and redesigning counternarcotics policies, little significant progress has been achieved. Major human rights violations related to the drug violence, whether perpetrated by organised crime groups or military and police forces, persist – such as at Iguala, Guerrero, where 43 students were abducted by a cabal of local government officials, police forces and organised crime groups. This has also been seen in Tatlaya and Tanhuato, Michoacán, where military forces have likely been engaged in extrajudicial killings of tens of people.[2] Meanwhile, although drug violence has abated in the north of the country, such as in Ciudad Juárez, Monterrey and Tijuana, government policies have played only a minor role. Much of the violence reduction is the result of the vulnerable and unsatisfactory narcopeace – the victory of the Sinaloa or Gulf Cartels.

The July 2015 spectacular escape of the leader of the Sinaloa Cartel and the world's most notorious drug trafficker – Joaquín Guzmán Loera, known as El Chapo – from a Mexican high-security prison was a massive embarrassment for the Peña Nieto government. Yet it serves as another reminder of the deep structural deficiencies of Mexico's law enforcement and rule-of-law system which persists more than a decade after Mexico declared its war on the drug cartels.

The Peña Nieto administration often pointed to the February 2014 capture of El Chapo as the symbol of its effectiveness in fighting drug cartels and violent criminal groups in Mexico. The Peña Nieto administration's highlighting of Chapo's capture was both ironic and revealing: ironic, because the new government came into office criticising the anti-crime policy of the previous administration of Felipe Calderón of killing or capturing top capos to decapitate their cartels; and revealing, because despite the limitations and outright counterproductive effects of this high-value-targeting policy and despite promises of a very different strategy, the Peña Nieto administration fell back into relying on the pre-existing approach. In fact, such high-value-targeting has been at the core of Pena Nieto's anti-crime policy. Moreover, Chapo's escape from Mexico's most secure prison through a sophisticated tunnel (a method he had also pioneered for smuggling drugs and previously used for escapes) showed the laxity and perhaps complicity at the prison, and again spotlighted the continuing inadequate state of Mexico's corrections system.

In September 2015, in his yearly state-of-the-nation address, President Peña Nieto committed himself to refocusing the final three years of his administration on deepening the rule of law, strengthening law enforcement and justice institutions, and combatting organised crime. That is indeed what Mexico needs to do. As discussed below, policy innovations in Mexico, such as legalisation of marijuana and depenalisation of drug use, are important and promise many benefits. But they are unlikely on their own to reduce the power, violence, and impunity of Mexico's organised crime. They need to be coupled with extending state presence, making socioeconomic anti-crime efforts in Mexico smarter and sharper, and strengthening the bonds between Mexico's citizens and the state. Crucially, they need to be coupled with improving law enforcement policies. There is no escape for Mexico from figuring out how to provide better policing. Some ways to start developing better policing as well as improving the larger anti-crime strategy, including its rule of law and socioeconomic components, are suggested below.

FIZZLED ENERGY AND SAME OLD PROBLEMS OF PEÑA NIETO'S ANTI-CRIME STRATEGY

At the outset of his administration, President Peña Nieto identified the need to reduce violence in Mexico as the most important priority for his security policy. That was the right decision. Even if criminals are mostly killing other criminals (as the previous administration of President Felipe Calderón pointed to in order to belittle the deaths), violence in any form, including violent criminality, is highly costly and corrosive for society. Yet, according to the Mexican government, between 2007 and 2014, a staggering 164,000 people were murdered.[3]

After a year in office, Peña Nieto claimed important progress toward his objective of reducing violence by half in the first 6 months in office – with a 30% decrease in organised crime-related homicides.[4] At the beginning of September 2014, the Peña Nieto administration released further crime and anti-crime policy data, claiming that Mexico's homicide rate for 2013 decreased slightly to 19 per 100,000, compared to 22 per 100,000 in 2012, with a total of 22,732 homicides in 2013.[5] Country-wide violence appeared to continue dropping in the first half of 2014, with the State of Mexico, Guerrero, Chihuahua, Michoacán, Tamaulipas, Sinaloa, Jalisco, and Baja California registering the highest murder rates.[6] But the downward trend was not sufficiently sustained, and levelled off well before reaching the goal of a 50% reduction. Additionally, homicides in the first seven months of 2015 were running about 3 percent above the 2014 figures.[7]

