



7<sup>th</sup> Special Forces Group Soldier watches Dominican commandos enter building during joint assault and close quarters battle training in exercise Fused Response

U.S. Army (Alex Licea)

## A Road Map for **Beating Latin America's Transnational Criminal Organizations**

By MARTIN EDWIN ANDERSEN

*The brotherhood of the well-intentioned exists even though it is impossible to organize it anywhere.*

—ALBERT EINSTEIN, 1934

**T**he challenges posed by transnational criminal organizations (TCOs)—networks that meld international syndicates with domestic gangs for greater and deeper illegal reach—today cut a searing path through Latin America's political, social, and economic landscape, morphing what once seemed strictly law enforcement problems into national security threats. At the same time, throughout the region, a fierce debate has arisen about the efficacy and appropriateness of military versus law enforcement responses, and combinations of the two, thrust into this violent chasm. In

an extensive survey of people's sense of trust in national police forces around the Americas, the respected Americas Barometer found—not surprisingly given the region's racial and ethnic stratification—a “positive correlation between self-identifying as white (compared to all other groups) and trust in the police.” Other factors, it reported, “such as a history of crime victimization, fear of crime, and victimization by corruption contribute negatively to people's perceptions.”<sup>71</sup> Add the fact that in most countries of the region police forces are dramatically underpaid and underresourced, while facing criminal groups of sophisticated

organization and high-octane lethality, and it is clear that much has to be done.

To combat TCOs, criminals, terrorists, and their quasi-legal facilitators need to be confronted by an integrated law enforcement, intelligence, and military effort as part of a “whole-of-government” approach. As such, desired state objectives are pursued through the government’s use of formal and/or informal networks across the different agencies under its control to coordinate the design and implementation of the range of interventions that those agencies can and will make to increase effectiveness. This new emphasis, in which the police and military are integral parts of a larger effort, would foster collaboration and reinforce (and—where needed—create) communities of interest at national, regional, and international levels. The whole-of-government approach needs to be accompanied by a whole-of-learning model in which U.S. strengths and weaknesses can be shared and frankly discussed for the benefit of tomorrow’s security and defense policies within a democratic framework.

For many in Latin America, state power has historically cast a shadow on both personal security and human rights. The debate about its ultimate ownership, purposes, and outcomes continues. The legacy of state security forces in most countries is one in which political rights and civil liberties were severely conditioned or were perhaps the object of full-scale assault for some of the population—a painful inheritance that mobilizes citizens to demand greater respect for democratic practices. At the same time, the globalization of crime brings with it an enhanced potential for lethality and reach that demands increases in the capabilities of state institutions. In Mexico, where some 150,000 people are involved in a narcotics business that has spilled over into about 230 U.S. cities, the challenge has become so acute that the government has had no alternative but to call in the military, particularly given a level of police corruption and institutional deficiencies that may take a decade or more to overcome, if it ever is.<sup>2</sup>

From the Rio Grande to Tierra del Fuego, the wide range of irregular and

asymmetric challenges includes nonstate actors competing for territorial control or advancing their illicit agendas by providing public goods in the absence of weak or ineffective national and local governments. The multidimensional TCOs’ threats include narcotics trafficking, financial crimes, cybercrimes, corruption and extortion, counterfeiting, and trafficking in humans and arms. Equipped with sophisticated weapons and other technologies that enable them to train a path of destruction on all that is in their way, these transnational actors are multibillion-dollar businesses whose resources often dwarf those of national governments. Their dirty money can buy elections, politicians, and power itself.

This organized savagery has a global reach that outstrips the power, resources, and imagination of many law enforcement agencies. Illicit traffic from one continent can traverse a second on its way to being sold in a third—unchallenged when it is not detected. The innovation of transnational communications has helped international organizations and multinational corporations to act with greater independence of national borders and international regulations. TCOs have also been able to take advantage of these new opportunities to lay waste to the common good. These heterodox threats—such as the narcotics trade, smuggling, piracy, and human trafficking—are felt across the public spectrum, by individuals, communities, governments, and nations themselves.

