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## Fragile States, Robust Structures: Illegal Police Protection in Buenos Aires

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# G I G A *Working Papers*

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Matías Dewey

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## **Fragile States, Robust Structures: Illegal Police Protection in Buenos Aires**

### **Abstract**

Weakness is a quality frequently ascribed to Latin American states. This diagnosis proves faulty since it is possible to find resistant structures inside those states that perpetuate such weaknesses. This article shows that this is the case in regards to the police force of the province of Buenos Aires. Here, I will demonstrate that the police have specialized in selling a service available to criminals and criminal organizations: illegal protection. With information taken from in-depth interviews and official documents, I will show that this protection – contrary to the views of Charles Tilly and Diego Gambetta – is characterized by a temporary suspension of the rule of law.

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# **Fragile States, Robust Structures: Illegal Police Protection in Buenos Aires**

**Matías Dewey**

## **Article Outline**

- 1 Introduction
- 2 The Nature of Illegal Police Protection
- 3 Organizing Illegal Police Protection
- 4 Resources for the Protection Sale
- 5 Stealing Vehicles: Forms of Protection
- 6 Conclusion

## **1 Introduction**

There is a relative consensus in academia about which Latin American states should be labelled “weak”. Advocates of this perspective highlight the insufficient capacity of control, government and action of these states. In terms of internal security, this feature is manifested by the police institutions’ inability to provide adequate protection to citizens. Even without entering into a discussion about the idea of weakness, the diagnosis of state fragility shows only one aspect of the phenomenon. The “fragile” quality cannot be explained but by the “strength” of highly stable structures, which actually perpetuate the aforementioned weakness. Therefore, the persistence of high rates of crime and corruption suggest the existence of police organizations remarkably resistant to reform.

Based on recent research on mafias,<sup>1</sup> this article analyses the robustness of police structures in so-called “weak states”. These organizations, which have a great capacity to resist reform, make a chronic problem of the deficiencies relating to the exercise of monopoly of state violence by the police. In this article, I will argue that this strength is based on the constant trading of a service –namely, protection. This service is offered to individuals and/or criminal groups as merchandise or goods, and it consists of a momentary abrogation of the law. In other words, we are referring to police organizations that, while offering protection, indirectly create the conditions for the emergence of insecurity. Paradoxically, these organizations produce insecurity in order to achieve a demand for security.

In his book about the Sicilian mafia,<sup>2</sup> Diego Gambetta tried to prove that protection – a piece of merchandise traded by the state, according to Charles Tilly – can also be offered by mafia organizations. While Tilly analysed state protection, Gambetta studied mafia protection. This article complicates the issue a bit more and presents a combination of both approaches. The idea is to show that some state police organizations offer illegal protection and thus inject the trust needed for the illegal exchange of certain goods and services.

The result of this combination is a particular type of protection whose sale stimulates the operation of certain illegal markets. Police participation in those informal commercial spaces entails both a blockade of legal rules and regulations and a paradoxical dependence on the latter.

This paper focuses on a state agency, the police force. I will attempt to demonstrate how that force, through the sale of illegal protection, offers a relatively safe and predictable environment for certain economic exchanges. In order to do this, I will start with a conceptual discussion of the notion of protection. I will identify three variants of protection: the one offered by the state, the one offered by mafia organizations, and the one illegally offered by the police. Once I have pointed out the characteristics of this merchandise, in the second part of this report I will address the following question: Should the sale of illegal protection be seen as the result of a certain type of institutional operation or just as a deviant behaviour? The matter at hand is not simple because what we are actually trying to determine is whether the problem lies in the police institution or in the individual officers. In this section I will demonstrate that the relation between the police and politics creates an institutional dynamic that stimulates the sale of illegal protection. This may mainly be due to the institution’s financing deficits, but also to the normalization of corrupt activities.<sup>3</sup> Just as with any product, the fact

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1 Here, reference is made to the research line initiated by Gambetta, Diego (1996), *The Sicilian Mafia: The Business of Private Protection*, Cambridge, MA: Harvard University Press, and followed by other specialists, such as Varese, Federico (2001), *The Russian Mafia: Private Protection in a New Market Economy*, Oxford: Oxford University Press and Chu, Yiu Kong (1999), *Triads as Business*, London: Routledge.