Moreover, the biggest drops in violence were experienced in the north of the country – Tijuana, Cuidad Juárez, and Monterrey – where the violence reduction cannot necessarily and solely be attributed to government policies. Rather, it has been the outcome of new balances of power being established among criminal groups in previously highly contested hotspots, including the victories of the Sinaloa and Gulf Cartels against their rivals. Many of these balances of power among the drug trafficking organisations (DTOs) had already emerged in the last years of the Felipe Calderón administration. After a decade of carnage that gave rise to new DTOs – Los Zetas, La Familia Michoacana, Los Templarios – and saw their demise, Chapo's Sinaloa cartel, the largest, most powerful, and widespread of Mexico's drug trafficking groups, remains the victor. In these areas of newly established criminal control and deterrence, even kidnapping and extortion might be levelling off and becoming more predictable, although they are overall on the rise overall in Mexico.[8] The outcome has been that the Mexican government has for the most part averted its eyes from the areas where violence declined, even as major law enforcement challenges remain there and the job is less than half accomplished.

The Peña Nieto administration has mostly focused on putting out immediate security fires in areas where fighting among drug trafficking groups has newly erupted, such as Jalisco, Tamaulipas, and the State of Mexico. Furthermore, the administration has often inadvertently triggered many of these outbreaks of violence. Despite its rhetoric and early ambitions, the Peña Nieto administration fell straight back into relying on the Mexican military in combination with the Federal Police to cope with criminal violence.[9] Moreover, it did so with an essentially analogous lack of planning and prepositioning, and essentially the same operational design, as the previous Felipe Calderón administration. In particular, the current administration has adopted the same non-strategic high-value targeting that defined the previous one's posture. Perhaps with the exception of targeting the *Zetas* and *Los Caballeros Templarios*, this interdiction posture continues to be undertaken mostly on a non-strategic basis as opportunistic intelligence becomes available, but without forethought, planning, and prepositioning required to avoid new dangerous cycles of violence and renewed contestation among local drug trafficking groups. This recrudescence of high-value targeting is partially the outcome of institutional inertia in the absence of an alternative strategy, and of the relative operational simplicity of such a targeting pattern, compared to a more effective, but also more demanding, policy of middle-level targeting of the kind that is recommend below.[10]

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The overall deterrence capacity of Mexico's military and law enforcement forces and justice sector continue to be very limited and largely unable to deter violence escalation and reescalation. In fact, much of the security policy reform momentum that surrounded the Peña Nieto administration at the outset of its six-year term has prematurely dissipated. Key pillars of the policy are plodding along meekly, including the national *gendarmerie*, the new intelligence supercentre, and the *mando único*. Concurrently, deadlines for vetting all police units for corruption and links to organised crime have been repeatedly missed and extended. As with many institutional reforms in Mexico, there are large regional variations in the quality and even design of the reforms being implemented. However, at least the Mexican Congress, overall a weak player in setting and overseeing anti-crime policy in Mexico, approved a new criminal code in the spring of 2014. The so-called National Code of Penal Procedure (*Código Nacional de Procedimientos Penales*) is critical in establishing uniform application of criminal law across Mexico's thirty-one states and the Federal District, and standardising procedures regarding investigations, trials, and punishment.[11]

Instead of pushing ahead with institutional reforms, the Peña Nieto administration has highlighted poor coordination among national security agencies and local and national government units as a crucial cause of the rise of violent crime in Mexico. It has thus defined improving coordination as a key aspect of its anti-crime approach without also focusing on the substance of the policies.

New forms of violence – the rise of militias in Michoacán and Guerrero and their co-optation by organised crime – have also emerged. In some ways, the willingness of the government to act against the militias, including to arrest and prosecute some, has been more encouraging than its other anti-crime policies. After initial neglect and back and forth between a tough line and embrace of the militias, the ultimate plan of folding them into the Rural Defense Corps was the least bad option.[12] However, the government has failed to effectively enforce these plans. In Guerrero, the government has not even been able to get the militia groups to sign onto the deal. In both Michoacán and Guerrero, many of the militias have become important sources of conflict and abuse, hardly acting as a stabilising force.

