
MEXICO SECURITY INITIATIVE

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INTELLIGENCE REFORM

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Organized criminal organizations operate clandestinely and maintain relatively strict discipline through coercion and corruption, requiring intelligence collection, analysis, and application to effectively counter their operations. While criminal groups operating in Mexico may do so openly, with little fear of repercussions, the same principles apply. To mitigate the threat posed by organized criminal groups, law enforcement must appreciate their structure, players, resources, and environment. As such, a robust intelligence apparatus should be integrated into any successful strategy against organized crime.

Responsibility for intelligence gathering that targets organized criminal groups is divided among three sets of actors: law enforcement, the military, and the *Centro de Investigación y Seguridad Nacional* (CISEN). Federal law enforcement agencies, and, to a lesser extent, state agencies maintain intelligence sections for investigative purposes and to inform their overall law enforcement strategies. Both the Army and Navy also possess organic intelligence capabilities for tactical, operational, and strategic purposes. CISEN is charged with gathering both foreign and domestic intelligence on strategic and existential threats to national interests and security. These three groups each play a role in the intelligence efforts against organized crime and they must work together to effectively carry out this mission. As such, intelligence reform must address all three groups and emphasize greater inter-agency trust and cooperation.

Law enforcement reform has been a central policy initiative for the last two presidential administrations in Mexico, and has included police intelligence. However, despite these broad reaching reforms, public confidence in Mexico's police is low and the rate of impunity remains high. These are symptomatic of ongoing challenges facing law enforcement in general, and police intelligence activities more specifically. Indeed, continued reforms without a definite end may be exacerbating the very problems that they are meant to correct.

Perhaps the most fundamental problem facing intelligence collection and operationalization in Mexico is intelligence organizations' professional culture. For police intelligence organizations, this is partially tied to the persistent issue of low pay, which makes it difficult to attract and retain skilled and motivated candidates and to discourage corruption. Low levels of professionalization may also be in part due to the changing nature of policing, particularly in Mexico, as to combat ever more sophisticated organized crime, Mexican police forces have had to incorporate more investigative and intelligence apparatuses into what have traditionally been preventative agencies.

Intelligence, and indeed law enforcement in general, also suffer more broadly from politicization, which adversely affects the organizations' ability to develop robust cultures of professionalism and expertise, or even survive from one administration to the next. The contentious relationship between Mexico's major political parties and a desire to make a difference in the battle against the *narcotraficantes* jeopardizes the type of long-term planning and sense of political detachment necessary for effective intelligence work.

Intelligence services in Mexico must also contend with a general lack of public trust. This is in no small part due to a history of police infiltration and corruption by organized criminal groups, and the PRI's use of police forces and CISEN as its enforcement arm during its long period of political dominance, the latter used to gather incriminating information on political opponents and the former to crack down on them. This lack of trust is particularly crippling for law enforcement intelligence, as fewer informants are likely to come forward, either from the general public or from within the ranks of organized criminal groups themselves, for fear of being targeted by organized crime or eliminated by the very police forces that they have turned to for help.

Part of this lack of trust is fostered by the distance between intelligence services and the lives of Mexican citizens. Investigative services and intelligence work have been largely removed from the local level and concentrated with either state or federal authorities, creating a lack of immediacy that contributes to both Mexican citizens' distrust of intelligence agencies and hampering the ability of these agencies to effectively interface with the civilian population. This problem is further exacerbated by the Mexican intelligence system's fragmented nature, over and above the periodic reworking of federal-level law enforcement organization. As it stands, there is no effective intelligence clearinghouse or system for coordinating the different agencies, spread across separate ministries. When agencies do work together, they are frequently mistrustful of one another due to fears of corruption, infiltration, or more mundane bureaucratic concerns regarding maintaining their individual agency's resources.

This section will begin by reviewing the history of intelligence efforts over the course of the last two administrations, arriving at a description of the current state of intelligence capabilities in Mexico. It will then review and discuss the challenges facing intelligence collection, analysis, and utilization under this system. It will conclude by offering recommendations for policymakers.

