

## **Police and court capacities and illegal drug market violence in Argentina: Analysis and possibilities for institutional development in three provinces**

**[Executive summary:** Police and judicial capacities matter to control crime and drug markets' related violence. Differences in drug markets' violence across provinces may indeed be related to varying police and courts capacities in the politically central, highly urbanized and economically developed provinces of Cordoba, Mendoza and Santa Fe. This brief argues that low criminal justice system "fragmentation"—in terms of overall police and courts cohesion along with the bureaucratic strength of each organization—allowed Cordoba and Mendoza to retain low levels of violent criminality in the last decades. By contrast. Santa Fe, with a higher state fragmentation and bureaucratic weakness, was unable to face increasing violence related to drug markets and prevent the diversification of crime. Recommendations are to increase inter-organizational coordination and bureaucratic capacities at the provincial level and with national agencies, resorting to available bureaucratic potentialities, creating linkages among existing institutions and using institutional designs developed in other jurisdictions. Santa Fe shall strengthen police bureaucratic capacities through specialization, training, promotion and reallocation of personnel, as well as prosecuting specializations and its articulation with provincial organs and national authorities. Cordoba and Mendoza, shall sustain existing structures but increase system integration and improve data production while avoiding the iatrogenic effects of increase in imprisonment for small drug crimes.]

### **1. Drug market related violence: Gang proliferation and differences in violence visibility**

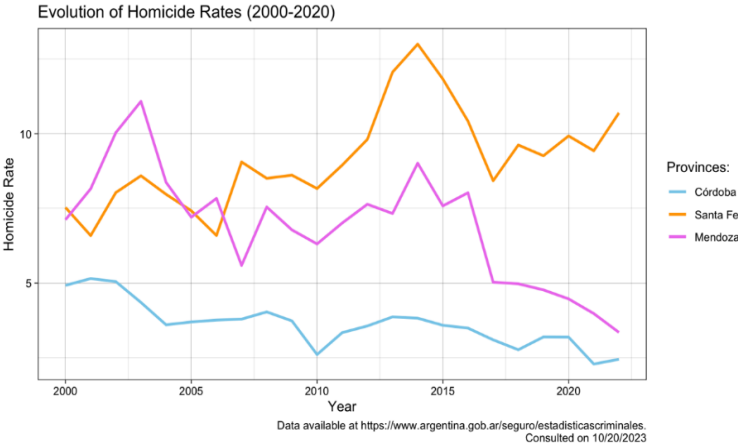
The literature shows that changing rates of crime derive from a combination of (i) the expansion of markets of illegal goods and (ii) the relative institutional capacity to deter involvement and permanence of agents in criminal activities<sup>1</sup>. When the coordination between the police and criminal courts is strong, a rise in crime stresses the system but it is more probable that the system will produce a return to low crime levels. In contexts of weak institutions and a fragmented state system, the crime rise may lead to a transition to high crime equilibria of higher homicide rates (assumed at 10 or more per 100.000 inhabitants) along with potential crime "diversification" into extortion, kidnapping, etc. (ibid. 133). System integration and strong bureaucracies limit the recurrence of criminal activities, prevent the consolidation of criminal groups with territorial control and coercive capacities and reduce the proliferation of cultural repertoires that legitimate interpersonal and group violence. In contexts of limited state capacities and consolidated criminal groups, a sudden increase in state coercion may disrupt criminal groups' power and foster violent competition<sup>2</sup>, propel group alliances reinforcing them, or produce migration to other areas<sup>3</sup>.

Cordoba, Mendoza and Santa Fe present differences in homicides linked to illegal markets. After 2000 in Mendoza and Santa Fe **homicides** increased towards 2005, then got reduced and increased again with a peak in 2013. Rates are particularly higher Rosario and Santa Fe. Rosario

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went between 2018 of 2023 from 15 to 19/100.000 and Santa Fe from 16 to 13/100.000. In these cities homicides are differently related to illegal market: only 35% of homicides in the city of Santa Fe are related to illegal markets, but represent 64% of homicides in Rosario. From these homicides with previous planning went from 43% in 2014 to 72% in 2023.<sup>4</sup> In both cities, homicides are strongly linked to territorial disputes: 60% of homicides in Santa Fe and 56% in Rosario occur within less than 500 meters from the victims' residency.<sup>4</sup>