The militia option might seem seductive in the short term at a moment of crisis, but it spells long-term problems for security, rule of law, and state legitimacy, as much in Mexico as it has in Colombia and Afghanistan.

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To the extent that Mexico's struggle against criminality is not merely about reshuffling who has control and power in the criminal market, but about a broader extension and deepening of the rule of law and accountability in Mexico, any official endorsement of the militias fundamentally contradicts that project.

The Peña Nieto administration's focus on socioeconomic anti-crime policies and other crime prevention measures is laudable. But its signature anti-crime socioeconomic approach – the so-called *polígonos* programme – has not been well-operationalised and is not integrated with law enforcement efforts. The discreet efforts remain scattered: the theory, implementation, and monitoring parameters of the national crime prevention strategy are not yet adequately worked out. These deficiencies undermine the programme's effectiveness and risk, dissipating the relatively small amount of resources allocated to the effort. Monitoring and evaluation of the effectiveness of socioeconomic anti-crime efforts, including the *polígonos* approach, is particularly weak and nebulous.[13]

Importantly, the Peña Nieto administration committed itself to paying greater attention to human rights issues, such as allowing civilian claims of human rights violations by Mexico's military forces to be tried in civilian courts and establishing a victims' compensation fund.[14] But the efforts to increase rule of law, justice, and the protection of human rights and to reduce impunity and corruption remain very much a work in progress, with policies and outcomes varying widely among Mexico's states. Moreover, the cover-ups at Iguala and Tlatlaya, uninterested investigations of extrajudicial killings, and corruption scandals involving the president and his wife[15] made the promise sound utterly hollow.

MOVES TOWARD MARIJUANA LEGALISATION IN MEXICO

Although the Peña Nieto administration has failed to improve the core elements of security, civil society has sought policy innovations. As a result of the activism of *Mexican Society for Responsible and Tolerant Consumption (SMART)*, in November 2015 the Mexican Supreme Court declared that individuals (up to a group of four people) have the right to grow and distribute marijuana for personal use. The legal judgement, not yet reversing existing laws but providing the basis for their overhaul, was based on the principle of human rights, and endorsed recreational activities (including recreational marijuana use) that do not harm others.[16] Following the judgement, the Mexican Senate proposed legalising medical marijuana. The court ruling also set off a national debate on increasing limits of personal possession of marijuana and other drugs. In 2009, Mexico decriminalised possession of up to 5 grams (0.18 ounce) of marijuana and small amounts of hard drugs, but limits were set at very low levels.

Reducing the number of people arrested and imprisoned for nonviolent drug offenses are crucial and worthy goals. Mostly imprisoning users does not *reduce* drug use, and under some circumstances can even exacerbate it. Imprisoning people usually violates human rights and can destroy people's lives and social productivity. Crowded prisons are financially costly and often, particularly in Latin America, schools for criminals. A 2012 study by the Mexican think tank CIDE argued that over 60% of Mexico's 250,000 prisoners, including 80% of female inmates, were jailed for drug crimes; 36% of which for marijuana offences.[17] Stigmatising and punishing users undermines efforts to stem the spread of HIV/AIDS and other communicable diseases. For all those reasons, depenalising drug use is the right policy.

But proponents of legalisation in Mexico also claim that legalisation would reduce the violence, power, and impunity of organised crime.[18] They make at least two arguments: Legalisation of marijuana (and possibly other drugs) would reduce the income of criminal crime groups, which would either push them out of crime altogether or make them more peaceful. Drug legalisation would free Mexico's law enforcement to concentrate on other crimes, including murders, kidnappings, and extortions.

However, there are good reasons to doubt those arguments, particularly in the case of Mexico. First, smuggled marijuana likely constitutes not much more than a fifth of the revenues generated by the DTOs or about $1.5 billion a year, as a 2010 RAND study argued.[19] Those are not bankruptcy numbers.