The powerful criminal networks in Mexico, Colombia, Venezuela, Brazil, and Central America—and growing threats elsewhere—have come to resemble multinational felonious insurgencies, with their size and the violence they can bring to bear challenging not only a growing number of civilian governments and civil societies throughout the hemisphere, but also the concept of national sovereignty itself. As Brookings Institution expert Vanda Felbab-Brown recently noted in testimony before the U.S. Congress, Mexico’s paramilitary narco-cartel, the Zetas, and Brazil’s Comando Vermelho:

*seek to dominate the political life of a community, controlling the community’s ability to organize and interact with the state, determining the extent and functions of local government, and sometimes even exercising quasi-control over the local territory. Thus they too can represent an intense and acute threat to governments, at least in particular locales. . . . A newer, and*

*transnational actors are multibillion-dollar businesses whose resources often dwarf those of national governments*

*particularly dangerous, development is the effort by Mexican [drug-trafficking organizations, or DTOs], such as the Zetas and the Sinaloa DTO, to themselves control territory in transshipment countries of Central America.<sup>3</sup>*

In Mexico, in particular, narcotics organizations field paramilitary units with weapons of war that—in a perverse replica of the role of the Colt revolver of the American Wild West—equalize and sometimes trump the firepower of the legal forces.<sup>4</sup> This assault on the legitimate monopoly on the instruments of violence can lead to weak or failed states. And as each nation feels the brunt of these growing threats, new “security dilemmas” emerge in which one state’s efforts to maximize its own security create inexorable perceptions in its neighbors of greater insecurity, resulting in increased tensions (witness recent and ongoing border friction between Colombia and Venezuela, for example, or between Costa Rica and Nicaragua).

The endemic problems associated with the region’s law enforcement institutions, long a Gordian knot affecting social development and stability, mean that neither local police nor border patrols—even when buttressed by class-circumscribed private security institutions—are empowered and equipped to match the threat. Into the vacuum, in several countries of the region—Colombia, Brazil, and Mexico, among others—vicious militia groups “pose significant threats to both communities and the state, even while presenting themselves as protectors of the citizenry against crime.”<sup>5</sup>

During a time of rapidly expanding transnational criminal networks, security solutions being pursued in a number of Latin American countries—most notably in Argentina—offer community-based, decentralized remedies. Inhibiting clear-eyed responses to these real and present dangers in many countries is a bipolar reaction by both the public and by special interest groups that pits memories of recent military-led dictatorships and the fear that such regimes could reemerge in the current context against public outrage and feelings

**Martin Edwin Andersen, a former Assistant Professor of National Security Affairs in the Center for Hemispheric Defense Studies, is the Editor of Security and Defense Studies Review. He was a Senior Advisor for Policy Planning in the Criminal Division of the U.S. Department of Justice.**

of impotence in the face of corrupt and ineffective civilian institutions.

Some human rights groups, rooting their critique in the manner in which U.S. security assistance was given during the Cold War, put priority on the first focus—warning that Washington should do no harm by only offering assistance with no potential for dual-use by would-be military dictators. They demand that aid from Washington strictly reflect what they insist is how North American institutions operate.

“Preach what you practice,” the influential Washington Office on Latin America (WOLA) recently demanded, charging that even today U.S. foreign assistance practices often “encourage Latin America’s armed forces to take on internal security roles that the U.S. military cannot legally play at home.” Not all those worried about today’s risks to democratic civilian institutions share the thrust of the critique, however. For instance, a civil libertarian supreme court justice in Argentina, noting the marked trend toward keeping armed forces at the margin of security roles, finds the police a greater threat to democratic rule. He counters, “Today coups are done by the security forces, not by armies.”<sup>6</sup>

Once backburner questions associated with a handful of countries undergoing democratic transitions in the 1980s and 1990s, such as Argentina, El Salvador, Panama, and Guatemala, the issues of crime and civil-military and police-community relations have become searing priorities. Consider:

*In Mexico, a “narcologopoly” where in 2010 drug trafficking-related deaths numbered more than 11,000 people, municipal police around the country are paid off by narcotics traffickers with an estimated \$100 million a month. The cartel money, noted Minister of Public Security Genaro Garcia Luna, “is the part of a salary that the State doesn’t pay the uniformed officers so that they can live in dignity.” Meanwhile, the Mexican cartel, Los Zetas, themselves former soldiers trained in counterinsurgency, are recruiting Guatemalan exmilitary elite—los kaibiles—and training with them on Guatemalan territory.<sup>7</sup>*

Along the Central American isthmus, where the narcotics trade and gang violence rival Mexico’s bleak insecurity panorama, Costa Rica’s long-simmering border dispute with Nicaragua almost broke into full-scale fighting in 2010. Having abolished their



