


Security *and justice* in Jalisco



SCENARIOS AND PROPOSALS

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COORDINATORS

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Prologue

In the year 2015, the escalation of violence closes with a *crisis of (in) security* in the state of Jalisco which is unparalleled in its recent history. In that context, the demand for public security and justice has become the main concern and request by the citizenry, in accordance with the results of the most reliable opinion polls, as well as of the more diverse and representative sectors of our entity.

In view of the State's failure to fulfill its obligation to guarantee the right to security for everyone who lives in our community, the University of Guadalajara, in compliance of all and every one of its substantial functions (teaching, generating knowledge and establishing links), has been systematically carrying out significant contributions in the areas of security, human rights and the justice for years.

Suffice it to illustrate with the following examples: a) Masters in Forensic Sciences, an academic project shared by the University Centers for Social Sciences and Humanities and Health Sciences, training and graduating experts with university degrees from the Jalisco Institute of Forensic Sciences, b) Masters in Law, in particular degrees in Public Security and Justice Administration, with multiplying effects on the different operators of the penal justice system in the western-central region of Mexico, c) Masters and PhD in Political Sciences, specially through the degrees in international politics, geopolitics and security, d) Bachelor's Degree in Citizenry Security, through the Virtual Educational System, an initiative that transcends the national borders, and) the teaching of subjects on the university network, with contents on the different dimensions of security, human rights and the variants of penal justice, f) Bachelor's degree Theses and postgraduate courses on the topic of security, penal reform and correctionalism, g) research projects and products led by research professors in said subject matters, particularly in the University Centers for Social Sciences and Humanities (CUCSH) and for Economic Administrative Sciences (CUCEA), h) diffusion of the research results at national and international academic forums and on

the media, i) link with the institutions and organizations responsible for ensuring public security and penal justice in Jalisco and its municipalities, j) Creation and development of the Network for Public Policies at the University itself, which has served to articulate efforts by the whole university community, k) collaboration with The Technical Secretariat of the Coordination Council for the Implementation of the Penal Justice System (Setec), an organ that belongs to the Ministry of Interior in charge of coordinating the actions of the three government levels for the implementation of the adversarial criminal justice system, l) integration of university experts in the Inter-institutional and Multidisciplinary Group (GIM), in charge of the diagnosis and evaluation of the situation of violence against women in the entity, m) internationalization, through training and linking activities with the International Penal Justice System, the International Red Cross Committee and various United Nations Organization and Organization Of American States bodies.

In this framework, this University acknowledges that the causes and implications of (in) security and violence are multi-sector or multifactorial and they arise in a set of risks and threats of great magnitude and complexity, one that is transnational and extra-territorial in nature and they require the greatest possible number of approaches and views from the academic sector for its optimal understanding.

Just like in the rest of the country, in Jalisco the three government orders and the three powers of the Union concur and are jointly responsible, for attaining the preservation of the people's rights and patrimony, as well as ensuring Jalisco's territorial security and its strategic position in life of the republic, which is today deeply jeopardized by crime.

It should be pointed out that the solution to the problem is no doubt compounded by Jalisco's regional, national and international boundaries.

In the view of which, the University of Guadalajara is pleased to present to society at large and to the decision makers, in particular, the collective work entitled *Security and justice in Jalisco. Scenarios and proposals*, under the coordination of Marco Pablo Moloeznik and Abelardo Rodríguez Sumano, renowned CUCSH research professors, in their urgent quest to put together the jigsaw puzzle of the lack of goals, by means of a joint vision, in a vital connection at-

tempt, that reveals the uncomfortable, embarrassing detail, the number with a face and the anguish of the Jalisco people, as well as their expectations and most heart-felt and legitimate longings.

In other words, this is a book that aspires to the double look: one by a microscope that dissects the precision of human data, and one by a telescope, which keeps driving the convergences between the local and the global.

With this object, a collection of carefully selected studies and essays is compiled by a group of distinguished local, national and international specialists, who highlight the complexity of the phenomenon of (in) security and violence in Jalisco and who seek to go beyond the analysis by presenting viable proposals for public policies.

This way, the University of Guadalajara contributes, in a framework of plurality and academic freedom, to the generation of pertinent knowledge as one of its main functions, in response to the social demands for respect to the people's right to security and justice which, at the end of 2015, is far from coming true in Jalisco and in our country.

ITZCÓATL TONATIUH BRAVO PADILLA
Rector General de la Universidad de Guadalajara

Presentation

Jalisco in the security crossroads

Raúl Benítez Manaut*
Sergio Aguayo Quezada*

The book *Security and justice in Jalisco*, published by the University of Guadalajara and Colectivo de Análisis de la Seguridad con Democracia, AC (CASEDE), (Association for the Analysis of Security with Democracy) whose editorial work was undertaken by two renowned scholars, Marcos Pablo Moloeznik and Abelardo Rodríguez Sumano, is a necessary, urgent work.

CASEDE conducts research and debate forums on Mexico's security. It has already published *The security and defense Atlas of Mexico* 2009 and 2012, and the 2015 version is almost finished. It is very important to CASEDE to cover, little by little, the security analysis in the states of the country. That is where one of the greatest voids lies in the studies and debates established between scholars and those who follow the topics of violence, drug trafficking and security in Mexico. So far Morelos's atlases covering Morelos and the metropolitan area of Puebla and Tehuacan¹ have been published.

This book on Jalisco also covers these voids. Its advantage is that most of its contributions were written by specialists from Jalisco. Due to its geographical location, Jalisco became the headquarter of drug trafficking criminal organizations and there are rumors of a Gua-

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1. These Works can be openly consulted at: www.casede.org.

dalajara Cartel associated with groups from Sinaloa. The Federal Government acted energetically and stopped the presence of high-impact criminal violence, but only for a moment, and for a while it seemed that the situation in Jalisco would go back to normal. When President Felipe Calderon declared war on drugs in December 2006, Jalisco, by being geographically between the territories controlled by the criminal groups of Michoacán and Sinaloa, became a territory in contention but without a lot of expressions of violence as it was the case of its neighbors.

At first, violence was not experienced in Jalisco the way it was in other regions of the country. However, due to the blows delivered to the different factions from the Sinaloa Federation, in addition to the dismantling of the Michoacán Family and the Knight Templars since 2013, the vacuums in the territorial criminal coverage that are opening up in those two states, led to the strengthening of the Cartel of Jalisco Nueva Generación (CJNG).

The CJNG is the youngest criminal group in Mexico. It is virtually unknown in the specialized literature. The book *Security and justice in Jalisco* presents two of the most complete studies on this organization and their capacity for opening territories using violence. Even formerly peaceful cities such as Puerto Vallarta and Lagos de Moreno are besieged by this organization. Cells of this organization have also acted in León, Guanajuato and in Zamora, Michoacán among other places. As a result of the above, violence and crime rates have risen notably in Jalisco. According to the report by the National System of Public Security dated January, 2016, Jalisco ranks fifth in terms of criminal homicides in the country, after the States of Mexico, Guerrero, Baja California and Veracruz, with 178 cases. As to the crime of extortion, Jalisco heads the list with 52 cases; auto theft has increased notably, and Jalisco now ranks third nationally². It all makes it necessary to delve thoroughly into the different ramifications of security in Jalisco.

The work is a compilation of 25 collaborations, divided in five thematic sections. The great majority of the authors identify with

2. Data from the Sistema Nacional de Seguridad Pública for January 2016, cited on *Reforma*, February 29 2016.

the theories of multidimensional and integral security which claim that the phenomena of violence, crime and delinquency are based on structures of socioeconomic difference, contexts of poverty, marginality and weak social cohesion. This interpretation also leads to maintaining that government institutions suffer from notable insufficiencies, among them the lack of professionalism of government employees, corruption, opacity and lack of transparency, as well as the absence of planning and administration of the public budgets.

In the first thematic section block, “Strategic vision and critical issues”, the four collaborations that make it up study from the historic factors to the problems of implementing public policies in Jalisco as a whole and, in particular, in the metropolitan area of Guadalajara. The topic of the link between public security and penal justice is approached as two factors that *should be* integrated accompanying each other.

The second section “Violence and high-impact crimes”, compiles studies that compare homicides at national and state levels; the manifestation of the different kinds of violence and the study of disappearances, kidnapping and torture. These contributions expose how the official statistics are unequal and omit the description of reality, basically with political purposes, in order not to look like a state that has high crime indicators that could tint the image of local government officials, and inhibit tourism or capital investment.

The six chapters making up the section “Human Rights and vulnerable groups” make a realistic analysis of the human rights violations in the state, emphasizing the lack of independence of the State Human Rights Commission. They cover the topics of suicide, juvenile delinquency, gender violence and the difficulties migrants face on their route throughout Jalisco. These analyses reflect the vulnerability besetting a lot of sectors of the population.

The fourth section is devoted to the “Institutions and capacities of the state of Jalisco”. It consists of five chapters that analyze the Judiciary power and the relation among the implementation of the new penal justice system; police corps, their weaknesses and capacities; the public advocacy and the public security system (or systems), which must be encouraged as a State policy. The panorama that is emerging is worrying: The justice system lacks independence and the police bodies, coordination; which has led to the proposal of a uni-

fied command, which in Jalisco has been advertised as one of the steps to follow. The articles strongly stress the weaknesses of these institutional subsystems, and they almost take for granted that they do not have the strength to implement the reforms to penal justice and the coordination of police corporations. Furthermore, if these institutional capacities are too weak to confront common crime, all the more reason to believe that they would be unable to do their job, that they would be overpowered rapidly if the CJNG were to grow in influence and managed to consolidate in the state of Jalisco. In addition, in the light of the new adversarial Justice system, the aforementioned section includes recommendations made from good practices documented in the last few years in those federated entities that have already implemented them.

The final section “Federación Jalisco in the frame of national security”, contains four chapters that close the book with excellent analyses on CJNG penetration and growth and the presence and role of the Army. It is pointed out that due to both, the existence of a criminal group whose name locates it in the state and to the increased presence of the Army and the Federal Police to face it; Jalisco risks a growth in the presence of organized crime, which will force the participation of the federal forces.

In short, this work implicitly presents the possible scenarios for Jalisco: An increase of violence that would require the federal forces to head the effort to curb the enemy or, on the contrary, that the Jalisco leaders face reality, become aware of the magnitude of the phenomenon of (in) security, and implement the necessary reforms. This publication makes concrete recommendations, provides tools, raw materials and information to understand the security crisis that can be brewing. It is up to society and government officials to use it to put together a new security agenda.

Ciudad de México, March, 2016

Introductory Study

Marcos Pablo Moloeznik
Abelardo Rodríguez Sumano*

The work *Security and justice in Jalisco Scenarios and proposals* that is presented below for the reader's consideration, compiles a collection of twenty-five essays and research reports undertaken by renowned scholars, experts and young, promising professionals.

It is one of the most complete collective efforts in both matters, at the initiative of the University of Guadalajara and in response to the main social concern. Thus, from different approaches and perspectives, the book provides an account about the situation of security – in its different dimensions – and penal justice in the state of Jalisco, and it formulates viable proposals for public policies, strategies and action guidelines, with the aim of contributing to solve problems and address critical matters in both basic functions of the State.

Meanwhile, in view of the complexity of both issues, the contributions are inserted in five major thematic sections, namely: I. Strategic vision and critical issues; II. Violence and high-impact crimes; III. Human Rights and vulnerable groups; IV. Institutions and capacities of the state of Jalisco to face insecurity; And, V. Federación – Jalisco in the framework of national security.

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In the first section, four works discuss Jalisco's strengths and weaknesses, paying special attention to urban issues, in particular its metropolitan area of Guadalajara (Zona Metropolitana de Guadalajara) (ZMG), as well as its challenges and perspectives from a strategic dimension, in the regional, national and international scopes in which Jalisco is inserted, which imposes a new sort of public policies, from a comprehensive conception of security.

The second block of essays is made up of six studies that deal with issues that are crucial to understand the breakdown and crisis of the security and justice systems, including the different public demonstrations of violence, the violations of the right to life and to freedom, the disappearances and kidnappings, which are at present considered high-impact crimes.

The six articles in the third block denounce the aberrant practice of torture, as well as report those sectors of the society that are characterized by showing the highest vulnerability indexes, such as the young at odds with the law, women, the migrants en route along the state, and suicidal and para-suicidal people, from the human rights viewpoint.

Then, on the basis of Jalisco state institutions and capacities, five chapters scrutinize the state's institutional strength as holder of the legitimate monopoly of force and arbiter and counselor for the social conflicts, which is in direct correspondence with the health of its institutions and the developed and available resources and capacities—especially men and women at the service of the state –, including a balance of security as a public policy and recommendations of good practices to comply with the implementation of the adversarial criminal justice system in Jalisco, based on a rigorous diagnosis, which exposes a reality characterized by impunity, along with a low denounce rate and an acute deficit of the District's Attorney's capacity for investigation, compounded by the precariousness of alternative justice.

The final section examines the impact organized crime has on Jalisco and its municipalities, particularly drug trafficking, and the role of the federal Government and its repercussions for the local governmental branches. This way, four papers focus on these problems, from an ample approach in the state, with special emphasis on the Cartel Jalisco Nueva Generación, the most dynamic and fastest-growing group present in the area. In this sense, information

is provided from the political and financial point of view, about the intelligence services, the Army, as well as the media. In other words, these are works that place in the center of the national debate not only Jalisco's security, but also that of the Mexican State, with serious regional and international implications.

For any experienced reader, it is possible to find some contradictory points of view and reflections, that is to say, possible divergences on a same issue; and this is that way because the spirit of this work is consistent with the tradition of academic and thought freedom that characterizes the University of Guadalajara.

Nevertheless, in order to be in a position to evaluate public security as a sector policy of the state of Jalisco, *ex ante*, we should start from the acknowledgement that:

- Security is, above all, *a public asset* intimately bound with quality of life and the level of economic, political and social welfare of a community;
- It is also conceived as *a basic right* that everyone must enjoy only due to the fact they are human beings, defining as secure that which is free and exempt from all danger, risk or damage;
- While for the classical thinkers of Western political science it constitutes a *primary obligation of the State*, it is a responsibility that cannot be delegated, one that is on the basis of all social pact by virtue of which the State is granted the legitimate monopoly of the force in a given territory;
- In Mexico, it is *a function charged to the three government orders* in their respective areas of competence and, as a consequence, *a subject of political nature*.

1. Findings

Jalisco experiences an alarming situation in terms of the indexes of (in) security for its population, institutions and territory, which place the State in the perspective of a serious situation of violence. Risk goes beyond citizen security; rather, the challenge lies in the supporting axes of the conception and conduction of the state's integral viability, which concerns also the federation, since they pose risks

and threats to national and state security that require the adequate coordination of the local and federal authorities.

In this frame, the first thing that catches our attention is that, in conceptual terms, the current State Development Program does not rank the crisis of (in) security that the country has been living since the time of President Felipe Calderón Hinojosa administration –(2006-2012), as a priority for the state and the federal Government nor do they address structurally local, regional, national and international risks, threats and vulnerabilities. It does not include aims of what must be secured either: The concept of territoriality, the plurality of its population, the political institutions, the limits with the neighboring states that share the risks and threats of criminality and its weight and role in the concert of the Republic. It is a restricted conceptual vision, which also does not establish the legal links with the General Law of the National Public Security System or with the Law of National Security in any ample sense.

The State Development Program and the current feeble security guidelines have been overwhelmed. That is why a change of paradigm and strategy is urgent to address the risks and threats that question the environment and sustainability, in particular the excessive concentration of population, productive activities and services in the metropolitan area of Guadalajara (ZMG), to the detriment of most of the municipalities of the state.

In short, the absence of a role played by the state reigns supreme in the area: Institutional and financial weakness, economic unbalance and very poor distribution of wealth, lack of strategic planning for the countryside and the city, shortage of water and poor coverage of higher and secondary education in some populations that, as a whole, propitiate the breeding ground for the growth of the vulnerable groups and the (in) security of Jalisco.

Just like in other parts of the country, since 1995 the state has experienced political alternation, with the ascent to power of Partido Acción Nacional (PAN), which held power for eighteen years. Nevertheless, the passage of time and the force of evidence have revealed that corruption and impunity are greater than any party structure and they are gradually corroding the foundations on which democracy, the patrimony of the Jalisco people their expectations and hopes stand. In a few years, the combination of the wear typical of three

consecutive gubernatorial terms, along with boredom and a series of factors connected with poor management and the predominance of a logic of a disorganized national security in the public security and penal justice sectors, explain the return of the Partido Revolucionario Institucional (PRI) to the state Executive Branch Of Government.

However, the leadership crisis due to the absence of actual change –waved as a political banner during the elections- and the mistakes made by the present-day governor, mark an electoral process whose results favor Movimiento Ciudadano (MC), the party that makes up the government in most of the municipalities in Jalisco, in particular in its ZMG and in its medium-sized cities such as Puerto Vallarta, Ciudad Guzmán, and Tepatitlan, among others.

Both its political-electoral platform and its campaign promises generated expectations among the people and their fulfillment will depend not only on the political will of their leadership but also –essentially- on their technical work groups, the professionalism of their executive echelon, coordination with the governor and the federation and the reaction of the criminals and the eventual (in) security crisis that show up along the way. After the PAN and PRI failure, it is convenient to stop and grant MC the benefit of doubt, respect a reasonable term to be in a position to evaluate the policies, strategies and action guidelines on the subject of criminal policies knowing full well that in some cases they have a transnational nature.

But, beyond it all, the state of Jalisco, like the rest of his peers in Mexico, have strengths and weaknesses on the subject of security and penal justice, which are worth taking into account, to understand better the contents of this collective work.

1.1. Strengths

Jalisco's significance has lain in its historic and regional preeminence since the establishment of New Galicia in colonial times and the circuit of shared licit and illicit relations, as well as risks and opportunities with Durango, Zacatecas, Aguascalientes, San Luis Potosi, Colima, Michoacán and Guanajuato. In addition, its geographic position – its relative position in geopolitical terms – has allowed it to be placed in the heart of important historic transformations of Mexico's development.

This is a state with a huge potential, which holds a privileged position in the western central region of the country, with a seaboard bathed by the waters of the Pacific Ocean, and made up of regions characterized by their resource diversity and natural wealth that, if they were well employed, they could constitute the bastion of a true regional economic power.

Jalisco's economic vocation positions it as the main producer of a wide range of food, textile, electronic, jewelry, craftsmanship goods, as well as the generator of high-level, quality services such as educational, scientific-technological, hospitality, commercial and healthcare services, and one of the most in-demand tourist destinations in Mexico.

The ZMG is characterized in addition, by being one of the most dynamic cultural societies of the country. Suffice it to cite the following examples: The international Book Fair, the International Cinema Festival, a long roster of State and private universities that promote professional and intellectual leadership with key incidence on the political and economic map of the region. Furthermore, Jalisco has worldwide recognition for things like the Tequila agave landscape, the Hospicio Cabañas, the mariachi; the former two as world heritage sites and the latter as immaterial heritage shared with Colima, Nayarit and Michoacán and various parts of the country that preserve our region as a cultural epicenter, all the above is recognized by the UNESCO, they are bastions of unquestionable identity recognition at the national and international level.

However, the *human critical mass* is the greatest Jalisco strength, in the light of the rich tradition of high-school and university education, both public and private. Since the arrival of the Jesuit order in the then New Galicia, an incipient education system is developed whose epicenter was the ZMG, which brings about positive effects throughout the western-central and Pacific state regions, with active University of Guadalajara (UdeG) alumni associations, even in faraway places such as Tijuana. It is high-quality education for men and women that make up the Jalisco labor market and that, with the decentralization of the UdeG, covers most of the geography of Jalisco.

This potential should be channeled to the institutions and organizations responsible for ensuring public security and penal justice; that

is, make use of the human resources and generate incentives so that, as a personal life project, men and women with a university degree, embrace mainly law-enforcement careers and occupations that are clearly connected with the socioeconomic development of the region, which demands high-level human resources with advanced training.

1.2. Weaknesses

The main weakness of the region is the tension between legality and reality, which results in a fiction or juridical simulation, in the framework of a democracy, in view of a state of emergency *de facto*. Jalisco's pathology is the systematic and everyday violation of human rights; an example is the humiliation and abuse committed against young people by the uniformed state and municipal police (arbitrary arrests as a reflection of the low level of police professionalism and the stigmatization of certain urban groups) the use and abuse of injunction and preventive imprisonment orders in alleged cases of organized crime and the generalized practice of torture, in particular, the behavior of the investigating police corps belonging to the General Attorney's office.

In this situation, it is noteworthy that there is a Comisión Estatal de Derechos Humanos that is not capable of assuming the role it is supposed to play by mandate, or a State Supreme Court (STJE) that favors political and party interests, instead of answering to the general welfare of the people it is supposed to serve.

This way, the local Judiciary – unlike their peers in Chihuahua, Oaxaca, Nuevo León, Morelos and Mexico State, among others – have systematically resisted transit toward an adversarial criminal justice system as a constitutional imperative.

In this frame, there does not appear to be a security policy in Jalisco that analyzes the multiple causes/factors of the various manifestations of violence and crime, for a better understanding of both phenomena and the design of prevention mechanisms that allow preventing the crimes *ex ante*, there is not either a risk agenda centered in the vulnerabilities of the state and its municipalities. This is probably due to both a reductionist conception of public security, one of reactive and punitive nature, and to submitting it and the penal justice system to the political and party ups and downs and inter-

ests. In other words, in the state of Jalisco, public security and penal justice are the booty of the political parties and, as a consequence, the essential note is the de-professionalization of Civil Service.¹

This explains the tendency to privatization of public security in the last fifteen years, with the rise and development of numerous private corporations rendering multiple services in the security sector, which the State cannot even afford to supervise efficaciously.

Organized crime cannot be overlooked either, their unprecedented development is revealed by the actions and the fire power of the so-called Cartel Jalisco Nueva Generación, whose growth and expansion cannot be explained without the acquiescence, agreements and illegal practices – not to mention negligence – of the political class, whose main effect is the tendency to the militarization of public security, characterized by the intensive use of the armed forces in missions and functions of police or para-police nature in view of the inability of municipal and state institutions to address such scourge.

It is the diversification of illicit activities such as drug trafficking, homicides and high-impact crimes (kidnapping, protection, extortion, torture, disappearance of people), combined with money laundering –historical in character in the ZMG – and incursion in legal activities, especially in the services sector and in the unprecedented construction boom.

Thus, the problem in Jalisco is not forced disappearances – in any case, it continues to be in use as a *historic debt of the state* since the years of the so-called dirty war –, but rather the large number of missing persons, as the *modus operandi* of organized crime.²

1. For further details, see Moloeznik, Marcos Pablo (2015) “Aproximación a la seguridad como política pública en el Estado de Jalisco”; en, Pineda Ortega, Pablo Alberto (Coordinador), *Cuestiones Sociales y Políticas*, Instituto de Investigaciones en Políticas Públicas y Gobierno del Centro Universitario de Ciencias Económico Administrativas (CUCEA) de la Universidad de Guadalajara / Prometeo Ediciones, Colección Políticas Públicas y Gobierno, pages 347-370.

2. There are no documented cases of forced disappearances in Jalisco, claimed the State General Attorney (FGE), Eduardo Almaguer Ramírez. His remark is based on the current controversy about the definition of this crime, when the state intervenes: <...> “On this issue, so far we don’t have any evidence of law-enforcement participation in Jalisco in this type of issues (*sic*). I don’t have any, I don’t know of any. In the reviews we have conducted in all the materials, we have not found that any police officer or member of any corporation has participated in disappearances on behalf of the State”, Almaguer

This penetration – not to mention complacency and permissiveness – of drug traffic in the basic state institutions is compounded by institutional weakness, along with the absence of administrative careers, low levels of professionalization of the Civil Service and insufficiencies of an intelligence-counterintelligence system in the region, which would allow obtaining timely information, mainly on what concerns the dispositions and intentions of organized crime, which is always a step ahead of state and municipal authorities.

The Federal Government is also partly responsible for this situation, because it does not intervene in a timely manner and when it does, it overlooks the necessary coordination with local Government, probably due to mistrust in the state and municipal authorities. This way, Jalisco has an overpowered public security, vested interests by government employees and public servants that undermine the Civil Service in favor of the control of party interests and group loyalties that generate very poor institutional designs, obstruct information and justice, propitiate the informational opacity, tamper with figures, in general, are far from generating concord and consensus. Probably, it is an authoritarian tradition difficult to root out that transcends the political party in office.

Ramírez assured. Forced disappearances by private individuals, especially in relation with drug traffic and criminal groups is a serious problem in Mexico that does not seem to be slowing down, according to Arturo Villarreal Palos: “Every day we get news of a new grave and every day new bodies are found, that is, new missing people that turn up dead. Therefore now the tendency is for there to be a double categorization: forced disappearance by the authorities (traditional categorization) and forced disappearance by private individuals, which is the real problem”. The scholar made it clear that the penal type of forced disappearance in Roman Law does not differentiate the active subject. He added that for the cases to be taken to the International Penal Court there must be a “systematic, generalized pattern”, we would have to acknowledge that a given organization dedicates to having people disappear and I don’t see it like that. The disappearances that we have been having are the result of a struggle among factions, a struggle for power”; See, *Desaparición forzada es inexistente: fiscal*; en El Diario NTR, 07 December 2015; available at, http://www.ntrguadalajara.com/post.php?id_notas=23887 <consulted December 15, 2015> However, there is the acknowledgement of Subsecretaría de Derechos Humanos de la Secretaría de Gobernación –under the leadership of Roberto Cifrián Campa- that this terrible scourge against the citizens is present in Mexico and there is need for a legislation that addresses this loophole in the Mexican legal system. About this see, for example, “Contra la desaparición de personas en México” <http://www.jornada.unam.mx/2015/12/21/opinion/016a1pol> Even the President of the Republic acknowledges this terrible evil with the promotion of a law on this subject last December 10, 2015.

2. Scenarios and proposals

In the light of the contributions that make up this editorial effort, in the long and mid run, it is possible to visualize two scenarios: one is tendentious and the other one catastrophic. In that sense, perhaps they could be reverted if a *State* policy were to be promoted in Jalisco and the country that would prioritize, first and foremost, the interests and the integral viability of the region, one that would punish by law those who would usurp – from a public office– the patrimony, the well-being and, even, the life of its inhabitants; a forward-looking policy that is coherent and consistent under the example of probity in the behaviors of the highest circles of the state and municipal power. On the other hand, it has already been proved that neither the PRI nor the PAN managed to impulse a State policy. It remains to be seen whether a different party in the Governor's office would be in a position to carry it out.

One way or another, security in Jalisco stands in a watertight compartment, encouraged by a police approach that is punitive / reductionist, which has demonstrated with facts its resounding failure, since it overlooks the complexity of the security phenomenon and the recommendations by national, regional and international organizations to promote a multifaceted, multidisciplinary approach to security, one that contributes to incorporate violence-prevention and crime-control measures, as well as to address a wide range of problems such as the lack of social cohesion, social inequalities, lack of opportunities, impunity and high-impact social crimes. That is why there still prevails an absence of a comprehensive conception of security, which jeopardizes sustainability, development and the future of Jalisco.

For all the above, it would be advisable to incorporate *integral security* as basis and starting point of a crime policy, in order to be in a position to generate and develop a state risk agenda– in the short, medium and long run – with measurable and compatible indicators and instruments, with a risks agenda at the national and international level. That is, a wide-ranging security that includes five sectors: the Political, economic, social, environmental and military sectors, as well as four levels: the municipal, state, federal and international levels. A security that favors the generation of intelligence instruments

that assess the weight and the level of impact of risks and local and transnational threats that Jalisco is – and will be – facing.

2.1. *Towards an integral security*

The physical base of the State comprises the territory and the population, all its natural resources, and the whole wealth of society, within the frame of its border limits. This component of security is more concrete than ideas and institutions, and the threats it faces are more quantifiable than public discourses and policies. If the territory or the sovereignty on the natural resources is lost, the full existence of a region is lost as well as its destiny and capacity to exercise power within its juridical demarcation, the State-nation or in the international system.³

The individual's life takes place in the territory within the family circle and community, the community builds villages, towns and cities. Identities converge in the towns and cities, as well as the history edified by urbanity, territoriality, culture and the arts.⁴ We have a pre-Columbian heritage and the Novo-Hispanic influences in Mexico, which have intertwined the Iberian world with indigenous traditions. The result of that hybrid is the construction of very unequal societies throughout more than five centuries. And, up to this day, there is a difficult relation between the original peoples of Mexico and the heirs of the colony and mix of races.

On the other hand, Mexico is part of a global capitalist system. In terms of security, the sustainability of economy is vital to support production and the necessary wealth to preserve, protect and ensure the natural resources and to develop the goods and services of life in society. In like manner, distribution and access to economy and work are key elements to strengthen the fabric of society and the state's operating capacities.

3. Buzan, Barry *People, States & Fear: An Agenda for International Security Studies in the post-Cold War Era*. ecpr Press Classic Series, no. 2, Colchester (Essex, UK), 2007.

4. Rodríguez Sumano, Abelardo, "Análisis y propuesta conceptual para la definición de seguridad y amenazas en México," at Villareal Arturo, Gómez Alicia (coords) *Seguridad, transparencia y reforma penal en México* Centro Universitario de los Valles, Universidad de Guadalajara, 2011, p. 195.

Therefore, the future of this history and community depends on the appropriation of the natural resources. Along this line, geography is essential and it associates with geopolitics that is also of paramount importance for territoriality. Territoriality comprises the subsoil and the terrestrial, maritime surface, the weather and security on the airspace. Jalisco's geopolitics places it since Colonial times in a strategic position due to its exit to the sea and the preeminence of its natural resources, bridging points and communication with the West of Mexico. On the surface of the territory, the state expresses its economic capacity and possibility of driving economic development, as well as the circuit of financial transactions of the illicit traffic that puts it at stake. The ideas of security and the institutions should specify these resources associated with power and wealth of a federated region or national state.

Likewise, the studies on security, as well as public policies, must identify vulnerabilities, risks and threats that produce insecurity. Methodologically, it is in the speeches, key documents or decision-making and public policy processes, where care must be taken to define what must be ensured and the risks and threats to that security.

This is the equation that guides this conceptual approximation: Risk, proximity of a damage; and vulnerability, "which become present depending on the size of the state, its economic (under) development, political (in) stability and border control."⁵ While threats are those dangers to the State that come from abroad or that are cultivated within thereof. The sum total of these elements make up insecurity, namely: $(\text{Risk} + \text{Threats} + \text{Vulnerabilities}) = \text{insecurity}$.⁶

Geographic proximity and nearness is convenient, in addition, when it comes to legal and illegal goods and capitals, as well as threats between the state, national, maritime and air borders. In terms of political issues, the States should decrease external threats, reducing their weaknesses and designing strategies to fight them.

Vulnerabilities are a community's inability to absorb, by means of self-adjustment, the effects of a given change in their environment. When vulnerabilities are not properly addressed by the State,

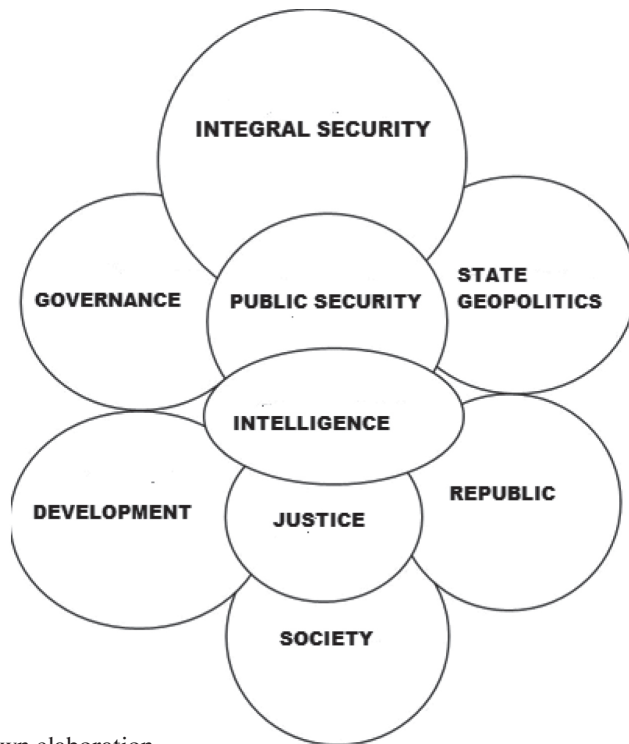
5. Buzan, *Op.Cit.*, p.245

6. Rodríguez Sumano, Abelardo, *Vid Supra*, pp.168-226

they could become chronic susceptibilities that can propitiate the collapse of a system in the long term. Every security strategy should be accompanied by a policy to reduce risk, to face threats, to address its causes and reduce vulnerability.

In this frame, an integral security should preserve and keep safe the territory, the environment and the people of Jalisco, on the one hand, and, on the other hand, design in a wide, interdisciplinary manner the long-term and strategic study and public policies in the evolution of the dangers towards its vital existence.

Integral Security Graph



Source: own elaboration.

A one-hundred-and-eighty-degree turn to present-day politics should take place, with a strategic vision, which cannot be understood well without the complete validity of human rights and the unrestricted respect for the principles of legality on the part of the

authorities and government officials. The necessary integrality of sector policies is in direct correspondence with the commitment for a democratic State, for economic development and the safeguard of the natural resources, predicting risks and threats, addressing its causes and sources, generating information, knowledge and instruments to neutralize – or at least minimize– violence against institutions, territories and the population. And that way, propitiating a safe and peaceful coexistence, by hierarchizing prevention, by means of a paradigm shift; that's why it is necessary to establish a synergetic relation between integral prevention and social policy, in order to include transversality as a central dimension of prevention policies, so as to conceive them and embrace them in the broadest frame of security policies. It would enable greater attention to the precursor factors and to the conditions that cause crime and, especially violence, to detonate, to become generalized and deep.

It should also be linked with the role of renewed governance that acknowledges the limits of public administration to process the conflict and to grant solutions to the demands of society. Integral security requires also walking hand in hand with the private sector and active civil society participation, which would encourage the necessary political consensus in the local chamber, the citizen councils and state Government. In this perspective, the private sector and society are destined to strengthen contents and the solutions to the needs that afflict the region in a perspective of mutual joint responsibility and coproduction of security for the human being.

Integral security requires also to harmonize the ingredients of a state geopolitics that includes preservation and coordination of maritime security and port development, of airspace and the two-fold nature of territorial security: Natural resources and feasibility of coordination, guarantee of a better collaboration policy with the National Security Councils and Public Security of the Presidency of the Republic, for the protection of strategic facilities and ports, airports and general means of state communication, as well as geographic borders and frontiers; after all, the constitutional frame establishes a joint responsibility in the competence of the three Union powers and of the three government orders.

Integral security assumes its share of joint responsibility and heads the interests of its citizens and of its region. In turn, it requi-

res improving the institutional capacities of public security and the penal justice, on the one hand; and on the other, becoming stronger through controls by decentralized organs made up by experts in the matter, under standards of national and international quality.

It should be pointed out that for integral security to be viable and feasible, expedite justice must operate in Jalisco as well as an economic development that generates the opportunities that crime occupies deliberately in view of the failure of state responsibility.

In this frame, it is necessary to encourage knowledge and correspondence on national security, coordination with the three Union powers and its role and link with regional neighbors in Central America, The Caribbean and North America and to contribute to the balance of national concerns, in order to get involved with the federation in the preservation of the vital interests that tune Jalisco's and Mexico's position in the world.

In sum, integral security should place in the center of its interests the human being and the territoriality that makes life in community possible and propitiates its full development, leisure and education. With these premises, its cultural importance can be doubled in the national arena.

But, for this new paradigm to be viable, a new doctrine on security and state justice is necessary, creating the pertinent and necessary institutions to such end, professionalizing a top-level career civil service and the political class proper, forging a fool-proof legitimacy that strengthens institutionalization of authority that relies on democratic legality, transparency and the setting of long-range goals.

Lastly, and without fear of making a mistake, it should be stressed that the reader is in the presence of one the most complete and current studies that articulate different and diverse perspectives on security and justice, which go beyond the necessary diagnosis, to offer decision-makers alternatives of policies in the framework of their respective scenarios, that is, in what will certainly have an impact on the strategic level and will be a referent for those interested in issues that are vital for the development and well-being of the state of Jalisco and its implications for Mexico.

Guadalajara, Jalisco, January 25, 2016

Chapter I

Jalisco, history, society and politics: towards integral security

*Abelardo Rodríguez Sumano**

This chapter is an overall analysis of the challenges posed to Jalisco's security and it strikes a balance between its strengths and weaknesses. The level of central analysis of this contribution is the state and we formulate the intersection with the dimension of local geopolitics when the text requires it. In addition, the article analyzes the success and failure in ideas and institutions that Aristóteles Sandoval's present-day government has conceived in its Development Plan, the welfare policy and its link with the National Development Plan (2013-2018) and the United Nations Organization (UNO) Objectives of the Millennium. In the second part of the work, the article sketches what should be securitized, in accordance with the constitutional responsibility of the region's Government¹, identifying risks and threats and pointing at a way to redefine the security and violence crisis that afflicts Jalisco.

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1. Political Constitution of the State of Jalisco. Valid on April 9, 2013. Article 50, <http://info4.juridicas.unam.mx/adprojus/leg/15/582/52.htm?s=>

1. A Little bit of history

A strategic look at the state allows seeing its historic intersection with an eminently regional and interdependent nomenclature, conceived by its geographical location and its wealth of natural resources and climate. In the frame of the conquest and the Colony, the Kingdom of New Galicia spanned three provinces: New Galicia (Nayarit and Jalisco), Zacatecas (Aguascalientes and Zacatecas), and Culiacan (Sinaloa), as one of the only two autonomous reigns inside the viceroyalty of New Spain². When the conquest of the territory was consummated by Nuño Beltrán Guzmán, the capital city was Tepic, Nayarit; it was transferred to Compostela later, in 1540. Since 1560, its president – Pedro Moreno – settles down in Guadalajara, a city surrounded by mountain ranges, gold and silver mines, whose territory was fit for agriculture, cattle raising and trade, activities that were undertaken in the region by its early inhabitants³. In its beginning, the city planning and architecture of Guadalajara laid the foundations for the Pearl of The West since the 16th Century and they were part of a bigger project: The route *to Santa Fe*, which covered 2.560 kilometers and began in Mexico City bound for New Mexico, going through the States of Mexico, Hidalgo, Queretaro, Guanajuato, Jalisco, San Luis Potosi, Guanajuato, Aguascalientes, Zacatecas, Durango and Chihuahua.

In the process magnificent cities⁴ were built and a new civilization project that sought to modify Central America was launched. Although it did not completely attain this objective, it transformed the area profoundly. A system was established that laid the foundations for the control of the exploitation of its abundant natural resources, which outlined three major historic tendencies: 1. It constructed the bases of the religious structure in the city and the civil authority in the Town Council, 2. The urban structure that plotted

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2. “De nueva Galicia al Estado de Jalisco” <http://www.agn.gob.mx/menuprincipal/difusion/exposiciones/exposiciones/ngalicia.pdf>; “Historia de Jalisco”, <http://www.jalisco.gob.mx/es/jalisco/historia>
 3. Museum of the city of Guadalajara, visited on December 6, 2015.
 4. Ciudad de México, Querétaro, Guanajuato, Zacatecas and Guadalajara are at present UNESCO Cultural Heritage of Humanity.

the organization of the people's life: Professions, commerce, work and countryside and 3. It deepened for centuries the exclusion of the original peoples' socioeconomic development, who became incorporated to the work in the mines, the stone quarries, construction and agriculture, which side by side propitiated racial segregation of Indians and Africans. As a consequence of slavery, the indigenous communities were displaced from of their pre-Columbian civilizational preeminence. Years later, Jalisco's geographic proximity allowed Miguel Hidalgo y Costilla to enter the city of Guadalajara as part of his insurgent task in the fight for the independence of Mexico and encourage the abolition of slavery and the diffusion of the newspaper *El Despertador Americano*.⁵ Geography and mining work that spread throughout New Spain – for nearly three centuries – along the Ruta de los Minerale, led a century later –after the independence of Mexico was achieved- to the setting up of the Porfirio dictatorship and to the deep economic and social interdependence on the United States.

The railroad in Jalisco had croosed Lagos de Moreno by 1883, but it was not until 1888 that it reached Guadalajara, after numerous efforts to build an inter-ocean route from Veracruz to Mexico City, going through Jalisco, ending up in the Pacific Ocean and going up to New Mexico, as part of the above-mentioned close economic relation with the United States⁶. At a later time, using those same means of transport revolutionaries, weapons and ammunitions were transported during the Mexican Revolution.

In that way, the region was part of a strategic project – from the Colony to the Mexican Revolution – that could be organized around the state because Jalisco was a strategic point to bring together several regions of the country and it has been nerve center for inter-oceanic communication, as well as toward Mexico City and the United States. Furthermore, this established the foundations for a

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5. "Guadalajara, victoria y derrota de Miguel Hidalgo". Collected at :<http://www.informador.com.mx/cultura/2010/169217/6/guadalajara-victoria-y-derrota-de-miguel-hidalgo.htm>
 6. Medina, Miguel, "Los ferrocarriles: proyectos y compañías en Jalisco", *Mirada Ferroviaria*, 17-29. Collected at http://museoferrocarrilesmexicanos.gob.mx/secciones/cedif/boletines/boletin_15/articulos/05_ferrocarriles_jalisco.pdf

new national, mixed identity that in the 16th Century experiences the legacies of colonialism and authoritarianism that have constructed, little by little, the scaffolding for structural violence: Marginalization, poverty, irregular settlements, gangs, feeble economic and legal systems that has defied the preeminence of the Pearl of The West for centuries. At present, that diversity of resources is also the space for the circulation of weapons and drugs that gravitate throughout the geography of transnational organized crime in our country, as part of one more link in the illegal global drug market led by the United States of America, the main drug user in the world and supplier of weapons for the criminal groups in Mexico.

2. Change and continuity of the political regime

Since the independence of our country, the political elites have not managed to build a comprehensive national security doctrine and a republican system of state security that anticipates risks and threats to the state and the nation, in an organized, plural and democratic manner⁷. In the period between 1946 and 2000, the Partido Revolucionario Institucional (Revolutionary Institutional Party, PRI) edified a political police body and did not manage to conceive broadly an agenda of risks to security – explosions, natural disasters, loss of strategic resources such as water and the forests, economic crisis, organized crime and terrorism –; the feeble democratic transition (2000-2012) ⁸ failed to do so also.

The legitimacy crisis of the political regime after the events of October 2, 1968 and the 1988 presidential election accelerated the opening for a peaceful transfer of power by the hand of the Partido Acción Nacional (PAN) in states like Baja California (1989), Guanajuato (1991), Chihuahua (1992) and Jalisco (1995) and in Mexico City through the Partido de la Revolución Democrática (PRD) in

7. Which implies that building a system that amalgamates national and public security, national defense and intelligence in the framework of the three Union powers and the three government levels.

8. There was a proposal within the Vicente Fox government, headed by Adolfo Aguilar Zinser, but it did not prosper.

1997. It even vouched for a change in favor of PAN in the presidency of the Republic in the year 2000, although not without trouble and divisions⁹. What is relevant for this analysis is that during the Vicente Fox administration, Mexico experienced three first-level historic changes that have had an effect on national and public security: One, the terrorist attacks of September 11, 2001 in the United States, which modified border control in North America¹⁰; Two, the Mexican drug cartels vied for control of the routes for drug circulation and sales – on their way to the United States – with the Colombian cartels; and three, democratization put an end to the vertical pacts between the PRI and crime; these processes precipitated the crisis of insecurity at the end of the Fox Administration. Since December 1st, 2006, President Felipe Calderon began a war against drug traffic but without having forged the political consensus for the reform of the national security and public apparatus. The consequences have been devastating for Mexico: More than 75 thousand executions¹¹ and 121 thousand missing persons in a six year period.¹²

In 2012, the PRI returned to Los Pinos after twelve years of absence in the presidential power and, that same year, it recovered the state of Jalisco – which it had lost in 1995 –. With the feeble democratic transition that Mexico has forged up to this day, what we are witnessing is not just a party crisis in particular but a structural debacle that involves the Republic and the nation as a whole, headed by the three Union powers and the three government levels.

Next we present an account of the successes, limitations and mistakes made by the Government of Jalisco in terms of security and justice, since the moment Aristóteles Sandoval took office as governor on March 1st, 2013.

9. A process that has been analyzed in more detail at: Rodríguez Sumano, Abelardo, *La urgente seguridad democrática, la relación de México con Estados Unidos*, Taurus, 2008.

10. The US focused on its global war against terrorism and paid less attention to the issue of drug traffic, although most of its vigilance on its Mexican border caused most of the drug that traversed along our country to stay in Mexico to a large extent in the 2001-2005 period.

11. There is still controversy about the number of executions during Calderón's administration.

12. "Confirma Segob: 26,121 desaparecidos en el sexenio de Calderón". Collected at: <http://www.proceso.com.mx/?p=334749>.

3. The conceptual axis of the welfare and governance policy

Despite the fact that the Plan de Desarrollo Estatal de Jalisco (PDEJ) 2013-2033 is good public policy work, it is not enough to cope with the challenges that the region has been facing in recent years and for decades. In this context, the PDEJ was devised the following way: One, a conceptual frame; Two, evaluation and follow-up; Three, diagnosis of problems; Four, prosperous and all-including economy; Five, equality of opportunities, community and quality of life; Six, guarantee of rights and freedom; Seven, reliable and efficacious institutions; Eight, transversal themes; and nine, regional section. In this sense, it would be convenient to point out that the issue of security is subordinated to section six, that is, the chapter about guarantees of rights and freedom, and it appears in a sub-section called citizens' security.

Inasmuch as the executive summary establishes the priorities for a six-year period, the Plan Estatal de Desarrollo has been inspired by : “it is a new way of thinking in which all our actions are directed towards the pursue of happiness, the satisfaction of living fully...”. In addition, it points at the government rhetoric: “Each and every one of the citizens in Jalisco deserve well-being, something that goes beyond mere economic growth and that implies the utmost quality of life, a healthy life with good nutrition, with high-quality education, time for leisure, with first-level public services, with a sustainable environment and with security for our families”¹³.

For the state Government, public policies should be integral, that is to say, “the objective is to promote improvements in the realistic and tangible variables associated with the welfare of the people, in addition the intention is to lay the foundations for them to develop and take optimal advantage of their potential in a sound and peaceful environment that promotes subjective welfare and happiness”¹⁴. In complement to the above, the state of Jalisco has incorporated a

13. “*Plan Estatal de Desarrollo Jalisco 2013-2033. Un plan de Todos para un Futuro Compartido*. Gobierno de Jalisco, 2013”, p.5. collected at: http://transparenciafiscal.jalisco.gob.mx/sites/default/files/ped_2013-2033_resumen.pdf.

14. *Ibidem*, p.17.

relatively recent concept into governmental practice in Mexico: governance.

Luis F. Aguilar has introduced the topic of public policies into Mexico and, more recently, that of governance, which departs from a central premise: Government no longer can on its own meet the demands of Civil Service, in his conception of governability, it necessary to design correspondence with the private sector and an ample civil society participation, as well as generate political consensus with the national or state political actors to generate the public policies that boost governability and development¹⁵. In this sense, it is considered that it is important and relevant to consider this approximation on the exhaustion of the institutional capacities of the public and Government administration in Mexico.

4. The limits of “welfare”

En its beginnings, the policy of welfare was built on basis of handing over financial resources to vulnerable groups through *bienevalles*, mass transportation within the region, backpacks with materials, scholarships, computers, wheelchairs, etcetera. In practice, the welfare policy was built on the basis of a populist, electoral program for vulnerable groups: the handicapped, single mothers, the young, the elderly and the indigenous people. It is illustrative that the secretary of Finances of the Aristóteles Sandoval Government, Ricardo Villanueva, a key actor of his government in the design of the State Development Plan, as well as today governor of Zapopan and former secretary of Social Development and Integration, Salvador Rizo, were candidates to the mayor's offices of Guadalajara and Zapopan, respectively, in 2015 and that both of them lost the municipal elections to Movimiento Metropolitano. In short, the Department of Social Development and Integration is not part of a comprehensive national security program.

A little over two years after the beginning of this administration, the argument of governance in a practical sense had been overwhel-

15. See: http://www.youtube.com/watch?v=zSeIL_IluCs

med by 2015 due to shortage of government resources, very bad security crisis management after the narco-blockades (1st May), the arrival of Movimiento Metropolitano to most of the mayor's offices in Jalisco (June 7) and Hurricane Patricia (October 23). At present, the Department of Social Development and Integration presents administrative and budgetary operation problems to keep the governor's campaign promises: they failed to achieve integrality to draw up a single census of beneficiaries and they also failed to build solid foundations to generate jobs that would be the platform for employment security for new public servants. Furthermore, most of the labor spaces that opened up were temporary, without social benefits and with three-to-six-month work contracts, without the possibility of accumulating seniority. Aristóteles Sandoval's Government has had to lay off the trustworthy staff they had and keep the sectors closer to his party and government. In any case, the executives and middle-management staff are fighting for the continuity of a temporary program, since it does not focus on the effective capacities for development, education, innovation and technology, let alone on integral security.¹⁶

5. The State Development Plan and Jalisco's public security

In general terms, the person responsible for security in Jalisco is the state governor, and for national security, the President of the Republic, which requires a coordination centered in risks and the internal and external threats to the government. In previous paragraphs, it is explained that security from a comprehensive perspective has not been the priority of the state Government. Nevertheless, the conceptual and legal vision concentrates responsibilities and juridical scopes of public security on The General Attorney of the State of Jalisco. In this regard, it is essential to indicate accurately what the law establishes on the matter:

16. Interview with a former Social Welfare official during the Aristóteles Sandoval Administration, on December 15, 2015.

Article 2. Public security is the government function rendered in an institutional, exclusive manner and in the scope of its competence, the State and the municipalities, which shall be governed by the constitutional principles of legality, objectivity, efficiency, professionalism and honesty, respecting the human rights of the governed as consecrated in our Magna Carta and the particular Constitution of each state¹⁷.

The scope of this legal definition of public security is equivalent to a citizen security that is based on the citizens' human rights and the safeguard of their patrimony. It also points at the directive and coordination with the municipalities and the attorney's office and indicates some risks of criminality, natural disasters and civil defense, which is important progress but not enough (as proved later on). In turn, the reforms that the Government of Aristóteles Sandoval introduced at the beginning of its administration to transform the Department of Public Safety and the state's Attorney General's Office in The Country's General Attorney is similar to the change promoted by the federal Government in terms of administration and control, by fusing together Secretaría de Seguridad Pública and Secretaría de Gobernación. In this sense, The Attorney General's Office:

[...] is responsible for enforcing Public Security and Justice, in the terms established by article 21 of the Political Constitution of Mexico. It is in charge of setting up the General Attorney's Office and it is responsible for leading the functions of investigating crimes, of public security, keeping public peace and order, commanding the police bodies, except for the roads police, exercising penal action and the actions regarding the redress of damages in court, as well as of the system of social reinsertion and the attention to victims, following principles of legality, objectivity, efficiency, professionalism, honesty and respect for human rights.¹⁸

In the State Development Plan and the inauguration speech, the governor assures that the new amendment to the Organic Law of the Attorney General will provide better capacities for the develo-

17. "Ley del Sistema de Seguridad Pública para el Estado de Jalisco". Collected at: <http://info4.juridicas.unam.mx/adprojus/leg/15/605/>.

18. "Ley Orgánica de la Fiscalía General de Jalisco", p. 1. Collected at: <http://info4.juridicas.unam.mx/adprojus/leg/15/610/>

pment of a citizens' security¹⁹. As it has been observed in the PEDJ, the Law of State Public Security and the attributions of the Attorney General, the axis of security and justice concentrates in the citizens' rights. Therefore, there are not any general coordination structures within the Executive Branch or, even, within the State's Department of Interior, for the institutional design of all the capacities of Jalisco to establish coordination in that ample dimension with the Federal Executive Branch, the Union Congress and the Nation's Supreme Court of Justice at the federal and state levels, with the local Congress and each and every one of the municipalities of Jalisco. More exactly, the PEDJ defines:

In Terms of the guarantee of rights and liberties, the vision materialized in this dimension calls for the establishment of a state that, on the one hand, has the capacity to guarantee the framework for the rights and liberties established in the national and state constitutions, laws and other normative sections, and on the other hand, ensures the integrity of the people. The above visualizes a state where Government and the society collaborate, each from their position, to achieve a durable social peace. Furthermore, there is the recognition that the collaboration between government and society transcends to other issues such as civil defense, in order to facilitate the safeguard the people and their property against the risks derived from natural contingencies and those caused by the human beings²⁰.

