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CHANGING THE GAME OR DROPPING THE BALL?

Mexico's Security and Anti-Crime Strategy under President Enrique Peña Nieto

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EXECUTIVE SUMMARY

ANALYSIS

- 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 organized crime remains incomplete and ill-defined. Preoccupied with the fighting among vicious drug trafficking groups and the rise of anti-crime vigilante militias in the center of Mexico, the administration has for the most part averted its eyes from the previously highly-violent criminal hotspots in the north where major law enforcement challenges remain.

- The Peña Nieto administration thus mostly continues to put out immediate security fires—such as in Michoacán and Tamaulipas—but 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.

- Identifying the need to reduce violence in Mexico as the most important priority for its security policy was the right decision of the Peña Nieto administration. But despite the capture of Mexico's most notorious drug trafficker, Joaquín "El Chapo" Guzmán, 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 supercenter, and the *mando único*. The October 2013 deadline to vet all police units for corruption and links to organized crime was missed once again and extended until October 2014. As with many institutional reforms in Mexico, there is large regional variation in the quality and even design of the reforms being implemented. At least, however, 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*) will be critical in establishing uniform application of criminal law across Mexico's thirty-one states and the Federal District, and standardizing procedures regarding investigations, trials, and punishment.

- 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.

- Despite its rhetoric and early ambitions, the Peña Nieto administration fell straight back not only into relying on the Mexican military in combination with the Federal Police to cope with criminal violence, but also doing so belatedly and with an essentially analogous lack of planning and prepositioning, and with essentially the same operational design as the previous Felipe Calderón administration.

- Although homicides, including those perpetrated by drug trafficking organizations (DTOs), have decreased in Mexico, the drop did not reach the 50% reduction in the first six months in office that the Peña Nieto administration had promised. Moreover, in

various parts of Mexico, the violence reduction cannot be necessarily attributed to government policies, but rather is the outcome of new balances of power being established among criminal groups in previously highly contested hotspots. Many of these balances of power among the DTOs had emerged already in the last years of the Felipe Calderón administration. In these areas of newly established criminal control and deterrence, even kidnapping and extortion might be leveling off and becoming more predictable, even as they are overall on the rise in Mexico.

- In its security and law enforcement efforts, the Peña Nieto administration has largely slipped into many of the same policies of President Felipe Calderón. In particular, the current administration has adopted the same non-strategic high-value targeting that defined the previous administration. Perhaps with the exception of targeting the *Zetas* and *Los Caballeros Templarios*, this interdiction posture mostly continues to be undertaken on a non-strategic basis as opportunistic intelligence becomes available and without forethought, planning, and prepositioning to avoid new dangerous cycles of violence and renewed contestation among local drug trafficking groups. This development is partially the outcome of institutional inertia in the absence of an alternative strategy, and of operational simplicity, compared to, for example, a more effective but also more demanding policy of middle-level targeting.

- Importantly, the Peña Nieto administration has sought to pay greater attention to and respect for human rights issues, such as by allowing civilian claims of human rights violations by Mexico's military forces to be tried in civilian courts and establishing a victims' compensation fund. 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 the government's resolve, policies, and outcomes varying widely among Mexico's states.

- The Peña Nieto administration's focus on socio-economic anti-crime policies and other crime prevention measures is highly laudable. But its signature anti-crime socio-economic approach—the so-called *polígonos* program—has not been well-operationalized 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 program's effectiveness and risk dissipating the dedicated yet relatively small resources allocated to the effort as well as the effort's energy. Monitoring and evaluation of the effectiveness of socio-economic anti-crime efforts, including the *polígonos* approach, is particularly weak and nebulous.

RECOMMENDATIONS

Overall, the Mexican government must develop a comprehensive law enforcement strategy beyond high-value targeting, sharpen its anti-crime socio-economic policies, and better integrate them with policing. This involves:

- ***Making Interdiction More Strategic***
  Interdiction must move beyond the current nonstrategic, non-prioritized, 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 the violence hits might trigger and with 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. 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.

- ***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 institutionalize rule of law in those areas. It also must analyze why violence has not exploded in other parts of the country and reinforce the stabilization 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.

- ***Doubling Up on Justice and Human Rights***
  With only two years left to 2016 when the new accusatorial justice system is supposed to be fully functional throughout Mexico, the Peña Nieto administration must make 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 Socio-Economic 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 programs. 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.

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VANDA FELBAB-BROWN

INTRODUCTION

On February 22, 2014, after a thirteen-year manhunt, Mexico's special navy units, acting on intelligence from and in close cooperation with the United States, captured Joaquín "El Chapo" Guzmán, the head of the Sinaloa Cartel, Mexico's most powerful drug trafficking organization.[1] With his daring escape in a laundry cart from a Mexican prison in 2001, after seven years in jail; his ability to evade a determined U.S. effort to recapture him for more than a decade; and his careful cultivation of power among local politicians and of political capital among local communities through handouts and employment in the drug economy, El Chapo had become a popular cult figure, especially among Mexico's downtrodden. Even while on the lam, he managed to turn the Sinaloa Cartel into the world's most powerful drug trafficking organization (DTO), dominating the U.S. drug distribution market, managing smuggling from Colombia to the United States, and reaching perhaps all the way into East Asia.[2] Glorified in *narcocorridos* (Mexican folk ballads about drug traffickers), he also amassed a personal fortune: Forbes Magazine listed him as the 10th richest man in Mexico, and 1,153rd in the world, in 2012, with a net worth of roughly US$1 billion;

[1] Although the term cartel is frequently used to describe drug trafficking organizations, such groups in Mexico do not in fact have the power to dictate prices for drugs. Thus, they are not cartels in the economist's sense of the term. Nonetheless, the usage of the term for large drug trafficking groups is common, and I use it as well.

[2] One of the leaders of the Sinaloa Cartel, Jesús Vicente Zambada Niebla, also known as "El Vicentillo" or "El Mayito" (the eldest son of one of Sinaloa's founders and current presumed leader Ismael "El Mayo" Zambada García), revealed during his trial in the United States that he coordinated deliveries of cocaine and heroin to wholesale distributors in Chicago, such as the brothers Pedro and Margarito Flores. See, Nick Miroff, "Son of Mexico Drug Lord Turns Informant," *Washington Post*, April 10, 2014; and Jon Lowenstein, "Heroin Pushed on Chicago by Cartel Fueling Gang Murders," *Bloomberg News*, September 13, 2013. For other sketches of the Sinaloa Cartel's drug trafficking reach into the United States, see Sari Horwitz, "U.S. Cities Become Hubs for Mexican Drug Cartels' Distribution Networks," *Washington Post*, November 3, 2012; Patrick Radden Keefe, "Cocaine Incorporated," *New York Times,* June 15, 2012; and Richard Marosi, "Inside the Cartel," *Los Angeles Times*, July 24, 2011. For the Sinaloa Cartel's reach into West Africa and East Asia, though often based on only anecdotal and tangential evidence, see Samuel Logan, "The Sinaloa Federation's International Presence," *CTC Sentinel*, April 29, 2013, https://www.ctc.usma.edu/wp-content/uploads/2013/04/CTCSentinel-Vol6Iss46.pdf: 6-9; and James Bargent, "Is Sinaloa Cartel Making a Play for Asia's Lucrative Drug Market?" *InSight Crime*, January 27, 2014, Accessed 01 September 2014. For a picture of a far more segmented market, at least in the case of marijuana, where drugs change hands among various groups many times, see Beau Kilmer, Jonathan Caulkins, Britanny Bond, and Peter Reuter, "Reducing Drug Trafficking Revenues and Violence in Mexico: Would Legalizing Marijuana in California Help?" RAND Occasional Paper, Santa Monica, 2010, http://www.rand.org/content/dam/rand/pubs/occasional_papers/2010/RAND_OP325.appendixes.pdf. For a background on El Chapo, see Ioan Grillo, *El Narco: Inside Mexico's Criminal Insurgency* (New York: Bloomsbury Press, 2012); and Malcolm Beith, *The Last Narco: Inside the Hunt for El Chapo, the World's Most Wanted Drug Lord* (New York: Grove Press, 2010).

[3] "The World's Billionaires: Joaquín Guzmán Loera," *Forbes Magazine*, December 2012, http:/www.forbes.com/profile/joaquin-guzman-loera; *Forbes*, October 30, 2013, http://www.forbes.com/powerful-people/#page:7_sort:0_direction:asc_search:_filter:All%20countries_filter:All%20categories.

and as one of the world's most powerful individuals.[3] More than any other, El Chapo came to symbolize the power, influence, and impunity of Mexican drug traffickers. And while the extraordinarily violent contestation among Mexican drug trafficking organizations that has characterized Mexico's criminal market since 2006 left many of the drug groups shattered, splintered, and wiped out, the Sinaloa Cartel, also known as the Sinaloa Federation, not only retained, but also expanded its power and influence.

Thus El Chapo's capture was hailed as a dramatic success for U.S. and Mexican law enforcement, and as exemplary of the new bilateral cooperation emerging after decades of distrust, suspicion, and mutual recrimination. But the capture of El Chapo, following the publicized arrests of other top *capos* and lieutenants during the current administration of President Enrique Peña Nieto and the previous administration of Felipe Calderón, also epitomizes how easy it is for an anti-crime policy to become consumed by a high-value targeting posture, and how difficult it is to adopt a more comprehensive law enforcement and anti-crime strategy that improves rule of law, empowers the state, and strengthens the bonds between the state and its citizens.

The eight years of a bloodbath among Mexican DTOs and with the country's military and police forces generated intense trauma: More than 70,000 Mexicans and thousands of Central Americans have died.[4] Perhaps as many as over twenty thousand people have disappeared.[5] Yet El Chapo's capture ironically came at the time when the Sinaloa Cartel appears to have recaptured large parts of Mexico's criminal market, including Ciudad Juárez, Tijuana, and Monterrey.[6] Even while celebrated as a major victory, El Chapo's capture may thus still paradoxically trigger another set of contestations, destabilize these new fragile balances of power, and set off new infighting. Several months after the arrest, that has by and large not happened so far. Whether it does or not depends on whether the Sinaloa Cartel will manage to preserve a clear and visible hierarchy of command and continue to signal its victorious dominance in large parts of Mexico's criminal markets, so that its local, much weakened, but not wiped out rivals, such as the Juárez Cartel, the Gulf Cartel, and the *Zetas*, are not tempted to challenge its recent victories.[7] It also depends on whether it will continue pursuing the same local entrenchment strategies as it did under El Chapo. Although under El Chapo's leadership the Sinaloa Cartel pushed aggressively to expand its territory (one might even call the cartel a revisionist power inserting itself into or initiating

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[4] Secretaría de Gobernación (SEGOB) data, cited in *Justice in Mexico News Monitor*, 9(1), January 2014: 1. For an excellent account of the impact of the criminal violence on Mexican society and the dramatic stories of those who fought against drug trafficking and violence, see Alfredo Corchado, *Midnight in Mexico* (New York: Penguin, 2013).

[5] The outgoing administration of President Calderón reported 28,000 missing people between 2006 and 2012. In May 2014, the Peña Nieto administration revised that estimate to 8,000 missing between 2006 and early 2014, stating that the previous number did not take into account people who were subsequently located. See "Mexico Recalculates the Number of Missing to 8,000," *Associated Press*, May 23, 2014; and "Victims of Mexico's Drug War," *The Economist*, June 14, 2014. Amidst large controversy and intense criticism from civil society of cooking the numbers, the Peña Nieto administration again revised the number of the disappeared in August 2014, this time scaling the number of the missing up to 22,322. See, "Relatives Criticize Mexico's New Number of Missing," *Associated Press*, August 27, 2014.

[6] Author's interviews with law enforcement officers, government officials, journalists, business community and civil society representatives in Ciudad Juárez, Tijuana, and Mexico City, October 2013 and March 2011. See also, 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; and Steven Dudley, "How Juárez Police, Politicians Picked Winners of Gang War," *InSightCrime*, February 13, 2013, http://www.insightcrime.org/investigations/3798-juarez-police-politicians-picked-winners-gang-war; Sandra Rodríguez Nieto, *La fabrica del crimen* (Mexico: Planeta, 2012); Steven Dudley, "Who Controls Tijuana?" *InSight Crime*, May 3, 2011; and Nathan Jones, "Tijuana Cartel Survives, Despite Decade-Long Onslaught," *InSight Crime*, June 20, 2012; and Steven Dudley, "The Zetas in Monterrey: Part III – The Battle for Monterrey," *InSightCrime*, December 16, 2012.

[7] For a background on how the Sinaloa Cartel took advantage of the high-value targeting policies that weakened its rivals in the 1990s, and aggressively sought to expand its presence, see Guillermo Valdés Castellanos, *La Historia del Narcotráfico en* México (Mexico City: Aguilar, 2013).

[8] I am grateful to one of the anonymous reviewers for pushing me to acknowledge this fact.

conflicts over Tijuana, Nuevo Laredo, and Ciudad Juárez)[8], it did so in ways that managed to anchor the organization in local areas far better than other potent Mexican criminal groups, such as the *Zetas*, *Los Caballeros Templarios*, or *La Família Michoacana*. It achieved such entrenchment by fairly effectively managing the remnants of local rivals[9] and by reducing violence and streamlining extortion in areas of its dominance, thus making its supervision of the criminal market less grating to local populations. On the other hand, the *Zetas* or the *Templarios*, for example, merely sought to dominate through unrestrained brutality or unrestrained extortion often intolerable to local populations.[10]

But 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 rule of law and accountability in Mexico, the Peña Nieto administration and its successors must not drop the ball in developing and implementing a comprehensive law enforcement strategy. For what is needed is a strategy that keenly focuses on law enforcement beyond high-value targeting, sharpens anti-crime socio-economic policies, and better integrates them with policing.

The policies of President Felipe Calderón laid some important groundwork for tackling organized crime, such as by recognizing the need for reforming the police and law enforcement institutions in Mexico. After decades of corporatist policies toward organized crime through the 1980s, Mexico's law enforcement became hollowed out, deeply corrupted by organized crime, and to a large extent having lost deterrence capacity.[11] Meanwhile, as drug trafficking routes shifted away from the heavily-patrolled Caribbean to Mexico and Colombian cartels became weakened, Mexico's organized crime groups began accumulating even more power since the early 1980s at the expense of the Mexican state and society.

The weakness of Mexico's law enforcement and rule of law intersected in the 1990s and the 2000 decade with profound political and institutional changes in Mexico, including democratization and decentralization, which while promising to make law enforcement and political management more accountable, also at least temporarily weakened the hand of the central government *vis-à-vis* organized crime. Although homicide rates fluctuated and even declined occasionally during the 1990s, the police reforms undertaken during that period essentially failed to rebalance power away from criminal groups and toward law enforcement. Mayors and governors, empowered by the decentralization reforms, often did not step up to their new security and law enforcement responsibilities, easily falling in bed with organized crime or being intimidated and overwhelmed by it.

The context of the Calderón administration's reform was thus difficult; arguably, it was the perfect storm. And indeed, his administration struggled in implementing the desired law enforcement reforms and even the ones it set out to. Quickly, its strategy became consumed by relatively easy policies, such as high-value targeting. The defined objective of its efforts—to disrupt criminal groups,

[9] An area where the post-victory Sinaloa Cartel has struggled to effectively manage the remnants of its rivals is Tijuana.

[10] For details on the evolution of these criminal markets as well as several other local areas in Mexico, see Vanda Felbab-Brown, *Mexico's High-Wire Act: Drugs, Crime, and Security Policies,* forthcoming, 2015.

[11] 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/research/files/papers/2009/3/mexico%20drug%20market%20felbabbrown/03_mexico_drug_market_felbabbrown.pdf; and Mónica Serrano, "States of Violence: State-Crime Relations in Mexico," in Wil Pansters, ed., *Violence, Coercion, and State-Making in Twentieth-Century Mexico* (Stanford: Stanford University Press, 2012): 135-158; Luís 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 Mexico: El Impacto de 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; and Jorge Chabat, "Mexico's War on Drugs: No Margin for Maneuver," *Annals of the American Academy of Political and Social Science* 582, July 2002: 134-148.

which erroneously was assumed to be sufficient on its own to strengthen the state in the security and rule of law realms—was too amorphous and ignored the hugely negative externality of provoked violence.[12] And violence did explode to unprecedented and extraordinarily levels, atypical of drug and criminal markets. With homicide deaths at over ten thousand a year and increasing dramatically for several years in a row, the violence significantly surpassed killing rates in Iraq and Afghanistan, two countries in the midst of civil war and insurgency. Altogether, at least between 134,988 and 154,797 people have been murdered in Mexico between 2006 and 2013.[13] Between 2007 and 2012, for which Iraq and Afghanistan comparative data are available, between 104,794 and 121,613 murders were reported in Mexico,[14] whereas at least 45,346 were killed in Iraq (with 38,395 Iraqi civilians, 5,403 Iraqi security forces members, and 1,548 coalition forces) and 27,349 in Afghanistan (of which 14,746 were Afghan civilians, 9,876 members of Afghan security forces, and 2,727 members of the International Security Assistance Force [ISAF] for Afghanistan).[15] During a peak year in Iraq's civil war—in 2006—between 19,000 and 34,500 civilians were killed.[16] Both in relative and absolute terms, the killing rate in Mexico is just astounding, with an inevitably devastating effect on Mexico's society in affected localities.