7<sup>th</sup> Special Forces Group, Airborne (Gino Palu)

military and entrusting their national sovereignty to volunteer militias and international law since 1948, the dispute caused Costa Ricans to rethink the wisdom of not having an army, particularly after its heavily armed police sent to the border reportedly suffered a “profound fear of fighting against Nicaraguan soldiers.”<sup>8</sup>

Along Nicaragua’s poor and isolated Mosquito Coast, indigenous peoples who formed a pillar of anti-Sandinista resistance in the 1980s, only to be largely abandoned to their own poverty later, find their lands and waters a hub of transnational narcotics shipments. The burgeoning local narco-economy has led separatist Miskito Indians to formally consider using the drug money for local needs. “We also have the right to use these resources,” states one indigenous leader, ignoring both traditional values and the public health risks that such trafficking entail. “The laws that prohibit it are the laws of Nicaragua and not the laws of the indigenous people.” Meanwhile, long-time Miskito foe and strongman President Daniel Ortega claims the high road for leading the subregion in drug arrests and seizures.<sup>9</sup>

In Ecuador—between neighbors to the north and south that are major contributors to world narcotics trafficking—a climate of insecurity resulted in the president calling in the military to participate with the police in efforts to quell land invasions and the

proliferation of weapons. The “complementary” role of the military, noted General Ernesto Gonzalez, chief of the armed forces joint command, will last until “the police reorganize and have the operational capacity that we want.” The drug lords, he added, have enormous power that can put the security of the state at risk.<sup>10</sup>

In Argentina, a country plunging into the front ranks of regional narcotics transit as well as personal consumption, a government palpably distant from its own police forces insists on a program of demilitarization, decentralization, and “democratization” of law enforcement. Claiming their efforts are reflective of the U.S. model of *posse comitatus*, government officials and their citizen allies state their opposition is strongly rooted in fears of returning to a situation where the military not only eventually subordinates the police under its command, but could use them once again in extraconstitutional efforts to take power.

---

*once backburner questions associated with a handful of countries, the issues of crime and civil-military and police-community relations have become searing priorities*

---

U.S. Air Force (Jerry Morrison)



Secretary Gates and Chilean defense minister talk during break at Conference of the Defense Ministers of the Americas in Bolivia

Faced with evolving security challenges that range from common crime to guerrilla insurgents, Latin American policymakers are finding that traditional police and military institutions are particularly ill-equipped to beat back intermediate threats, such as narco-cartels, other TCOs (including organized criminal gangs and arms-traffickers), and terrorists. Despite the occasional flaring of border tensions, the region remains essentially a “zone of peace” when it comes to interstate conflict, calling into question in cash-strapped countries conventional missions for large standing armies. At the same time, midlevel threats characterized by extreme violence, with easy access to manpower, large sums of money, and sophisticated weapons, overwhelm regular law enforcement capabilities. This includes Central American criminal gangs, narco-syndicates such as the Mexican cartels, narco-terrorists (*Sendero Luminoso* in Peru, the Revolutionary Armed Forces of Colombia [FARC]), and others.

Midlevel threats are not only those posed by organized criminal groups. In what

might be called the low-intensity democracies of the region—characterized by weak democratic institutions, rampant corruption, and social institutions monopolized by economic elites unreflective of their countries’ racial and ethnic makeup—civilian insurrections and land occupations (a primary source of conflict) are also a problem. When uncontrolled, these uprisings—often based on legitimate demands not fairly channeled through the political system—can significantly add to regional instability. In a democracy, these challenges in particular require deft management by the forces of order, even when those protesting operate outside the law. When the state is unable or unwilling to exercise control over territory, the risk grows of communities coming to depend on—or, like in the case of the infamous Colombian drug czar Pablo Escobar, becoming supporters of—criminal enterprises and illegal economies.

The term *ungoverned spaces* favored by geostrategists makes more sense when understood in terms of state failure to respond to street crime, consistent lack of access to

judicial recourse and informal dispute resolution, and the absence of education and health care facilities. Within this context, law enforcement remains the key to a state’s assertion over national territory. However, since “trust in the police force is important because security is one of the principal directives of a sovereign state,” pollster Mitchell Seligson notes that there is “a general sense of distrust in the police within the Americas” that is all the more worrisome.<sup>11</sup> Meanwhile, citizen-reformers’ emphasis on democratizing and decentralizing the police while leaving only external defense missions to the military creates growing security deficits that tend to increase the insecurity of frightened and largely, although not entirely, defenseless publics.