Background

While policing, and therefore police intelligence, have existed in Mexico for decades, they have long suffered from politicization and a lack of resources. Founded by then-President Plutarco Elías Calles as the *Partido Nacional Revolucionario* in 1928, the PRI maintained its grip on Mexican politics until the election of Vicente Fox of the National Action Party (*Partido Acción Nacional*, PAN) in 2000. With effectively no oversight from either the legislature or the judiciary, Mexican intelligence services functioned as the PRI regime's secret police, being compared to the East German Stasi both because of their use by the ruling party and in their comprehensive efforts to surveil and blackmail dissidents.¹ The worst offender, the Federal Security Directorate (*Dirección Federal de Seguridad*), was disbanded in 1985 after particularly onerous abuses during the 1970s, and replaced in 1989 by the Center for Research and National Security (*Centro*

¹ Peter Gill, "Kosovo and Amexia: A Tale of Two Countries," (presentation, International Association for Intelligence Education Conference, Breda, NL, June 22-24, 2016).

<http://c.ymcdn.com/sites/www.iaifie.org/resource/collection/BBA50897-60CA-4A1B-B829-21B77A1CDAF4/paperGill.pdf>, 9.

*de Investigación y Seguridad Nacional, CISEN).*² This new agency, while still lacking oversight, is Mexico's premier civilian intelligence agency operating against DTOs and other organized criminal groups. CISEN's mandate is broad: "To produce strategic intelligence for decision-making, in order to preserve National Security, Governance and the Rule of Law [in Mexico]."³ As such, CISEN has taken a prominent role in the fight against organized criminal groups.

In addition to CISEN, the federal government has organized and launched a succession of law enforcement agencies with integrated intelligence divisions over the last several decades. These have, however, historically suffered from corruption and infiltration by organized criminal groups, driving in part the cycle of establishing and disbanding these high-level agencies. This pattern has contributed to a persistent suspicion of federal level law enforcement and has made it difficult to establish a strong institutional ethos of professionalism.

Particularly illustrative of this phenomenon is the development of the Federal Ministerial Police (*Policía Federal Ministerial - PFM*). The organization's roots lay in the 1980s when its antecedent, the Federal Judicial Police (*Policía Judicial Federal - PJF*), was a relatively small federal agency under the purview of the Attorney General's office (*Procuraduría General de la República, PGR*). In the 1990's, it received expanded resources and was put in charge of coordinating federal anti-narcotics efforts.

The PJF suffered from pervasive corruption and was disbanded in 2001 by President Vicente Fox. He reorganized the agency as the Federal Investigative Police (*Agencia Federal de Investigación, AFI*) and followed up with new freedom of information measures in 2002 in an effort to increase accountability.⁴ Despite purges of tainted personnel, the AFI succumbed to the same fate as its predecessor eight years later under President Calderón, following an investigation that cast corruption suspicions over as many as 25 percent of the agency's employees, with some even accused of acting as informants or operators for the Sinaloa Cartel.⁵ This included the AFI's second highest official, Rodolfo de la Guardia García, who supposedly sold information to the Sinaloa organization in return for monthly payments.⁶ Calderón responded with arrests, purges, and the reorganization of the AFI into the PFM in 2008.⁷ This new agency assumed responsibility, among other things, for maintaining Mexico's first national crime information system, used to track and disseminate data such as fingerprints across Mexican law enforcement.

Also, operating at the federal level are the Federal Police (*Policía Federal, PF*), reorganized out of the older Federal Preventative Police formed by President Ernesto Zedillo from several smaller federal agencies of disparate jurisdictions with the intent of streamlining national-level anti-narcotics enforcement. Unlike the PFM, the PF fall under the authority of the Secretariat of the Interior (*Secretaría de Gobernación, SEDENA*). Since its establishment, the PF has broadened its scope across several areas, incorporating elements of treasury, migration, and transportation

² Ibid.

³ "Mission and Vision," *CISEN.gob.mx*, Dec. 19, 2014, <http://www.cisen.gob.mx/ingles/cisenMissionVision.html>

⁴ "Federal Judicial Police (Policía Judicial Federal)," *Global Security.org*, accessed Nov. 25, 2016, <http://www.globalsecurity.org/intell/world/mexico/pjf.htm>

⁵ Colleen Cook, "Mexico's Drug Cartels," (Congressional Research Service Report, Washington, D.C., 2007), <https://www.fas.org/sgp/crs/row/RL34215.pdf>, 9.