Sensing public dissatisfaction with the outcomes of Calderón's anti-crime efforts and the great costs it imposed on Mexican society, including in terms of violence, the Peña Nieto administration took office determined to have a different security policy and announced different goals. Yet almost two years into the Institutional Revolutionary Party (*Partido Revolucionario Institucional*, or PRI) administration of Peña Nieto, Mexico's security policy toward organized crime remains shapeless and ill-defined. While it at first largely sought to shove the issues of crime and law enforcement policies under the rug and highlight instead nebulous socio-economic anti-crime policies, the Peña Nieto administration later found itself putting out a major security crisis involving vicious drug trafficking groups and anti-crime vigilante militias in the center of the country. But it mostly dropped its eyes from the previously highly-violent criminal hotspots in the north of the country that preoccupied the Calderón administration, and where violence has subsided as criminal groups have managed to establish new balances of power, but where important law enforcement and rule of law issues remain fragile, unre-

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[12] For details, see Vanda Felbab-Brown, *Calderón's Caldron*.

[13] Even different official organizations provide different data, many murders go unreported, and the Calderón and Peña Nieto administrations differ in what murders they report, whether all or just the ones assumed to be related to organized crime. For various time series data of Mexico's homicides, see Kimberly Heinle, Octavio Rodríguez Ferreira, and David Shirk, "Drug Violence in Mexico: Data and Analysis Through 2013," *Justice in Mexico Project,* April 2014, http://justiceinmexico.files.wordpress.com/2014/04/140415-dvm-2014-releasered1.pdf; "En 2012 Se Registraron 26 Mil 037 Homicidios," *Instituto Nacional De Estadísctica y Geografía,* July 2013, http://www.inegi.org.mx/inegi/contenidos/espanol/prensa/Boletines/Boletin/Comunicados/Especiales/2013/julio/comunica9.pdf; "En 2013 Se Registraron 22 Mil 732 Homicidios," *Instituto Nacional De Estadísctica y Geografía,* July 2014, http://www.inegi.org.mx/inegi/contenidos/espanol/prensa/Boletines/Boletin/Comunicados/Especiales/2014/julio/comunica3.pdf; Cifras de incidencia delictiva, *Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública*, 19 September 2014, http://www.secretariadoejecutivosnsp.gob.mx/work/models/SecretariadoEjecutivo/Resource/1/1/cifras_publicacion_agosto14.pdf; Incidencia Delictiva Nacional y por Entidad Federal, *Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública*, August 2014, http://www.secretariadoejecutivosnsp.gob.mx/es/SecretariadoEjecutivo/Incidencia_Delictiva_Nacional_fuero_comun; "Global Study on Homicide," *United Nations Office on Drugs and Crime*, Accessed 17 September 2014, http://www.unodc.org/gsh/en/data.html.

[14] Drawn from the above time series in the references in footnote No. 13.

[15] Data are drawn from Ian S. Livingston and Michael O'Hanlon, "Afghanistan Index, *The Brookings Institution,* July 2014, http://www.brookings.edu/~/media/Programs/foreign%20policy/afghanistan%20index/index20140731.pdf; "Afghanistan: Annual Report 2013 Protection of Civilians in Armed Conflict" *United Nations Assistance Mission in Afghanistan,* February 2014, http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb_8_2014_PoC-report_2013-Full-report-ENG.pdf; "Afghanistan: Annual Report on Protection of Civilians in Armed Conflict, 2009" *United Nations Assistance Mission in Afghanistan,* January 2010, http://www.ohchr.org/Documents/Countries/AnnualProtectionCivilians09.pdf; "Afghanistan Civilian Casualties" *The Guardian,* Accessed 17 September 2014, http://www.theguardian.com/news/datablog/2010/aug/10/afghanistan-civilian-casualties-statistics; "iCasualties" *icasualties.org*, Accessed 17 September 2014, http://icasualties.org; Michael E. O'Hanlon and Ian Livingston, "Iraq Index," *The Brookings Institution,* July 2013, http://www.brookings.edu/~/media/Centers/saban/iraq%20index/index20130726.pdf; and "Iraq Body Count," iraqbodycount.org, Accessed 03 October 2014, https://www.iraqbodycount.org/database/.

[16] Because of the difficulty of physical access, political manipulation, and underreporting due to fear, the numbers are of course highly unreliable and vary widely.

solved, and incomplete. Like that of its predecessor, the Peña Nieto administration's security policy in the south of the country, where crime is less visibly violent, is an off-the-cuff afterthought at best, an attitude—partially driven by an understandable prioritization amid acute crises elsewhere, as well as a scarcity of anti-crime resources and policy attention—that 'if it isn't burning, let's not be fixing it.'

During his presidential campaign, Peña Nieto correctly understood that the Mexican public was exhausted and traumatized by the extraordinary criminal violence, and that the strategic messaging of the Calderón administration that sought to dismiss the violence no longer gained public traction and was wrong from a public policy perspective. Appropriately, he identified the necessity of reducing violence as the priority for his administration's security policy. His administration recognized the need to focus on the detrimental effects of crime on society beyond disrupting the criminal groups and beyond homicides, defining as a new objective the reduction of all types of criminal violence that society experiences, including extortion and kidnapping.

Appropriately, Peña Nieto refused to allow the security agenda to consume all of his administration's energies, as had happened during the Calderón years. Instead, he rightly highlighted the need to focus equally on crucial but challenging socio-economic reforms. Thus, in his first year, he was willing to take on the powerful teachers' unions, inefficient telecommunications oligopolies, and Mexico's troubled tax code. He also succeeded in opening up Mexico's national petroleum industry to badly needed foreign investment. Perhaps most importantly, he got the Mexican Congress to approve the reelection of federal, state, and municipal legislators who until then could only serve one term and thus had few incentives to govern well, having been beholden to party bosses, but not accountable to citizens.[17] Many of these reforms have become mired in second rounds of legislation in 2014 that are to further specify their details, and in policy implementation as well as in the political tangles of a collapsed pact among Peña Nieto's PRI and the opposition National Action Party (*Partido de Acción Nacional*, or PAN) and the Party of the Democratic Revolution (*Partido de la Revolución Democrática*, or PRD). Thus, some of the reforms may yet prove weaker than hoped for. Nonetheless, Peña Nieto has already been able to push this large socio-economic reform agenda far further than that of the Calderón administration, and his administration deserves credit for it.

But the momentum of Peña Nieto's security approach fizzled out fast. Key pillars of his strategy, such as establishing a *gendarmerie* force for rural areas, got off to such a poor start that they will likely fail to accomplish their original purposes. Many important institutional changes, such as police and judicial reforms, are plodding along meekly. Even the president's signature anti-crime emphasis on socio-economic approaches and a reform of cultural values among Mexican youth susceptible to criminal gangs have not been well operationalized and anchored within an overall strategy, and remain inchoate. As much as Peña Nieto tried to disavow the policies and mistakes of his predecessor, his administration has mostly been playing catch up with the evolving security situation, often slipping into many of the same policies as those of President Calderón. High-value targeting of top-level criminals *de facto* continues to be the centerpiece of the "new" policy, and an overall law enforcement strategy remains elusive. Security policies in particular regions, as well as the priority law enforcement focus at the national level on targeting the most violent criminal group, the *Zetas*, have at times contributed to the stabilization of these local criminal markets and their dynamics. But the overall capacity of Mexico's law enforcement and military forces to suppress violence and prevent its reescalation remains limited.

[17] For details on these reforms and the challenges they will face in further implementation, see "The Year of Leading from Behind," *The Economist*, November 23, 2013: 38-9.

No doubt, it is important to acknowledge that the Peña Nieto administration has been in power for just short of two years. It still has four years to go and the time and capacity to improve and reshape its anti-crime policies. Police reform is always one of the hardest institutional reforms any country can undertake. Changing anti-crime policies amidst an acute security crisis where law enforcement is hollowed out and its deterrence capacity collapsed takes time. Many a reform in Mexico and elsewhere has run into difficult implementation problems, with its speed and shape on the ground often unsatisfactory. For almost any government, there soon develops a gap between its declared policy and the delivery of effective action on the ground. The crucial issue, however, is that the administration does not drop its eyes from the crime issues, however unpopular such a focus might be politically. It should not prematurely declare victory and ignore the issues: rather, it must diligently push ahead with law enforcement and justice reforms and continue adjusting and improving its local law enforcement policies, even in areas where violence has gone down.

The analysis presented here picks up where my two preceding reports on Mexico's crime markets and security policies left off: In "Calderón's Caldron: Lessons from Mexico's Battle Against Organized Crime and Drug Trafficking in Tijuana, Ciudad Juárez, and Michoacán,"[18] I described how violent criminal contestation in key crime hotspots in Mexico's north—Ciudad Juárez and Tijuana—resulted in the establishment of new local balances of power in the criminal markets and analyzed the role that security policies played in shaping the criminal markets and strengthening (or failing to strengthen) rule of law. I also identified key elements and deficiencies of the Calderón administration's anti-crime approaches. In "Peña Nieto's Piñata: The Promise and Pitfalls of Mexico's New Security Policy,"[19] I laid out the likely pros and cons of the new security strategy that the Peña Nieto administration was then promising. The current paper looks in detail at how the stated goals and policies of the strategies have panned out so far and proposes ways to improve the law enforcement and anti-crime socio-economic policies. First, it lays out the national security strategy articulated by the Peña Nieto government. Second, it analyzes the government's effort to reduce violence. Third, the paper shows how non-strategic high-value targeting has once again come to dominate Mexico's anti-crime policies and discusses the limitations of and problems with this approach. In subsequent sections the paper assesses the effectiveness of institutional reforms and innovations, including police and justice reforms, the establishment of the *gendarmerie*, and the continual reliance on military forces for public safety and law enforcement functions. The analysis also features a detailed examination of the signature socio-economic policy to reduce crime—the so-called *polígonos* program. In conclusion, the paper provides recommendations for strengthening the law enforcement and socio-economic components of Mexico's anti-crime and rule-of-law policies.

[18] See footnote 6.

[19] Vanda Felbab-Brown, "Peña Nieto's Piñata: The Promise and Pitfalls of Mexico's New Security Policy," *Foreign Policy @ Brookings Paper Series*, February 2013, http://www.brookings.edu/research/papers/2013/02/mexico-new-security-policy-felbabbrown.

KEY ELEMENTS OF PEÑA NIETO'S NATIONAL SECURITY POLICY

An important change in the approach of the Peña Nieto administration to Mexico's public security problems has been its vow of silence regarding its law enforcement strategy. Felipe Calderón loved parading captured *narcos* in front of TV cameras and holding public briefings on his administration's anti-crime accomplishments. Although, as detailed below, the Peña Nieto administration largely has stopped showcasing apprehended drug traffickers before the TV cameras, the administration's security policy has also come to be dominated by high-value targeting. More significantly, President Peña Nieto and his officials have said little publicly as to how the administration's anti-crime policy would be defined, operationalized, and implemented. This silence, also mimicked by Mexican media in their reduced coverage of criminal violence, complicates efforts to evaluate the effectiveness of many of Peña Nieto's security and anti-crime policies.

At the end of April 2014, *Los Pinos* (Mexico's White House) released its most comprehensive national security strategy document so far, outlining the Peña Nieto administration's doctrine for Mexico's external and internal security and homeland defense—*Programa para La Seguridad Nacional 2014-2018: Una política multidimensional para México en el siglo XXI* (The 2014-2018 National Security Program: A Multidimensional Policy for Mexico in the 21st Century.)[20] Short on detail and concrete objectives, steps, and measures, the document is more significant for the kind of slogans and communications emphasis in which it wraps its security approach. Like the administration's previous pronouncements, it focuses on poor coordination among national security agencies and local and national government units as a key cause of the rise of crime in Mexico. Following this logic, the key to addressing Mexico's crime is to improve coordination.[21] The strategy also promises to establish a better, more robust "National Intelligence System."[22] The doctrine restates the need to continue using military forces for anti-crime purposes, within stipulated legal clauses and in coordination with police and other law enforcement agencies. The anti-crime purposes for which Mexico's military forces can be deployed are operations to reduce violence; eradication of narcotics cultivation; interdiction operations to inhibit the trafficking of arms, people, and drugs; and operations to increase the security of strategic installations[23]—i.e., the same deployment posture that the Calderón administration adopted. Interestingly, the Peña Nieto administration has also been keen to emphasize that it is moving away from the use of Mexico's Marine forces toward a greater use of the Mexican Army (*Secretaría de la Defensa Nacional*, or SEDENA) and even drones. It has thus highlighted the increase in army patrols by 52.2% and the decrease in Marine patrols by 28.3% during September 2013 to July 2014, compared to the same period the previous year.[24] During the Calderón years, Mexico's Marines (*Secretaría de Marina*, or SEMAR) were considered by both Mexican and U.S. officials to be far more effective and less corrupt than the Army and were often deployed to the most difficult security situations and for the most sensitive missions.[25] The change in unit emphasis perhaps reflects a desire of the Peña Nieto administration to differentiate itself from its predecessor as well as a need to respond to allegations of human rights abuses by Mexico's military, within which the Marines particularly appear to enjoy impunity.

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[20] Poder Ejecutivo: Presidencia de la República, *Decreto por el que se aprueba el Programa para la Seguridad Nacional 2014 – 2018*, April 30, 2014.
[21] Ibid.: 7-8 and 19.
[22] Ibid.: 11 and 27-28.
[23] Ibid.: 22 and 29.
[24] "Mexico Turns to Army, Drones for Security," *Associated Press,* September 1, 2014.
[25] Author's interviews with U.S. and Mexican security officials, Mexico City, October 2009 and March 2011.

The document also frequently speaks of a holistic, multidimensional approach to security to "structurally change the social reality" of regions where criminal violence has had "a direct impact on the life, liberty, and property of Mexicans,"[26] a rather broad clause that easily covers most of Mexico and many an activity. In order to achieve this structural change, the Mexican government has launched a Public Policy of Security and Law Enforcement (*Política Pública de Seguridad y Procuración de Justicia*) that articulates ten lines of action:

- crime prevention and social reconstruction,
- effective criminal justice,
- professionalization and strengthening of police forces,
- transformation of the prison system,
- promotion of citizen participation,
- international cooperation,
- information flows to inform local government institutions,
- coordination among government agencies,
- a regional approach to public safety (i.e., dividing Mexico into specific "focused" regions for addressing crime and violence), and
- development of increased intelligence capacities.[27]

These lines of actions are to be carried out via four interlinked policy approaches: The National Law Enforcement Program is to deliver effective, expeditious, fair, and transparent criminal justice. The Program for Social Prevention of Violence is to transform, via the aforementioned focused regional approach, the social conditions that permitted the increase in crime and violence. The National Public Safety Program aims to combat "high-impact" social crimes, such as homicides, robberies, kidnapping, and extortion. Finally, the Program for National Security emphasizes a multidimensional approach to internal security.[28]

Much of the above strategy is at a level of aspirational goals and very broad, if important, conceptualization that can include all kinds of actual policies with long-term outcomes, and thus cannot easily be assessed. Nonetheless, at the outset of his administration, President Peña Nieto did outline several key specific objectives and security approaches which can be evaluated.

Reducing Violence by 50% in His First Year

Foremost among the top goals was Peña Nieto's bold promise to halve the yearly number of murders in Mexico in his first six months (a timeline his administration subsequently did not repeat). After a year in office, Peña Nieto claimed important progress toward this objective, with a 30% decrease in organized crime-related homicides.[29] 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.[30] 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.[31]

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[26] Poder Ejecutivo: Presidencia de la República: 20-22.
[27] Ibid.
[28] Ibid.: 19-24.
[29] Rosa Elvira Vargas, "Alcanza a Peña en Davos el tema de la violencia, 'el gran reto en AL'," *La Jornada,* January 24, 2014. For a criticism of the government data, see also Alejandro Hope, "Menos Homicidios?" *Animal Político*, December 18, 2013.
[30] "En 2013 se registraron 22 mil 732 homicidios," *Instituto Nacional de Estadística y Geografía (INEGI),* July 23, 2014; and "Mexico Turns to Army, Drones for Security," September 1, 2014.
[31] Secretaría de Gobernación, "Informe de víctimas de homicidio, secuestro y extorsión 2014," *Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública*, accessed September 3, 2014; and "Los 8 estados de México más peligrosos en 2014," *Aristegui Noticias*, July 26, 2014.