Likewise, in conceptual terms, the State Development Plan fails to prioritize— just like the federal Government does— the crisis of security that the country is facing since the times of the Felipe Calderon administration (2006-2012) and it fails to respond to structural risks, threats and local, regional, national and international vulnerabilities. It does not set aims for what must be securitized: The concept of territoriality, the plurality of its population, political institutions, the neighboring limits with nearby states that share risks and threats of criminal activity and its weight and role in the concert of the Republic. This conceptual vision does not establish the legal links with

19. "Discurso del Gobernador de Jalisco Jorge Aristóteles Sandoval en el IC Cabañas". March 1st, 2013. Collected at: <https://www.youtube.com/watch?v=RgyHCUFYiHM>

20. State Development Plan 2013, p. 66.

the General Law of Public Security nor with the Law of National Security in a broad sense.

6. A plan “aligned” with the National Development Plan and the Objectives of the Millennium

In Other Words, it is convenient to go step by step and dissect the intricacies of order and hierarchy with which the state Development Plan is conceived, which assures it is in line with the 2013-2018²¹ National Development Plan (PND) by President Enrique Peña Nieto and with the UN Development Objectives for the Millennium. In this order of ideas, the PEDJ reproduces the absences of diagnosis that afflict the PND and the Objectives for the Millennium on the subject of national and public security and of a sustainable development in Mexico.

It must be pointed out that violence and insecurity were not the federal Government’s priority and, rather, the response has been reactive. The issues of Tlatlaya, Ayotzinapa and the Chapo’s escape got out of the control of the presidential speaker, who had to face national and international public opinion, exactly what they were seeking to avoid in the first two years of administration when they removed the issue of security from the media’s radar. In our perspective, what happened was the following: Peña Nieto’s Government did not confer all the priority and force of its administration to the issue of security – which had indeed characterized Felipe Calderón’s administration;²² instead, it focused on economic issues and exchanged priorities, but that did not mean that the shortcomings and disarticulations of the national and public security systems were solved, they were just postponed; and the current model of economic policy that is promoted in Mexico has been conceived on those vulnerabilities. In addition, the PND as a whole does not recognize the huma-

21. “Plan Nacional de Desarrollo”. Collected at: http://www.dof.gob.mx/nota_detalle.php?codigo=5299465&fecha=20/05/2013

22. Felipe Calderón opened Pandora’s box when he launched war against drug traffic without anticipating the consequences of his initiative. Mexico continues to wait for the master plan to get out of the security crisis.

nitarian crisis inherited from the Felipe Calderon administration, or the disarticulation of the security and national defense apparatus in the three Union powers and the three government levels²³. Those vulnerabilities in the foundation of the Priista government undermine security and makes development difficult. Furthermore, the PND lacks a definite strategy to fight corruption and impunity within the Republic. Unfortunately, this absence of responsibility in the hierarchy of the Federal Executive Branch is reproduced in the State Development Plan of Jalisco.

Thus, with all the differences and emphases that it represents, Aristóteles Sandoval reproduces a problem similar to the president of the Republic's: they both believe that if they address economic backwardness, the problems of insecurity will be solved by decree. In that sense, Jalisco's Government has placed the issue of social welfare as the axis of its concerns and the mantra of its actions. In short, in the PEDJ the issue of insecurity was not a priority at the beginning of the administration, and the idea of a broad, integral security does not appear conceptually either; the State Government focuses on the issue of citizen security, which is not bad as such: The problem lies in the fact that the issue of insecurity affects the Jalisco state institutions and its territory, not just the citizens, an element that will be approached at the end of this work.

The Objectives for the Millennium?

The State Development Plan requires an update regarding the Objectives for the Millennium, since after 2015 they were replaced by the Sustainable Development Agenda. In the multilateral level, after 13 negotiation rounds– between March 2013 and July 2014 –

23. In 2012 I published a book in which I coordinated efforts with Consejo de Seguridad Nacional and the academia: *Agendas comunes y diferencias en la seguridad de América del Norte. (¿De dónde venimos?, ¿dónde estamos?, Y ¿a dónde queremos ir?* (Presentation by Admiral Francisco Saynez Mendoza and prolog by Marco Antonio Cortés Guardado) Universidad de Guadalajara, Centro de Estudios Superiores Navales de la Armada, México. An unprecedented effort where I found lack of integration between the national security system and foreign policy.

at the UN General Assembly Work Group, 17 new objectives were proposed for the agenda after 2015, the Sustainable Development Objectives (SDO).²⁴ In this sense, objective 16 of the ODS has an ambiguous relation with the issue of security: “Promoting peaceful, inclusive societies for sustainable development, upholding access to justice for all and creating efficacious, responsible and inclusive institutions at all levels”.²⁵

Mexico’s participation in the multilateral scope is connected with Mexico’s National Development Plan NDP (2013-2018) “Mexico with Global Responsibility” and the Program for National Security (2014-2018). In that sense, Mexico has been an important actor in the construction of the development agenda in the United Nations since the year 2000.²⁶ However, the country has presented structural problems to keep on making its national security system compatible with that of foreign policy. Therefore, the country keeps on having institutional implementation problems among the major items of the international agenda and its domestic policy.

The Mexican Government definitely connects the issues of security and development on the national level and in the 2015 Development Agenda, but it lacks the State instruments that would enable the Presidency of the Republic to instruct the National Security Cabinet, as well as the National Security Commissioner and the Executive Secretariat of National Public Security System to connect the national and global agendas; there are no means to coordinate with the Judiciary power nationwide either, that would make it possible for everyone to have access to justice. Likewise, there are not any parliamentary counterweights to punish corruption and impunity in all government levels and to punish the people responsible for breaking the law.²⁷

24. Bárcena Ibarra, Alicia (2015). “La igualdad en la agenda de desarrollo 2015”, at Villanueva Ulfgard, Rebecka, (coordinador), *México y la Agenda de Desarrollo para después de 2015*. Revista Mexicana de Política Exterior, January-April.

25. “Objetivo 16: Paz, justicia e instituciones fuertes”. Collected at: <http://www.undp.org/content/undp/es/home/mdgoverview/post-2015-development-agenda/goal-16.html>.

26. Ibidem.

27. Rodríguez Sumano, Abelardo (in the printing press). “Insecurity in Mexico and the Post-2015 Development Agenda” en Rebecka Villanueva Ulfgard, *Mexico and the Post-2015 Development Agenda: Challenges and Contributions*. Palgrave.

In sum, at the multilateral level, Mexico lacks a strategy to link development and security. While, in the national level, the country lacks the instruments to anticipate local, national and international risks and threats.

At state level, the approach to insecurity is incorrect: “The juridical certainty, access to justice, public security and civil defense allow the citizens to enjoy a harmonic and safe, risk-free, threat-free life.”²⁸ When it comes to security, it is essential to indicate what should be secured; on the other hand, it is vital to identify risks and threats to that security and, finally, to articulate the action plan to root out its causes.

8. What to secure?

The metropolitan zone of Guadalajara is the second most prosperous and influential region in Mexico, second only to Mexico City. Guadalajara is the strategic nerve center of this region. Jalisco has 125 municipalities, a surface area of 80, 137 square kilometers, 351 kilometers of coastline on the Pacific Ocean, 7, 879, 530 inhabitants, of whom 87 % of the population is urban and the 13 % is rural, and its indigenous population speaks four languages: Huichol, Náhuatl, Purépecha and Mixteco.²⁹ Its contribution to the Gross Internal Product amounts to 6,3 %.³⁰ Furthermore, it shares frontiers, economic, political, commercial, cultural, social and security relations with eight states: Michoacán, Colima, Nayarit, Zacatecas, Durango, Aguascalientes, Saint Louis Potosí and Guanajuato.

Jalisco concentrates important natural resources and climates, it boasts two international airports, it is at the forefront in telecommunications (with the digital village)³¹, agro-industry and tourism.

28. Plan Estatal de Desarrollo 2013-2033.

29. INEGI, “Diversidad. Jalisco”. Información por entidad. Collected at: <http://cuentame.inegi.org.mx/monografias/informacion/jal/poblacion/diversidad.aspx?tema=me>.

30. INEGI, “Resumen. Jalisco”. Información por entidad. Collected at: <http://www.cuentame.inegi.org.mx/monografias/informacion/jal/default.aspx?tema=me&e=14>.

31. The Digital village with a turnout of 400,254 people in 21 days got the Guinness Record for the largest el digital inclusion event in the world. Arenas, V. (August 3, 2015). Aldea

Moreover, it boasts the second largest public higher education entity (University of Guadalajara) in Mexico³² and a vast core of private universities, so that as a whole, it concentrates one of the most active and dynamic corporate and civil society communities in Mexico, which has had an impact on the political composition of Jalisco.

In that sense, it is a region leader in the west of Mexico and a spearhead of the cultural heritage and industry in Latin America, given that it holds the International Book Fair, the second largest in the world.³³ This way, Jalisco and its metropolitan area, in particular, play a central role in the Mexican Republic; and, due to its geographical location and economic and cultural potential, a central role in the international relations of the federated entities of México.³⁴ Moreover, it is imperative to ensure— in coordination with the federation — a close relation with the organs of the entire federal public administration, the diplomatic services, the Army, emblematic spaces such as the Escuela del Aire, strategic facilities such as Petróleos Mexicanos (Pemex), la Comisión Federal de Electricidad (CFE), customs, ports and airports, all the processes of the productive chains of the economy, the immigrant population from other federal entities and nations, foreign investors and financial sectors in different latitudes such as Chapala, among others.

Digital logra Récord Guinness. *El Informador*. Collected at :<http://www.informador.com.mx/tecnologia/2015/606949/6/aldea-digital-logra-record-guinness.htm>.

32. The University of Guadalajara has 252 000 registered students (January, 2015). Gómez, A. (January 13, 2015). *15 mil 617 estudiantes admitidos por la UDG. La Jornada*. Collected at:<http://lajornadajalisco.com.mx/2015/01/15-mil-617-estudiantes-admitidos-por-la-udg/>.
33. The state boasts two world heritage sites: Hospicio Cabañas and the Agave Landscape, in Tequila. According to UNO, these spaces have the highest recognition of the international community due to its universal and exceptional contributions to mankind. The Guadalajara International Book Fair is the second largest in the world and the International Cinema Festival is a parameter of hemispheric scope thanks to the quality of its productions and its contribution to the cultural industry, among other aspects.
34. This is an issue of paramount importance for diplomacy. See: Eugene D. Zapata Garesché y Braulio Antonio Díaz Castro, “Gobiernos locales: actores internacionales”, *Revista Mexicana de Política Exterior*, Instituto Matías Romero, Secretaría de Relaciones Exteriores, May-August, 2015.

9. Natural resources and the environment

The region's climate is represented by 29 different groups among them warm, sub-humid, semi-warm temperate, sub-humid temperate, semi-cold temperate, medium-dry, very warm and medium-dry temperate; this is due to the diverse conformation of the terrain and the influence of bodies of water, which is very favorable for economic productivity, cattle raising and tourism.³⁵

Jalisco stands out from the rest of the country due to its biodiversity wealth. In this state more than 52 % of bird fauna that inhabits in Mexico is represented; as well as 40 % of the mammal species and 18 % of the reptiles inhabiting the national territory. In addition, 16 species of vegetation conform the Jalisco phytosociology, which comes to show how important the state is in this aspect: it ranks sixth among the Mexican states with the largest biodiversity, with 7.500 species of vascular plants, 173 mammals and 525 birds. Moreover, it enjoys a great variety of ecological conditions, that range from coastal regions to high mountains (Sierra Madre), and from sub-humid and dry tropical forests (considered to have the widest biodiversity worldwide), to coniferous forests and Lake Chapala, the largest in Central America – despite having great problems for its conservation –, which represents 50 % of the nation's lake volume and it is the main source of drinking water supply (60 %) for the Guadalajara metropolitan area.³⁶

By virtue of the 1986 Executive Decree, four beaches were established as natural reserve areas on the coast of Jalisco, for the protection of sea turtle species: Tecuán, Cuitzmala, Teopa and Playón de Mismaloya, covering an area of 88 kilometers. At present, the Jalisco protected areas include eight conservation units and it is one of the six states with the most biodiversity in the country. These units cover less than 4,8 % of the state's surface. One of them, the biosphere reserve at Sierra de Manantlán, represents 60 % of the total surfa-

35. "Medio físico-Jalisco". *Enciclopedia de los municipios y delegaciones de México*. Collected at: <http://www.inafed.gob.mx/work/enciclopedia/EMM14jalisco/mediofisico.html>.

36. "Aprovechamiento y conservación de la biodiversidad". *Plan Estatal de Desarrollo del Estado de Jalisco 2013-2033* (pp. 59-74). Guadalajara, Jalisco: Dirección de Publicaciones del Gobierno del Estado de Jalisco, 2013.

ce protected legally. The Jalisco reserved areas cover, as a whole, 208,653.8 hectares, among them:

- Biosphere Reserve Sierra de Manantlán, covering 139,500 hectares.
- Biosphere Reserve Chamela-Cuitzmala, covering 13,143 hectares.
- National Park Volcán Nevado de Colima, covering 10,143 hectares.
- Forest Protection area and Wild Fauna Refuge Bosque de la Primavera, with an area of 30,500 hectares
- Protection Area Sierra de Quila, with a surface area of 15,192 hectares.
- Protection Area for the Sea Turtle, with 175.8 hectares.

Water resources are abundant in the region: 15 % of the continental waters available in Mexico in rivers, dams and lakes, are found in Jalisco. In terms of forestry, it boasts a surface of 5'222,542 hectares of forest vocation, of which 3'076,139 are covered with vegetation. In addition, 80 % of the forest surface is made up of conifers and leafy trees, ranking third at a national level. ³⁷

The state waters flow to the Pacific Ocean and they are divided into three groups: River Lerma-Santiago and its tributaries, rivers that flow directly into the Pacific Ocean and rivers of the south of the state that are in danger. In this regard, the governor's constitutional faculties establish the following:

To exercise concurrently with the federation and the municipalities, the attributions on the subject of preservation and restoration of the ecological balance and protection of the environment, civil defense, territorial order of human settlements and urban development, in accordance with the distribution of competences and dispositions of the federal and state laws. ³⁸

Natural resources require more than just a conservation project, it is necessary to implement a strategic project by the Mexican State

37. "Medio físico-Jalisco". *Enciclopedia de los municipios y delegaciones de México*. Collected at: <http://www.inafed.gob.mx/work/enciclopedia/EMM14jalisco/mediofisico.html>.

38. Jalisco Constitution, article 50, paragraph XX.

in general and centrally by the state, to securitize these resources that are the foundations of Jalisco's life and wealth. In addition, it is necessary for them to be part of a comprehensive vision of security in a permanent dimension, regardless of the political party in power.

10. Risks

In contrast to what was described previously, every year approximately 17.000 hectares of jungles, pastures and other types of vegetation are lost.³⁹

The causes for this deforestation are interlaced with a series of risks and threats that, as a whole, articulate a danger for the environment and sustainability: land use changes to farming and urban systems, forest fires, illegal felling of trees, unsuitable use of the forests and hills, farming and ranching activities and, to a lesser degree, natural disasters. Furthermore, members of organized crime groups participate in the illegal felling of trees and threaten the producers with extortion, kidnappings and executions. The complete control of the territory, its care, development and conservation, means projecting its potential to the future.

In spite of the resources wealth in some areas, the geography is not homogenous, which increases risks. For instance, there are water shortage problems in the state in the non-metropolitan municipalities of the Center area, the figure rises to 95 %; while it is a worrying 70 % in the North Coast region. The public water supply is unequal within the state. The regions most affected by the availability of water are the North, Southeast and the Sierra Occidental with 78, 16 %, 90,07 % and 90,91 %, respectively.⁴⁰ The poor distribution of the urban settlements in Jalisco causes overexploitation and degradation of the natural resources. As a result, there are some municipalities – like Guadalajara, Tonalá and El Salto – that have to satisfy their water needs causing tension for the resources and life with the neighboring areas.

39. Plan Estatal de Desarrollo 2013.

40. Ibidem.

On the other hand, water pollution comes mainly from dumping of untreated industrial, domestic, commercial and agricultural wastes. A large number of the bodies of water are contaminated, to a greater or lesser extent. According to the information generated by the Red Nacional de Monitoreo (the National Monitoring Network, MRI) operated by Conagua⁴¹, the main Jalisco rivers and lake Chapala show significant pollution problems, mainly the industrial areas of El Salto, the metropolitan zone of Guadalajara (ZMG), Lagos de Moreno and the area of Tequila.⁴² This way ecological sustainability and development are at risk. A comprehensive security policy requires not losing sight of the space where life unfolds.

Urban and territorial planning

From a historic dimension, Jalisco – just like Nuevo León, Puebla and Mexico City – lacks strategic planning of its urban and rural areas. Urban and rural planning is crucial to organize the population's life, economic activity, production, socioeconomic development, work, public services, drinking water, electricity, use of energy, telephony, investment in infrastructure, education, transportation, commerce, agriculture, cattle raising, tourism and security. Failure to attain said organization generates structural sequelae in its viability, as well as in democracy and the people's security, in strategic facilities and in legally established authority.

In 2010, the conurbation area of Guadalajara represented 60,3 % of the population in eight municipalities: Guadalajara, Zapopan, Tlaquepaque, Tonalá, Tlajomulco de Zúñiga, El Salto, Ixtlahuacán

41. "Agua y reservas hidrológicas". *Plan Estatal de Desarrollo del Estado de Jalisco 2013-2033* (pp. 103-116). Guadalajara, Jalisco: Dirección de Publicaciones del Gobierno del Estado de Jalisco, 2013.

42. Lake Chapala is partially polluted. Some of the problems observed indicate that water distribution is not regular. Despite its great wealth of natural resources, 51% of the territory lies within arid areas within the North, Altos and Center regions; the remaining 49% lies within the semi-arid zones in the south and coastal regions. No doubt this issue—which includes squandering of the supply— is a problem of territoriality, development and security.

de los Membrillos and Juanacatlán.⁴³ In contrast with the population concentration of the conurbation zone, most of the state's settlements present a high level of population dispersion. That concentration represents a problem of vulnerability, since 26,8 % of the state's population live in 10.895 small towns with fewer than 15 thousand inhabitants. The above evidences a regional and resource unbalance, since eight municipalities concentrate more than half the population of Jalisco.

The above is compounded by a tendency towards degradation of the territory due to over-exploitation and contamination of its natural resources. The soil and the water are linked directly with population growth and the development of productive activities⁴⁴. On the other hand, the poor quality of the mass transportation system, the inefficient route coverage in the cities, as well as the absence of infrastructure and connectivity between the urban and rural areas, constitute another problem that affects the people's mobility in the state and within the metropolitan zone of Guadalajara. In this sector, coordination among the three government levels is necessary to exercise complete control of all the roads and air space, since some Jalisco municipalities are in the domain of organized crime, in blatant challenge to authority.

12. Population and development

A glance at the composition of the population helps us reveal opportunities, as well as risks and vulnerabilities: In Jalisco has 7'879,530 inhabitants, of whom 3'887,978 (49 %) are men and 4'043,288 women (51 %); The general trend is that 87 % of the population is urban and the remaining 13 %, rural.

2'128,960 inhabitants are under 15 years of age, while 5'813,983 people are old enough to work (15 years and more). In turn, the

43. "Planeación urbana y territorial". *Plan Estatal de Desarrollo del Estado de Jalisco 2013-2033*, 117-134. 1ra ed. Guadalajara, Jalisco: Dirección de Publicaciones del Gobierno del Estado de Jalisco, 2013.

44. Arrollo Alejandro, Jesús e Isabel Corvera Valenzuela (compilers), *Regiones en desarrollo insostenible*, Universidad de Guadalajara. UCLAProgram on Mexico , 2010.

economically active population amounts to 3,578,041 and the economically inactive population correspond to 2,235,942 inhabitants, most children.

The occupied population amounts to 3,392,294, divided as follows: 2,453,915 waged workers, 634,939 self-employed labor force, 172,874 employers and 130,566 without payment and others. In 2009 the indigenous population was represented by 71,169 inhabitants, of whom 35,697 were men and 35,472 women. The relevance of these numbers is that the indigenous population is one of the most vulnerable, backward and marginalized sectors in the state, although they are not the only ones.⁴⁵

Indeed, the bulk of the population, the economic activity and higher education are in the metropolitan zone of Guadalajara; the primary activities: Cattle raising, forestry, fishing and hunting with 5,59 %; secondary activities: Mining 0,31 %, construction and electricity, water and gas 6,44 %, manufacturing industries, 22,59 %, the sum total of the above amounts to 29,34 % of the state internal product; while trade, restaurants and hotels, generate 24,05 %; transportation and media information, 9,26 %; financial services and real estate, 12,97 %; educational and medical services, 8,13 %; government activity, 3,36 %; professional, scientific and technical services, corporate and company management, leisure and cultural, sports and recreational services, 7, 30%.⁴⁶ No wonder the largest number of risks and threats to the population concentrate in the metropolitan zone of Guadalajara.

13. More challenges and uncertainties for the population

Now, unemployment is one of the most urgent problems of the population and the source of crucial tensions.⁴⁷ Jalisco ranks sixth among the federal entities in terms of unemployment rate in the country.

45. Secretaría del Trabajo y Previsión Social (STPS), Subsecretaría de Empleo y Productividad Laboral, Information on Labor, December 2015, p. 3.

46. INEGI. Sistema de Cuentas Nacionales de México. Gross Internal Product by Federal Entity, 2005-2009.

47. Secretaría del Trabajo y Previsión Social (STPS), Subsecretaría de empleo y productividad laboral, Information on labor, December 2015, pag. 22.

SME's are the main source of employment for Jalisco people, since they generate seven of every ten jobs; however, approximately three fourth of the new SME's disappear before two years.⁴⁸

An alarming indicator of the population's vulnerability is that 65,39 % do not own a home⁴⁹ and close to 12 % of the houses do not have roofs made of durable materials, and approximately 3 % of the houses do not have flooring.

In 2012, 39,8 % of Jalisco's population was in a situation of poverty, which is equivalent to a little over 3,5 million poor people in absolute terms,⁵⁰ 34 % of the population was living in conditions of moderate poverty, with an average of two social insufficiencies, which in absolute terms represents 2,6 million people. In addition, 5,8 % of the population was in a situation of extreme poverty (almost 450 thousand people).⁵¹

Lack due to access to social security is the most frequent and it affects 53,5 % of the population, followed in importance by lack due to access to the health services (23,7 %) and lack due to access to food (20,6 %).

Statistics point that 35,40 % of Jalisco women live in a situation of violence by their current partner, and 45,10 % will live in gender violence for the rest of their lives.⁵²

There is multidimensional poverty affecting 49,4 % of infants (children from 0 to 5 years), 49,4 % of the children (from 6 to 11 years) and 39 % of teenagers (from 12 to 17 years).

48. Plan Estatal de Desarrollo 2013.

49. According to the Population and Housing Census 2010, Jalisco is the entity with the least percentage of owned homes (65.39%).

50. Plan Estatal de Desarrollo 2013, p.54.

51. "Pobreza y cohesión social". *Plan Estatal de Desarrollo del Estado de Jalisco 2013-2033* (pp. 169-196). Guadalajara, Jalisco: Dirección de Publicaciones del Gobierno del Estado de Jalisco, 2013.

52. Jalisco is among the states with the largest number of incidents of violence against women, both in the public and the domestic ambits. Jalisco ranks first nation-wide in terms of violence incidents against women, both in the school and domestic context. In respect of labor and gender violence, the state ranks second nation-wide, and third in the category of community violence.

Senior citizens are afflicted by a crisis of abandonment and only 2 of every 10 have economic self-sufficiency.⁵³

The population is aging at a significant rate.

Just like in the city, Jalisco requires an unwavering support in the fields in all its major areas of production, financing, infrastructure, drinking water, financial resources and public security.

The regions that show the highest net emigration rates are Sures-te, Sierra Occidental, Sierra de Amula and Norte. In short, the entity accumulates four million inhabitants abroad.

14. Threats

Threats are not motionless, they evolve with the passage of time and their power lies in the capacity to cause damage to the population, the territory and the institutions. Transnational organized crime stalks the national and public security system, the Justice apparatus, the Army and the population. For instance, the prohibitory drug regime of in the United States has had an impact on the United Nations Organization for almost a century. On the other hand, the illegal drug market surpasses 350 billion dollars yearly and it is estimated that the money moving annually between the United States and Mexico is around 150 billion dollars.

In this order of ideas, it is important to point out that the right to bear arms in the United States, which supports the production of the main gun factories along its border with Mexico in the states of California, New Mexico, Arizona, Texas and Florida, has over two hundred years of history.⁵⁴ As an example of what this represents, during President Felipe Calderon's six-year administration close to 1.500 million dollars were invested in three years, through the Merida Initiative, in order to fight the main threat between both nations, a budget that it is equivalent to 0,30 % yearly between 2009 and 2011.

53. "Grupos prioritarios". En *Plan Estatal de Desarrollo del Estado de Jalisco 2013-2033* (pp. 197-224). Guadalajara, Jalisco: Dirección de Publicaciones del Gobierno del Estado de Jalisco, 2013.

54. La Segunda Enmienda de la Constitución estadounidense se introdujo el 15 de diciembre de 1791: <http://www.constitution.org/leglrkba.htm>

⁵⁵ Nevertheless, the Merida Initiative did not have any effect on the subject of weapons and the prohibitory drug regime in the United States. In President Calderon's administration close to 1,4 % of the total number of weapons were confiscated in the first 18 months as well as almost 6 % of the illegal money in the same period.⁵⁶ The cache of weapons and money, along with corruption and impunity, represent a danger to Mexico's security.

At present, there are nine cartels in the country vying for the control of drug routes into the United States. In addition, drug trafficking has been evolving by bribing the authorities, extortion, kidnapping, tortures, disappearances, high-impact executions, etc. The most widely spread and powerful the *Cártel Jalisco Nueva Generación*, followed by Sinaloa's Cartel, *Caballeros Templarios* and the *Familia Michoacana*, *Pacífico*, *los Zetas* and the *Beltrán Leyva* (Nayarit). All of them with networks and direct or indirect influence in Jalisco and with a presence in the eight states that surround the entity: Colima, Nayarit, Aguascalientes, Zacatecas, Durango, Guanajuato, Michoacán and San Luis Potosí.⁵⁷

In the case of the metropolitan zone of Guadalajara the nearly 1.000 existing gangs could escalate and become a threat to national security.

15. Analysis and synthesis

Mexico and Jalisco lack a clear identity. Their history needs to be reorganized to strengthen their interests and local, state and national institutions under the leadership of the research and culture centers, universities, technological centers, authorities, organized civil society and the business sector. For instance, Jalisco has over 3.000 cultural spaces, but it does not establish enough links to integrate and vitalize

55. Rodríguez Sumano, Abelardo, *North American Regional Security: a trilateral framework?* Lynne Rienner Publishers, 2013, p.145

56. Aguayo Quezada, Sergio, "¿Quién gana la guerra contra el narco?", *Reforma*, 17 de diciembre de 2018.

57. A more detailed work in this respect can be found in this book's chapter by Tomás Martínez, entitled "Jalisco New Generation: an epicenter of local-global drug traffic".

culture, education, science, innovation, investment in productive projects with a local personality of its own that would promote the culture of heritage, community, productivity and security.

Democratization in the country has made it clear that the practices of corruption and impunity rooted in the Republic's foundations have not been banished and that those who break the law are hardly ever faced with legal responsibilities. In the 2006 and 2012 presidential elections, the political class in power disrupted the legitimacy of the political and public authority in detriment to transparency, accountability and the cleanliness of government expenditure. An integral doctrine of national and public security and the necessary reforms to broaden the catalog of elements to be securitized as well as one with the threats to security could not be conceived either.

The State Development Plan (2013-2033), as well as the National Development Plan (2013-2018) and the UN Objectives for the Millennium, in their three levels of competence, establish the bases for Jalisco's official correspondence. However, in the context of a more rigorous examination, they do not address the causes for the threats and vulnerabilities to the international system, Mexico and the state. They do not face decidedly the sources of insecurity and its causes; they leave them as loose ends. The treatment of threats in Jalisco is incorrect and in part it accounts for the crisis of insecurity that besets the entity.

Just like in Mexico, the axis of public security in Jalisco is reactive and punitive. It is necessary to redefine it thoroughly. For instance, lengthening the list of hierarchies and priorities in agreement with the state's potential and resources in its three dimensions: the conceptual, institutional and legal dimensions; identifying where we come from as a country and as a state to detect risks and the magnitude of internal and external threats; developing the sober diagnosis of the condition this issue is and anticipate the structural elements that can strengthen the political, economic, societal, environmental and military security, as urgent tasks. Such conception calls for thinking about its state, national and international dimensions. Besides it is necessary to add the geopolitical variable with elements such as maritime and air security, the borders, infrastructure, communications and mobility, which will allow visualizing a more versatile and

ample institutional framework of the shortcomings and opportunities for Jalisco.

Natural resources are a great potential, however, in Jalisco the opportunities for development focus on eight municipalities out of 125 and 10.895 scattered communities with less than 15 thousand inhabitants. And yet, the bulk of the state's activity– in all the branches of development – concentrate on only two municipalities: Guadalajara and Zapopan. This causes the federation, the state and the municipalities to be unable to address the population's demands as a whole and the authorities in the three government levels to lose, due to different reasons, up to 17 thousand hectares of jungles and pastures a year. In serious, responsible, mature countries these losses are inconceivable and avoiding them is at the top of their priority in terms of their vital security interests.

The absence of an integral security jeopardizes the economic sustainability and development of the regions due to water scarcity and the tensions to supply it in conurbation areas. Water and sustainable development are essential for viability in the mid and long runs for communities and cities, as well as for the incentives for productivity and the Civil Service. The health of a community and its strength depend on an adequate and scrupulous care of its natural resources and on identifying the natural disasters caused by man. In this sense, it is crucial to remember the terrible April 22, 1992 explosions in Guadalajara, which revealed the absence of an ecological, environmental and territorial security agenda in the city, an example of what should never happen in Jalisco.

In turn, the shantytowns in the metropolitan area of Guadalajara are an example of abandonment of the public space and of the sense of comprehensive urbanity, since they become the source of attraction for criminal activity through gangs.⁵⁸ Thus, according to the Department of Defense, there are close to 1.000 gangs in the

58. "A dónde y cómo viven los pobres de la ciudad". Edith Jiménez Huerta en Edith Jiménez y Heriberto Cruz Solís (coordinators), *Colonias populares consolidadas del área metropolitana de Guadalajara. Retos y oportunidades*. Centro Universitario de Ciencias Económico Administrativas, 2015, p.146

municipalities of Guadalajara, Zapopan, Tlaquepaque, Tlajomulco de Zúñiga, El Salto, Tonalá and Zapopan.⁵⁹

In the same context, mobility in Jalisco is vital and it presents risks in the urban and rural infrastructure. In the metropolitan zone the networks of foreign buses is saturated and the railroad infrastructure is at risk. Highways and roads to the different regions are being hijacked by organized crime.

In a conception of integral security the population, as well as the validity of their human rights in a full sense, should be the priority. Unfortunately, the figures indicate the opposite and allow anticipating a greater public security crisis of significant proportions that would be triggered if the structural shortcomings and the local and transnational threats are not considered.

59. "Mil pandillas invaden Guadalajara". Collected at: <http://www.unionjalisco.mx/nota/pandillas-de-guadalajara-el-mapa-y-los-videos>.

Chapter II

Challenges and perspectives of public security and penal justice in Jalisco

*Jorge Alejandro Góngora Montejano**

In a democratic system, security refers to the fact that there should exist conditions required by all the people, organizations and collectivities to be able to exist and develop without threats. The conditions of security are generated by what the members of society do, thus conferring certainty to what we may expect from the future. The State, on its part, generates security by building threat-free scenarios through laws and policies whose end is to reduce risks; they are crucial tools in the construction of conditions of security and justice.

1. Balance in the state of Jalisco's public security

Public security is closely connected with enforcement of public order and social peace, which is a guarantee that the State should bestow upon the governed. Safeguarding peace is the State's main function and essential responsibility first and foremost, as well as protecting and guaranteeing freedom, the people's physical integrity and patri-

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mony through the application of the democratic rule of law, which is the basis for a solid development in the people's economic, social, political and cultural dimensions.

Security is an essential prerequisite for people to be able to satisfy their basic needs, developing their potential as individuals and enjoying full their human rights, an attribute that should be rescued from the public and private spaces, which should be characterized by the absence of threats and risks that undermine or suppress the goods and the enjoyment of the people's rights, to generate propitious conditions for peaceful coexistence and individual and collective development of society.¹

Along the lines of the above ideas, article 21 of the Political Constitution of the Mexico,² establishes that: "Public security is a function of the Federation, the Federal District, the states and the municipalities in their respective competence and jurisdictions"; therefore, it is a concurrent competence, in the framework of the federal pact and the figure of the free municipality. In addition, the secondary law, the General Law of the National Security System, federal in nature, which regulates this constitutional provision established in its article 2 article the following ends:

[...] Safeguarding the people's integrity and rights, as well as preserving liberties, public order and peace and it covers the special and general prevention of crimes, the investigations to make it effective, punishment of administrative infractions, as well as investigation and persecution of crime and the individual's social reinsertion.

As to the state of Jalisco, the Constitutional Law for the Executive Power, in its last reform approved on February 24 the 2013,³ annexed to the state General Attorney's Office, as the institution entrusted

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1. García Ramírez, Sergio. "En torno a la seguridad pública. Desarrollo penal y evolución del delito". At Peñaloza P. J. y Garza Salinas M. A. (Coords.) *Los desafíos de la seguridad pública en México*. Universidad Iberoamericana. UNAM. 2002. Pág. 81.
 2. *Diario Oficial de la Federación*. Constitución Política de los Estados Unidos Mexicanos, última reforma el 01/07/2015. Available at: <http://www.diputados.gob.mx/LeyesBiblio/marco.htm>.
 3. Jalisco State Congress. "Ley Orgánica del poder ejecutivo del Estado de Jalisco". DECRETO NÚMERO 24403/LX/13. Reforma el segundo párrafo del art. 28 de la Ley Orgánica del Poder Ejecutivo del Estado de Jalisco. Mar.20 de 2013. Sec. Ter. Available at: <http://>

with the coordination of public security and the enforcement of Justice, under the command of the Attorney General, which is stipulated in article 30 of said provision, reads literally:

[...] The state General Attorney's Office is in charge of public security and the enforcement of Justice, in the terms established in article 21 of the Political Constitution of Mexico. It is entrusted with the institution of the General Attorney's Office and it is in charge of conducting the functions of crime investigation, of public security, keeping public order and peace and leading and commanding the police bodies, exercising penal action and the actions regarding the redress of damages in court, the application of punishment for the violation of traffic laws as provisioned by the corresponding law, as well as of the system of social reinsertion, civil defense and assistance to victims, following the principles of legality, objectivity, efficiency, professionalism, honesty and respect for human rights.

The above outlines a concentration of functions both in the field of public security and the enforcement of Justice and social reinsertion, under the single-command principle that enables correct coordination in the fields of prevention, enforcement and crimes investigation, suppressing thus the Secretaría de Seguridad Pública and the Procuraduría General de Justicia.

The government's responsibility to guarantee public security must be approached for its analysis both from the viewpoint of the intervention of the public institution (objective security) and from the citizen's perspective by means of citizen perception (subjective security).

1.1. Institutional intervention (objective security)

Before the Creation of The Fiscalía General del Estado (the state Attorney General's Office) high-impact crimes, between 2006 and 2012, was news that tormented the authorities, due to the context of violence in the country, as well as to the diversification of the criminal organizations' activities, both locally and nationally with a presence in the state.

portalsej.jalisco.gob.mx/sites/default/files/pdf/ley_organica_del_poder_ejecutivo_del_estado_de_jalisco.pdf#page=7&zoom=auto,-39,551.

Table 1
Evolution of the crimes reported before the creation
of The Attorney General's Office

Crimes	2006	2007	2008	2009	2010	2011	2012
Kidnapping	5	15	12	20	25	46	64
Burglary	4,133	3,576	2,570	3,137	6,031	6,175	6,376
Carjacking	6,001	6,353	7,694	7,303	9,023	9,994	8,824
Muggings	2,592	2,563	2,078	2,182	2,975	3,205	3,301
businesses robbery	2,654	2,778	1,850	1,952	3,697	3,664	3,346
Bank robbery	2	5	6	8	30	111	58
Felonious homicide	425	389	463	573	888	1,222	1,183
Hijacking of cargo vehicles	220	220	262	308	372	418	432

Source: Jalisco State Government. State Development Plan 2013 – 2033. Pag. 537. Available at: <http://programas.jalisco.gob.mx/transparenciaFiscal/PED-2013-2033%20versi%C3%B3n%20completa.pdf>.

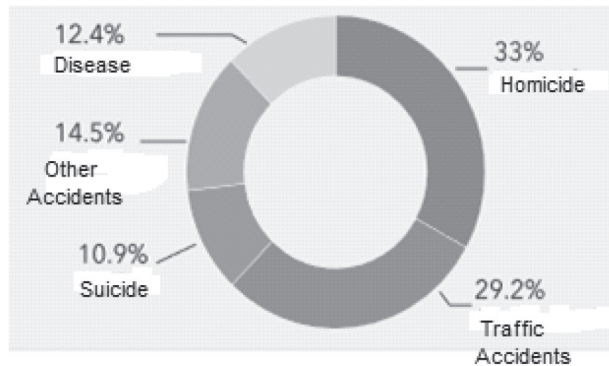
While the preliminary investigations for acts of homicide increased, a backlog gap in the investigation of the crimes opened up, as well as in the consignment of pretrial investigations and the establishment of the rule of law, in view of the State's inability to enforce justice and with it the redress of the victims, the main cause of death being felonious, intentional homicide. Up to October, 2011, the local Attorney's Office had initiated 992 investigations for murders.

Table 2
Murder investigations and indictments

Year	Murder investigations initiated	Investigations that resulted in indictment	Percentage
2007	389	259	66
2008	463	253	54
2009	573	340	59
2010	888	319	35
2011	992	312	31

Source: *Jalisco a futuro*, Centro de Estudios Estratégicos para el Desarrollo, Universidad de Guadalajara, tome 6, p. 25.

Chart 1
Causes of death



Source: Jalisco State government. State Development Plan, 2013-2033, p. 537.

In this indicator, Jalisco ranked 12th in 2012 among federal entities in terms of reported murders per 100 000 inhabitants, according to data collected from a comparative study of national statistics compiled by the Instituto Nacional de Estadística y Geografía (the National Statistics and Geography Institute, INEGI); that is, Jalisco meets the national average with rates ranging from 12 to 19 murders per 100.000 inhabitants, while the national mean was 20 for per 100.000 inhabitants.

By 2014, Jalisco had reported a rate of 13 murders per 100.000 inhabitants, since it went down from the 1.560 cases reported in 2012, to 1.038. But other crimes increased, for instance, extortion, which grew 162,55 %, between 2012 and 2013, kidnappings, which even though they have not increased and remained stable, have grown in violence, which can be attributed to the 2013 political and institutional transition, when the Partido Acción Nacional (in power), lost the elections to the PRI.

Even though the results yield a decrease in two of the crimes with the greatest impact, it also is important to mention that half-way through the present administration of governor Aristóteles Sandoval Díaz, the number of crimes reported are more than half for the same period in the previous administration.

However, other crimes have had an exponential increment, such as muggings and carjacking, which generate a great impact on the economy and on the people's perception (we will see their correlation later on).

On the other hand, patrimonial crimes continue to be the Achilles' heel in public security primary prevention. Just the crime of muggings grew 233 % in the 2012-2013 period; and then it dropped 34 % in 2014. Car theft remains one of the most profitable activities for local organized crime, because although the variation from 2012 to 2013 was only 1,06 %, the authorities have been unable to stop it.

Another one of the diversifications of the local organized crime gangs was bank robbery. Before 2009 five robberies were reported per year, by 2011 they had sky-rocketed to 109 and 2013 broke the record with 129 robberies. So far in the present administration (2012-2018), 213 bank robberies have been reported by different branches.

In short, public security, in respect of institutional intervention in prevention and dissuasion of crime, has been stable for some types of felonies; others have increased dramatically and with signs of occasional violence, but both the increase and decrease are due to political and institutional-transition circumstances typical of the State, as well as to social and economic dynamics of opportunities for criminals, not because of a cross-sectional policy of cooperation among authorities, one that would allow georeferencing antisocial behaviors and early dissuasion in prevention, even in the situational prevention of crime. That is why the Centro de Investigación para el Desarrollo AC⁴ (Center for Development Research) has classified Jalisco as ranking 19th with a serious damage of its public security, with a 79,7 index, which measures the frequency with which each type of crime occurs and assigns it a value in terms of how serious the citizens consider it

4. Centro para la Investigación y Desarrollo A. C. "8 Delitos Primero". México, 2015. Disponible en: http://cidac.org/esp/uploads/1/8_delitos_primero_2013_1.pdf

1.2. Citizen perception (subjective security)

Public opinion regarding the performance of the security systems will always be examined in general terms by the collectivities, the civil organizations and society in respect of the data yielded by the public institutions. By and large, the figures on perception of security can vouch for or disqualify the institutions responsible for enforcing law and order and social peace, since the participation of the community is articulated by means of demands, requests, petitions and claims, which are generators of coproduction of security in our environment.

That is why the idea people have of public security can be dissimilar from the official figures and statistics, both in terms of number of crimes committed and reports filed, this explains that a criminal policy cannot be based only on the tendency of the crimes reported. The first step to improve security services, is admitting that the reality of the criminal phenomenon is made up of a wide range of illegal activities that fail to be reported to the authorities, which is known as *black figures*, an indicator that rises as citizen reports drop in Jalisco; that is, in 2014 1'453,913 crimes failed to be reported as opposed to 160.896 that were denounced to the authorities; in other words, one every ten people make a report.

Table 3
Evolution of black figures in Jalisco

Black figures %	2010	2011	2012	2013	2014
National	92,0	91,6	92,1	93,8	93,8
Jalisco	93,8	92,2	92,8	93,3	93,0

Source: Instituto Nacional de Estadística y Geografía (INEGI), Cuadernos Estadísticos, available at: http://buscador.inegi.org.mx/search?tx=cifra+negra&q=cifra+negra&site=sitioINEGI_collection&client=INEGI_Default&proxystylesheet=INEGI_Default&getfields=*&entsp=a__inegi_politica&lr=lang_es%257Clang_en&lr=lang_es%257Clang_en&filter=1

Although there is not an accurate study at the local level revealing what crimes are reported the least, definitely there are many reasons why citizens do not wish to file a report at the Attorney's

Office: ranging from considering it a waste of time due to corruption, to assuring that it would be in vain for nothing will be solved.

Tables 4 and 5
Main crimes where black numbers prevail and evolution
of the preliminary investigations

	2010	2011	2012	2013	2014
Report	12.3	12.8	12.2	9.9	10.7
Previous Investigation	65.2	65.5	64.7	62.7	67.5
Beginning of previous investigation	8.0	8.4	7.9	6.2	7.2
Crimes with the largest black figures	2010	2011	2012	2013	2014
Extortion	97.6	96.6	97.8	98.5	99.0
Fraud	94.9	92.2	92.1	95.2	95.3
Partial car theft	94.4	95.0	95.2	95.7	95.1
Robbery or assault on street or public transport	93.5	94.8	94.4	95.9	93.6

Source: prepared by INEGI. “Encuesta Nacional de Victimización y Percepción sobre Seguridad Pública 2015”. Available at: http://www.inegi.org.mx/saladeprensa/boletines/2015/especiales/especiales2015_09_7.pdf.

The overwhelming reality is that most of the crimes that are committed are not reported to the authorities, they are not recorded, they are not investigated, let alone solved, nor are the perpetrators convicted, and the victims are not redressed. This uncertainty, corruption and the fact that media influence with their alarmist and provocative language, generate a perception of insecurity in the citizen that reflects in the changes of daily habits, the modification of behaviors and reluctance to socialize in public spaces, turning their backs more and more from co-existence. The perception of insecurity should be a point of departure for the authorities on how a citizen

judges public policies regarding public security; let's remember that it is a function of undeniable obligation on the part of the state to feel responsible for listening to their governed in the improvement of their practices, steps and policies aimed at restoring order and social peace; the following is proof of how the citizens perceive public security.

Table 6
Evolution of the perception of insecurity

ENTITY	Insecure Federal Entity ENVIPE (2011)	Insecure Federal Entity ENVIPE (2012)	Insecure Federal Entity ENVIPE (2013)	Insecure Federal Entity ENVIPE (2014)
NACIONAL	69.5	66.6	72.3	73.3
Jalisco	71.2	61.5	75.9	68.0

Source: prepared by the author on the basis of the INEGI National Surveys on Victimization and Perception on Public Security for the years 2011, 2012, 2013 y 2014.

The same perception is reflected in respect of the situation of insecurity that Jalisco is undergoing, as well as of the cost the population incurs to take preventive measures, since its security cannot be guaranteed by the institutions entrusted to enforce the law. The average yearly national cost of a person for damages caused by crime or for taking protection measures amounts to \$5,861 pesos, the same indicator for an inhabitant in the state of Jalisco is \$6,456 pesos.⁵ If we consider that 65 % the population in Jalisco has an average wage of \$8,000 pesos a month⁶, it then follows that 80 % of their salary is affected by an eventuality related with insecurity. If the authorities begin by punishing the criminal and antisocial behaviors that the ci-

5. National Statistics and Geography Institute. National Survey on Victimization and Perception on Public Security 2015.

6. The author's estimate analyzed since January 2015, considering salary and inflation adjustments in family market basket. Consulted on October 20, 2015. Available at: <http://eleconomista.com.mx/estados/2015/01/01/inflacion-acumulada-guadalajara-sera-10-u-g>.

tizens perceive as most prevalent in their everyday life, this perception of insecurity could be cut down dramatically, to the point that the authorities could dedicate more resources to the crimes with the greatest impact.

Table 7
Some data that support the perception of insecurity

Entity	Perception of insecurity (2015) (%)	Victims 2014 rate per 100 000	Homicide deaths 2014, rate per 100 000	Bearing arms offense 2014 (%)	Extortion in 2014, rate per 100 000 inhabitants	Entity	Perception of insecurity (2015) (%)	Victims 2014 rate per 100 000	Homicide deaths 2014, rate per 100 000	Bearing arms offense 2014 (%)	Extortion in 2014, rate per 100 000 inhabitants
National	73.2	28,200	16	48.6	9,850						
Aguascalientes	43.2	33,376	4	17.6	7,252	Morelos	86.3	29,647	23	48.7	12,318
Baja California	53.2	37,583	21	26.2	13,723	Nayarit	55.5	22,052	13	21.3	13,274
Baja California Sur	61.8	30,310	12	25.7	6,238	Nuevo León	70.7	24,250	11	49.2	4,307
Campeche	53.7	22,639	9	23.7	5,271	Oaxaca	77.7	20,061	18	23.3	5,988
Coahuila	74.9	17,080	15	51.7	1,413	Puebla	67.4	23,741	9	27.7	8,474
Colima	56.5	21,562	20	22.6	10,510	Queretaro	50.7	25,660	5	30.0	9,019
Chiapas	54.6	15,352	9	34.1	5,092	Quintana Roo	61.0	28,638	8	28.2	7,359
Chihuahua	73.6	22,395	46	34.6	6,081	San Luis Potosí	69.2	25,873	10	28.4	11,404
Distrito Federal	78.5	36,019	12	58.7	12,356	Sinaloa	70.5	22,063	38	36.4	7,655
Durango	68.0	22,949	17	29.3	9,007	Sonora	62.5	24,246	23	42.9	989

Source: National Statistics and Geography Institute. National Survey on Victimization and Perception on Public Security 2015. Available at: http://www.inegi.org.mx/saladeprensa/boletines/2015/especiales/especiales2015_09_7.pdf.

All this means that in Jalisco, on the one hand, high-impact crimes, such as murder and kidnapping have decreased, on the other hand, there remains a constant in black figures of unreported crimes. Nevertheless, most of the population considers that their entity is insecure, due to the antisocial behaviors and minor crimes that scourge the peace of the population, but above all that they generate a considerable expense in the personal and family economy and that authorities have failed to come up with the capacities for their prevention and, in its case, investigation and conviction of criminals, which would result in redressing and reestablishing the victims' rights.

2. How law enforcement and the administration of justice work

According to constitutional article 21,⁷ and under the last 2008 reform “investigating crimes corresponds to the State Attorney’s Office and the police bodies, which will act under command of the former in the exercise of their function.”

In addition, the exercise of penal action in the courts continues to correspond to the Attorney’s Office. Although the above-mentioned 2008 reform includes that private individuals will be able to exercise penal action before the judicial authorities in the terms determined by the law, so far there has not been any documented cases– at national or state level– of this exercise by private individuals, what’s more, there is no law that determines the conditions and characteristics for it.

The same constitutional article 21 grants sentencing, its modification and duration as exclusive of the judicial authority, an issue that we will break down in terms of its efficiency for the state of Jalisco, but above all the advancement and transition toward the new adversarial penal justice system, one that would give guarantees with a hearing methodology.

Jalisco has a population of 7’350,682 inhabitants. By 2013, the year of the state’s democratic and institutional transition, approximately 188 crimes a day had been reported at the state Attorney’s office, in the over 50 administrative specialized units in the state of Jalisco.⁸

The incidence for the state in terms of crimes referring the common jurisdiction has had ups and downs as compared with those registered nationally, which as an average in a year contribute 4 % to 6 % of the total crimes committed nationally. Let’s not lose sight of the fact that for 2015, 6 % of crimes is provisional, because the figure only covers the crimes that occurred up to the month of August of

7. *Diario Oficial de la Federación*. Constitución Política de los Estados Unidos Mexicanos, última reforma el 01/07/2015. Available at: <http://www.diputados.gob.mx/LeyesBiblio/marco.htm>

8. Instituto Nacional de Estadística y Geografía. “Censo de Procuración de Justicia Estatal 2014”. Available at: http://internet.contenidos.inegi.org.mx/contenidos/productos/prod_serv/contenidos/espanol/bvinegi/productos/nueva_estruc/702825068585.pdf

the same period, therefore it is important to follow up until the end of the year to corroborate whether this number increases.

Table 8
Crimes reported

Year	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
National	1.471.101	1.587.030	1.628.054	1.665.792	1.707.441	1.729.934	1.704.915	1.681.077	1.590.331	1.126.900
Jalisco	72.225	73.610	69.941	71.843	84.844	87.382	89.854	101.974	91.526	68.168
% a year	5 %	5 %	4 %	4 %	5 %	5 %	5 %	6 %	6 %	6 %

Source: Prepared by the author with the data provided by the Executive Secretary of the National Public Security System, available at: <http://secretariadoejecutivo.gob.mx/incidencia-delictiva/incidencia-delictiva-fuero-comun.php>.

In 2013 101.974 crimes were registered and the Attorney General's Office had a staff of approximately 11.328.⁹ Which could mean that each person would have the knowledge of nine crimes to receive, investigate, integrate and process a preliminary investigation; however, only 2.427 employees are ascribed to the specialized agencies of the Attorney's Office, among district attorneys, experts, clerks and secretaries – that includes 894 investigating police officers–, this greatly reduces capacity for investigation and time in integrating a preliminary investigation, because actually 42 crimes apiece a year would be the correspondence, which leaves out the functions of 8.901 people that are registered by the Attorney's Office.¹⁰

In this same year only 10.832 arrest orders were issued, of which 5.756 were executed; that is about 50 % of the arrest orders are carried out by the investigating police.¹¹

In respect of administering and imparting justice in the state of Jalisco, in 2013 (the complete most recent data published by INEGI), the numbers are not very encouraging. Another factor that influences the perception of state insecurity is the high black figures

9. *Ibidem*, p. 28.

10. Prepared by the author with the data contributed by the Censo de Procuración de Justicia Estatal 2014, at the National Statistics and Geography Institute.

11. National Statistics and Geography Institute. Censo de Procuración de Justicia Estatal 2014, p. 64.

of unreported crimes: Approximately 2'148,519.¹² Of the 101.974 crimes that were recorded in the State Attorney General's Office, only 17.594 were brought before a judge in a criminal court, which also speaks of the Attorney's Office's efficiency: 17,2 %'s. The administration of Justice on the part of the judges in penal terms at courts of first instance shows a greater efficiency as to the resolution of the penal causes: 10.101 trials were solved and 11.718 subjects were processed, but only with 8.080 conviction sentences. This can be interpreted as only 17,2 % of the crimes were brought in front of a judge, 68 % obtained a resolution but the restitution to the victims of the crimes was pending.¹³

Still there is a backlog in the resolution of criminal processes, of approximately 7.000 per year; this represents a considerable impact on the penitentiary population of the 33 halfway houses in Jalisco state. There are approximately 25.607 inmates in the correctional facilities, which only have the capacity for 10.030 people, therefore, we are talking about an overpopulation of 255%.¹⁴ This backlog is due to the lack of elements to prosecute the defendants for the commission of a crime, either lack of evidence or else for the judicial backlog in the criminal processes.

Table 9
Penitentiary population

Court of equity		Federal jurisdiction	
Sentenced	Prosecuted	Sentenced	Prosecuted
13.753	10.573	684	597

Source: Prepared by the author with data from proyectojusticia.org from the Center for Development Research AC.