Second, without robust state presence and effective law enforcement (both of which are elusive in significant parts of Mexico), there can be little assurance that organised crime groups would be excluded from the legal drug trade. In fact, they may have numerous advantages over legal companies and manage to hold on to the trade, perhaps even resorting to violence to do so. Nor does mere legalisation mean that the state will suddenly become robust and effective. Persistent deficiencies in the state explain why there is so much illegal logging alongside legal logging, for example or why smuggling in legal goods take place. If the state does not physically control the territory where marijuana is cultivated – which in Mexico it often does not – the DTOs could continue to dominate the newly legal marijuana fields, still charge taxes and structure the life of the growers, and even find it easier to integrate into the formal political system. Many oil and rubber barons started with shady practices and eventually became influential (and sometimes responsible) members of the legal political space. But there are good reasons not to want the very bloody Mexican capos to become legitimised.

In Italy, gambling, including slot machines, were legalised precisely on the basis of the argument that legalisation would take gambling resources away from the mafia. In fact, even as the gambling lobby and gambling itself, including socially-ruinous gambling addiction, rapidly expanded, the mafia was able to dominate the legal gambling business. It was able to increase its profits, use gambling to enter new regions of Italy and set up loan-sharking and extortion rackets there, and exploit the legal gambling for laundering illicit drug money, just as it has previously used agriculture, trucking, and restaurants.[20]

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> The cultivation of illicit crops employs thousands, perhaps tens of thousands, of people. In fact, poppy cultivation is among the most labour-intensive illicit economies, enabling those who sponsor it – whether insurgent groups or organised crime groups – to obtain extensive political capital.

Third, a grey marijuana market would likely emerge. If marijuana became legal, the state would want to tax it – to generate revenues and to discourage greater use. The higher the tax, the greater the opportunity for the DTOs to undercut the state by charging less. The narcos could set up their own fields with smaller taxation, snatch the market and the profits, and the state would be driven back to combating them and eradicating their fields. Such grey markets exist alongside a host of legal economies, from cigarettes, to stolen cars, to logging and wildlife trade. As for example in the case of illegal logging alongside legal concessions, such grey markets can be violent, dominated by organised crime, generating corruption, and exploitative of society. In Mexico itself, legal and illegal logging and violence coexist in the same space in Michoacán and Guerrero, for example.[21] Combatting wildlife trafficking in eastern and southern Africa has taken on the form of bush wars, with heavy firepower and high proclivity to use it by poachers, even the illegal trade exists alongside a legal one or feeds into legal distribution markets in China, such as in ivory.

Fourth and worse yet, Mexican DTOs can hardly be expected to take such a change lying down. Rather, they may intensify the violent power struggle over remaining hard-drug smuggling and distribution (notably, the shrinkage of the US cocaine market is one of the factors that precipitated the current DTO wars[22]). the DTOs could intensify their effort to take over other illegal economies in Mexico, such as the smuggling of migrants and other illegal commodities, prostitution, extortion, and kidnapping, and also over Mexico's informal economy – trying to franchise who sells tortillas, jewellery, clothes on the zócalo – to mitigate their financial losses. They are already doing so. If they succeed in franchising the informal economy and organising public spaces and street life in the informal sector (40% of Mexico's economy), their political power over society will be greater than ever. They would also seek to extort legal economies, whether restaurants in Ciudad Juárez and Tijuana, foreign businesses such as Coca Cola and mining in Guerrero or avocado and lime farmers and legal logging and mining in Michoacán. In fact, they have already expanded into such extortion, and indeed, some of the bloody escalation of violence has been precisely over turf rights to extort legal businesses.[23]

Nor would law enforcement necessarily become liberated to focus on other issues or turn less corrupt: The state would have to devote some resources to regulating the legal economy and enforcing the regulatory system. Even in the much more peaceful Colorado and Washington, the two first US states to legalise marijuana, police have to suppress smuggling out of the states and devote resources to policing the new profitable, taxed, and nonviolent legal marijuana trade.[24] Corruption could well persist in a legal or decriminalised economy. In Brazil, after drug possession for personal use was decriminalised, the deeply corrupt police did not clean up. Instead, they often continue to extort users and franchise pushers by threatening to book users for greater amounts than personal limits unless they pay a bribe or buy from their pushers.[25]

Legalisation is not a panacea.[26] There are no shortcuts to improving Mexico's law enforcement. Rather, legalisation of marijuana in Mexico would be more viable if Mexico first got the DTOs under control and pulled off effective law-enforcement and justice reform.