2 Gambetta, Diego, op. cit.

3 The normalization of corrupt activities within the police force should be understood as a triple process which consists of the institutionalization of certain practices, their subsequent rationalization or ideological justification and their socialization, as they become permissible if not desirable; see: Ashforth, Blake E., and Vikas Anand (2003), The Normalization of Corruption in Organizations, in: *Research in Organizational Behavior*, 25, 1-52.

of protection being on the market does not necessarily mean that such a product will be purchased. For that reason, in the third part of this article I will show that the obtaining of information and the reputation of policemen as protectors are two resources that ensure the acquisition of protection. I will then go on in the fourth part of the article to describe the specific forms of protection, focusing especially on the stolen vehicle market in Greater Buenos Aires. The empirical evidence allows us to identify three forms of protection: the release of areas where police surveillance is deliberately suspended, the detention and release of persons, and the provision of benefits in exchange for information. Even though it might be argued that the circumstances that keep this market in good health are beyond the reach of the police, we will see that the role of the police force is vital, and this justifies talking about a specific type of protection. After describing the different forms of protection, I will refer to a decisive question whose answer distinguishes the police force from the mafia in their role as suppliers of protection: the possibility of producing and falsifying official documents. Throughout the different sections of this article it will become clear that the police force of the province of Buenos Aires, in connivance with the local political power, has specialized in the sale of three types of protection that are readily available to criminals and criminal organizations. In order for the police to be able to sell protection, two elements are essential:

- 1) every police station requires information-production mechanisms, and
- 2) policemen must maintain their reputation as illegal protectors.

This study sheds light on the phenomenon of the clandestine relationship between state and non-state actors, the periodical appearance of organized violence, and public security issues.

In order to address each of these issues, I will provide empirical evidence on the police force of the province of Buenos Aires (from the first attempt at reform in 1997 up until the present), focusing on the theft and re-sale of vehicles and auto parts. These pieces of evidence were gathered over the course of three research stays,<sup>4</sup> the first one from December 2009 to January 2010, and the second and third in April and July 2010, respectively.

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4 Since doing research in the field of illegal police protection demanded shedding light on a reality in which information can be elusive, the collection of data required a specific strategy. A first, exploratory phase of interviews with (former) public officers, representatives of different entities and/or companies and journalists, and a bibliographic review of academic and journalistic literature was then followed by a phase of focused interviews and a search for specific documents. It was during this last phase that I had access to valuable public files, and the chance to evaluate them with former officers of the Ministry of Security of the province. That, in addition to a critical attitude towards the documentary sources, was necessary, taking into consideration that the administrative proceedings within a police institution are frequently used for extortive or informal disciplinary purposes. To collect information according to pre-established criteria (years, zones, hierarchies, etc.) was not possible for two reasons: First, due to the reluctance of the current authorities (in 2010) of the General Audit of Internal Affairs to offer access to public information. Second, due to the lamentable and total absence of official statistics concerning public security issues.

During these field trips, I carried out interviews and examined official documents of the police force of the province of Buenos Aires.<sup>5</sup> I relied on two sources of documentary evidence: First, I had access to a considerable variety of *Investigaciones Sumariales Administrativas* (Summary Administrative Investigations), *Investigaciones Penales Preparatorias* (Preparatory Penal Investigations), and *Memoranda*, pertaining to two tenures of office of the Ministry of Security for the province of Buenos Aires. Second, I had access to legal proceedings against those responsible for leading “chop shop” rings provided by the *Dirección Nacional de Fiscalización de Desarmaderos y Autopartes* (National Direction of Control of Auto Dismantlers and Auto Parts). Finally, it is necessary to refer to a methodological problem inherent to this type of research. Since many people were reluctant to talk and provide information, the level of this research’s comparability is limited. This becomes evident especially in the case of Supervision Officer “Carlos”, one of the interviewees who was willing to talk and answer questions about the police force of the province of Buenos Aires. I interviewed him three times; in total we spoke approximately eight hours. Although his accounts throughout the interviews did not contradict one another and were coherent, I triangulated the information whenever possible with official documents, other interviews, and/or journalistic information. The same procedure was followed for the rest of the interviews.