12. At data of the Center for Development Research AC. Available at: <http://proyectojusticia.org/datos/public/14-Jalisco.html>

13. Prepared by the author with the data contributed by the Censo Nacional de Impartición de Justicia Estatal 2014. Available at: http://internet.contenidos.inegi.org.mx/contenidos/productos//prod_serv/contenidos/espanol/bvinegi/productos/nueva_estruc/702825068592.pdf

14. The authors' estimations with data from the Center for Development Research AC, published at proyectojusticia.org. Available at: <http://proyectojusticia.org/datos/public/14-Jalisco.html>.

This situation could take an impressive turnaround if Jalisco finished a gradual transition from an of inquisitive justice system to an adversarial, guaranteeing one with inquisitorial methodology, because the process of reform started in June 2008 by the federal Congress, it did not begin in Jalisco until April 2014 when the harmonization of this reform with the National Criminal Procedures Code finalized, to yield way to the implementation stage, whose deadline is June 19 2016. For the most part, it is the Executive Branch who is coordinating the implementation works.

The major argument for the delay of the implementation of new penal justice systems has been the lack of financial resources to carry it out. The truth is that resources have not been negotiated by the authorities due to the great deficiencies in planning and execution in the harmonization of legal rules, in the infrastructure and repair of the correctional facilities and in the training of the new penal justice system personnel, which has caused Jalisco to plunge to the 28th place, in the ranking of the 32 federal entities, in its advancement toward the new system.¹⁵ The few resources obtained have not yet been revealed by the corresponding instances, which cannot be understood if we keep in mind that Jalisco has received important amounts for its implementation since 2010,¹⁶ even with deficiencies, and it was not until October 2014 that the first hearing was carried out.

Table 10

Amounts allotted for the implementation of the new penal justice system in the state of Jalisco

Year	2010	2011	2012	2013	2014
Enforcement of Justice	1.169.400.183,00	1.200.756.730,00	1.249.627.030,00	1.468.340.304,00	5.561.617.912,00
Administration of justice	839.232.850,00	884.469.600,00	828.768.400,00	916.681.000,00	1.177.389.129,00

Source: Prepared by the author with data from “Reporte de hallazgos para la implementación del sistema de justicia penal”(2014).

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15. Center for Development Research AC. Available at: <http://proyectojusticia.org/datos/public/14-Jalisco.html>
 16. Centro de Investigación para el Desarrollo AC. “Reporte de hallazgos 2014, sobre la implementación y operación de nuevos sistema de justicia penal”. Disponible en: <http://proyectojusticia.org/wp-content/uploads/2014/11/ReportedeHallazgos2014.pdf>.

Conclusions

Jalisco is an evaluated entity with serious problems in its security; in this regard it ranks 19 among the 32 federal entities.¹⁷ Its greatest areas of opportunity are in political will and the establishment of sectoral public policies in agreement with the social, economic and cultural reality of the state, implementing citizen participation mechanisms through the elaboration of an action plan to fight violence and delinquency, as well as of concentrating its available human resources on addressing the crimes with the greatest impact on the citizenry, which are the ones that cause greater damage to society. It is not a coincidence that in view of the increasing perception of insecurity, private security has increased in the state: 85 companies concentrate 2,035 private security elements; almost the same number of people the Attorney General employs investigating and persecuting crimes.

Education, training and adoption of new profiles is essential for operation toward new paradigms and security and justice systems, unfinished business in view of the imminent operation of the new penal justice system. Furthermore, 6,079 agents have not surpassed the confidence test¹⁸ which generates uncertainty in the midst of the security crisis in the entity, for in the new security and justice system they will have to play the most significant role in the enforcement of social order and peace, as well as command the faculties to compile an investigation file. The present security crisis originates in the behavior of the actors entrusted to prevent, investigate, prosecute and convict criminal and social conducts. It is a problem having to do with acting and applying the juridical and public policies frameworks, which taint the permanent objectives of the security institutions.

17. Centro de Investigación para el Desarrollo AC. “8 delitos primero”. Mexico DF, 2014.

18. Diario *El Universal*. “Policías de Jalisco, entre los que más reprueban el control de confianza”. Recuperado el 03 de agosto del 2015 de: <http://www.unionjalisco.mx/articulo/2015/08/03/seguridad/guadalajara/policias-de-jalisco-entre-los-que-mas-reprueban-el-control>.

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Chapter III

Homicides in Mexico.

Jalisco on the violence map

*Ulises Vargas Gutiérrez**

On December 11, 2006, just ten days after he took on office as President of the Republic, Felipe Calderón (2006-2012) launched what would be the action¹ of a new security strategy that would cover the entire six-year period. Calderón's strategy focused on reducing the level of threat that the criminal groups dedicated to illegal drug traffic represented for security of both the Mexican society and State. Specifically, two axes articulated Calderón's security strategy. The first of them —short term— consisted in repositioning the State's authority, by mobilizing the public forces and the army, so as to recover national territory areas where drug traffic activities were being undertaken with total impunity. The second objective, which was long-term, implied purging and strengthening the police corps, improving the information and intelligence systems, and establishing a new legal framework (Zepeda, 2009).

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1. On December 11, 2006 the first Joint Operative is carried out in Michoacán. Over 7,000 troops were deployed, mostly military, in the most dangerous points of the entity. The objective was to reestablish the presence of the authorities in Michoacán by facing the organized crime groups that operated in the area. Anuncio sobre la operación conjunta Michoacán: <http://calderon.presidencia.gob.mx/2006/12/anuncio-sobre-la-operacion-conjunta-michoacan/>.

Paradoxically, the security strategy implemented by the Calderón administration triggered a number of consequences that wound up exacerbating insecurity in Mexico. The present paper focuses on showing only one of these consequences: the rise of homicidal violence in the country. This paper aims at, first, showing what has been the tendency of homicidal violence in Mexico, concentrating in particular, though not exclusively, on the 2006-2013 period; and secondly, how the State of Jalisco is inserted on this map of insecurity and homicidal violence. Taking this into consideration, there were two questions that oriented this work: what has been the tendency of homicide in Mexico from 2006 to 2013? What has been the tendency of homicide in Jalisco for the same period?

The period of time that this paper mainly covers corresponds to the entire administration of former Mexican President Felipe Calderón (2006-2012), and basically, the first year —although at some moments data corresponding to 2014 will be provided —, corresponding to the administration of current President Enrique Peña Nieto, who took over the presidency in December 2012.

Choosing the 2006-2013 period to carry out the analysis of homicidal violence tendencies in Mexico and in Jalisco is not random. It is in Felipe Calderón's period when, after the implementation of a security strategy, focused on repositioning the State's authority in view of the advance of drug traffic organizations' operations in the country, that unprecedented events of homicidal violence occur within the national territory. Now, the analysis of the beginning of the Peña Nieto administration in respect of the figures reflecting the homicides occurred in the country will help us have a panorama as updated as possible, also it will contribute to identify possible changes and continuities in the tendency of homicidal violence in México, in which—as will be shown below—an especially violent period begins in the year 2008 and it will reach its peak in 2011.

Directing our eyes to Jalisco is another analytical strategy that is anything but random. Jalisco gained notoriety on the map of homicidal violence in México beginning in 2015, when several violent acts that occurred in the state were linked with the operations of the

recently created Cartel Jalisco Nueva Generación (CJNG).² Since the creation of the CJNG in mid 2010 (Beittel, 2015), any efforts to understand the map of homicidal violence in Mexico goes necessarily through wondering what happened in Jalisco.

To answer the two questions that guided this paper, we started from the analysis of two variables. First, *death by homicide* and second *death by alleged criminal rivalry or executions*. It should be pointed out that as to the first variable, the official data are public and easy to access, the Instituto Nacional de Estadística y Geografía (The National Statistics and Geography Institute, INEGI) keeps an accurate record of deaths by homicide, although the main disadvantage of this information is that it does not distinguish felonious homicides and other causes of death such as accidents. In respect of the variable of deaths by alleged criminal rivalry, the official data provided by the Republic's General Attorney's Office (PGR) only covered December 2006 to December 2010, so it was complemented, to have an overall idea as wide as possible on homicidal violence, with some unofficial data, above all the figures corresponding to *executions in the last 3 or 4 years*.

The two variables with which we worked are defined as: 1) *Deaths by homicides*, which derive from the information on the vital statistics collected from the administrative records of accidental or violent deaths, generated by the federal entities (INEGI) and 2) *Deaths by alleged criminal rivalry*, which according to the PGR are those deaths that cover two concepts: executions, which are deaths with extreme violence by whose characteristics it is presumed that the victim, the perpetrator or both belonged to a criminal organization; and aggressions and face-offs, that, is those deaths resulting from attacks by organized crime against the authorities (any of the three government

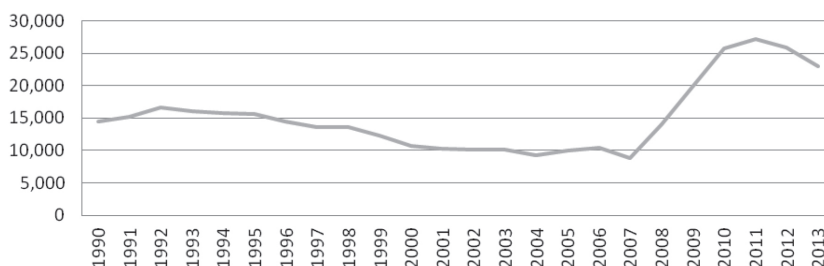
2. On May 1st, 2015 the members of the criminal organization Cartel Jalisco Nueva Generación conducted 39 blockades in 20 municipalities in Jalisco, plus another 15 in several points in the neighboring states of Colima, Guanajuato and Michoacán. On the same day 11 bank branches were affected, as well as 5 gas stations that were burned down, there was damage inflicted in 12 highway points, 4 shootouts were recorded, with 7 deaths and 19 wounded (<http://lajornadajalisco.com.mx/2015/05/codigo-rojo-en-jalisco-39-narcobloqueos-provocan-estado-de-emergencia/>).

orders), with or without armed response. The latter also includes confrontations of armed groups that are not part of any authority.

1. Deaths by homicide in Mexico 1990-2013

In general terms, it is possible to claim that the behavior of the data on death by homicide in Mexico from 1990 to 2005 was stable. The figures provided by INEGI for the 1990-2013 period allow us to observe the steady downwards tendency presented by deaths by homicide in Mexico, in particular from 1992 to 2005. It is precisely in the last year, 2005, when the break in the steady downwards tendency was identified, after it had lasted for at least 13 years.

Chart 1
Total deaths by homicide in Mexico (1990-2013)



Source: made by the author with INEGI information.

The chart shows the total number of homicides in Mexico during the 1990-2013 period. This chart allows us to observe overall the tendency of homicides occurred in the country in the period. It is noteworthy to observe the steady downward tendency presented since 1992, the year that records a total of 16,594 deaths by homicide, reaching its all-time low in 2004 with a record of 9,329 homicide cases. From 2005 onwards, there occurs a slight increase of 592 cases more than the previous year. For 2006 a total of 10,452 homicides were registered, 531 more than in 2005. After the two slight increases presented in 2005 and 2006, the downwards tendency reappears

in 2007, registering a total of 8,867 homicides, that is 1,585 cases less than in 2006. The year 2008 attracts our attention because it breaks dramatically the downward tendency, 14,006 homicides were registered, which if compared with the previous year, an increase of 5,139 homicides is observed. Since 2008, the negative behavior of homicides is reverted and a steady rise begins until 2011. The official data show that in the last two years of the period, that is 2012 and 2013, there is a reduction in the numbers of deaths by homicide.



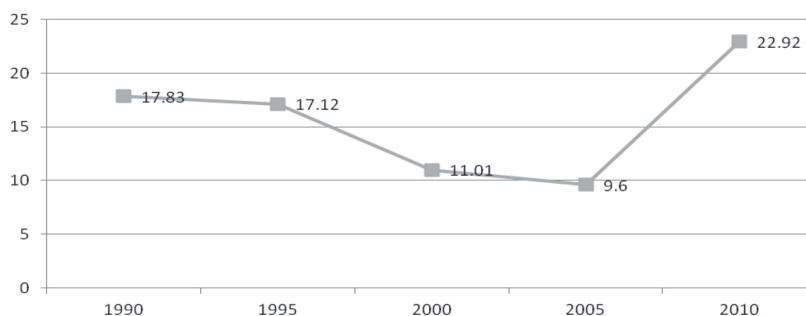
Source: made by the author with information from the INEGI.

Of the total number of deaths by homicide in Mexico in the 1990-2013 period, the contribution occurring from 2006 to 2013 (Chart 2) is noteworthy. This eight-year time period registered a total of 155,128 which corresponds to 42.70% of the homicides recorded for the entire 1990-2013 period, which is 363,243.

Another way to look at the tendency of homicidal violence in Mexico is by revising the behavior of the homicides rate.³ Chart 3 shows the tendency of deaths by homicide from 1990 to 2010, grou-

3. Rate is defined as the way of standardizing the frequency of occurrence of a phenomenon in respect of the specified base number of subjects in a population. In this case in particular, it refers to the result of the division between the total number of the population and the total number of deaths by homicide in a given period, which when multiplied by 100,000 provides us with the standardized frequency of the phenomenon, that is, the frequency of occurrence of homicides, in this case, given in a proportion of 100 000 inhabitants.

Chart 3
Homicide rate in Mexico



Source: made by the author with information from the INEGI.

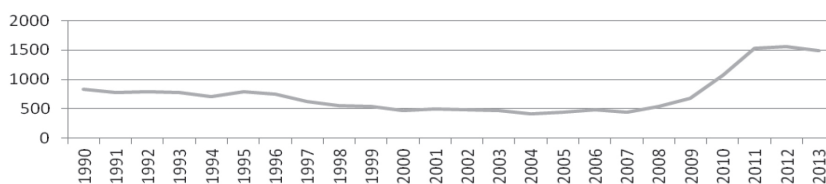
ping the rates in five-year periods. The proportion is every 100,000 inhabitants. The most remarkable element in this chart is the leap occurring between 2005 and 2010, when there was a transition from a rate of 9.6 deaths by homicide a year in 2005—a year which incidentally records the lowest rate in the entire time period—to a rate of 22.92 homicides per every 100 000 inhabitants in 2010. A 2015 study on homicidal violence in Mexico reveals that the years 2011, 2012 and 2013 presented homicide rates of 23.5, 22.3 and 18.7, respectively (Heinle, Molzahn and Shirk, 2015). According to the authors of the study, this drop in the rate of homicides in México corresponding to the years of 2011, 2012 and 2013, is to be considered with caution, since even though the data seem to provide elements to conclude that there is an actual significant reduction in the number of homicides in Mexico, it is important to take into account that the official figures are in general incomplete and they can be subjected to the government's manipulation (Heinle, Molzahn and Shirk, 2015).

2. Deaths by homicide in Jalisco (1990-2013)

The behavior of the data shows the total number of deaths by homicide in Jalisco for the 1990-2013 period, it can be observed that from 1990 to 2009 homicides in the state ranged from 400 to 800 (chart 4).

In general, it is possible to claim that from 2000 to 2008, the homicides that occurred in Jalisco did not present large variations, since these data remained in the range of 400 homicides, except for the year 2008 which shows a total of 542. Although since 2008 there was a slight increase in the number of homicides, it is in 2010 when the steady tendency is broken. In this year 1,072 homicides were recorded, which if compared with data from the previous year (2009), it is possible to observe that there was an increase of 393 cases. The year 2011 records 1,529 homicides, that is 457 homicides more than the previous one. While in 2012 the data show that Jalisco witnessed 1,560 deaths by homicide, this year registered the maximum number of homicides occurred in this time period. In 2013 there were 1,491 homicides, that is, 69 less than the previous year.⁴

Chart 4
Total number of deaths by homicide in Jalisco (1990-2013)



Source: made by the author with INEGI information.

In turn, a recent study about homicidal violence in Jalisco claims that, in respect of the behavior of the homicide rate for the 2006-2013 period, Jalisco's most violent year was 2012, since the entity then registered a rate of 20.85 homicides per 100,000 inhabitants.

4. The State General Attorney's Office (Fiscalía General del Estado de Jalisco (FGEJ) reported that there were 888 felonious homicides in 2010, in 2011 a total of 1,222; in 2012 1,184; in 2013 a total of 1,099; in 2014, 904; and 1,017 in 2015. This information is presented as a complement to provide data that register felonious homicides in Jalisco up to 2015. However, it is important to notice that the information provided by the FGEJ is built from the total number of pretrial investigations, not the total number of death certificates, as the INEGI does. This methodological difference explains the variations between the data provided by the FGEJ and the INEGI. It is recommended that the following site be consulted: <https://seplan.app.jalisco.gob.mx/mide/indicador/consultarDatos/757?palabra=homicidios&max=10&offset=0&agregado=1&url=buscar>.

The year with the lowest rate for that period was 2007, when the rate of homicides for Jalisco was 6.49. For the entire period, the homicide rates in Jalisco were 7.07 in 2006, 6.49 in 2007, 7.74 in 2008, 9.44 in 2009, 14.71 in 2010, 20.72 in 2011, 20.85 in 2012 and 19.60 in 2013 (Ortega, 2015).

If we focus specifically on the last eight years of official information provided by the INEGI—that is, the 2006-2013 period—in respect of deaths by homicide and we compare the number of homicides in relation with other states, Jalisco gains notoriety. Jalisco is among the first 10 entities with the most deaths by homicide occurred in the 2006-2013 period. Jalisco is ranked sixth in the group of the 10 states with the most homicides. The group with the most homicides is made up of: Chihuahua with 23,250, Mexico State with 17,376, Guerrero with 13,315, Sinaloa with 10,148 and Distrito Federal with 7,948. Although it should not be overlooked that, in the 2006-2013 period, Jalisco registered—in absolute numbers— 7,796 deaths by homicide, which places it above Baja California (7,080), Nuevo León (6,914), Michoacán (6,476) and Tamaulipas (5,586).

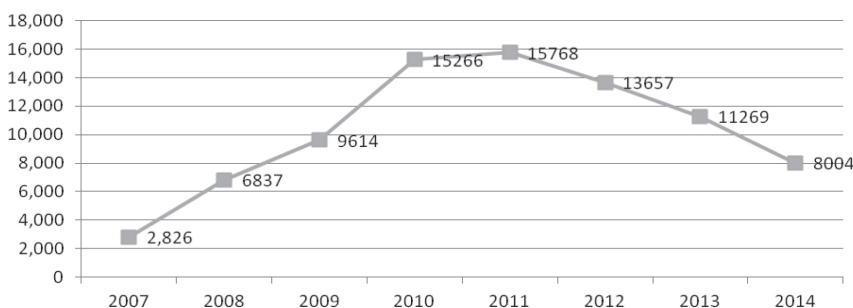
The group of 10 states with the most homicides for the 2006-2013 period provided 68% of the total number of homicides that occurred in the country in that period. Chihuahua contributed 14.98%, Mexico 11.20%, Guerrero 8.58%, Sinaloa 6.54%, Distrito Federal 5.12%, Jalisco 5.02%, Baja California 4.56%, Nuevo León 4.45%, Michoacán 4.17% and lastly Tamaulipas with 3.60%.

3. Deaths by alleged criminal rivalry at the national level and for Jalisco

From December, 2006 to December, 2010, the PGR kept a record of felonious homicides that due to their characteristics, it was presumed that the victim, the perpetrator or both belonged to some criminal organization. In turn, this record included the victims of confrontations between the authorities and members of organized crime gangs or among organized crime gangs, without the participation of the authorities. These data were collected under the category *Deaths by alleged criminal rivalry* (FPRD).

At a national level, the total number of FPRD for the period from December 2006 to December 2010, is, according to official PGR figures, 34,594. The 10 states with the most FPRD are Chihuahua with 10,135, Sinaloa with 4,387, Guerrero with 2,739, Baja California con 2,019, Durango with 1,892, Michoacán with 1,751, Mexico with 1,538, Tamaulipas with 1,457, Sonora with 1,258 and Jalisco with 1,073. In total, these 10 states contributed a total of 28,249 FPRD, which represents 81.65% of the FPRD occurred in Mexico in this period.

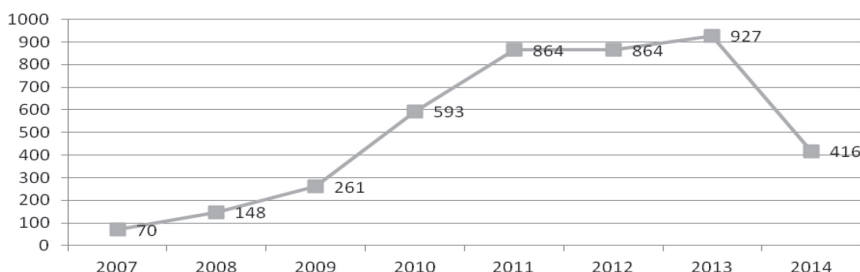
Chart 5
Executions in Mexico (2007-2014)



Source: Guerrero, Eduardo (2015a) *¿Bajó la violencia?*, *Nexos*, núm. 446, February 2015, year 38, volume XXXVII.

According to a recent study by Eduardo Guerrero (2015), executions in México—which are considered murders linked somehow with organized crime—for the 2007-2014 period show that from 2007 to 2011 there was an upward tendency, which reached its peak in 2011. Since 2012, executions in Mexico have dropped continually up to the last year for which this study shows registers (Chart 5).

Chart 6
Executions in Jalisco (2007-2014)



Source: Guerrero, Eduardo (2015b). *El nuevo enemigo público*. *Nexos*, núm. 450, June, 2015, year 28, volume XXXVII.

Focusing our attention on the case of the state of Jalisco, it is possible to identify four phases in the evolution of executions (chart 6). Between 2007-2009 the data recorded show a moderate expansion of executions in this state; from 2010 to 2011 there was a noticeable growth of homicidal violence; in 2012 and 2013 executions became stable, that is, there were no significant variations in the number of executions for this one-year period; finally, in 2014 the downward phase in the number of executions started in Jalisco (Guerrero, 2015b).

As to the Jalisco municipalities, according to the official numbers provided by the PGR, the 10 municipalities with the largest contribution to the FPRD figures for the December 2006 to December 2010 period are: Zapopan with 164, Guadalajara with 145, Tlajomulco de Zúñiga with 81, Tlaquepaque with 69, Puerto Vallarta with 49, Tecalitlán with 35, Tonalá with 32, El Salto with 30, Tequila with 25 and Jilotlán de los Dolores with 21. It is interesting to highlight that of the 10 municipalities with the most FPRD, six are part of the Guadalajara Metropolitan Area (ZMG). The eight municipalities that make up the ZMG contributed a total of 541 FPRD in the same period.

4. Notes to understand the connection between the figures and the dynamics triggered by Calderón's security strategy

The data corresponding to the tendency of deaths by homicide in Mexico for the 1990-2013 period, as well as the homicide rates and above all the figures concerning the deaths by alleged criminal rivalry, show at least three relevant elements. The first is that—as shown by the data—homicides in Mexico decreased in number during practically the entire 1990's and almost up to the mid 2000's. A plausible explanation for the steady decrease of the number of deaths by homicide in Mexico in this period is that violence generated by the criminal organizations was contained. A hypothesis that is much spread and consistent from the qualitative point of view, claims that during the authoritarian regime in Mexico there were many corruption pacts among the members of the criminal organizations dedicated to drug traffic and the authorities (Astorga, 2011; Palacios and Serrano, 2010; Pimentel; 2000). These pacts helped regulate and administer the drug business, inhibiting thus the use of violence. Part of the explanation about the downwards tendency of the homicides occurred in Mexico from the 90's to the early 2000's, lies in the bond established between the authorities and the drug lords, which prevailed most noticeably during the entire period of the PRI regime hegemony in Mexico. The second relevant element is the slight break in the downwards tendency of deaths by homicide that occurs in 2005 at the end of the Vicente Fox administration (2000-2006). As Jorge Chabat (2010) explains it, “the arrival at the Presidency of a candidate belonging to a party different than the one that had governed the country for 71 years broke several inertias of corruption between the Mexican government and drug traffic, which was reflected in a policy of more confrontation by the Fox Administration, resulting in the arrest of several drug traffic leaders [...]”⁵ (Chabat, 2010: 28). It is very likely that the slight increase of deaths by homicide in Mexico in the years 2005 and 2006 is partly due to readjustment in the cri-

5. During the Fox Administration, Osiel Cárdenas (from the Gulf Cartel), Benjamín Arellano Félix (the Tijuana Cartel), Adán Amezcua (the Colima Cartel) were arrested among others (Chabat, 2010).

minal organizations that occurred as a result of President Fox's confrontation policy. The third important element is observing how the security strategy implemented in Calderón's administration has visible effects on the increase of the number of deaths by homicide in Mexico since 2007, reaching its peak in 2011. The increase in the number of deaths by homicide in Mexico during the Calderón period can be explained from the declaration of war against the drug cartels that the then president announced as soon as he took office (Aguilar and Castañeda, 2012). As a candidate, the issue of security was not included among the top priorities in his agenda, however, as a constitutional President, security climbed to the highest level of priorities for the PAN administration. It was above all the first axis of the strategy that refers to the repositioning of authority along the national territory opposing the groups of organized crime, which brought on the rise in homicides in Mexico, a fact that is visible during the 2007-2011 period.

Now, to make sense out of the data showing the rise in homicidal violence in Jalisco in the 2010-2013 period, it is necessary to understand the dynamics of dispersion and transformation of the organized crime networks within the country. This dynamics show how persecution of organized crime groups and their potential weakening, encourages the formation of smaller criminal groups (Bagley, 2012). During the Calderón administration, the authorities managed to capture or eliminate 23 leaders of different criminal organizations (Olson, 2012). According to a 2012 study, in 2007 there were six main criminal organizations, by the year 2011, 16 criminal groups were already operating in Mexico representing a serious threat for the Mexican State (Guerrero, 2012). Other research suggests that by 2015, there were already between 9 and 20 major criminal organizations in Mexico (Beittel, 2015). The strategy centered on attacking the leaders of these criminal organizations in Mexico caused a dispersion effect, which multiplied them. When they found themselves threatened by the presence of the State's authorities, these criminal organizations relocated their operation bases where the State's threat was less. This fragmentation tendency among the criminal groups—generated in part by the strategy of confronting and beheading the criminal organizations—explains in part the increase of homicidal violence in President Calderón's administration.

The emergence of *Cártel Jalisco Nueva Generación* (CJNG) finds its explanation in the dynamics of dispersion and fragmentation of the criminal organizations. This criminal organization emerges in mid 2010, after the security forces gunned down Ignacio Coronel, one of the leaders of the Sinaloa Cartel in Jalisco. The momentary void of power after Coronel's death resulted in rivalry between the cartels that vied for the control of Jalisco. The data about the rise of homicidal violence in Jalisco coincide with the emergence of CJNG. Since 2009, it was already possible to observe an upward tendency of both homicides and executions in Jalisco, to reach the peak of deaths by homicide in 2012 and of executions in 2013.

5. Final Reflections

1. Homicidal violence in México increased noticeably during the period corresponding to the Calderón Administration. The figures about deaths by homicide and deaths by criminal rivalry reveal that a considerable contribution of homicidal violence in Mexico for those years results from the unplanned consequences of the security strategy implemented by Calderón.
2. The increase of homicidal violence in Jalisco coincides with the emergence of a new criminal organization whose main operation takes place in the Jalisco territory. It is plausible that this increase in homicidal violence is partly due to the operations by this criminal group.
3. The official figures for 2013 show a decrease in deaths by homicide in Mexico in respect of previous years. The unofficial figures presented in this paper also show a decrease of both, homicides and executions. These data are not enough to sustain that there is a downwards tendency in homicidal violence, for the time period is very limited.

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Capítulo IV

Violence in Jalisco: analysis of high-impact crimes, 2001-2015

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Last May 1st, 2015, the people of Jalisco lived one of the most violent days recorded in the state. In less than 2 hours, over 39 blockades were conducted at different points of the roads in 20 municipalities of the state, 11 bank chapters were vandalized, 5 gas stations and 36 vehicles were burned down, two businesses were damaged, and there occurred, in addition, four shootouts and the “forced landing of a helicopter” belonging to the Secretaría de la Defensa Nacional (National Defense Department, Sedena). The events resulted in 7 deaths (two alleged criminals, a civilian, an official of the State Attorney’s Office and three Sedena officers), 19 people were wounded (13 military people, a police officer, three civilians and two alleged criminals) (Animal Político, 2015). Not to mention the wide spread panic experienced by the population, the damage caused in public transport routes and the peace and quiet of everyday life was immense.

The May 1st violent acts directly affected 7 municipalities of the Guadalajara Metropolitan Zone (Guadalajara, Tlaquepaque, Tonalá, Zapopan, El Salto, Tlajomulco de Zúñiga) and 18 other municipalities within the entity. In addition, the disturbances spread to the neighboring states of Colima, Guanajuato and Michoacán.

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The state authorities attributed the events to organized crime. In an official communiqué issued on May 7th, 2015, it was claimed that:

The blockades carried out last Friday in different spots in the state of Jalisco, correspond to acts of vandalism planned by organized crime and the people arrested were put at the disposal of the Procuraduría General de la República (The Attorney General's Office, PGR), so that it continues the investigations into acts of violence, terrorism and organized crime (Jalisco Government, 2015).

The *Cártel de Jalisco Nueva Generación* (CJNG) is the main criminal group operating in the state and the violent acts of May 1st seem to have been their reaction to the federal operative *Operación Jalisco*, which aimed at “reinforcing federal presence in the state to bring down the criminal group” (*La Jornada Jalisco*, 2015). At present, CJNG heads the Mexican and US government lists in their struggle against organized crime. In just five years, since their emergence, CJNG is the criminal structure with the most expansion in the last few years; it is present in at least 8 states in the country, displacing even criminal groups such as Los Zetas and Los Caballeros Templarios. Only the Sinaloa Cartel is present in a larger number of states (Ángel, 2015b).

It is not the first time that CJNG stages such acts of violence in the state. In less than a year, the Jalisco Cartel murdered 24 military and local police officers in three different ambushes. Most outstandingly, the one that occurred on April 6th, 2015 when a group of officers of *Fuerza Única Regional*, made up of state and municipal agents, was ambushed on the Mascota-Puerto Vallarta road, when they were returning to their base near the tourist port. The aggressors blocked the highway with a pickup truck and attacked, with grenades and weapons, the 20 officers of the group. 15 of them lost their lives (Ángel, 2015a).

Organized crime is the main protagonist of the violence present in the state of Jalisco. These are but some of the most visible developments, which have a deep impact on the citizens' perception of insecurity, but the incidence of high-impact crimes show that the

Jalisco inhabitants live in a constant state of violence¹ that does not just come down to circumstantial, occasional events of criminal activities. According to data from the Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública (National Public Security System Executive Secretariat, SESNSP), during 2014 900 felonious homicides were committed as well as 22 kidnappings, 664 extortions and 1,752 violent carjacking in Jalisco. In absolute terms, the state ranked fifth in respect of felonious homicides and violent carjacking; and second in extortions. As to kidnappings, Jalisco was the 13th state with the most cases.

High-impact crimes “are those that, due to the severity of their effects and their high levels of violence, hurt people the most and contribute to shape a perception of citizen insecurity and vulnerability” (Centro de Investigación para el Desarrollo AC, CIDAC, Center for Development Research, 2012). According to the same source, there are seven high-impact crimes: felonious homicide, kidnapping, felonious injury with a blade weapon, extortion, aggravated assault on pedestrians, carjacking and car theft (CIDAC, 2013). Of these crimes, homicide (especially when related with executions), kidnappings, extortion and carjacking have highly violent components and they are committed by members of organized crime groups. Said crimes are invariably attempts against human rights as consecrated in article 3 of the Universal Declaration of Human Rights: the individual’s right to life, freedom and security.

With this preamble, we have presented an analysis of the state of violence in Jalisco from the perspective of high-impact crimes with the most violent content, and at the same time some recommendations are set out for public policy makers.

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1. Frédéric Gros (2006) proposes the concept of *states of violence* to explain the contemporary characteristics of wars and armed conflicts at the end of the 20th Century. In his opinion, contemporary wars do not respect the “rules”, whether explicit or implicit, which regulate the exercise of force and the expressions of violence. In this sense, in contemporary wars concepts like “enemy fronts”, combat zones, truces or non-aggression periods, war objectives, etc. have all been blurred, although these concepts used to characterized “classic” wars, but now this blurriness brings on states where violence is permanent, it is out of place and cannot tell the difference between civilian and military “targets”.

1. The state of violence in Jalisco

So far in Governor Aristóteles Sandoval's administration, high-impact crimes have a high incidence. From 2013 to August 2015 9,461 high-impact crimes have been committed: 2,621 felonious homicides, 104 kidnappings, 2,039 extortions and 4,697 carjacking in Jalisco. These data *place the state among the six states where the largest number of high-impact crimes is committed*, only surpassed by Tamaulipas, Guerrero, Sinaloa, Distrito Federal and Estado de México. In just 32 months, 5.8% of the felonious homicides committed in the country occurred in Jalisco, following Sinaloa, Chihuahua, Guerrero and Estado de México; in addition to 11.7% of the extortions, only surpassed by Estado de México (18.1%); and 3.5% of the carjacking, following Tamaulipas, Sinaloa, Distrito Federal and Estado de México.

Table 1
High-impact crimes committed between
January 2013 and August 2015

	Felonious Homicide	Kidnapping	Extortion	Carjacking	Total high-impact crimes
Total	45148	3,783	17,420	134,475	200,826
Aguascalientes	110	5	100	147	362
Baja California	2017	83	771	1,027	3,898
Baja California Sur	230	0	196	0	426
Campeche	169	7	148	1	325
Chiapas	1238	26	445	1,704	3,413
Chihuahua	3223	44	187	2,648	6,102
Coahuila	1251	62	222	1,751	3,286
Colima	354	7	47	0	408
Distrito Federal	2064	153	2,024	12,754	16,995
Durango	965	34	171	1,499	2,669
Guanajuato	1912	38	505	1,292	3,747
Guerrero	4922	373	433	4,089	9,817
Hidalgo	338	54	250	1,109	1,751
Jalisco	2621	104	2,039	4,697	9,461

	Felonious Homicide	Kidnapping	Extortion	Carjacking	Total high-impact crimes
Estado de México	5293	471	3,139	68,116	77,019
Michoacán	2287	296	494	3,566	6,643
Morelos	1333	285	907	3,599	6,124
Nayarit	312	18	1	89	420
Nuevo León	1505	102	981	3,032	5,620
Oaxaca	1665	94	349	579	2,687
Puebla	1066	86	614	1,442	3,208
Querétaro	306	28	25	552	911
Quintana Roo	528	23	535	82	1,168
San Luis Potosí	634	36	255	269	1,194
Sinaloa	2854	61	323	8,413	11,651
Sonora	1509	26	74	309	1,918
Tabasco	467	259	443	0	1,169
Tamaulipas	1576	624	546	6,726	9,472
Tlaxcala	169	15	14	257	455
Veracruz	1684	319	810	3,638	6,451
Yucatán	115	1	185	1	302
Zacatecas	431	49	187	1,087	1,754

Source: made by the author with data on criminal incidence from the civil courts of the Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública (SESNSP).

Violence in Jalisco also shows a significant increase as compared with previous administrations. During the Francisco Ramírez Acuña administration (2001-2007) 13,104 high-impact crimes were committed in the state;² while during Emilio González Márquez's (2007-2013) the figure was 15,443, which represents a 17.8% increase in the number of high-impact crimes committed. In the two and a half years of the Aristóteles Sandoval government the average number of high-impact crimes committed in the two previous administrations

2. State administrations take office on March 1st and finish on February 28th. For practical reasons, the total figures of the gubernatorial terms include the data from the months of January and February of the year in which the administrations starts, even though they formally do not correspond to said administration. This criterion was applied to all the administrations, which reduces possible biases.

has been surpassed (see table 2).³ In the present administration 874 felonious homicides have been committed per year, which is more than twice those committed between 2001 and 2006, and more than in the 2007-2012 period. In respect of kidnappings, in the 2013-2015 period 35 have been committed per year; triple the number committed between 2001-2006 and more than those of the 2007-2012 period. The same occurs with extortion: at present it is committed twice as much than two state administrations ago (2001-2006). As to carjacking, the annual average is greater than in the previous administrations, although the difference is smaller.

Table 2
High-impact crimes committed during
the last three state administrations

Administration	Year	Felonious homicide	Kidnapping	Extortion	Carjacking	Total
Francisco Ramírez Acuña	2001	488	14	163	3629	4294
	2002	431	16	253	1308	2008
	2003	424	13	261	1462	2160
	2004	370	13	255	919	1557
	2005	384	7	345	866	1602
	2006	425	5	476	577	1483
	Total	2522	68	1753	8761	13104
	Annual average	420	11	292	1460	2184

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3. The average number of high-impact crimes committed during the first three years of the Aristóteles Sandoval administration is not complete due to the fact that the 2015 information is preliminary and it only contains data up to August 31st. This allows us to presuppose that the 2013-2015 average number of high-impact crimes will be greater. It is possible to estimate the average number of crimes for 2015 by making a linear regression of the monthly data (except kidnapping, the other crimes show an increase), however, we preferred to calculate the average yearly crimes with the existing data (32 months), avoiding thus any kind of controversy or objection.

Administration	Year	Felonious homicide	Kidnapping	Extortion	Carjacking	Total
Gerardo Octavio Solís Gómez* Emilio González Márquez	2007	389	15	406	666	1476
	2008	462	13	609	803	1887
	2009	570	17	659	884	2130
	2010	888	25	948	1271	3132
	2011	1222	46	479	1690	3437
	2012	1184	72	486	1639	3381
	Total	4715	188	3587	6953	15443
	annual average	786	31	598	1159	2574
Aristóteles Sandoval Díaz	2013	1099	69	790	1747	3705
	2014	900	22	664	1752	3338
	2015	622	13	585	1198	2418
	Total	2621	104	2039	4697	9461
	annual average	874	35	680	1566	3154

* Interim Governor.

Preliminary figures up to September 20th, for the period of up to August 31st, 2015.
Source: made by the author with data on the incidence of crime from the civil courts of the Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública (SESNSP).

The evolution of violence expressed in felonious homicides experiences a considerable decline from 2011 onwards; this year registered the highest peak in violence in the national and state territory. In 2011 Jalisco reached a felonious homicides rate per 100 000 inhabitants of 16.2. From this date onwards, the reduction in the homicide rate has been significant: from 15.5 in 2012, 14.2 in 2013, 11.5 in 2014 and 7.8 in eight months of 2015.⁴ No doubt these data are encouraging, but it would be odd for the process of violence reduction the country experiences not to be present in the state.

According to data from the sistema de Monitoreo de Indicadores del Desarrollo Jalisco (System for Monitoring Development In-

4. Data until August 31st, 2015.

dicators, MIDE Jalisco),⁵ in the 2013-2015 period,⁶ 69% of the felonious homicides were committed in 10 municipalities of the state: six in the Zona Metropolitana de Guadalajara (Zapopan, Guadalajara, Tlaquepaque, Tonalá, Tlajomulco de Zúñiga and El Salto) and four in the interior of the state (Puerto Vallarta, Lagos de Moreno, Tepatitlán and Cihuatlán). On the other hand, in the municipalities of Atenguillo, Cañadas de Obregón, Colotlán and Ejutla not a single homicide has been registered in 33 months.

Illegal deprivation of freedom or kidnapping skyrocketed from 2010 to 2012: it went from a rate of 0.34 to 0.94. During 2013 it seems to have stabilized, with 0.89 cases per 100 000 inhabitants; and in 2014 it underwent a considerable reduction until it reached a 0.28 rate. These types of crimes have remained below the national average in the state and it shows a tendency similar to that reported all over the country.

In the 2013-2015 period, 50% of the kidnappings have been committed in the municipalities of Guadalajara and Zapopan (28% and 22%, respectively), while in another 8 municipalities 34% more has been committed: five in the la ZMG (Tlaquepaque, Tlajomulco de Zúñiga, Tonalá, El Salto and Zapotlanejo) and four in the interior of the state (Puerto Vallarta, Atotonilco el Alto, Chapala and Zapotlán El Grande). This reflects that in only 11 Jalisco municipalities 84% of the kidnappings are committed. On the other hand, in 97 municipalities no kidnappings were recorded in these years.⁷

As to extortions, the state of Jalisco is above the national average. 2010 registered the highest extortion rate in the state (12.7), which was cut to almost half in the two following years (2011 and 2012), but it rose again in the first year of the Aristóteles Sandoval administration (2013) to report 10.2 cases per 100 000 inhabitants. In 2014 and part of 2015 reports on extortion have decreased but the tendency is less marked than that at the national level.

5. Available at: <https://seplan.app.jalisco.gob.mx/indicadores>

6. MIDE Jalisco updates the information every month, so at the moment of consultation they had the data for up to September, 2015. There are differences between the data available at MIDEJalisco and the SESNSP, but they are minimal, of up to five units.

7. Data collected from MIDE Jalisco.

The extortion rate registered in 2013 places the state in the fourth position nationally in terms of incidence of this crime, only after Baja California, Quintana Roo and Morelos.⁸

In the meantime carjacking seems to have stabilized since 2011, after experiencing a steady increase since the first year of the Emilio González Márquez administration (2007). In 2014 the rate of carjacking per 100 000 inhabitants was 22.4 and it has remained stable since then. In Jalisco this crime did not present the accelerated increase witnessed in other state and nationwide, but it does not show any signs of improvement either for the next years.⁹

2. Jalisco, among the 10 most violent states in the country

The state of violence in Jalisco, as expressed in high-impact crimes, remains below the national average and it presents a clear decline. However, that has not prevented it from being included among the 10 most violent states nationwide according to Índice de Paz México 2015, (Peace Index, Mexico) (Institute for Economics and Peace, 2015). According to said study, Jalisco got a score of 2.91, ranking 24th among the least peaceful states nationwide (Institute for Economics and Peace, 2015, p. 9).

Seven indicators make up the Índice de Paz México 2015: homicides, violent crimes, crimes with fire arms, imprisonment, police force financing, organized crime and judicial system efficiency. Of these indicators, Jalisco got the highest scores¹⁰ in crimes with fire arms and judicial system efficiency. The former indicator tells us of the violence with which criminals act; while the latter, of the results

8. The Monitoreo de Indicadores del Desarrollo MIDEJalisco contains the indicator “telephone extortions”, but the data differ significantly from those contained in the crime incidence tables by the civil courts of SESNSP, so we decided not to use it. The differences are more than 200 registers. This difference may be due to the fact that the indicator reflected by SESNSP considers all the types of extortion, even though it is not explained anywhere, while the MIDEJalisco only includes telephone extortions.

9. MIDEJalisco does not include the indicator “carjacking”, only private car theft including the use of violence or not. That is why we decided to exclude the analysis of this type of crime at the municipal level.

10. The higher the score the less peace.

the authorities have in terms of law enforcement and the resolution of crimes.

Table 3
Score in the indicators of the Índice de Paz México 2015*

General score	State	Homicides	Crimes with violence	Crimes with fire arms	Imprisonment	Police force financing	Organized crime	Judicial system efficiency
1.604	Hidalgo	1.3	1.9	2.0	1.0	2.4	1.2	2.4
1.680	Yucatán	1.0	1.8	2.0	1.0	2.9	1.3	3.2
1.703	Querétaro	1.3	2.4	1.5	1.0	2.7	1.0	3.1
1.810	Campeche	1.5	1.1	1.5	1.0	4.9	1.5	3.7
1.892	Tlaxcala	1.3	1.7	1.6	1.4	4.1	1.0	4.9
1.930	Chiapas	1.5	1.5	2.2	1.0	2.1	1.3	4.7
1.979	Veracruz	1.4	1.5	2.5	1.0	1.6	1.4	5.0
1.998	San Luis Potosí	1.6	1.8	2.3	1.4	2.8	1.3	4.4
2.028	Nayarit	1.7	1.2	2.7	1.0	4.5	1.0	4.3
2.230	Puebla	1.3	3.0	2.9	1.0	1.7	1.4	4.7
2.354	Tabasco	1.5	4.9	1.2	2.3	2.7	1.9	3.9
2.357	Baja California Sur	1.7	3.2	2.0	5.0	5.0	1.8	3.6
2.427	Oaxaca	2.2	2.6	2.7	1.1	2.2	1.4	5.0
2.445	Aguascalientes	1.1	4.7	2.1	2.1	3.4	1.9	3.9
2.591	Coahuila	2.0	3.0	3.2	1.0	2.6	1.7	5.0
2.604	Zacatecas	1.5	2.6	3.1	1.0	2.9	2.8	5.0
2.625	Sonora	2.5	1.9	3.9	3.9	3.8	1.4	4.6
2.670	Nuevo León	1.7	2.2	2.1	1.0	2.1	4.6	5.0
2.829	Durango	2.4	2.2	5.0	1.1	3.7	1.2	5.0
2.867	Distrito Federal	1.5	4.3	5.0	1.0	1.9	2.1	3.8
2.872	Colima	2.1	2.7	4.3	3.7	5.0	1.4	5.0
2.904	Quintana Roo	1.8	4.2	2.4	2.8	3.8	3.1	4.8
2.904	México	1.9	3.6	5.0	1.0	1.3	1.9	5.0
2.915	Jalisco	1.8	3.0	5.0	2.9	1.5	2.7	4.6
2.954	Baja California	2.7	3.6	3.2	5.0	3.2	2.0	5.0
2.960	Chihuahua	3.4	2.0	5.0	1.9	2.6	1.1	5.0

General score	State	Homicides	Crimes with violence	Crimes with fire arms	Imprisonment	Police force financing	Organized crime	Judicial system efficiency
2.980	Tamaulipas	2.4	2.7	3.4	1.0	2.9	3.4	5.0
3.015	Guanajuato	1.9	5.0	5.0	1.6	1.7	1.2	4.8
3.104	Michoacán	2.6	2.2	5.0	1.0	2.2	3.0	5.0
3.256	Sinaloa	3.6	2.8	5.0	1.9	2.7	1.8	5.0
3.425	Morelos	2.8	5.0	3.4	1.1	3.2	2.9	5.0
3.657	Guerrero	4.5	3.3	5.0	1.5	2.4	2.3	5.0

*The indicators show a wide range of variation in terms of peace levels in the different states of the Mexican Republic. The higher the score, the less peace.

Source: Institute for Economics and Peace, 2015, p. 10.

The capacity for clarifying and investigating intentional homicides on the part of the state authorities seems to have declined. According to Zepeda Lecuona (2013), in 2010 63% of the cases registered were clarified in the state and 355 probable murderers were put at the disposal of penal judges, which represents a 39.9% rate of prosecution (probability of capture), twice that of the nation. It is necessary to update these indicators, nevertheless, we may assume, from the scores obtained from the Índice de Paz México 2015, that good investigation and persecution capacity for the crime of intentional homicide on the part of the state authorities has been gradually declining as this type of crime has risen.

During the last three years, the state of Jalisco has presented significant changes in the levels of violence experienced. Homicides, kidnappings and extortions have decreased, while carjacking has remained stable. Even this improvement is partial, the position occupied by the state in respect of other entities, according to the rate of high-impact crimes, is not the most desirable. In cases like extortion, in the last few years Jalisco has occupied the first six positions (see table 4). In terms of carjacking, Jalisco has risen from the 13th position in 2013 to the 10th in 2014 and the 8th in 2015. Regarding homicides, Jalisco has dropped three spots from 2013 to 2015 (from the 14th to the 17th spots). Kidnapping is the only crime in which the state has

managed to come down ten spots in a year: in 2013 it ranked 15th, in 2014 it occupied the 25th place.

Table 4
Jalisco's Position at the national level according
to high-impact crime rates, 2001-2015

Administrations	Year	Felonious Homicide	Kidnapping	Extortion	Carjacking
Francisco Ramírez Acuña	2001	20	16	7	4
	2002	22	12	4	4
	2003	22	14	5	4
	2004	23	13	5	6
	2005	23	19	6	6
	2006	19	25	4	8
Gerardo Octavio Solís Gómez* Emilio González Márquez	2007	22	19	6	9
	2008	20	23	8	10
	2009	18	26	9	13
	2010	17	26	4	13
	2011	16	20	11	13
	2012	15	15	11	14
Aristóteles Sandoval Díaz	2013	14	15	6	13
	2014	15	25	4	10
	2015*	17	24	2	8

* Interim Governor.

Preliminary figures up to September 20th, for the period of up to August 31st, 2015.
Source: made by the author with data on the incidence of crime from the civil courts
of the Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública (SESNSP).

The expectations for the next years contemplate improvement in the state of violence all over the country. Violent crimes and the rate of crimes related with organized crime present a marked decline; “most indicators are moving to the levels prior the drug war” (Institute for Economics and Peace, 2015, p. 20). However, the presence of organized crime in Jalisco is undeniable and this tendency towards lower levels of violence can change at any moment as the result of inefficacious actions on the part of the state and federal authorities.

There are other crimes that also contribute significantly to the state of violence experienced by Jalisco inhabitants; one of the most worrisome is missing people. On October 14th, 2015 the FGE authorities admitted that there were 2,906 files on missing people, 67.8% of whom have left no clues as to whether they got lost or became voluntarily absent. This figure places Jalisco in the fourth position nationwide, after Tamaulipas, Estado de México and Nuevo León. The authorities also admitted that in 11.6% of the cases their disappearance is linked with organized crime (Rello, 2015).

The state of violence in Jalisco is complex and it deserves a deeper analysis of its causes and effects, of the factors that contribute the most to generate it the most efficient public policy alternatives to fight it. This document shows one of the dimensions of the state of violence experienced by the Jalisco inhabitants, that of high-impact crimes.

3. As a conclusion and general recommendations

The collective and interpersonal violence¹¹ analyzed in this document is mainly the result of the actions by organized crime. The problem of the spike in violence and the presence of organized crime in Jalisco have already been diagnosed in other studies (see Aguilar Camín et al., 2012; Moloeznik Gruer & Zepeda Lecuona, 2013). Even the Plan Estatal de Desarrollo Jalisco 2013-2033 admits that by the 2011, a little over half (53%) the homicide investigations started were connected with organized crime and the percentage of the investigations brought before the authorities was very low (31%) (Gobierno de Jalisco, 2013, p. 529). It seems that little has been achieved to revert this situation.

The main objective of the authorities in the security and justice sector should be to reduce the number of murders. The study conducted by Índice de Paz México 2015 shows that reducing the ho-

11. See the classification of violence at Krug, Dahlberg, Mercy, Zwi, & Lozano (2003). Collective violence is understood as an instrument used by groups of people against other groups or individuals to achieve political, economic or social objectives (Krug et al., 2003, p. 253).

micide rate improves considerably the levels of violence in a state (Institute for Economics and Peace, 2015). Decreasing the homicide rate also improves citizen perception of insecurity (CIDAC, 2013).

The second focus of attention is the crime of extortion because the state presents a rate that surpasses the national average and places Jalisco in the first positions in the country. Extortion is the fourth high-impact crime that most affects citizen perception of insecurity (CIDAC, 2013). On the other hand, according to the United Nations Office on Drugs and Crime (UNODC), extortion is a crime whose MO is closely connected with kidnapping, which organized crime groups use as a means to accumulate capital (UNODC, 2006, 2007).

As recommendations for public policies the following is proposed:

- To adopt a preventive approach to security and violence. This means orienting the resources and efforts towards the prevention and dissuasion of high-impact crimes.
- To generate public policy instruments based on evidence. This implies identifying efficiently the violence-detonating causes and factors; generate and use reliable information that allows recognizing critical focuses and sectors where violence manifests; and design feasible programs and projects.
- Evaluate the impact of public action, for which it is necessary to generate impact and result indicators, as well as monitor the implementation of programs and projects.
- Learn from the experience of other latitudes. Study the cases of success and good practices in other states and nations and replicate said experiences adapting them to the particular context of Jalisco and its municipalities.

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Capítulo V

The challenges of the Judiciary in the state of Jalisco in the implementation of the new penal justice system

*Jorge Chaires Zaragoza**

Introducción

It is well-known that one of the main problems our country faces is impunity and corruption. Even though the new adversarial penal system intends precisely to fight said scourges—at least in what respects the penal field—, nothing assures us that it will be an effective antidote. Contrariwise, the experiences of the Latin American countries which implemented their adversarial systems in their legal systems since the 1990's, tell us that the indices of impunity and corruption have not exactly declined but rather increased. One of the problems these countries have faced is that they have been unable to combat impunity and corruption within the Judiciary.

An essential aspect in every reform in terms of justice must include the qualitative aspect of administering and serving justice. However, the penal reform in Mexico did not touch the judicial career. We do not mean just the training and update of judicial officials in res-

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pect of the new adversarial penal system, but the selection and control mechanisms in their performance. It will not be any use to have well-trained police officers who respect the performance protocols and human rights and prosecutor's offices that carry out adequately the pretrial investigations, if when the case falls in the hands of the judges, they will solve it in a particular way because they have received bribe money or been threatened or because of any other reason, but they will not abide by the law.

Much has been said and written trying to find the magic formula that would solve the serious problem of insecurity, impunity and corruption that afflicts us. Nevertheless, we continue to structure proposals on the basis of a judicial-political system supported by dogmas, which do not let us go beyond what the constitutional principles allow us to. We continue to face the problems with the same formulas without any real impact.