⁶ "Mexico's Corruption Inquiry Expands to Ex-police Official," *CNN.com*, Nov. 7, 2008, <https://web.archive.org/web/20081108162118/http://www.cnn.com/2008/WORLD/americas/11/07/mexico.violence.ap/index.html>

⁷ Jorge Ramos Pérez y María de la Luz González, "Surge la Policía Federal Ministerial," *El Universal*, May 30, 2009, <http://archivo.eluniversal.com.mx/nacion/168545.html>

security, as well as operating an in-house intelligence apparatus and gaining a gendarmerie division. President Calderón and his successor Enrique Peña Nieto identified a need for more professional, better coordinated, and better equipped civilian law enforcement at the federal level to combat organized crime, making the PF an important focus of reforms and putting them front and center in their fight against criminal groups.

In 2006, Calderón increasingly turned to the most trusted instruments of Mexican federal power, the armed forces, to contain organized criminal groups. Mexico's armed forces, now represented by the Army, including the Air Force, under the Secretariat of National Defense (*Secretaría de la Defensa Nacional, SEDENA*), and the Navy and Marines under the Secretariat of the Navy (*Secretaría de Marina, SEMAR*), have been among the most respected state institutions. They played a key role in the modern state's foundation and, due to their high degree of independence afforded by the Constitution, have largely remained out of the political infighting. Furthermore, their previous lack of involvement and relatively good pay have historically kept the military "cleaner" than civilian law enforcement in public perception. The military brought with them their own organic intelligence capabilities, bolstered by ongoing partnerships with U.S. military and law enforcement agencies. Native capabilities include the ability to perform aerial and ground-based reconnaissance in both rural and urban areas, as well as socio-political monitoring.

Below the federal level, each of Mexico's 31 states maintains its own law enforcement apparatus, operating under its respective governor. The Federal District also maintains its own preventative and investigative police under the Mexico City mayor. These state agencies have both investigative and preventative mandates, meaning that they work both in direct enforcement and in the intelligence gathering and analysis that is necessary to prevent crimes and bring about successful prosecutions. Operating under the state level are municipal law enforcement agencies. Most, but not all towns in Mexico have some local police presence, tasked mainly with keeping the peace. These municipal departments are not typically required, or equipped, to conduct intelligence operations themselves. This leaves an operational gap in intelligence collection, as police intelligence is often generated through local contacts and undercover work.

Prior the Calderón administration, delineation of enforcement jurisdiction between the various levels of government was unclear. Under his administration, the passage of the National Public Security System Law established a National Public Security Council, chaired by the president and comprising representatives from federal, state, and local law enforcement, for the purpose of designing, establishing, and coordinating the implementation of law enforcement strategies, practices, and standards across all levels of government. Its decisions are implemented and monitored by the Executive Secretariat of the National Public Security System (*Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública, SESNSP*), housed in SEDENA.⁸ Even with the SESNSP, however, tensions remain among agencies and services.

Both the Calderón and Peña Nieto administrations have made intelligence-led policing essential elements of their public security platforms. The Calderón administration emphasized the targeting of high-level members of organized criminal groups, the so-called "kingpin strategy." This approach is predicated on a certain understanding of the organization and operation of organized criminal groups, facilitated by intelligence gathering and analysis. Furthermore, identifying targets for the strategy requires useful intelligence. Calderón's administration also oversaw the promulgation and implementation of a new anti-organized crime law, similar to the United States'

⁸ Cesar Alfredo Martinez Espinoza, "Mexico's National Security Framework in the Context of an Interdependent World: A Comparative Architecture Approach," (doctoral dissertation, University of Texas at Austin, 2007), 137-8.

RICO statutes, allowing for individuals to be prosecuted for affiliation with organized crime. In order to secure verdicts in such cases, extensive corroborating evidence is necessary, further increasing the importance of effective intelligence to the Mexico's overall strategy against organized crime.

Challenges

Mexico's intelligence establishment—police and military intelligence sections in particular, with CISEN in a more general support role—faces three essential challenges when confronting organized criminal groups: lack of institutional stability and professional culture, politicization, and low interagency coordination. Each of these factors is interrelated with the others, and each represents a hindrance to the intelligence community's ability to perform its function in gathering, analyzing, and passing along intelligence in an effective manner.