The high levels of homicide in Santa Fe, and particularly in the city of Rosario, are related, in a great proportion, to conflicts between drug distribution gangs<sup>5,6</sup> that enjoy strong territorial control<sup>7</sup>. Still, the province presents a dispersed drug market concentrated in the cities of Rosario and Santa Fe.<sup>8</sup> Reports identify 14 gangs operating in Rosario.<sup>9</sup> Some of these groups count with police, judicial and

political protection.<sup>6</sup> In Rosario the 2013 peak follows the killing of the leader of the “Los monos” group and the 2018 resurgence follows inter-groups turf conflicts over territories. The “Los monos” group diversified its activities, particularly since the imprisonment of its leader, first into kidnappings, and more recently into extortion to semi-legal activities, such gambling and informal money exchange. Most importantly, since 2018 they developed “franchises for dealing in drug”, where new groups sell the drugs and the franchising gang violently secures territories.<sup>6</sup> The Alvarado group also uses violence to sustain internal control, fight competitors and since the imprisonment of the leaders, provide hitman services arranged from the prison.

Each group, however, differ in the visibility of their violence. “Los monos” has used violence more visibly to condition authorities and secure “franchises”, while the Alvarado group has a greater control over police and judicial agents, resorting less to public violence<sup>6</sup>. The imprisonment of leaders corrupted prison personnel to secure privileged treatment and external communication, but Los monos has used violence with greater visibility attacking provincial and national authorities to obtain transfers from prisons as well as retain communication capacities. More recently this involved the killing and threat to workers related to gas stations, teaching, and public transport to pressure authorities to reverse prison measures that reduce their capacity to control territories and markets from the prison. The extended but dispersed market with relatively strong gangs provides opportunities for younger residents of low income sectors to circulate from low paying informal jobs, to robberies to become local “soldiers” exploited by gang leaders.<sup>7</sup> Still given the great dispersion, positions in the gangs are highly unstable, and gang leaders highly insecure with limited planning and coordinating capacities. This precludes negotiations and reaching agreements resulting in a “logic of permanent confrontation”.<sup>6</sup>

In Cordoba, the drug trafficking market has been historically controlled by agents close to political figures, in the 1980s and 1990s.<sup>5</sup> With the economic crisis and the rise in demand in the 2000s the market grew controlled by highly local, family based, groups in certain neighborhoods, some with international connections.<sup>10,11</sup> These groups elaborate and sell cocaine

and marihuana, with some police protection, but do not count with judicial and proven political protection. Violence is used to sustain internal order and externally to secure deals or punish unpaid debts, but is less visible, presented by criminal justice operators as fights against gangs or violent robberies.<sup>12</sup> Violence for inter-group competition is very low, as groups reached agreements and the police controls competition preserving the territorial delimitation of groups<sup>13</sup>.

Mendoza is similar to Cordoba, with a rise in drug-trafficking since 2002, with a dualized market, an international one that connects Paraguay and Bolivia through Salta with Chile and one of urban micro-trafficking with small organizations of a familiar base<sup>14</sup> of small sizes<sup>15</sup>, which control very limited urban sectors. In recent years, particularly after the pandemic crisis, relations between groups have become more violent with a great proportion of “homicides that take place in the Greater Mendoza linked to drug crime”.<sup>15</sup> <sup>16</sup> Drug related violence remains, still, highly hidden in Mendoza.

The differences in intensity and visibility relate to the strength of a great number of drug trafficking groups and to differences in state capacities. Repeating a pattern observed in other national and subnational cases<sup>17</sup> the greater visibility of violence in Rosario corresponds to the weakness of the police and criminal justice organizations and fragmentation of the overall criminal justice system. In the eyes of drug gangs the state lacks the capacity to produce a credible threat. By contrast the lesser and hidden violence of Cordoba and Mendoza corresponds to the greater strength of the state which results from the internal bureaucratic cohesion of police and courts and from lesser overall criminal justice fragmentation analyzed in the next section.