### Mirandize vs. Vaporize

Today, police reform advocates throughout Latin America seek to respond to demands for public safety by promoting community policing models. Although it is ill suited to carry out the organizational heavy lifting that fighting transnational criminal organizations requires, such advocates argue that community policing helps to demilitarize, democratize, and decentralize law enforcement institutions, putting an operational emphasis on agents’ in-the-field judgment and greater control over the use of force. Calls for demilitarization are based in large part on bitter memories of military institutions not only engaging in human rights violations, but also exercising their tutelage over the security forces, both in the region’s troubled democracies and in the armed forces’ politicized ascent to power through the front door of the presidential palace. In this context, police work has been seen as inferior to that of military missions, and the police are treated as *hermanos menores* (“little brothers”) by their armed forces colleagues. The functional superiority of the military, where its members often held the most senior posts in law enforcement agencies, historically has exacerbated frictions between the armed forces and police. This has usually resulted in the latter feeling relegated to a lesser status in their own institutions.

The military emphasis was also of questionable value in winning necessary support in the populace. People understood that in developed democracies, the police were to use the minimum force needed to apprehend (or “mirandize”) suspects, while armies around the world used maximum force to (“vaporize”) enemies. Regional police forces were also

---

*the term ungoverned spaces makes more sense when understood in terms of state failure to respond to street crime, consistent lack of access to dispute resolution, and the absence of education and health care*

---

in the front lines of U.S.-supported counter-insurgency campaigns in the 1960s and 1970s against leftist guerrillas and other dissidents, using tactics ranging from illegal surveillance to unlawful detention and torture. Police collaboration with the military resulted in the detention of hundreds of thousands of political foes, some armed, others not. As former Colombian President Alvaro Uribe recently noted, military-oriented national security doctrines from that time, and the institutions and practices that were the result, drove a wedge between the armies and security forces and the populations they were supposed to serve and protect.<sup>12</sup>

With the swing back to democratic rule in the 1980s and 1990s, regional police forces were largely separated from the military and were placed institutionally under the control of ministries of interior and public security, rather than defense. Argentina established a strict legal firewall between national defense and internal security and assigned only police and security forces to the latter. Panama, and later Haiti, followed Costa Rica and eliminated its military entirely. At the close of a particularly vicious civil war, El Salvador created a new National Civilian Police force that, in the beginning, was the sole guardian of internal security.

In these and other countries, significant efforts were made to move away from the military inheritance of centralized command and control, as well as the structures, sub-cultures, and institutional loyalties innate to armed forces organization. Nonetheless, these efforts have not in and of themselves assured police professionalization and an end to either rampant corruption or extra-legal violence, as the failure in Central America of various *mano dura*—heavy handed—law enforcement approaches to criminal gangs has shown. In too many countries, police forces still have military-like organization but without the traditional capacity of armed forces, a recipe for failure in today's challenging environment.

In recent years, the civilian leadership of a number of countries has found they have been forced, by necessity or convenience, to involve or reintroduce the military more in internal security. In March 2008, the Bolivian government enacted a decree giving the military a key role, including arrest powers, in customs enforcement and confiscating contraband at the borders, despite growing friction with the police.<sup>13</sup> And in Brazil, "the growing militarization of those operations

meant to guarantee public safety," where "the functions of national defense have merged dangerously with the maintenance of internal order," has led to a series of public safety scandals embarrassing to the Brazilian army.<sup>14</sup> El Salvador's separation of police and military roles, with the former charged with internal security, withered under the threat of well-armed transnational criminal gangs.

The emphasis on "civilianizing" the police draws much inspiration from the police reform efforts undertaken in the global north during the 1980s and 1990s, in which forces were taken out of heavily armed patrol cars in favor of "community-based" initiatives. At the most functional level, strong arguments can be made that, by bringing law enforcement closer to the community, the police—particularly in intelligence-gathering—can maximize citizen cooperation and shared risk. In addition, the efforts of professionalized police forces within the context of a whole-of-government approach can be seen as having had a dramatic effect in one of the most notorious instances of organized crime—that of the Sicilian mafia.

