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Recommendations for a New Administration: Justice and Police Reform for Safer, More Secure Societies

By David T. Johnson | December 4, 2012

New York Times columnist James “Scotty” Reston famously quipped that “Americans will do anything for Latin America except read about it.” Lately, one cannot say that. American readers have, indeed, grown fascinated by the struggle against drug-fueled organized crime in Central America and Mexico. Why? At least in its Colombian incarnation, what Richard Nixon labeled the “war on drugs” has been part and parcel of our relationship with Latin America for almost half a century. Why do we care more now? Is it our *interest* or our *interests* that have changed? In fact, we have begun to redefine our interests. While the United States has done a great deal over the last decades to help combat rising crime in Latin America, now it is clear that if a new administration does not accelerate and refocus its programs exclusively on citizen security in the region, it could prove costly in an unexpected quarter—at the polls. If the results of the 2012 elections prove anything,

it is that our Latino population and its concerns will define victory in the next campaign, given rapid changes in the U.S. demographic profiles. Here is what the new administration should do:

- Focus exclusively on our partners’ justice systems, dropping efforts to use engagement to prosecute cases in the United States;
- On counternarcotics, drop the quarantine paradigm; kilos seized have become the “body count” of the war on drugs, with as little relationship to success. Focus exclusively on safe streets and citizen safety;
- Make U.S. states and municipalities the exclusive implementers of our citizen security programs. The feds can write the checks, but they do not have the skills our partners need; and

- Put the State Department in charge. These are assistance programs, not law enforcement.

Certainly through the end of the twentieth century, U.S. policymakers thought that the United States had a significant interest in combating narcotics trafficking in Latin America. Few public interests compare to cutting off the fuel that feeds violence in the streets and protecting the health and safety of the nation's youth. Those interests drove significant counternarcotics funding for the departments of State and Defense and, through them, Justice and Homeland Security that rose incrementally over the last 40 years. Because our neighbors grew, processed, and ultimately sold illicit drugs to *our* citizens within *our* borders, we focused on a quarantine approach. Thus, government assistance programs were designed to work with neighbors to "interdict" drugs before they reached our borders and to "take down" the criminal organizations that grew, processed, and sold these poisons so that we could prosecute them in the United States.

Our working efforts comprised eradication; interdiction with partners based on building up "vetted units" of foreign police officers; deployment of intelligence collection platforms from our partners' territory and at sea; joint interdiction efforts in cooperation with partners' brown-water navies; interdiction at sea and during movement from one international point to another and into the United States; and prosecution of the masterminds of these efforts, the "kingpins" in the United States. In short, find and stop the drugs headed to our shores and put the traffickers in U.S. jails.

The Andes, especially Colombia, proved a partial exception to this rule. While we sought to interdict as much product as possible, we gained a superseding interest—to protect the stability of these governments and keep them from becoming "narco-states" with policies and practices influenced, if not dictated, by the criminals we were trying to stop. The Colombian experience taught us a valuable but incompletely learned lesson: in the fight against drugs, helping your partners build effective criminal

justice institutions is the only goal that counts. Seizures can help you keep score and can help starve traffickers of revenue. Cases prosecuted in the United States can satisfy a need for justice and give space for foreign institutions to become resilient. But unless the United States wants to combat this scourge forever, helping our Latin American partners grow their own effective, resilient criminal justice institutions is not just the most important thing—it is really the only thing.

Partly based on the Colombian example, but really driven by the demands and needs of our Mexican and Central American partners, a strong shift in U.S. efforts is gaining steam. Mexico's Mérida Initiative and the Central American Regional Security Initiative (CARSI) have directed significant funds toward helping our partners build the kinds of police, judicial, and corrections systems they need and deserve. Nonetheless, the paradigm shift remains incomplete. Interdiction, "vetted units," arresting "kingpins," frequently for extradition to the United States, upping the prosecution success rate—that is still where we tend to measure our success.

Now we need what our military colleagues would call a redefinition of the "battle space." The United States should redefine it as the safety and security of our neighbors' citizens. A laser-like focus on keeping illicit products "out" may have made sense decades ago, but today two things in particular have made a new approach essential. First, given the speed of commerce and travel, we do live not only in the same neighborhood, but in the same condo complex, to borrow a contemporary metaphor.

Second, and more politically salient, U.S. demography has changed markedly. The fastest growing U.S. ethnic group, by far, traces its lineage to Latin America—overwhelmingly to Mexico and Central America. Focusing on "interdiction" outside our borders rather than the safety of our neighbors' citizens is not just bad foreign policy, it is bad domestic politics. Instead of kilos seized and felons jailed in the United States, what will matter more is whether the streets of Juarez, Tijuana, Matamoros, Tegu-

cigalpa, Guatemala, San Salvador, and consequently Chicago and Atlanta are becoming safer and more peaceful. The Department of State has already begun a below-the-radar institution building effort at home, creating the capacity to transfer the kinds of community policing and criminal justice capabilities we expect on our own streets to our partners in Mexico, Central America, and beyond. The department has signed a score of agreements with municipal police forces and state corrections systems to facilitate this training. What started with small-scale endeavors by the New York Police Department in Haiti and Chicago, Los Angeles, Houston, and the States of Colorado and New Mexico in Mexico has grown into new institutional capability. Now, in a growing number of cases, our best municipal police and our finest state corrections instructors execute our foreign assistance programs, giving our neighbors training and assistance that focus on safe streets, community policing, and safe, humane, effective corrections.

Those programs, coupled with a similar effort to train prosecutors, defense lawyers, and judges, will provide the tools the new administration needs to win in that redefined battle space. This kind of assistance—not the vetted-unit-based, intelligence-driven, military-supported, interdiction-measured U.S. criminal case focus that has traditionally captured too much of our assistance resources—needs to be where the new administration invests its money and attention. To do so, it will have to put the State Department’s state and municipal-focused institution-building paradigm in charge and place our federal police agencies in a supporting role. The shift will not occur without friction, so it must be accompanied by clear congressional support and authorization.

Taking such steps to build for our neighbors the high-quality, effective police, courts, and corrections systems that we demand in our own communities can lower the rate of violence our neighbors face in their homes and actually give our federal drug interdiction and prosecution efforts a greater chance for success. Helping to build criminal justice institutions will create an environment



that can make interdiction efforts more successful. For instance, how effective would the Drug Enforcement Agency and FBI be in Washington without local police, prosecutors, courts, and penal systems doing their jobs?

Stick to our traditional mix, and we risk having the same conversation again in 20 years. Accelerate the changes under way, and the next administration could change the trajectory of our neighbors’ safety. Oh, and since those safer streets happen to be the homelands of a large number of first-generation voters among our fastest-growing ethnic group, such a move just might win the votes needed to clinch the next election, too.

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