## **2. State fragmentation and capacities: *Differences in vertical and horizontal fragmentation and in bureaucratic strength across provinces***

Differences in criminal justice fragmentation can be described in terms of (a) *vertical fragmentation in term of relations between provincial and national agencies*) and (b) *horizontal fragmentation in term of relations between provincial agencies*.<sup>17</sup> Santa Fe presents high overall fragmentation: vertical and horizontal. Santa Fe developed some vertical links with national authorities, as since 2007, the Socialist administrations collaborated in a limited manner with the national administrations, mostly through sporadic militarized policing<sup>18</sup>, urban renewal and money laundering, leading to a small reduction in violence. Santa Fe also presents weak *vertical connections* with the federal justice, mostly formal, to the point that it was the provincial justice which incarcerated the heads of drug trafficking groups for non-drug crimes, and not the federal courts, officially in charge of persecuting drug crimes.

Vertical fragmentation is combined with the *horizontal fragmentation* of the provincial state, with a high disconnection between police, courts and prosecutors compiled with *organizational weakness* of the court and the police. The police is a very weak organization, with a high dispersion of power and low bureaucratic control “inadequate [...] to deal with criminal problematics”<sup>19</sup>. Power resides in the heads of Departmental Units, concentrated in Santa and Rosario, with limited power of those from Special Forces units and the Investigative Police Directorate (which control the Anti-Narcotics and Human Trafficking Directorates). Bureaucratically, the police organization lacks directive and implementing capacities given the high concentration (90%) of personnel in the lowest three of ten administrative echelons, with a small proportion of personnel in supervisory intermediate positions. The concentration in the lower echelons coexist with a promotion system based mostly on mere seniority and personal

contacts. In turn police work is highly concentrated in administrative activities but with low street presence and specialization. Personnel is over-concentrated in Santa Fe and Rosario but with limited numbers in street policing (64% in Rosario and 39% in Santa Fe)<sup>20</sup>. Investigative Police officers are less than 9% of the force, being responsible for common crime, drugs and human trafficking investigations, but 35% of those in investigative units do not receive the regulated monetary incentives for their specialty. The low salaries of the “generalist” policemen make lower echelons highly vulnerable to corruption and “individual police entrepreneurialism”.<sup>6</sup> Policy disciplinary bodies are very weak. The Public Prosecutors Office is also very weak with a high dispersion of power and internally segmented. The PPO is divided in regions, with a variety of specialized units, with powerful regional heads who control a highly segmented labor between prosecutors who do not collaborate or share information between each other, particularly in the crucial Regional District 2 of the city of Rosario.<sup>22</sup> In turn, these weak organizations conform a criminal justice system with important horizontal fragmentations. Prosecutors are disconnected and dependent on the police for investigations, as prosecutors do not control police investigations (Personal Communication, Criminal Policy Secretariat, Public Prosecutors Office (PPO). The 2014 criminal justice reform renewed prosecutors and increased their dependency on experienced police agents <sup>also Enrique Font in 21</sup>, who work with great autonomy.

Cordoba presents high vertical fragmentation in inter-governmental relations but low horizontal fragmentation within the provincial courts-police system, a system formed by strong bureaucracies. The vertical fragmentation comes from decades-long lack of collaboration between provincial administrations in the hands of a Peronist-led coalition and the national administrations. Still, the federal and provincial prosecutors have some institutional<sup>23</sup> and personal links (Personal communications with Federal and Provincial prosecutors, November, 2023). Cordoba’s low horizontal fragmentation derives from an integrated police and criminal courts system conformed by strong and specialized organizations. In the Security Police, a Police Chiefs of Staff holds a firm hand over the organization and effectively control lower echelons, with a personnel distribution (50% in the lowest three echelons, and 20% in the next two ones) that allows supervision and performance evaluation. Investigation is highly specialized within the Security Police, and between police forces, with a Judicial Investigative Police in place since 1998 and an Anti-Narcotics Police (FPA) since 2015, both subordinated to the Public Prosecutor’s office (PPO), with merit based careers and higher salaries. The FPA has 40% investigators and 60% street special operations SWAT-style teams who continuously detect and raid selling points sustaining pressure over drug-dealing groups (with circa 650 raids per year since 2015). Within the PPO Specialized Drug Prosecutors direct the FPA, controlling performance through direct exchanges and a drug-crimes hotline. Finally, an independent Security Forces Disciplinary Board effectively control police and penitentiary personnel.