Like other TCOs, the mafia has been a complex organization with global reach that penetrates the state, private financial institutions, and religious organizations while creating a myth of an invincible counterculture of illegality. Before Palermo Mayor Leoluca Orlando took office in 1985, mafia-related murders in the city numbered more than 240 a year; his predecessor belonged to the shadowy illegal organization, and two famed anti-mafia judges whose names were on a mob hit list were murdered, with Orlando's own name the third on that roster. Orlando would not allow his wife or children to be photographed or seen at his side for fear they would be killed.

In response, Orlando enlisted citizens in the promotion of a culture of lawfulness and human rights. Rather than combat the threat with counterinsurgency strategies, Palermo's successful assault of the mafia featured a fight against impunity that included strengthening democratic governance and participation. Orlando described the approach with an analogy of a cart with two wheels—the first, the wheel of legality, represented law enforcement; the second, the wheel of culture, included other community organizations such as the church, schools, and the media. Both wheels, he claimed, need to move at the same speed, with law enforcement being necessary

*by bringing law enforcement closer to the community, the police—particularly in intelligence-gathering—can maximize citizen cooperation and shared risk*

but not enough by itself. "Our past is rich of glory, it is not only [a] shame," Orlando stated of his fellow Sicilians, adding (in an aside as valid for the millions of indigenous peoples living in or alongside ungoverned spaces in Mexico, Guatemala, Nicaragua, and Peru as it is for citizens of the *mezzogiorno*) "if you want to fight identity criminals you need to promote your identity."<sup>15</sup>

The Palermo model has already been used successfully in Colombia, but only within a larger context that included military participation in the regaining of public spaces. Orlando played a key role in advising Medellín Mayor Sergio Fajardo, whose own efforts at promoting local civic participation helped to significantly reduce violence in a city once synonymous with narcotics-related mayhem and murder. The Medellín example points to the necessary context provided by a whole-of-government approach, pioneered through President Uribe's "democratic security" strategy.

Like Mexico today, Colombia faced being overrun by a "narcologopoly" that included not only drug cartels, but also Marxist insurgents such as the FARC and right-wing death squads. Previously, when the military entered into ungoverned spaces the FARC had controlled for years, it could drive out the guerrillas usually only as long as they remained *in situ*. They found that security alone, while essential, was not enough. The FARC provided public goods that could only be challenged by the state; the latter brought in the ministries of justice, education, public works, public health, and others. Uribe used the military and police to consolidate control of Colombian territory, promoting democratic civilian oversight of the armed forces while at the same time initiating a wide range of political reforms to dramatically increase government efficiency, transparency, and accountability. The assertion of control over areas previously ungoverned by the state enabled a whole-of-government effort, out of which the population could be protected and mobilized against violent and illegal antigovernment forces.

*democratic, community-based  
policing brings to the table skills  
that can significantly enhance  
the fight against transnational  
criminal organizations*

Another example—that of Rio de Janeiro—also underscores the need for an approach in which security is part of an integrated effort that creates social capital (that is, social relations that have productive benefits). Brazil was recently ranked by the Pan American Health Organization as the sixth most violent of 100 countries, with 20 murders per 100,000 residents. In one of Latin America's most dangerous cities, residents of Rio de Janeiro's sprawling slums—*favelas*—and those forced to commute daily through them were terrorized by heavily armed drug gangs wearing Bermuda shorts and flip-flops. The fear and mayhem is a special preoccupation given that the city is to host a number of world events, including the Rio Plus 20 Earth Summit in 2012, 2014 World Cup, and 2016 Summer Olympics. Beginning in 2007, with the police taking back smaller *favelas* from thugs carrying Kalashnikovs, the state reasserted itself block by block. During November 2010, the government began its most ambitious effort to “pacify” the slums by launching a massive military and police operation—a “shantytown counterinsurgency.” The security forces stormed and then occupied two enormous *favelas* where 200,000 people lived, setting up a permanent police presence. By integrating themselves into the communities, the specially trained police established permanent state control of the city's most dangerous neighborhoods. Although police brutality remains a problem that is only slowly being addressed, by bringing a palpable sensation of security and safety to the one-time no man's land, doctors, social workers, teachers, and other government employees are able to return, creating again the minimal conditions needed to generate social capital.<sup>16</sup>

### Hybrid Models

Democratic, community-based policing brings to the table important skills that, in a whole-of-government approach, can significantly enhance the fight against transnational criminal organizations, particularly when coupled with other improvements such as judiciary reform and anticorruption efforts.