NOT JUST POT, BUT POPPY CULTIVATION

Meanwhile, even if legalisation of marijuana cultivation for personal consumption in Mexico also reduced industrial-scale marijuana plantations for export – or, more likely, if expanding commercial cultivation of marijuana in the United States priced out illegal cultivation in Mexico, another illegal crop is flourishing in Mexico. The increase in US demand for heroin, spurred by prescription opiate abuse and dependence, is once again stimulating expansion of poppy cultivation in Mexico and in Guatemala.

Poppy cultivation in Mexico is nothing new; in fact, it dates back to pre-WWII. Since the 1980s, Mexico did not disclose consistent data and undertook an uneven effort to monitor the levels of poppy cultivation and marijuana in the country. Nonetheless, it is estimated that poppy in Mexico cultivation in the 1990s and 2000s decades hovered between 20,000-25,000 hectares per year, compared to perhaps 30,000-40,000 hectares cultivated yearly with marijuana.[27] This is a rather substantial level of poppy cultivation – on par with Burma in the 2000s and higher than Thailand at its peak in the 1960s.[28] At the same time, about 15,000-20,000 hectares of opium poppy have been eradicated in Mexico during the 1990s and early 2000s, alongside some 20,000 to 30,000 ha of marijuana. In the first seven months of 2015, over 17,000 hectares of poppy were eradicated (and only some 2000 hectares of illegal marijuana.)[29] Eradication of illicit crops in Mexico has historically been carried out by the Mexican military, often as a result of US pressure.

During the 1970s, the Mexican authorities became concerned about a possible penetration of the drug trade by leftist guerrillas, such as the Popular Revolutionary Army (EPR). The result was a trifecta of sometimes contradictory policies: cooperation between Mexican authorities and Mexican drug traffickers to fight against the guerrillas; the sponsorship of anti-leftist militias by the Mexican state, sometimes connected to drug trafficking groups, and, paradoxically, also the temporary consent by Mexican authorities to an intense eradication campaign sponsored by the United States, including aerial spraying. Whether as a result of the anti-guerrilla policies or the guerrillas' own internal weaknesses, the guerrilla groups failed at the time to significantly penetrate the drug trade and have not managed to robustly participate in it since.

Nonetheless, from 2007 when President Calderón decided to deploy the Mexican military to fight against drug trafficking groups and presumably provide public safety, the intensity of eradication in Mexico fell off: since fewer soldiers were available for this task. At the same time, prime areas of poppy cultivation, such as in Guerrero and Michoacán, became hotly contested among Mexican drug trafficking groups, such as La Familia Michoacana, *Los Zetas*, the Sinaloa Cartel, the Acapulco Cartel, Jalisco New Generation Cartel, and a myriad of splinter groups, such as the *Guerreros Unidos* presumably behind the Iguala abduction. Their fighting has tremendously increased the fundamental insecurity of local populations, even as they depend on poppy and illicit crop cultivation for basic economic survival. The outcome has been the rise of anti-organised-crime militias as well as the co-optation of militias by organised crime.

The cultivation of illicit crops employs thousands, perhaps tens of thousands, of people. In fact, poppy cultivation is among the most labour-intensive illicit economies, enabling those who sponsor it – whether insurgent groups or organised crime groups – to obtain extensive political capital.[30] That is very much the case in Mexico where, like in other parts of the world, the poppy farmers are some of the poorest and most marginalised citizens, often also members of indigenous groups. And in some areas, such as in the state of Michoacán, the drug economy – both cultivation and trafficking – represents a substantial portion of the local economy.

Yet, Mexico has historically shown little interest in developing alternative livelihoods strategies toward illicit crop cultivation, even rejecting US assistance for such programmes.[31] Indeed, serious alternative livelihoods efforts would require extending both state presence, engaging in broader and more equitable development and sustaining the resources and political wherewithal to tackle political and economic power distribution in Mexico and the social marginalisation of many of its communities. It is much easier to occasionally simply eradicate the crops and the farmers' livelihoods.