## 2 The Nature of Illegal Police Protection

In the town of Wilde, province of Buenos Aires, Elbio Oscar Fernández ran a company for sixteen years dedicated to stealing vehicles, taking them apart, and selling the parts. The nickname by which he became known, *El Rey del Corte* (the “Cut-Up King”), should probably be attributed to the success of his business. This businessman managed to build an infrastructure consisting of 11 establishments, each with its own supplier, goods in stock, buyers who were offered a personalized service, and employees, many of whom were Fernández’ relatives.<sup>6</sup> Undoubtedly, the complex logistical operations required to manage the theft and

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5 I conducted 21 interviews. The great majority of them were in-depth interviews, and, whenever it was possible and/or necessary to consult the interviewee again, the interviews were pre-structured. Only a few interviews could be recorded; in the majority of the cases the interviewee did not give his/her consent, and in some cases the conditions of the dialogue did not allow it. The persons interviewed were a former minister of the Ministry of Security of the province of Buenos Aires; a former vice-minister of the same; a sub-secretary of Security and Criminal Intelligence; two former general auditors of the Internal Affairs Bureau of the province's police force; a minister of the Supreme Court of Justice of the Nation; a supervision officer of the Investigations Unit; a sub-secretary of Security and Civil Defense of a municipality of Greater Buenos Aires; two high officials of the National Direction of Control of Auto Dismantlers and Auto Parts of the National Ministry of Justice; the technician responsible from the Association of Argentinian Factories of Components; the main investor of Punta Mogotes, one of the three markets of La Salada; two journalists; two businessmen; and five academics with expertise in police forces, security and drug trafficking. Upon the request of the interviewees, some of the names mentioned in this article are fictional.

6 Court cases No. 365/03 and 406/03, Elbio Oscar Fernández *El Rey del corte* (the “Cut-Up King”), Federal Court of Quilmes.



disassembly of hundreds of vehicles, to establish a widespread network of communications, and to sell the automobiles (or their parts) right in the city centre could not have been realized without the protection of the police force.<sup>7</sup> Something similar happened in the western area of the *Conurbano Bonaerense*, which comprises the cities of Castelar, Morón, Mercedes, and Moreno. Until 2002, another group of criminals operated there under the protection of seven police officers, among them an inspector. This group also stole automobiles and altered the serial numbers on chassis and engines. Even though those criminals were not very experienced at that point in time, the company expanded internationally: Automobiles were exported to neighbouring Paraguay.<sup>8</sup>

These two cases exemplify a phenomenon that goes beyond mere corruption or deviant behaviour, as typically defined in many recent studies about the police forces of Latin America.<sup>9</sup> On the contrary, as I will attempt to show, we are referring to true joint enterprises whose operation depends on a single factor: police protection.

Up to now, protection has been analysed from the perspective of two providers: a legal one, the state, and an extra-legal one, the mafia. With the process of the formation of the modern state as a backdrop, Tilly defines protection as “the elimination or neutralization of the enemies of the state makers’ clients”.<sup>10</sup> That is to say, to be allowed to trade and collect taxes, to be protected against attacks, etc., comes in exchange for providing the state with the resources that ensure the submission of citizens. Bandits, pirates and criminals had a prominent role during state-building processes, and also received protection from the holders of power, as long as their services allowed them to guarantee the resources needed to make war. Eventually, the progressive autonomization of the state sphere created a precise frontier between two fields: the first, a legal one, where client-citizens built their trust networks in the heat of state protection in return for different resources, and the second, an extra-legal one, threatened by the state’s predatory power.<sup>11</sup> According to this perspective, protection is of-

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7 The distance between one of the chop shops and the closest police station was 3.5 km. An even shorter distance – approximately 1.4 km – existed between eleven establishments which marketed illegal auto parts (chop shops and storehouses) and the closest police station of the locality of Grand Bourg, Malvinas Argentinas district. Refer to: Memorandum, Subject: “Chop Shops”, Direction of Prevention of Crimes against Car Ownership, Province of Buenos Aires, 2002.