The intimate knowledge of the territory that the police patrol, their use of force with restraint, their skills at defusing threatening situations through mediation—all of these help them to be seen as citizen protectors. So do their rules of engagement: principles of necessity (react with violence only when attacked), proportionality (meet threats according to their magnitude, duration, and intensity), rationality (do not provoke and, where possible, use nonlethal methods first), and discrimination (know how to separate violent protestors from the rest).

At the same time, and for some of those same reasons, the type of community policing promoted by democratic reformers is ill prepared to take on TCOs or other powerful criminal networks. Their small unit size, lighter weapons, greater exposure, and decentralized structures work against them. Clearly, when faced with sustained and truly dangerous threats, specialized (and centralized) capabilities are needed. When the existence of the state itself is imperiled, or even when violent crime rates soar, military participation is sometimes required.

In Latin America, however, the emergency decrees that come with calling in the armed forces generally lean heavily in favor of security and against civil liberties. The challenges are even greater when the threats form part of urban society, so that the state's use of its monopoly on violence must be matched with Solomonian restraint in favor of innocent life. Furthermore, militaries rarely have the training to carry out internal security missions within the framework of law. (While groups such as WOLA are mistaken when they suggest that within the *United States Posse Comitatus Act of 1878* [18 U.S.C. Section 1385] is an almost unsurmountable barrier to American military participation in law enforcement, the 133-year-old law did over time help keep the Armed Forces out of domestic law enforcement and, by extension, partisan politics, while allowing for the development of professional civilian policing, mostly at the local level.) Perhaps the most difficult tight-wire act of all is that if militaries participate in internal security—remolding their training and updating their doctrine without well-defined “sunset” provisions—moving the armed forces back into the barracks when the threat recedes is a bet many civilians are shy to take.

Calls for reform, recent past history, and the unexpected virulence and reach of

organized crime for most Latin American countries pose difficult choices and uncertain futures. In some nations, for example Chile and Argentina, the gap between the police and military is filled by hybrid security forces uniquely qualified to take on intermediate threats, having both internal security and national defense missions. Although centralized and organized hierarchically with military capabilities when needed, the Chilean *Carabineros* and Argentina's *Gendarmeria Nacional* are well educated in police science and have as their primary peacetime mission the maintenance of public order.

In both countries, the *Carabineros* and *Gendarmeria* receive high marks for conduct in duties ranging from controlling borders to handling public disturbances, while playing important roles in the fight against organized crime and narcotics trafficking. In Chile, which ranked highest in the Americas in a region-wide poll of citizen trust in the national police, the *Carabineros* use highly skilled social communication as a way of maintaining an ongoing dialogue with the people, and their recruits are subject to extensive background checks before they can enter the force. In the case of Argentina, where the *Gendarmeria*, created in 1938, has been in the forefront of controlling disturbances by jobless protestors trained in erecting strategic roadblocks in major metropolitan areas, the force has won praise for its skill and restraint. It is, notes one U.S. scholar, “deeply empathetic with protestors, and highly respectful of what they consider their fellow citizens' human rights.”<sup>17</sup>

### A Key Ingredient

The United States can play an important role in promoting whole-of-government approaches to asymmetric security and defense challenges based on its own experiences and vocation to participate in communities of interest at national, regional, and international levels. Together the United States and its regional friends and allies need to share their experiences in coordinated, integrated, and mutually supportive efforts reaching all sectors of the states, as well as among nations. As Secretary of Defense Robert Gates has stated about U.S. security assistance, effectiveness and credibility will only be as good as the effectiveness, credibility, and sustainability of our local partners. In this regard, building partner capacity, including the sharing of research and education as

Sailors show Dominican Republic Defense Forces proper way to maneuver rigid-hull inflatable boat during subject matter expert exchange



U.S. Navy (Rachael L. Leslie)

---

*building partner capacity is key—particularly in terms of international coordination, cooperation, and collaboration*

---

well as experiences, is key—particularly in terms of international coordination, cooperation, and collaboration.

Other U.S. Government departments also have an important role to play. Several dozen law enforcement agencies provide tens of millions of dollars in training around the hemisphere. Police training, however, only goes so far, as those trained do not always remain in their jobs—a key problem in many poorly paid law enforcement institutions in Latin America. More than police training, police development—the creation of institutions and sustainable practices—is needed, and here is where significant improvement is required.