In this brief article we intend to break with the barriers imposed by constitutional dogmas, to build a system that fits in with the country's reality. This way, we analyze the challenges faced by the administration of justice in Mexico and in particular, in the state of Jalisco, with the implementation of the new penal system. We warn of the responsibility the federal entities have for this system to be feasible, improving credibility in the performance of the Judiciary public servants.

To this end, we begin compiling data that will be useful, not only to have an idea of the dimension of the impunity and corruption problems that afflict the judiciary, but also to reveal the vicious circle generated with the perception that we citizens have about the performance of Judiciary public servants, in a way so that it helps us approach the problem and consequently, identify the challenges we are facing. Finally, in view of this panorama, we offer two alternatives that we consider essential to fight impunity and corruption within the Judiciary, which continue to afflict Latin-American countries, despite the fact that they implemented their adversarial penal system years ago.

1. The implications of distrust in the performance of the Judiciary

A large number of studies deal with the dire situation that prevails in our country because of insecurity and impunity. The great majority of them approach the problem at the federal level and only a few analyze the issue from the state or local perspectives, even though the real problem is precisely found in the federal states and municipalities. Let's not forget that around 80% of the crimes are the jurisdiction of the civil courts.

It should be pointed out that due to our federal system where two judicial structures or levels converge, the federal and the state ones, it is very difficult to make a comprehensive evaluation of both the problems of public insecurity and those related with serving or administering justice. In the *Índice global de impunidad México IGA-MEX2016*, at the Universidad de las Américas Puebla,¹ it is possible to notice that in order to conduct an analysis of impunity at a subnational level, several aspects must be considered. First, that the state is usually understood as a coherently articulated political block, when in reality it is made up as an organization of organizations in which cooperation and coordination are complicated and conflict is recurrent. Secondly, the phenomenon of impunity and the problems it is usually associated with, such as insecurity, violence, corruption or the violation of human rights, require the design of multilevel governance mechanisms that involve institutional frameworks, government levels and the participation of multiplicity or state and non-state actors. Thirdly, the irruption of violence, insecurity or corruption in federal entities is usually explained as part of a problem that is national in character; however, the way in which these phenomena materialize is also related with processes, balances and conflicts that are strictly local or regional, which are hardly observable on a national scale.

Even though the situation of the Judiciary at a federal level is very different from that of the federal entities, and each of them, in

1. http://www.udlap.mx/igimex/assets/files/IGI-MEX_CESIJ_2016.pdf.

turn, has their own peculiarities, there is an aspect that is common to all the states: distrust of the Judiciary's performance.

To have a clear idea of the seriousness of impunity and the lack of credibility of the Judiciary's performance in our country, we present some data that reflect our reality. Thus, according to *Encuesta Nacional de Victimización y Percepción sobre Seguridad Pública 2015* (National Survey on Victimization and Perception on Public Security), conducted by Instituto Nacional de Estadística y Geografía (National Statistics and Geography Institute, INEGI), 83% of those polled believe that criminals are punished just sometimes or never. Only 10.4% of them believe that criminals are very often punished, while almost 11% believe that they are never punished.

It is estimated that in 2014 only 10.7% of the crimes were reported. To put this figure in context, according to the US Judicial Statistics Office, 46% of the crimes committed in 2013 were reported in the neighbor country, in the UK 41% of the crimes were reported, while in Chile this figure is 44%.

Now, of that 10.7% of reports filed, only 67.5% led to the start of an investigation before the Attorney's Office. Of the total number of crimes, only 7% led to a preliminary investigation, which represents 92.8% of crimes where there were no reports or no investigation was started.

According to INEGI the main reason why people do not report crimes is attributed to the authorities: 63% admit to being afraid of being extorted, or believe that reporting a crime is a waste of time, that the red tape is long and difficult, which is compounded by distrust of the authorities or by what is explained as hostile attitude thereof. Among these causes the most prevalent are a waste of time 32.2% and distrust of the authorities with 16.8%.

That explains why *IGA-MEX2016* places Mexico as the second country with the greatest degree of impunity, only preceded by the Philippines.

Observing the low rate of crime reports in our country allows us to understand how credibility problems have a direct incidence on impunity. The data show a vicious circle, where impunity can only be combated from the reports; in contrast, the citizens do not make the reports, essentially because they believe that it is a waste of time or because they do not trust the authorities. The problem is not less

serious: as Pedro Garson (2015) points out, distrust can make the difference between a successful and a failed democratic project.² It has been demonstrated that the individuals' will to abide by the law is closely connected with the perception that the system produces fair results. If they are verified, it is possible to create the necessary conditions of trust for collaboration; these in turn, strengthen the institutions that drive social as well as economic development. As the investigator from the Instituto Mexicano para la Competitividad (The Mexican Institute for Competitiveness) puts it, trust is the mechanism for many others to work.

It is evident, then, that we *must focus the efforts to try to improve the perception on the Judiciary's performance*, so that the rate of crime reports increase and thereby impunity is reduced. This, which is not a new idea at all, which is not an attempt at rediscovering the wheel, is disdained or minimized by federal and local governments. There are no true efforts, nor the will or imagination to modify the *status quo*; in addition, we continue to face the problem with the same formulas without any actual impact.

As we all know, the degree of distrust people feel towards the Judiciary is not the desired one and it is far from generating certainty for the citizenry, not only due to the media scandals of cases with national relevance such as those of Florence Cassez, Raúl Salinas, Caro Quintero, Don Neto, and many others who have been behind bars only to be set free for dubious reasons, but also because a similar situation is repeated every day with "anonymous" people; anyone unfortunate enough to have resorted to this country's courts knows what we are talking about.

Different polls show a level of distrust on the part of the citizenry towards the performance of Judiciary officials. In the same survey conducted by INEGI, the level of perception on trust that society manifests in respect of the authorities, places judges at 46% of approval. And as to the level of perception about the corruption of the authorities, the judges occupy the third place with 65%, only preceded by the traffic police and the municipal preventive police.

2. http://imco.org.mx/politica_buen_gobierno/impunidad-la-desigualdad-fundamental-en-mexico/

The situation is not different in the state of Jalisco: the level of trust in judges is only 43%.

In a survey conducted by *Parametría* in 2013, the question “how trustworthy do you think judges are?”, was answered “very little” or “not at all” by 68%. A year later, during the Cuarta Encuesta Nacional de Opinión Pública 2014 (The Fourth National Survey on Public Opinion) by GEA-ISA,³ 83% of the people polled answered they trusted the courts very little or not at all (41% not at all and 42% very little). According to the national survey conducted by the company GEA in 2015, the fifth least trustworthy profession is that of judges, below the community police, public servants, senators and representatives.

Another significant datum is that most of the respondents believe that judges are bribable. According to a national telephone survey conducted in 2008 by the Centro de Estudios Sociales y de Opinión Pública de la Cámara de Diputados “Secuestro, Justicia y Derechos Humanos” (Center for Social Studies and Public Opinion of the House of Representatives “Kidnappings, Justice and Human Rights”) the question “How likely are the court staff in Mexico to be bribed?” 51% of the respondents answered “very likely”, 28% answered “not very likely” and only 6% said “not at all”.

Finally, according to the *Global Corruption Barometer 2013* revealed by *Transparencia Internacional* (International Transparency), 80% of the people polled in our country perceive that Mexico’s judicial system is corrupt or extremely corrupt. According to this organization, 55% of the respondents or someone in their household in Mexico has had to pay a bribe in the justice system.⁴

In view of this data, the question that follows is: what is being done to change the perception people have of the courts in the country? They will answer us that, indeed, what they intend to do with the implementation of the new adversarial system is to fight –as far as penal matters go– corruption and impunity. However, different studies conducted in Latin America on the implementation of the adversarial penal system, reveal that there have been great difficul-

3. The Group of Economists and Associates, Applied Social Research.

4. International Transparency, “Global Corruption Barometer 2013”, The UK, 2013.

ties to make it work properly; what's more, impunity rates in Latin America have not only failed to decline but they also show a tendency to grow, for some, in an alarming manner.⁵ Thus, according to The United Nations World Study on Homicide, the rate of convictions in Latin America is 24 per 100 victims, while in Asia it is 48 per 100 and in Europe 81 per 100, so if pertinent measures are not taken, it is expected that its implementation will have the same results in our country.

As we all know, the problem of impunity is multifactorial, which means that a great number of variables affect it, although some of them are connected with the performance of the Judiciary, where little is being done to fight it, in particular in federal entities.

In the studies conducted in different Latin-American countries by the Program for the Americas of the Center for Strategic and International Studies and the Americas Center for Studies on Justice, it was concluded that the general result of the judicial reform initiatives started in Latin-America in the mid 1990's —except for honorable exceptions such as the Chilean penal system— is disappointing, since the general expectations generated were not fulfilled, to a large extent due to the fact that the new systems, which work poorly and slowly, lack transparency, pay little attention to the users and lack independence to make decisions (DeShazo and Vargas, 2006), which has translated in these countries as the loss of prestige of the system in the eyes of the citizens.

In that sense, we must not hold out much hope. We must not expect that the problems of delay, corruption, impunity or congestion characterizing the Mexican justice system will solve themselves only because a new penal system has come into force (Ruiz, 2009).

This does not mean that the new system will not bring with it positive aspects, but rather that it was an elementary measure that had to be taken in a State that considers itself democratic. That does not

5. The UN, in its World Study on Homicide, warns of the seriousness of the problem in Latin America. "The tendency to a low conviction rate in Latin America registered in recent years is alarming, since the levels of conviction have not gone hand in hand with the growing homicide tendencies since 2007, which translates as "impunity has increased"". Collected from: http://internacional.elpais.com/internacional/2014/04/11/actualidad/1397169392_238530.html.

mean either that we must burden the new model with all the weight of penal justice problems. There are many things that still need to be transformed for us Mexicans to have an honorable administration and service of justice.

The kindnesses of the inquisitorial justice system will only be reflected if other reforms are set in motion, not only those referring to the transformation of laws, institutions and procedures, but also to the practices and habits both among public servants and society at large (Carbonell, 2008). Though we must admit that simultaneously work is being done to transform many of those vices and practices that are deeply rooted in our country (for example, the proposal to create the unified police command, the unified code of procedures, the educational reform, the anti-corruption and transparency national system, among others), it should also be considered that the penal reform does not contemplate modifications to the judicial career system, above all in the judiciary of federal entities, so we believe that it is incomplete.

As Ramón Cossío, minister of the Nation's Supreme Court of Justice (2014), warned about the consequences of not fulfilling the obligations in the penal processes entrusted to the states, revealing that the (legislative, executive or judicial) responsibility of the local governments is very high, to the point that if a significant number of training processes, normative changes, physical adaptations, etc., are not carried out in respect of an important number of actors, the reform will fail. And he adds that the implications of such failure are immense, and it will lead to more impunity, a growth in the levels of social frustration, less governability and governance, among other negative results.

2. The credibility of the Judiciary in the state of Jalisco as a challenge

The new penal system is conceived as a national instance, with local operativeness. That is, although the penal reform seeks to homologize procedures nationwide, the responsibility for appointing the system's operators continues to be in the hands of the Republic's

states, with the risks that it entails due to the evident incapacity thereof to fight corruption and impunity.

The state of Jalisco is not an exception and despite the fact that different mechanisms have been experimented with, the selection and the system of responsibilities of the Judiciary's officials, whether they are magistrates of the Supreme Court of Law or members of a Judiciary government body, the reality is that it has been a resounding failure.

The Consejo de Judicatura Council (Judicature Council), responsible for the judicial career in the state of Jalisco was created in 1997. Said body was made up of seven members, one of whom was the President of the Supreme Court of Justice and six more councilors who are to be elected by at least two thirds of the State Congress representatives present, at the proposal of the parliamentary groups prior convocation to society. Of the six councilors, one had to be a magistrate of the Supreme Court of Justice; another had to be elected from among the judges of said court and one more from among the secretaries of the court.

As we can see, there was a preponderance of the judicial stratum in the composition of that Council, which ended up confirming the danger of corporate and politically biased practices to repeat themselves within the Judiciary. Its performance was harshly criticized, and its structure considered excessive, that is why the government body was replaced by another one in 2007, made up of five members: the President of the Supreme Court of Justice, who presides over it, a judge of the first instance and three members of the citizenry.

The formula for the composition of said body is similar to the one used in other countries, that is, a collegial organ of mixed composition; it even responds to the very unique reality that the justice system in the state of Jalisco is living. Firstly, because the majority is of citizen origin, it intended to break with the previous institutional practices and confer a voice to the citizenry. Secondly, by reducing the number of representatives of the judicial stratum, it intended to break with the corporatism that had prevailed in the previous government body.

Which could in theory look reasonable has failed to have any effective impact. The formula devised for the new Judiciary government body for the state of Jalisco, from the theoretical point of view

responds to a mechanism of weights and counterweights adapted to our historic reality; however, the problems persist in practice. One of the problems perceived is that Congress chooses the councilors introducing thus a political-party component within the Judiciary that consequently results in a politicized organ. This “parliamentarization” of the Judicature Council is regarded with distrust and indifference, for it is considered a space reserved by the politicians to fulfill their party promises. Unfortunately, the political antagonisms that characterize parliaments were transferred into the Judicature Council, reflecting the councilors in their party stands during their sessions (Chaires 2012).

This way, the Judicature Council has failed to revert distrust of the Judiciary. It has been twenty years since its creation and it has not managed to improve the deplorable image the people have of the Jalisco Judiciary. We have not managed to chase off the ghosts of appointments on the basis of family, friendship, or political pledges, and even the sale of posts. Two decades after the setting up of the Judicature Council, we are in a position to make a balance of its trajectory and according to the different data about its performance, we are still having the same standards of discredit of the Judiciary.

So then, what can be expected? We can presuppose that the prospective after so many years of a blasé, carefree performance on the part of the Judicature Council in the state of Jalisco is that its future behavior will be similar.⁶ As Goerg Jellinek (1991) claimed, in order to understand an institution scientifically, we need to know its history. He assured us that to determine the future of a state institution, in a more or less accurate manner, we must follow its performance for a long time, since the value of any institution can be inferred from its past and the effective capacity it has shown.

Actually, nobody expects the Judicature Council, which has been historically a body made up by party quotas, to get rid of its political component some day and become a veritable judicial career, one

6. If the work prospective is centered on analysis of the regular and repetitive behavior of a variable during a long historical period, it is presupposed that the future behavior of the variable selected will be similar to its past behavior, irrespective of what happens with the entire universe (Miklos and Tello, 2001).

capable of ensuring the selection of candidates on the basis of their personal and professional capacity and merits.

Therefore, the challenge is to find the ideal formula that would legitimize juridical function not only in the state of Jalisco, but also nationwide. The participation of civil society organizations, universities or bar associations in the selection of judicial officials is an alternative that should be analyzed and assessed. Although these mechanisms entail certain risks or defects, such as the politicization of said organizations, it should be considered if they are greater than the ones that afflict us at present. Whatever the formula, it is clear that the selection method must be democratic, transparent and open to the public, in a way so that jurisdictional function is dignified and above all spread to all the actors involved.

Citizen participation is, probably, our last chance to attain it; otherwise, we will have to seek options that go beyond our political and juridical tradition.

One of these alternatives is the creation of a national instance responsible for the judicial career nationwide, including local judicial officials. Following the same logical reasoning that was used to solve the problem of politicization or parliamentarization of different local bodies, with the creation of the National Institute for the Evaluation of Education, the National Electoral Institute and the National Transparency Institute, it may be believed that it is convenient to set up a National Judiciary Council or National Judicature Council, responsible for the appointments of local councilors to the government Judiciary bodies of the states.

In other words, in view of the failure of the Republic's states to ensure the rendering of quality educational services, their failure to celebrate fair elections or make the performance of their public servants transparent, it was decided to create national institutions. Their genesis was justified precisely because it was argued that local institutions were subordinated to the governor or the political parties. With the same arguments and in view of the evident politicization and parliamentarization of the local Judicature Councils, it is possible to perfectly justify the creation of a national instance that breaks away with the perverse inertias of subordinating the councilors to political parties or the governor.

That implies, evidently, *rethinking our judicial federalism*, designed on the basis of a dual 19th-century federalism, to build a system that shares competences rather symmetrically, a system that adapts to the present reality. The idea of “free, sovereign” states consecrated in Article 40 of the Constitution, which has defined the performance of the judicial branches in the federated entities, must be reassessed on the basis of the legitimacy and credibility of the local judicial officials’ performance.

The federalist principle of free, sovereign states has served as a perfect juridical-political argument to cover the abuses committed by chieftainship powers in different regions in the country, inheriting a colonial past that prolonged beyond the independence (Zoraida, 2004, pp. 388 and ss.); a legacy that does not only refuse to die, but also continues to be fed under the constitutional principles of the dual federal system.

Another alternative is *citizenization* of justice by means of trial juries. Although we do not like it on account of our juridical culture and we have historically repudiated it, we must consider that this institution has been implemented in several European countries with juridical tradition of *civil law*, such as Germany, Russia, Italy, Belgium, Austria or Spain, which have trial juries, both mixed and pure ones. And although there are people against and in favor, it seems that it is an institution that is here to stay.

On one hand, there are out-and-out advocates of an institution that claims to be doing well with solid on-hand proof. On the other side, there are people who question the jury’s professionalism, above all in complex cases, even in those with media relevance.

Trial juries in countries that do not follow the tradition of *common law* appear in view of the discredit of the traditional system. The jury is an institution through which citizens participate in the administration of justice. Among the arguments in favor of the jury, it is generally claimed that disputes are usually settled by people that are less influenced by technicalities and that is a manifestation of direct democratic participation on the part of the citizens in public matters. The bureaucratic hierarchization characterizing the judge is broken. It must be remembered that both Aristotle (the *Stagirite* philosopher) and Montesquieu favored non-permanent juries, as

mechanisms to avoid despotism and corruption of the professional judge or court official.

What's more, in the presentation of grounds for *Ley Orgánica del Tribunal del Jurado* in Spain, the institution is related with liberal periods of its history:

Every period of freedom has meant the consecration of the jury; such as in the 1812 Cádiz Constitution, as well as in those from 1837, 1869 and 1931, 1869 and 1931, contrariwise, every epoch in which public liberties move backwards this citizen participation instrument has been eliminated or restricted considerably in parallel and as a complement to the restrictions of their set of rights and of their instruments of participation in public matters.⁷

And even though there are arguments against it, as the fact that the jury can be manipulated, that they lack essential juridical formation, since penal law is ever more complex, or the fact that it is very expensive to set the jury machinery in motion, the truth is that today the only European state that does not use this type of jury is Holland⁸.

Spain implemented trial juries in 1995 and for many specialists, despite criticisms, it should be perfected, not eliminated. Most sentences by the jury are confirmed in appeals and the people who have participated in the system are in general satisfied with their participation.

Victoria Rosell (2015), magistrate and deputy speaker of *Jueces para la Democracia* (Judges for Democracy) in Spain, believes that the solution should be not to weaken it, but rather the opposite, to strengthen and improve the institution, with the perspective of the experience accumulated in the last 20 years, which can no doubt

7. *Ley Orgánica del Tribunal del Jurado* 5/1995, May 22nd. Collected from: <http://www.boe.es/boe/dias/1995/05/23/pdfs/A15001-15021.pdf>

8. Practically all the European countries have implemented the institution of trial jury with dissimilar experiences. In Germany it is a consolidated institution and it has not been the object of any controversies. In France they are still on the experimental stage, with harsh criticism. Italy implemented a model in charge of judging the most serious crimes, such as murders that have generated social alarm, rapes, attempts, political crimes and other crimes with a strong ethical component. Spain incorporated the trial jury to its legal system in 1995, and 20 years later few people oppose it. Collected from: <http://www.elmundo.es/elmundo/2013/06/28/espana/1372435052.html>

contribute to assess what crimes are better tried with citizen participation.

Eduardo de Porres Ortiz de Urbina (2015), Magistrate President of the Audiencia Provincial (Provincial Court) of Madrid, although he admits that jury trials have significant inconveniences and a good part of the juridical community do not favor this institution, believes that, on a balance, the results are markedly positive after 20 years in practice: “For that reason and because it is essential to consolidate the institution, I don’t think that it is necessary to make significant changes in the Tribunal del Jurado (Jury Trial) Act”.

3. As a conclusion: challenges and perspectives

Aware of the fact that the success of the new penal system depends on the implementation of a series of complementary reforms, which have already been set in motion—such as the unified police command, the unification of penal codes, national anticorruption system, as well as transparency, among others—, the challenge for the state of Jalisco is for said reforms to be reflected in the local institutions and for the Jalisco society to perceive them in turn. Otherwise, the perspective discerned is the system’s loss of prestige in the eyes of the users and, consequently, the demands to return to the previous model.

We must be aware of the fact that resistance persists and that, when faced with any problem, attempts will be made to discredit the new adversarial penal system. It is to be expected that as soon as problems derived from its implementations appear, the voices claiming that the previous system needs to be reinstated will multiply, particularly the voices of those whose interests will be affected the most.

We must not forget that, in the case of legal reforms, benefits are not very evident or short-term and as the reform is a trial-and-error process, tangible benefits may be delayed and appear less evident.

The experience by Latin-American countries which implemented the adversarial penal system in the 1990’s should help us not to fall in the same errors, which translates as the fact that after 20 years, the impunity indices have not only failed to decline, but also have increased. The states of the Republic are essentially responsible for

this, if we consider that nearly 80% of the crimes belong to the civil courts.

In this framework, Ramón Cossio (2014) warns about the risks unless the changes occur in time and as deeply as necessary, to the point that it is easy to predict a new political crisis, this time with an exclusive juridical origin. “In case the system change fails to occur and the serious foreseeable consequences materialize, the state government will not be able to blame other instances for their mistakes or inaction. The 8 years they have had to make the change will completely disqualify them” (p. 83).

Recapping, one of the main challenges the Republic’s states face at present lies in the legitimacy of jurisdictional function. In the state of Jalisco we have experimented with different formulas to try to improve the quality of the service rendered by the Judiciary, although the results have been no different.

We all know that the lack of credibility of the local jurisdictional authority has an indirect incidence on the struggle against impunity. There is a vicious circle, where impunity can only be fought on the basis of reports; however, the citizens do not make any reports essentially because they believe that it is a waste of time or because they do not trust the authorities. It is evident then that we must concentrate our efforts on trying to improve their perception on the Judiciary’s performance, so that the rate of reports increase and as a result, impunity declines. Despite the fact that it is very obvious and that it has been repeated over and over, the problem is disdained and minimized by the federal government and above all by the local governments. It is convenient to insist on the fact that there are no real efforts being made, not with the will or imagination necessary to modify the *status quo*. We continue to face the problem with the same formulas without any real impact.

The conclusions and recommendations the Universidad de las Américas Puebla has reached in the *Índice Global de Impunidad México IGI-MEX2016* are the same that have been reached for many years, namely: implementing a veritable professionalization system; greater autonomy and independence of the justice institutions, both the federal and state ones; limiting the spaces for impunity; strengthening the prosecutor’s offices; punishing in an exemplary manner; ensuring access to justice; deciding on open-government and

transparency policies; improving the mechanisms of cooperation and coordination; implementing more effective evaluation mechanisms; that is, nothing that has not been suggested before.

The serious situation that afflicts our country in issues such as insecurity, impunity or corruption, forces us to rethink not only the policies and strategies that have been devised to fight them, but also to rethink the entire structural system that supports the Mexican State.

In that sense, and in view of the failure of the local instances to control and supervise the performance of the Judiciary public servants, as the case of the state of Jalisco Judicature Council, it is necessary to look for alternatives that would really make an impact.

One of these alternatives is the creation of a Judiciary National Council or Judicature National Council responsible for the appointments of the members of the local councils thus breaking with the subordination and dependence generated by appointments made by the forces represented in the local Congress.

Another alternative is the *citizenization* of justice, by means of trial juries. Even though we do not like them because of our juridical culture and we have repudiated them historically, we must consider that this institution has been implemented by almost all the European countries with a juridical tradition of *civil law*. And today, despite the criticism, the decision has been made to strengthen it, not eliminate it. The trial jury is conceived as an institution typical of democratic countries as it gives the citizens participation in the administration and service of justice. Some day we will see it in Mexico and Jalisco!

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Capítulo VI

The public defender's office in Jalisco

*Azul A. Aguiar Aguilar**

Introduction

The fundamental right to defense is offered in Jalisco through the Social Attorney's Office. This institution is in charge of, on one hand, offering legal representation in matters concerning the family and civil orders (social representation), as well as offering proper technical defense to every citizen who, not being able to pay for a lawyer they trust, has been charged with a common-law crime (public defender's office). As such, this institution is the access channel to justice for the poorest sectors of the population. In a state such as Jalisco, and according to the report "Pobreza 2014 en Jalisco" (Poverty in Jalisco) by Coneval, only 27.1% of the population classified as "Not poor and not vulnerable" would be in a position to choose and pay for their own lawyer, while the remaining 73% very likely will have to wait for the State to assign them a defender because they have some kind of vulnerability (moderate, extreme poverty or social or income deficiencies). In fact, of the cases filed at the defender's office, only about 10% have a private lawyer, while the remaining 90% requests the support of a court-appointed public defender (Interview 5, 2015).

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In addition to providing access to justice for the most vulnerable sector, since 2008 the constitutional reform in penal matters introduced at the federal level intends for the defender's offices to implement adversarial system mechanisms to protect the defendants' right more effectively. Proper free-of-charge defense is a right guaranteed by human right international treaties of which Mexico is a party, such as the American Human Rights Convention and the International Covenant on Civil and Political Rights. Moreover, since 2011 the public defender's office in Mexico, as the state apparatus authority, is in charge of promoting, protecting and ensuring human rights verifying that the broadest and most favorable laws are applied for the people, in compliance with what is established in the constitution and in the international treaties ratified by Mexico.

These are important challenges for any institution, in particular, if it lacks the human and material resources and its personnel is not professionally well trained to tackle such demand. So what challenges are currently faced by the public defender's office in Jalisco to provide proper defense? Despite the relevance this institution has, there are few studies on it and they are most centered on describing the juridical framework. In this chapter, I show the situation in which social representation operates in Jalisco¹ in two aspects: labor conditions and professionalization of public defenders. I focus the study on the area called public defender's office, with the objective of assessing its role by providing a proper, technical defense for the most vulnerable population charged with a crime, in addition to show the challenges resulting from the current shortages in the defender's office as appointed by the courts to ensure the rule of law in the entity. This paper is based on documentary review of legal texts and academic papers, as well as on 14 interviews with public defenders from the Jalisco penal sector.²

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1. This paper is part of a wider research project called "Judicial protection of human rights. Public defender's offices in Mexico".
 2. I appreciate the availability and support of the social attorney, director of the penal section and above all the time and kindness of the public defenders that agreed to be interviewed for this project. The interviews were conducted at the public defender's offices in the Puente Grande, Jalisco, penitentiary in the months of March and April, 2015.

I organize the present chapter in three sections. First, I discuss briefly the concept of the Rule of Law, above all to place in its center the role of the court-appointed public defender's office in this context. In the second section I analyze the case of the public defender's office in Jalisco considering two aspects: a) internal management and the conditions for everyday work; and b) the defenders' training and professional profile. Finally and taking into consideration what is set out in section three, I conclude with a proposition for the reform of the court-appointed defender's office.

1. The rule of law

There are many political scholars who argue that a necessary condition for the existence of a democratic regime is the establishment of a reasonably healthy rule of law (D'Alessio, 1993; Huntington, 1991; Brinks 2008). The history of the rule of law, as a concept and juridical arrangement, dates back to the days in which the European nation-states were created. There have been four particularly important experiences that help us understand the contemporary rule of law: 1) the German *Rechtsstaat*, 2) the English *Rule of Law*, 3) the American *Rule of Law* and 4) the French *État de Droit* (Zolo and Costa: 2006). Each and every one of these experiences gave the concept of rule of law attributes that have been preserved to date: limiting political power and equality in the eyes of the law (English *rule of law*), separation of powers and constitutional revision of the laws (American *rule of law*), sovereignty of the law (French *Etat de droit*) and supremacy of the law (German *Rechtsstaat*). There are several definitions for the rule of law and its content depends on the school that it comes from (philosophic, jurisprudential or political).

The notion at the center of the classical definition of the rule of law is that no one must be above the law. In his *Introduction to the Study of Law in the Constitution*, Albert Venn Dicey provides a definition that captures the essence of the concept:

First, the rule of law means absolute supremacy and predominance of the regular law, contrasting the influence of arbitrary power, and excluding the existence arbitrariness, of prerogatives as well as a broad discretionary authority on

the part of the government [...] it means equality before the law, or the equal abidance of all the classes by the common law of the country as administered by the ordinary courts; no man can be punished or subjected to corporal or material punishment unless they have broken the law established by the legal codes (Dicey, 1915: 110, 120).

Therefore, legal equality of the subjects is the *conditio sine qua non* to have the rule of law. Survival of the rule of law is ensured if no citizen is more equal than others in the eyes of the law.

However, the rule of law is a multidimensional concept that demands a definition from the legal, institutional, political and cultural points of view. Considering only one of these definitions mainly results in valuing the reality of the phenomenon partially. The rule of law needs clear public and general rules, as well as institutions, institutional designs and operators whose values and attitudes make said rule work coherently with a democratic system. As the chapters in this book show (see: Avelar, Chaires and Haro), the effective function of the different institutions in the justice sector influences the type of rule of law and security we have. We cannot expect the rule of law to work if its institutional, legal and operative components (the police, the court-appointed defenders, the attorney's office, the courts and the correctional centers) face severe problems of political independence, professionalization, transparency, available staff, infrastructure, material resources, labor security or social recognition. In other words, to have effective rule of law it is crucial to consider not just the laws promulgated, but also the set of institutions in the justice sector, their interaction, as well as the variables associated with the institutional design and the attitudes and values of the justice operators and their environment.

As it can be observed, building the rule of law is not a simple one-dimensional undertaking. One way to contribute (there are others and this book includes them) to its smooth running is by ensuring access to justice, by means of free, proper technical defense. In countries like Mexico with great levels of inequality and poverty, this type of service by the State is an imperative. In times of democratization, any politician will agree that proper legal defense in court must not depend on the defendant's wealth. That is why the political class in Mexico has signed and ratified several international treaties on the

subject of human rights that bind the Mexican State to ensure proper, free defense. In addition, it has sought to introduce substantial reforms to modify the institutional design and the rules of the game under which most institutions in the justice sector operate (see: Zepeda, in this book). Notwithstanding, these changes have hardly permeated the local scene.

In this chapter, I analyze the rule of law through the local public defender's office. The role of the defender's office is crucial in the "chain" that presupposes the action of the institutions in the justice sector, given that it is the doorway to the judicial system and the protection of the people's rights among the least privileged sectors. In that sense, Ferrajoli points out that "the lack of (proper) defense ends up by in fact rendering useless all the other guarantees of a fair process" (2011, p. 77), because unless a person is in a position to access justice, then all the other rights and judicial guarantees such as presumption of innocence and due process fade away.

2. Public defender's office in Jalisco

The defender's office in Jalisco is regulated by the State Constitution and the *Ley Orgánica de la Procuraduría Social* (The Organic Law of the Social Attorney, LOPS). In Article 7, paragraph A of the constitution, it is established that: "the State will ensure the existence of a quality public defender service for the people [...]" (CPEJ, 1917). By means of this affirmative action³—that is, providing proper technical defense—, the state of Jalisco seeks to comply with the constitution and the international treaties on human rights ratified by Mexico to provide effective access to justice.

According to what is stipulated in Article 54 of the state constitution and the 2nd of the LOPS, the defender's office is an institution that depends on the executive, that is, the governor has the faculties

3. Mauro Capelleti and Bryant Garth point out that in view of the potential inequalities that there may be among litigants and, above all, in view of the recognition of human rights and the government's social obligations it has become common place to observe that (commitment and) affirmative action on the part of the State is necessary to ensure the enjoyment of these rights by all" (1996, p. 12).

to appoint and dismiss freely the holder of the office. The political dependence of the justice institutions has been severely questioned by the literature in judicial studies (Bill-Chavez, 2003; Finkel, 2008; Basabe, 2012) under the logic that an institution dominated by the political power tends to generate institutional instability (changes, transfers, re-learning) and to protect the rights of the State and not those of the citizens. A public defender's office dependent on the executive is more vulnerable still in a context in which the state general attorney's office is dependent too. In a scenario like this, the Executive holder could urge their subordinate, the holder of the public defender's office, to protect their interests and not those of the defendant accused of a crime, for example, connected with organized crime, when convenient for the Executive. We would be facing a scenario where the judicial guarantees such as due process, presumption of innocence and access to justice stipulated in international treaties could be damaged.

The defender's office (penal area) in Jalisco has 38 public defenders assigned to the department, 16 of them render their services in civil courts of the Puente Grande Correctional Facility, and 22 in the areas of pretrial investigation of the state general attorney's office. For the zona metropolitana de Guadalajara (the Guadalajara Metropolitan Area), with a population of 4'434.878 inhabitants, there are 0.9 defender per 100,000 inhabitants. The figure is alarming, since it jeopardizes any effort to strengthen the rule of law or to modernize the institution if the number of defenders assigned to the public defender's office is not increased first. There is not even one defender per 100,000 people. In states of other Latin-American countries, such as for example, Rio de Janeiro, the number of public defenders per 100,000 inhabitants is 4.8 (Ministerio da Justiça, 2015). In fact, as it will be shown below, the small number of defenders is one of the problems that are most often cited by public defenders as one of the most palpable deficiencies in the institution.

In the defender's office, the way in which the cases are assigned or distributed to a defender is through the system of shifts, that is, the case's complexity is not considered, just the defender's luck. On a lucky day they could be assigned 10 petty larceny cases, one homicide and one kidnapping case; but they could also be unlucky enough to get in their shift five homicide cases, four rape cases, two organi-

zed crime cases and two kidnapping cases. There is no specialization in types of crime, that is, defenders specializing in just kidnapping cases, or crimes against health, rape, homicide, organized crime. According to the *Manual de Defensoría Penal Pública para América Latina y el Caribe (Manual for the Criminal Defender's office for Latin America and the Caribbean)*, specialization would allow “optimizing the defenders’ useful time” (CEJA-PNUD, 2005, p. 69) and pay more effective attention to more complex crimes such as the ones mentioned above. In the courts of the Puente Grande Correctional Facility each defender is assigned, between two and three times a month, to the courtroom of the moment and therefore they receive all the accusations made by the district attorney. In Puente Grande, there are 16 courtrooms and there are 16 defenders assigned to them, but when one of them is having health issues, then one of the remaining defenders is assigned to cover for them, thus increasing the number of cases they handle:

When a colleague gets sick we have to cover two courtrooms per day. When they take vacations, we have to cover two courtrooms a day and that happens in the two vacation periods, we work double shifts, sometimes up to 24 hours (Interview 9, 2015).

According to the defenders interviewed, the average number of cases a defender receives on their shift is 18.

In this respect, public defenders argue that their workload is very high. They are right. Each public defender assigned to the Puente Grande courts work 350 cases a year as an average. To put this figure in perspective, a public defender in the federal area takes between 30 and 40 cases a year:

We local public defenders “take almost 300% more (cases) than federal public defenders” (Interview 7, 2015). However, in addition to studying the cases they have been assigned, they are burdened with the “inactive cases, that is, any person who had a process 5, 10, 15, or 20 years ago may come and cancel the file and those are not active [...] we request to have them brought up from the archives, we petition to have the punishment extinction or any other thing that is required” (Interview 6, 2015). In addition, the defenders’ activities extend to clerical, administrative and management work “we are jacks-of-all-trades” (Interview 7, 2015).

We also carry out formalities assigned from a foreign judge or a judge from another state via letters rogatory, by inmates who are serving time here but committed a crime in another state, still they are imprisoned here for reasons of the correctional's security, then, the judge is asked to file someone's testimony, an experts' testimony, an inspection, etc. we even have to go to the prisons that are here in the penitentiary, which are around five (Interview 3, 2015).

I can tell you that we have to take home some cases to make conclusions, to study them, because here we don't have time to study a file, why? Because we have to see the users, file reports, file formalities, then, when we have filed the formalities we have to take that file, check it and start carrying out all the steps: the questioning, the confrontation of witnesses. We have to take the file home to study it and then the following day start with the defense: to interrogate the defendant or provide more evidence (Interview 5, 2015).

[...] we take home our administrative stuff; we have to write reports, because we only have two clerks for 16 defenders. This is terrible! Two clerks for 16 defenders. The two clerks are not enough and we help them any way we can, we support them so that they learn to write the reports. I mean, they do help us a lot and if it weren't for them we would go crazy (Interview 11, 2015).

There is a general agreement among the defenders that human resources should be at least doubled, that is, two defense attorneys per courtroom or, at least one clerk per defender so that they contribute to give information, type or write the reports. They tell us that they are overwhelmed with work and compared themselves with other institutions such as the federal public defender's office.

Taking into consideration the fact that there are three defenders per courtroom in the federal sector and that there are fewer cases than what we have, I believe that we need more staff here in the civil courts (Interview 8, 2015).

The structural and material conditions for work are not better either. The public defender's office does not have support areas for expert services and when they are necessary, the defendant and the defender have to seek the resources to perform them:

[...] The defender's office does not have an experts' area where we can, for example, request an expert's report on a traffic accident, because the institute issuing a report often tends to favor the prosecutor's decision. We can't provide evidence such as an expert's report, we simply don't have one. We have to look

for someone who would make the report for us because the defender's office does not have one assigned to it (Interview 5, 2015).

In addition, most of the defenders interviewed coincide in that they do not have enough material resources such as fully functional computers, pens, paper, toner, printers and even toilet paper and cleaning service: "we sometimes have to look for help to clean our offices (Interviews 6-9, 11-13 2015). They do not have the compensatory support for the cases in which they are asked to carry out formalities in other courthouses or when the defendant is hospitalized and they have to travel to the hospital (Interview 12, 2015). On the other hand, the expenses of other services requested by the users such as photocopies, buses, food are sometimes paid by the defender, given the degree of poverty which afflicts the defendants charged with a crime or their family, that is, several defenders argued that they were morally obliged to support them due to these people's vulnerability. Unfortunately, the public defender's office does not have a budget allotted to them to compensate its defenders for these situations. That is why we have a defender's office lacking the sufficient number of defenders working in precarious material conditions to provide a proper technical defense: an affirmative action by the State without content.

Regarding the public defenders' professional profile, we can say that all those interviewed claimed to have attained the Bachelor of Law degree. Moreover, they all said that they had taken different courses on several areas such as human rights or the new adversarial criminal justice system. Only one of them claimed to have a masters' degree.

In other states of the republic like Baja California Sur or Nuevo León, the organic law of the public defender's office and its regulations are two of the legal codes establishing the bases for the career professional service. In the case of Jalisco, the LOPS does not contain any section dedicated to the defenders' career professional service, that is, it does not specify whether the public defenders are selected by means of competitive examinations following open, public calls; the existence of a model of governance and rendering of accounts (Piana, 2010), like a councils in charge of managing the defenders' academic and training courses, promotions, evaluations,

changes or transfers. It should be noted that the Political Constitution of the State of Jalisco stipulates in a general manner the career professional service in Article 7, section A: “The State [...] shall ensure the conditions for the defenders’ career professional service” (CPEJ, 1917). However, this does not occur in practice and it has not been incorporated to the LOPS y and bylaws have not been set up to specify in more detail how it would operate. The only characteristic of a career professional service that is stipulated in the LOPSE is the reason why public defenders shall be dismissed: for breaking the defender’s office’s rules.

In this scenario, it is small wonder that a truly career professional service does not exist in practice. And the people interviewed confirmed this view. The way in which they were hired is heterogeneous. Several of them claim that they were hired after a public, open competitive examination process, because prior to 2007 the public defender’s office depended on the judiciary and the Supreme Court of Justice of the State of Jalisco (STJEJ) was in charge of managing the new arrivals:

They used to be published in advance (the open calls) just as the federal (defenders), but that has disappeared. There used to be calls every so often (Interview 6, 2015).

Despite this, some of the defenders that were hired by the defender’s office at that time claimed that they were hired basically because someone (the president of the Supreme Court of Justice or the main official) invited them. Since 2007, hiring the defenders includes knowing somebody, “a friend in court”, but in some cases they also have to take exams, (psychological, psychometric or law tests), complete their social service or accrue merits at the defender’s office, or else present the documents and résumé and expect to be hired without any calls (Interviews 4, 5, 7, 10, 12). In fact, most defenders failed to accurately explain what the selection process is like to be hired as public defender right now, in addition, their answers are also heterogeneous; that is, while some assure that the selection process is carried out by means of a call, others claim the opposite. I reproduce below some of the most representative answers:

I don't really know, I just submitted my documents and then I was called. But I don't know what they base their decision on (Interview 12, 2015).

Well, I understand that at present, because I got in quite a while ago, they have to take some exams on the new system update and I understand that they must know some English and be updated in general (Interview 3, 2015).

Depending on who "their friend in court" is. Then it would be easy (Interview 7, 2015).

There aren't any more calls for the civil courts, for the federal ones, I know there are. But not here, I don't know how a person gets hired (Interview 11, 2015).

I still think that it is by means of some sort of call and the candidate must have the requirements necessary (Interview 14, 2015).

As we can see, the selection process for the defender's office varies and it does not stick to the foundations of a career professional service. However, all the defenders know clearly who is in charge of dismissing them and why. In fact, it is clear, too, in the LOPS, in the second chapter called "About the Responsibilities, Infractions and Penalties". All the defenders assure that they can be fired by their immediate superior, the head of the institution or the governor. As we all know, this does not stick to any model of professionalization, where it would be desirable for the dismissal to be made by a council or collegial body. In addition, the defenders know perfectly well that the reasons for the dismissal have to do with how they treat the user, if they ask them for money, "because they do not handle the files well" (Interviews 3-14, 2015). The defenders that have witnessed the dismissal of a defender confirm that it has been because of the reasons just mentioned (Interview 13, 2015). In turn, transfers or changes from one area, office or region to another respond essentially to the needs of the service, but also "the person's own interest" or "truth for punishment; see if I don't get punished. The criminal justice area is considered as a punishment area. But no, it is a pretty area, I adore it. I prefer it to any other area" (Interviews 6 and 7, 2015). At any rate, the defenders' professional profile does not seem to be taken into consideration in transfer management.

Another indicator of a career professional system is constant training through courses for the defenders, from which the evaluations, promotions and punishments derive. In general, in other institutions—such as the federal judiciary— this is managed by a council and it allows the defenders to have incentives to change rank or category. In the case of the public defender's office in Jalisco there is no promotion ladder system in place (defender A, B, C, for example) to make sense of the evaluations, promotions or punishment. In fact, there no training courses organized or managed by the social attorney's office. Most of the defenders interviewed claim that they have received training courses in the past year, above all in the area of the new adversarial system (oral proceedings, alternative justice and human rights), given the imminent coming into force of the criminal justice reform. However, said courses are organized by the STJEJ, the Universidad de Guadalajara, the Attorney General's Office or the Secretaría Técnica del Consejo de Coordinación para la Implementación del Sistema de Justicia Penal (The Coordination Council Technical Secretariat for the Implementation of the Criminal Justice System, SETEC). The main implication this has is that sometimes it is complicated to attend the courses taught at other venues:

[The courses] don't come here and one of the things that make us more unhappy is that they take place during our working hours. We are told that some of them are compulsory but they don't take into account that our work load here is quite different. Sometimes we want to leave at three, but at that time, we are given a new case and we have to stay and then as a result, we don't take the full course. And it is not repeated so that we can attend. [at the defender's office] we are told "there are courses that will last for this many days" and only those on duty are allowed to skip class, but they never take into account those of us who were assigned a case. It's not that we don't want to go; it's just that we can't because we have work to do (Interview 13, 2015).

Thus, it is evident that one of the most important elements to set in motion a career system at the defender's office is lacking: a council in charge of evaluating, rewarding and punishing the defenders not only on the basis of their constant training but also their everyday performance.

Finally, it is convenient to discuss the defenders' salaries. Despite what is established in Article 7 of the State constitution that reads

“the defenders’ remunerations cannot be less than what corresponds to the Attorney General’s agents” (CPEJ, 1917) this is not so for ministry agents get at least twice as much as the public defenders.

[...] in keeping with the principle of equality of the parties (the general attorney’s and the defender’s office) I believe that we should all be homologized. Recently, the reforms to the constitution intend to homologize both the general attorney’s office and us, but in the meantime, in the traditional system we have at present there is indeed a gap in salaries (Interview 8, 2015).

But the situation with the salary is still more complicated because, even though there are no different ranks or categories among the defenders, their salaries are different: while some defenders pointed out that they make 12 to 13 thousand pesos a month, others get 18 to 23 thousand pesos a month. Their work is the same, and so is their workload; but some were lucky enough to be hired when the public defender’s office was part of the Judiciary, while others were employed once the institution had been transferred to the Executive.

We, the current public defender, or the wrongly called social agent, with the new Organic Law of the Social attorney’s office, earn much less than the public defender that used to belong to the Supreme Court and, well, in comparison with the federal public defender we are in a shameful situation. While the current social agent earns 13 thousand pesos, I understand that the federal public defender earns up to 40 thousand or more. Which is totally illogical and inhumane considering how much more work we do [...] in the case of the public defender in the civil courts, we ought to earn the same as a general attorney’s office’s agent from the civil courts (Interview 9, 2015).

There are two types of defenders here. We are the same, but there are some of us who were originally from the Supreme Court, and our salary is a little higher than that of the defenders hired by the Social Office; even that is very wrong because our workload is the same (Interview 11, 2015)

Equality of the parties is essential for there to be a proper defense. However, the state government has not done enough to change that, not even within the defender’s office itself, where the salaries earned by the defenders are different even though they do the same work. The following section provides a proposal to improve the conditions

in which the public defender's office operates at present in the state of Jalisco.

3. A reform proposal for the public defender's office

It is hard to assert that just the way things are at the public defender's office in Jalisco, it would be possible to make progress in terms of the rule of law. As indicated at the beginning of this chapter, the rule of law demands the good working order of the different justice sector institutions. What kind of defender's office is necessary to favor the construction of the rule of law in the state? On the basis of what is explained in the previous section, the pressing challenge of a substantial reform in the public defender's office is identified. In the remainder of the chapter, I present the most pressing matters to make the inner workings of this institution compatible with the rule of law and democracy in Jalisco:

a) Political Independence

Political independence of the public defender's office is essential to protect it from improper influences and thus ensure equality of the parties, since the main role of the public defender's office is to protect the defendants' rights. An independent public defender's office entails changing the selection process, term in office and dismissal of the high officials in the institution, which has occurred so far, predominantly following political loyalties or by means of the sponsorship system. The selection of the highest officials must be carried out by a council (see below) made up of representatives of at least three different sectors: the Legislative, the defender's office and members of the organized civil society, by means of a public call procedure and competitive exams. In addition, it is important for the office holder's term in office to stop being flexible and for fixed eight-year terms to be established, without the possibility to renew their offices. In turn, the potential dismissal of an office holder must be managed by the council and will only be justified by the serious causes established by the law in regards of public servants. A design of this kind, protects the institution on different fronts: the most competitive professional

is selected, privilege is bestowed on merit, not loyalty, in addition, it ensures labor stability for the high-ranking officials when they make a decision that is contrary to the political group that is in power or when the government changes. Reforming the institution in this direction will place us at the level of other states in Latin-American countries such as Argentina and Brazil.

b) Budget Autonomy

Budget autonomy of the defender's office implies that the institution can design, request, administer and lobby its own budget in congress. This will allow setting in motion the institution's most pressing projects such as the career service in the defender's office, a training facility, hiring more personnel, equalizing the salaries among equal-rank defenders, as well as payment for expert services. If we intend to improve access to justice, it is necessary for the defender's office to have the proper budgetary resources to perform their function.

c) Career professional service

Professionalization of public defenders is one of the most important elements for this institution to contribute to strengthen the rule of law in Jalisco. Setting up a career system is a constitutional imperative in the state and its design and implementation must be compatible with standards that would ensure an effective access to justice through technical defense. The first step for this to happen is having a model of governance and rendering of accounts: a defender's office council in charge of managing the process for the selection, training, evaluation, promotion, punishment, transfer and dismissal of public defenders. Given that the functions this council is in charge of are crucial for the good working order of the defender's office, it is essential for this collegial body to be designed well, that is, its composition must not answer to political interests, so that the institution secures the best professionals. Thus one way to get members for this council would be from at least three entities: a representative of the defenders, one from the Legislative and one from organized civil society collectives. This will ensure that the selection of new defenders at open public calls be more impartial and based on the

candidate's capacity and not the friends they have. Moreover, among the operative functions of this council is installing and developing a training facility with the objective of creating links with other bodies (universities, international institutions or foundations) to train its members. This will make more sense if the institution's operation structure is redesigned and a promotion ladder system is set up to allow professionalization to become important to the defender, that is, that it becomes installed in the defender's perception as one more incentive to develop and grow, so that they see the institution as a desirable place to consolidate a professional career due to the social recognition it entails, and not as a halfway place to build a résumé because the work is exhausting in addition to poorly paid and lacking mechanisms for professional growth.

d) Operation Capacity

Any attempts at reform that ignores increasing the number of defenders assigned to the public defender's office will be the basis for future chronicles of their failure. Not even the most professional or independent public defender will be able to manage the current demand this institution has. If equality is to be sought between the parties in terms of access to justice, then, there is no basis for the general attorney's office or the courts to have three times more support than what is available for the defenders at present, since this violates constitutional and conventional principles. A defender should be able to manage around 40 cases a year to be in a position to provide proper technical defense. This means, in the context of the current conditions, tripling the personnel assigned to this area to avoid undermining the other reforms. However, it should also be pointed out that increasing the number of defenders in itself will not manage to improve the operation capacity of the defender's offices. It is necessary for this measure to be accompanied by the setting up of a new model of case management, such as integral attention centers (Zepeda, 2014, p.12) to prioritize, for example, the use of alternative mechanisms for the resolution of conflicts that would avoid bringing to court cases such as those of petty larceny.

In conclusion, reforms and transformations of this magnitude imply that the representatives place access to justice and the rule of

law as a priority and think that in the immediate future, given the competitiveness attained by the party system in Jalisco, they will not be in power; therefore, having an independent, professional justice system that is not vulnerable to political power is also in the best of their interest.

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Capítulo VII

Good practices for Jalisco to develop the potential of the new criminal justice system

*Guillermo Raúl Zepeda Lecuona**
*Paola Guadalupe Jiménez Rodríguez***

The 2008 constitutional reform that reestablished the adversarial system in criminal matters entails perhaps the greatest transformation of the justice system in over 100 years.

The purposes and objectives of the reform are varied and all of them are very ambitious; the reform is wide and it touches practically on all the aspects of the Mexican criminal justice system; many of the public and some of the private actors will be protagonists and targets of the reform and the magnitude of the changes have had most of the analysts agree that it is a cultural change.

It is difficult to articulate such a broad, profound reform in some of the objectives. For example, Secretaría Técnica del Consejo de Coordinación para la Implementación del Sistema de Justicia Penal (The Coordination Council's Technical Secretariat for the Im-

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plementation of the Criminal Justice System, SETEC, hereinafter, Setec) has developed the conceptual framework to follow up and evaluate the reform and it has set out the following strategic objectives of the reform (Setec, 2010: 9-10):¹

1. To improve access to justice (institutional capacity, the operators' workload; unfiled cases; unfulfilled justice demands).
2. To Reduce impunity (filing and conclusion of reports; implementation of means of investigation; high-impact crimes).
3. To respect the guarantees of both victims and the accused
4. To rationalize the use of penalties (precautionary measures and imprisonment)
5. To generate certainty in the processes
6. To increase efficiency in the use of the system's resources
7. To regain public trust in the authorities in charge of the system's operation.²

The processes for implementing the reforms are more agile on paper (legislative changes) than in practice. So it has been observed that in some federative entities where the new criminal justice system (hereinafter, NSJP) is in place already, the effectiveness and quality indicators have not improved, while it has in others where there is a clearer improvement in some aspects with the reform's coming into force.

That is why, and given that beginning June 8, 2016 the NSJP will be in place all over the country, it is important to document the good practices that operate and that are making invaluable contributions

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1. In a presentation "Metodología para la Planeación Integral de la Implementación del Sistema Penal de Justicia Acusatorio" carried out by Setec and INAP in May 2011, during a national meeting of enacting bodies, the following essential objectives of the reform are referred to: 1. To expedite the service of justice; 2. To make the criminal process transparent; 3. To reduce costs for both the citizens and the State; 4. To professionalize the Criminal Justice system; 5. To increase the quality of security; 6. To recover the citizens' trust in the authorities; and 7. To reduce the impunity indexes (Setec INAP 2011: 3); however, in the *Manual General para la Planeación Integral* (General Manual for Integral Planning) developed by both institutions (Setec Inap s/f) they do not refer to the objectives of the reform anymore.
 2. In addition, Setec proposes in its follow-up and evaluation methodology four types of indicators: a) Performance of the implementation process; b) Results of the new criminal justice system in place; c) Impact of the criminal reform; and d) Results of the interrelation of each process actor.

and obtaining consistent results with the objectives and goals of the criminal reform in several states of the Republic. These good practices are susceptible of being replicated in federative entities to develop the new system to its fullest with the best quality standards.