An intense eradication campaign in the poppy and marijuana cultivation areas will severely complicate the efforts of the Mexican military and law enforcement forces to pacify the festering Michoacán and Guerrero, rid them of the rule of violent organised crime, and perhaps for the first time bond its residents with the Mexican state. Neglecting those areas – despite an umpteenth *Plan Guerrero* (a government package of socioeconomic interventions mostly amounted to discreet handouts) – is cheaper and easier. But it comes at substantial and complex costs to the local residents and ultimately to rule of law in Mexico.

One of the most dramatic incidents involving Guerrero's self-defence forces took place in early May 2015 in the town of Chilapa. Although small in size, Chilapa is strategically-located on the foothills of a major poppy growing area and a major logistical hub for the drug trade since it is the place with the only gas station in miles. Following an assassination of a local political candidate in April 2015, 300 civilians armed with rifles, machetes, and sticks, followed by pickup trucks with men sporting high-calibre weapons, seized the town. Although the Mexican military and federal and municipal police were present, they failed to act against the self-proclaimed self-defence group. Whether out of intimidation, indifference, complicity or on orders from higher up, the military and police stood by while for several days the militias controlled the town, set up checkpoints, and detained people. At least 11 of those detained (and perhaps as many as 30) have not been seen since. Townspeople believed that the self-defence force, which after several days left on its own accord, was actually the criminal gang Los Ardillos, fighting over the important heroin-turf with another gang, Los Rojos.[32] Regardless of whether the armed invasion was by a self-defence force that ran amok or the self-defence label was appropriated by an organised crime group, its effect on the community was the very opposite of increasing security. Yet another demonstration that there is no easy escape – neither legalisation nor negligence – from extending effective and equitable state presence and rule of law in Mexico, including effective and better-designed law enforcement.

CONCLUSIONS AND POLICY RECOMMENDATIONS

Despite how tired the Mexican public is with the awful criminal violence, and with politicians' unfulfilled promises to eradicate it, the Peña Nieto administration must not drop the ball in developing and implementing a comprehensive law enforcement strategy. Without capable and accountable police who are responsive to the needs of the people from tackling street crime to suppressing organised crime and who are backed-up by an efficient, accessible, and transparent justice system, neither legal nor illegal economies will be well-managed by the state.

What is needed is a comprehensive law enforcement strategy (beyond high-value targeting), to sharpen Mexico's anti-crime socioeconomic policies, and better integrate them with policing. Policing and rule of law are indispensable elements of suppressing violent criminality and illegal economies and regulating the legal ones so they are not socially or environmentally destructive. However, for policing and law enforcement to be effective, they require that local populations do not fundamentally see them as contrary to their human security, an attitude that will prevent them from being respected and internalised by the citizens.

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In Mexico, such a strategy includes:

- *Making Interdiction More Strategic*

  Interdiction must move beyond the current nonstrategic, non-prioritised, opportunistic targeting posture. The most dangerous groups should be targeted first, with an eye toward local stability. Targeting plans should be based on robust assessments of what kind of law enforcement operations will trigger violence, and on strategies to mitigate and prevent such outcomes, such as through force prepositioning.

- *Switching from High-Value Targeting to Middle-Layer Targeting*

  Interdiction should shift away from predominantly high-value targeting to middle-layer targeting, particularly in a way that simultaneously arrests as much of a group's middle operational layer as possible. This may seem a marginal technical change; in fact, it has profound positive implications regarding the ability of criminal groups to react to interdiction hits *vis-à-vis* law enforcement agencies and toward each other, overall limiting their capacity for violent reaction.[33]

- *Keeping a Law Enforcement Focus on Areas Where Violence Has Declined*

  The Peña Nieto administration must not avert its eyes from areas where violence has declined; instead it should work with local authorities to deepen police reform and institutionalise rule of law in those areas. It also must analyse why violence has not exploded in other parts of the country and reinforce the stabilisation dynamics there by strengthening law enforcement and the rule of law.

- *Resurrecting A Momentum on Police Reform*

  In order to strengthen the deterrence and response capacity of its law enforcement, the Peña Nieto administration also needs to double up on police reform, by enhancing capacity, beefing up vetting and reducing corruption, adopting proactive and knowledge-based policing methods, achieving a sufficient density of permanent-beat deployments, and developing local knowledge.