8 “*Caso Testigo*”, *Diario Página 12*, 03 August 2003. The usual transport of vehicles stolen in Paraguay was also confirmed by Luis A. Garicoits.

9 Chevigny, Paul (2003), *The Control of Police Misconduct in the Americas*, in: Frühling, Hugo et al. (2003), *Crime and Violence in Latin America: Citizen Security, Democracy, and the State*, Baltimore/London: The Johns Hopkins University Press.

10 One of the main exponents of this line of research is Charles Tilly; see: *War Making and State Making as Organized Crime*, in: Evans, Peter et al. (1985), *Bringing the State Back*, Cambridge, UK: Cambridge University Press, 182. This perspective is also shared by: Lane, Frederick C. (1979), *Profits from Power*, Albany, NY: State University of New York; Maczak, Antoni (1989), *Der Staat als Unternehmen*, München: Stiftung Historisches Kolleg.

11 Tilly, Charles (2005), *Trust and Rule*, Cambridge, UK: Cambridge University Press, 87; Castel, Robert (2003), *L’insécurité sociale: qu’est-ce qu’être protégé?*, Paris: Seuil.

ferred as a means to ensure the extraction of resources, to create a state monopoly, and to wage war against opponents.

As Diego Gambetta and others have demonstrated, when the state cannot protect its clients effectively and provide the trust needed for economic exchanges, an extra-legal player like the mafia can assume the role of provider of protection. In an environment characterized by distrust, the fact of being protected has a special meaning since it is a singular lubricant for economic transactions. By hiring mafia protection, it is possible to purchase and sell goods in a safe way, to dissuade or get rid of potential competitors, to secure clients, and to avoid being swindled. In other words, protection is a desired asset.

Even when transaction costs are high and competition gets distorted, threats to security justify the purchase of protection. But, unlike the state, the criminal character of this *sui generis* protection structure and its structural characteristics prevent a universalization of the provisions.<sup>12</sup> It is important to note, however, that both types of protection – state and criminal – tend to neutralize or eliminate people and specific groups.

A third type of protection takes shape when

- 1) there is a state police organization that does not neutralize or eliminate the enemies of those clients that provide resources to build the state, and
- 2) the one who sells illegal protection is not the mafia but a state agency. The clients of the state included within the official tax system are referred to as “clients that provide resources” to the state.

This clarification is necessary given that, as already pointed out,<sup>13</sup> the police's sale of illegal protection to criminals also aims to extract resources to maintain and help build the state.<sup>14</sup> If criminals, and those who are not criminals, are regarded as clients of the state, we could appreciate the particularity of this phenomenon: the state, through the police force, provides protection to two clients – criminals and ordinary individuals – whose interests are opposed.

The main characteristic of the police protection analysed here is the one that aims to prevent formal rules from being efficient. While from Tilly's or Gambetta's perspectives, protection is directed towards people or specific groups, the kind of protection referred to here is meant to suspend the application of the law<sup>15</sup> and create spaces with a *sui generis* internal regulation.<sup>16</sup> The police organization addressed in this work protects both the individuals

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12 Grossman, Herschel I. (1995), *Rival Kleptocrats. The Mafia versus the State*, in: Fiorentini, Gianluca, and Sam Peltzman, *The Economics of Organised Crime*, Cambridge; UK: Cambridge University Press, 144.

13 Saín, Marcelo (2008), *El Leviatán azul*, Buenos Aires, XXI, 197.

14 On graft as a reinforcement mechanism of bureaucratic hierarchies, refer to the excellent work of Darden, Keith (2008), *The Integrity of Corrupt States: Graft as an Informal State Institution*, in: *Politics & Society*, 36, 1, 35–60.