In particular for the implementation of NSJP in Jalisco we considered four strategic axes in this text, which we believe can carry out the transformations and obtain positive results in the sectors where there are the most liabilities and opportunity areas of the traditional criminal justice system in this federative entity. These axes are the following:

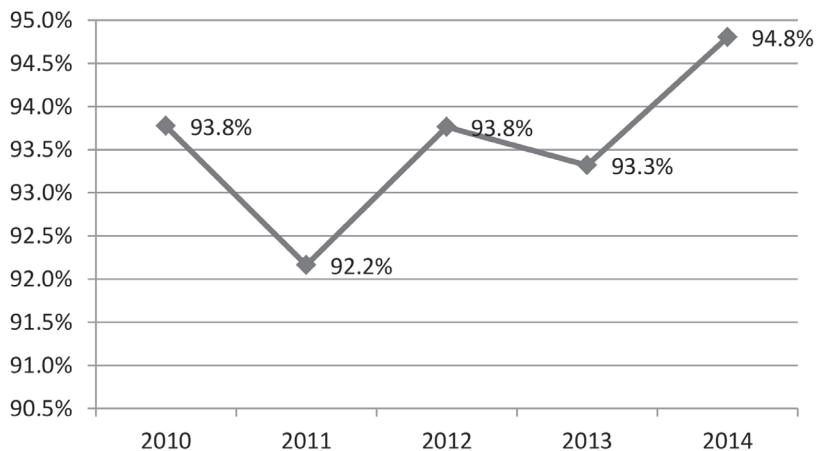
1. Better service for the system's victims and users.
2. Respect of human rights (particularly, the rights to physical integrity, the right to proper defense and the right of the people imprisoned).
3. To improve the capacity for investigation of the Attorney General's offices.
4. To promote a focalized criminal policy.
5. To develop the potential of alternative justice in criminal matters

1. Better service for the system's victims and users

In Jalisco the victims of a crime and the criminal justice system's users do not receive proper, efficacious service and attention, since as revealed by the figures of the Encuesta Nacional de Victimización (National Victimization Survey, Envipe) conducted by the Instituto Nacional de Geografía y Estadística (The National Geography and Statistics Institute, INEGI), black figures (proportion between the crimes committed that are not reported and those reported where no pretrial investigation was not started) amounted to 94.8% for 2014, that is, of the 2'226,586 crimes committed in Jalisco, only 209,921 were reported (although only 90,724 pretrial investigations and 853 investigation files were started³). In 2014 black numbers in Jalisco reached its record heights in the last five years. Black numbers in Jalisco turned out to be higher than black numbers at a national level, which amounted to 92.8% (See chart 1).

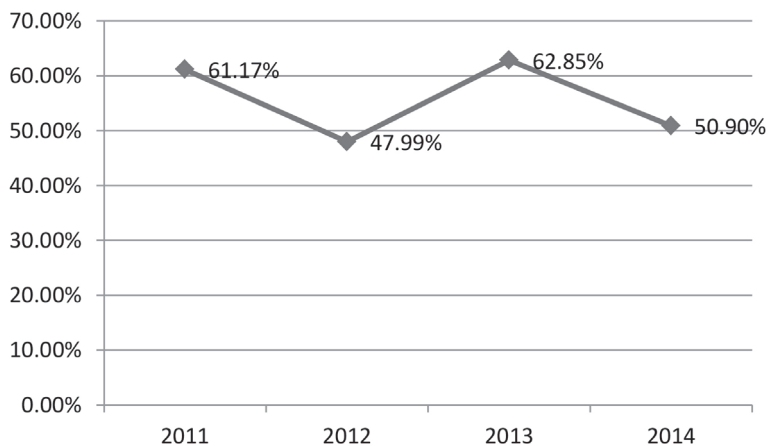
3. According to data by the State CNPJ, 2015 INEGI.

Chart 1
Black numbers in Jalisco 2010-2014



Source: made by the author on the basis of the Envipe, INEGI results.

Chart 2
Percentage of unreported crimes attributable to the authorities



Source: made by the author on the basis of the Envipe, INEGI results.

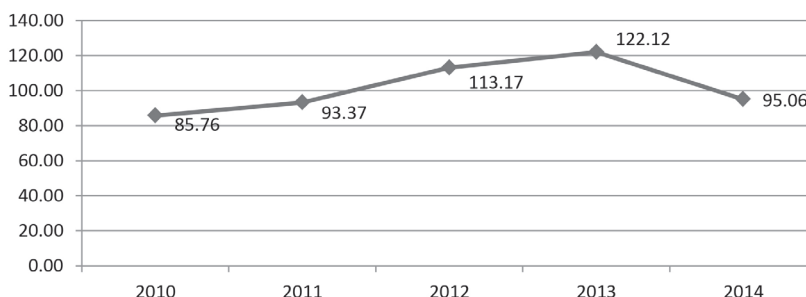
This situation shows, among other things, how little the victims trust the authorities when it comes to reporting a crime, completely annulling the possibility for justice to be served. Envipe distinguishes among the different reasons why people decided not to report. In 2014 in Jalisco, 50.9% of the victims did not report crimes for reasons directly attributable to the authorities, such as fear of extortion on the part of the authorities, because they considered it a waste of time, because the formalities took a long time and were difficult, because of distrust of the authorities and because of the authorities' hostile attitude. Chart 2 shows how this situation has changed in the last four years. This indicator dropped significantly from 2013 to 2014.

Regarding the average time dedicated to the reports made by the people who went to the Attorney General's offices in 2014: 26% spent at least more than an hour, 36.9% from 1 to 2 hours, 13.3% from 3 to 4 hours and 19% more than 4 hours. Considering the perception the people have of the treatment received during the report process, 18.2% considered that they were very badly treated, 21.8% said badly and, 48.3% well and only 7% considered it excellent.

Considering the median⁴ of the data about the average time it takes to file a report, Envipe observed that the mean time to file a report in Jalisco in 2014 was 95.06 minutes, that is, a person who has been the victim of a crime takes approximately one and a half hours to file the report (chart 3). From 2010 to 2013 this value had shown an upwards tendency, but in 2014 they managed to reduce the waiting time a little, as can be observed in said chart. Although Jalisco ranks below the national average time, which was almost two hours in 2014, there are still important areas of opportunity in this issue to facilitate the process of filing a report for the victims, and thus be able to increase the rate of reports and reduce black numbers in the state⁵.

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4. The median represents the value of the variable that occupies the central position in a set of ordered data, that is, 50% is below this value and 50% above it. In order to calculate it, we used the method for data grouped at class intervals.
 5. There are different results among the states in the country. During the time period between 2010 and 2014 the minimal value was 51.98 minutes for Nayarit in 2011; and the maximum value was 234.48 minutes, that is, almost 4 hours for Puebla in 2010. Among the good practices that have been documented, in Mexicali the Early Attention Center has

Chart 3
Mean time to file a report on a crime in Mexico 2010-2014



Source: made by the author on the basis of the Envipe, INEGI results. (2016)

Unfortunately, Jalisco lacks institutional coordination oriented to attention of victims and users; the orientation and attention services are low in quality; there is no paradigm of human security nor there is a differentiated and proportional attention approach to the different victims and users; there is a lack of sensitization and training for the public servants in charge of providing orientation, assistance and attention to crime victims and criminal system users, particularly awareness of the victim's rights and the protocols to provide protection measures, prevention, attention, assistance and integral redress as stipulated by the Programa de Atención Integral a Víctimas (Integral Victims Attention Program, PNAV) 2014-2018.⁶

With the recent set up of the Centro de Justicia para las Mujeres (Center for Justice for Women), a step is taken in the right direction in Jalisco, by adopting good practices such as the "victim's route", which seeks to abandon the traditional scheme centered on the Attorney General's office, and to start using an attention model centered on the users' concrete needs provided by professionals with proper, specialized training to render good service to the victims of

an ISO certification ISO9001-2008 in place, which establishes that denouncers should not wait more than 17 minutes to file a report (Zepeda 2015:42).

6. Programa de Atención Integral a Víctimas (pnav) 2014-2018 of the Sistema Nacional de Atención a Víctimas, 2015.

crimes and human right violations; as well as providing services under the premise “everything under the same roof”, where the operators and services favor the user and not vice versa, to prevent re-victimization of those who resort to the institutions seeking services.

However, these new attention paradigms and schemes in addition to being facing challenges to consolidate their operation (such as lack of resources, delays in the attention time, reduction of their actions’ effectiveness and labor instability of the professionals working in the center), still do not permeate other attention sectors at the Attorney General’ Office and other assistance and health departments. Orientation of resources and efforts is still not enough, it is disarticulate and inefficient, so they do not cover the expectations and services demands of the most vulnerable and victimized population in the state.

2. Respect for human rights

In our state, there is an alarming deterioration in the system for the prevention, protection, investigation, punishment and integral redress of the violations of human rights. In Mexico, most of the violation actions recorded in the files submitted to the commissions or human rights attorney’s offices are related with the general attorney and justice systems.

In the state sector the general attorneys’ offices are the institutions that are more often blamed as responsible for actions in violation of human rights, followed by the state secretarías de seguridad pública (State Public Security Departments) (INEGI, 2015, p. 57).

In Jalisco, according to data by the Comisión Estatal de Derechos Humanos (Human Rights State Commission, CEDH), in the 2007-2015 period this body received 19,275 reports indicating that authorities related with security and justice are allegedly responsible in complaints for human rights violations. Of these, 40% of the complaints point at the State General Attorney’s Office (formerly Procuraduría de Justicia Estatal), 36.5% point at the municipal public security departments, 22.8% at the Dirección General de Seguridad Pública, Prevención y Readaptación Social (General Department for Public Security, Prevention and Social Re-adaptation).

In sum, considering the total number accumulated in all these years, 19.6% of the major complaints have pointed at some authority related with public security and law enforcement as the body responsible for their complaints; however, this percentage is highly variable from year to year, since, as we can see in Table 1, in 2007 they represented 72.7%.⁷

Table 1

Law enforcement authorities most often involved in complaints during the 2007-2015 period due to human rights violations

Autoridad	2007	2008	2009	2010	2011	2012	2013	2014	2015
Municipal Public Security Directorate	570	228	1194	369	507	352	2070	1610	144
Prevention and Social Re-adaptation General Directorate (Digpres)	135	55	40	60	86	49	69	66	
State Public Security General Department	89	172	188	2535	184	152	305	146	
State General Attorney's Office	718	648	595	637	630	786	875	2111	726
PGR	50								
The State Judiciary	62								
Public Security, Prevention and Social Re-adaptation Department	7	7	7	13	9	8	6	5	
Total security and justice	1631	1110	2024	3614	1416	1347	3325	3938	870
% in respect of total	72.7%	10.6%	12.0%	22.1%	28.5%	7.1%	36.3%	29.2%	14.8%
Total	2244	10484	16894	16348	4969	19069	9159	13486	5893

Source: made by the author with data published by the Jalisco CEDH (2016).

2.1. Physical Integrity

The rights that are most often violated in the country are the person's right to freedom and security (with 18,157 events), the right to personal integrity (with 12,110 cases that report torture and cruel, inhuman or degrading treatments,) the right to a fair trial (with 11,203 events).⁸

7. The total number of complaints most often filed is not equal to the number of complaints received, since one complaint may involve more than one authority. The totals refer to the authorities most often denounced, not precisely to all the authorities.

8. Information by INEGI, 2015, p. 53.

In our state, important steps have been taken to accept the incidence of torture and decide to fight it. Recently, the recommendations made in this sense by the Jalisco *ombudsman* have been accepted; however, we still need to strengthen the training of criminal prosecution and investigation professionals in the application and evaluation of the Istanbul Protocol so as to be able to sustain typification of these conducts and not propitiate their impunity, in case they are punished just as abuse of authority.

2.2. Proper defense and public defense

One of the objective pursued by the new criminal justice system is to strike a greater balance between the defense and the general attorney's office. Luigi Ferrajoli has pointed out that proper defense is a "metaguarantee" (2012, p. 77), because without it, other guaranties, such as presumption of innocence or due process can be ineffective or irrelevant.

Given that at least 60% of the accused (and a large proportion in NSJP) resort to the public defense services, this services sector is strategic in ensuring the smooth running of justice. Jalisco presents negative indicators in this matter, since according to what is pointed out in the Diagnóstico de Defensorías Públicas (The Public Defenders' Offices Diagnosis) in Mexico, by the Comité de Evaluación y Seguimiento (Follow-up and Evaluation Committee) at the NSJP OF Adversarial Courts, edited by Setec, the per capita budget of the public defender's office in the state is \$15.19,⁹ while other states such as Nuevo León and Nayarit allot a per capita budget of \$56.56 and \$38.46, respectively. This situation jeopardizes financial autonomy and effectiveness of the activities the public defenders undertake.

In 2014 there were only 19 public defenders in the state, which places it as the third state with the least number of public criminal defenders in the country, only preceded by Aguascalientes and Tlaxcala, which evidently cannot be compared in terms of size and number of inhabitants (Peraza, 2016). Considering the datum per 100 000 inhabitants, Jalisco has an indicator of 0.24, with which it ranks last

9. Calculated on the basis of Jalisco State's 2015 Expenditure Budget.

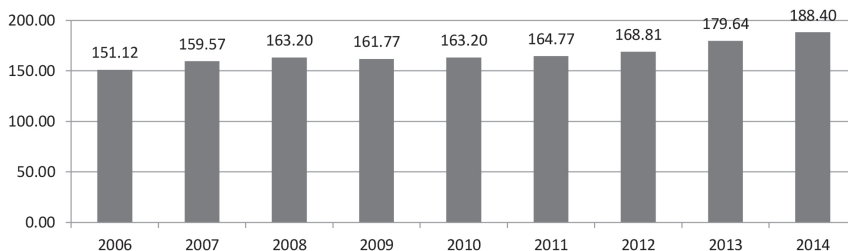
nationally. This information is alarming because it shows a strong indication of insufficiency in the service and scarce fulfillment of the request for orientation and sponsorship received by the Social Attorney's Office on criminal matters.

2.3. *The rights of the people imprisoned in Jalisco*

Regarding the Penitentiary System in Jalisco, in October, 2015 the correctional facilities were at 175% of their capacity, that is, the installed capacity is for 10,197 inmates, but in October, 2015 there were 17,845 people in prison.

Considering the rate of inmate per local jurisdiction crimes per 100 000 inhabitants, in 2014, the rate was 188.4 people, a situation that has shown a clear upward tendency since 2006, just as we can observe in Chart 4. In this indicator, Jalisco ranks 10th among the states with the largest number of people in prison per 100 000 inhabitants.

Chart 4
Rate of people in prison per 100 000 inhabitants in Jalisco.
Local jurisdiction crimes



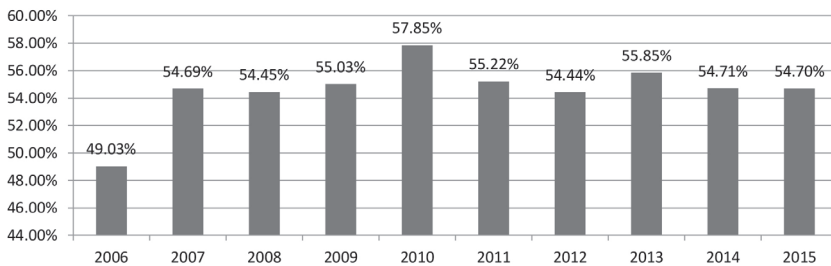
Source: made by the author on the basis of statistics from the Sistema Penitenciario Nacional (The National Penitentiary System), Segob and the decentralized administrative body of Previsión y Readaptación Social, as well as population projections by Conapo.

Another significant indicator related with the penitentiary system is the use of preventive prison, which incurs high economic and social costs, and systematically violates the right to freedom of the people under a criminal process. The percentage of inmates in preventive prison, in respect of the total number of inmates for local

jurisdiction crimes, presents alarming figures in Jalisco, since it was 54.7% in 2015 (Chart 5).

Of the 34 prisons in the state, 21 are over 100% of their capacity. According to the data published most recently, penitentiary overpopulation in the state was 74.57%. The installed capacity all over the state is for 10,222 inmates, however, in October, 2015 these facilities housed 17,845 people; which means that 15,792 people are living in overcrowded premises, representing 88% of the total number of inmates. This situation causes the human rights of these people referring to personal integrity, to a decent, proper level of life, to the reinsertion services, to be violated systematically (Chart 6).

Chart 5
Percentage of people in en preventive prison
for local jurisdiction crimes in Jalisco



Source: made by the author on the basis of statistics from the Sistema Penitenciario Nacional (The National Penitentiary System), Segob and the decentralized administrative body of Previsión y Readaptación Social (October, 2015).

Analyzing the penitentiary overpopulation levels, in particular the state prisons, the data are still more alarming. The Centro de Readaptación Social (Center for Social Re-adaptation, CRS), with an installed capacity for 2,087 inmates is at 311% of its capacity; the Reclusorio Preventivo de Guadalajara (Guadalajara Preventive Correctional), with a capacity for 3,631 inmates is at 207% of its capacity; and the women's CRS, with a capacity for 376 inmates, is at 160% of its capacity.

3. Increasing the General Attorney's office's investigation capacity

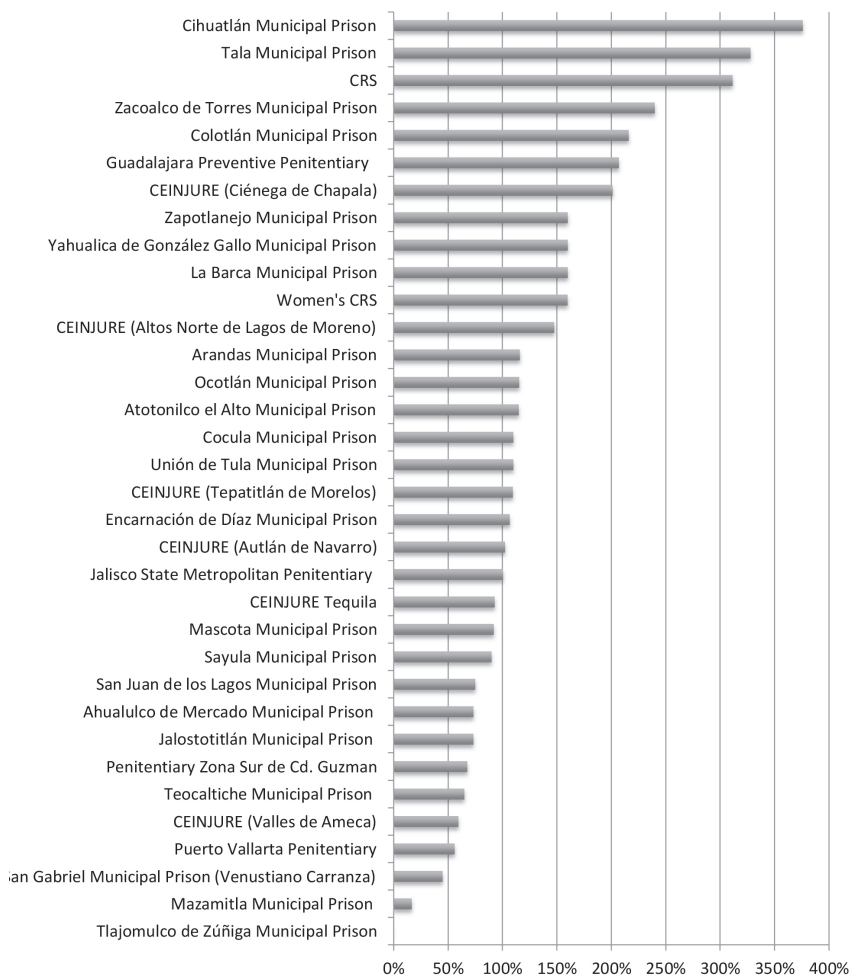
It has been explained that efficaciousness is an essential indicator for a criminal justice system. In Jalisco inefficiency of the prosecution and justice service system reaches alarming levels. As it has been explained, scarcely 5.2% of the crimes are reported. In addition, of the crimes that are reported, only 23.15% of the reports are finished and just 13.18% are done effectively (excluding those that are sent to the archives) of all the cases filed at the General Attorney's office (chart 1). We may say that in Jalisco a person who has committed a crime has a 0.50%¹⁰ chance of being brought to the presence of a judge, that is, just 1 in every 200 perpetrators of a crime is brought to court.

Once they have been brought to court, the defendant will have an 88.15% chance of being convicted, that is, almost 9 of every ten defendants will be prosecuted and convicted.

In general, the probability of committing a crime and being criminally convicted in Jalisco is 0.40%, that is, 1 in every 250. The core of impunity lies in the large number of crimes that are not reported (black numbers of 94.8%) and the low effectiveness in the investigation and resolution of the crimes reported, barely 1 in every 10 (13.18%).

10. This probability comes from multiplying the 5.2 cases that have in fact been reported times the probability of it being resolved via pretrial investigation ($13.18\% = 0.1318$), times the probability of arrest ($74.07\% = 0.7407$).

Chart 6
Penitentiary overpopulation in Jalisco per prison, 2015



Source: made by the author on the basis of statistics from CNS and the OADPRS (October, 2015).

Table 1

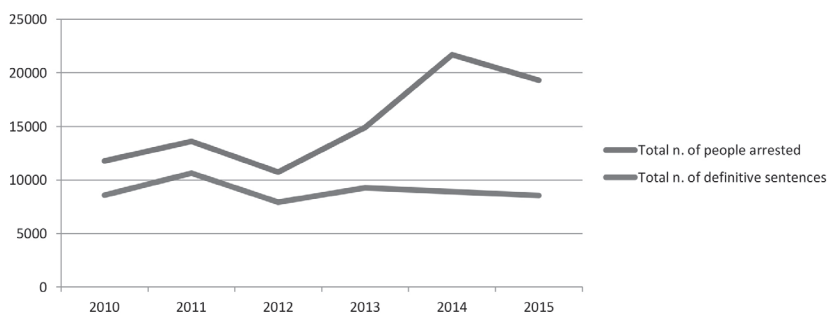
Indicators of the performance and effectiveness of the different segments of the criminal system. All the local jurisdiction crimes (Jalisco 2014)



Source: made on the basis of: Column 1:Envipe, INEGI, 2015; Column 2 and 3: Made by the author with information from the Censo Nacional de Procuración de Justicia (National Census on General Attorney) 2015 INEGI; Columns 4 and 5: Made by the author with information from the Censo Nacional de Impartición de Justicia 2015, INEGI.

Considering the number of people arrested by the Comisionado de Seguridad Pública del Estado (The State Commissioner for Public Security), in 2015 10,777 people were arrested, a figure that has almost quadrupled since 2010; however, analyzing the figure about definitive convictions issued by the Supremo Tribunal de Justicia del Estado (The State's Supreme Court of Justice), in 2015 there were 8,532, a number that has been showing a downwards tendency since 2011 being far from the goal set of 11,000 (according to government goals). This situation can be better appreciated in Chart 7.

Chart 7
People arrested by the CSPEJ and definitive sentences
by the STJEJ 2010-2015



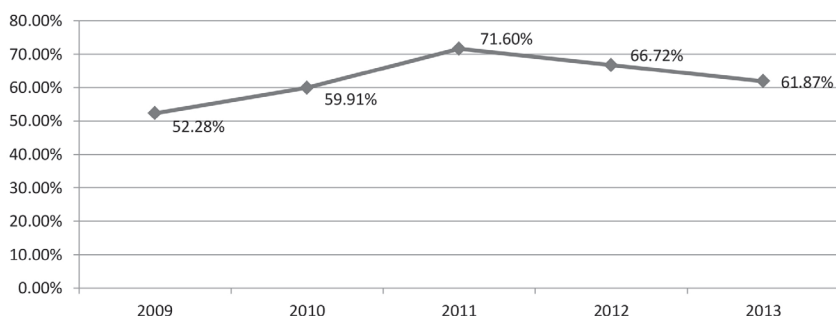
Sources: made by the author with information from tome II of the Informe de Indicadores de Desarrollo del Tercer Informe de Gobierno del Estado de Jalisco (The Jalisco State Third Government Report on Development Indicators) (2016).

The panorama is that, while the number of people arrested is dramatically increasing, the number of people that make it to the courts in a criminal process is in decline. In addition, although the number of people arrested has grown, the criminal incidence and prevalence rates continue to rise. This may be interpreted as the fact that arrests do not transcend to criminal processes, and the cases that do make it into the courts do not correspond to the crimes with the greatest impact, which are the ones that affect the perception of insecurity the most.

A more precise, better-quality indicator to measure the effectiveness of the justice system is direct impunity in felonious homicide. It is calculated considering the total number of people convicted of felonious homicide in respect of the total number of felonious homicides recorded in a given year.¹¹

11. This indicator is more precise than that of general impunity, because it is believed that most homicides are reported, that is practically there are no black numbers here. In addition, due to the seriousness and the implications resulting from this crime, the investigation areas on this matter get more resources to undertake their work.

Chart 8
Direct impunity in felonious homicide in Jalisco, 2009-2013



Source: made by the author with information from the state CNIJ of INEGI and SESNSP.

Thus, direct impunity for 2013 in terms of felonious homicide in Jalisco was 61.87%, that is, less than 4 out of 10 homicides are convicted in the state, the rest, remains unpunished. Though this indicator is below the levels of direct impunity for intentional homicide in the country (83.9%), it is still far from the desired goal demanded by Jalisco's society. This situation brings about more distrust among the citizens, generating thus a vicious circle and reducing the possibility of a veritable prosecution and service of justice.

This comes to show that it is necessary to promote policies of access to justice (such as increasing the number of expedite centers to file the reports, because so far there is only one in operation in the entire metropolitan area) and respond to the citizens' reports with more and better installed capacity to investigate and solve the crimes and apply, when relevant, the alternative dispute resolution mechanisms (MASC).

The models of investigation management and protocol from the states of Nuevo León, Baja California, Guanajuato or Chihuahua can be taken as examples of good practices, in these state effectiveness ranges from 45% to 55% (database from Jurimetría with information by INEGI, 2015). Nuevo León has developed a criminal case management model for the investigation of cases with unknown subjects, which seek to improve criminal investigation, increase the

capacity for effective response, nurture and focalize the prevention actions and reduce the impunity rates, especially by detecting tendencies and patterns of unrest in certain areas, through an improvement in the processes of arresting, systematization and georeferencing of information on risks, incidents, crimes and *modus operandi* through the reports, homologized police reports, telephone reports, 066 calls and even through the press, in addition to the information from the intelligence services implemented.

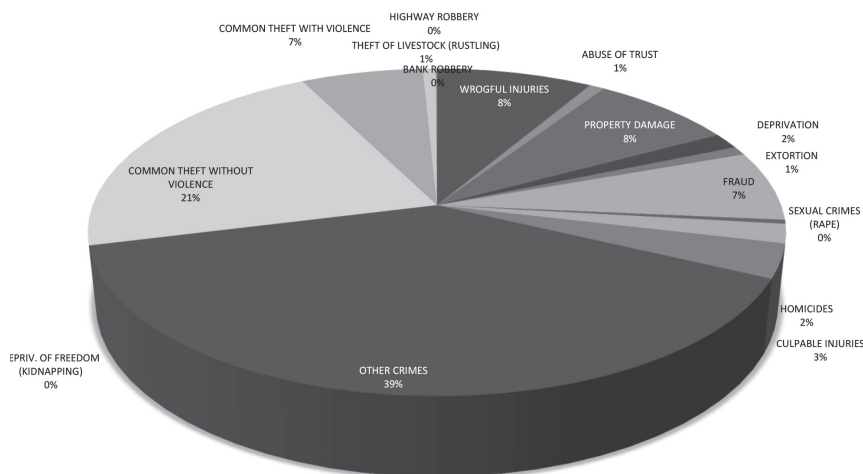
4. Promoting a focalized criminal policy

The criminal phenomenon is very complex and it is made up of events whose nature and levels of violence are very different. That is why the challenge of crime must be studied and analyzed in its different aspects so as to perform individual diagnoses, resulting in proposals and focalized policies, which would improve prevention and the effectiveness of security policies.

All criminal conflicts or crimes must be treated according to their specific characteristics. For example, it is not right to approach a domestic violence problem the same way as a car theft; and it is not possible for us in Jalisco to dedicate—as it actually happens— more resources to processing traffic accidents than to auto theft investigations.

Chart 9 is a criminal “x-ray” of Jalisco in the local jurisdiction sector. As we can see, 14.57% of these crimes are considered high-impact, which consist in crimes that due to the seriousness of their effects and their high levels of violence are the ones damaging the people the most, contributing to a perception of insecurity and vulnerability among the citizenry. In our social and legal context, these crimes would be in the state jurisdiction: intentional homicide, kidnapping, rape, car theft, as well as violent burglaries, holdups on businesses or heavy cargo vehicles, bank robberies and muggings (e.g. a crime has a greater impact on us if we get 50 pesos stolen from us with a gun pointing at our heads than if thousands of pesos are electronically stolen from our bank account).

Chart 9
Criminal incidence in Jalisco 2015 according to the type of local jurisdiction crime



Note: the figure of 91,577 considers reports, criminal charges and notifications on the basis of the state 2015 CNPJ by INEGI.

Source: made by the author with SESNSP data on criminal incidence.

Almost one in every three crimes reported (31.64%) correspond to high-incidence crimes, such as robbery and other non-violent property offenses. A very significant number (11.98%) of these offenses are criminal negligence crimes such as unintentional homicides and injuries, as well as “damages to property”, mostly resulting from traffic accidents.

There is record of 8.07% of threats and 5% of domestic violence cases. The remaining 11% refers to misdemeanors connected to conflicts among relatives, neighbors, creditors and debtors; employers and employees or legal counterparts in some legal process, such as wrongs, minor injuries, jumping of bail, false statements. This category also includes simple statements on statements on non-criminal events (filing of facts to attest to a situation or to serve as antecedents at some subsequent legal process) and other non-violent offenses.

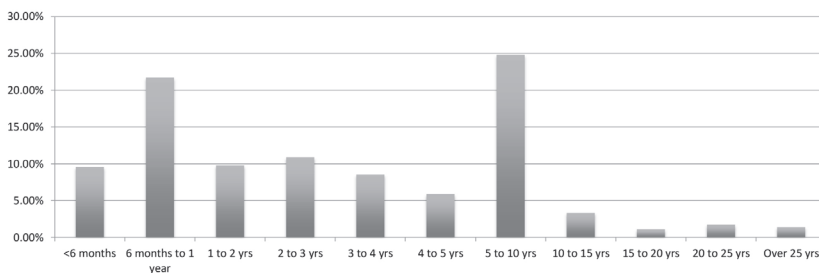
All kinds of violation of the basic rules of coexistence must be prevented and fought against by society, and the social conflicts be-

hind each report must be channeled and, if possible, resolved by institutional means. This classification of crimes is very useful, because it stresses the need for every kind of social conflict, due to their nature (incipient or out of control; violent or unintentional), to require specific prevention and attention measures. At present, our legal system provides formal mechanisms for the attention of these conflicts that are very rigid, with few variants, and they are very expensive both for the people involved and the State and in general, for society.

In our days, many misdemeanors could be channeled into the MASC and once the NSJP is in force they could be the object of suspension of the proceedings on trial (in the states where the adversarial system is already in place, this figure accounts for 12% of the processes concluded in the criminal courts), and are taken to the highest instances: the criminal sentence that generates over-criminalization, leaving first-time offenders with a criminal record, and even with the experience of preventive imprisonment, which will make their reinsertion in the country's social and economic life difficult. This change in paradigm entails an agenda for transforming each and every one of the links in the chain of the Jalisco criminal system as well as the transversal axes of criminological policies.

Chart 10

Distribution of the sentences depending on prison time 2014



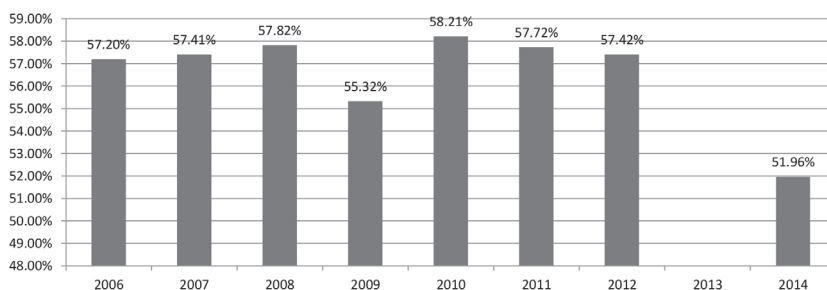
Source: made by the author with information from the Censo Nacional de Impartición de Justicia Estatal 2015, INEGI.

In 2014, of the 3,696 people sentenced, 44.03% was because of the crime of robbery, followed by drug dealing with 15.76%, injuries

8.79%, homicide with 5.43% and damage to property with 5.01% (mostly resulting from traffic accidents).¹² In sum, these five crimes correspond to almost 80% of the sentences. Of the prison sentences, 31.28% were for less than a year, 35.11% for less than five years, 24.8% for five to ten years and 7.61% for 10 years or more (Chart 10).

Considering the history of the prison sentences for three years or less, in Jalisco they account for little over half the sentences, which implies that people will have a criminal record in spite of the fact that they have commuted their prison sentence to a fine (a sentence of less than two years) or else they have received a benefit like conditioned suspension for a parole. Even though it was possible to reduce this proportion in 2014, which amounted to 51.96%, it is still a very significant proportion of the sentences (Chart 11)

Chart 11
Percentage of prison sentences for three
or fewer years in Jalisco 2006-2014



Source: made by the author with judicial statistics on criminal matters (2006-2012) and the Censo Nacional de Impartición de Justicia Estatal 2015. Note: the distribution of sentences according to prison time was not reported for the year 2013 in Jalisco.

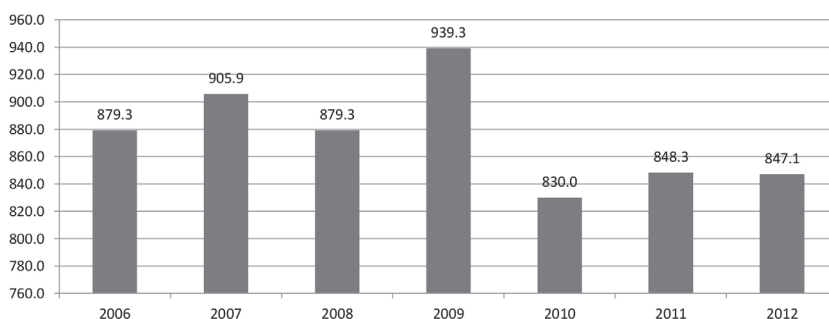
If we consider the median of the days in prison imposed in conviction; we see that in 2012 in Jalisco it was 847.1 days, or 2.32 years, that is, of the total number of sentences that consisted in prison time, half was for less than 2.32 years and the other half for a greater time.

12. According to data by the Censo Nacional de Impartición de Justicia Estatal 2015, INEGI.

Analyzing the behavior of this indicator in the last few years, it is possible to observe that it has not changed significantly (Chart 12). That is, most of the resources are not being dedicated to the crimes that most affect the victims and most impact the social perception of insecurity.

The indicators presented in this section allow contrasting the community's demand for security services, the more than two million crimes that occurred in Jalisco, 33% at gun point reported by Envipe 2015; as well as the more than 90 000 crimes reported to the authorities, with the "offer" or response of the criminal system authorities. Although the crimes that have the greatest impact on the perception of insecurity, such as violent crimes and organized crime offenses represent almost 30%, the convictions for more than 7 years in prison (which correspond to the most serious and violent conducts) just represent 17% of the cases.

Chart 12
Median of days in prison in convictions in Jalisco



Source: made by the author on the basis of Cuadernos de Estadísticas Judiciales (Notebooks on Juridical Statistics) (2007-2011) and the national censuses on justice administration (2012 y 2013), INEGI.

The median of convictions in Jalisco has been decreasing (Chart 12) and at present it is just 2.3 years of prison. More than half the convictions are for less than three years, which are commuted to a fine or else they immediately imply a benefit, leaving people who have been sentenced for minor crimes with a criminal record, with little expectation of reinsertion in social life and at great expense on public funds (12 000 on pretrial investigation, 14 000 for the criminal process

and 230 pesos for each day in prison). The great majority of these small convictions correspond to petty thefts, unintentional injuries and damage to the property, the latter related with traffic accidents (that could be clearly channeled through the MASC). This evidence illustrates a badly focused criminal policy and a squandering of resources that does not contribute, in these cases, to increasing security and providing quality criminal justice for the people of Jalisco.

5. Developing the potential for alternative justice in criminal matters

Analyzing the social conflicts reported by the victimization surveys as well as the criminal incidence that has indeed been reported (Chart 6) and in keeping with the Código Nacional de Procedimientos Penales (The National Criminal Proceedings Code) and the Ley Nacional de Mecanismos Alternativos de Solución de Controversias en Materia Penal (National Act on Alternative Mechanisms for the Resolution of Controversies on Criminal Matters), at least 35% of criminal incidence in Jalisco would be susceptible of being channeled and eventually solved by the MASC. For example, at a national level, 55% of the more than 117 000 cases solved by MASC corresponded to cases of threats, culpable injuries and property damage, which in Jalisco represent 27% of the reported criminal incidence.

Unfortunately, Jalisco is one of the states that has developed the least and has taken the least advantage of the potential of alternative justice, since as we can see in Table 2, the case files started in 2014 diminished in respect of 2013, although the triable ones increased.

Table 2
Alternative justice case files in the Jalisco attorney's office

Years	2013	2014
Files started	3,876	2,949
Triable files	2,393	2,917
Completed files	1,157	881

Source: made by the author on the basis of the Alternative Justice section of the 2014 and 2015 state CNPJ, INEGI.

Considering the cases treated at the Centers for Alternative Justice of the Judiciary, we can observe a better panorama, since in the last years the number of requests made at these centers have increased and there are good effectiveness rates in the cases that they have managed to finish by settlement in respect of the total number of files finished.

Table 3
Requests and files at the Jalisco Centers
for Alternative Justice of the Judiciary

	2012	2013	2014
Requests	747	2,773	3,863
Pertinent requests	733	2,742	3,837
Files finished	747	2,742	2,527
Finished by settlement	394	1,549	2,527

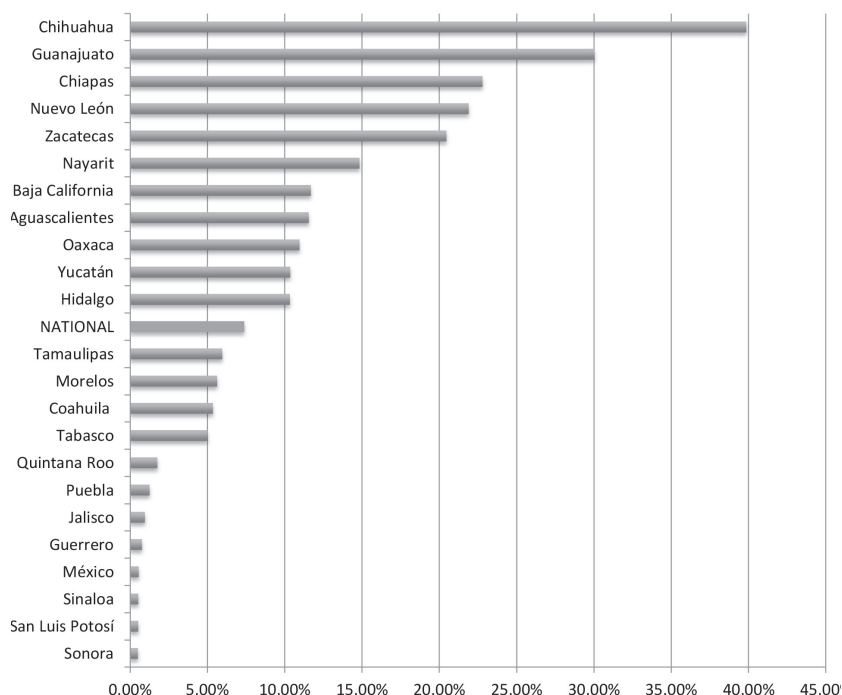
Source: made by the author on the basis of the Alternative Justice section of the 2014 and 2015 state CNPJ, INEGI.

In this sense, Jalisco is one of the states which has taken the least advantage of the benefits alternative justice has to offer, since in 2013 of the total number of criminal cases filed, just 0.82% was settled by mediation, conciliation or adjustment board, ranking 19th among the 21 states that reported information about it; in 2014 this indicator had a slight increase, when it amounted to 0.96% of the total number of cases. Even comparing the total number of cases that concluded effectively in respect of the sum total submitted in alternative justice, in 2013 a rate of 21.5% was obtained, the second lowest in respect of the other states; in 2014 the percentage of effectiveness in alternative justice was 30.2%, and even though it rose in respect of the previous year, Jalisco remained on the bottom of the table with the 24 states that reported information to the state CNPJ (Chart 13).

The good practice standards of the Baja California, Oaxaca or Nuevo León alternative justice centers could be implemented here, these states report excellent user attention and waiting times of less than 17 minutes; good effective sensitization protocols and user invita-

Chart 13

Percentage of cases solved by means of alternative justice in respect of the total number of criminal cases filed (both systems) 2014



Source: made by the author on the basis of the Censo Nacional de Procuración de Justicia, INEGI, 2015.

tion; 80% of settlement rates at MASC sessions; more than 85% of fulfillment of the restoration agreements; and 95% of user satisfaction.

In some states, such as Oaxaca and Baja California, good practices have been documented in these matters at their MASC bodies, obtaining very good effectiveness indicators. For example, effectiveness in convocation in Baja California is 86%, while it ranges from 65% to 90% in Oaxaca. The percentage of cases that are settled by agreement is 82.22% in Oaxaca and 86% in Baja California; while the rate of fulfillment of the agreements is 72.5% in Oaxaca and 87% in Baja California (Pacheco, 2016).

Conclusions and recommendations

- The percentage of crimes reported is very low in Jalisco, and that is due mainly to causes attributable to the authorities, since, among other things, the formalities to file a report before the attorney's office are lengthy and difficult. It is necessary then, to expedite the report process and increase the offer to the citizens, so as to boost their trust and thus reduce black numbers.
- The human rights of the victims of a crime are often violated by means of the "revictimization" they undergo at the moment they report the crime. In view of this situation, good practices can be promoted such as the models of "the victim's route" and "all the services under the same roof"; even though the Centro de Justicia para las Mujeres (Center for Justice for Women) has taken the first step in this direction, it is necessary to extrapolate it to the other areas.
- The overuse of preventive imprisonment as a precautionary measure and the lack of focalization of the criminal policy, have contributed to increase the rate of penitentiary occupation, causing the overpopulation levels in the state's prisons to be a red focus for the emergence of conflicts within the correctional facilities, violating thus the human rights of the inmates and nullifying the possibility of a veritable social reinsertion. In view of this situation, alternative justice and pretrial services provide high potentials to contribute to improve these indicators.
- The core of impunity lies mainly in the low rate of reports and the scarce investigation capacity on the part of the attorney's offices. It is necessary to improve not only the investigation conditions at the attorney's offices, but also at the public defenders' offices, so that justice is truly served. Good investigation practices can be implemented as observed in other states, such as the investigation management and protocol models for cases with unknown subjects.
- The use of alternative justice is still precarious in the state, especially within the initial and investigation stages, since very few cases are solved this way, even when a large portion of the cases could be solved in Jalisco applying the MASC.

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Capítulo VIII

Balance and challenges of security as a public policy in the state of Jalisco

Marcos Pablo Moloeznik*

Introduction

Since 1995, the political system of the state of Jalisco has been experiencing a process of power alternation, with the arrival of Partido Acción Nacional (The National Action Party, PAN), responsible for governing this federative entity for three consecutive terms (1995-2000, 2000-2006 and 2006-2012). Over the three six-year terms headed by PAN governors, public security has undergone ups and downs, since it is *not possible to verify a consistent policy in this matter*; rather, each holder of the local Executive Power has stamped their own personal governing style. In other words, in the 18 years stretching from 1995 to 2012, *public security is not conceived or treated as a State policy*, since it is subjected to political-electoral swings and, in particular, party-political agreements, when not to the current governor's whims. In this framework, the former Procuraduría General de Justicia (Attorney General's Office), the Secretaría de Seguridad Pública (The Public Security Department) and the Instituto Jalisciense de Ciencias Forenses (The Jalisco Institute of

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Forensic Sciences) became sort of employment agencies for the political parties, especially the PAN. Paradoxically, in view of the greater presence of an ever-more organized and dynamic criminality, a process of de-professionalization of the function of public security occurred in Jalisco, which spreads to the jurisdictional bodies, including the Supremo Tribunal de Justicia del Estado (The State's Supreme Court of Justice). This, in light of the prevalence of a political culture based on clientelism and on traditional authoritarian practices that, far from changing during the Acción Nacional governments, remains unscathed and it explains in part, the relation between political power and the institutions that make up the state's public security system, including the police.

This situation has not gone unnoticed by collective awareness, and public insecurity is identified as the main citizen problem and concern, and at the same time the PAN is relegated to the third place at the election polls. This way, the Partido Revolucionario Institucional (The Institutional Revolutionary Party, PRI) comes to power in the state of Jalisco, with the challenge of obtaining socially acceptable results in the area of public security (Moloeznik, 2013)

1. Balance of security as a public policy in the state of Jalisco

Half-way through the term of the constitutional governor of the state of Jalisco, Jorge Aristóteles Sandoval Díaz (2012-2018), it is convenient to carry out a balance of security as a public policy, from the view of the identification of the following thirteen *critical issues*:

1.1. Conditions by the Federation

They are established by the Constitución Política de los Estados Unidos Mexicanos (The Political Constitution of Mexico) and the Ley General del Sistema Nacional de Seguridad Pública (the General Law of the National Public Security System), mainly through instruments such as the trust control examinations and factors like labor instability among agents of the Attorney General's Office, police officers and forensic experts and the critical dependence of financial resources on the Federation, a large number of which are

labeled. This diminishes the strategic initiative and maneuverability of the local Executive Power and the municipalities; a situation of subordination to the central government that is reproduced in the municipality-state relation. In sum, the tension between federalism and centralism is felt in all its might in the public security sector, imposing conditions on the federative entities.

Both in the political discourse of the three government powers, in the sector programs and the secondary laws, the police career is constantly referred to in Mexico.

This is a *fallacy*, because labor stability and security is an essential requirement for any meritocratic (career) system, which is not guaranteed in the Mexican case when it comes to the following three public officials' collectives: Attorney general's Office agents, forensic experts and members of the police institutions, in conformity with what is established by Article 123, section B, paragraph XIII of the Constitución Política de los Estados Unidos Mexicanos, when referring to the dismissal of those officials that fail to comply with what is established by the national public security system.

Unlike the Mexican army and the navy officers as well as the foreign service personnel, *Damocles' sword hangs on the police officers' heads*, since they can be freely dismissed and, even if said dismissal was unfair, their reinstatement will not be possible under any circumstances; which has been approved by the Nation's Supreme Court of Justice, at the time the highest jurisdictional authority in Mexico.

In front of the reader lies one of the legacies of previous governments, particularly President Felipe de Jesús Calderón Hinojosa (2006-2012): the mass exams for the control of trust to which the personnel of the attorney's offices, auxiliary bodies of justice (experts) and public security corps are subjected, which have forced the federative entities—including Jalisco—to create Centros de Control de Confianza (Trust Control Centers) in charge of the application of a set of six exams, of the which the result of the polygraph is often “the queen of the tests” and failure to pass is more than enough reason to fire the police officer.

The dehumanization of said process can be confirmed in the testimony by those public officials that have been subjected to the humiliation of the polygraph test or by those who simply hear that they have not passed and therefore, must exit through the door of the

“jurídico” (the judiciary offices) and get their “liquidación” (severance payment), without getting any explanation at all getting their rights to due process violated, which is part of the hard core of human rights.

On one hand, subjecting the men and women in charge of enforcing public security in Mexico to trust control exams violates their fundamental rights, and on the other, the irrationality of examining more than half a million people in Mexico brings on an unavoidable dimension of costs.

Every career system based on merits is made up of a set of subsystems, in which the disciplinary regime points out that, as *ultima ratio*, it contemplates dismissal of an official; but, if accompanied by the subsystem of guaranties (due process), so that the official knows what they are being accused of, they are also in a position to defend themselves. That is not the case in Mexico or Jalisco, where their officials in charge of enforcing the law can be expelled from the institution only because they have failed to “comply with what is established by the national public security system”, which is in direct correspondence with the dispossession system, characterized by the free dismissal of the personnel at the service of the state.

This way, the incentive of labor security for those men and women who take the path of the police career as a personal life project, is absent in Mexico and Jalisco.

In conclusion, paradoxically in Mexico, including Jalisco, the human rights of those in charge of enforcing them in the community are violated. Thus, the police career is a fallacy, that is, one of the many juridical fictions or simulations that prevail in the Mexican scenario.

1.2. Deterioration of the Rule of Law

It questions the pillars that support it, such as the rule of law, the balance of power, the legality of the administration and the respect for the fundamental rights and freedoms.

Suffice it to illustrate it by the degradation of the Rule of Law in Jalisco with the creation of Fiscalía General (annex 1), whose genesis occurs between Sunday and Monday, February 24th and 25th, 2013, by Commissions and Plenary H. Congreso del Estado de Jalisco, when they passed the initiative to create a Fiscalía General

(Attorney general's Office) presented by the faction of the Partido Revolucionario Institucional (PRI) and the Partido Verde Ecologista de México (Mexico's Green Party). Said step marked by "urgency and need", responds to a political-party agreement signed by the majority of the forces represented by the local Legislative Power.

Said initiative brings along the fusion of former Procuraduría General de Justicia of the State of Jalisco and the Secretaría de Seguridad Pública, Prevención y Readaptación Social, as well as the direct command over all the police corps in the state, including the operative personnel of the la Secretaría de Vialidad y Transporte (Department of Traffic and Transport) — of the Jalisco State government. It is therefore, a structural reform, characterized by *a concentration of power in the hands of the Attorney General*.

Thus occurs a process of excessive centralization and concentration of functions, that stands as a historical constant in those countries whose political system is totalitarian and /or authoritarian and the Executive Power—through a certain figure— exerts, at the same time, the function of fighting crime (attorney's office) and keeping public order and security (police corps) (Jalisco a Futuro, 2013).

In the case of Jalisco, public security is prioritized and favored over the supreme value of justice, and public security and the police are not recognized as essentially an issue of governability and therefore, of political leadership, which in the federal order is exerted by the Minister of Interior.

In addition, it ignores the experiences of other federative entities (Chihuahua, Durango, Michoacán and Nayarit), where the model of attorney general's office has been adopted efficiently, prioritizing the character of the Ministerio Público (Attorney general's Office) as the technical prosecuting body, in the quest for its autonomy.

Therefore, Jalisco is going against the current of the tendency to grant both technical and budgetary autonomy to the Ministerio Público, in the transition to an adversarial criminal system as established by the Constitución Política de los Estados Unidos Mexicanos.

This is compounded by the loss of autonomy of the Instituto Jalisciense de Ciencias Forenses (The Jalisco Institute of Forensic Sciences, IJCF), since its heads answers to the interests of the current power; it would be pertinent to ask what was the use of removing the Forensics area from the then Procuraduría General de Justicia, if

after little over a decade of existence, the IJCF becomes the booty of the governing party (Moloeznik, 2013).

But what questions the validity of the Rule of Law here are the systematic violations of the citizens' human rights.

Almost a decade and a half ago, (Jalisco a Futuro, 1999: 58), some people already warned of the difficulty to:

[...] strike a balance between scrupulous respect of the fundamental rights and liberties and the attainment of results on the part of the institutions in charge of preventing and fighting crime and antisocial conducts. That is revealed by the growing number of complaints filed by the citizens at the Comisión Estatal de Derechos Humanos (State Human Rights Commission) regarding alleged violations of their human rights.

Jalisco's pathology is the systematic everyday violation of human rights. An example of this is the overuse of injunctions, in alleged cases of organized crime and the generalized practice of torture; especially, in the performance of the investigative police subordinated to the Fiscalía General.

In this context, the Comisión Estatal de Derechos Humanos has failed to do what it must by law, not even to set in motion precautionary or tutelary measures before the perpetrators at the Fiscalía General, who act with absolute impunity.

1.3. Dispersion and unbalance

In light of the jurisdiction, resources and capacities of both the state and municipal governments in Jalisco and the absence of a veritable coordination in this matter. The national public security system has failed at a national level and Jalisco is a reflection thereof, and a dispersion of efforts is revealed —sometimes even a squandering of resources—, heterogeneity of the components of the state public security system and incipient coordination. Most of the Jalisco municipalities are in no position to ensure the public security function consecrated in constitutional Articles 21 and 115.

In other words, in Jalisco there are unbalances present in the different subsystems of the public security system, including the police institution. In the latter, it is felt in aspects such as police rate

and coverage, materials and means, incomes and social benefits, recruitment and selection process, training and promotion ladder, average age, mental and physical health and levels of professionalization, among others.