Even some drops in violence are of course important, and bringing criminal violence down must be a priority for any administration since it cuts at the core of citizens' security. But how much violence comes down matters, since if it takes place insufficiently, but the optics allow for complacency, a government can shove existing problems under the rug. Equally important, how violence comes down matters; for if the drops are not the outcome of policy, violence can again break out irrespective or even as a result of ineffective or counterproductive policy.

Indeed, there are substantial difficulties with evaluating the validity of the claims of the Mexican government and, more importantly, their relationship to policy effectiveness:

First, obtaining independent and accurate data on the number of homicides is always challenging, particularly in murky and complex criminal environments, such as those within Mexico. Many murders go unreported, and mass graves can remain undetected for months or years, sometimes containing tens or even hundreds of bodies.[32] As the February 2014 killing of a Veracruz journalist painfully drives home, disentangling in such an intense and fluid criminal market which murders are related to organized crime and which are not is inherently difficult and also susceptible to obfuscation.[33] The Peña Nieto administration has compounded the data paucity and opaqueness by switching its reporting to *all* intentional homicides (as opposed to only organized-crime related homicides, as the Calderón administration did) in some of its tallies and public statements.

Based on figures from Mexico's *Sistema Nacional de Seguridad Pública* (SNSP, or National System of Public Security), the *Justice in Mexico News Monitor* determined that intentional homicides in Mexico in 2013 dropped to 18,388 in 2013, i.e., by 16% compared with 2012, with the top five most violent states being Chihuahua, Guerrero, Sinaloa, the State of Mexico, and Jalisco.[34] A subsequent report by *Justice in Mexico* researchers Kimberly Heinle, Octavio Rodríguez Ferreira, and David Shirk, part of a five-year time-series, affirmed the decline in total homicides in Mexico by 15% from 2012 to 2013.[35] Yet even *Justice in Mexico* points out the softness of the data and the great variation in the number of homicides reported: For example, for the first year of the Peña Nieto administration, Mexico's leading newspaper *La Reforma* reported 8,501 organized-crime related homicides, representing a 15% decrease compared to the same date in 2012; another leading newspaper *Milenio* reported 9,462; and the consulting group Lantia reported 11,788.[36] In the first quarter of 2014, the SNSP registered 4,497 intentional homicides, while *La Reforma* reported that 1,883 homicides linked to organized crime took place in that period.[37]

Second, and equally important, determining whether violence levels, such as homicide rates, are changing in various parts of Mexico as a result of government policies, or as a result of criminal groups reestablishing clearer territories and corruption networks, can be very difficult. Indeed, many dynamics within Mexico's criminal markets, including the decrease in murders in some parts of the country, such as Ciudad Juárez, Tijuana, and Monterrey, are to a large extent not driven

[32] Eleven mass graves, containing together the remains of between 300 and 500 people, were discovered in the state of Coahuila in February 2014. Subsequently in February and March, mass graves were discovered in Jalisco, Guerrero, and Michoácan. For details, see "Four Former Policemen Arrested in Connection with Mass Graves Found in Coahuila," *Justice in Mexico*, February 12, 2014; Ernesto Martínez Elorriaga, "Encuentran Fosa Clandestina en Predio de Apatzingán," *La Jornada,* March 4, 2014; "Suman 10 Cuerpos Hallados en Fosa Ilícita en Guerrero," *El Universal*, March 6, 2014; and "Mexico Police Find Mass Grave and Severed Heads in Michoácan," *BBC News*, February 6, 2014.

[33] "Daughters: Mexican Reporter Threatened for Stories," *Associated Press*, February 2, 2014.

[34] *Justice in Mexico News Monitor*, 9(1), January 2014: 1.

[35] Heinle, Ferreira, and Shirk, April 2014.

[36] *Justice in Mexico News Monitor* 8(9), December 2013: 1; and Leo Zukerman, "Primer año del sexenio de Peña: 11,788 ejecuciones," *El Diaro*, December 17, 2013.

[37] Secretaría de Gobernación, "Informe de víctimas de homicidio, secuestro y extorsión 2014," *Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública*, April 2014; "Ejecutómetro 2014," *Reforma*, May 3, 2014.

by official policies, but are mostly endogenous to the contestation among organized crime groups. Moreover, in addition to often being endogenous to criminal groups' contestation and not the outcome of policies, many declines in homicides in particular regions of Mexico began in the last years of the Calderón administration. Furthermore, while reporting homicide rates at the national level is useful for cross-country comparisons, it is not particularly useful for analyzing the effectiveness of anti-crime policies within a country and within specific regions.

Similarly, various governmental and nongovernmental sources reported a significant increase in extortion and kidnapping in Mexico in 2013. Heinle et al. of *Justice in Mexico*, for example, reported that kidnapping increased by 20.5% in 2013 and extortion increased 5.6% compared to 2012 (and 22% compared to 2010).[38] A Mexican NGO, the Stop Kidnapping Association, reported a 56% rise in kidnappings in the first six months of 2014, with the number being 1,776, compared to the same period in 2013 when the number was 1,130.[39] In contrast, the Mexican government's SNSP reported a decrease in kidnappings in the first six months of 2014, of 808 from 975 in the same period in 2013. It also reported a total of 1,698 kidnappings total for 2013.[40] The Mexican states most affected by kidnapping include the State of Mexico, Tamaulipas, Morelos, Guerrero, the Federal District, Veracruz, and Michoacán.

Given the levels of criminal violence, and the lack of deterrence capacity on the part of most of Mexico's law enforcement forces, such increases would not be surprising. The more crime is being perpetrated, the more difficult to examine and punish any individual crime, and hence the easier it is to get away with committing a crime. Yet it is also unclear whether extortion and kidnapping were identified as having grown so much because organized crime groups and self-starting criminals more aggressively and actively adopted such strategies, or because victims felt emboldened to report them. The SNSP reported 1,583 kidnappings in the first eleven months of 2013, up by 32% from 1,196 in 2012.[41] During the first three months of 2014, there were 509 victims of kidnapping and 1,939 victims of extortion reported, on par with the 2013 trends.[42] Then in August, surprisingly, the Mexican government reported an overall drop in kidnapping in the first seven months of 2014 by 6.8%.[43]

Indeed, both kidnapping and extortion have been rising steadily in Mexico for years, and have been present in the country in a variety of forms and shapes. In 2011, for example, most of a very small sample (amounting to an anecdote rather than robust evidence) of students from the *Instituto Tecnológico y de Estudios Superiores de Monterrey, Campus Morelia* and from the *Instituto Tecnológico de Morelia*, whom I interviewed, reported having received extortion phone calls of the 'pay-up-or-else' character. Interestingly, about half disclosed not paying the demanded fee without coming to any harm, and suspected their fellow students of attempting the extortion or playing jokes on them.[44] Small vendors around the *Zócalo* in Mexico City, often operating without licenses, similarly reported to me during interviews in October 2009 that they routinely paid extortion fees and bribes,

[38] Heinle et al.
[39] Stop Kidnapping Association cited in César Arellano, "Los plagios, al alza; denunciaron mil 766 en seis meses; en 2013 fueron mil 130," *La Jornada*, July 17, 2014.
[40] "Cifras de incidencia delictiva 1997-2014," *Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública,* July 17, 2014. See also Martín Moreno, "México: cuatro mil 609 secuestros," *Excélsior*, July 18, 2014; and Arturo Ángel and Jonathan Nácar, "Caen los secuestros en México," *Vanguardia*, July 23, 2014.
[41] SNSP data cited in Marcos Muedano and Silvia Otero, "Secuestros aumentan 32% en México: Segob," *El Universal*, December 28, 2013.
[42] Secretaría de Gobernación, "Informe de víctimas de homicidio, secuestro y extorsión 2014," *Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública*, April 2014.
[43] Secretaría de Gobernación, "Informe de víctimas de homicidio, secuestro y extorsión 2014," *Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública*, accessed September 3, 2014; and "Mexico Turns to Army, Drones for Security," September 1, 2014.
[44] Author's interviews with students in Morelia, Michoacán, March 2011.

whether to the city's municipal police or to individuals whom they suspected of belonging to organized crime groups, as well as "facilitation fees" to *halcones* (lookouts) who would warn them of raids by municipal police.[45] In 2008, the kidnapping of prominent businessman Fernando Martí Haik's son, and the son's death at the hands of his kidnappers (a gang known as *La Flor* and involving several active-duty and former police officers), captured Mexico's attention and gave rise to some of the first civil society mobilization for greater government action against crime in Mexico and against criminal violence—the so-called *Iluminemos México*. In 2007, within the span of 15 hours, at least 25 PAN representatives in the federal Chamber of Deputies received extortion phone calls asserting that their children had been kidnapped.[46] A December 2007 survey by *El Universal* found that 48% of the interviewed citizens had been threatened by phone or knew someone else who had been threatened that way.[47] In the 1990s and early 2000s, Mexico City's cab drivers were widely feared for flash kidnappings. In the 1990s, the kidnapping gang of Daniel Arizmendi (a.k.a. "The Ear-Chopper") terrorized Mexico.[48] None of these forms of extortion and kidnapping are new in Mexico.

Yet generalized violence, such as the high prevalence of homicides, torture, and disappearances, makes the threat of kidnapping more credible and dilutes and diverts the attention of law enforcement officials. Extortion over the phone or internet, including the threat of kidnapping, and so-called "express kidnappings," proliferate, and prosecution becomes elusive.[49] Getting away with crime becomes easy, including for amateurish and very disorganized criminals, and this increases the overall amount of kidnapping and extortion and an atmosphere of fear. It also enables all kinds of nefarious and criminal activity to be masked as having been perpetrated by drug trafficking or organized crime groups. An anecdote illustrates this phenomenon: A businessman I interviewed in Ciudad Juárez in October 2013 described how his cousin, the son of another prominent businessman in the city, had been kidnapped several months ago. Fearing organized crime was behind the kidnapping, the family paid the ransom and the son was released. Subsequently, the family came to believe that rather than an organized crime group, a rival businessman was behind the kidnapping in order to manipulate bidding for a construction project.[50]

Moreover, in Mexico, as in many a criminal market, kidnapping often involves the direct participation or complicity of police. Indeed, the consultancy group *Control Risks* estimates that in 7 out of 10 kidnappings in Mexico, the police are implicated.[51] Among the most dramatic exposures of police complicity in kidnapping was the October 2013 arrest of 13 federal police officers on kidnapping charges in Acapulco, one of Mexico's most violent and crime-ridden cities.[52] The *Control Risks* report also puts Mexico among the places with the highest kidnapping rates in the world, surpassing in the first 6 months of 2013 even Nigeria, India, Venezuela, Pakistan, Colombia, Afghanistan, Iraq, Lebanon, and the Philippines.[53] In the case of kidnapping, and even more so in the case of extortion, the amount of under-reporting is likely to be very large, particularly in as violent and corrupt a place as Mexico where the chance of retribution against those who lodge complaints and provide evidence

[45] Author's interviews with street vendors in and around the main square in Mexico City, October 2009.
[46] "En San Lázaro, 25 plagios virtuales," *El Universal*, November 28, 2007.
[47] "Perciben leve alza en inseguridad," *El Universal*, December 13, 2007.
[48] "Secuestro: historia de impunidad," *Enfoque*, October 3, 2010.
[49] For a layout of the various forms of kidnapping in Mexico and their debilitating effects on society, see John Bailey, *The Politics of Crime in Mexico: Democratic Governance in a Security Trap* (Boulder: Lynne Rienner, 2014): 85-115.
[50] Author's interviews, Ciudad Juárez, October 2013.
[51] "RiskMap 2014," *Control Risks*, http://www.controlrisks.com/RiskMap/Pages/RiskMap.aspx.
[52] Richard Fausset, "Mexico Under Siege: Police Among 18 Suspects in Kidnapping: Thirteen of Those Accused of Being Part of the Acapulco Rings Are Officers in the Federal Force," *Los Angeles Times*, October 9, 2013.
[53] "RiskMap 2014," *Control Risks*, http://www.controlrisks.com/RiskMap/Pages/RiskMap.aspx.

is high. This is so even as the Peña Nieto administration boasted a 52% increase (about 470,000 calls) between September 2013 and July 2014 in the number of calls to the national security crime hotline, attributing it to a growth in confidence among the Mexican public in national anti-crime efforts (as opposed to a greater number of crimes).

Kidnapping in Mexico has been characterized by high levels of torture of the kidnapped victims, consistent with the rise of torture, gruesomeness, and brutality in criminal activity in Mexico overall, but rather different than in the case of kidnapping for ransom in other criminal markets, such as in Yemen or Somalia, for example. Kidnapping victims in Mexico have been tortured to motivate families to pay ransom several times—not a particularly effective business model, but one that is, again, characteristic of the "disintegration" of Mexico's criminal market toward greater violence and "chaos." Another motivation for torture has been to obtain information on other wealthy targets, leading to serial abductions.[54] Brutal *en-masse* kidnappings of Central American migrants have also proliferated.

Responding to the media and analysts' criticism about high kidnapping rates, the Mexican national government announced at the end of January 2014 a new focus on reducing kidnapping and promised to unveil a new national strategy. Beyond establishing a national anti-kidnapping committee to develop the purported strategy and highlighting a focus on the ten Mexican states in which 74% of kidnapping cases have been reported—Morelos, Guerrero, Zacatecas, the State of Mexico, Tamaulipas, Michoacán, Tabasco, Durango, Veracruz and Oaxaca—the new effort was typically short on detail.[55] A decision by Mexico's Supreme Court to permit law enforcement officials to track citizens' cell phones in real time without a court order, controversial as it is from the perspective of civil liberties, may be one useful tool in reducing extortion and kidnapping. However, there is no need for the mechanism to operate without a court review within a specified period of time for each case.

More importantly, such phone surveillance will only be effective if police participation in kidnapping is reduced, and if specialized, vetted anti-kidnapping units (themselves to be subject to frequent audits and stringent monitoring) are established. In Mexico, that means a broad overhaul of most state-level anti-kidnapping units, which tend to be of poor quality as well as corrupt. Some anti-kidnapping units, such as those in Ciudad Juárez after 2011 and in other parts of Mexico, appeared to have improved.[56] A May 2011 study by a Mexico City NGO, *Instituto Cuidadano de Estudios sobre la Inseguridad* (ICESI), which examined anti-kidnapping units between 2007 and 2010, for example, gave them good marks.[57] Clarifying protocols as to when state authorities are in charge of anti-kidnapping efforts and when federal authorities become involved would also help. Before the public pressure on the Peña Nieto administration to address kidnapping, and its establishment of the national anti-kidnapping committee, *Los Pinos* sought in fact to re-designate kidnapping as a state level responsibility and eliminate the need of federal level authorities to deal with the issue.

But even as there is greater law enforcement and public attention paid to kidnapping and extortion, in some parts of Mexico where new balances of power are being established, the kidnapping and extortion markets are themselves stabilizing. In areas such as Tijuana, Ciudad Juárez, Guadalajara, and Monterrey, specifically, extortion and kidnapping have leveled off and exhibit greater predictability.[58] These are frequently areas where

[54] U.S. Consulate News Summary, *Frontera*, September 25, 2007, and July 16, 2007.
[55] Eduardo Castillo, "Mexico's Gov't Announces Anti-Kidnapping Campaign," *Associated Press*, January 28, 2014.
[56] Author's interviews with business community representatives and civil society in Ciudad Juárez, March 2011 and October 2013.
[57] Instituto Ciudadano de Estudios sobre la Inseguridad (ICESI), *Delitos de alto impacto en* México, May 2011.
[58] Author's interviews with business leaders and proprietors, NGO representatives, and local journalists, Ciudad Juárez, Tijuana, and Mexico City, October 2013 and March 2011.

new territorial divisions and balances of power among criminal groups have developed and where the Sinaloa Cartel has emerged as dominant.[59] Other criminal groups, such as the *Zetas*, *La Familia Michoacana*, and *Los Caballeros Templarios*, show far less capacity to conduct extortion and crime market control at levels tolerable to society, and consequently are vulnerable to counteraction by other criminal groups or society.