- *Dismantling Militias*

  The Mexican government needs to retain the resolve to monitor the militias diligently; prosecute those who engage in criminal acts, such as extortion and murders; and use any opportunity it can to roll them back and dismantle them.

- *Doubling Up on Justice and Human Rights*

  In 2016, the new accusatorial justice system is supposed to be fully functional throughout Mexico. As such, the Peña Nieto administration must undertake a serious push to assist states in switching to the new system. This must include increased efforts to protect human rights and civil liberties and reduce corruption.

- *Making the Polígonos Anti-Crime Socioeconomic Interventions More Rounded and Integrated*

  The logic and mechanisms of specific *polígonos* projects should be articulated and clarified and subjected to careful evaluation and monitoring. The projects need to be better connected and integrated with one another in a particular area, not discrete isolated programmes. Assessments of cross-boundary dynamics and interactive processes across polygons and between polygon and non-polygon areas should be built into the projects' designs. It is also crucial to integrate the projects' designs with local law enforcement efforts.

- *Bringing the State and Rural Development to Historically-Neglected Areas*

  Beyond limited handouts and politically-motivated buyoffs,[34] Mexico needs to extend the state, including its role in socioeconomic development, to the neglected underdeveloped areas. Alternative livelihoods and socioeconomic anti-crime measures need to be a part of the package. But for these measures to be effective in reducing such undesirable economies in a lasting way, effective security needs to be established in the rural regions.

  Moreover, alternative livelihoods programmes cannot be construed as merely crop substitution or temporary cash-for-work programmes. They must address all the structural drivers of illicit economies.[35] They must encompass the generation of sufficient employment opportunities, such as through the promotion of high-value, labour-intensive crops as well as through off-farm income, infrastructure building, distribution of new technologies, marketing help and the development of value-added chains, facilitation of local microcredit, and establishment of access to land without the need to participate in the illicit economy, to name a few of the most prominent components. Incorporating broader human development aspects, including improving access to health and education, and reducing social and ethnic marginalisation, is crucial.

  Alternative livelihoods also need to be integrated into overall development strategies, with attention paid to whether overall economic growth leads to job creation or capital accumulation while exacerbating inequality.

- *Decriminalising Drug Use, But Also Focusing on Drug Use Reduction and Prevention*

  Mexico should move away from incarcerating users and toward depenalising drug use and reducing penalties for low-level dealers.[36] Public health approaches to drug treatment should be emphasised, acknowledging addiction as an illness requiring medical treatment. They should adopt harm reduction measures which produce far better policy outcomes, such as needle-exchanges, safe-injection sites, and distribution of life-saving anti-overdose medications. However, casual users under community supervision can be effectively dealt with through mild, short, swift, and reliable penalties, such as demonstrated in US Project Hope.[37] Drug prevention measures – not very effective overall, but nonetheless cost-effective, should focus on early-age interventions and confidence-building, including peer pressure resistance.[38]

METRICS/INDICATORS:

To monitor the success of such strategies and in drug policies overall, the following metics and indicators are proposed:

1. Number of homicides (geographically disaggregated), changes in levels of violent crime (such as murders, assaults, armed robberies, and extortion), including the level of discrimination across these crimes (*e.g.* amount of innocent bystanders getting caught in the crossfire),
2. Number and intensity of violent fights among or within criminal groups following arrests of major criminals,
3. Efficiency in the level of prosecution (*i.e.* the percentage of arrests leading to imprisonment),
4. Public satisfaction with police-performance, including public self-identification on how likely they are to report a crime, disaggregated by prosperous versus poor areas,
5. Survey breakdown of which authority citizens would seek for dispute resolution, such as formal courts, militias or criminal groups,
6. Efficiency of police internal affairs units: reflected in convictions and/or employment contract termination of law enforcement officials,
7. Arrestee and prisoner surveys measuring their fear or respect for the justice system; including disaggregated data for the police, prosecutors, and judges,
8. Number of people living in slums and poor rural areas, and the levels of violent crime in these areas,
9. Number of people working in the informal or criminal economies,
10. Prevalence of militias,
11. Number of extrajudicial killings by security forces as well as 'citizens militias',
12. Effective prosecution and roll-back of militia members and units that violate government-specified terms of operation. ■

NOTES

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