Sixteen years ago, it was already possible to foresee (Jalisco a Futuro, 1999) that:

Many public servants and officials in charge of leading the police and the ministry did not have the minimal requirements to perform their duties efficiently and they lacked the culture for seriously diagnosing, planning and evaluating public security. On the other hand, the lack of professionalism still persists in the police corps, which is revealed by the high rate of police officers' deaths and the inadequate performance of their officers.

In general police bodies reveal disorganization, lack of training, lack of leadership and corruption. These are, therefore, problems of qualitative and structural nature, whose solution calls for integral strategies and proper decision-making.

The weaknesses of the police bodies are:

- a) Deficient selection of candidates to the public security bodies.
- b) Irregular training.
- c) Absence of professionalization.
- d) Null police career
- e) Low salaries.
- f) Corruption.
- g) Lack of coordination among the different bodies.

Despite the years passed, this diagnosis remains invariable and reflects lack of interest on the part of the government leaders in the police institution—which makes up the largest number of officers of the public security system— and the situation of abandonment and helplessness characterizing the officials in charge of enforcing the law in Jalisco.

1.4. Weak leadership and diluted responsibility

In view of the traditional delegation of the politician on whose shoulders ought to rest the direct command and responsibility for security as a public policy, as well as the absence of suitable technical profiles among the leaders and commanders. The politician chooses to leave the public security policy and strategy in the hands of subordinate

officials. Jalisco and its municipalities are characterized by a deficit of professional operators in the public security system—that is, technicians—, they are incapable of developing a doctrine or performance protocols and, in general, of executing with efficiency and efficaciousness the decisions resulting from the political dimension.

1.5. Disassociation with other sectorial policies

Security as a watertight compartment, encouraged by a reductionist police approach, which overlooks the complexity of the phenomenon of insecurity and the recommendations by international and regional bodies of following a multifaceted approach on security, one that would contribute to incorporating measures for the prevention of violence and the control of criminality, as well as to address a wide range of problems such as the lack of social cohesion, impunity and high social impact crimes. The necessary integrality of sectorial policies is in direct correspondence with the commitment for a democratic state with the rule of law, neutralizing the threats of violence in the population and allowing a safe, peaceful coexistence (Jalisco a Futuro, 2013)

1.6. Underestimation of social energies

They are limited to denouncing and forming “citizen” councils far from the society they represent formally, due to their own composition and the absence of a real commitment. In the case of the state council, its president is appointed by the constitutional governor and, therefore, answers to the interests of the holder of the local Executive Power, instead of ensuring the interests of the community. The most successful security models conceive the citizenry as the subject and object of the security policies, and they stress on the joint responsibility of security between the citizens and the State, especially in what concerns participation, as subjects of political actions, governed by the values and principles of democracy.

In the Plan Estatal de Desarrollo de Jalisco (State Development Plan), security is regarded in the dimension “guaranty of rights and liberties”, made up of these programs and/or components: citizen security, justice and the rule of law, human rights and civilian pro-

tection; that is, unlike the federal government—that has the Programa Nacional de Prevención Social de la Violencia y la Delincuencia (The National Program for the Social Prevention of Violence and Crime)—, Jalisco is characterized by absence of an *ad hoc* program for crime prevention.

In this context, it should be pointed out that there is a traditional divorce between the decision makers and the higher education institutions. Common sense would recommend the decision makers to seek creative and novel solutions where knowledge is generated, that is, at the universities, especially at the Universidad de Guadalajara, since it boasts the largest number of national researchers and renowned professors with a profile that would be desirable by the Subsecretaría de Educación Superior (The Higher Education Vice-ministry) subordinated to the Federal Secretaría de Educación Pública (Ministry of Public Education). However, there still persists the traditional divorce between the leaders of the public security system and the higher education institutions, compounded by the fact that most of the former brag of having gone through the university classrooms.

1.7. A reductionist, reactive (tactic in nature) conception of public security policies

A pioneering study that has already been quoted (Jalisco a Futuro, 1999: 57 and 58) points out that:

Public policies on public security *start from a police view thereof that favors quantitative factors in detriment to qualitative ones*. It stresses the insufficient number of uniformed police officers, weapons and vehicles and overlooks strategic aspects such as leadership, civilian career service, self-esteem, the police officers' social image, their quality, training and specialization. In addition, the results are not planned or evaluated from the construction of objective indicators and coherent criteria of goal programming.

It is a reductionist conception of policies on public security, centered on police function and on the execution echelon, that is, it revolves around the tactical dimension.

Hence the prevalence of the reaction police function in view of consummated events, since it lacks advance information, due to the

absence of a police intelligence system. Article 21 of the Constitución Política de los Estados Unidos Mexicanos establishes as the functions of police institutions prevention, reaction and investigation. In the case of Jalisco *the reactive function prevails*, that is, that of containment, which is precisely the function that usually characterizes the so-called criminal police, as the lowest stage of police development, due to the low levels of professionalization of the state and municipal police and in this federative entity. In contrast, the local scenario is the inexistence of the preventive function and weakness of the investigative function; we insist on both functions because they do not have a police intelligence system.

This police reductionism and favoritism for the tactical elements is compounded by the pernicious tendency to subject the public security policies, strategies and institutions to the political and party ups and downs and interests. That is, public security is regarded as the booty of the political parties, which—for example— is reflected in the selection and appointment processes of the mid-and-high-ranking commands of the state and municipal Direcciones Generales de Seguridad Pública (General Public Security Departments), whose leaders answer more to political loyalty than to capacities and aptitudes.

This way, public security is far from being conceived as a State policy, the tactical element prevails over the strategic element, and the short term over a temporal horizon of mid and long breath (Moloeznik, 2013).

1.8. Irrationality in the design and performance of the execution echelon

Even on the tactical plane, or operation echelon, there is evidently a deficit of technical knowledge and tools, as well as irrationality in the decision making process and execution, in view of the absence of timely information and performance protocols.

It should not be overlooked either that a large number of state and municipal police departments are dedicated to providing vigilance and protection to private actors, such as business men and former officials, to the detriment of the deployment and coverage that the state requires.

1.9. The absence of a criminal intelligence system

In addition, Jalisco does not have an actual intelligence system made up of subsystems, which would allow obtaining information in advance, mainly about the dispositions and intentions of organized crime, who is always one step ahead of the state authorities.

The generation of information mainly comes from three sources: a) the citizens' anonymous tips program, which encourages denunciations; b) the confessions by detainees and other people under injunction before the Attorney general's authorities; and, c) international cooperation, where sensitive information that can affect the interests of third-party States is shared, provided by their local peers. In general, the scarce intelligence generated is at the tactical level or nearly worthless, in contrast with an organized crime that is ever-more present and responsible for committing offenses defined as high social impact crimes (Moloeznik, 2015).

1.10. The police model as an unresolved matter

Given the existence of a sort of hybrid that adopts the military pattern plain and simply. Though the Nation's Supreme Law opts for the civilian model of police (Constitutional Article 21), the national and local tendency is to adopt the militarized police model, as the Unified Single Force in Jalisco and the profile of intermediate security force adopted by its municipals peers. The main effect of the wrongly so-called "unified, single police command" (rigorously speaking, the unified single police command means a centralized police system, which in the framework of the federal pact and the figure of the free municipality is unviable in Mexico) that the central government imposes on the federative entities is that it opts for the militarized police patterns—the antithesis of the civilian police model—in most of the Republic's states, including Jalisco. At crosscurrents with the tendencies of countries with a greater degree of relative development, the Mexican central government as well as the local Jalisco authorities chooses police centralization and militarized public security corps equipped with high-firepower lethal weapons, alienated from the population they are supposed to serve.

Contrariwise, the most successful police experiences are based on decentralization and demilitarization. For example, recently the members of the Spanish Guardia Civil themselves (the intermediate, non-deliberative force created by royal decree in December, 1844) took to the streets to demand their homologation with the rest of the security forces of the Spanish State, which means nothing short of their demilitarization (EFE, 2015): “Thousands of Civil Guard officers and their relatives have held today ‘a tide of tricorne hats’ along the streets of Madrid to demand that their labor conditions be homologized with those of the police, in a manifestation that has been marked by the terrorist attempts last night in Paris”.

The lack of a clear police model has a negative effect on the recruiting, selection (recruitment profile) and training processes, the means (weapons systems with a high firepower and lethality), the police performance and functions and intangible aspects such as doctrine, identity principles and corps spirit, among others (Jalisco a Futuro, 2013).

1.11. The everyday violation of the fundamental rights of the Attorney general’s agents, forensic experts and police officers

We must not overlook the dreadful conditions in which the people responsible for enforcing public security in Jalisco and its municipalities have to perform their duties. Critical problems of physical and mental health have been revealed, since most of the police officers are overweight (obese) and suffer from problems of high cholesterol, diabetes, high blood pressure and poor eyesight, especially. This means that the servers of justice in the state suffer from everyday violations of their human rights on the part of the authorities and natural commanders, therefore, the conditions are far from propitious for the excellent police performance that the society legitimately demands (Jalisco a Futuro, 2013).

It would be convenient to insist on the fact that the coup de grace is given by the mass process for purging Attorney General’s Office agents, police officers and forensic experts by means of the control and trust exams; they consist in a set of six tests that clearly violate the right to due process, which is part of the hard core of the human rights; in other words, the free dismissal of the officers of the above-

mentioned three public servant collectives, since their labor stability and permanence is not ensured; there are no conditions for their careers to develop.

That is how the human rights of the public security system operators are violated, since their labor security and climate is not guaranteed and this situation jeopardizes the professional development for those who embrace these careers as personal life projects. It is compulsory to take these exams every two years if you are a member of any of these three public servant collectives, which is in fact a process of psychological attrition since “Damocles’ sword” hangs on their heads, in view of the possibility of being fired from the institution, in addition to the lack of due process they suffer due to the constitutional mandate (Article 123, B, Section XIII) and the interpretation of the Nation’s Supreme Court of Justice.

1.12. Deficit of ministerial, police and forensic professionalization

Due to neglect in the recruitment and selection process, in the training and the tools necessary to ensure it. This situation is due to both resource and effort dispersion and the reductionist police conception of security as a public policy that dominates the scenario of this sectorial policy and the absence of clear patterns. This is compounded by the traditional abandonment and indifference on the part of the decision makers on the matter of public security, who usually appeal to delegating said responsibility to subordinates lacking technical knowledge.

1.13. Obsolescence of means and materials

Precisely in view of the lack of interest in this sectorial policy, despite its growing social demand, as well as due to the central government’s conditions, when the decision was made in Mexico City to undertake the planning and the exercise of the resources allotted to the public security sector. This way, the operators of the public security system must purchase their own work equipment, from the uniforms to the ammunitions for their regulation weapons.

All of this explains the *tendency towards privatization of public security* in the last decade, with the emergence and development of pri-

vate companies that render multiple services in the field of security, over which the State is not even in a position to exert effective supervision; because even that faculty is prohibited by the legal framework in force, if the security company performs its activities in two or more federative states, in this case this faculty falls in the jurisdiction of the Secretaría de Gobernación (The Ministry of Interior).

Recapping, the reader is in front of thirteen critical issues or red *focuses in terms of public security* in Jalisco, whose attention and solution will depend on the course to follow by this sectorial policy.

2. Challenges faced by security as a public policy in the state of Jalisco

The scenario in the public security sector offers gloomy perspectives. Even after the first half of the current term of the PRI government in Jalisco, it is possible to conclude that the *citizen is in a situation of regression in terms of public security*; rather, a conception of inner security prevails based on the preeminence of the use of force (even lethal force), in law and order, in the idea-force of dangerousness and in the so-called enemy's criminal law, that is, the reaction/containment and in view of the absence of policies, strategies and lines of action focused on prevention and citizen participation.

In addition and just as described in previous paragraphs, public security cannot be understood without the full validity of human rights, which are systematically violated by the people responsible for enforcing this sectorial policy in the state. Thus, the aberrant practice of torture enjoys full health, with the complicit knowledge of both the authorities and the body in charge of protecting human rights that infringes this way the constitutional mandate and its *raison d'être*. This is explained because in the last years the Jalisco *ombudsman* has abandoned the role it is entitled to by virtue of the Supreme Law, by subjecting himself to the political-party logics and the fulfillment of compromises that denaturalize the Comisión Estatal de Derechos Humanos turning it into a useless, if not negligent, institution that is nonetheless functional for the local executive power.

In other words, it is all about the predominance of a reactive / punitive conception of public security, which is *State-centric* in na-

ture, whose sole sources of in-advance information are the citizens' anonymous tip program, the flows provided through the mechanisms of cooperation with third-party countries—especially the USA—and the information obtained illegally from alleged criminals by means of cruel, inhumane and aberrant treatments (Jalisco a Futuro, 2013).

This panorama imposes on Jalisco and its municipalities unavoidable challenges that can be summarized in the following seven priority policies and strategies:

2.1. Adjusting the current legal framework

Including the necessary *financial autonomy*, with the support of the Jalisco representatives in the H. Congress of the Unión. In other words, to vindicate the nature of “free, sovereign state” of Jalisco, and set limits to the impositions of the Federation, to ensure for Jalisco and its municipalities the strategic creativity and initiative in matters of public security.

In addition, the Supreme Law of the Nation must be reformed so as to place the Attorney General agents, police officers and forensic experts at the same level as the army and navy officers and the Mexican foreign service personnel; that is, to acknowledge their labor stability and security as well as their right to due process in case of a possible dismissal. The legal consecration of the meritocratic system would allow designing and developing the necessary promotion ladder system and the career in each of these three collectives of public officials making up the public security system (Moloeznik, 2015).

Furthermore, Jalisco, as well as its peers, should be allowed to have the power to exert the supervision of those private security companies operating in two or more federative entities whose control is reserved to the Federation through the Secretaría de Gobernación.

2.2. Designing, executing and evaluating a veritable public security policy with a strategic vision

Which cannot be understood without the full validity of human right and the unrestricted respect for the principle of legality on the part of the authorities and public officials. This strategic vision can only emanate from the highest level of the political leadership, so

the governor —and the municipal presidents in turn— should take on the direct leadership and political responsibility for this sectorial policy; through an effective leadership based on the formation of work teams (technical dimension) with a dynamic approach for reducing violence and criminality (recover the strategic initiative), by means of conscious, deliberate planning and the effective execution of orders and directives, the evaluation of processes and results, and the rendering of accounts. For which it would be recommendable to incorporate the practice of COMPSTAT (*COMPlaint STATistics*) and the use of both geographic information systems and police intelligence (Moloeznik, 2013).

2.3. Applying the principle of subsidiarity on the matter of public security

Which means that the state government should assume directly the function of public security in the majority of the Jalisco municipalities, which lack the minimal (financial, material and human) resources to ensure their citizens' right to security. In principle, and from the perspective of a risk study, it would be convenient to establish fixed bases for *Jalisco Unified Force* in certain regions; in the light of the official statistics, it would be recommendable to start with pilot programs in the Ciénega and the North of the state. The permanent presence of the state police would allow exerting an effective territorial control, obtaining information to feed the necessary police intelligence system and regain gradually the citizens' trust in their authorities.

2.4. Choosing prevention in detriment to reaction

That is, changing the paradigm and moving towards an *integral prevention policy*, where it is necessary to establish a synergic relation between integral prevention and social policy to include the transversality of prevention policies as a central dimension, so as to conceive them and strengthen them in the broader framework of security policies. That would allow dedicating greater attention to precursor factors, as well as to the conditions that cause criminality, and in particular violence, to detonate, generalize and deepen.

2.5. Reforming radically the (institutional) structure and organization of this sectorial policy

Which, among other aspects, should contemplate the elimination of the Fiscalía General, with the subsequent consecration of an *autonomous* technical body for law enforcement and a process of *police reform* based on the option of a model of a public official in charge of enforcing the law closer to the citizen and targeting prevention, with a scientific police corps destined to solve the crimes and prevent antisocial conducts;

Without overlooking the fact that, in the words of a renowned expert:

The *police reform* is an institutional process that tends to restructure from the doctrinal, organic and functional point of view the police institutions in order to shape up *new police bodies* that are strictly adjusted to the democratic principle of citizen protection against aggressions, violence and crimes that harm the rights and liberties of the people and they must operate efficaciously and efficiently. [...] reforming the police entails reforming policies or rather, restructuring the traditional linking modalities established among political leaderships [...] and, more specifically, the government authorities, on one hand and the police institution on the other (Saín, 2010: 19 and 79)

2.6. Dignifying the members of the police institution (human platform)

By means of incentives such as the police career system, eight-hour shifts, benefits in keeping with the risks associated with the police function, legal counsel and psychological and institutional support (human platform); after all this is nothing but the *political acknowledgement of the police officers and their work*, in conformity with what is established in the Ley Federal del Trabajo (The Federal Labor Law).

Dignifying the police personnel would have two components: professionalization and modernization of means and equipment. The former entails certifying the personnel employed by means of basic, intermediate and advanced training courses at *one* police academy in the state, generating performance protocols and training the police officers in the adversarial criminal system. In addition, creating and developing the Instituto Superior de Formación Policial

(The Higher Institute for Police Training), as the cadres school par excellence and a factor contributing to standardization and generation of a solid police doctrine and identity principles and spirit in the force, while modernizing the means and materials would include the weapons, transportation, computer and communications system (technological platform).

In sum, investing in an integral prevention policy and in a police reform would mean betting on intangible aspects, such as leadership, strategic thinking and doctrine, administrative career, strategic connection and alliance with the universities.

2.7. Developing a metropolitan perspective and approach for the Guadalajara metropolitan zone (ZMG)

Under the idea-strength of *common problems, common solutions*, which calls for the *creation of a metropolitan police force*, by means of the fusion/articulation of the municipal public security corps into a single metropolitan corporation, through the gradual standardization of the officers recruited. At the same time opting for the model of community police officer for the municipal police, in the light of the good practices compared; which entails the necessary professional reconversion, so that the police officer becomes a *social protector*.

In this frame, it is important to point out that Jalisco calls for the definition of a new policy for integral prevention that addresses those aspects, key actors or contexts that participate in the development of human beings, so as to raise the quality of life, reduce or mitigate the risk factors and strengthen the containment factors by means of the design and implementation of public, private, social and civilian policies and programs. From this perspective, integral prevention is not limited to providing information, or developing an infrastructure to assist in possible disasters. That is why it is essential to promote the development of *preventive social intelligence*, understood as the reorientation of prevention towards prospective analysis, to anticipate the situations that generate conditions of violence and ungovernability. It is a *holistic, participative analysis* that acknowledges the multiple dimensions present in the social realities and the need for concurrence of the public private and social sectors as part of the solutions to the conditions that generate violence and crime.

That is, integral prevention is a component of the security policy and the social policies that seek to drive the coordinated participation of the public and private institutions, as well as that of the social actors to anticipate and modify —early intervention— the social dynamics that generate contexts of violence and lead to the systematic violation of the citizens' human rights and result in social disintegration processes, and thereby to reduce the risk of them happening. That is why it is essential to promote integral social interventions, which would in the short, mid and long run allow recovering security, improving the welfare levels and promoting a culture of peace by encouraging citizen participation and strengthening social cohesion (Moloeznik and Suárez de Garay, 2012).

Final reflections

In conclusion, the current challenges of security as a public policy in Jalisco and its municipalities are crucial, since its treatment will depend on the fate of the rule of law and democracy in the state; the reader is in front of an *inflexion point* which, to a large extent, responds to what the Executive Power does or fails to do in the area of security. In sum, it means to overcome political alternation, to find the path towards a veritable transition to democracy in Jalisco regarding public security as an undelegable function of the State.

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Capítulo IX

Jalisco on the drug traffic scene

*Carlos Antonio Flores Pérez**

The present chapter intends to provide a panoramic vision of drug traffic in the state of Jalisco, its evolution, characteristics, main areas of incidence and risk scenarios.

1. Jalisco: basic information

Jalisco is located on the Western side of the country. The state is made up of 125 municipalities. The 2010 Census reported 7'350,682 inhabitants, who were mainly concentrated in conurbation areas of Guadalajara (4'498,514 in nine municipalities: Guadalajara, Zapopan, San Pedro Tlaquepaque, Tonalá, Tlajomulco de Zúñiga, El Salto, Ixtlahuacán de los Membrillos, Juanacatlán and Zapotlanejo), so it is the second most populated metropolitan area in the country and the third economic nucleus in Mexico.¹ In 2013, Jalisco contribu-

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1. Collected at de: <http://www3.inegi.org.mx/sistemas/componentes/mapa/default.aspx>. consulted on: November 4, 2015.

ted 6.4% of the national GIP,² with an economy mainly based on the tertiary sector (65.07% contribution to the state GIP).³

Its educational level is slightly higher than that of the country nationwide (9.1 as opposed to 9.0) and an illiteracy index that is lower than the national average (3.6% as opposed to 6.0%).⁴ Nevertheless, it also has an unemployment rate that is higher than the national one (5.1 compared to 4.5), with an economically active population of 3'541,923 people of whom 186,858 are unemployed and another 126,961 have employment but do not receive any payments for their activities.

Regarding their conditions of security, the homicide rate has virtually tripled since 2007, and at present it is 6 per every 100,000 inhabitants in this year, and 20 (2011 and 2012) and 19 in 2013.⁵ This increase meant that in 2007 the number of homicides in the state was 445, while in 2011 it reached 1,529; 1,560 in 2012 and 1,491 in 2013.⁶

This considerable increase seems to be somehow related with the growth of criminal activities in the state. According to figures revealed by Encuesta Nacional de Victimización y Percepción sobre Seguridad Pública (National Survey on Victimization and Perception on Public Security, Enviipe) 2015, the rate of victimization in Jalisco was slightly higher than the national one in 2010 (24,454 as opposed to

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2. Collected at: <http://www.economia.gob.mx/delegaciones-de-la-se/estatales/jalisco#>. consulted on: November 4, 2015.
 3. In the tertiary sector, 65.07% of the contribution to the state GIP is distributed in 24.05% generated by the businesses, restaurants and hotels; 9.26% resulting from transportation and mass media information; 12.97% financial and real estate services; 8.13% educational and medical services 3.36% government activities and 7.30% from other professional services, leisure and activities supporting private administrative activity. The second spot in importance is occupied by the secondary sector (29.34%), with mining (0.31%); construction and electricity generation, water and gas (6.44%); manufacturing industries (22.59%). Finally, the primary sector contributes 5.59% of the state GIP from agricultural and animal husbandry, forestry, fishing and hunting activities. Collected at: <http://cuentame.inegi.org.mx/monografias/informacion/Jal/Economia/default.aspx?tema=ME&e=14>. consulted on: November 4, 2015.
 4. Mexican Educational System, Secretaría de Educación Pública. Main figures, school year 2013-2014. Collected at: <http://www.economia.gob.mx/delegaciones-de-la-se/estatales/jalisco#>. consulted on: November 4, 2015.
 5. INEGI, Boletín de Prensa 276/15, 20 de julio de 2015. Recuperado de: http://www.inegi.org.mx/saladeprensa/boletines/2015/especiales/especiales2015_07_4.pdf. Fecha de consulta: 4 de noviembre de 2015.
 6. *Idem*.

23,993) and in 2011 (25,505 compared to 24,317), but in the two following years the gap increased significantly (31,861 as opposed to 27,337 in 2012; 33,029 as opposed to 28,224 in 2013 and 31,375 as opposed to 28,200 en 2014).

According to the same source, the rate of crimes committed in the state in those years also shows a significant growth. Between 2010 and 2012 it rose in over 50%, because it went from 32,980 per 100 000 inhabitants in the first of those years to 49,083. In the latter case, this value shows a significantly greater proportion to the national rate, which also presented a growing tendency, but in those years it was just 35,139. In the following years this rate shrunk as compared to the value reached in 2012 in the state of Jalisco, while the national rate continued to grow. At any rate, still with values under those of 2012, the crime rate in Jalisco continued to be greater than the national mean.

In 2014, according to the same source document, only 9.3% of the crimes were reported in Jalisco, a figure that is lower than that reached in 2013: 10.7%. Of them, again in 2014, only 5.2% led to the opening of a pretrial investigation, a value that is below that reached a year before, 6.7%. Under those circumstances, the number of unreported crimes in this state amounted to 90.6% in 2014. These figures contrast with their equivalents in their respective national averages, where the proportion was 10.7% of the reported cases and 67.5% of them resulted in pretrial investigations. The black numbers (the crimes that allegedly occurred and were not reported) for Jalisco was estimated at 94.8 in 2014, a value that surpasses that of the previous year for the state (93.3) and the national average (93.8 in 2013 and 92.8 in 2014), according to data contributed by Enviipe 2015.

The above allows us to appreciate a situation of deterioration of the security conditions in the state, which have been affected in the last years by the operations of organized crime, especially the one dedicated to drug traffic which, although it has been rooted in the state for decades, seems to have spiked in the last few years. The following is a general panorama of the evolution of this phenomenon in the state.

2. Drug traffic in Jalisco

2.1. Antecedents

The municipalities where the drug traffic operation concentrates in the state are mainly the following: Cuautitlán de García Barragán, Guadalajara, Jalostotitlán, Ixtlahuacán de los Membrillos, Jilotlán de los Dolores, Lagos de Moreno, Mazamitla, Pihuamo, Puerto Vallarta, San Juan de los Lagos, Tamazula, Tecalitlán, Teocaltiche, Tepatitlán de Morelos, Tizapán el Alto, Tlajomulco de Zúñiga, Tomatlán, Tuxpan, Yahualica de González Gallo, Zapopan and Zapotiltic.

The Mexican government does not provide publically the results of the periodic eradications and confiscations of psychoactive drugs in each federative entity, but its institutions do keep such a periodic record. The limitations to obtain this information officially force us to use data which, though not current, allow appreciating the dimension of the phenomenon in each and every one of them. According to the information published in the website *Wikileaks*, between December 1st, 2006 and November 4th, 2010, 2,644.31 hectares cultivated with marijuana were eradicated in Jalisco, a number that surpasses that of Nayarit, Sonora, and even Guerrero; 216 kg of cocaine, 226,851 kg of marijuana, 53.9 kg of opium paste, 3,708.59 kg of methamphetamines (ranking third nationally after Michoacán and Sinaloa), 730 U.I. of MDMA (ecstasy); 7'238,684 U.I. of psychotropic drugs and 495.32 kg of pseudoephedrine and 2'284,000 U.I. of the same substance were confiscated. 77 laboratories dedicated to producing synthetic drugs were destroyed in Jalisco in this period, the second higher number, only surpassed by Michoacán.⁷

In Jalisco, drug traffic must be considered in at least two axes: a) the drug traffic operation and b) the incorporation of illegal capital in the economy. In the first case, the state has a historic connection

7. Procuraduría General de la República (2010), *Esfuerzo Nacional* 1 de diciembre de 2006-4 de noviembre de 2010. The document has information by the Uniform Statistic System for the Analysis of Crime (Seunad). Collected at: https://wikileaks.org/gifiles/attach/118/118591_SEMANAL_AL_4_DE_NOVIEMBRE_2010_ED_05NOV2010.pdf. Fecha de consulta: 24 de noviembre de 2015.

with a considerable production of psychoactive drugs—traditionally from illegal cultivation, but also from synthetic drugs in recent years—, which usually occurs in the rural areas. In that sense, the interrelation with the drug traffic that is produced and circulates from the Michoacán state has been traditionally very relevant, so that the main crime organizations from both states usually have strategic business interests in the neighbor state, which on occasion translates as confrontation and violence scenarios.

In the second axis, the potential for an area with the infrastructure, trade, financial and communications complexity of the Guadalajara urban zone is especially attractive for money laundering, whether as a link in complex cover operations of trade and financial activity stratification, prior to their final integration in other places around the world, or else as a final destination for their integration in the formal national economy.⁸

The state has been one of the favorite places for the settlement and operation of large drug traffic organizations, at least since the mid 1960's. Jalisco was the place where several important Sinaloa drug dealers took refuge in that decade as a result of the military deployment known as Operación Cóndor (Operation Condor), in Sinaloa, Chihuahua and Durango,⁹ which favored a migration of actors who settled in these states and their rearticulation to continue their operations—and even escalate them in magnitude and complexity— while they remained in the Guadalajara metropolitan area. People like Miguel Ángel Félix Gallardo, Ernesto Fonseca Carrillo, Rafael Caro Quintero and Manuel Salcido Uzueta, just to mention a few, are among the most infamous characters that lived in the state in the 1980's.

The Guadalajara metropolitan area offered them considerable benefits in comparison with the different towns from their home state, Sinaloa. The fact that this metropolitan zone is among the three most demographically and economically important in the country

8. About these stages in the money-laundering activity, see: Madinger, John (2012), *Money Laundering. A Guide for Criminal Investigators*, CRCPress Taylor and Francis Group, United States, pp. 7-10.

9. Astorga, Luis (2001), "The limits of anti-drug policy in Mexico", *International Social Science Journal*, vol. 53, núm. 169, p. 429.

made it easier for these groups to develop complex money-laundering activities that would allow them to solidify the operation of their illegal businesses and go relatively unnoticed by the people.

Sinaloa drug traffickers, such as Miguel Ángel Félix Gallardo, Ernesto Fonseca Carrillo and Rafael Caro Quintero headed a criminal organization that was identified colloquially by the media as the Jalisco Cartel, although that media label is not very clarifying, since it is a criminal network with Sinaloa origins, which has rearticulated under different leaderships and alliances in the following years, whose members are mainly people from that state, but they have kept strategic interests in Jalisco since then, in connection with local crime and institutional actors.

For example, in the 1990's, the Juárez organization, headed by Sinaloa native Amado Carrillo Fuentes, had a significant presence in the state. A criminal sub-network of this organization that in time would be known as the Sinaloa Cartel also had interests in Jalisco. Criminal figures like Ignacio Coronel Villarreal, Héctor Palma Salazar and Joaquín Guzmán Loera himself have had a presence in the state since that time.

The Arellano Félix brothers' organization was also present here, they had lived part of their teenage years in Guadalajara and in the 1990's they had an important operations center for their criminal activities in that city. There were violent events connected with the dispute they had with the Juárez organization, headed by Amado Carrillo Fuentes, like the attempt at the disco *Christine*, Puerto Vallarta, Jalisco, where the latter's organization attempted against the lives of Ramón and Francisco Javier Arellano; as well as the assassination of Cardinal Juan Jesús Posadas Ocampo, in 1993, in Guadalajara, in an attempt to assassinate Joaquín Guzmán Loera, then associated with the Carrillo Fuentes organization.¹⁰

By the mid 2000's, the organization that had attained the greatest presence in the state was the Sinaloa Cartel, through Ignacio Coronel Villarreal, an associate of Joaquín *El Chapo* Guzmán and Ismael *El Mayo* Zambada García. Mario González Gutiérrez, Joaquín Guzmán Loera's close associate, whose son, Mario González

10. Blancornelas, Jesús (2002). *El cártel*, De Bolsillo, México, pp. 121-122 y 195-196.

Martínez was arrested in May, 2009 in the municipality of Teocaltiche, operated in the Los Altos region.¹¹

To the south of the state and in the municipalities neighboring with Michoacán groups associated with Ignacio *Nacho* Coronel Villarreal, they were also operating manufacturing synthetic drugs. There were also individuals belonging to Amezcua Contreras' organization who were also manufacturing this type of substances and would eventually form an alliance with the Sinaloa organization.

Furthermore, groups connected with the organization Milenio, belonging to the Valencia family, settled temporarily in the region and they used the Jalisco territory as a refuge zone in their confrontation against the Michoacán family-Los Zetas alliance (when the latter were still integrated with the Gulf Cartel) and later, against the split resulting from this organization that was reconverted into the Caballeros Templarios (The Knight Templars). In the last ten years and as a result of these reorganizations and new alliances, out-of-state reorganizations carried out punitive operations to decimate the criminal leadership settled in Jalisco. These events have mainly occurred in the municipalities neighboring Michoacán.

Ignacio Coronel Villarreal's death in Zapopan, Jalisco, on July 29th, 2010, yielded a readjustment of the local regional drug traffic scene. With the loss of a link that connected several local dealers with the Sinaloa Cartel, his organization was fractured and according to journalistic versions, some of the leaders operating in the region who had been deeply involved since the mid 2000's in the dispute over Michoacán, allied with the Valencia family, a group called Antizetas and the above-mentioned Sinaloa Cartel, formed an alliance to make up a new organization now self-proclaimed *Cártel Jalisco Nueva Generación* (CJNG).¹²

That was the case of, for instance, Nemesio *El Mencho* Ocegüera Cervantes, who appears as the formal leader of this organization, along with Abigael *El Cuini* González Valencia, who has already

11. *La Jornada* (2009). "Capturan en Teocaltiche, Jalisco, a 5 integrantes del *cártel* de Sinaloa", May 16. Collected from: <http://www.jornada.unam.mx/2009/05/16/politica/015n1pol>.

12. *El Sur Periódico de Guerrero* (2012), "Vinculan a el 85 con la matanza de 35 presuntos Zetas en Veracruz", 13 de marzo. Collected from: <http://suracapulco.mx/archivoelsur/archivos/9780>.

been arrested.¹³ An aspect to be determined is the relation there may be between this organization and the sudden generation of self-defense forces occurring recently in Michoacán, since the latter gathers people who, according to different sources, might have been at some point connected with the former in their dispute against the Familia Michoacana and the Zetas, at an earlier moment and against the Caballeros Templarios, later. That would be the case, for instance, of Juan José *El Abuelo* Farías Álvarez and Luis Antonio *El Americano* Torres.¹⁴

2.2. *The institutional protection networks*

The large-scale operation of groups dedicated to illegal drug traffic in the state cannot be understood without considering the presence of institutional protection networks that have ensured their impunity, as it seems to derive from evidence that have come to light on numerous occasions over the past decades.

In 1998, former governor Flavio Romero de Velasco, who headed the local executive between 1977 and 1983,¹⁵ was convicted for participating in money-laundering operations belonging to the Juárez Cartel.¹⁶ Former governor Guillermo Cosío Vidaurri's niece (1989-1992)¹⁷ had a love relationship with Rafael Caro Quintero, who used to live in Guadalajara in the mid 80's and had apparently good relations with the Jalisco politician.¹⁸ Rubén Zuno Arce, a member of a noble political family from the state, was arrested by the US Drug Enforcement Administration (DEA) as a result of his involvement in Officer Enrique Camarena Salazar's execution, on February 7th,

13. *El Financiero* (2015), "Los Cuinis, cerebro económico del narco en Jalisco, afirma la DEA", 5 de mayo. Collected from: <http://www.elfinanciero.com.mx/nacional/los-cuinis-cerebro-economico-del-narco-en-jalisco-afirma-la-dea.html>.

14. *Revolución Tres Punto Cero* (2014), "'El Mencho", el narco que desea Michoacán", March 13th. Collected from: <http://revoluciontrespuntocero.com/el-mencho-el-narco-que-desea-a-michoacan/>.

15. Camp, Roderic Ai (2011), *Mexican Political Biographies 1935-2009, Fourth Edition*, Teresa Lozano Long Institute of Latin American Studies-University of Texas in Austin, USA.

16. PGR, Boletín 025/98, 24 de enero de 1998.

17. Camp, ídem.

18. *Proceso* (1988), "¿Qué buscan, qué quieren, qué ocultan?" April 23rd.

1985, and he was found guilty in March, 1993.¹⁹ In the same case, the US authorities connected former Governor and former Republic's Attorney General, Enrique Álvarez del Castillo, a prominent Jalisco native.²⁰ The assassination of Officer Camarena brought to light the broad protection network at the disposal of the criminal organization made up by Rafael Caro Quintero, Ernesto Fonseca Carrillo and Miguel Ángel Félix Gallardo operating from Jalisco in the mid 1980's, which included many commanders of the Dirección Federal de Seguridad (Federal Security Directorate, DFS) and the Policía Judicial Federal (Federal Judiciary Police, PJF).²¹

General Jesús Gutiérrez Rebollo was the commander of the Military Region in Guadalajara, Jalisco. Gutiérrez Rebollo had held the same position for seven years, since December 30th, 1989, until his appointment as the head of the Instituto Nacional de Combate a las Drogas (National Drug Enforcement Institute, INCD) attached to the Procuraduría General de la República (The Republic's Attorney General's Office, PGR), at the beginning of December, 1996. According to different sources, he provided protection for Amado Carrillo's, Héctor Palma Salazar's and Joaquín Guzmán Loera's organizations from similar positions.²²

Apparently, the problems of institutional corruption associated with drug traffic would have remained in Jalisco, regardless of the changes the parties have exerted in the government of the state. In the mid 1990's, two large drug traffic organizations that were present and had strategic illegal business interests in Jalisco, waged an important confrontation under the shelter of their respective institutional protection networks, as we will see next.

In February, 1995, the former PAN Mayor of Ciudad Guzmán, Jalisco, Alberto Cárdenas Jiménez was declared elected governor of

19. *Proceso* (1989), "Si sale algo en contra de Zuno Arce en Estados Unidos "Qué Quemada": el juez Hernández", December 23rd.

20. *Proceso* (1993), "Tras de la sentencia a Zuno, buscarán extradiciones o secuestros", March 27th.

21. Flores Pérez, Carlos Antonio (2009), *El Estado en crisis: crimen organizado y política. Desafíos para la consolidación democrática*, CIESAS, México, pp. 190-192.

22. Flores Pérez, *El Estado en crisis...*, pp. 205, 210, 222. See: *Reforma* (1996). "Discreto y recio", December 4th, 1996. About his arrest, See: *Reforma* (1997). "Cae general por narco", 19 de febrero.

Jalisco.²³ Shortly, three months into the new state administration, a mutiny broke out in the state correctional facility in Puente Grande. According to information provided by governor Cárdenas, the mutiny was the result of the interruption in the flow of drugs into the penitentiary.²⁴ A few days later, Leobardo Larios Guzmán, the State Attorney General for the administration preceding Cárdenas Jiménez's, was shot to death in front of his residence. The hitmen arrested declared that the hit had been ordered by Humberto Rodríguez Bañuelos *La Rana*, a Sinaloa ex cop who was working for the Arellano Félix brothers.²⁵ The motive for the murder was the fact that at a time, the victim had ordered the arrest of some Arellano Félix's men after the assassination of Cardinal Juan Jesús Posadas Ocampo. The new government's Attorney General claimed that he had offered bodyguards to his predecessor who had rejected them.²⁶

A year later, in 1996, military officers subordinated to the Quinta Región Militar (the Fifth Military Region), then under the command of General Jesús Gutiérrez Rebollo, arrested several drug traffickers who were connected with the murder of another 5 criminals who were at the residence of the PRI Mayor of Tlajomulco. According to the military men, the people arrested were members of the Lupercio Serratos brothers' organization and they had claimed to be in contact with the PAN highest state official, Saúl Tapia Contreras, and with the State Attorney General's private secretary, Jorge López Vergara. They showed photographs of the Government Secretary General, Raúl Octavio Espinosa, inaugurating a building owned by the Lupercio Serratos. The photos also showed Tapia Contreras with Cardinal Juan Sandoval Iñiguez.²⁷

Governor Cárdenas Jiménez removed the highest official from office, denied that there was drug traffic infiltration in his government, minimized his personal relation with said official, claimed that this man was not a member of PAN and stated that he had been the

23. *Reforma* (1995), "Es Alberto Cárdenas Gobernador electo", February 24th.

24. *Reforma* (1995), "Se cortó el tráfico de drogas", May 6th.

25. *Reforma* (1995), "Darán guardias a ex funcionarios, si es que lo piden." May 21st.

26. *Reforma* (1995), "Se negaba a tener escolta", May 11th.

27. *Reforma* (1996), "Vuelve pugna político-militar en Jalisco", June 2nd.

victim of the political intrigue of unidentified political adversaries.²⁸ The then PAN President, Felipe Calderón Hinojosa, closed ranks with Cárdenas Jiménez, he reiterated his party's political support to him and, referred to alleged resistance that the new governments were facing, especially with a problem that had been rooted for decades—like drug traffic— and underscored that Tapia's dismissal proved the PAN government's good will to have the authorities look into the events.²⁹ In turn, the PGR started pretrial investigations on the matter and just two weeks in, declared that they lack the evidence to connect the Lupercio Serratos brothers with drug traffic.³⁰ Tapia Contreras appeared before the PGR and only a month later did a judge issue an arrest order against him. The charges were: false statement, since the PGR failed to accredit the other crimes to him.³¹ As a result, his case vanished in the media attention and the final resolution about his involvement with the criminal activities described remains unknown.

Shortly afterwards, in August, 1996, two of the Lupercio Serratos brothers were arrested by military officers and PGR agents in the state of Aguascalientes. Their criminal involvement seemed to change depending on the official statements reproduced by both officials and the media. Originally, at the moment they were arrested, the Lupercio Serratos were described as collaborators of the Arellano Félix brothers.³² A few months later they were mentioned as part of the money-laundering structure of the Amado Carrillo organization,³³ a rival of the Arellano's.

In 1998, US authorities undertook a covert operation, about which they did not inform the Mexican government, to destroy the financial network of several drug traffic organizations in Mexico, Colombia and the USA, among them, Amado Carrillo Fuentes' organi-

28. *Reforma* (1996). "Defiende a su partido Gobernador de Jalisco." June 7th.

29. *Reforma* (1996). "Apoya CENdel PANa Alberto Cárdenas". June 5th. The second man in the PAN hierarchy, Juan Antonio García Villa, was more belligerent and he pointed out that it was all a strategy to discredit the PAN government of Cárdenas Jiménez, with electoral purposes. *Reforma* (1996). "Prevé PANataques electoralistas del PRI", June 19th.

30. *Reforma* (1996), "Carecen de pruebas contra los Lupercio", June 20th.

31. *Reforma* (1996), "Solicita amparo Saúl Tapia", August 7th.

32. *Reforma* (1996), "Detienen a capo de Guadalajara", August 6th.

33. *Reforma* (1996), "Presumen lavado en siete empresas de los Lupercio", December 27th.

zation, by means of the so-called *Operation White House*, which also intended to dismantle a money-laundering structure of associated organizations in other Latin-American countries. The Americans would press charges against multiple finance institutions, among them, some of the main Mexican banks.³⁴ Several bank chapters where these money-laundering operations took place were located in Guadalajara, Jalisco.³⁵ The PGR tried to forestall the maneuver by stating that they had had information about the money-laundering operations since 1996, which was going on in 11 Mexican banks. Among the individuals that the institution would have found guilty of involvement with said operation they did mention this time Jalisco's government official Saúl Tapia Contreras, who they connected with the Lupercio Serratos brothers.³⁶ At any rate, the revelation had little legal effect. In 2009, Tapia Contreras was acting as the lawyer of the Guadalajara Archdioceses, headed by the above-mentioned Cardinal Juan Sandoval Iñiguez.³⁷

In the case of Amado Carrillo Fuentes' organization, Javier García Morales had been another source for institutional protection in Jalisco, according to press reports including information that the papers had obtained from military intelligence sources. Javier García was the grandson of the former National Defense Secretary, General Marcelino García Barragán, and the son of former Director of the Dirección Federal de Seguridad, President of PRI and former Secretary of Agrarian Reform, Javier García Paniagua.³⁸ The information connecting García Morales with Carrillo Fuentes' organization also

34. *Reforma* (1998), "EE.UU. acusa a bancos mexicanos", May 19th.

35. United States of America Plaintiff, v. Victor Manuel Alcalá Navarro, aka Dr. Navarro; Ernesto Martín de la Torre; Sergio Alcalá Navarro; Juan Carlos Alcalá Navarro; Javier Alcalá Navarro; Rosendo Ramírez Linares; Carlos Novelo Correa; Bancomer, SA; Jorge Reyes Ortega González; Carlos Escoto Alcalá; Manuel Barraza León; Eliseo Aréchiga Fregoso; Javier Nava; Alberto Estrada González; Confía, SA; Miguel Barba Martín; Jorge Milton Díaz; Gildardo Martínez López; Luis Carlos Rivas; José Ángel Cázares; Óscar Monraz Sustaita; José Ángel Ponce; Juan Carlos Pérez; Sergio Licón Gándara; Banca Serfin, SA; Armando Medrano Rayas; Manuel Pazzi Salas y José Jesús Tostado Ramírez, CR 98-509, octubre de 1997 (Indictment), véase: pp. 5, 10, 16 y 38.

36. *Reforma* (1998), "Halla PGRen 1996 lavado en 11 bancos", May 20th.

37. *Semanario Arquidiocesano de Guadalajara* (2009), "Plazos cumplidos. Recupera Arquidiócesis, inmueble en Alfredo R. Plascencia", March 14th, Edition 632.

38. *Proceso* (1997), "Proceso judicial contra el coronel Pablo Castellanos y el capitán Miguel Ángel Hernández, acusados de sustraer información presuntamente secreta.

appeared in the ministerial statement by Tomás Colsá McGregor, a jeweler involved in money-laundering operations for this criminal network.³⁹

Javier García Morales was executed by two individuals on a motorcycle on September 7th, 2011 in Guadalajara, when he was getting out of his car to go into a restaurant.⁴⁰ He was then acting as security advisor for the then PRI governor Mario Anguiano Moreno.⁴¹ According to information released by the media, Anguiano Moreno did not pass his polygraph control test, in an interview that he gave before he was elected governor in which he was questioned about, among other things, his involvement with drug traffic.⁴²

Presumably, the protection networks that have operated in the state could have been in place since the previous decade, according to reports from journalistic sources. For example, the media revealed that in 2006, the PRI candidate to the state's government, Arturo Zamora Jiménez, then mayor of Zapopan, was involved with Ignacio Coronel, from whom he allegedly receive funding for his political projects. Protection was allegedly provided by the holder of the Dirección de Seguridad Pública Municipal, Rodolfo Ramírez Vargas.⁴³

The media reproduced information proving that said official had been investigated by the DEA.⁴⁴ Apparently, political reasons led to the revelations about said investigation; however, political reasons also discouraged deepening the inquiries about it.

Several press releases have referred to the close relationship between the former Secretary of Seguridad Pública Prevención y Rea-

Documentos de Inteligencia Militar involucran en el narcotráfico a altos jefes, oficiales y tropa del Ejército,” No. 1082- 01, July 28th.

39. *La Jornada* (2002), “Tarín, Colsá y Carrera, testigos idóneos de la PGR”, October 30. The legal documentation that mentions the relation between Amado Carrillo Fuentes' organization and Javier García Morales is the pretrial investigation PGR/UEDO/157/98, fojas 45, 48 and 121. The same documentation establishes the relation of the Lupercio Serratos brothers with Amado Carrillo's organization.

40. *El Informador* (2011), “Asesinan a Javier García Morales en Providencia”, September 7th.

41. *Proceso* (2011), “Empresario ejecutado en Guadalajara era asesor del gobierno de Colima”, September 7th.

42. *El Universal* (2015), “Un político frente al polígrafo”, May 4th.

43. Gutiérrez, Alejandro (2007), *Narcotráfico; el gran desafío de Calderón*, Editorial Planeta, México, pp. 91-102.

44. *El Universal* (2006), “Vincula la DEAA Zamora Jiménez con el crimen organizado”, June 12th.

daptación Social (Public Security, Prevention and Social Re-adaptation), and more recently also the State's Attorney General, Luis Carlos Nájera Gutiérrez de Velasco, with Arturo Zamora Jiménez, Government Secretary General, who was referred to as the political mentor of the former.⁴⁵ The same sources have contributed evidence that would presumably connect Nájera with organized crime drug groups.⁴⁶

Rodolfo Ramírez Contreras, son of Rodolfo Ramírez Vargas, director of Municipal Public Security in Zapopan during Zamora Jiménez's administration, was the deputy commander of Secretaría de Seguridad Pública in Guadalajara, then headed by Nájera Gutiérrez. Ramírez Vargas asked to be relieved from his office in April, 2006, after the state Congress urged the Guadalajara city hall to look into the possible protection of his son to drug traffic organizations, that is, from this city's police, headed by Nájera.⁴⁷

2.3. Renewed scenarios of drug-traffic-related violence

The hegemony of the Sinaloa groups in the state, as well as the broad levels of institutional vulnerability had allowed the drug traffic organizations to operate with relatively low violence. However, in 2008, the fracture in the Sinaloa organization, with the clash between the groups connected with the Beltrán Leyva and their former associates present in the Western region of the country increased the levels of violence in the state.

Between 2008 and 2012, re-articulation of alliances by previously warring groups (for example, the Zetas and the Beltrán Leyva) and their dispute with criminal groups settled on the west of the country (the Sinaloa Cartel and Gente Nueva-Cartel Jalisco Nueva Generación) resulted in renewed violence scenarios, in places such as Xalapa, Veracruz and Ixtlahuacán, Jalisco, where the warring groups left a wake of dismembered bodies in their respective settling of scores.⁴⁸

45. *Proceso* edición Jalisco (2013), "Una cuña llamada Zamora", March 9th.

46. *Proceso* (2008), "Jalisco: las entrañas de la narcopolicia", September 28th.

47. *La Jornada* (2006), "Pide licencia jefe de la policía de Zapopan; se busca esclarecer acusaciones de panistas", April 29th.

48. Mauleón, Héctor de (2015), "CJNG, la sombra que nadie vio", June 1st.

In the three following years, the risk of violence seems to have renewed from what may be another fracture, now with the dispute between groups connected with the Sinaloa Cartel or the Michoacán Caballeros Templarios against the emerging organization *Cártel Jalisco Nueva Generación*.⁴⁹ This condition seems to be related with the increase in the executions of police commanding officers and even some state political figures, in what could be a strategy by the emerging group to disarticulate, through violence focuses on this group of actors, the protection networks that have benefited their enemies.

Conclusions

The high levels of impunity, the wide protection networks that organized crime has managed to build in the state, the many areas where the criminal groups operate within its geography and the strengthening of a criminal organization that is extremely prone to confrontation, as the CJNG seems to be, make Jalisco a first-class focus of attention, with high risks for the country's governability.

In Jalisco, the main drug business—according to the information presented in these pages— is the manufacture and traffic of synthetic drugs, especially methamphetamines. Another paper would have to determine whether the increase of this type of substances in the state is having an impact or not on its consumption by the local population.

It is worth noticing that a new escalate in the hostilities among the criminal groups that are better positioned in the state is possible: those alienated by the Sinaloa organizations present in the state, which could clash with CJNG, with which they compete for the synthetic drug business.

Regarding this issue, we should underscore an element that would be worth examining more deeply: CJNG has shown an evolution towards an ever-more paramilitarized structure. This type of organization is essential for establishing territorial hegemony. Para-

49. *Idem*.

doxically, synthetic drug manufacture is less dependent on specific territorial location, since their production does not depend on any specific crop produced in some particular region, but rather it can be set up in any geography, with a relatively unsophisticated infrastructure. The question then remains why a criminal network with an interest in such drugs would want to articulate as a paramilitary organization.

The elements that led and contributed to such transformation are not clear either, because though drug traffic in the state is deeply-rooted and old, as it was seen throughout these pages, the paramilitary formation does not seem to be improvised, or the product of spontaneous generation.

In other regions of the country, the emergence of paramilitary organized crime was—to a large extent—the indirect result of security policies that militarized law enforcement and public security using institutions that were already deeply involved in the protection of organized crime. That was how the Zetas appeared in Tamaulipas, for example. Thanks to the type of training in unconventional warfare received by its original nucleus, in their capacity as former members of Grupo Aeromóvil de Fuerzas Especiales (The Special Forces Airborne Group) of the Mexican Army, they managed to consolidate a criminal organization with a national dimension. That condition also allowed them to establish territorialized criminal controls in a relatively short period of time.⁵⁰

That is not the case, as far as it is possible to verify with public information, of the CJNG. This is not a group of deserters that is more or less identified as the central nucleus of the organization. At any rate, their formal leaders seem to have come from the traditional criminal networks that had been operating in the region.

The Mexican State, through their authorities at different government levels, should pay special attention to the concrete causes and mechanisms that allowed the emergence of a new paramilitary criminal organization, given that such preparation, when effective, is not improvised. The levels of confrontation, as well as the type of tac-

50. Flores Pérez, Carlos Antonio (2013), *Historias de polvo y sangre. Génesis y evolución del tráfico de drogas en el estado de Tamaulipas*, CIESAS, México, pp. 315-325.

tics witnessed in CJNG operations leave no room for doubting their effective capacity in the matter.

Other research will be in charge of evaluating the hypothesis that manages to explain the hiatus mentioned between a paramilitary criminal organization (usually designed to establish territorial hegemonies) and their interest in drugs whose production is less restricted in terms of territory. A tentative hypothesis would be that such criminal organization can be functional for other types of groups, whether explicitly criminal or geopolitical in nature, interested in access to resources of other kinds that are clearly territorialized. The Caballeros Templarios' participation in the mining of natural resources, their illegal commercialization, as well as the extortion of companies dedicated to this industry cannot be overlooked.⁵¹

The solid institutional protection networks that several sources reveal in the contemporary history of Jalisco, the framework of criminal interests and their capacity to incorporate their illegal capital in the formal economy of the state, are also essential factors in any possible scenarios, especially in the one hypothesized previously, since in this case, the serious problem of insecurity and violence generated by the operation of these kinds of organizations, is compounded by the potential loss of sovereignty by the Mexican State and society on the natural resources that are crucial for their welfare and development.