High-Value Targeting

During the election campaign and at the outset of his administration, Enrique Peña Nieto emphasized that reducing violence, not disrupting drug trafficking to the United States, was his key focus. Yet just like the government of Felipe Calderón, his administration slipped into intensive high-value targeting as a primary law enforcement tool —a policy momentum that is much broader than simply the capture of El Chapo Guzmán. That development is partially the outcome of institutional inertia in the absence of an alternative strategy, and of the operational simplicity of high-value targeting as compared with other policing strategies and targeting patterns. Adopting middle-level targeting, for example, requires more complex intelligence gathering and analysis and is a lengthier process.[60] But determining who is a "high-value" target as opposed to a "middle-level" target can also be bewilderingly complex. And sitting on intelligence in order to develop a detailed network picture is risky, as it can go cold or leak out.[61]

Thus, as a key metric of its security efforts, the Peña Nieto administration presented in December 2013 the names of 69 cartel leaders, out of a list of 122, captured or killed during its first year.[62] Out of the 69, 27 were from the *Zetas*, including Miguel Ángel Treviño Morales, known by the *nom-de-guerre* "Z-40."[63] The second most affected group was the little known *Cártel del Poniente*, alleged to be operating in Durango and Coahuila. The third was the Sinaloa Cartel, also known as the Pacific Cartel. Other groups whose key leaders were incapacitated were the Juárez, Gulf, and *Arellano Félix* cartels, *Jalisco Nueva Generación*, the Knights Templar (*Los Cabelleros Templarios*), the *Beltrán Leyva* cartel, *La Familia*, and additional little known newcomers on the scene: *Los Rojos* and *La Corona*.[64]

In the first half 2014, high-value interdiction continued to dominate Mexico's law enforcement policy. More "top-level" leaders from the Sinaloa Cartel, Gulf Cartel, *Beltrán Levya* Organization, and *Los Rojos* have also been apprehended or killed.[65] More *Zetas* were killed or captured by Mexico's law enforcement and military forces in the state of Tamaulipas where violence between the *Zetas* and

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[59] Ibid.

[60] For middle-level targeting and its implications for Mexico, see Vanda Felbab-Brown, "Focused Deterrence, Selective Targeting, Drug Trafficking and Organized Crime: Concepts and Practicalities," IDPC-IISS-Chatham House, Modernizing Drug Law Enforcement, Report No. 2, February 2013, http://www.brookings.edu/research/reports/2013/02/deterrence-drugs-crime-felbabbrown.

[61] For further details, see Vanda Felbab-Brown, "Despite Its Siren Song, High-Value Targeting Doesn't Fit All: Matching Interdiction Patterns to Specific Narcoterrorism and Organized-Crime Contexts," The Brookings Institution, October 1, 2013, http://www.brookings.edu/research/papers/2013/10/01-matching-interdiction-patterns-narcoterrorism-organized-crime-contexts-felbabbrown.

[62] Eduardo Castillo, "Mexico Shows List of 69 Top Arrested Traffickers," *Associated Press*, December 19, 2013.

[63] Alfredo Corchado, "Zetas leader captured by Mexican marines, authorities confirm," *Dallas Morning News*, July 15, 2013.

[64] Castillo, December 19, 2013.

[65] Six top operatives of the Gulf Cartel were arrested in April 2014, including the group's leader Jesús Alejandro Leal Flores, alias "El Metro 24" or "El Simple." The group's co-founder, Javier Garza Medrano, was arrested in February 2014. See, "Cae Javier Garza Medrano, presunto líder y fundador del Cártel del Golfo," *Proceso,* February 24, 2014; Gustavo Castillo y Fabiola Martínez, "Confirman captura de Alejandro Leal, líder del cártel del Golfo en Reynosa," *La Jornada*, April 3, 2014; Richard Fausset and Cecilia Sanchez, "Beltrán Leyva Cartel Figure and a Michoacán Mayor Arrested in Mexico," *Los Angeles Times*, April 16, 2014; and "El gobierno detiene al presunto líder del grupo criminal 'Los Rojos'," *CNNMéxico*, April 14, 2014; and Lorena López, Ignacio Alzaga y Rogelio Agustín Esteban,"Capturan en Guerrero a "El Tigre", líder de "Los Rojos," *Milenio*, May 18, 2014.

the Gulf Cartel had been escalating for months.[66] As a way to pacify the mushrooming vigilante self-defense forces in Michoacán and Guerrero who purport to defend local communities against *Los Caballeros Templarios* while the government has failed to do so,[67] Mexico's law enforcement also keenly targeted the *Templarios* in 2014. It has thus far managed to kill or capture several of the *Templarios*' presumed leaders: Dionisio Loya Plancarte, or "El Tío"; Enrique "Kike" Plancarte Solís; Francisco "El Pantera" Galeana Núñez; and Nazario Moreno González, a.k.a. "El Chayo," who had already previously been believed killed.[68] In June 2014, the Mexican Federal Police also arrested Huber Gómez Patiño, son of the *Templarios*' leader Servando "La Tuta" Gómez Martínez.[69] La Tuta thus now remains the only one of the original *Templarios* leaders still at large and alive. Of course, the group's leadership ranks have been replenishing after the removal of original leaders.

Just like the high-value targeting strategy overall, the intense focus on the *Zetas* has its roots in the administration of President Calderón, for whom the very violent *Zetas* and the unrestrained and occult *La Familia Michoacana* and its successor, *Los Caballeros Templarios*, became key targeting priorities. Much of the intelligence groundwork, including for capturing Z-40, was laid during the Calderón years, often with U.S. assistance. The *Zetas*' top leader, Heriberto Lazcano, was killed by Mexico's naval forces in October 2012, and another top commander, Iván Velázquez Caballero, a.k.a. "El Talibán," was captured that same year. The presumed current leader of the *Zetas*, Alejandro "Omar" Treviño, is apparently engaged in an internal power struggle with the remnants of El Talibán's faction.

A focus on the violent *Zetas* may well be appropriate. Priority targeting of the most violent groups is a well-established law enforcement approach that in some settings has been highly effectively in reducing violence throughout a criminal market, such as in Boston in the 1990s.[70] Indeed, the priority targeting of the *Zetas* has made an important difference in changing the patterns of criminal violence in Mexico. The defeat and weakening of the *Zetas* has contributed to criminal market stabilization and at least temporary violence reduction in Monterrey, Guadalajara, Tijuana, and Veracruz.[71] The victory of a rival group in the criminal contestation, such as of the Sinaloa Cartel in Tijuana and in Ciudad Juárez, and of the Gulf Cartel in Monterrey, has often critically enabled the stabilization of the local criminal market.[72] In the case of the

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[66] The killed or arrested *Zetas* include Galindo Mellado Cruz, alias Z-9; and Juan Fernando Álvarez Cortez, alias "El Ferrari," and Fernando Martínez Magaña, alias "Z-16," believed to be the leader of the *Zetas* in the Nuevo Laredo region of Tamaulipas. See, "Muere 'El Mellado,' fundador de los Zetas en enfrentamiento en Reynosa," *Excélsior*, May 11, 2014; EFE, "Detienen en Monterrey a Fernando Martínez Magaña, líder de los Zetas en Nuevo Laredo," *20 Minutos*, May 15, 2014; "Detienen el jefe de 'Los Zetas' en Ciudad Victoria," *Proceso*, May 19, 2014; and Arturo Pansza, "Confirma Rubido García la captura de 'El Ferrari,' jefe 'Zeta' en Tamaulipas," *La Prensa*, May 20, 2014.

[67] For a background on the history of self-defense forces and militias in Mexico and an analysis of their pros and cons in the current period, see International Crisis Group, "Justice at the Barrel of a Gun: Vigilante Militias in Mexico," Latin America Briefing No. 29, Mexico City/Bogotá/Brussels, May 28, 2013, http://www.crisisgroup.org/~/media/Files/latin-america/mexico/b029-justice-at-the-barrel-of-a-gun-vigilante-militias-in-mexico.pdf. See also, George Grayson, "Threat Posed By Mounting Vigilantism In Mexico", Strategic Studies Institute, September 2011; and Íñigo Guevara y Moyano, "Gendarmes, Rurales y Autodefensas," *El Excelsior*, March 16, 2014.

[68] "Mexican Troops Detain Son of Alleged Cartel Leader," *Associated Press*, January 30, 2014; Rubén Mosso, "Cae 'El Tío' Plancarte, líder templario," *Milenio*, January 27, 2014; "Mexico Knights Templar 'leader' captured in Michoacán," *BBC News*, January 20, 2014; Richard Fausset, "Drug Kingpin Is Really Dead This Time, Mexican Officials Say," *Los Angeles Times*, March 9, 2014; "Fuerzas federales dan muerte a 'El Pantera,' jefe templario," *Proceso*, February 27, 2014; and "Mexico Captures Drug Gang Leader Blamed for Wave of Violence," *Reuters*, May 25, 2014.

[69] Ignacio Alzaga, "Detiene PF a presunto hijo de 'La Tuta'," *Milenio*, June 22, 2014.

[70] See, for example, Mark Kleiman, "Surgical Strikes in the Drug Wars," *Foreign Affairs*, September/October 2011; David Kennedy, *Don't Shoot: One Man, A Street Fellowship, and the End of Violence in Inner-City America* (New York: Bloomsbury, 2011); and David Kennedy, Daniel Tompkins, and Gayle Garmise, "Pulling Levers: Getting Deterrence Right," *National Institute of Justice Journal* (236), 1998: 2-8.

[71] The *Zetas* have at various times tried to make alliances with some groups, such as the *Beltrán Leyva* Organization and the Juárez Cartel, but those alliances, often flimsy, have not reversed the systematic weakening of the group. Author's interviews with law enforcement officials, policy analysts, journalists, civil society representatives, and business leaders in Tijuana, Guadalajara, and Mexico City, March 2011 and October 2013.

[72] Author's interviews with law enforcement officials, policy analysts, journalists, civil society representatives, and business leaders in Tijuana, Ciudad Juárez, and Mexico City, March 2011 and October 2013.

Zetas, the law enforcement strategy magnified and enhanced intense pressure on the *Zetas* from other cartels, exposing the *Zetas*' inability to calibrate violence effectively (to either achieve enough preponderance of power or improve managerial skills to hold onto territories) without provoking intense retaliation. Aggressive and unrestrained violence, and a lack of interest in developing support among local populations through the provision of regulatory services or social handouts, turned both law enforcement and other crime groups against the *Zetas* in various parts of Mexico, except the South.[73] The law enforcement priority focus on the *Zetas* may even have created limited, but important, deterrence signals in the system. Mostly, however, the criminal market has stabilized in parts of Mexico as the *Zetas* have been incapacitated and weakened, including critically at the hands of their rivals.

Similarly, a high-intensity targeting of the *Templarios* makes strategic sense in the context of the rise of the problematic militias in Michoacán and Guerrero. Simply removing a DTO's top leadership will often not debilitate the group, which will usually find a way to regenerate its leadership.[74] Often, however, second-tier lieutenants are more violent than the leaders they are replacing as they feel a need to demonstrate their power *vis-à-vis* rivals and are often less socialized to negotiations and nonviolent management of the drug business. Or the group will reconstitute itself in another guise—like the *Templarios,* who emerged in reaction to, as well as out of, the weakened cartel, *La Familia Michoacana*, that until 2011 dominated Michoacán. Without the state becoming stronger in a multifaceted way and more robustly and durably present in the territory of the weakened group, some criminal entity will regenerate or recapture that space.

However, priority targeting of the *Templarios* made sense as it was a mechanism to disarm the dangerous vigilante militias. Unable to disarm them by force without a problematic public relations fallout, the Mexican government struck a set of bargains with them, with the removal of the *Templarios* leadership as a condition of their disarmament or reintegration into a more formal police force.[75] Although the militias purport to defend communities and have growing popular support, they fundamentally undermine the extant weak rule of law in Mexico. Already, they have engaged in infighting, murders, and extortion, and have been infiltrated and perhaps in some cases are now fronting for organized crime groups. Nonetheless, and highly problematical, the Mexican government has struggled in enforcing the deal, and many of the militia units have refused to comply with the deal's terms even after the capture of many of the *Templarios* leaders. Increasingly, the Mexican government has moved to arresting vigilante leaders and members.[76]

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[73] On how organized crime groups build political support and how the *Zetas* failed to do so, see Vanda Felbab-Brown, "Human Security and Crime in Latin America: The Political Capital and Political Impact of Criminal Groups and Belligerents Involved in Illicit Economies," *FIU/WHEMSAC*, September 2011; Vanda Felbab-Brown, *Shooting Up: Counterinsurgency and the War on Drugs* (Washington, DC: The Brookings Institution, 2010); 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; and George Grayson and Samuel Logan, *The Executioner's Men: Los Zetas, Rogue Soldiers, Criminal Entrepreneurs, and the Shadow State They Created* (New Brunswick: Transaction Publishers, 2012).

[74] See also H. Richard Friman, "Forging the vacancy chain: Law Enforcement Efforts and Mobility in Criminal Economies," *Crime, Law and Social Change* 41, no. 1 (February 2004), 53–77, and Phil Williams, "The Terrorism Debate Over Mexican Drug Trafficking Violence," *Terrorism and Political Violence* 24(2) (Special Issue: Intersections of Crime and Terror), March 2012: 259–278.

[75] See Dudley Althaus, "Michoacán, Guerrero, and Mexico's Mixed Responses to Vigilantes," *InSight Crime*, February 13, 2014, Accessed on 01 September 2014; "Mexico to Draw Line on Vigilantes," *Associated Press*, March 14, 2014; "Mexico Arrests 110 Posing as Vigilantes," *Agence France-Presse*, April 22, 2014, and "Mexico Arrests 46 Criminals Posing as Vigilantes," *Associated Press*, April 22, 2014; "Vigilantes Say Mexico Government Prosecuting Them," *Associated Press*, March 16, 2014; Laura Castellanos Enviada, "Acuerdan disolución de las autodefensas en Michoacán," *El Universal*, April 14, 2014; and Dalia Martínez, "Próximo, desarme de autodefensas: Castillo," *El Universal*, April 4, 2014; "Líderes de autodefensas dejan atrás diferencias en Michoacán," *CNN México*, May 21, 2014.

[76] See, for example, "Detienen a Mireles in Lázaro Cárdenas," *Milenio*, June 27, 2014.

More often than not, however, interdiction and targeting patterns in Mexico are not driven by a strategic logic and a desire to create specific deterrence outcomes or eliminate the most dangerous groups, but rather on the basis of opportunistic streams of intelligence. The resulting interdiction hits are executed without forethought, planning, and preparation as to what kind of violence they are likely to set off between the weakened criminal group and its rivals or within the group itself and how to avoid such a pernicious outcome.

It is precisely the non-prioritized high-value targeting adopted at first by the Calderón administration that lies behind much of the violence in Mexico. Such non-prioritized high-value targeting broke up large established drug trafficking groups (the Sinaloa Federation, Tijuana Cartel, Gulf Cartel, Juárez Cartel, and Guadalajara Cartel) into a much greater number of successor and new groups —perhaps as many as 16, with many continuing to divide and fragment further. In addition to the above mentioned groups, the new and newer groups of the past decade include the *Jalisco Nueva Generación*, *La Familia Michoacana*, *Los Cabelleros Templarios*, the *Beltrán Leyva* Cartel, the *Cártel del Poniente*, *Los Rojos*, and *La Corona*.[77] Not all of them emerged as a result of other high-value targeting and law enforcement interdiction action: criminal groups, just like businesses, do break up because of internal dynamics, including internal rivalries, succession struggles unrelated to exogenous action, increased ambition of subgroups, and disputes over strategy and direction. Thus the *Zetas* decided to strike it out on their own and split off from the Gulf Cartel because of their growing ambitions; just as Arturo Beltrán Leyva broke off from the Sinaloa Cartel.

From the perspective of what characteristics a criminal market has, including how violent it is, what is more important than the origin of criminal groups is their relative power, particularly their capacity to establish stable territories and operations and have enough deterrence capacity in a locality to scare off rivals from violently contesting their rule.

Indeed, many of the above Mexican small groups are centered in relatively small territories and are highly unstable. They also have far less capacity to establish territorial boundaries and clear balances of power in the areas where they are active and even within their corruption networks. Indeed, what has produced far less stability in the Mexican criminal market and significantly increased its propensity for violence is the combination of the following factors: the unclear, weak, and less predictable violence resources of the current criminal groups; their inability to signal sufficient power in the criminal market and thus establish deterrence; the inferior managerial capabilities of the younger *capo* replacements; and the resulting ambiguous and shifting balances of power. Together with the consequent pressure to demonstrate authority and deterrence *vis-à-vis* internal and external rivals and towards society amidst unrelenting contestation, these dynamics have led to the particularly gruesome and nonsurgical violence that has characterized Mexico's drug market since the middle of the Calderón administration.[78]

Typical of these dynamics is the violence in the state of Tamaulipas which shot up there in the second half of 2013. Un-thought-through interdiction hits, without adequate strategic analysis and planning, set off highly violent criminal contestation

[77] For the origins and rough territorial presence of the large groups before the extensive fragmentation of the latter Calderón years, see Steven Dudley, "Drug Trafficking Organizations in Central America: *Transportistas,* Mexican Cartels, and Maras," in Cynthia Arnson and Eric Olson, eds., *Organized Crime in Central America: The Northern Triangle,* Woodrow Wilson Center Reports on the Americas No. 29, November 2011.