Mendoza presents an intermediate level of vertical fragmentation but, as in Cordoba, low horizontal fragmentation, evidencing a strong articulation between police and courts. The intermediate vertical fragmentation comes from provincial Prosecutors collaborating formally with the federal judiciary and federal police.<sup>27</sup> The system’s low horizontal fragmentation (or high system integration) results from a cross-party political consensus oriented to control the police and make crime control a state-policy since the late 1990s (Personal communication with Mendoza security expert, 2023, <sup>see also 24</sup>). Since 1999<sup>24</sup> Mendoza has a Security Inspectorate led by civilians (ibid, 284) and a territorially and functionally divided police with low dispersion of power. It has a specialized Investigate Police and since 2012 an Anti-Narcotics

Directorate, as well as criminal intelligence units<sup>25</sup>. The Anti-narcotics Directorate performs around 525 drugs raids yearly since 2020, producing a strong state penetration of the urban territories aided with a highly developed crime monitoring and mapping system.<sup>26</sup> Mendoza also reformed the criminal procedure reform in 2004, empowering prosecutors.

### **3. General recommendations and measures**

The differences described in organized drug trafficking criminality and in system fragmentation and organization weakness call forth different types of interventions in each province. In general terms, Santa Fe needs to invest in police and courts bureaucratic reinforcement, and in vertical and horizontal coordination that transcends party administrations, as well as increasing alternatives to criminal involvement through urban and social programs. Cordoba and Mendoza, on the other hand, must sustain their institutional capacities of low fragmentation and strong bureaucracies, but work to avoid further criminal diversification, prevent the consolidation of prison corruption, as well as reduce criminal involvement through social alternatives. These measures are to be combined with greater attention to police judicial and prison corruption and political protection, money laundering, improvement of prison conditions and reduction of drug related imprisonment that reinforces criminality in general,<sup>31</sup> while it reinforces criminal groups.

#### **3.1. Recommendations and possible measures for Santa Fe (in order of priority)**

1) Strengthening the police bureaucracy: Material reinforcement, redistribution, specialization, and career planning: The concentration of police personnel in the lower echelons, implies a mass of personnel that receives low state material and symbolic incentives and a great deal of illegal incentives. This personnel is available to professional development. To advance in this direction the recommendations are: (i) to *increase police resources for improving working conditions*, in terms of salaries, protection equipment, lethal and non-lethal weapons and proper working conditions that assures full and willing dedication to the function and career; (ii) *increase formalized training* in problem oriented policing, criminal investigations and involvement in community policing, collaborating with local security councils to develop community and targeted solutions related to interpersonal violence; (iii) *regulate and codify specialized promotion standards toward higher positions*. This will create hierarchies where specialized skills match seniority within specialized sectors. These sectors, where skills are transmitted, will provide a horizon for a career based on skills and organization-wide standards, where police agents can and will to invest in honing their abilities and project a career. The codification will serve as parameters for *training* as well as for *lateral reassignments* and *vertical career promotion*. New promotion criteria will reinforce a sense of service and eventually improve performance and legitimacy and reduce personal dependency from superiors. Codification shall draw on existing occupational capacities, allowing sectors to share their know-how, granting recognition to current personnel; (iv) *transfer officers to investigative divisions* with training in criminal intelligence, criminal investigations, forensics, money laundering, and gang violence reduction policing. This will require expanding investigative organs and further specialization, in particular regarding drug trafficking and gang conflicts. Reallocations can be determined on the bases of existing reports on police division of labor and dedication<sup>19,20</sup> combined with information held by Criminal Policy Secretariat of the PPO and (v) *coordinate specialized police areas with other agencies and expertise*. This will require to elaborate protocols and training on links between criminal investigation with the Public Prosecuting organs, community policing with local authorities and organs, and criminal intelligence with judicial and prosecuting

information technology sectors. The greater availability of criminal investigators, collaborating with prosecutors will increase crime clearance rates and community participation eventually will lead to greater police legitimacy.