Institutional Stability. Federal-level law enforcement in Mexico has been subject to a series of reorganizations, disbandings, purges, and re-brandings over the course of the last several administrations. As such, few agencies have had the opportunity to develop strong cultures and institutional stability. While this strategy was intended to visibly remake untrustworthy organizations and combat corruption, it may have exacerbated the problem: by not allowing successor agencies to correct their mistakes and develop their own identity and reputation. In fact, constant restructuring leaves new organizations open to being painted with the same brush as their predecessors.

In addition, forming and disbanding agencies on a regular basis may drive away desirable applicants by making an intelligence career seem less viable over the long term. After all, why invest time in an organization which may not be around after the next presidential election? This lack of stability also negatively impacts institutional memory as employees seek more lasting careers elsewhere. Ultimately, this game of musical chairs weakens law enforcement agencies by not allowing them to build up the respect necessary to operate effectively or attract qualified, dedicated recruits, opening the door to further corruption and creating a feedback loop that saps the agency's ability to perform its function. This is not to say that there are not honest, professional officers working for these intelligence services, but rather that the uncertainty as to the continued existence of a given organization could discourage more career and service minded individuals.

Politicization. This cycle has been fueled in part by the overall politicization of the fight against organized criminal groups, and the efficacy of policing organizations. As noted above, Mexican law enforcement agencies and intelligence services acted as the PRI's enforcement arm during its period of political dominance. This led to an implicit politicization of these and legitimized the various restructurings that subsequent presidential administrations undertook. When an organization is politicized, it will have difficulty carrying out its functions, either due to mistrust from potential collaborators or recruits due to political misgivings or concerns, or again due to the lack of perceived institutional stability as agencies' survival becomes tied to the political process.

Interagency Trust. Finally, a general lack of trust among the various intelligence services continues to degrade their overall effectiveness. This issue is again rooted in agencies' perceived corruption, weak traditions of professionalism, and histories of infiltration and cooption. This friction is evident when the military intelligence services are asked to interface with their civilian counterparts, the former considering the latter to be a risk for leaks to organized criminal groups,

as well as between SEDENA and SEMAR due to these same corruption concerns and bureaucratic competition.⁹

While the National Public Security Council and the establishment of both federal and regional “fusion centers” (wherein different agencies from across the various levels of government work together in intelligence collection and analysis) has facilitated greater interagency intelligence sharing and cooperation, less has been done to address the fundamental mistrust among agencies themselves. So long as a perception of working at cross purposes exists, intelligence collection and use will continue to be less effective.

Policy Recommendations

While there are operational areas in which the Mexican intelligence community may improve, the most fundamental challenges facing the Mexican intelligence community are structural and cultural. As such, efforts to improve their efficacy should focus on addressing the structural and cultural factors in both the short- and long-term, in addition to building operational capacities on the ground, such as informants. To address these issues, Mexico’s federal government should commit to building institutional stability, de-politicizing law enforcement and intelligence services, strengthening and streamlining interagency relationships and communications, and building a more robust network of informants and undercover operatives. To capture the necessarily ongoing nature of intelligence reform, this section is organized into short-term and long-term recommendations.

Short-term Recommendations

[1] Continue to Promote and Develop Plataforma México. Mexico’s federal government should build on the successes of regional fusion centers—such as in Ciudad Juárez—by reversing the trend of cutting funding for the “*Plataforma México*” law enforcement information database and, if possible, expanding its support. Support for *Plataforma México* should include infrastructure development and further integrate and familiarize municipal and state law enforcement with the system, including workshops and seminars on its use and benefits. *Plataforma México* has the potential to function as a “virtual” fusion center on a nationwide scale, allowing for the sharing of useful information across all levels of government and geographic space.

There will be, however, some challenges. These include getting law enforcement, particularly municipal and state police, to use the system. To accomplish this, the federal government should consider methods to incentivize the use of *Plataforma México*, perhaps in the form of block grants to police departments that demonstrate the system’s effective integration into their work. Yet the two-primary challenge will be ensuring that all users are thoroughly vetted and not compromised by organized criminal elements and also locating the funding necessary to fully support the program.