[78] For the effects of the unclear balances of power and the younger ages of the *capos*, see Vanda Felbab-Brown, "Battling Drug Trafficking Organizations: Law Enforcement Lessons from Colombia for Mexico," *Revista*, February 2012, http://www.brookings.edu/research/articles/2012/02/24-colombia-mexico-felbabbrown. For similar arguments about a greater propensity of smaller groups to resort to greater violence, see José Arturo Yáñez Romero, "Drug-Trafficking-Related Violence in Mexico: Organization and Expansion," *Voices of Mexico* 84(January-April 2009): 15-19. For an argument that a lesser capacity to corrupt increases violence, see Richard Snyder and Angelica Duran-Martinez, "Does Illegality Breed Violence? Drug trafficking and State-Sponsored Protection Rackets," *Crime, Law, and Social Change*, 52(3), September 2009: 253-273.

between the Gulf Cartel and the *Zetas*. Opportunistic high-value targeting weakened and fragmented the groups and tempted them to engage in full-out open warfare over the state's smuggling routes. A crucial trigger of the violent conflagration was the August 2013 arrest of the leader of the Gulf Cartel, Mario Ramírez Treviño. This loss of leadership resulted in the group splintering, with rival factions battling for influence. It also tempted the *Zetas*, weakened in other parts of Mexico, to attempt to augment their presence in Tamaulipas, bringing them more aggressively into the fight.[79] Instead of anticipating the predictable violence escalation—a typical outcome of the *capo* kill-capture policy in Mexico—and prepositioning law enforcement and military forces to act as a deterrent and swiftly react to any uptick in violence, Mexico's government did not mount any policy response until the late spring 2014, by which time violence was not just intense, but visibly so. By then, murder rates between the Gulf Cartel and the *Zetas* reached tens a month, with at least 70 reported in April alone.[80]

From this perspective, the arrest of El Chapo was risky and potentially problematic. Of course, getting El Chapo was symbolically very important: It allowed the Peña Nieto administration to demonstrate to the United States a continued commitment to law enforcement, and to the Mexican public that it was not privileging and sheltering the Sinaloa Cartel and that total impunity did not pervade Mexico, and that justice would eventually catch up with all. But to the extent that violence has subsided in key violent trafficking areas such as Tijuana and Ciudad Juárez as the Sinaloa Cartel won control over the core territories there, a new leadership weakness in the group could provoke other drug trafficking organizations (DTOs) to try to violently challenge it again and undermine the fragile "narco-peace" that has emerged in those areas. So far, such violence has not broken out—presumably because El Chapo, on the lam for years, had plenty of time to put replacement leadership structures in place, and because his number two, Ismael "El Mayo" Zambada García, who had been running the cartel for a number of years anyway, has been able to maintain command and control.[81] The reported and questioned hospital death following a car accident of the Sinaloa Cartel's presumed No. 3—Juan José Esparragoza Moreno, a.k.a. "El Azul"—could create further pressures within and on the Sinaloa Cartel, which could bring up violence again. El Azul had a reputation as a "conciliatory" figure in the DTO, as someone who preferred to negotiate with rival cartels instead of shooting them up, and who for over 40 years managed to work with and among many of Mexico's well-known *capos*, including El Chapo, Rafael Caro Quintero, Miguel Ángel Félix Gallardo, and Amado Carrillo Fuentes.[82]

What should have accompanied the hunt for El Chapo—as well as all other high-value targeting hits—was a systematic strategic analysis of how and where a capture would trigger violent contestation among local criminal groups, what groups might be tempted to enter the territory from outside, and how to preposition law enforcement forces to deter and immediately counteract such outbreaks. Instead, the Peña Nieto administration fell into the

[79] For background on the battle over Tamaulipas, see "Gulf Cartel leader arrested; Mario Ramírez Treviño aka X-20 goes down in Tamaulipas," *Borderland Beat*, August 17, 2013, http://www.borderlandbeat.com/2013/08/gulf-cartel-leader-arrested-mario.html; "Mexico's Tamaulipas State Intelligence Chief Killed," *BBC News*, May 6, 2014; "16 Bodies Found in Gang-Ravaged Mexican State of Tamaulipas," *Reuters,* May 20, 2014.

[80] Ibid.

[81] Other leaders associated with the Sinaloa Cartel who were taken down by law enforcement—some of whom had separated from the Sinaloa Federation and established their own independent groups—include Ignacio "Nacho" Coronel Villarreal, killed in 2010; Arturo Beltrán Leyva, killed in December 2009; his brother Alfredo "Mochomo," captured; and Edgar Valdez Villarreal, a.k.a. "La Barbie," also captured and awaiting extradition to the United States. See, "Consolida al Chapo Guzmán la muerte de Nacho Coronel, señalan datos oficiales," *La Jornada,* August 15, 2010; "Muere Arturo Beltrán Leyva en Morelos al enfrentar a elementos de la Armada," *La Jornada*, December 17, 2009; and "Detienen a El Mochomo, brazo derecho del Chapo Guzmán," *La Jornada*, March 22, 2008.

[82] "Reporta Ríodoce que el narcotraficante 'El Azul' murió de un infarto," *Proceso*, June 8, 2014; and Jo Tuckman, "Mexico Drug Kingpin Juan José 'El Azul' Esparragoza believed to have died," *The Guardian*, June 9, 2014. Not all Mexicans believe that "El Azul" was killed, but even the fact that he is perhaps in hiding and merely not visible in operations could weaken Sinaloa's deterrence and coercion capacities.

same more or less non-prioritized, non-strategic high-value targeting (with the exception of the focus on the *Zetas*) without such forethought, prepositioning, and preparation. Indeed, the lack of policing strategy in key hotspots, particularly outside of militia-rife Michoacán, as well as in important smuggling areas where violence has subsided, such as Ciudad Juárez, has produced a gaping hole in its security and rule of law approach overall.

Keeping the Military in the Fight

While still president-elect, Peña Nieto conceded that he would not be able to remove the military from being a key responder against organized crime and that he could not pull it back wholesale from anti-crime and policing operations. Indeed, the Mexican Government's April 2014 white paper on security reaffirmed crucial roles for Mexico's military forces in domestic public safety and law enforcement functions.

And in fact, as vigilante contestation with organized crime groups intensified in Mexico's central states of Michoacán and Guerrero, Peña Nieto reacted with the same tools and responses as his predecessor President Calderón, deploying the military and Federal Police forces on an expeditionary basis to both states, doubling the military's presence there, and boosting Federal Police by 20%.[83] Amid growing popular support for the militias,[84] the Mexican government subsequently controversially decided to absorb at least some of the vigilante forces formally into the police, as the so-called *Rural Defense Corps*. Nonetheless, as discussed above, the Mexican government has struggled with enforcing the integration and disarmament deal with the militias. Various militia units continue violating the terms of the deal and act on their own, while others have been strongly penetrated by organized crime groups or serve as fronts for them.

Similarly, the Mexican government deployed the military to Tamaulipas several months after violence escalated there, as a result of interdiction hits setting off battles between the *Zetas* and the Gulf Cartel. By late spring 2014, the violent contestation among the DTOs in Tamaulipas did not abate and local government and law enforcement authorities visibly failed to address the violence. The Peña Nieto administration then sent a military-federal police task force to the state, with an operational plan essentially identical to those of the Calderón administration's military deployments. The Secretary of Interior, Miguel Ángel Osorio Chong, declared the purpose of the task force to be the dismantling of the cartels. The methods to accomplish that have included blocking smuggling routes for people, weapons, and drugs by establishing five checkpoints equipped with advanced technology and re-vetting local police forces. Although Tamaulipas had gone through several rounds of cleaning up its state police, the police are still believed to be highly corrupt. Indeed, the state has a long history of deep political corruption and penetration of criminal groups into local government structures.[85] A new Institute for Police Training would be created for state and municipal police forces. Chong further added that Tamaulipas would be divided into four regions, each with an army or navy officer in charge of implementing the federal security plan for bringing peace to the state, and a prosecutor dedicated to leading criminal investigations in each region. A 24-hour anti-crime patrol would be established in the urban areas.[86]

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[83] "Con Peña Nieto aumentó en 50% el número de soldados que realizan tareas contra el narco: investigación," *Sinembargo*, December 1, 2013.

[84] For changing public perceptions and the growing legitimacy of the vigilante groups, see the following surveys: Ulises Beltrán and Alejandro Cruz, "Inseguridad divide percepciones, dudan de mejoras," *El Excelsior*, October 1, 2012; Ulises Beltrán and Alejandro Cruz, "Avalan medidas en Michoacán; apoya la llegada de la policía federal," *El Excelsior*, January 20, 2014; and Ulises Beltrán and Alejandro Cruz, "Grupos de autodefensa matienen aceptación," *El Excelsior*, March 17, 2014.

[85] Its former PRI governor, Tomás Yarrington, for example, was indicted in 2012 in the United States on charges of racketeering and laundering money for the *Zetas* and the Gulf Cartel. For details on his case, see, for example, Jason Buch, "Mexican Ex-Governor Charged in Texas," *My San Antonio*, December 2, 2013; and Rubén Moss, "Niegan amparo a Yarrington contra detención," *Milenio*, February 27, 2014.

[86] Christopher Sherman, "Mexico Sets Security Plan for Violent Border State," *Associated Press*, May 14, 2014.

Meanwhile, the security forces deployed to the state have continued with opportunistic high-value targeting of both the *Zetas* and the Gulf Cartel. The Mexican government reports having brought down eight of the top 14 organized-crime targets. Among the captured are: Galindo Mellado Cruz, a founding member of the *Zetas* in Tamaulipas, and several days later, Juan Rodríguez García, one of the top leaders of the Gulf Cartel and a key figure in the battle over Tamaulipas. At least three of these were on the high-priority Tamaulipas target list announced by the Mexican government. Although capturing key instigators and perpetrators of violence delivers a sense of justice and retribution and perhaps reduces a perception of a general atmosphere of impunity, such opportunistic targeting has little chance to calm the criminal market and clarify balances of power.[87] Nonetheless, in June 2014, Ángel Osorio Chong declared that Tamaulipas violence was down as a result of the new government strategy in the state, crediting in particular better security along highways by cracking down on cars without license plates.[88]

Unfortunately, the Peña Nieto administration fell back into using the Mexican military in combination with the Federal Police with the same inadequate operational design and essentially the same lack of planning and prepositioning as the Calderón administration. One difference in the use of the military for anti-crime purposes between the current and Calderón administration appears to be the declared emphasis on the use of the Mexican Army by the Peña Nieto administration, instead of the Marines, whom the Calderón administration preferred and who have been considered more effective and less corrupt than the Army. As noted above, this change in preference led to an increase in army patrols by 52.2% and a decrease in Marine patrols by 28.3% in the period between September 2013 and July 2014, compared to the same period the previous year.[89]

At least, however, in the spring of 2014, the Mexican Senate approved the long-awaited amendments to Mexico's Military Code of Justice (*Código de Justicia Militar*), requiring that all cases involving soldiers who commit a crime, or violate the human rights of an individual, be tried in civilian instead of military courts. The Mexican military has been a target in the storm of accusations of torture, extrajudicial killings, disappearances, violations of search and warrant laws, and other crimes and human rights abuses ever since it has been deployed to conduct anti-crime functions within Mexico.[90] According to the Washington Office on Latin America (WOLA), out of at least 5,000 cases alleging human rights violations committed by members of the Mexican military between 2007 and 2011 and brought in front of the Military Attorney's General office, only four resulted in convictions.[91] With respect to abuses by the Federal Police, the Peña Nieto administration reported that between September 2013 and July 2014, 273 criminal complaints have been filed against the 36,000-member force, with 75 officers being charged with abuses or corruption.[92]

The reforms to the Military Code of Justice remain somewhat limited: allegations tried previously

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[87] For other *Zetas* arrested or killed in the state, see footnote 51. Other captured or killed leaders of the Gulf Cartel in Tamaulipas include Jesús Alejandro Leal Flores and Javier Garza Medrano, alias "Comandante 14."

[88] "Disminuye violencia en Tamaulipas: Osorio Chong," *El Universal*, June 9, 2014. For statistics and a map of the violence in the state and government responses, see also "Tamaulipas y el combate contra la violencia," *Milenio*, June 26, 2014, http://www.milenio.com/policia/Tamaulipas-combate-violencia-inseguridad-seguridad-Reynosa-homicidios-secuestros-extorsiones-estrategia_5_300019997.html.

[89] "Mexico Turns to Army, Drones for Security," September 1, 2014.

[90] See, for example, Tamara Taraciuk, "Uniform Impunity," *Human Rights Watch*, April 3, 2009; and Catherine Daly, Kimberly Heinle, and David Shirk, "Armed with Impunity: Curbing Military Human Rights Abuses in Mexico," *Justice in Mexico*, July 2012, http://justiceinmexico.files.wordpress.com/2012/07/12_07_31_armed-with-impunity.pdf; and "Tortura en México baja 30% en 2012 y 2013: CNDH," *El Universal,* April 27, 2014.

[91] "Mexican Congress Approves Historic Reforms to the Military Code of Justice," *Washington Office on Latin America (WOLA),* April 30, 2014.

[92] "Mexico Turns to Army, Drones for Security," September 1, 2014.

in a military court cannot be retried in a civilian court; nor can human rights violations of soldiers be tried in the civilian court. Moreover, allegations persist that disappearances and torture by Mexico's security forces continue during the Peña Nieto administration.[93] Although detainees now formally have greater recourse in court, their complaints are often ignored. According to the United Nations special rapporteur on torture, safeguards are deficient and impunity for torture for Mexican security forces remains high. The burden of proof that torture has been used to extract confessions from detainees, for example, lies with the accused and can take place only when he or she appears in front of a judge, when physical signs of violence will have likely disappeared.[94] Nonetheless, there appears to be at least some decline in the use of torture by Mexico's law enforcement and security forces during the Peña Nieto administration: Mexico's National Human Rights Commission (*Comisión Nacional de los Derechos Humanos*, CNDH) received 30% fewer reports of torture between 2012 and 2013 than during the previous period.[95]

Institutional Reforms

Like his predecessor, President Peña Nieto has spoken about the need to reform institutions, which the April 2014 white paper—*Programa para La Seguridad Nacional 2014-2018: Una política multidimensional para México en el siglo XXI*—reaffirms. But in the security realm, the buzzword for institutional reform during the Peña Nieto administration has become ***coordination***. Coordination, of course, implies that the problem lies in inadequate management rather than emanating from structural deficiencies of institutions or ineffective strategies. No doubt, Mexico's security efforts have historically, including during the Calderón years, suffered from what Eric Olson has described as "a lack of coordination and political infighting between political parties, political leaders, and government agencies," crippling Mexico's anti-crime efforts.[96] Thus, much of the security policy of Peña Nieto's first year and a half has focused on federal-state engagement for dealing with local security troubles.[97] Yet this drive toward coordination has not obviated the pervasive buck-passing on public safety matters among municipal, state, and federal levels, or resolved real local capacity problems of both municipal and state governments. Oversight and policy direction by Mexico's Congress and engagement of Mexican political parties on crime and security matters remain weak and rarely include a systematic discussion of policy alternatives. Particularly at the municipal level, many local authorities remain woefully weak *vis-à-vis* the criminal groups and cannot rely on better and faster state and federal support. Moreover, the overwhelming (and not particularly effective) preoccupation with coordination can easily obscure the real structural deficiencies, hollowed out capacities, and pervasive and deep corruption of Mexico's law enforcement, justice, and political institutions and divert attention away from the need to tackle these entrenched shortcomings as well. So far, the Peña Nieto administration has exhibited hardly great interest and energy in taking on such reforms.

Among the early "management-coordination" solutions to problems of public security policy was the strengthening of the Ministry of Interior (*Secretaría de Gobernación*, or SEGOB).

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[93] Maureen Meyer and Clay Boggs, "One Year into the Enrique Peña Nieto Administration: Little Progress Has Been Made on Security and Human Rights," *WOLA*, November 27, 2013; José Miguel Vivanco, "Mexico: el decepcionante primer año del gobierno de Peña Nieto," *Human Rights Watch*, November 26, 2013; and Javier Zúñiga, "Human Rights a Third Class Passenger on Mexico's Train," *CNN México*, December 3, 2013.

[94] Mariana León and Liliana Alcántara, "Endémica, la tortura en México, alerta ONU," *El Universal*, May 3, 2014.

[95] Reported in Justice in Mexico, *New Monitor*, 9(7), July 2014: 8.

[96] Eric Olson, "Shattered Dreams and Restoring Hope: Organized Crime and Violence on the U.S.-Mexico Border," Woodrow Wilson Center, February 22, 2010, http://www.wilsoncenter.org/sites/default/files/shattered_dreams_restoring_hope.pdf.

[97] Author's interviews with state government officials in Baja California, Chihuahua, and Jalisco, October 2013.