2. Strengthening Prosecutors Office bureaucracy: Reduce dispersion and consolidate specialization. In the context of an increase in power of the General Prosecutor of the PPO, it is suggested (i) to create of specialized anti-narcotics prosecuting offices, that work in a collaborative way, oriented toward problems, (ii) Create regionally specific criteria across prosecutors, and (iii) Establish offices to coordinate across units sharing of information

3. Increase horizontal linkages I: Between specialized police units and prosecuting specialized organs. Basic measures proposed are to (i) develop permanent collaborations for investigative police officers with specialized Prosecuting units, particularly in the Organized Crime and Homicides Special Prosecuting Units in the Santa Fe and Rosario regional agencies and with the recently created Special Prosecuting Units for Counter-narcotics;<sup>33</sup> (ii) created collaboration protocols for specialists in criminal intelligence from the police and the Public Prosecutors Investigations Organism in the Regional Divisions. A possibility is (iii) to re- re-designing the Agency for Criminal Investigations,<sup>9</sup> via giving more autonomy to Special Prosecuting units.

4. Increase horizontal linkages II: Between police community policing units with municipal and provincial programs for community based violence prevention interventions. It is suggested to (i) Develop and implement a community, social services and police based focused deterrence violence reduction programs<sup>34</sup> through mapping gangs, advertising programs, communicating possible sanctions targeted at risk groups, and provide alternatives (and resources) to active gang members. Such programs may become part of the focalized violence prevention programs that integrates police, justice, and social aid<sup>35</sup>. Programs will target gangs, but also violence outside illegal markets, particularly of homicides connected with a culture of “territorial animosity”<sup>2,7</sup>.

5. Increase horizontal linkages III: Reinforce external control through a police and prison forces boards manned by judicial investigators and representatives of legislature: The existing external police board shall, as a related be filled up and put to work, through (i) creating a preventive division, targeting possible problems and (ii) creating an adjudicating division, investigating violations imposing sanctions. This Board has to (iii) create a special monitoring group to prevent police participation in drugs and other illicit markets.

6. Increase horizontal linkages IV: Reinforce Security Ministry capacities and specialization. It is suggested to (i) recruit, through transfers, and training, ministerial personnel with specializations in (a) monitoring police careers and performance and human and material resources allocation and (b) control over police arsenals—to reduce gun availability, of critical importance to reduce homicides. (ii) Reinforce units to exchange information and planning with other provincial and national ministries.

7. Increase vertical linkages: Between specialized provincial prosecutors and national prosecuting agencies. As the province acquired jurisdiction of over minor drugs crimes (possession and commercialization of small quantities) in late 2023, it must (i) develop agreements of collaboration and division of labor with federal prosecutors to (a) share information about investigations combining the bottom-up information of provincial persecution, derived from local intelligence and seizures, with the top-down information of federal agents derived from persecuting inter-provincial circuits; (ii) develop *trust* among judicial and police

specialists from different jurisdictions to overcome illegal political conditioning over prosecutors and bureaucratic turfs between provincial and national police forces.

8. Prevent dispersion and diversification of criminal gangs reinforcing security in medium size cities and neighboring provinces. To confront possible displacement<sup>3</sup> of gangs from Rosario and Santa to medium size cities of Santa Fe and neighboring provinces, authorities shall (i) Redistribute personnel, particularly investigative personnel to medium size cities, (ii) Enter into information exchanges and collaboration with neighboring provinces.

9. Increase investigation and punishment of money laundering linked to organized crime. It is suggested to (i) Create a prosecuting units on asset forfeiture and financial links of drug gangs in the regional prosecuting unit. Following Marteau, Martinenco, and Brunetti (2024) authorities shall (ii) produce general prosecutorial directives that oblige prosecutors to pursue inquiries and achieve forfeitures as well as (iii) coordinate prosecuting financial disruption units articulated with banking, commercial and real estate provincial and municipal registries.