51. *La Jornada* (2014), "Controlan Caballeros Templarios exportación de mineral de hierro", 2 de enero.

Capítulo X

Jalisco the new generation: a local-global drug traffic epicenter

*Tomás Martínez Sánchez**

Introduction: some contextual elements

The year 2015 will be remembered by the re-emergence of one of the main local global drug traffic epicenters after the domination of the organization *Cártel Jalisco Nueva Generación* (CJNG), re-harnessing the force and influence that at the end of the 1970's and 1980's the Guadalajara Cartel organization managed to articulate.

What appears below in this text is the advance installment of a revision of the available data about the criminal organization CJNG.¹ Previously and for the sake of better understanding of its meaning, it was deemed useful to make reference to a series of contextual elements that explain the expansive process that is occurring all over the country with organized crime involved mainly with drug traffic; a process which CJNG is a part of, today, the organization is one of the prime examples of the complex, diverse, criminal network spreading

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1. Information consulted on the national press, Youtube and the Blog del Narco, mainly, most of it corroborated with specialists and analysts during our work experience at the Procuraduría General de la República (The Attorney General's Office, pgr).

from local spaces in Jalisco to regional, national and transnational dimensions, despite the government's efforts to curb its growth.

The 21st Century begins with the prevalence of 4 drug traffic organizations: the Cartel del Golfo, the Carrillo Fuentes, the Federación and the Arellano Félix. In the 80's and 90's, these organizations and their predecessors were links of criminal transnational drug traffic networks that had obtained their empowerment thanks to their capacity to place in the USA the cocaine supply coming from South America and the marijuana produced in different regions of the country. That was a time for learning and perfecting their *modus operandi*, as well as for their original capital accumulation—their illegal, financial, criminal, social and cultural capital—which is the basis for their subsequent growth and expansion.

The original capital accumulation allowed them to broaden their influence and participation in the informal economy and thereby create *criminal social networks*—in which business men and government officials participate—and *criminal social networks*—where people or groups of people get involved as accomplices of the criminals by obtaining some sort of protection or benefit, among them social works and supports systems to improve the areas that fall under their control—. That is the case of communities where family networks become activated as essential for the reproduction and permanence of each organization, since they become the social basis, bastion and protection and safety belt.

These are areas even in regions where, since the presence of the institutions is weak or non-existent, the criminal organizations take control of the towns, a process that spreads to other social spaces by means of extortion, theft, kidnapping, murder, threats and violence. The Consejo Ciudadano para la Seguridad Pública y Justicia Penal (Citizens' Council for Public Security and Criminal Justice) reported in December, 2013, that in 14 of the 32 states in the country, it was possible to identify areas controlled by drug-related organized crime, and there was a territorial dispute between them and the authorities and rival groups in 247 municipalities. There were extreme cases like the states of Michoacán and Tamaulipas, where 156 municipalities were under dispute this year; where impunity and the frequent practice of kidnapping and missing people stands out.

The council points at other municipalities in the states of Morelos, Estado de México, Jalisco and Zacatecas where there is “real, imminent” danger of falling in this condition, due to the growth of extortion, theft and kidnapping.²

The growth of the drug market and the accumulation of the financial, social and cultural capitals of the criminal organizations, associated with their penetration and greater influence in different strata and social groups in the last 15 years, contributed to the increase from 4 to 9 organizations with the capacity to export drugs to the USA and other regions in the world. The Sinaloa organization is heading the list, followed by: CJNG, the Beltrán Leyva, the Carrillo Fuentes, the Cartel del Golfo, the Zetas, the Arellano Félix, the Familia Michoacana and the Caballeros Templarios.

The growth in US demand for synthetic drugs and heroine stands out especially, which suggests the possible emergence of a greater number of criminal organizations with the capacity to compete with the current ones and place drugs in the neighboring northern country. That is the case of criminal groups in the states of Guerrero and Michoacán, where the number of poppy and synthetic drug producers has grown, especially in the region of Tierra Caliente in both states.

The criminal organizational process involving drug traffic does not end. During 2014 it was possible to count over 100 organizations of different sizes and degrees of association. Officially, the maximum number published was 80 criminal cells in 2013 with—it was said—a predominantly hit-men profile.³ It still remains to be known how

2. Analysis carried out by the Consejo Ciudadano para la Seguridad Pública y Justicia Penal and presented in December, 2013.

3. Information provided by pgr upon a request made by the Instituto Federal de Acceso a la Información y Protección de Datos (Federal Institute for Information Access and the Protection of Data, IFAI) presented in January, 2013, that reads: “I request to know the name of the cartels and/or organized crime groups operating in Mexico, as well as their “influence and/ or operation areas”, which according to Attorney General Jesús Murillo Karam are between 60 and 80” (Sic). In their first answer, the pgr cenapi acknowledged that the information requested was in a classified document, which caused the claimant to feel dissatisfied with the answer and then they filed an appeal for a review 0538/12, having Lic. María Elena Pérez-Jaén Zermeño as claimer, who, subsequent to the hearing with the cenapi (20/03/13), decided to reconstitute the information and grant a term of no more than five working days to issue an answer to the original request. The data provided

many gangs emerge, reproduce and die in the different urban, semi urban and rural areas in the country, which are closely involved with the production of synthetic drugs or drug-dealing activities.

Rafael Macedo de la Concha, former Attorney General of the Republic, presented facts to senators in 2005 describing that during the 32 months of Vicente Fox's government, the PGR had received 490 000 reports involving drug sales all over the country, which would have allowed to identify in the Distrito Federal and the Estado de México over 10 000 drug dealing points, 2 000 in Baja California and 2 000 in the states of Sinaloa, Chihuahua, Tamaulipas and Jalisco; 1000 in Nuevo León, Guerrero, Quintana Roo, and around 500 in the rest of the cities in the country. These data allowed estimating at the Comisión de Seguridad Pública del Senado de la República (Commission for Public Security of the Republic's Senate) in 2008, about the existence of around 600 cells and criminal gangs involved with drug dealing in the country.⁴

In this context of reshaping small and medium-sized organizations, the sustained growth of CJNG stands out in the last few years, in addition to the spike in the activities by the Beltrán Leyva, Arellano Félix and Familia Michoacana organizations. However, none of these organizations has the possibility of disputing the supremacy of the Pacífico organization which, over the last five years has held the same pace in their activities. The Zetas and the CDG appear, though, with a tendency to decline and the Caballeros Templarios experience their first two years of stagnation.

The necessary study of the processes that allowed the growth from 4 to 9 organizations with a capacity to export drugs from 2000

were the names of criminal cells detected in the national territory and their involvement with the drug traffic organizations operating in Mexico, underscoring the fact that some of them might be inactive, dismantled or operating through a "low profile scheme". The report entitled "Células delictivas con presencia en el país" (Criminal cells present in the country) reveals the following conclusion: during the first semester of 2014, it is possible to establish that the nine main criminal organizations with a presence and active operations in the country were: Arellano Félix; Beltrán Leyva; Carrillo Fuentes, Cártel del Golfo; Cártel Jalisco Nueva Generación, Caballeros Templarios; Familia Michoacana; Pacífico and Zetas, which, to a greater or lesser extent, have used smaller groups, cells or local gangs for the development of their own illegal activities connected with drug traffic.

4. Information fiche about drug dealing in Mexico. Comisión de Seguridad Pública del Senado de la República. Second year of the LX PERIOD. February, 2008.

to 2014 must be accompanied by the analysis of the *spatial dimension* of the drug traffic organizations that shows the following results about federative entities with the greatest influence in 2014:

Criminal Organization	Presence in the states *	Number of entities
Pacífico	<i>Sinaloa, Chihuahua, Baja California, Sonora, Durango, Colima, Jalisco, Nayarit, Quintana Roo, Guerrero, Chiapas, Yucatán and Campeche.</i>	14
Zetas	<i>Coahuila, Nuevo León, Veracruz, Tamaulipas, Tabasco, Quintana Roo, San Luis Potosí, Zacatecas, Guanajuato, Puebla, Hidalgo and Oaxaca.</i>	12
CDG	<i>Tamaulipas, Nuevo León, Coahuila, Quintana Roo, Zacatecas, San Luis Potosí, Aguascalientes, Guanajuato, Oaxaca and Morelos.</i>	10
Beltrán Leyva	<i>Guerrero, Sinaloa, Sonora, Morelos, Nayarit, Estado de México, Aguascalientes, Chiapas and Oaxaca.</i>	9
Familia Michoacana	<i>Estado de México, Guerrero, Morelos, Guanajuato, Michoacán, Jalisco and Colima.</i>	7
Caballeros Templarios	<i>Michoacán, Guanajuato, Jalisco, Querétaro, Estado de México and Guerrero</i>	6
CJNG	<i>Jalisco, Colima, Guanajuato, Michoacán y Veracruz.</i>	5
Carrillo Fuentes	<i>Chihuahua and Sinaloa.</i>	2
Arellano Félix	<i>Baja California and Baja California Sur.</i>	2

Each organization is accompanied by the entities where they operate, in ascending order, indicating with italics those where their influence is much greater.

This mapping allows identifying the states that may be considered the *epicenters of the original management-production of the organizations* (where the cultivation of poppy and marijuana, or the production of methamphetamines gives birth to the organization with a local-global character, that is, with a capacity to export it), as well as those that are the *epicenter of its greatest development for the global and/or local-global traffic* (where the control of routes and access or drug exports ports allowed them to get hold of the international drugs market) and those that are the *epicenters for their consolidation*

and expansion with a local-global dimension (those entities where capitals, financial and money-laundering structures consolidate):

Organization	Epicenter for local global management –production*	Epicenter of development from global and /or local-global traffic*	Epicenter for consolidation and local-global expansion *
<i>Pacífico</i>	<i>Sinaloa, Chihuahua and Durango</i>	<i>Colima, D.F., Jalisco Sonora and Sinaloa</i>	<i>Sinaloa and Jalisco</i>
<i>Zetas</i>		<i>Tamaulipas, Quintana Roo, Tabasco, Campeche, D.F.</i>	Veracruz, <i>Tamaulipas and Coahuila</i>
<i>CDG</i>		<i>Tamaulipas, Quintana Roo</i>	<i>Tamaulipas, Nuevo León, Coahuila</i>
<i>Beltrán Leyva</i>	<i>Guerrero, Sinaloa</i>	<i>Chiapas, Guerrero, D.F.</i>	<i>Nuevo León, Morelos and Guerrero</i>
<i>Familia Michoacana</i>	<i>Michoacán</i>	<i>Michoacán</i>	<i>Estado de México</i>
<i>Caballeros Templarios</i>	<i>Michoacán</i>	<i>Michoacán</i>	<i>Michoacán</i>
<i>CJNG</i>	<i>Jalisco</i>	<i>Colima, Jalisco</i>	<i>Jalisco</i>
<i>Carrillo Fuentes</i>		<i>Chihuahua and D.F.</i>	<i>Chihuahua</i>
<i>Arellano Félix</i>		<i>Baja California and D.F.</i>	<i>Baja California</i>

States considered as the main epicenters appear in italics.

The *epicentric state* indicates that the organizations' strategic activities are carried out in its territory and therefore they have been key factors for their emergence, growth and /or consolidation. In other words, these are the local geographic spaces where the social networks and structures that shape the drug traffic organizations emerge; therefore, in said spaces we can find the head quarters, the operation centers, the security houses and /or houses and properties of family members, partners, name-lenders and main institutional protection networks.

So the following aspects must be underscored:

- The main epicenters for local-global management-production are Sinaloa, Guerrero, Michoacán and *Jalisco*.

- The epicenters for development from the point of view of global cocaine and chemical precursors import: Colima, Michoacán and Chiapas.
- The epicenters for development in terms of global export of cocaine, marijuana, heroin and methamphetamines: Baja California, Sonora, Chihuahua, Tamaulipas, Distrito Federal (DF), *Jalisco* and Quintana Roo.
- The epicenters for local-global consolidation and expansion: Sinaloa, Veracruz, Tamaulipas, Nuevo León, Estado de México, Michoacán, Jalisco, Chihuahua, Baja California and Ciudad de México.
- The states with the largest epicenters and their corresponding structural social, production, drug traffic and financial networks are: Sinaloa, *Jalisco* and Ciudad de México.

The analysis of the epicenters allows observing that, after Ciudad de México—the place where operations from all the organizations converge, whether for the import or the export of drugs and money, and for money laundering—the states with the greatest concurrence or convergence of organizations during 2013 were the following:

- *Jalisco* with the organizations: Pacífico, CJNG, Caballeros Templarios and Familia Michoacana.
- Nuevo León: Cártel del Golfo, Zetas and Beltrán Leyva.
- Guerrero: Beltrán Leyva, Zetas and Pacífico.

On the other hand, among the federative entities where, in addition to convergence of the organizations, there is a *process of organizational rearrangement* are *Jalisco*, Michoacán and Guerrero. This rearrangement is called CJNG, a process that is described in the contents of the following sections in the present text. Guadalajara dominates said process as the *epicenter city for drug-traffic related organized crime* in the entire history of the country.⁵

5. This was revealed after the kidnapping and murder of the DEA agent Enrique Camarena Salazar in February, 1985, in view of which the then US ambassador John Gavin and DEA Francis Mullen offered a press conference on February 12 that year, announcing that Guadalajara “was the main operations center for national and international drug traffic”, that is why of the 30 agents operating in Mexico, a considerable number was in

Indeed, with the beginning of traffic operations by these organizations in the states of Jalisco and Michoacán, the Guadalajara International Airport became an infrastructure of great operative value for drug traffic, which caused this city to turn into the “main operation center”.

It should be pointed out that, after the Mexico City International Airport, along its history the one in Guadalajara has offered the greatest advantages for drug traffic due to the following three factors:

Firstly, its international character has allowed exchange of raw materials, manufactured drugs and cash between Guadalajara and several US, Canadian and Asian cities, and other countries. The growing number of flights facilitates connections and operations between drug buyers and sellers from several countries and it allows drug traffic in small amounts into the US and Asia, under the modality of using passengers as “mules” or in small consignments through parcel services and air containers.

Secondly, the connections between the Tijuana and Ciudad Juárez airports with Guadalajara, have facilitated communications and traffic of messengers and members of the criminal organizations that operate in the borders with the capos from Jalisco, Michoacán and Guanajuato.

Thirdly, at present, it is the airport with the largest number of confiscations of pseudoephedrine coming from Asia. That is, the raw materials to produce methamphetamines are not only introduced by sea but also by air.

The analysis of the convergence processes allows identifying the phenomenon associated with the reproduction of the drug traffic organizations: *their rearrangement*. That is, the process by means of which one or several organizations bring to life a new organization as it happened with the CJNG, the central object of reflection in the pre-

said city, stressing the work that their agents were carrying out at that moment against the members of the Guadalajara Cartel. This regrettable event caused the DEA to increase its presence in the state of Jalisco until they managed to weaken the Guadalajara Cartel; however, it did not put an end to drug traffic and years later its operations have increased. Cfr. Luis Astorga, *El siglo de las drogas*, México, RandomHouse/Mondadori, Plaza y Janes, 2005, pp. 134-144.

sent document. In that sense, the *state of Jalisco has become—along with the state of Michoacán—the region where the most intense process of drug traffic rearrangement can be observed in the country*, especially since the introduction and manufacture of synthetic drugs in the two states, which multiplies the number of producers that are relatively independent. An example of the above is mainly the state of Michoacán, where—as a result of this process—the shaping of a drug traffic organization oligopoly is expected to occur in the next few years.

In addition, it is a must to approach the analysis of the structuring of the networks as an empowerment process of the organizations that mainly contribute to them *criminal economic, social, cultural and political capitals*.

On the basis of the drug production and /or traffic, each organization experiences a process of accumulation of *economic capital* that in turn, favors the formation of larger economic, social, political and cultural criminal networks and structures, which overspill the epicentric spaces toward different areas of influence. The economic capital takes the form of *financial capital* with which the organizations' expansion is facilitated.

The transformation of illegal into legal financial capital is what structures the organizations that are hard to dismantle. That is, money laundering becomes the main *criminal cultural capital* developed by the organizations and their consolidation process depends on it.

An organization is not defeated by beheading its operative structure. It maintains its structure and financial capitals, and therefore, the capacity to generate new networks and operational structures. Which means that any government offensive targeting the leaders of the operative structures, generally affects *neither its criminal cultural capital—the organization's financial modus operandi—, nor its social capital—set of family, friendship and partnership networks—, nor its political capital—political protection networks*.

The DNA of the organization— its *criminal modus operandi*— does not disappear; at any rate, it acquires new forms, above all when its *operative capacity* associated with drugs is affected by government action or the work of other criminal organizations. The *criminal cultural* —or countercultural— *contents* diversify and broaden: collections, extortions, kidnappings, theft of fuels, bribes, weapons traffic, human traffic, smuggling and piracy, among others. Organized crime

adopts modalities similar to those of the Italian or Russian mafias that spread their influence in legal and illegal informal economies in their countries. Even from the correctional facilities, there is evidence of how they grow their *criminal capital* and their capacities to plan and reactivate their criminal networks and structures.

Families, partners, friends, communities and regions, reproduce the criminal DNA in the social spaces where populations that have been excluded from the formal economy do not find any other options to make a living legally and they are easily recruited when young and unemployed.

The contextual elements described allow us to understand better the origin, development, stagnation and consolidation of the CJNG organization.

1. The origins

In general, the origin of the CJNG is related with the earliest propaganda acts they carried out to announce their existence in 2011.⁶ However, their genesis dates back to many years ago and, to explain their formation, it is essential to rebuild the structuring processes of their social relations, especially through the *connection networks* that its members started to build.

In this case, it is possible to observe that their embryonic connection networks are the most solid,—those that shape the main structures of the organization, its criminal DNA— they are family, friendship, community, cultural networks with an origin in the state of Michoacán.

These networks are the foundations for the organization's construction of economic networks in Michoacán, which spread to Jalisco, then the USA, Ciudad Juárez and Sinaloa. The connection net-

6. An outstanding example is the video entitled *Nuevo Comunicado de los CJNG los Matazetas en Veracruz*, uploaded to Youtube on 25th September, 2011, in which CJNG sets out that its purpose in this state is to “eradicate” the Zetas by means of a coercive cell Mata Zetas (Zeta-slayers), which they define as “the armed squadron of the people and for the people”. Collected at: <https://www.youtube.com/watch?v=-3sjK0MdMdl>.

works structured in Jalisco⁷ and then in Sinaloa will allow them sustainability for their expansion to other states in the country and the USA and Asia. Their original networks of political connections are in Michoacán, among the mayors of the municipalities where they begin their activities as marijuana and poppy producers. However, the most solid connections would be implemented in the state of Jalisco.

According to these considerations, CJNG is the continuation of previous criminal organizations. The first of them—and possibly the most important—is the Valencia criminal organization, which begins their activities in the early 70's in Aguililla, Michoacán, where José Valencia starts cultivating marijuana and poppy.⁸ The families Valencia Cornelio and Valencia Valencia follow in their footsteps, headed by Armando and Luis, who are first cousins. They were in charge of shaping the group of agricultural producers that would combine legal crops—mainly avocado—with marijuana and poppy crops in the region of Tierra Caliente, Michoacán, where later the

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7. The book by Luis Astorga (*Vid Supra*) was consulted for information about the presence of drug traffic in the state of Jalisco, the book reports the following: over the history of drug traffic, the state of Jalisco has become one of the entities with the greatest drug-associated activity in the country, after Sinaloa, Durango and Chihuahua. In 1937, Guadalajara already appears on the list of cities where it was possible to obtain poppies, smoke houses and therefore, the budding presence of the opium traffic (p. 47). In the 1950's, the federal government identifies a displacement of opium paste growers to Jalisco, Nayarit and Michoacán as a result of their actions to eradicate these crops in Sinaloa, a state that dominated poppy production in those years. In the case of Jalisco, its eradication does not prosper so this production continued during the 1960's (pp. 90 and 103). One of the first significant records of the presence of drug dealers in Jalisco, is associated with the arrest of Manuel Salcido Uzeta, aka *El Cochiloco* and his people in 1974, at a house in Chapalita, Guadalajara, their activities were taking place both in Sinaloa and Jalisco. Cochiloco, whose operation base was the Mazatlán port managed to get the support of Federal Judiciary agents commissioned in the state, even to the point that they would execute members of the rival gangs headed by Braulio Aguirre, with whom they vied for the control of the southern Sinaloa area (pp. 111 and 112). The drug-traffic culture in Sinaloa expands to Jalisco and this state becomes one of the epicenters for reproduction of drug-related criminal culture all over the country.
 8. There are government references of marijuana and poppy crops in the municipality of Aguililla, Michoacán, in the 1950's, as well as of people with the name Valencia who were arrested. The presence of Sinaloa natives is also identified; they might have been the initiators or promoters of said crops both in Michoacán and in Jalisco (Astorga, Luis. *La Familia Michoacana: contexto histórico e hipótesis para explicarla*. En: Luis Jorge Garay Salamanca y Eduardo Salcedo-Albarran (coordinadores), *Narcotráfico, corrupción y Estados. Cómo las redes ilícitas han reconfigurado las instituciones en Colombia, Guatemala y México*. México, Debate, 2012, pp. 233-234)

provincial capital Uruapan stands out as a collection and operations center for the Valencia.

The first important agreement with another criminal organization was held with the Guadalajara Cartel, headed by Miguel Ángel Félix Gallardo, Ernesto Fonseca Carrillo and Rafael Caro Quintero, an organization that was in charge of processing and exporting their drugs to the USA. With the incomes obtained thereby, the farmers improved the development and growth of their avocado farms.

The family and friendship networks of the Tierra Caliente farmers facilitated the proper articulation of community and economic networks that ensured the sustained growth of illegal crops. These networks, in turn, linked to others in charge of the operation and traffic in the Guadalajara Cartel. For the farmers to attain their goals, the municipal authorities in Tierra Caliente formed part of the first protection network for the producers headed by the Valencia organization and there is no doubt that they resorted to bribery of the security forces deployed in the region stretching West to East in the state of Michoacán and Guerrero. Later on, said region became particularly important in the criminal organizational process, especially the municipalities of Apatzingán, Buena Vista and Tepalcatepec, mostly the latter two because they bordered the state of Jalisco.

The Valencia activities prospered in the 1970's at a time in which the US increased their demand for opium paste and marijuana, as a result of the growth in addictions among Vietnam vets.

With the decline of the Guadalajara Cartel organization resulting from the arrests of their leaders responsible for the murder of DEA Agent Enrique Camarena Salazar, in 1985s in Guadalajara, Jalisco, and aided by the migratory flow of Michoacán natives to the US, the Valencia establish their first operations with fellow countrymen and relatives on the other side of the northern border, which allows them to place the drug directly in the neighbor country.

2. The organization's growth

In the 1980's, the production of marijuana and poppy expands to some Jalisco municipalities and they managed to be present in Colima. They establish links with Amado Carrillo (aka) *El Señor de*

los Cielos, (The Lord of the Heavens) leader of the Carrillo Fuentes organization, who they provide with marijuana. They become associated with Colombian Alejandro Bernal Madrigal (aka) *Juvenal* who provides them with cocaine that is introduced through the Lázaro Cárdenas harbor, Michoacán and in turn, the Valencia are in charge of transporting it to Tijuana where the Arellano Félix organization takes it to southern California, USA; the cocaine traffic coming from the Medellín Cartel forces them to strengthen their presence in the south of Michoacán and to increase their operational capacity in the north of the country.

The escalation of the operations forced the Valencia to allot more resources to buy protection from the authorities at the different government levels, creating thus a corruption and complicity network that spreads to members of the Procuraduría de Justicia del Estado and Secretaría de Gobierno (The State's Attorney General's Office and Department of Interior) in Michoacán.

In the early 90's they consolidate their relation with brothers José de Jesús, Adán and Luis Amezcua Contreras, who headed the Colima Cartel specialized in producing methamphetamines. They introduce the Valencia in the synthetic drug production, which allows them to incorporate favorably to the changes the world drug market is experiencing. Therefore, in addition to standing out as marijuana and poppy producers, the Valencia stand out in the production of synthetic drugs, which turns them into one of the main diversified drug suppliers of the US, so they strike a deal with the organizations that control passage in Tijuana and Ciudad Juárez.

In 1998, the Amezcua Contreras brothers are arrested, so part of the control they had on the ephedrine precursors coming from Thailand and India declines, the raw material was introduced through the Manzanillo harbor, in Colima. Even though their organization does not disappear because Patricia Amezcua Contreras and Telesforo Baltazar Tirado Escamilla remain in charge, the conditions are created for the Valencia to be in an advantageous position to broaden and expand synthetic drug production, as well as to open the door and control to the arrival of significant volumes of ephedrine and pseudoephedrine also coming from Asia through the Lázaro Cárdenas port.

One of the relevant aspects of the association between the Valencia and Amezcua Contreras is that both organizations and their regional and international criminal networks will become one of the platforms on which the CJNG organization will eventually be built years later. In turn, the relation of the Amezcua Contreras with the organization *Pacífico* leads the Valencia to establishing negotiations with both, above all due to the strategic importance gained by the Manzanillo port for the introduction of precursors and the reception of the cocaine coming from South America. The expansive force of Sinaloa natives to Jalisco, a state where they have always had family, social, economic and political relations, forces the Valencia to establish coexistence and cooperation agreements and finally an alliance with the *Pacífico* organization headed by Joaquín Guzmán Loera (aka) *El Chapo Guzmán*.

With the decline of the Medellín Cartel in Colombia, with Pablo Escobar's death, the Valencia associate with Colombian Gino Brunetti, who used to belong to the *Cártel del Norte del Valle*, who would take on the emission of supplying cocaine for the Arellano Félix. Brunetti's arrest and inclusion in the Witness Protection Program, makes the PGR aware of the importance, weight and meaning of the Valencia organization in the world drug market, so far virtually unknown by the Mexican federal authorities.

In this period, the following people will emerge as leaders and heads of the Valencia organization, its central structure: Salvador Revueltas Ureña (aka) *El Chava Lentos* or *El Innombrable* —considered to have been at some point the head of the organization—, Óscar Nava Valencia (aka) *El Lobo*, Salvador Revueltas Barragán (aka) *El Borono*, Alfonso Revueltas (aka) *El Poncho*, Pedro Rebolledo López (aka) *La Coya*, Armando Valencia González (aka) *El Tocayo*, Cruz Valencia (aka) *El Cruzón* and Gerardo Mendoza Chávez (aka) *Gerardón*.⁹

9. Also Eleuterio Valencia Valencia, José González Valencia (a) *El Cochi*, Erick Valencia Salazar (a) *El Erick*, Juan Carlos Nava Valencia, Mario and Ramón Caballero Valencia, Juan Nava Valencia, Alejandro González Rentería (a) *El Guajillo*, Librado Villa Gómez Arreguín, Antonio Torres (a) *El Monillo*, Rutilo Naranjo Quintero and Francisco García Silva (a) *El Fran*. It includes former military people like Arturo Alanís N., who was the director of Public Security in the municipality of Los Reyes and former commander of

In the 1990's, the network and family structure of the Valencia remains as the main support and operational nucleus of the organization. However, in order to project a greater growth, the organization takes the name Cartel del Milenio at the end of the decade when their main base of operations were the states of Michoacán and Jalisco, but they still had a strong presence and alliances in Colima, Guanajuato, Nayarit and the border states of Baja California and Chihuahua.

Their links with the Colima and Sinaloa organizations influenced the Milenio organization's integration of the Federación in 2001, along with the Carrillo Fuentes, Beltrán Leyva and *El Chapo* Guzmán's people—who at the time had just escaped from Puente Grande, Jalisco—, Ismael Zambada García (aka) *El Mayo* and Juan José Esparragoza (aka) *El Azul*. These organizations' alliance pursued the main objective of creating a common front against the CDG and the Zetas, so as to weaken them and take control of their areas of influence in Nuevo León and Tamaulipas. This led the Milenio organization to face and wage a war against the CDG-Zetas when they tried to take control of the Lázaro Cárdenas port, Michoacán, and submit the Tierra Caliente producers; the conflict spread from Michoacán to Jalisco and the state of Guerrero.

The state of Michoacán, the birth place of the Valencia organization, becomes the battle field in which the Milenio organization, still headed by the Valencia family, is forced to strengthen their alliance with the Pacífico organization. This alliance allows them to increase their *criminal cultural capital* but not the possibility to recover their presence and domain in Tierra Caliente, a circumstance that many considered as stagnation and it triggers a process of rearrangement of the organization with a strong influence by the group headed by *Nacho* Coronel in the state of Jalisco.

the Ministerial Police; José Luis Caballero (a) *El Cementerio*, Ernesto Mendoza Álvarez or Álvarez Mendoza, Rodrigo Urbina García and Pablo Ángel Vázquez Duarte (a) *El Tupo*. Also: Arturo Peña Muñoz (a) *El Flaco* Peña related with Juan José Farías Álvarez (a) *El Abuelo* de Tepalcatepec, and Salvador Revueltas Ureña (a) *El Chava Lentos*. Data collected from the declaration before the PGR by Colombian Gino Brunetti who had belonged to the Cártel del Norte del Valle, Colombia, and complemented with information from the security and intelligence areas in the state of Jalisco. Collected from: <http://lamafiamexicana.blogspot.mx/2010/02/los-valencia-y-su-conglomerado-criminal.html>.

3. Stagnation

Once Milenio was submitted to the coercive pressure of the Zetas and the capacity for co-optation of the CDG organization, headed by Osiel Cárdenas Guillén, at the end of the 1990's the latter strikes a deal with Carlos Rosales Mendoza (aka) *El Tísico* who separates from Milenio¹⁰ and founds the *Empresa* with his people, thereby paving the road for the CDG-Zetas to displace Milenio from the Lázaro Cárdenas port and subject the Michoacán producers. The Zetas' paramilitary operative capacity favors them and covers for the Empresa, weakening significantly the organization founded by the Valencia in Michoacán, so there occurs a withdrawal of this organization toward Jalisco with the clear determination of reorganizing and increasing their capacities, arming up as a paramilitary force, with the objective of overpowering their adversaries. This process will eventually allow increasing their defensive capacities and start an offensive against the Zetas.

Before that happened, Milenio did not have the members with the tactical and operative experience characterizing a paramilitary group like the Zetas, that is why they were displaced to Jalisco, with a significant loss of command and operation cadres, to the point that Armando Valencia Cornelio—the main leader of the organization—is arrested on 15 August, 2003. Luis Valencia Valencia — Armando Valencia's first cousin— and Óscar Orlando Nava Valencia (aka) *El Lobo Valencia* take control of the Milenio organization.¹¹ There is

10. There is a version explaining that *Milenio* allegedly results from a love dispute between Armando Valencia and Carlos Rosales. However, revising the trajectory of *El Tísico* – who establishes a great friendship and business partnership with Osiel Cárdenas, even when they were in different correctional facilities – it is revealed that the problem is associated with a conflict of leaderships and opportunism, which denotes the existence of fragile relations among the drug lords, ever more so since there is no kinship or friendship among them. In an economy with a growing demand for drugs and large plus value, loyalty among drug leaders and bosses is very fragile. Loyalties between brothers and very close relatives survive. When that is not the case, there are very frequent rivalries and confrontations.

11. *El Lobo Valencia* was also in charge of handling business and part of the financial system and money laundering for the *Pacífico* in Jalisco. That is why he was under the direct command of *Nacho* Coronel. It is rumored that he, by handling the financial affairs, managed to control areas in the states of Jalisco, Colima and Michoacán and he was

a version that alleges that previous differences between *Nacho* Coronel and *El Lobo* Valencia—who manages to handle part of the Pacífico organization's resources in Jalisco—provoke a face-off and then a distancing between both leaders, to the point that Coronel decides to co-opt Nemésio Oseguera Cervantes (aka) *El Mencho*, head of security for *El Lobo* Valencia to betray the latter, promising him the future leadership of Milenio. In October, 2009 *El Lobo* Valencia is arrested, and seven months later his brother Juan Carlos Nava Valencia (aka) *El Tigre*. Erick Valencia Salazar stays in front of the organization in a context of crisis between Sinaloa and Michoacán natives that ends up in a new scission of Milenio in two groups: the Resistencia led by Ramiro Pozos (aka) *El Molcas* and the group made up by Eric Valencia Salazar and *El Mencho* who would eventually found CJNG.¹²

This is the period of time in which Zhenli Ye Gon becomes the main supplier of chemical precursors for the organizations Milenio, Colima and Pacífico, and the Lázaro Cárdenas and Manzanillo harbors turn into large receptors of chemical precursors from Asia.

Their alliance with Pacífico allowed Milenio to recover their economic capital, strengthen the money-laundering mechanisms, rebuild the regional and international connection networks in the world drug market, increase their tactical and operative capacity and form a coercive body or structure equivalent to that of the feared Zetas and expand their areas of influence in the country. For Milenio, the lessons learned regarding their stagnation cause them to favor investment in armament and recruitment of personnel with weapons experience; therefore, the paramilitary side of the organization becomes stronger, always trying to maintain their relative autonomy in respect of Pacífico.

In 2004 Carlos Rosales (aka) *El Tísico*, leader of Empresa is arrested, and other leaderships emerge in Michoacán and many of

beginning to operate in the D.F. <http://lamafiamexicana.blogspot.mx/2010/02/detencion-del-lobo-valencia.html>

12. The Resistencia allied with Familia Michoacana and the Zetas. Some Milenio bosses even baptized *Mencho's* group as the Torcidos (Crooked ones), because they had betrayed their boss, *El Lobo Valencia*. Blog del narco. August 8 2015. Collected at: <https://www.youtube.com/watch?v=rXrgjm6ZvuM>.

its members start another organizational process that results in the Familia Michoacana in November, 2006, led by Nazario Moreno González (aka) *El Chayo* and Jesús Méndez Vargas (aka) *El Chango Méndez*. They learn from the *Zetas* the importance of having a paramilitary coercive structure, which eventually separates and result in the formation of the Caballeros Templarios organization, in 2011, whose most outstanding leaders are Servando Gómez Martínez (aka) *La Tuta*, Enrique Plancarte Solís and *El Chayo*. The latter had been allegedly eliminated by the federal forces in 2010. However, he reappears in 2013 in Tierra Caliente and dies that same year in one of the operatives lead by the Mexican Army with the support of the self-defense movement in the state. Previously with the arrest of *El Chango Méndez*, and the weakening of the *Zetas* presence, the main leaders of the Familia Michoacana migrate to the state of Mexico.

The Caballeros Templarios managed to expel the *Zetas* from Michoacán, with the support of CDG and Pacific, in two years—from 2011 to 2012—; however, they were unable to reach an agreement with CJNG, simply because this organization ratified their interest in regaining control of producers and the regional drug market that was now under the domain of Caballeros Templarios, which triggers a war for the control of all the drug producers in said state that would eventually intensify in 2013 and stretch to 2015.

4. The beginning of Milenio's activities as CJNG

Shortly before, the army had shot down Ignacio Coronel in 2010 and Milenio starts its re-composition; months later, Margarito Soto Reyes (aka) *El Tigre*, successor of *Nacho* Coronel, and Erick Valencia Salazar along with Nemesio Oseguera Cervantes (aka) *El Mencho* —also originally from Aguililla, Michoacán—, take the leadership of the Pacífico and Milenio organizations in Jalisco, christening the latter Cártel Jalisco Nueva Generación (CJNG) in 2011. The organization maintains the state of Jalisco as its base of operations, so they get down to the task of taking territorial control of drug traffic in Jalisco.

Probably the CJNG act with the greatest impact in 2011 occurred in September in the Veracruz port, where they leave a wake of 35 dead bodies of alleged *Zetas* members executed by a cell called

Mata Zetas (Zeta Slayers), thus announcing their purpose of disputing said place that was under the control of the Zetas.¹³ After this propaganda act, the Mata Zetas' action against their adversaries is recorded in several states: among them the actions in Durango, Zacatecas and even Jalisco. In addition, through several videos they warn that the Zetas will be expelled from Michoacán and Guerrero.

The offensive against the Zetas coincides with the one led by the federal government during 2012, a year in which said drug traffic organization records the largest number of members arrested, imprisoned and convicted by the authorities. This situation allows the CJNG to focus on regaining the state of Michoacán, which was in the hands of Caballeros Templarios, a strong competitor in the methamphetamines market, especially due to the control they have on the Lázaro Cárdenas harbor, which ensures for them the supply of chemical precursors coming from Asia.

While in Michoacán methamphetamines producers are controlled by the Caballeros Templarios, the CJNG became the main concentrator of production in most of the laboratories in the state of Jalisco (from 2011). With the arrest of Erick Valencia Salazar in March 2012 by the army, it was possible to learn that he had the control of the reception of chemical precursors coming from Asia through the Manzanillo port. The difference between the Michoacán and Jalisco production is that artisanal or rudimentary methamphetamine production prevails in the former and industrial production predominates in the latter, in laboratories with experienced chemists using methylamine as raw material.

Removing the Caballeros Templarios from the methamphetamines market became a primary short-term objective for the CJNG; in turn, making their move towards the control of poppy production in Tierra Caliente in the state of Guerrero, becomes their secondary, mid-term goal: that is how their intentions are interpreted in one of the videos publicized by the organization in 2013¹⁴, already under the central command of *Mencho's* organization.

13. *Masacre en Veracruz: 35 cadáveres en Boca del Río*. September 21st, 2011. Collected at: <https://www.youtube.com/watch?v=PS3osAe7rhY>.

14. *Guerreros del Cártel de Jalisco Nueva Generación vs. Los Caballeros Templarios*. May 30 2013. Collected at: https://www.youtube.com/watch?v=gN8_VdenzV0.

5. Criminal social structure

With the information collected, it was possible to identify that the prevailing family group in the formation of the organization is the Valencias, originating from Aguililla, Michoacán; in addition to the Oseguera Cervantes, also from Aguililla. A hypothesis of why the Oseguera take the command of the organization is associated with the fact that, because they are responsible for the security of several of the organization's leaders, they are the armed faction and coordinators of the coercion networks that the Valencias operated since the beginning. Their empowerment through the use of weapons is increased when the organization withdraws and migrates to Jalisco. That is, the coercion apparatus—responsible for the creation of the Mata Zetas cells, along with *Nacho* Coronel's group— heads the operative networks and structures, with the support of the Valencias. Coexistence with cells from Sinaloa, for over ten years, creates the conditions for the members of the Sinaloa group to join the new organization, even before *Nacho* Coronel's death (2010), that is why the Sinaloa natives are the third group in terms of importance,¹⁵ in a possible parallelism with the former members of the Colima Cartel, the Amezcua Contreras, go from an alliance to join the Milenio organization and later, both the CJNG and the Pacífico.

It seems that the Valencia opted more for consolidating production in laboratories, as well as the financial networks and structures for laundering the money coming from the sale of drugs, in particular Cuini's financial, operative cell headed by Abigael González Valencia (aka) *El Cuini* —arrested in Puerto Vallarta in February, 2015 by the Mexican army—, an organization which DEA reports rank as one of the most important among those dedicated to drug traffic from Mexico to the USA.¹⁶

15. There is a version that after Coronel's death, part of the people from Pacífico felt represented in Jalisco only by the Corona or the Coronel group—an organization led by José Ángel Carrasco Coronel (a) *El Changel*—, who clashes with CJNG, to the point that some consider that at present, the main challenge for *El Chapo* Guzmán is CJNG. The arrival of the Caballeros Templarios group in Jalisco during 2012 and 2013 is attributed to the support offered by La Corona, with whom they had made an alliance.

16. In the document entitled *Evaluación Nacional de Amenaza de las Drogas* (National the Drug Threat Assessment) (2015), covering 2014 information, the DEA assures that the

If this information is confirmed we would have to consider that the CJNG organization would be made up of, at least, the convergence of members from four family groups, coming from different states with family roots in Michoacán, Sinaloa and Colima, but now with a new identity, that of immigrants settled in Jalisco and their children born in this state. It is a heterogeneous conglomerate of families that converge and intend to become unified around the organization called Jalisco Nueva Generación. All this without forgetting their past: two of them with a strong Michoacán root, which allows them to go back to their places of origin and preserve a network of family groups and friends allied to the Valencia family.

One of these prominent groups is the Farías family, originally from the municipality of Tepalcatepec and with a strong presence and influence in the regions producing methamphetamines, marijuana and poppy in Tierra Caliente, Michoacán. Their link was strengthened when the Farías, like other groups of farmers and producers in this region, made the decision of stop showing subordination and paying tribute to Caballeros Templarios and created the self-defense movement of Tierra Caliente. It was through the Farías that the CJNG channeled the supports of fuel and weapons supply to the self-defense groups that were formed in Tepalcatepec and Las Margaritas, Michoacán; a movement that managed to expand to more than 30 municipalities in the state, mainly in Tierra Caliente and the Coast.

In this case, the Valencias' return to Michoacán has been all the more possible thanks to the family networks and structures formed over a period of more than 30 years between the states of Michoacán and Jalisco, at the moment through direct confrontation to weaken the Zetas, Empresa, Familia Michoacana or Caballeros Templarios.

Cuini organization is one of the 9 most important Mexican cartels operating in the USA. The other 8 are: CJNG, Cártel de Sinaloa, Cártel de Juárez, Cártel del Golfo, Zetas, Beltrán Leyva, Familia Michoacana and Caballeros Templarios. The document claims that Cuini provided funding to facilitate the birth of CJNG, adding that: "the CJNG is becoming one of the most powerful drug transnational organizations in Mexico and in some cases it rivals the Cártel de Sinaloa with operations tracking them in Asia, Europe and the Pacific". See: NationalDrugThreatAssessmentSummary, 2015. USDepartment of Justice, DrugEnforcementAdministration. Collected from: <http://www.dea.gov/docs/2015%20NDTA%20Report.pdf>

Inadvertently, the federal government's action has contributed in their efforts to weaken the criminal organizations operating in Michoacán, which has favored criminal fragmentation in a scenario that is favorable for CJNG to co-opt weakened cells and articulate connection networks with the different families thus possibly becoming the new coordinator and concentrator of the production of marijuana, heroin and methamphetamines in Michoacán.

6. Financial Structure

It is mainly represented by the Valencia family, located at present in Jalisco. The main leaders in this activity are the González Valencia brothers headed by Abigael González Valencia (aka) *El Cuini*, who, as we have mentioned before, leads the Cuinis organization, considered by the US Treasury Department as the organization that has better structured a financial, money-laundering network in Jalisco, Colima, Estado de México, Quintana Roo, Ciudad de México, the USA and several other European and Asian countries —a network that is under investigation.¹⁷

Side by side this international and national money-laundering network, there is another money-laundering network made up of close relatives of CJNG leaders. An example of this is Abigael's sister, Rosalinda González Valencia, *Mencho's* wife, who is presumably part of the money-laundering network operating in Jalisco together with several other wives of prominent leaders of the organization.¹⁸

17. The US Treasury Office of Foreign Assets Control, OFAC, has identified several establishments in Guadalajara. From 2007 to September 2015, the assets from 101 Jalisco companies have been frozen by the OFAC due to their connections with drug traffic. The businesses range from gourmet food catering to tequila, from horse and alarms to debt management cars. They recently added to their list of drug traffic heads Mexican business man NaimLibien Tella and four other companies presumably linked with Cuinis' organization, among them the newspaper *Unomásuno*, Valgo Onvestment Group, Amanecer Airlines and *Diario Amanecer*. "Indaga PGRA 60 ligados al CJNG", diario *Reforma*, September 28th, 2015. "Ficha EUa narco; México los ignora", diario *Reforma*, September 17th, 2015. "EU vincula a *Unomásuno* con los Cuinis", Collected from: <http://www.blog-del-narco.com/2015/12/eu-vincula-unomasuno-con-los-cuinis.html>

18. Jessica Johanna Oseguera González. Michoacan native, Nemesio's and Rosalinda's daughter, Rubén Oseguera González's sister (aka) *El Menchito*, imprisoned at Cefereso

It would be convenient to ask why the city of Guadalajara and its metropolitan area have become the epicenter of the organization's financial structure: the answer could be because it is the main point for the reception and distribution of different types of drugs, precursors and essential chemicals coming from the ports of Manzanillo, Colima and Lázaro Cárdenas, Michoacán, as well as the fact that it is the location of an important number of underground laboratories producing synthetic drugs; that is, Guadalajara is the hub of the main *productive, administrative and drugs distribution structure* targeting its main market, the USA.

7. Corruption structures and protection networks¹⁹

Neither the *productive nor the financial structure* would have been possible if there weren't a *corruption structure* in place that was developed enough to support the former ones. The chronology of the events occurring during 2014 and 2015 indicate the existence of *protection networks* of government officials.

Said *networks* have been articulated on the basis of *government corruption and impunity structures* with a greater tradition and longer history in the country, in place since the 1970's in the city of Guadalajara, when it protected the so-called Guadalajara Cartel. In little

3 in Matamoros, Tamaulipas, heads the restaurants Mizu Sushi in Zapopan and Puerto Vallarta, which are subjected to investigation. After *Cuini's arrest*, his wife Jennifer Beaney, from Sinaloa, director of the AG & Carlón, SA de CV and Grupo Dijema, SA de CV companies in Guadalajara, filed a suit at the court Juzgado Segundo de Distrito de Amparo en Materia Penal del Estado de Jalisco against "the illegal intended as an arrest order disguised as subpoena, presentation, injunction, apprehension, re-apprehension". *narcoempresarias del CJNG*. Blog del Narco. December, 2015. Collected at: <http://www.blog-del-narco.com/2015/12/las-narcoempresarias-del-cjng.html>.

19. The corruption and impunity networks that prevail in the country are one of the least and most poorly studied issues, above all those connected with drug traffic. That is why the elements exposed in this as well as in the following sections have to be considered as a hypothesis that needs validation and integration of evidence and proof. However, we did not want to leave them out and we invite those interested in helping to contribute in a corresponding research. The data, events and comments recorded in this section, just like the ones presented in the following one, are taken from the note published on the Security and Intelligence Consultants blog under the title of *Crisis de seguridad en Jalisco*. May, 2015. Collected at: www.cisestrategico.com.

more than 40 years, members of the economic and political elites in Jalisco have structured a *system of impunity* that has benefited the illegal activities of drug dealers, and in turn, it has favored the environment for criminal organizations to structure different business opportunities for money laundering. Most of the illegal acts have consequences when one of the authorities fails to comply with the protection agreed or refuses to cooperate in the terms agreed upon; the so-called rendering of accounts occurs, just like the CJNG did on several occasions in 2015.

Among these types of actions, we may cite the attack on March 19th on the Gendarmería Nacional agents in Ocotlán, where 5 federal police officers died; the attempt of March 31st in Zapopan against the commissioner for state public security, Alejandro Solorio; the ambush of April 16th against the Fuerza Única Jalisco officers with the resulting murder of 15 agents in San Sebastián, Jalisco; and the murder in Zacatecas, on April 26th, of Antonio de Jesús Dioclesiano Molina, a lawyer close to the inner circle of governor Aristóteles Sandoval who was considered a key character for the political and criminal networks in Jalisco.

Cuini's arrest (he was the organization's co-founder) by an Army group on February 28th, 2015 in Puerto Vallarta, represents a problem that has forced the CJNG to reconsider their relations with the political power, as well as with the protection and informer networks once made up of estate and federal security elements.

For the CJNG members, May 1st, 2015, the day of the drug traffic blockades in Jalisco, is proof of their capacity to obtain federal intelligence information through the networks intertwined in the *corruption structure* that prevails at the federal level.

8. Coercive structure and paramilitary force

The information that had been obtained by this time allowed CJNG to set in motion paramilitary cells with the capacity to generate a scenario of chaos and neutralization of the federal forces in Jalisco and the neighboring states (Colima, Guanajuato and Michoacán); which enabled them to break the siege against an operative group with strategic importance for the organization and ensure its escape,

with damage to the population and the security forces, which were a lot greater than what had been registered in previous years, namely:

- Downing of a FAM (Mexican Air Force) helicopter—the first in the history of the war against drug traffic—with 18 officers of the Federal Police and the Army aboard, ten of whom lost their lives and two were badly injured.
- 18 deaths—nine of them were military personnel, an investing police officer and 8 alleged criminals— and 19 wounded.
- 39 drug traffic blockades—although social networks identified around 50— on the avenues and highways in 32 municipalities (25 in Jalisco), Colima, Guanajuato and Michoacán.
- 11 banks, five gas stations and a number yet to be determined of burned-down vehicles.

The CJNG deployed a paramilitary force of around 100 people and 50 criminal cells that amount to between 150 to 300 people. This time, they used a Russian-made RPG rocket launcher to bring down the FAM helicopter Cougar Mat 1009, in the municipality of Villa Purificación, Jalisco.

In the meantime, as part of the confiscations of the day, the following weapons and equipment stand out:

- Two Russian-made RPG rocket launchers: an RPG-7 and an RPG-22.
- Two LAW rocket launchers.
- Nine missiles or projectiles.
- Five hand grenades.
- 15 guns, machine guns and assault rifles calibers .50 and 7.62.
- Six hand guns.
- 92 clips and 3 800 live rounds.
- Two armored vehicles.
- A pickup truck with a machinegun mount.
- Military uniforms with the label: *Fuerza Especial del Alto Mando CJNG* (CJNG High Command Special Forces) with five stars.
- 19 alleged criminals arrested, 8 of whom proved their innocence and the rest were put at the disposal of the PGR by the state, mainly charged with organized crime activities and terrorism. In addition, in León, Guanajuato, the state Attorney General's

Office arrested another alleged CJNG criminal with charges of terrorism.

The confiscation of weapons and equipment from this organization—as on previous occasions—indicate the paramilitary profile and the firepower acquired by this group in their almost five years of existence as CJNG and previously as the Milenio organization.

It should be pointed out that the growing number of rocket launchers and missiles confiscated in different states around the country—in particular the states of Tamaulipas, Coahuila and Sinaloa—, from 2007 to 2014, belonging to the criminal organizations Pacifico, Beltrán Leyva, CDG and Zetas, allow us to estimate the high probability that the CJNG has them too, in similar proportions, with the intention of equaling their arsenal to that of their partners, competitors and adversaries.²⁰

Conclusions

The lack of knowledge about the processes of historical structuring of social criminal relations (family, financial, corrupt, impunity and coercive relations), has prevented designing a more fitting strategy to deal with the criminal cjng organization.

A preliminary analysis of *Operación Jalisco* and what happened on May 1st, 2015 helps us see that the government intelligence services did not visualize or assessed correctly the capacities developed and structured by said criminal organization.

The federal government's operative against this organization also reveals the following:

- Little knowledge about the evolution and development of this criminal organization.
- Insufficient, bad, scattered and fragmented intelligence information.

20. Different observers coincide in labeling the government operative a failure. Among them the comment by Raymundo Riva Palacio, who considers that: "The enemy is larger and more powerful than the State" (*El Financiero*, May 4th, 2015).

- The analysis units of each of the departments that have studied and assessed it have not generated the pertinent investigation lines, tending to address the collection of new data and thereby improve the quality of the information and knowledge about the organization.
- These units failed to incorporate in their analysis the information collected about the CJNG *modus operandi*, especially their capacity to produce scenarios of chaos against security forces operatives, just as it has happened before.
- Distrust prevails among the security bodies due to persistent information leaks, their high degree of contamination and the absence of counterintelligence, which limits the process for fusing information to generate intelligence.
- The *informative and analytical corpus* was and will continue to be insufficient to set out the strategic content against criminality and the tactical design of the operatives. So far, the authorities have not been able to form a criminal intelligence service that prioritizes ordering the existing information, purging it and validating it, one that would generate a sensible intelligence analysis with a strategic approach to target the CJNG organization by means of a proper information treatment and processing.²¹

All the above leads to concluding that our security forces are still anchored in a *reactive security model*, with low intelligence and assertiveness contribution, as well as with errors and contradictions in their communication strategy.

It is clear today, though, that the CJNG is the most powerful enemy faced by President Enrique Peña Nieto's administration. Their progress in the last few years both in the production and traffic of drugs to be sold in the US, Europe and Asia —as informed by DEA and OFAC reports— labels it as one of the most active criminal organizations of recent times.

21. The armed forces, the federal police and CISEN are the areas that have generated tactical and operative intelligence since the beginnings of the battle against drug traffic making up for the inexistence of a criminal intelligence service in the country. That explains in part why the country does not have a department that would formulate strategic intelligence to fight against organized crime.

The chronology of the acts in the last three years enable us to observe that the organization carries out a series of actions properly conceived to neutralize enemy organizations, perfect their paramilitary capacities and coercive mechanisms, and prepare scenarios of destabilization in the Jalisco territory, as a means to increase their greater local and regional empowerment.

The clash staged by the CJNG and the federal forces on May 1st, 2015, inaugurates a new era in the recomposition process of the relations between organized crime and the transnational, national and local law enforcement institutions, which threaten security and stability in the state of Jalisco.