The Peña Nieto administration brought the Secretariat of Public Security (SSP) and the Federal Police under the control of the SEGOB. In theory, the SEGOB would be not only the principal security policy coordinator internally, but also the sole channel between Mexico's government and law enforcement on the one hand and Mexico's external security partner, the United States, on the other. Driven also by the discomfort of the early Peña Nieto administration with the extent of U.S. presence and engagement in intelligence and security matters in Mexico,[98] this approach disrupted the U.S.-Mexico security relationship. U.S. agents were told to leave both the joint intelligence fusion center in Mexico (which seemed to have been performing well *because* of its limited mandate), and the intelligence cells of Mexico's Navy, the United States' favorite security partner in Mexico. As a result of U.S. and Colombian interaction with SEMAR, its strategic intelligence capacity has grown, whereas the Mexican Army's intelligence capacity has remained limited mainly to the tactical level.[99] The capture of El Chapo Guzmán—for which U.S. intelligence over many years, and ultimately close coordination among the United States and Mexico's SEMAR over several months, were critical—was highlighted by both Washington and Mexico City as evidence of continuing robust cooperation. In fact, the extent and smoothness of cooperation declined after the Peña Nieto administration assumed power.

And yet, the Peña Nieto administration has decided to embrace the Army instead of SEMAR in at least some anti-crime operations, such as patrolling. As the Marines were accused of great brutality in places they were deployed, such as Veracruz—even as they were believed to be effective in reducing infighting among criminal groups in those areas—a change toward Army patrolling could make sense for human rights reasons. Of course, the overall evaluation and decision of which units to use also needs to be married with an assessment of the effectiveness of various units in increasing citizens' security, decreasing criminal violence, and calming local criminal markets—a criterion where the Army's performance has varied greatly among places such as Ciudad Juárez, Tijuana, and Michoacán and has hardly been uniformly praiseworthy.

Reserving SEMAR for interdiction operations where its capacities clearly outmatch the Army also makes sense—as long as there is joint planning between the units which perform hits (for example, SEMAR) and those which are left holding the security bag after (example, the Army), including in terms of advance analysis and unit prepositioning to prevent a post-interdiction escalation of violence.

To do without the Americans and the extent of their involvement in Mexico's security operations, particularly high-value targeting, and to facilitate the coordination mantra, the Peña Nieto administration also set out to create a new *supra-intelligence center*, coordinating and synthesizing all streams of intelligence within Mexico.[100] Integrating various streams of intelligence and conducting a strategic analysis on the basis of all available intelligence clearly is important. All the more so in Mexico, where state and federal-level intelligence feeds are rarely melded and where state-level intelligence-gathering and analysis capacity often remains poor. Building up

[98] Author's interviews with U.S and Mexican government and security officials in Washington, DC and Mexico City, Fall and Winter 2013. Even months later, allegations emerged that under former President Felipe Calderón, Drug Enforcement Administration (DEA) agents were allowed, for example, to interrogate prisoners in order to identify corrupt Mexican officials on the take from the cartels. While such cooperation makes sense, and reducing the pervasive corruption in Mexico's law enforcement, justice, and political institutions is crucial for Mexico itself and for the long-term viability of U.S.-Mexico anti-crime cooperation, the extent of U.S. engagement in Mexico is uncomfortable for the PRI and politically sensitive. This particular episode might also be in violation of Mexican laws. For details, see Doris Gómora, "Tuvo DEA puertas abiertas con FCH," *El Universal*, January 6, 2014; and "PGR Habría Avalado Interrogatorios de la DEA en Cárceles Mexicana," *Univisión*, January 7, 2014.

[99] Author's interviews with Mexican security experts and former intelligence analysts, Mexico City, October 2013.

[100] For Mexico's various intelligence agencies with anti-crime responsibilities, such as *Centro de Investigación y Seguridad Nacional* (CISEN), *Centro de Planeación para el Control de Drogas* (CENDRO), *Centro Nacional de Planeación Análisis e Información para el Combate a la Delincuencia* (CENAPI), and others, see Bailey (2014): 161-3.

particularly strategic analysis capacities, as well as improving local intelligence assets, are crucial. But after more than a year, the status and functionality of the supra-intelligence center remain a question mark. Nonetheless, the 2014 budget for the *Centro de Investigación y Seguridad Nacional* (Center for Research and National Security, or CISEN), a lead Mexican intelligence agency currently under SEGOB, which had been gutted during the Calderón years, increased by174% to a total of approximately US$563 million, with US$340 million allocated to the five regional intelligence fusion centers.[101]

Mexico's disruption of intelligence and security cooperation with the United States generated disquiet and unhappiness in Washington, with both the Obama administration and specific U.S. law enforcement agencies long waiting to learn how Peña Nieto's security policy would evolve, and what kind of engagement would be possible for the United States. Meanwhile, the disruption in the broader relationship does not necessarily mean that all U.S.-Mexico local engagement has stopped. Indeed, the captures of El Chapo and other top *capos* in Mexico were still mostly enabled by and dependent on U.S. intelligence. And beyond the takedown of top *capos* carried out at Mexico's federal level, specific Mexican states have been able to maintain a fairly intense level of engagement with the United States. Chihuahua, for example, continues to receive direct assistance from the United States for intelligence gathering and other anti-organized crime activities.[102] But the interruption in modes of cooperation developed during the Calderón era (which overcame years of suspicion toward the 'imperialist gringos'), and revived U.S. fears of out-of-control corruption in Mexico's law enforcement in the absence of a new clarification of the U.S.-Mexican anti-crime partnership, have produced much frustration and anxiety in the United States.

Like the supra-intelligence center, several other early-announced security initiatives have failed to materialize or congeal, raising questions as to their viability, vigor, and any anticipated outcomes. The new ***National Gendarmerie***, to be deployed on a permanent basis to thinly-policed rural eras to combat crime under a civilian leadership, for over a year failed to field any units and appeared almost dead in the cradle. Scaled back from the originally ambitious amount of 40,000-60,000 officers, the force is now expected to deploy 5,000 officers, not as a separate agency, but as an additional division of the Federal Police. Frustration with the lack of progress of the *gendarmerie* was one of the factors leading to the spring 2014 resignation of Mexico's National Security Commissioner (in charge of Mexico's police forces), Manuel Mondragón y Kalb. In August 2014, the first units of the *gendarmerie*, numbering in the hundreds, were deployed to Valle de Bravo, a resort town in the State of Mexico, where kidnapping had proliferated. How these new recruits—who have not previously served in the police—will perform remains to be seen.

Building new police forces is always a difficult project. In the case of the *gendarmerie*, the problem was compounded by the fact that the Mexican Army and SEMAR refused to relinquish their highly-trained soldiers for the *gendarmerie*, and instead offered to train new troops for the new force. These force-fielding problems do not capture yet another set of challenges: namely, that military and paramilitary forces rarely make good beat patrol units, even if they are skilled in assault operations. Thus, whatever the ultimate size of the *gendarmerie*, it is an open question as to what kind of intelligence gathering and community relations skills and deployment posture it will be able to develop, and for which kind of crimes or overall security provision it will be most suited.

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[101] Reyes Tépach M., "El Presupuesto Público Federal para la Función Seguridad Nacional, 2013-2014," *Comisión Bicameral del Sistema de Bibliotecas*, January 2014, http://www.diputados.gob.mx/sedia/sia/se/SAE-ISS-03-14.pdf: 9, 23; Arturo Ángel and Jonathan Nácar, "Aumentan 174% el presupuesto para el Cisen," *Diario 24 Horas*, September 10, 2013; Sebastián Barragán and Irving Huerta, "El Cisen está de regreso: investigación Noticias MVS," *Aristegui Noticias*, August 13, 2014; and Lorena López, "Gobierno espiará con mejor tecnología," *Milenio*, September 8, 2014.

[102] Author's interviews with Chihuahua state government and justice officials, Ciudad Juárez, October 2013.

Unlike during the Calderón years, ***police reform*** plods along without much new energy and resolve. By October 2013, all Mexican police members were supposed to be vetted for corruption and links to organized crime. But this deadline was missed once again and extended for another year. As with many institutional reforms in Mexico, there is a large regional variation in the quality and even design of the reforms being implemented. Some states already report having completed the vetting; others are much further behind. For example, Chihuahua, one of Mexico's most violent states, and harboring an extensive presence of organized crime, claims that all of its 12,000-strong police force has been vetted, with only 2% failing the tests and ending up imprisoned for involvement in crime.[103] For such a supposedly large vetting effort, the 2% fail rate is a surprisingly—and perhaps alarmingly—small number!

Indeed, throughout Mexico, problems remain with continued corruption and involvement of the police in kidnapping, extortion, smuggling, and other organized crime even among supposedly fully vetted forces, including in the Federal Police, in general assumed to be the cleanest police force in the country. Moreover, anti-corruption efforts cannot stay limited to a one-time vetting: They need to be performed on a constant and regular basis, as organized crime and politicians will continually seek to corrupt law enforcement officers.

Despite its coordination-management frame of mind, the Peña Nieto administration has also not been very diligent in pushing the so-called *mando único*, or unified command, of Mexico's disparate state and municipal police forces. President Peña Nieto embraced the *mando único* at the beginning of his administration, but a Calderón-era law about it has been stuck in the Mexican Congress, and the Peña Nieto administration never submitted a new one. Insisting that such police reforms must be voluntary, the administration has left it instead to individual states to determine whether they want to adopt the *mando único*. Some states, such as Aguascalientes and Nuevo León, have already adopted this approach; others resist it. In some states, such as Jalisco, where *mando único* is nominally in place, the system does not really function as it is supposed to; rather, individual police departments and units have been rejecting and subverting the merger and enforcement policies, and the new procedures are notoriously lagging.[104]

Quite apart from the police command structure is the actual performance of newly merged police. To the extent that pervasive problems plague both the state police and municipal police, merely putting them under the control of the governor, or the municipal police under the control of the state police, will produce few improvements in police performance.[105] Enhancing capacity, reducing corruption, adopting proactive and knowledge-based policing methods, and achieving a sufficient density of permanent-beat deployments are necessary for improving policing, regardless of the reporting lines. Improving training, vetting, and the quality of life of Mexico's police officers, particularly at the weakest, most corrupt, and most vulnerable level of beat cops, are important components of police reform. Yet the gaps (such as the inadequate average salaries of municipal police officers) identified in several diagnostic studies authorized during the Calderón era remain unaddressed, with the studies shelved.[106]

The early Peña Nieto administration announcement that Mexico's security policy will be driven by local assessments, with the country divided into ***five regional sectors***, with security policy in each

[103] Author's interviews with officials from Chihuahua's attorney general's office, Cuidad Juárez, October 2013.
[104] Author's interviews with experts on the police and state government officials, Guadalajara, October 2013.
[105] Historically, Mexico's new police chiefs would reorganize their departments on the basis of personal loyalty and patronage networks rather than merit. For this and other problems of Mexico's police forces, see Daniel Sabet, *Police Reform in Mexico: Informal Politics and the Challenge of Institutional Change* (Palo Alto: Stanford University Press, 2012); and Eduardo Guerrero Gutiérrez, "Security, Drugs, and Violence in Mexico: A Survey," 7th North American Forum, Washington, DC, 2011.
[106] Author's interviews with current and former law enforcement officers, government officials, and analysts who participated in these government reports, Mexico City and Guadalajara, October 2013.

place matching local dynamics, made sense. There is indeed a great variation in the threats posed by organized crime in different parts of Mexico, and in its dynamics and manifestations. The regional divisions could potentially also increase the accountability of officials responsible for them, forcing them to take responsibility instead of passing the buck. But the zones—Northwest, Northeast, West, Central, and Southeast—seem to have been demarcated as much by geographic convenience and the location of existing command zones of the Mexican military as by any anti-crime policy logic. Nor has it ever been made clear how these divisions would cope with violence spillovers and crime displacement across the boundaries. It has not been disclosed or specified either what the regional policies actually are. Although Mexican security officials insist that there is in fact a plan, and that it is just being held close to the vest, one must wonder whether any regional operationalization beyond uncoordinated state-by-state responses has in fact been adopted.[107]

The ***justice system reform***, and particularly the adoption of the New Criminal Justice System, has also been progressing very unevenly, despite the fact that the system is supposed to be fully operational throughout Mexico in 2016, and that the reforms are already in their sixth year. A lack of transparency undermines monitoring of the reforms. Only in three to four states—Chihuahua, the State of Mexico, Morelos, and possibly Yucatán—is the system fully operational in all municipalities, though the quality of implementation varies widely.[108] According to *Justice in Mexico*, by the end of 2013, only about a third of Mexico's municipalities have adopted the new system, while most municipalities and even states opted to defer implementation until training and infrastructure are in place.[109] Such an attitude raises the specter of a catch-22—if one does not robustly proceed with implementation, how will training and infrastructure be established, even with federal assistance? In some states, powerful judicial and political actors are clearly trying to subvert the reforms or re-label existing problematic procedures as the new system. Other states are further along and far more motivated to make the switch and improve the justice system, but how robust and resilient the new processes will be in those states, and how dependent they will be on particular individuals, remains to be seen. A comprehensive study by Mexico's *Centro de Investigación para el Desarrollo A.C.* (Research Center for Development, or CIDAC), released in November 2013, identified Chihuahua, Nuevo León, Baja California, Tabasco, and Yucatán as the states with the greatest qualitative progress toward implementing the new code, and Guerrero, Querétaro, Tlaxcala, the State of Mexico, and Jalisco as those with the least progress, while criticizing the lack of data and a standardized set of evaluative metrics.[110] And yet a different assessment by the prominent Mexican newspaper *La Reforma* in August 2014 determined that in addition to three states that are fully ready to make the switch to the accusatorial system, the system was partially operational in another 13 and would begin partially operating in another 12 in the coming months (whatever that period signifies), while it will not even start in Michoacán, Campeche, Sonora, and the Federal District until 2015 or 2016.[111]

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[107] Author's interviews with Mexican security officials, Mexico, October 2013.

[108] *Justice in Mexico*, January 2014, includes Yucatán; an August 2014 assessment by the prominent newspaper *La Reforma* does not. See, Redacción, "Crean comité para evaluar reforma penal," *Reforma*, August 6, 2014.

[109] *Justice in Mexico*, January 2014. For a background on Mexico's justice system reforms, see Matthew Ingram and David Shirk, "Building Institutional Capacity in Mexico's Criminal Justice System," George Philip and Susana Berruecos, eds., *Mexico's Struggle for Public Security: Organized Crime and State Responses* (London: Palgrave MacMillan, 2012): 119-146.

[110] *Centro de la Investigación para el Desarrollo A.C.*, "CIDAC Presenta Hallazgos sobre los Avances del Proceso de Implementación del Nuevo Sistema de Justicia Penal en México," Boletín de Prensa, November 28, 2013, http://cidac.org/esp/uploads/1/Reporte_de_hallazgos-prensa.pdf?__hstc=212340043.f610f1f24f925b88f9753025ae856a22.1392655237309.1392655237309.1392655237309.1&__hssc=212340043.1.1392655237309&__hsfp=2567512059; and *Centro de la Investigación para el Desarrollo A.C.*, *Reporte de Hallazgos: Para el Seguimiento y la Evaluación de la Implementación y Operación del Nuevo Sistema de Justicia Penal en* México, November 2013, http://cidac.org/esp/uploads/1/Hallazgos_implementacio__n_Reforma_Penal.pdf

[111] Redacción, "Crean comité para evaluar reforma penal," *Reforma*, August 6, 2014.

Just as during the Calderón years, the level of federal push for and oversight of the justice system reform implementation is limited. Nonetheless, in summer 2014, Mexico's Minister of Interior Miguel Ángel Osorio Chong announced a new federal focus on justice reform, including new oral trial training led by the Ministry and the creation of a new committee to evaluate and monitor the implementation of the new criminal justice code.

Overall, the confidence of the Mexican public in the country's justice system and rule of law remains low: In a *Parametría* survey of December 2013, only 28% expressed trust in the Supreme Court, 27% in judges, and 23% in prosecutors.[112] A recent measure that gives Mexico's Attorney General's office greater autonomy from the executive branch is a helpful move, but by itself will not resolve capacity problems or the coordination problems with Mexico's police. Usefully, in the spring of 2014, the Mexican Congress approved a new criminal code —the National Code of Penal Procedure (*Código Nacional de Procedimientos Penales*)—establishing uniform application of criminal law across Mexico's thirty-one states and the Federal District, and standardizing procedures regarding investigations, arrests, charges, hearings, sentencing, alternative dispute resolution, and reparations.