10. Avoid material and symbolic reinforcement of drug gangs in/from prisons. This will require (i) prison building and improvement of inmates conditions, preventing the empowerment of drug gangs into prisons gangs that later on project their power outside. Related measures are (ii) improving working conditions, security, salaries and promotion horizons and re-training of prison guards; (iii) avoid humiliating measures within prisons; and (iv) produce protocols on the use of images about prison control interventions, and their media exploitation.

### **3.2. Recommendations and possible measures for Mendoza**

1. Increase ministerial and police control steering capacities. The suggested measures are (i) invest in planning capacities to increase policy continuity across administration, (ii) reduce police agents within the security ministry creating a civilian based career oriented ministry and (iii) increase the capacity of the Security Inspectorate to solve cases, and (iv) develop preventive interventions instead of post-hoc intervention<sup>36</sup> targeting at risk police groups.

2. Sustain police specialization in drug crime investigation but reduce focus on consumers. The police shall (i) formalize and increase training and selection for membership in the Anti-narcotics directorate, securing specialized careers with monetary incentives and greater supervision to avoid corruption. In a related line the police (ii) shall reduce focus in detention of consumers, and aim to higher-level intermediaries; (iii) replaced extraordinary “spectacular” massive raids for a focused approach<sup>34</sup> including social interventions on specific groups.

3. De-federalize and create specialized prosecution units, internally coordinated and with federal police and justice articulation. De-federalization of small drug crime increase police capacities to control drug markets and reduce the development of powerful drug gangs. It will require (i) creating prosecuting units specialized in drug trafficking more knowledgeable on groups and dynamics and with greater control over the narcotics directorate police personnel.

4. Introduce focused deterrence violence prevention initiatives. (i) Develop and implement a community, social services and police based focused deterrence violence reduction programs.<sup>34</sup> through mapping gangs, advertising program, communicating possible sanctions to targeted at risk groups, and provide resources and alternatives to gang members.

e. Reduce the circulation of illegal drugs among the prison population. It is suggested to reduce prison over-crowding (circa 25% in the biggest prisons), in part through (i) alternatives to pretrial

detention (ii) improving working conditions, security, salaries and promotion horizons and re-training of prison guards. (iii) Develop programs to treat drug addiction of prisoners.

f. Produce relevant information integration and publicity. Even if the Crime Observatory works efficiently there is also not indication of systematic production of data related to homicides and drug-related gang fights. Thus, the suggested measures are (i), as in Santa Fe, produce studies of violent homicides related to drug gang's conflicts (ii) publish them to reduce scandals and their political exploitation, as well as increasing policy continuity.

### **3.3. Recommendations and possible measures for Cordoba**

a. Sustain police specialization in drug crime and control over drug policing units. Given existing plans to reinforce antinarcotics policing, in particular to deal with possible dispersion from Santa Fe into Cordoba cities bordering Santa Fe, but also to put back Security Police personnel into Anti-narcotics Units<sup>37</sup> it is recommended to (i) Expand control over antinarcotics units through special units in the Security Forces Disciplinary board and through Special Prosecuting Units.

b. Increase addiction treatment programs. The suggested measures are to (i) reinstate and expand drug addiction treatment centers, with a health oriented solution to overcome drug dependency and reduce demand.

c. Reduce consumer imprisonment and illegal drugs in prisons: Suggested measure are to (i) Reduce detention of drug users through prosecuting guidelines enforced by the specialized police; (ii) improve working conditions, security, salaries and promotion horizons and re-training of prison guards, (iii) Increase control capacities of prisons guards over the smuggling of drugs into prison (iv) Avoid differential treatment and humiliation for those detained for consuming, in particular through "maximum security regimes".

d. Produce relevant information integration and publicity. The Citizens Security Observatory does not produce data related to homicides linked with drug markets. Thus, the suggested measures are (i), as in Santa Fe, produce studies of homicides related to drug and other illegal markets (ii) make studies available and subject them to public scrutiny. The work of the Criminal Police Directorate of the Public Prosecutors Office can serve a model. In this respect it is suggested to (iii) Establish training agreements between the Santa Fe Directorate with those of the Public Prosecutors Office of Cordoba.

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