The CJNG consolidates its presence in US, European and Asian drug market and wins a battle against the federal forces by bringing down a FAM helicopter and neutralizing the beginning of the *Operativo Jalisco*, conceived on account of the intensification of their actions against different federal and Jalisco state actors. To a large extent this is due to the *criminal capital* it has inherited from the Valencia, which would eventually become Milenio, with Nemesio Oseguera Cervantes (aka) *El Mencho* —current CJNG operative head—, Abigaél González Valencia (aka) *El Cuini* —who, as mentioned before, is still leading Cuinis' organization—and Juan José Farías Álvarez, *El Abuelo*, who promoted the formation of autodefensas (self-defense groups) in Michoacán. Their previous alliance with the Carrillo Fuentes and later with Pacífico, allowed them to have access to Guadalajara — an enclave city with a criminal history and capital worthy of being recovered by any organization— and thereby, to international markets and their joint operation with *Nacho* Coronel. In the current circumstances, it is an organization undergoing a process of expansion that will have to face government actors and institutions that are vying for and redistributing the spaces for political, economic, military, social and criminal power, both nationwide and abroad. And yet, their main enemy is not the government networks but the fragility of their relations with the rest of the drug traffic organizations, especially with the groups that make up first and

foremost the Pacífico organization²² and secondly the Zetas which throughout 2015 proved to have the capacity to remain in the national criminal arena.

Therefore, their immediate challenge will continue to be *Operativo Jalisco*, set in motion by the federal government and whose main objective is its disarticulation.²³ It is hard to say how long it will take, above all if we take into account the fronts of struggle against crime in Michoacán, Guerrero and Tamaulipas, where there are still similar operatives in view of the prevailing scenarios of instability and ungovernability, compounded now by Jalisco.

As pointed out by former National Security commissioner, Monte Alejandro Rubido: “the use of intelligence will be given priority to curb and disarticulate the CJNG”. We all hope and wish for this to happen; however, the battle lost by the federal forces on May 1st, 2015 indicates that the conflict and violence scenarios will prevail for a long time to come: firstly, because the demand for drugs in the international market is not decreasing; secondly, because the low levels of governability indicate that the criminal organizations will continue to fight over territories; thirdly, because nothing or almost nothing has been done to curb the illegal flow of high-power armament; and fourthly, because the corruption and impunity structures in the three levels of government are still in place, that is, the breach in the rule of law still persists all over the country.

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22. On October 12th, 2015 the *Web* reported a clash between members of the Pacífico and the CJNG organizations in La Estancia in the state of Colima. The report indicates that 50 vehicles with Sinaloa natives arrived at the place where *El Mencho* was chairing a meeting, they engaged the CJNG security cordon and around 40 people were killed, Nemésio Oseguera Cervantes managed to escape. The *Sinaloa Cartel killed 40 El Mencho's sicarios*. October 12th, 2015. Collected at: <https://www.youtube.com/watch?v=5ju8pNJANxs>
 23. The federal government continues arresting important bosses and members of the organization among them Antonio Oseguera Cervantes, one of the organization's financial operators, as well as carry out the criminal process against Rubén Oseguera González (a) *El Menchito*. A Jalisco federal judge started a third trial against *El Mencho's son*, considered to be the CJNG number 2. “Abren tercer juicio contra ‘El Menchito’”, *La Reforma*, November 4th, 2015.

Capítulo XI

The role of the armed forces in Jalisco

*Martha Patricia Solís Minor**

The present work examines the rise in violence in Jalisco, which faces two important positions in the scrutiny of our country's armed forces. One, the regressive transition to authoritarianism, characterized by the systematic practice on the part of the federal government's taking charge of the state function of public security. And two, on the contrary, that the weakening experienced by the rule of law in the state makes it unavoidable for the army to participate in the tasks of this sectorial policy. In addition, the chapter identifies key moments in the participation of the armed forces in Jalisco and breaks down, through critical circumstances, its implications for Mexico's national security between 1955 and the present.

1. Critical circumstances

The attacks against police officers and soldiers, the attempts against the lives of high-ranking local political officials, the blockades of communication routes, as well as the fires and damage caused in banks, gas stations, businesses and the downing of a FAM helicop-

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ter staged by members of criminal groups, resulted in the meeting on May 6th, 2015 of the Federal Security Cabinet with Jalisco State Governor, Aristóteles Sandoval and other members of his administration, to outline the new steps that the so-called *Operación Jalisco* will take. After the meeting, the Minister of Interior, Miguel Ángel Osorio Chong, informed that General Miguel Gustavo González Cruz, commander of the 5th Military Región—covering Jalisco, Colima, Nayarit, Aguascalientes and Zacatecas— would lead the security operations in the state and that the rest of the forces, both the federal and state force, would be subordinated to his command in coordination with the federal authority.¹

Said appointment has aroused concern over the handing over of the command to an army officer. In an operation so delicate from the political and social points of view—due to the increase of power in terms of armament, resources, operation and deployment on the part of the Cartel Jalisco Nueva Generación (CJNG)— it is speculated that if the decision was made to involve the armed forces, it is because no other recourse employed before has helped to control the (in) security crisis that has afflicted Jalisco in the last few years. The incident forces us to remember that, historically, the citizens' human rights have been violated in this type of issues, as we will try to explain in the pages below.²

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1. General González Cruz is a career officer with experience in fighting organized crime in places with a high criminal incidence like Tamaulipas, Chihuahua and Veracruz. As to the *Operación Jalisco*, it is important to point out that it will include: “mixed operation bases, mixed security posts, eradication of operations bases and vigilance outposts” and it will be the V Military Region —where the command center is— the place from which “the deployment of federal forces and the intelligence tasks will be coordinated, in addition, it will be the control and communications nerve center”. Said military strategy will guide the actions by the armed forces, the Federal police, the PGR personnel and the Centro de Investigación y Seguridad Nacional (Center for National Investigation and Security, Cisen). See: Raúl Torres and Doris Gómora, “Experto antinarco encabeza ofensiva”, *El Universal*, Wednesday May 6th, 2015. Collected at: <http://archivo.eluniversal.com.mx/primera-plana/2015/impreso/operacion-jalisco-a-cargo-de-un-experto-contra-crimen-49465.html>. Fecha de consulta: September 10, 2015.
 2. For example, here the dirty war is located, covering repression measures aimed at dissolving the movement of political and armed opposition in the 1960's to 80's. This is also the case of the military saturation and the strategic siege deployed in Chiapas and Guerrero after the emergence of the Ejército Zapatista de Liberación Nacional (Zapatist Army for National Liberation, EZLN) and the Ejército Popular Revolucionario (Popular Revolutionary Army, EPR), respectively, in the 1990's.

Operación Jalisco under the command of a Division General clearly establishes a national security participation in an issue that has gone out of the control of the municipal and state authorities. The process is confirming one more cession in the spiral of military control of the public security functions, which explains the weakening of the rule of law and the state public security system, just as it has happened in other states like Tamaulipas, Michoacán and Guerrero, where it is compounded by police ineptitude, which entails that the Mexican State needs to turn to its last recourse: the armed forces.

Even though the armed forces participation in Jalisco has been verified since 1955, more recently the state has been experiencing a series of critical circumstances that have had a negative impact on the area of national security. For example, the murder of Enrique Camarena, Drug Enforcement Administration officer (DEA) due to US pressures placed drug traffic as a threat to national security for the first time since 1985. Later on, one of the most delicate moments of President Ernesto Zedillo's administration in terms of their relations with Washington, occurred when General José Jesús Gutiérrez Rebollo, Mexican anti-drugs czar, was dismissed from his position in 1997 when it was discovered that there was a network of complicity with drug traffic in his passage by Jalisco.

Still later, the escape of Joaquín Guzmán Loera, *el Chapo* Guzmán from the Puente Grande Penitentiary, a "maximum security center", profoundly questioned the effectiveness of the security strategy at the beginning of President Vicente Fox's administration. Afterwards the fearsome days of narco-blockades in March and August, 2012, undertaken by members of the CJNG, they took the state authorities by surprise and placed the state on the map of drug-related violence nationwide.

These critical circumstances call for the analysis of the armed forces' role in the state of Jalisco, which go from dirty war to the May 1st, 2015 security crisis.

2. The role of the armed forces in Jalisco: counterinsurgency and fight against illegal drug traffic

In Jalisco the role played by the military has been one of containment, dissuasion and support to the civilian institutions, first against the urban guerrilla and later, against organized crime.

From 1955 to the mid 1980's, the government of the Republic — through the armed forces— fought against guerrilla groups, whose general objective was to “take power” to set up a socialist regime, based on the need for social demands. Thus, Jalisco would become the “bastion for urban guerrilla” and the “cathedral of political violence”; which would eventually modify political balance and facilitate the arrival of the “drug lords in their territory”.³

Groups such as the Frente Estudiantil Revolucionario (Revolutionary Student Front, FER), the Communist League 23 de Septiembre (LC23S), the Fuerzas Revolucionarias Armadas del Pueblo (the People's Revolutionary Armed Forces, FRAP) and the Unión del Pueblo (People's Union, UP), emerged in view of the local authorities' failure to address social backwardness, political clientelism and violence when it came to dealing with the popular demands. The actions by these insurgent groups prompted the different state governments to seek, not their containment, but rather their annihilation, helped by the Dirección Federal de Seguridad (Federal Security Directorate, DFS), as well as by the Policía Judicial Federal (the Federal Judiciary Police), the police squads and by military elements stationed in the 15th Military Zone and the different paramilitary groups, made up in the heart of the Federación de Estudiantes de Guadalajara (The Guadalajara Student Federation, FEG), as well as by General Federico Amaya Rodríguez, then the Commander of the zone.⁴

3. Aguayo Quezada, Sergio, *La charola. Una historia de inteligencia en México*, Grijalbo, México, 2001, p. 145.

4. Aguayo Quezada points out that “the Division General exemplifies the fusion of the fight against the guerrilla with criminal activities”. According to his research, he was part of a group of young people with a criminal record, baptized as “*Agentes confidenciales* or Confidential agents” and they used to eliminate government opposition and steal and commit other crimes. *Ibid.*, p. 217.

Deep down, what the Jalisco authorities endorsed was their unrestricted support to the federal government's counterinsurgency strategy, employing a series of practices —such as illegal deprivation of freedom, torture, imprisonment in clandestine jails, forced disappearances and homicide— they surpassed the limits of law.⁵ Violence, illegality and impunity characterized the different actions undertaken by these security and intelligence apparatuses, becoming part of everyday life in the state. Over time, this would not only result in a social and political transformation in Jalisco, but also cause the spaces—which had been occupied by the paramilitary, police or task-force groups— to remain empty only to be “gradually filled by the lords who pursued one of the most illegal lucrative businesses”, drug traffic, as we will reveal in the following lines.⁶

It should be pointed out that, within the drug traffic map, Jalisco would become a frequently disputed territory. Not only because of its geographic location—with 78,588 km² of surface area, 351 km of Pacific coast line and its borders with 8 entities that connect the four points of the compass in the country (Colima, Nayarit, Zacatecas, Durango, Aguascalientes, Michoacán, Guanajuato, San Luis Potosí)—, but also because of its entrepreneurial movement, infrastructure and investment activity that allows money laundering.⁷

In this context, according to Valdés and Blancornelas, the Sinaloa organization (known afterwards as the Guadalajara cartel) would transfer its operations to Jalisco after *Operación Cóndor*.⁸ In addi-

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5. The same researcher that conducted his study on the basis of interviews to protagonists and documents collected from the Fondo Gobernación del Archivo General de la Nación (General National Archives, AGN), as well as from libraries and private collections, has gathered many cases that illustrate these practices. Moreover, the reader can consult two other collective works that are part of the collection Archivo Memoria de la resistencia en Jalisco: *Más allá de la decepción y la utopía. Resistencias antiautoritarias en Jalisco (1968-2013)* and *Memoria guerrillera, represión y contrainsurgencia en Jalisco*, where testimonies by those who were part of guerrilla organizations are gathered, in addition, the works provide an account of political repression in the state, along with a detailed analysis of the counterinsurgency strategies. They were both published by Grietas Editores.
 6. Aguayo Quezada, *op.cit.*, p. 216.
 7. Valdés, Castellanos Guillermo *op.cit.* and Blancaornelas, Jesús, *El cártel. Los Arellano Félix: la mafia más poderosa de América Latina*, RandomHouseMondadori, Mexico, 2002.
 8. Operación Cóndor was a campaign against drug traffic that took place in the 1970's and 1980's in the north of the country including the III Military Region (Sinaloa and Durango) and, mainly, the 9th Military Zone with a base in Culiacán; as well as the 11th

tion, different studies have documented that the criminals' decision to change their location was, likewise, due to the relation they maintained with Javier García Paniagua, then the director of DFS and the son of General Marcelino García Barragán. In addition to being a native of this state, he "had a wide network of political and police contacts", on one hand, and, on the other, kept a close relationship with Rubén Zuno Arce, former President Luis Echeverría's brother-in-law and one of the most representative chieftains in the state.⁹

3. Jalisco escalades into a matter of national security

In this context, Miguel Ángel Félix Gallardo headed one of the most lethal crime cells in the 1980's in Jalisco,¹⁰ contributing the resources and labor for the growth of his business, while the intelligence apparatus in connivance with crime organizations helped in the coordination and protection against the other government agencies.¹¹ This relation worked perfectly until 1985, when Enrique Camarena, DEA

Military Region (Chihuahua). Its objective was to eradicate the marijuana and poppy plantations and weaken the organized crime groups' power. To this end, almost 10 000 soldiers were deployed under the command of Generals Ricardo Cervantes García and José Hernández Toledo.

9. *Ibid.*, p. 175. Y Ortega Sánchez, José Antonio, "Jalisco: La amenaza del crimen organizado y las políticas públicas para conjurarla", Seguridad, Justicia y Paz. Consejo Ciudadano para la Seguridad Pública y Justicia Penal, A.C., April 20th, 2015, p. 61. Collected at: <http://www.casede.org/BibliotecaCasede/JaliscoSegJustYPAZ.pdf>
10. The directive operative structure of the organization was completed with Ernesto Fonseca, Juan José Quintero Payán and Rafael Caro Quintero as well as by a group of family clans, most of them originally from Sinaloa: the Zambada, Beltrán Leyva, Carrillo Fuentes, Arellano Félix and Guzmán Loera. In addition to having in their ranks people like Héctor *El Güero* Palma, Juan José Esparragoza *El Azul*, and Manuel Salcido *El Cochiloco*. *Ibid.*, p. 179.
11. In the book by Sergio Aguayo several cases of DFS agents are documented, in addition to those of municipal and state police officers who sold protection to members of the Guadalajara Cartel. Moreover, the director of *Proceso*, exposes in one of his works the link existing between drug traffickers Rafael Caro Quintero and Ernesto Fonseca Carrillo with members of the intelligence agency. See: Rodríguez Castañeda, Rafael, *El policía. Persecución, torturaba, mataba*, Grijalbo, Mexico, 2013.

agent was kidnapped and murdered—as we have already mentioned—, in the city of Guadalajara.¹²

It is important to point out that this development marked a watershed in more than one sense. Firstly, it escalated a period of tension and confrontation between Mexico and the US government, in view of the blatant corruption of the agencies in charge of fighting drug traffic in our country, since Mexico became the “most serious problem for US national security”.¹³ Secondly, since that moment on drug traffic became a threat to national security. Thirdly, the authorities reconsidered fighting organized crime, by directing their efforts to capture the people responsible for the murder, the leaders of the cartel and the police and political network that protected them.¹⁴

However, within the Guadalajara cartel distribution of cities was promoted among the different families that made it up,¹⁵ prompting a wave of greater violence in the state, as a result of the disputes among the different groups to control the territories. In these terms, the division of the cartel allowed the expansion and strengthening of this illegal business in the majority of the national territory; for example, by expanding their areas of influence to the states of Baja California, Chihuahua, Durango, Jalisco, Sinaloa, Sonora, Nuevo León, San Luis Potosí, Tamaulipas, Veracruz, Guerrero and Michoacán.¹⁶ That transition weakened the rule of law and paved the way for greater involvement of the armed forces in the public security sector.

12. For more information in respect of the Camarena Case, consult the work by Elaine Shannon, *Desperados. Los caciques latinos de la droga, los agentes de la ley y la guerra que Estados Unidos no puede ganar*, LasserPress Mexicana, Mexico, 1989.

13. Vélez Quero, Silvia E., “La seguridad nacional y el narcotráfico desde las perspectivas de México y Estados Unidos. Acuerdos teóricos, diferencias empíricas”, at Maciel Agustín (coord.), *La seguridad nacional en las relaciones México- Estados Unidos*, El Colegio de San Luis, México, 2002 p. 251.

14. Valdéz Castellanos, *op.cit.*, p. 198.

15. It is believed that from an agreement reached, the following criminal organizations emerged and they shared the business: the Sinaloa cartel, led by Joaquín Guzmán Loera and *el Mayo* Zambada; the Tijuana Cartel headed by the Arellano Félix brothers; the Juárez Cartel led by Amado Carrillo, the Caro Quintero clan, the cartel del Golfo whose head would be first Juan García Abrego and later Osiel Cárdenas-Guillén, the Amezcuca cartel and the Milenio cartel, led by the Valencia brothers.

16. The website *NarcoData* lists the areas of influence the different cartels have had since the 1970's to the present. See: <http://narcodata.animalpolitico.com/pais-invadido/>

Thus, the 1990's represent a significant violence increase in the state. The situation was dominated mainly by the Sinaloa and the Milenio Cartels. This way, illegal activities turned the state into the stage for bloody disputes (above all the Tijuana Cartel) over the control of drug traffic routes. The above resulted in a series of magnicides, car-bomb and grenade attempts and clashes with the police and the military.¹⁷ Indeed, the wave of violence shattered consensus and unity between the local political and economic power, as well as the population's acceptance of their authorities.¹⁸ Irrespective of the fact that the state government sought reconciliation with dissident sectors, some members of society considered it was unavoidable for the state government, in the hands of the Partido Revolucionario Institucional (Revolutionary Institutional Party, PRI), to leave office and they "demanded the Army's intervention".¹⁹ In sum, the political and economic deterioration, compounded by the escalade of insecurity and violence, prompted political alternation in the state Executive in favor of the Partido Acción Nacional (National Action Party, PAN) in 1995; a political institute that managed to get a majority in

17. Among the most significant violent events of the decades during the governments of Cosío Vidaurri, Carlos Rivera Aceves and PAN member Alberto Cárdenas, the following stand out: the murder of Manuel Salcido Unzueta, aka *El Cochiloco* in Zapopan (1991); the murder of cardinal Juan Jesús Posadas Ocampo, at the Guadalajara Airport (1993); the car-bomb attempt at the Hotel Camino Real perpetrated by Humberto Rodríguez, aka *La Rana*, the head of the sicarios for the Arellano Félix cartel, whose target was Ismael *El Mayo* Zambada (1994) and the execution of Leobardo Larios Guzmán, then Jalisco's Attorney General, who had refused to accept a bribe from the drug lords (1995). Moreover, former governor Flavio Romero de Velasco was arrested, who was charged with complicity with drug traffic and imprisoned in the maximum security penitentiary at La Palma, known today as the Altiplano (1998).

18. In this respect, researcher Alberto Arellano points out that the environment of public insecurity created an atmosphere of citizen's irritation in Jalisco which prompted political alternation in 1995. In view of the lack of visible results on the part of the authorities to curb the problem, a series of social mobilizations were promoted which along with the explosions of April 22nd, 1992, marked the climax of dissatisfaction "of the civil society, the political parties and corporate groups and the church", causing the then governor, Guillermo Cosío Vidaurri to tender his resignation to his office to be later condemned to his party's (PRI) ostracism at the Guatemalan Embassy. See: Arellano Ríos, Alberto, "Empresarios y cambio político en México", *Acta Republicana Política y Sociedad*, año 8, núm. 8, 2009, pp. 46- 47. Collected from: http://148.202.18.157/sitios/publicacionesite/period/republicana/pdf/ActaRep08/ActaRep08_4.pdf

19. *Ibidem*.

the local congress, dominating 53 (42.7%) of the 125 municipalities in the state.²⁰

On the other hand, it should be underscored that General José de Jesús Gutiérrez Rebollo was in command of the V Military Region —during that political transition—, who had been sent in 1989 as the commanding officer of the 15th Military Zone headquartered in Zapopan. According to columnist Diego Petersen, the General's power in the state “grew to the point that he controlled not only the military structure, but also many of the state and municipal police bodies”, where he placed his officers, like in the particular case of Captain Horacio Montenegro, who was the head of the Jalisco police.²¹ In this respect, Alberto Arellano points out that this appointment caused conflicts for the Jalisco governor, to the point that he dismissed him from his position, not without the opposition of General Gutiérrez Rebollo himself.²²

20. Rangel Juárez, Beatriz, “1995: Año de la alternancia en Jalisco”, Universidad de Guadalajara. Collected at: <http://info5.juridicas.unam.mx/libros/4/1762/14.pdf>.

21. Petersen Farah, Diego, “El General”, Portal de SinEmbargo, December 20th, 2013. Collected at: <http://www.sinembargo.mx/opinion/20-12-2013/20137>. consulted on September 9th 2015. Petersen claims that Gutiérrez Rebollo “was at the moment the most powerful man of Western Mexico and in practice he decided the destiny of public security and drug traffic in the area”. Furthermore, journalists from *La Jornada* hold that at that time “the military participated in almost all the investigations on the crimes occurred in the state”, which reveals that the General managed to “expand his influence beyond his constitutional function as military commander of Jalisco”. See: Aranda Jesús and Rico Gerardo, “Gutiérrez Rebollo participó en la investigación del caso Posadas”, *La Jornada*, February 22nd, 1997. Collected at: <http://www.jornada.unam.mx/1997/02/22/rebollo.html>. consulted on November 16th, 2015.

22. Arellano Alberto, *op.cit.*, p. 48. Moreover, the researcher holds that the pressure to dismiss the office holders of the Secretaría de Seguridad Pública and Procuraduría de Justicia, came from the business men, who in turn criticized the legislation and the national security program, demanding that the state government design a new project in this matter: the Programa Jalisco de Seguridad Pública y Procuración de Justicia (The Jalisco Program for Public Security and Enforcement of Justice). See: Arellano, Alberto, “Gobiernos panistas e inseguridad pública en Jalisco”, *Desacatos*, num. 26, January–April, 2008, Centro de Investigaciones y Estudios Superiores en Antropología Social, Mexico, p. 131. Collected from: <http://www.redalyc.org/articulo.oa?id=13902609>. Also the weekly *Proceso*, reports that it was this dispute with governor Cárdenas Jiménez, that General Gutiérrez Rebollo “refused to attend public acts organized by the state government” and “whenever the governor appointed retired military officers for the jobs vacated by captain Horacio Montenegro and his people, the commander of region v vetoed them and he even imprisoned lieutenant colonel Raúl Durán Belloso and José Cantón Vinagré, who had been appointed directors of the Auxiliary and Preventive

The truth is that General Gutiérrez Rebollo's stay in Jalisco (seven years in charge of the armed forces in the state, breaking the permanence record for a commander),²³ coincided with the fact that the federal government began to resort to the use of the Armed Forces to help in operatives to capture different drug traffickers. This support marked a qualitative change as opposed to the traditional use of the armed forces in their efforts to eradicate drug plantations, allowing the military to engage in public security functions. Furthermore, the history of the link between General Gutiérrez Rebollo and Captain Montenegro with Amado Carrillo would expose the protection network enjoyed by the Juárez cartel, including municipal and state police officers.²⁴

In fact, José A. Ortega claims that it was during the Alberto Cárdenas' administration (1995-2001) when the so-called *Señor de los Cielos*' supremacy consolidated in Jalisco and after his death, the control of this place would be taken over by his lieutenant, Ignacio Coronel. Since then there would occur a reduction of drug-related violence, although that did not mean that it would result in the cessation of "the direct involvement of agents in crimes such as kidnapping, extortion and theft".²⁵

Police, respectively". See: Redacción, "Hijo de un revolucionario zapatista, el general Gutiérrez Rebollo desafió a las autoridades civiles y militares", *Proceso*, num. 1060, February 22nd 1997. Collected from: http://hemeroteca.proceso.com.mx.wdg.biblio.udg.mx:2048/?page_id=278958&a51dc26366d99bb5fa29cea4747565fec=174908.

23. An unwritten rule within the military institution establishes that the military region commanders remain two or three years in their posts.

24. Valdés Castellanos, *op.cit.*, p. 239- 242. The author points out that "if there was something that made Gutiérrez Rebollo famous, it was his success against Amado Carrillo's adversaries", since he arrested Güero Palma, the brothers Lupercio Serratos and dealt solid blows against the Arellano Félix, favoring the strengthening of the Juárez Cartel. It should be pointed out that Gutiérrez Rebollo, then considered a military officer with great leadership qualities within the army, famous for being straight and incorruptible, had been promoted as the anti-drugs Czar in Mexico on December 9th, 1996 and had been a member of the official Mexican committee that on January 27th and 28th, 1997 had met in Washington with high-ranking US officials. This time, the army officer had a warm welcome in the White House administrative building by Barry McCaffrey, who labeled him "a man with a reputation of impeccable integrity". See: Cason, Jim, "Inquietud en el gobierno de EU por la extendida corrupción", *La Jornada*, February 20th, 1997. Collected from: <http://www.jornada.unam.mx/1997/02/20/corrupcion.html>. consulted on: November 29th, 2015.

25. Ortega Sánchez, José Antonio., *op.cit.*, p. 137.

Later on, during the Francisco Ramírez Acuña government (2001-2006) and interim period of Gerardo Octavio Solís Gómez (2006-2007) Ignacio Coronel's (aka the *Rey del Crystal*, the King of Crystal) control over Jalisco consolidated, he was in charge of the mass production of methamphetamines and other synthetic drugs, protected by the Federación²⁶ and, specifically by Joaquín Guzmán Loera, *El Chapo*, for whom he was the main financial operator. Guzmán was imprisoned in the maximum security correctional at Puente Grande, from where he would escape in 2001, revealing the level of corruption of the authorities and the structural erosion of state institutions.²⁷

On the other hand, it should be pointed out that during the Emilio González Márquez administration (2007-2013) a group made up of members of what remained of the Milenio cartel arrived in the state, they used to call themselves Matazetas (Zeta Slayers),²⁸ who would allow Coronel's criminal activity to expand to the states of Michoacán, Morelos, Guerrero and Veracruz. The importance of this group lies in that, from being at first the armed forces of the Federación, after Coronel's death—in 2010 during an army operative—it split into two gangs that escalated violence and insecurity in an unheard-of manner in the state in their struggle for the control of the synthetic drugs market: Resistencia and CJNG.²⁹

26. Federación was a criminal group that agglutinated the Sinaloa and Juárez Cartels, headed by Guzmán Loera, Ismael Zambada, Vicente and Rodolfo Carrillo Fuentes, Ignacio Coronel Villarreal, Juan José Esparragoza Moreno and the brothers Arturo, Alfredo and Alberto Beltrán Leyva.

27. At the moment of his escape, *El Chapo* Guzmán had been imprisoned for over seven years, charged with the murder of cardinal Posadas and he enjoyed absolute power in the jail. In respect of his escape, we recommend the books by Ricardo Ravelo, *El narco en México. Historia e Historia de una guerra y Los Capos. Las narco-rutas en México*, where the author reveals elements that clarify the circumstances around el capo's escape and the network of complicities with public officials on the basis of the investigation conducted by extinct Unidad Especializada en Delincuencia Organizada (Unit Specilized in Organized Crime, UEDO).

28. Gandaria Manrique, "Fue presentado *El 85*, creador de los *Matazetas*", *El Occidental*. Collected at: <http://www.oem.com.mx/eloccidental/notas/n2465233.htm>, March 13th, 2012. Consulted on: September 27th, 2015.

29. For more information about this criminal group see: Ferrer Mauricio, "Cártel Jalisco Nueva Generación: el nuevo imperio del narco", April 16th, 2015, *Reporte Índigo*. Collected at: <http://www.reporteindigo.com/reportes/mexico/cartel-jalisco-nueva-generacion-el-nuevo-imperio-del-narco>. consulted on: September 30th, 2015. De Mauleón,

In just a few years and according to the US Treasury Department, CJNG became one of the most powerful drug traffic organizations, at present controlling the manufacture of methamphetamines along a corridor stretching from Guadalajara to Manzanillo, and they are present in 8 states of the Republic.³⁰ Headed by Nemesio Ocegüera Cervantes, aka *el Mencho*, the police record of this group includes drug and weapon traffic and kidnapping, extortion and—one of their most profitable activities— theft of gas, as revealed by the analysis of two press communiqués that Sedena posted on their *web* page.³¹

Making a more the detailed analysis of the communiqués made by the territorial command of the Secretaría de la Defensa Nacional (National Defense Department, Sedena) in Zapopan, reveals that the main activities that the officers of the 15th Military Zone carried out between 2006 and 2012 were confiscating armament, vehicles and synthetic drugs (mainly crystal), as well as impounding chemical precursors and fuel and, lastly locating clandestine fuel inlets and laboratories. As to the latter, we should point out that their main characteristic was that they were on routes bordering with Michoacán (La Barca, Ocotlán, Ayotlán, Atotonilco, Pihuamo), Colima (Tuxpan, Tonila, San Gabriel), Nayarit (San Sebastián del Oeste, Puerto Vallarta, Cabo Corrientes) and Zacatecas (Tequila, Ixtlahuacán del Río, Yahualica), as well as in the Guadalajara Metropolitan Zone (Zapopan, Tlajomulco and Tlaquepaque).

Héctor, “CJNG: La sombra que nadie vio”, *Nexos*, June 1st, 2015. Collected at: <http://www.nexos.com.mx/?p=25113>. Consulted on: September 25th, 2015. Olmos José Gil, “Las guerras de “El Mencho”, *Proceso*, núm. 2010, May 9th, 2015. Collected from: http://hemeroteca.proceso.com.mx.wdg.biblio.udg.mx:2048/?page_id=278958&a51dc26366d99bb5fa29cea4747565fec=403746. Consulted on: September 27th 2015.

30. Reuters, “EU agrega a su ‘lista negra’ del narcotráfico a dos cárteles mexicanos”. Wednesday April 8th, 2015, CNN México. Collected at: <http://mexico.cnn.com/nacional/2015/04/08/eu-agrega-a-su-lista-negra-del-narcotrafico-a-dos-carteles-mexicanos>. consulted on October 3rd, 2015. The states where the cartel is present are: Colima, Estado de México, Guerrero, Jalisco, Michoacán, Nayarit, San Luis Potosí and Veracruz. See also the recent webpage *NarcoData*, en: <http://narcodata.animalpolitico.com/con-pena-el-chapo-y-jalisco-nueva-generacion-dominan-el-negocio-de-la-droga/> y <http://narcodata.animalpolitico.com/cartel-jalisco-nueva-generacion/>. Consulted on: November 14th, 2015.

31. Secretaría de la Defensa Nacional, “Comunicados de Prensa de Mandos Territoriales 2006-2012”. Collected at: <http://www.sedena.gob.mx/sala-de-prensa/comunicados-de-prensa-de-mandos-territoriales>.

In this respect, The *Economist* collects a report by the Comisión Nacional de Seguridad (National Security Commission CNS) revealing that of the drug labs dismantled in the last 9 years, “71% have been in Michoacán and Jalisco, states that are marked by the presence of CJNG and the Templarios”.³² It should be added that they tried to obtain information at the Procuraduría General de la República (The Republic’s Attorney General’s Office, PGR) and Sedena; however, their reports, as well as the statistics provided on their respective WebPages, do not break down into numbers by federal state. Nevertheless, another journalistic report supports the version that the labs were in the states where CJNG’s influence prevails.³³

In sum, the last Sedena report mentions that 156 labs were found between January and October, 2015, and so far in the present six-year period, the armed forces have destroyed 385 synthetic drug laboratories, in particular in the regions of the Center and Valles de Jalisco.³⁴

Furthermore, upon a request for information, the PGR provided *Reporte Índigo* with their “registros de Detección de Hidrocarburos de Origen Ilícito, (Records for the detection of illegal fuels)”, for the 2007-2013 period, revealing that “there have been 1073 pretrial investigations to look into these crimes”, pointing out that 99 % of this criminal modality concentrates in 6 states. Jalisco is at the top of the list with a total of 549 cases, followed by Veracruz, Querétaro, Guanajuato, Sonora and Zacatecas, most of them are areas under CJNG influence. In this period 367 people were arrested, more than

32. Monroy, Jorge, “En lo que va de la actual administración. Desmantelado, el doble de laboratorios que con FCH”, *El Economista*, June 25th, 2015, at: <http://eleconomista.com.mx/sociedad/2015/06/25/desmantelado-doble-laboratorios-que-fch>, consulted on: November 13th, 2015. According to the reporter, the data were obtained responding to the request for information, folio 0413100021215.

33. Arturo Ángel, “¿Cómo se enriquece el Cártel de Jalisco? Cinco estadísticas lo revelan”, *Animal Político*, May 7th, 2015, at: <http://www.animalpolitico.com/2015/05/como-se-enriquece-el-cartel-de-jalisco-cinco-estadisticas-lo-revelan/>, consulted on: October 24th, 2015.

34. Secretaría de la Defensa Nacional, “Primer Informe de Labores”, September 2013, at: http://www.sedena.gob.mx/pdf/informes/Primer_Informe_Labores_2013.pdf
Secretaría de la Defensa Nacional, “Segundo Informe de Labores”, September 2014, at: http://www.sedena.gob.mx/pdf/informes/Segundo_Informe_Labores_2014.pdf
Secretaría de la Defensa Nacional, “Tercer Informe de Labores”, September 2015, at: http://www.sedena.gob.mx/pdf/informes/3er_informe_de_labores.pdf. and <http://www.sedena.gob.mx/images/stories/archivos/ocn/2015/laboratorios.jpg>

half of whom (165) hailed came from Jalisco, which gives us an idea of the dimension of the market in this state.³⁵

On the other hand, during the last six-year period, Jalisco ranked fifth among the states with the most money-laundering cases, according to the PGR.³⁶ In this respect, the US government has claimed that the CJNG has a wide network of businesses and people that launder their profits located in Guadalajara, Zapopan, Tapalpa and Tomatlán.³⁷ This is more than enough reason why the state should prioritize prevention, struggle against and punishment for this offense, since being a complex, dynamic problem for the community, it has negative consequences for the local economy, the government and social welfare; allowing in turn, the criminals to enjoy the benefits of their illegal business. Though it is true that money laundering does not cause strident violence acts as such, it is an activity that has a great corrupting power, both for the institutions and for society itself.

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35. Herrera, Luis, “Estado de Jalisco, primero en venta de gasolina ilegal”, Friday. April 25th, 2015, *Sin Embargo*, pp. 26-17. Collected at: <http://notisivale.com/2014/abr/25/estados/25reporteindigo-gdl.pdf>. consulted on: November 13th, 2015. About this, Weekly *Zeta* reports that after the ambush in the municipality of Guachinango, where a military truck was burned down after it had recovered stolen gas and four soldiers burned to death, the government has held the CJNG responsible for “milking the Pemex ducts and selling the fuel in the Valles, Sierra de Amula, Sierra Madre and Costa Sur regions”. See: Sáinz Martínez, Luis Carlos, “Cárteles de la gasolina”, March 8th, 2015. Collected at: <http://zetatijuana.com/noticias/reportaje/19068/carteles-de-la-gasolina>. consulted on: November 15th, 2015.
 36. “Jalisco, quinta Entidad con más lavado de dinero, según la PGR”, *El Informador*. Collected at: <http://www.informador.com.mx/jalisco/2013/434983/6/jalisco-quinta-entidad-con-mas-lavado-de-dinero-segun-la-pgr.htm>. Un reportaje de *El Economista* establece que de acuerdo a los resultados preliminares que realizó el investigador Sergio Lagunas, de la Universidad del Caribe: “Entre los años 2004 y 2013, el DF y Jalisco registraron el mayor número de operaciones sospechosas relacionadas con lavado de dinero que analiza la Unidad de Inteligencia Financiera de la Secretaría de Hacienda y Crédito Público (SHCP)”. See: <http://eleconomista.com.mx/estados/2014/04/02/df-jalisco-lideran-actos-sospechosos-blanqueo-dinero>. consulted on: November 4, 2015.
 37. Among the businesses, there are restaurants, bars, supermarkets, hotels, spas, residential communities, developers, gas stations, pawn shops and tequila companies. See: Redacción, “Las 19 empresas con las que el CJNG lava dinero”, *Unión Jalisco*, September 21st, 2015. Collected at: <http://www.unionjalisco.mx/articulo/2015/09/21/seguridad/las-19-empresas-con-las-que-el-cjng-lava-dinero>. Redacción, “5 empresas jaliscienses, en la lista negra del narco en EU”, *Unión Jalisco*, September 17th, 2015. Collected at: <http://www.unionjalisco.mx/articulo/2015/09/17/economia/guadalajara/5-empresas-jaliscienses-en-la-lista-negra-del-narco-en-eu>.

In this sense, business people, public servants, politicians and institutions are vulnerable to the growing corrupting force that this criminal group has. An example is Luis Carlos Nájera Gutiérrez de Velasco, Public Security secretary and, until recently, State Attorney General, who was accused by state preventive and ministerial police officers of protecting the CJNG in return for money.³⁸

On the other hand, it should be pointed out that since the beginning of the Aristóteles Sandoval administration, the CJNG has been characterized by a constant belligerence against his government.³⁹ As a response, in the context of the presentation of the new national strategy to restructure the justice system in the country, on November 26th, 2014 and President Peña Nieto decided to include Jalisco—along with Michoacán, Tamaulipas and Guerrero—among the federal states prioritized by the compulsory creation of unified state police corps that will carry out special operatives, broadening the deployment of federal forces to support their municipalities.⁴⁰ However,

38. Ortega Sánchez, José Antonio, *op.cit.*, pp. 138-142. Another report indicates that, though it is true that it was not proved that Nájera had ties with criminals “there was an avalanche of public comments that he provides protection for the underworld”. See: “Nájera, las sospechas del ‘viernes negro’”, *Vallarta al Día*. Collected at: <http://vallartaaldia.com.mx/najera-las-sospechas-del-viernes-negro-2/>. Moreover, other journalistic notes claim that the accusations did not only come from police officers but also from the criminal group Resistencia who denounced his connivance with CJNG. See: Redacción, “Aristóteles Sandoval ‘olvidó’ pasado de Nájera”, April 16th, 2015, *UNIÓN Jalisco*. Collected at: <http://m.unionjalisco.mx/articulo/2015/04/16/seguridad/guadalajara/aristoteles-sandoval-olvido-pasado-de-najera>. Redacción, “Vinculan a Nájera y Solorio con el narco”, *Proceso*, Edición Jalisco, May 23rd, 2015. Collected from: <http://www.proceso.com.mx/?p=405102>. Consulted on: November 18th, 2015.

39. According to figures by the Instituto Jalisciense de Ciencias Forenses (The Jalisco Forensic Sciences Institute), 103 officials have been murdered in the state. Among these cases, the secretary of state Tourism, J. Jesús Gallegos Álvarez, the Ayutla municipal president, Manuel Gómez, the federal representative, Gabriel Gómez Michel and, recently, the ISSSTE representative, Javier Galván Guerrero. Moreover, in the municipality of La Barca over 70 bodies were found in clandestine graves attributed to settling of accounts among criminal groups. 4 soldiers were also murdered in Guachinango and 6 state police officers were ambushed on the road from Mascota to Puerto Vallarta. See: Ferrer Mauricio, “Cártel Jalisco Nueva Generación: el nuevo imperio del narco”, Thursday April 16th, 2015, *Reporte Indigo*. Collected at: <http://www.reporteindigo.com/reportes/mexico/cartel-jalisco-nueva-generacion-el-nuevo-imperio-del-narco?page=2>. Consulted on: September 30th, 2015.

40. “Peña Nieto anuncia medidas para mejorar la seguridad”, *El Informador*, November 27th, 2014. Collected at: <http://www.informador.com.mx/mexico/2014/562068/6/pena-nieto-anuncia-medidas-para-mejorar-la-seguridad.htm>. consulted on: September 30th, 2015.

in a blatant challenge to authority, the criminal group compounded their aggressive line with the execution of 5 Gendarmería Nacional officers in the municipality of Ocotlán, they attempted against the life of the State Commissioner for Public Security, Alejandro Solorio Aréchiga, murdered the director of the Zacoalco de Torres municipal police and ambushed and killed 15 Jalisco Unified Force agents in the municipality of San Sebastián del Oeste.⁴¹

This demonstration of fire power, along with the downing of a FAM Cougar 1009 helicopter and the May 1st, 2015 drug traffic blockades, were part of the “welcome” to this state given to the 6 000 elements of the federal forces that were part of the *Operación Jalisco* under the command of the military. No doubt, the response, after the death of members of the force, resulted in the manhunt for the CJNG leader and his lieutenants. To this end, Sedena “mobilized an Independent Brigade made up of 3650 elements, including Infantry, Artillery, Motorized Cavalry, Paratrooper, Special Forces and Armored Vehicle Regiments [...] who are complemented by soldiers from the Quartermaster, Health and Military Transport Units, for the services required by the operative troops”.⁴²

According to a document by the General Staff, the military structure operating in Jalisco was made up of—until May 1st— “11 800 elements”, but after the decision of the high command to send armored regiments and brigades to Jalisco, “the operative force was increased [...] supporting the command of troops rarely seen before”.⁴³ Accor-

41. Ledezma Darío, “Atentados contra policías en Jalisco, ‘desafío’ del crimen a la autoridad”, CNN Mexico, April 9th, 2015. Collected at: <http://mexico.cnn.com/nacional/2015/04/09/atentados-contra-policias-en-jalisco-desafio-del-crimen-a-la-autoridad>. consulted on: September 30th, 2015.

42. New Network Communications, “Incorpora a 6 mil militares y federales a Operación Jalisco”, May 10th, 2015, agencia Reforma. Collected at: <http://www.nnc.mx/nacional/1431272633.php>. consulted on: October 27th, 2015.

43. It should be underscored that in 2006 when the announcement was made about the joint Michoacán Operative, 7 000 federal troops were deployed, of whom 4,200 were Sedena elements, who also destined 29 aircrafts and 246 land vehicles to implement 131 operation bases and 24 control posts in regions believed to have high criminal incidence in the neighbor state. As can be seen, the number of soldiers is less than that destined to Operación Jalisco. See: Domínguez Alejandro, “Estrategias en Michoacán comenzaron en 2006 y siguen”, *Milenio*, January 13th, 2014. Collected from: http://www.milenio.com/politica/seguridad-estrategias_Michoacan-Calderon_Michoacan-Pena_Nieto_Michoacan-violencia_0_226177863.html. consulted on: November 14th, 2015.

ding to Sedena documents, in the 5th Military Region there were “29 generals, 303 chiefs, 1,777 command officers and 9,751 troops operating, but this force was strengthened by an additional 1,200 military to face the CJNG, in an unheard of counteroffensive, only comparable to the deployments ordered by former president Felipe Calderón after he started his war against drug cartels”.⁴⁴

That is why now, from the Jalisco sierra to the Pacific coast, it is possible to see the uniformed troops in the control and revision posts with armored vehicles and Panhard VBL, Sandcat and DN XI (above all, in the municipalities of Autlán, Villa Purificación, Tomatlán, Tonalá, La Huerta and Casimiro Castillo).⁴⁵ In addition, in the Guadalajara metropolitan area, especially in the municipality of Zapopan, the citizens frequently and routinely watch Humvees, Dina trucks, Jeeps and other military vehicles transporting soldiers and supplies;⁴⁶ not forgetting that they are also surprised by military deployments in several colonies in the Tapatía capital, where buildings are searched looking for criminals.⁴⁷ As we can see, the operative dimension shows that the Mid-center region is now national priority, displacing to the second place focalization on Michoacán, Tamaulipas and Guerrero.

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44. Medellín, Jorge, “La toma de Autlán”, May 12th, 2015. Collected from: <http://www.estadomayor.mx/53680>. Consulted on: September 28th, 2015.
 45. Becerra, Juan Pablo, “Despliegue militar nunca antes visto”, *Milenio*, Mayo 9th, 2015. Collected from: http://www.milenio.com/policia/Despliegue-militar-visto-helicoptero-Jalisco-blindadas-Ejercito-tropas-soldados_0_514748579.html. “Ejército blindado Jalisco”, *El Siglo de Torreón*, May 9th, 2015. Collected from: <https://www.elsiglodetorreon.com.mx/noticia/1113010.ejercito-blinda-jalisco.html>. Gómora, Doris, “Usan vehículos de combate sobre ruedas”, *El Universal*, May 8th, 2015. Collected from: <http://archivo.eluniversal.com.mx/nacion-mexico/2015/impreso/usan-vehiculos-de-combate-sobre-ruedas-225792.html>. Consulted On: October 19th, 2015.
 46. This is the author’s appreciation by making every day tours of the metropolitan area. The information about the types of vehicles that can be seen was taken from the Sedena webpage: “Características del parque vehicular” (<http://www.sedena.gob.mx/transparencia/transparencia-focalizada/0248-caracteristicas-del-parque-vehicular-y-de-Fuerzas-Armadas-de-México>). “Vehículos” (http://fuerzasarmadasdemexico.es.tl/Veh%EDculos-_Vehiculos_.htm). Consulted on: October 27th, 2015).
 47. “Fuerzas federales catean departamento en colonia Providencia”, *El Informador*, May 13th, 2015. Collected from: <http://www.informador.com.mx/jalisco/2015/591885/6/fuerzas-federales-catean-departamento-en-colonia-providencia.htm>. Torres Raúl, “Realizan operativo sin informar a vecinos”, *El Universal*, May 14th, 2015. Collected from: <http://archivo.eluniversal.com.mx/estados/2015/impreso/realizan-operativo-sin-informar-a-vecinos-98932.html>.

4. Risks from the militarization of public security and possible proposals for public policies in Jalisco

Militarization is a reality that is already visible not just in Jalisco, but all over the national territory. Nevertheless, this is not the best strategy because it entails a series of risks in itself, among them: 1) US penetration in the Mexican armed forces, through the indoctrination, strategy design, consultancy, training and supply (a process of dependence on US military capacity); 2) Increase of reports against soldiers accused of abuse of authority and the violation of human rights; 3) Military supremacy over the civilian control in several regions of the state; 4) In view of an actual absence of legislative supervision, the military can create conditions favoring new spaces for military autonomy; 5) Allotment of resources for the defense and security areas, instead of allotting them to other national priorities, such as education, public health, fight against poverty and the concretization of development; 6) Clashes between the civilian and military institutions 7) Deprofessionalization of the armed forces.⁴⁸

Due to the reasons set out above, it can be concluded that continuing along this road results fruitless. Though it is true that the problem of insecurity and violence is real, the measures taken are not only “exceptional, desperate, uncoordinated and counterproductive in terms of the deaths and violation of human rights”, but also “inefficacious, or partially inefficacious to contain, weaken, avoid the reproduction of criminal organizations and apply the law on their members and supports on other spheres”.⁴⁹

In Jalisco in particular, watching the military on the streets is beginning to be regarded as part of everyday life, but not without

48. For more details about the risks of the public security militarization process see: Solís Minor, Martha Patricia and Moloeznik, Marcos Pablo, “El rol de las fuerzas armadas en el combate al narcotráfico y su impacto en las relaciones civiles- militares”, at Moloeznik, Marcos Pablo and Avelar Álvarez, María Esther (coords.), *Retos y perspectivas de la seguridad y la justicia penal* (A Collection of essays and research papers paying homage to penitentiary Roberto Larios Valencia), Conacyt/ Insyde/ Fundación Victimología/ Universidad de San Diego, Mexico, 2014, pp. 106-107.

49. Astorga, Luis, ¿Qué querían que hiciera? Inseguridad y delincuencia organizada en el gobierno de Felipe Calderón, Grijalbo, Mexico, 2015, p. 222.

raising concern and doubt, along with a series of complaints on the part of the population affected by their presence.⁵⁰

In view of this, it is necessary to implement new strategies and public policies that are coordinated and put into practice at all government levels, so that the military have the chance to go back to their barracks, because, as General Salvador Cienfuegos claimed in his latest interview:

None of us joined the Armed forces to do this. But if the Armed forces don't do it, no one else will. We don't feel comfortable, we did not asked for it, we did not study for this, in addition to complying with the President's order, it is the society who is asking for it.⁵¹

That is why it is believed that it would be necessary, as the first step, to implement the following measures: 1) Demilitarization of the state's police function, that is, the gradual withdrawal of the military from the police tasks; 2) Struggle against corruption and impunity; 3) Dignifying, professionalizing and modernizing the police bodies, both their staff and its management and administration; 4) Development of a state citizens' security system; 5) Follow-up and systematic blows against the financial nerve of crime and their operators in the money-laundering activities; 6) Investigation and confiscation

50. Torres, Raúl, "Cinco familias denuncian desaparición de parientes tras Operación Jalisco", *Red Política- El Universal*. Collected at: <http://www.redpolitica.mx/estados/cinco-familias-denuncian-desaparicion-de-parientes-tras-operacion-jalisco>. Darwin Franco Míguas, "Operación Jalisco, ¿un nuevo Tlatlaya?", *Proyecto Diez*. Collected from: <http://www.proyectodiez.mx/operacion-jalisco-un-nuevo-tlatlaya/>. Cobián R., Felipe y Osorio Alberto, "Fueron 43 los muertos civiles en Villa Purificación", *Proceso*, num. 2012, May 23rd, 2015. Collected from: http://hemeroteca.proceso.com.mx.wdg.biblio.udg.mx:2048/?page_id=278958&a51dc26366d99bb5fa29cea4747565fec=405108. Consulted on: September 25th, 2015.

51. Interview with General Salvador Cienfuegos, head of Sedena, Noticieros Televisa, October 11th, 2015. Collected at: <http://noticieros.televisa.com/programas-noticias-y-reportajes/1510/entrevista-general-salvador-cienfuegos-titular-sedena/>. Y: https://www.youtube.com/watch?v=E_LrcsS50IQ. Also in this respect it is important to remember the declaration made years ago by recently deceased General Godínez Bravo to journalist Martha Anaya: "We sincerely believe that we the military, if we were a different kind of army, we would be at present trying to ask for explanations from the civilian presidents about what has happened in the country since we handed it over to them, and for the record, we handed the country over to them in better shape than it is now ... What have they done with the country we handed over to them?". See: Ibarrola, Javier, *El Ejército y el poder. Impacto e influencia política en el México moderno*, Océano, Mexico, 2003, p. 172.

of criminal patrimony; 7) Promotion of citizen participation forms via expert groups and social comptrollership bodies to supervise the inner workings of the police, judicial and penitentiary systems; 8) Permanent crime-prevention campaigns; 9) Campaigns to promote social participation via neighborhood and community police; 10) The implementation of broad-based, permanent campaigns to prevent addictions, as well as favor rehabilitation and 11) The promotion of a culture of legality.

There is no point in insisting that it is impossible not to take the armed forces into account, but the problem has been—since the beginning—the absence of a juridical framework that specifies clearly when, how, where and why the military can intervene, or in addition, what their specific attributions and limitations are, what the institutional counterweights are and of course, what the bodies in charge of enforcing vigilance and punishment for possible violations of the human rights due to undue use of force are.

Final words

The violence and insecurity experienced by Jalisco at present is the result of the implementation of erroneous public policies that, on one hand, do not fight corruption and impunity effectively or strengthen the rule of law. They do not reform the security apparatus or the institutions in charge of enforcing justice, nor do they address structurally the prevention of crime. In this context, while the above is not transformed or reinforced, the military will continue to be the pillar which supports the government strategies, which will cause an alteration of the civilian-military relation in the long run.

With the trajectory set out throughout this paper, it is clear that the state of Jalisco is relevant as an issue of both national and regional security and in particular, in terms of the legacy left by the different crisis periods in the generation of changes in the political processes, as well as in the rearrangement of the drug cartels maps and therefore in the implementation of policies to fight them.

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Security and justice in Jalisco

SCENARIOS AND PROPOSALS

The book *Security and Justice in Jalisco*, published by the University of Guadalajara and the Collective Security Analysis Democracy, A.C. (CASEDE), whose editorial work was conducted by two prestigious academic, Pablo Marcos Moloeznik and Abelardo Rodríguez Sumano, is a necessary and urgent work. It has the advantage that most of the contributions are written by specialists jaliscienses.

The work consists of 25 collaborations divided into five thematic sections. Most authors work with the theories of multidimensional security and integral, which holds that the phenomena of violence, crime and delinquency are based on socioeconomic inequality structures, contexts of poverty, marginalization and weak social cohesion. This interpretation also leads to argue that government institutions have significant shortcomings, including the lack of professionalism of civil servants, corruption, opacity and lack of transparency and lack of planning and administration of public budgets.

In sum, this work presents implicitly possible scenarios for Jalisco: increased violence that would force the federal forces to spearhead the effort to contain the enemy or, on the contrary, that the leaders of Jalisco assume reality, they are aware of the magnitude of the phenomenon of (in) security and implement the necessary reforms. This publication makes specific recommendations given tools, supplies and information to understand the security crisis that may be brewing. It is up to society and to the rulers who use it to build a new security agenda.

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