The Peña Nieto administration has sought to emphasize ***human rights*** and build their protection into its security policies. In the early months of the administration, the Mexican government established a special unit to investigate disappearances and disclosed data on the number of disappeared —a human rights crisis the Calderón administration sought to keep under the rug. But some question even that process and particularly the administration's flip-flopping on basic data, such as the number of disappeared. The outgoing administration of President Calderón reported 28,000 missing people between 2006 and 2012. When it took over, the Peña Nieto administration estimated 26,000 missing since 2006. But in May 2014, the Peña Nieto administration revised that estimate to between 8,000 and 13,000 individuals continually missing since 2006, stating that the previous numbers did not take into account people who were subsequently located.[113] Then in August 2014, the administration reversed itself again—now stating the number of disappeared as 22,322, of which 9,790 occurred under the Peña Nieto administration and12,532 during the Calderón years.[114] If the numbers are representative of actual kidnapping and disappearance trends, then there has been a great increase in incidence during the current administration. It is no wonder that many question the process and allege that the government continues to give low priority to disappearances, assuming that many victims are criminals, and to extrajudicial killings and disappearances perpetrated by security forces.[115]

At least the Peña Nieto administration began investigating some of the horrendous cases that were kept quiet during the previous years, such as a terrible massacre in the town of Allende, of Coahuila state, where perhaps as many as 40 families were massacred by the *Zetas* in one night.[116] Moreover, the Peña Nieto government claims to have located 13,444 persons since it took office, of which, encouragingly, 95% were still alive.[117]

During the Enrique Peña Nieto administration, the Mexican Congress also passed new legislation to compensate victims of drug-related vi-

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[112] "Mexicanos confían en que el Código Nacional de Procedimientos Penales mejorará la impartición de justicia," *Parametría*, March 2014: 3.
[113] "Mexico Recalculates the Number of Missing to 8,000."
[114] See, Álvaro Delgado, "En México hay 22 mil 322 personas 'no localizadas': PGR," *Proceso*, August 21, 2014; and "Relatives Criticize Mexico's New Number of Missing," August 27, 2014.
[115] "Victims of Mexico's Drug War."
[116] Ibid.
[117] "'Not located': 22,322 People Are Officially Missing in Mexico, Authorities Say," *Mexico News Daily,* August 22, 2014, http://mexiconewsdaily.com/news/located-22322-people-officially-missing-mexico-authorities-say/

olence—the General Law for Victims.[118] What the compensation looks like ranges widely and is highly individualized in its application. In some cases, it may mean merely, though perhaps usefully, facilitating victims' access to psychological help. Although some feel that the speed of processing victims' claims is too slow and the form of compensation too arbitrary, the need to evaluate individual claims both for their veracity and to tailor compensation to each case is appropriate and inevitably slows the process down unless the number of workers administering the process is increased radically. As with other policies, there is a great variation in the state's motivation and capacity to implement the law.[119] Indeed, there appears to be shortcomings with respect to the principal tools and mechanisms of the law, and the National Registry of Victims remains incomplete.

Another important development regarding human rights and security includes the end-of-2013 decision by Mexico's Supreme Court not to permit in courts evidence obtained through torture. Yet despite pressure from the United Nation's Committee Against Torture and the Inter-American Human Rights Commission, Mexico has kept its practice of *arraigo*, which allows for a 40-day detention of an individual without charges and pending an investigation, and which can be extended to 80 days. Although insisting that it uses *arraigo* far more selectively than the Calderón administration, the Peña Nieto administration has so far kept this practice despite the fact that Mexico's assistant interior minister Lía Limón told *CNN México* that *arraigo* has not improved Mexico's justice, and that out of more than 4,000 *arraigo* cases, only 129 resulted in convictions.[120]

In Transparency International's July 2013 global ***corruption*** index, no doubt reflecting primarily the pre-Peña Nieto era, 52% of respondents believed that corruption increased a lot over the past two years, 19% stated that it increased a little, 21% believed it stayed the same, while 8% believed it decreased a lot or a little. Thirty percent of respondents found government efforts to fight corruption *very* ineffective, and an additional 43% called it ineffective. Ninety-one percent of respondents believed that Mexico's political parties are corrupt; 90% thought the same about Mexico's police forces, despite years of reform efforts.[121] And even while between 81-100% of Mexicans, according to the same survey, believe that ordinary people have the ability to make a difference,[122] my interlocutors in Mexico—NGO representatives, government officials, and ordinary citizens (obviously at a far more anecdotal level than in the Transparency International survey)—were deeply skeptical about both the trends and their capacity to improve the rule of law and reduce corruption and impunity.[123] The consistent identification of the lack of rule of law and impunity as the core of Mexico's security and crime problems is perhaps far more important than the lack of optimism that these deficiencies will improve—the latter also a reflection of cultural attitudes in Mexico.

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[118] For how civil society mobilization led to highlighting the rights of the victims and led to the adoption of the law, see, Lauren Villagran, "The Victims' Movement in Mexico," in David Shirk, Duncan Wood, and Eric Olson, eds. *Building Resilient Communities in Mexico: Civic Responses to Crime and Violence* (Washington, DC: Woodrow Wilson Center, 2014): 121-142.

[119] Author's interviews with human rights groups, Tijuana, Ciudad Juárez, Guadalajara, and San Cristóbal de las Casas, Mexico, October and November 2013.

[120] Mauricio Torres, "Legisladores y gobierno promueven poner límites al arraigo," *CNN México*, February 20, 2013; "Las 10 recomendaciones de Derechos Humanos donde México solo 'tomó nota'," *CNN México*, March 20, 2014; and "Disminuye número de arraigos: PGR," *La Crónica de Hoy*, March 27, 2014.

[121] Transparency International, *Global Corruption Barometer 2013*, http://issuu.com/transparencyinternational/docs/2013_globalcorruptionbarometer_en: 7, 9, and 17.

[122] Ibid: 21.

[123] Author's interviews with government officials, NGO members, and shop keepers and street vendors, Mexico City, Ciudad Juárez, Guadalajara, Tijuana, and various towns within Chiapas, October and November 2013. For a discussion of the lack of rule-of-law-culture in Mexico and an excellent treatment of the interplay between Mexico's security and anti-crime policies and politics, see Bailey (2014).

Socio-economic Programs and Crime Prevention

Seeking to differentiate its security strategy from the Calderón administration's approach, the Peña Nieto government has strongly embraced socio-economic and cultural policies as mechanisms for combating crime. As a high-level Mexican official put it:

> When the Peña Nieto administration came to power, it took a lot of time to understand what was happening in Mexico. We saw that the Calderón government spent hundreds of thousands of millions of pesos on security every year, in programs such as [the intelligence database] *Plataforma México* and helicopters. But during all the Calderón years, all crimes in Mexico were rising. So we concluded that the programs were ineffective, and we saw what was missing: crime prevention.[124]

He hastened to emphasize that the crime prevention programs would not displace targeting drug trafficking groups and other law enforcement measures, but would supplement them. He further stressed that while even before President Peña Nieto's tenure there were various crime prevention programs, they were uncoordinated: "All the ministries did whatever they wanted; now they are directed via the coordination commission."[125]

An emphasis on socio-economic anti-crime policies and other crime prevention measures is highly laudable. Anti-crime strategies are all too often problematically focused only on law enforcement, such as in *mano dura* and zero-tolerance approaches, and do not sufficiently appreciate the need for the state to provide socio-economic and public goods to populations dependent on criminal groups for socio-economic survival and advancement and human security.[126] Breaking such societal dependence on crime and criminal groups, depriving the criminals of political capital with marginalized populations, and strengthening the bonds between those vulnerable populations and the state are often critical in suppressing crime and strengthening rule of law. People are more likely to obey laws and cooperate with law enforcement if they believe that the laws serve them and promote their interests, and if the formal public sphere and the formal economy provide for their socio-economic needs.

However, just as with other components of Peña Nieto's security strategy, its crime prevention approaches leave much to be desired in their operationalization and implementation. Putting aside the fact that the Calderón administration, with U.S. prodding, ultimately also came to embrace such socio-economic approaches and crime prevention (namely, in *Todos Somos Juárez*), and that Mexican states and cities were adopting them on their own before Peña Nieto was elected (such as in Monterrey's Colonia Independencia), the theory, implementation, and monitoring parameters of the national crime prevention strategy are not yet adequately worked out. Moreover, despite all the talk about coordination, the crime prevention efforts are often woefully disconnected from policing strategies. Yet a permissive security environment and tight cooperation with law enforcement, including, but not solely, with community policing, is crucial for such programs to be effective.[127] However, when describing Peña Nieto's crime prevention approach at a Guadalajara conference in October 2013, then Mexico's National Security

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[124] Author's interview with a high-level Mexican government official in charge of crime prevention programs, Mexico City, October 2013.
[125] Ibid.
[126] Vanda Felbab-Brown, "Conceptualizing Crime as Competition in State-Making and Designing an Effective Response," The Brookings Institution, May 21, 2010, http://www.brookings.edu/research/speeches/2010/05/21-illegal-economies-felbabbrown.
[127] Vanda Felbab-Brown, "Bringing the State to the Slum: Confronting Organized Crime and Urban Violence in Latin America," *Brookings Latin America Initiative Paper Series,* December 2011, http://www.brookings.edu/~/media/research/files/papers/2011/12/05%20latin%20america%20slums%20felbabbrown/1205_latin_america_slums_felbabbrown.pdf.

Commissioner (in charge of Mexico's police forces) Manuel Mondragón y Kalb focused almost exclusively on the cultural aspects of the programs, such as its music orchestras, extracurricular activities, and the psychological problems of Mexico's youth, such as attention deficit disorder, and left unaddressed how these youth programs and cultural efforts are to interact with and depend on local and national policing design.[128] Coordination with law enforcement needs to take place not just at the federal level but also at the local level with municipal police forces: At the local level, the coordination is often said to be functioning when the social programs enable a greater acceptance of the local police in the community. That is indeed very important and a key overall purpose of such efforts. But the reverse causality and dynamic also needs to take place: namely, that the security forces deployed locally provide an adequate security environment for the social programs to operate.

Funded at 2,500 million pesos (approximately US$190 million) in 2013 on top of line ministry funding, with slightly higher expenditures expected for 2014, the crime prevention programs are to be implemented in 57 specially selected zones called *polígonos* (polygons).[129] For an area to be selected as a polygon and receive crime prevention programs assistance from the federal government, the area must exhibit either high prevalence of homicides and robberies or contain other risk factors out of a menu of 23 variables, such as poverty, unemployment, drug addiction, a high percentage of young people, and prevalence of domestic violence. To ascertain eligibility, federal officials often undertake a statistical regression to correlate these risk characteristics with existing crime levels —namely, homicides and robberies. Even putting aside potential endogeneity and multicollinearity problems, and recognizing the superiority of the current methodology to political pork barrel and other undesirable selection approaches, the polygon selection and their boundaries nonetheless remain opaque and at times even random. In some areas, an entire municipality can become a *polígono* for federal anti-crime intervention; in others, it might be a town, a neighborhood, or a few streets. Mexican NGOs and policy experts involved in implementing and evaluating the crime prevention programs in several of the polygons in Tijuana, Ciudad Juárez, and Monterrey reported that at times the selection corresponded to the most violent zip code in a state, or zip code areas from which captured criminals were believed to have come, whereas at other times it was unclear why one street was included and not an adjoining one.[130]

Yet analyses of regional crime dynamics in Mexico as well as general lessons from urban planning, urban law enforcement, and counterinsurgency strategies all emphasize the need to focus on cross-boundary dynamics. It is important to adopt regional approaches and resolve how the area of state intervention will be connected to—or insulated from leakages of violence and other problems from—nonintervention areas.[131] Even depression of economic activities, not only actual violence, in neighboring communities tends to produce lo-

[128] Manuel Mondragón y Kalb, presentation on Mexico's security strategy, Mexico Business Summit 2013, Guadalajara, October 21, 2013.
[129] Author's interview with a high-level Mexican government official in charge of crime prevention programs, Mexico City, October 2013.
[130] Author's interviews in Mexico City, Ciudad Juárez, and Tijuana, October 2013.
[131] See, for example, Matthew Ingram, "Community Resilience to Violence: Local Schools, Regional Economies, and Homicide in Mexico's Municipalities," in David Shirk, Duncan Wood, and Eric Olson, eds. *Building Resilient Communities in Mexico: Civic Responses to Crime and Violence* (Washington, DC: Woodrow Wilson Center, 2014): 25-62; Glenn Deane, Steven Messner, Thomas Stucky, Kelly McGeever, and Charis Kubrin, "Not 'Islands, Entire of Themselves': Exploring the Spatial Context of City-level Robbery Rates," *Journal of Quantitative Criminology*, 24(4), 2008: 363-380; and Anita Chandra, Joie Acosta, Lisa Meredith, Katherine Sanches, Stefanie Stern, Lori Uscher-Pines, Malcolm Williams, and Douglas Yeung, "Understanding Community Resilience in the Context of National Health Security: A Literature Review," RAND, Working Paper, WR-737-DHHS, February 2010, http://www.rand.org/content/dam/rand/pubs/working_papers/2010/RAND_WR737.pdf; Daniel Mears and Avinash Bhati, "No Community Is an Island: The Effects of Resource Deprivation on Urban Violence in Spatially and Socially Proximate Communities," *Criminology*, 44(3), 2006: 509-548.

cal increases in violence in Mexico.[132] The current polygon methodology remains oblivious to these dynamics and to the need to gradually increase and connect the "ink spots," to borrow counterinsurgency terms. Moreover, under the current approach to selecting and establishing the polygons, some are dropped into areas with such high violence where even Mexico's Ministry of Social Development is extorted by criminal groups; whereas other polygons are located in very peaceful cities such as Mérida.

Just like under *Todos Somos Juárez*, all kinds of social programs can qualify for the crime prevention rubric and support within a polygon. For example, the federal government has prioritized boosting full-time schools and working with the Ministry of Education in all 57 polygon zones to keep kids at school and reduce the chance they will be recruited by criminal gangs and groups. This focus is partially driven by a 2013 analysis of the Mexican Ministry of Interior that concluded that youth were the segment of the population with the highest probability of being both the victim and the perpetrator of violence.[133] Other studies have shown that various forms of violence, including bullying, has increased in Mexico's schools, mostly without school authorities knowing how to effectively counteract it. In a *La Jornada* article, a Sonora teacher was quoted as saying that the rise in school violence reflects a "devastated social fabric. The kids don't bully; they openly attack each other. They steal from each other, at recess taking food or drinks, fighting or arguing. […] It can't be called bullying, it's violence."[134]

Indeed, to the extent that the government and NGO interlocutors whom I interviewed felt at all able to assess the effectiveness of the programs, they believed that extended school hours were an effective approach to keep kids and young people off the streets and presumably reduce their recruitment into gangs and criminal groups. Improving the self-esteem and cultural opportunities of children from poor, violent neighborhoods via programs such as music orchestras or sport teams is also highly emphasized in the design of the *polígonos* programs. As is recovering public spaces and expanding public parks for recreation to stimulate a community's associational capacity.

The Mexican federal government has also tasked the Ministry of Health to enhance drug treatment for addicts and addiction prevention efforts within the polygons. Similarly, the Ministry of Economy is supposed to prioritize generating employment opportunities, such as in small businesses. Other efforts that qualify for the *polígonos* crime prevention definitions and hence are eligible for federal funding include programs which focus on vulnerable groups and women and emphasize community participation and citizenship, the culture of rule of law, and the culture of peace. In other words, the breadth of which socio-economic programs can fall within the crime prevention rubric—and thus merit Mexico's federal government support—is extensive. Mexican government officials describe this mélange of programs as "social acupuncture" and "social urbanism."

Apparently, some social interventions are excluded. For example, a local government's request for water treatment facilities and improvements in the delivery of potable water would be rejected as not satisfying the crime prevention mandate.[135] Yet if just about any socio-economic program of some public-good benefit can qualify, what specific impact are these measures supposed to produce?

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[132] Ingram (2014): 29.
[133] Ministry of Interior study reported in Jorge Monroy, "Jóvenes, el sector más expuesto al crimen," *El Economista*, December 25, 2013.
[134] Laura Poy Solano, "Violencia entre alumnos, producto de la criminalidad en todo el país: profesores," *La Jornada*, May 26, 2014. See also the translation of the article in "Violence between Students Product of Country's Rampant Crime," *Mexico Voices*, May 30, 2014.
[135] Author's interviews with local and state government officials and members of citizen committees involved in the polygon projects in Ciudad Juárez, Tijuana, and Guadalajara, October 2013.

What are the specific mechanisms by which these wide-ranging elements, individually or together, are supposed to reduce violent crime and within what timeframe?