At the end of the Cold War, the U.S. Justice Department's International Criminal Investigative Training Assistance Program (ICITAP) was well positioned to carry out police development in many emerging democ-

racies around the world. Led by a dedicated team of Federal Bureau of Investigation (FBI) professionals, ICITAP played key roles in the creation of national police forces in El Salvador and Panama, and carried out successful reform operations in several other countries as well. By the mid-1990s, however, control of ICITAP was wrested away from the FBI. In its place, ICITAP became a second job largely for ad hoc teams of retirees mainly from different U.S. municipal, county, and state police forces, whose community-based policing experience was touted as better than the FBI hierarchical law enforcement model.

At the same time, political considerations meant that several promising or successful police development efforts begun under FBI leadership, including that in El Salvador, were stripped of manpower and resources in order to curry favor with image-conscious senior officials in the Justice Department who wanted to be seen as building security forces in an impoverished postdictatorship Haiti that could not in fact sustain their efforts. And following the end of the decades-long civil war in Guatemala, broad community support existed for the abolition of the notoriously corrupt and brutal

National Police and its replacement with a new force modeled after that in El Salvador. Instead, ICITAP led an effort to purge a limited number of National Police officers and subject the rest to limited training before being restored to their posts. More than a decade later, the Guatemalan police remain one of the biggest obstacles to effective prosecution of the war there against transnational criminal organizations.

The U.S. model does have much to offer. The juridical effect of the U.S. *Posse Comitatus* Act in restricting the authority of the military to conduct operations in the domestic arena or against U.S. citizens remains a matter of domestic debate. However, it may be that time-honored practices—reflecting as much the spirit as the letter of the law—are what sustain a successful civil-military relations model in the world's oldest democracy. Where the U.S. military has intervened in the domestic arena, such as in urban riot control, their participation has been both geographically and temporally limited, with soldiers' involvement carefully calibrated and monitored by civilian political oversight.

The Act and the principles it embodies do remain deeply imbedded in the U.S.

national political discourse, and they continue to serve as major fault line in the debate—in Congress, in the courts, and by members of the armed Services and police, among others—over appropriate roles for both the military and security forces in a democracy. At the same time, it should be pointed out in this age of international terrorism that the Armed Forces are not prohibited from acting against a foreign enemy in the U.S. domestic territory, and the oath of every U.S. military officer is to uphold the Constitution and defend it from all enemies, foreign and domestic. (In addition, the overwhelming predominance of local law enforcement agencies in the United States, which has the additional advantage of helping keep police corruption local rather than generalized nationwide, is not the model generally in use in the beleaguered countries of Latin America.)

Other examples are also relevant. Rio de Janeiro's current efforts to fight organized crime in its vast slums appear in some ways to resemble the "weed-and-seed" program of the U.S. Department of Justice. The community-based strategy sponsored by Justice—"an innovative, comprehensive multiagency approach to law enforcement, crime prevention, and community revitalization"—has for more than two decades helped local law enforcement take back crime-ridden areas (albeit less violent than Rio's slums) and supplied them with viable social safety nets and the chance to build social capital.

The examples of tribal courts and police on many American Indian reservations brings to mind Leoluca Orlando's dictum about the importance of social self-concepts: "If you want to fight identity criminals you need to promote your identity." It suggests that similar efforts might help in troubled democracies such as those of Bolivia, Peru, Ecuador, Guatemala, Nicaragua, and Mexico, where indigenous peoples both are an important percentage of the national population and live in or near areas favored by transnational criminal organizations.

Where the adoption of U.S. models are not appropriate, or are not applicable to local conditions, models from other countries can be shared. For example, Colombia's "democratic security" program is the object of study by many countries around the globe, as well as by its Latin American neighbors. In Chile, in many respects a regional "model," a recently launched neighborhood protection effort, *Programa Barrio en Paz Residencial*, seeks to

bring civil society into partnership with the *Carabineros* and the political authorities in 50 municipalities. Brazil, Colombia, and Canada also have important lessons to share while outside the hemisphere examples—such as Norway, Denmark, Germany, Britain, Italy, and Malaysia—raise new questions and offer new answers to our common deliberations. **JFQ**

#### NOTES

<sup>1</sup> Mitchell A. Seligson et al., eds., "Trust in the Police," *AmericasBarometer* Insights, no. 59 (2011), 1.