[2] Create a Director of National Intelligence and Office of the Director of National Intelligence. Currently the Mexican intelligence community’s activities are coordinated by the Secretary of the Interior though the National Security Commission, helmed by the National

⁹ Tracy Wilkinson and Ken Ellingwood, “Mexico Army’s Failures Hamper Drug War,” *Los Angeles Times* (Los Angeles, CA), Dec. 29, 2010; Tim Johnson, “Navy Has Become Mexico’s Most Important Crime-fighting Force,” *McClatchy DC Bureau*, Oct. 23, 2012. <http://www.mcclatchydc.com/news/nation-world/world/article24739117.html>.

Security Commissioner. The federal government should build on this framework to create an independent position, with staff, that has the sole purposes of collating the intelligence agencies' output across the country at the federal, state, and municipal level, coordinating their activities, promulgating best practices across the intelligence community, and providing oversight for intelligence agencies and activities. This official should report directly to the president, rather than through the Secretary of the Interior as an intermediary.

The director of national intelligence and the associated Office of the Director of National Intelligence in the United States provide the most obvious models for the organization and responsibilities of this proposed office, with its emphasis on coordination, collation, and enabling, while providing oversight for intelligence gathering. A Mexican DNI should incorporate these features, along with the statutory requirement for either the DNI or the principal deputy DNI to be a commissioned military officer with experience in military intelligence operations. This would allow for the new office to draw on the institutional knowledge and respect of the Mexican Army and/or Navy to provide a firm foundation for the intelligence community going forward. Furthermore, military involvement in the ODNI should lend to the new institution some measure of the popular support and respect enjoyed by the Mexican military, thereby helping to cement its legitimacy during its early years. However, the emphasis should be on civilian oversight, with the staff and bulk of the leadership drawn from outside the active duty military.

A Mexican DNI and ODNI should have extensive authority to investigate complaints against or corruption in the intelligence community, coupled with the ability to recommend prosecution or dismissal of agents found to be corrupt or abusing their power. Challenges to the establishment of a DNI for Mexico include potential political problems with separating intelligence operations oversight from the Secretary of the Interior, and institutional distrust among agencies, particularly among military intelligence and civilian agencies. While these are not trivial issues, the establishment of a DNI should be regarded as a first step toward effectively integrating these services, rather than an end state.

[3] Continue to Leverage a Professional Working Relationship with U.S. Intelligence Agencies. While the Mexican intelligence community should continue solidifying its native capabilities, the federal government should also continue to leverage existing relationships with U.S. intelligence and law enforcement agencies in the short term. The DEA's extensive network of informants and undercover operatives provide an intelligence capability that Mexican agencies cannot currently match. Challenges to this approach include the politically sensitive nature of U.S.-Mexico cooperation on both sides of the border, particularly following the accession of U.S. President Donald Trump. However, the professional relationships developed by officers and agents from both countries should provide a foundation for ongoing cooperation while the Mexican intelligence community improves its institutional stability and capabilities.

Long-term Recommendations

[4] Establish a Culture of Institutional Stability and Accountability. The Mexican intelligence community's work is complicated both by citizens' longstanding mistrust of the federal government and a dearth of institutional knowledge caused by the periodic disbanding and restructuring of federal intelligence and law enforcement bodies. As such, the federal government should make it a priority to maintain current institutions and reform them, rather than disbanding them over corruption charges or abuse. New organizations lack the institutional memory to be effective in their mission, the trust of international partners, and an established partnership with the Mexican people. The responsibility and authority for addressing complaints and intelligence agencies failings should rest with the president or the DNI under the president's direction and

should strive to maintain organizational continuity, to allow for the development of a culture of accountability and professionalism.

[5] Establish Networks of Informants and Undercover Operatives. Both confidential informants and the use of undercover operatives have proven successful for U.S. intelligence agencies and law enforcement in their efforts to combat the American Mafia, outlaw motorcycle gangs, and other groups. The Mexican intelligence community should work to develop networks, both through federal agencies and state or municipal police departments, to provide both strategic intelligence and tactically actionable information to combat DTOs. This will require extensive vetting of potential undercover officers to protect against potential corruption and infiltration by organized crime. Furthermore, a system should be developed for credibly protecting the identities and persons of confidential informants, to encourage citizens to cooperate with the Mexican intelligence community without fear of reprisal.