Federal-local coordination is also supposed to be a critical element of the crime prevention programs, with input solicited from both governors and municipal councils. Citizen groups can also directly petition the federal government for assistance, an approach labeled as "*comunicación comunitaria.*" Officials at the national level emphasize that such local involvement is particularly important, as nine out of ten crimes in Mexico are not classified as federal crimes. Members of citizen committees involved in the crime prevention projects indeed emphasized in interviews with me the appropriateness of focusing on local crimes such as robberies, extortion, and local drug dealing, and not surprisingly reported that communities' perceptions of security are influenced far more by local crime manifestations rather than national statistics and media coverage. Thus targeting local crime via state interventions increases perceptions of security.[136] Yet citizens' perceptions of coordination between the federal and the local level departed substantially from the perceptions of federal policy managers: The federal officials held that the federal level rarely rejected local requests for programs within the polygons. However, local representatives for the most part believed that while a local mayor or municipal council can in theory propose a project, it is the federal government that largely sets the parameters and guidelines for any specific crime prevention project and itself defines the project. They also believed that in addition to having to regularly report progress, the mayor has to sign what local citizen groups conceived of as essentially a promissory note with the federal government—even though this is not at all how the federal government describes the funding.

Reporting progress and monitoring and evaluating the effectiveness of socio-economic anti-crime efforts, including the *polígonos* approach, is precisely where the rubber hits the road and exposes the nebulous quality of the effort. Local authorities in a polygon may well be able to report that a certain number of children became part of a school orchestra as a result of federal funding, or that compared to a year ago a local hospital now had ten more beds. But what kind of implications can one draw from such outputs for the effects on crime? How many children in a poor neighborhood will not become criminals because they now play in musical bands? How many who play in bands will still become criminals? Does the pool of children who self-select to participate in the extended school hours and extracurricular activities strongly overlap with the pool of children who would otherwise be interacting with criminal gangs on the street and succumb to their recruitment? Interviewing such children might help to facilitate evaluation of the effectiveness of such programs, but how many will be able to answer honestly and on an informed basis that they would have joined a criminal group if they did not have the opportunity to play on a local sports team? If, for example, only ten percent of vulnerable youths are in this way diverted from crime, is that a sufficient cost-effective and normative outcome? How easy is it for any youth program, however meaningful and normatively desirable in its own terms, to slip into the crime prevention rubric and qualify for funding? What is the appropriate timespan for maturation effects to take place and for assessing

[136] Author's interviews with members of citizen committees and NGOs in Guadalajara, Tijuana, and Ciudad Juárez, October 2013. Improving perceptions of the police as well as increasing effectiveness against local crime are in turn facilitated by the involvement of local communities in policing. Interviewing 5,422 police officers, a Guadalajara *Justiciabarómetro* 2009 survey found 45% identifying community participation as the most effective way to combat crime, much larger than ending corruption (highlighted as the most decisive factor by 26%), increasing the number of police officers (14%), or acquiring better equipment (14%). At the same time, however, only 41% of the surveyed police officers believed that society cooperates with them. See, Marcos Pablo Moloeznik, David Shirk, and María Eugenia Suárez de Garay, "Justiciabarómetro: resultados de la encuesta de la policía de la zona metropolitana de Guadalajara—reporte global," *Justice in Mexico Project*, University of San Diego, 2009.

the effectiveness of such crime prevention measures—is it two years or two decades? Efforts to boost small businesses in a slum neighborhood may well take years. In fact, Peña Nieto administration officials themselves emphasize that many programs in the polygons are still merely in the diagnostic phase, and thus drawing any effectiveness judgments would be premature.

Yet while that statement is true to some extent, it is also very much a copout. Overall, despite the rhetoric, the Peña Nieto administration's national security strategy, in all its law enforcement, rule of law, and socio-economic aspects, is as yet neither very different on the ground from the policies of its predecessor nor substantially operationalized and implemented. Rather than being ineffective per se, many of its components have simply not materialized on the ground so far and exist only in theory.

CONCLUSIONS

When Enrique Peña Nieto assumed the presidency of Mexico in December 2012, he correctly identified reducing criminal violence as the priority for his administration. For years, the Calderón administration callously dismissed the violence, arguing that it was an indicator of government effectiveness in disrupting the drug trafficking groups. Indeed, the arrests and killing of top *capos* did splinter the DTOs and set off internal succession battles among ever-younger *capos*. The decapitation policy also sparked external power competition—frequently violent—among the drug trafficking groups in a complex multipolar criminal market where the DTOs have struggled to establish stable balances of power and territorial control.

A substantial *reduction* in violence—as well as in the brazenness and impunity of criminal groups—is required to allow 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 can generate taxes and accountability and perhaps even legal jobs so that young men are no longer easily seduced by the lure of vast crime profits due to a paucity of legal alternatives. Reducing violence should thus always be a key priority. It is a crucial goal that the United States should wholeheartedly support in its Mexico policies and elsewhere.

However, let the buyer beware of the government's optimistic claims: Although homicides did decline in some parts of Mexico since Peña Nieto came to power—albeit not by the 50% within his first six months as he had promised—his administration dangerously risks dropping the ball in strengthening law enforcement and rule of law. Thus, in parts of Mexico where new violence has escalated, such as Tamaulipas and Michoacán, the administration initially lagged in giving it due attention, and ultimately has been compelled to play catch up. In areas where violence has dropped—often not because of policy, but because criminal groups established new preponderance and balances of power, such as in Mexico's north—or where violence has not escalated, such as in the south, the administration has averted its eyes from the needed law enforcement. Instead of working with local authorities on developing detailed local plans to anchor in and expand public safety gains and strengthen the deterrence capacity of local law enforcement as well as overall rule of law, it has not engaged robustly with respect to law enforcement issues in those areas.

Overall, the Peña Nieto administration's law enforcement policy has shrunk to essentially the same nonstrategic, non-prioritized, opportunistic high-value interdiction that characterized the Calderón administration, with all the pitfalls this law enforcement posture brings. Crucially, an analysis of what kind of turf wars such a targeting posture will trigger has not been integrated into policy design and hence appropriate preventive measures are not taken to deter violence outbreaks.

The Peña Nieto administration has emphasized coordination as a crucial remedy for the problems of violence, criminality, and the lack of rule of law in Mexico. Intelligence and policy coordination is indeed important. But it needs to be married to—not supplant—the development of policy substance. Equally, coordination is not a replacement for pushing ahead with the necessary law enforcement and rule-of-law institutional reforms started during the Calderón years, but hardly complete.

Well-designed socio-economic approaches to combating crime are important for addressing some of the root causes of criminal violence and severing the dependence of the population on criminal groups for the provision of public and socio-economic goods. Such programs can help mitigate and prevent crime as well as strengthen bonds between the population and the state and in some circumstances can even enhance intelligence

on the criminals that can be provided by the population. From the moment he took office, President Peña Nieto emphasized improving socio-economic conditions in Mexico and tackling poverty.[137] Importantly, his administration has also embraced socio-economic efforts as an anti-crime tool, a most praise-worthy emphasis of his strategy.

But the *polígonos* socio-economic program—or more precisely, the various projects that fall under the rubric of the *polígonos* efforts—is as of yet too nebulous. Although it is still early to evaluate its outcomes, many aspects of the effort's design can be questioned. The program's lack of relationship to law enforcement is highly problematic. Similarly, the very amorphous unspecified mechanism by which a particular project is supposed to reduce crime limits evaluation and monitoring and allows for pork-barrel and ineffective, feel-good policies to dominate the efforts and waste resources.

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

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. The fact that violence has somewhat decreased in Mexico's north and the country's center has been engulfed by a different type of violence does not mean that the Mexican government should stop focusing on those areas with decreased violence. For what is needed is a strategy that keenly focuses on law enforcement beyond high-value targeting, picks up momentum on institutional rule-of-law reforms, and sharpens anti-crime socio-economic policies and better integrates them with policing.

Making Interdiction Policy More Strategic

Instead of conducting opportunistic hits, the interdiction approach needs to become prioritized. Although opportunistic high-value targeting is seductively easy and can take place almost by default, the Peña Nieto administration needs to break away from it and develop a more strategic approach to interdiction. Paradoxically, opportunistic high-value targeting of cartel leaders is a key reason why violence in Mexico escalated to such large levels over the past eight years. And the high-value-target decapitation approach, especially when directed indiscriminately against all of the DTOs simply on the basis of tactical intelligence availability, only further destabilizes any precarious emerging balance of power among the criminal syndicates. The consequent fluidity in the criminal market makes it very difficult for law enforcement agencies to intervene strategically to reduce violence.

A more strategic interdiction pattern includes several elements: first, it means hitting the most dangerous, violent, or otherwise aggressive or threatening groups first. On occasion, the Peña Nieto administration has been doing this by focusing on the *Zetas* or the *Templarios* in particular areas, such as in Michoacán. At other times and in other places, such as in Tamaulipas, targeting merely on the basis of intelligence availability has sparked highly undesirable turf wars to which the Peña Nieto administration has had to play catch up.

Second, any targeting plan needs to include an advance analysis and assessment of what kind of stability outcomes it will produce or whether it will set off intense violent contestation among criminal groups. If the latter is expected, but the hit is still considered highly desirable for reasons other than decreasing violence and improving local public safety, a systematic strategic analysis of how and where to preposition law enforcement forces to deter and rapidly suppress such outbreaks will be required.

Third, apart from prioritized sequential targeting of the most violent DTOs, interdiction patterns in Mexico also need to move away from short-term hits against the highest *capos* and toward interdiction operations that target the middle layer of DTOs—as is done in the United States or United Kingdom, for example. Weakening this middle layer—especially if most of the middle layer (tens or hundreds of operatives) can be arrested in one sweep—will make it harder for the group to regenerate quickly. It may also limit warfare among the DTOs since the weakened group will have less capacity to resist a takeover. Arrests of middle-level operatives also allow judicial prosecutors to use plea-bargain enticements—reduced sentences for middle-layer operatives who provide information—to generate evidence necessary for successful convictions of top-level *capos*. Such an interdiction focus 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 middle layer. Improving intelligence deficiencies that complicate the adoption of middle-layer targeting in Mexico, including stove-piping and particularly continuing corruption, which risks that intelligence will leak out and targets will be warned, remains a high priority for law enforcement institutional reforms.

Thus, the argument is not that high-value targeting should necessarily be abandoned altogether. Rather, it should not be the default, and middle-level targeting should become the interdiction *modus operandi*. Often, middle-layer targeting will ultimately translate also into captures of top *capos* and strengthen the effectiveness of prosecuting them. But quick-fix and easy satisfaction of high-value targeting should not take place non-strategically and undermine violence reduction and middle-layer targeting. Indeed, as shown, mere high-value targeting is insufficient and can provoke violence as well as undermine a far more effective middle-layer targeting. Moreover, any targeting, particularly high-value targeting, should only take place within a larger analysis of how to prevent violence outbreaks and escalation as a result of interdiction. Thus, there might have to be times when the capture of a *capo* is delayed—until it no longer produces negative side-effects.

Keeping a Law Enforcement Focus on Areas Where Violence Has Declined or Not Exploded

The Peña Nieto administration must not avert its eyes from areas where violence has declined, such as in the northern cities of Ciudad Juárez, Tijuana, and Monterrey. Instead, it is imperative that working in collaboration with and through local authorities, the government takes advantage of such a reduction in violence to deepen police reform and institutionalize rule of law.

Similarly, it is important to analyze why violence has not exploded in other areas, such as in the country's south, and to reinforce the stabilization dynamics by strengthening law enforcement and the rule of law there.

Law enforcement agencies need to push policies and reforms that 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. In other words, the criminals should be made to understand that authority and power lies with the law enforcement agencies and that "peace" is not at the discretion of criminal groups.

Law enforcement and other local state authorities also must proactively and in a determined way seek to expand the areas of improved public safety and not be satisfied with improvements in the city center while vast peripheries fester and continue to be ridden with violent crime.

Resurrecting a Momentum on Police Reform

In order to strengthen the deterrence and response capacity of its law enforcement, the Peña Nieto administration also should double up on police reform. Much of the momentum and energy of the police reforms of the Calderón administration seem to have dissipated.

Improving local forces remains particularly urgent. Even if the Peña Nieto administration continues to leave the unification of municipal and state forces into one force to individual states, it needs to diligently work with the states to improve local policing. Regardless of whether they fall under municipalities or the state, local police forces should be deployed to local areas on a permanent basis, with sufficient troop density and with a doctrine of community policing. In order to effectively respond to crime and prevent it, they must get to know the local community. That takes time, sustained presence, and a purposeful effort to develop lasting positive relations with local people.

Enhancing capacity, reducing corruption, adopting proactive and knowledge-based policing methods, and achieving a sufficient density of permanent-beat deployments are necessary for improving policing, regardless of whether the forces are unified under some authority or separate entities. Improving training, vetting, and the

quality of life, including salaries, of Mexico's police officers (particularly at the weakest, most corrupt, and most vulnerable level of beat cops) are crucial components of police reform. The Peña Nieto administration should make it an important priority to complete vetting by the current deadline of October 2014. But vetting cannot end there. It needs to take place on a continual basis.

Doubling Up on Justice and Human Rights

With only two years left to 2016, when the new accusatorial justice system is supposed to be fully functional throughout Mexico, the Peña Nieto administration also must make a serious push in assisting states with switching to the new system. In particular, it needs to monitor and prevent local areas from dressing up old problematic practices as if they were compliant with the new system. It also needs to streamline the new procedures and ensure that there is unity and consistency in the reform processes. Making a concerted push to uniformly and effectively implement Mexico's new criminal code throughout the country would be a good start.

Reducing impunity and strengthening the rule of law should animate the overall approach. Such a broad conceptualization includes avoiding short-term expediency deals with vigilante militias, even when they are temporarily popular in particular locales.

It also includes scrupulously adhering to human rights and civil liberties protections. Seriously cracking down on and prosecuting extrajudicial killings, disappearances, and torture is an indispensable element, but hardly sufficient. Going after other abuses as well as political corruption, regardless of party allegiances, is equally necessary.

Making the Polígonos Anti-Crime Socio-Economic Interventions More Rounded and Integrated

Even before resources dedicated to the *polígonos* efforts are increased—in and of itself most desirable as the current per-area resource allocation tends to be inadequate—the logic of the programs must be sharpened. In the current design, the assumption all too often is that almost any youth program will reduce the participants' propensity to join criminal groups. That assumption may or may not be correct. However, for any effective monitoring and evaluation—often necessarily involving time series evaluations over several years—to take place, the programs should be required to specify the logic of their design. Greater selectivity and some demonstrated effects beyond simple "outputs" should be required for the projects.

The projects—and their logic—also need to be better connected and integrated with one another in a particular area. Limited, isolated, discrete 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 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. Such engagement does not merely ask the community to identify the most desired handout, but instead includes the local community of analyzing the causes of problems and various policy options to address.

The polygon methodology also must become sensitive to cross-boundary dynamics and interactive processes across polygons and between polygon and non-polygon areas. Analyses of regional crime dynamics in Mexico as well as general lessons from urban planning, urban law enforcement, and counterinsurgency strategies all emphasize the need to focus on cross-boundary dynamics. A regional strategic outlook needs to inform decisions on particular projects. It is important to integrate into project design and budget allocation decisions how the area of state intervention will be connected to—or insulated from leakages of violence and

other problems from—nonintervention areas, and how the areas of reduced crime and improved resilience will be gradually expanded and connected to one another and to other areas with adequate public safety, such as a city center.

Thus, it is crucial to integrate the programs with local law enforcement efforts and designs. Simply dropping economic resources into highly violent areas or zip codes from which local criminals come increases the possibility that insecurity will prevent the projects from being effectively implemented or that local criminal gangs will extort the implementers and divert resources away from the projects. There is an extensive body of evidence from around the world that inserting economic projects into highly violent or contested areas not only limits their effectiveness, but can prove deeply counterproductive and even intensify social divisions and conflict.[138] Under such circumstances, local criminal gangs can even appropriate political credit with local populations for the project, thus undermining the goal of strengthening the bonds between the state and local populations.[139] Coordination with law enforcement must take place not just at the federal level, but also at the local level with state and municipal police forces, so that the security forces deployed locally will provide an adequate security environment for the social programs to operate.

Generating legal alternative livelihoods in urban spaces, as in rural spaces, requires that the economic development strategy address 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 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. Given its current focus on youth, an emphasis on sustainable local job creation needs to become a key element of the *polígonos* efforts. It makes sense to start with easier areas, where there already are pre-existing greater job opportunities, such as in the *maquila* zones.

[138] See, Felbab-Brown, "Bringing the State to the Slum"; Vanda Felbab-Brown, *Aspiration and Ambivalence: Strategies and Realities of Counterinsurgency and State-building in Afghanistan* (Washington, DC: Brookings Institution Press, 2013): chapter 9; and Paul Fishstein and Andrew Wilder, *Winning Hearts and Minds? Examining the Relationship between Aid and Security in Afghanistan*, Feinstein International Center, Tufts University, January 2012; and Andrew Wilder, "A 'Weapons System' Based on Wishful Thinking," *The Boston Globe*, September 16, 2009.

[139] See, for example, Enrique Desmond Arias, "Trouble en Route: Drug Trafficking and Clientelism in Rio de Janeiro Shantytowns," *Qualitative Sociology*, 29:4 (2006): 427–45.

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