<sup>2</sup> Aldo Civico, "Hillary Clinton and the Drug Cartel Violence in Mexico," *Huffington Post*, March 14, 2009.

<sup>3</sup> Vanda Felbab-Brown, "A Shared Responsibility: Counternarcotics and Citizens' Security in the Americas," testimony before the Senate Foreign Relations Committee, Subcommittee on the Western Hemisphere, Peace Corps and Global Narcotics Affairs, March 31, 2011; Julian Miglierini, "Tamaulipas: 'Failed state' in Mexico's war on drugs," BBC, April 14, 2011.

<sup>4</sup> June S. Beittel, *Mexico's Drug-Related Violence* (Washington, DC: Congressional Research Service, May 27, 2009), 10–11.

<sup>5</sup> The term *Gordian knot* in this regard was coined by Latin America historian Richard Millet; see Felbab-Brown.

<sup>6</sup> George Withers et al., *Preach What You Practice: The Separation of Military and Police Roles in the Americas*, Washington Office on Latin America, November 2010; Martin Pique, "Entrevista con el Integrante De La Corte Suprema De Justicia Eugenio Zaffaroni," *Tiempo Argentino*, January 17, 2011.

<sup>7</sup> Gabriela Calotti, "México, una potencia víctima de un 'narcologopolio,'" Agence France-Press, April 12, 2011; "Narcos pagan a policías municipales mexicanos 100 millones de dolares al mes," *Agencia EFE*, August 6, 2010; E. Eduardo Castillo, "Cartel mexicano Los Zetas recluta ex kaidiles por \$5,000," Associated Press, April 7, 2001.

<sup>8</sup> Adam Williams, "Costa Rica foreign minister sparks army debate," *Tico Times*, January 13, 2011; "Costa Rica May Not Look at Nicaragua—or Itself—the Same Way Again," *InsideCostaRica*, March 9, 2011.

<sup>9</sup> Tim Rogers, "Narco-Dividends: White Lobster on the Mosquito Coast," *Time*, April 14, 2011.

<sup>10</sup> "El narcotráfico, una amenaza para FF.AA.," *El Comercio*, January 13, 2011.

<sup>11</sup> Seligson, 2–3.

<sup>12</sup> Uribe speech on "Leadership and Democratic Security," April 1, 2011, Center for Hemispheric Defense Studies, National Defense University, Washington, DC.

<sup>13</sup> Andean Information Network, "The Bolivian Armed Forces' Growing Mission," June 1, 2008, available at <[http://ain-bolivia.org/index.php?option=com\\_content&task=view&id=119&Itemid=32](http://ain-bolivia.org/index.php?option=com_content&task=view&id=119&Itemid=32)>.

<sup>14</sup> Jorge Zaverucha, "La militarizacion de la seguridad publica en Brazil," *Nueva Sociedad*, no. 213, enero-febrero, 2008; see also Gary Duffy, "Judge Censures Brazilian Troops," BBC News, June 19, 2008; and "Lula 'indignant' over Army officers' alleged ties to killings," DPA, June 17, 2008. The news reports chronicled the fate of 11 army officers involved in anti-gang enforcement in Rio de Janeiro who allegedly turned over three youths to a local drug gang who later killed them. The BBC reported that in the wake of the killings, a judge referred to the army's "inability and lack of preparation" in guaranteeing order in the city, and stated that "using the military for this kind of operation violates the constitution [and likely intensifies] debate over exactly what role, if any, the army can play in helping to deal with Rio's complex security problems."

<sup>15</sup> See Leoluca Orlando, *Fighting the Mafia and Renewing Sicilian Culture* (New York: Encounter Books, 2001); Civico; Kallie Jones, "Former Sicilian mayor speaks on Mafia," *Miami Student*, February 14, 2010.

<sup>16</sup> See, for example, Mac Margolis, "Brazil's Top Cop," *Newsweek*, April 24, 2011; and Tom Phillips, "Rio's drive to remove drug gangs from slums brings calm to hospital A&E," *The Guardian*, April 1, 2011.

<sup>17</sup> Seligson et al; Eric Stener Carlson, "The Gendarmerie's Response to Social Protest in Argentina," in *Broken Promises? The Argentine Crisis and Argentine Democracy*, ed. Edward C. Epstein and David Pion-Berlin (Lanham, MD: Lexington Books, 2006), 198.