15 Due to limitations of space, I will not enter into a discussion about the application of the law. Here, suspension of the application of the law means the non-materialization of judicial rules, whatever their possible interpretations.

16 About these spaces, see: Auyero, Javier (2007), *Routine Politics and Violence in Argentina: The Gray Zone of State Power*, Cambridge, UK: Cambridge University Press; O'Donnell, Guillermo (1996), *Another Institutionalization:*

and certain criminal groups. In other words, it renders the law ineffective and turns this “service” into merchandise. If this definition of illegal police protection is correct, we may more clearly perceive a dimension of state weakness. Such weakness will consist of an active de facto abrogation of formal regulations that is afterwards sold to ordinary individuals as a product in different markets, such as the stolen vehicle market, the human-trafficking market and the drug-trafficking market. In other words, the illegal police protection industries appear when a de facto privatization of public security, which enables the provision of a coveted merchandise – private protection – can be verified. These industries not only provide effective protection to criminal organizations but also to citizens willing to pay for a momentary abrogation of the law.

Although the sale of protection and the sale of inaction<sup>17</sup> bear some similarities, we should make a clear distinction between them in order to avoid confusion. If a police officer charges a certain amount of money to a driving offender (rather than applying the official fine), inaction and protection seem equal: Protection from the law is offered through inaction. Yet, other situations make us treat both categories in a differentiated way, creating an analytical division between them. An example of that would be when a police officer refrains from taking action in order to create a specific demand for protection; for instance, when a shopkeeper who, in retaliation for his refusal to pay “additional contributions” to be protected, suffers police inaction, then falls victim to a crime, and is thus indirectly compelled to require the previously rejected protection. Here, inaction generates a demand for protection. Lastly, another strong reason to make a distinction between inaction and protection is that the latter is carried out in an active way. To put it differently, inaction does not entail “not doing anything”. A clear example of this is the creation of the so-called *zonas liberadas* (areas where police surveillance is deliberately suspended). To give protection to Elbio Fernández by ending police patrols in a determined area is an active inaction, given that it entails coordination, alteration of records, etc.

Lastly, another particularity of this type of protection is that its provider – the police force – has a monopoly over it. Since being protected means being above the law, the one able to offer this product is a state agent. It is, therefore, an illegal protection that differs from that provided by the mafia, which only gets to control the market through cartels.<sup>18</sup> The implications of this variant of illegal protection are far-reaching since, as we will see, the police – unlike mafia organizations – do not compete with other suppliers and, consequently, do not

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*Latin America and Elsewhere*, Notre Dame: Helen Kellogg Institute for International Studies; Valdés, Ernesto Garzón, (1999), *Rechtsphilosophische Überlegungen über Verfassungsreformen in Lateinamerika*, in: Ahrens, Helen, and Detlef Nolte (eds.), *Rechtsreformen und Demokratieentwicklung in Lateinamerika*, Frankfurt: Vervuert, 117.

17 I wish to thank Sergio Costa, who kindly drew my attention to this point.

18 Gambetta, Diego, and Peter Reuter (1995), *Conspiracy Among the Many: The Mafia in Legitimate Industries*, in: Fiorentini, Gianluca, and Sam Peltzman, *The Economics of Organised Crime*, Cambridge, UK: Cambridge University Press, 118.

bother to gather information about their clients or potential competitors, or to see to the purity of the economic transactions of their clients.<sup>19</sup> By being a monopoly, the main source of insecurity is not the possible loss of clients, but the virtual lack of bureaucratic coordination between legal and illegal activities. As a result, the police place their efforts on administrative coordination issues with the aim of potentially meeting the accountability demanded by the judiciary or the media.<sup>20</sup> The compatibilization of illegal activities – through the falsification of official records – relocates a considerable amount of organizational resources and calls for the creation of new sources of information, such as armed operations or illegal detentions.<sup>21</sup>

To sum up, police protection may come in one of two forms: one that complies with the characteristics of Tilly's perspective, that is to say, protection against the enemies of the clients of the state, and the other one, which is offered illegally and acts as a shield, isolating state power. Certain businesses or enterprises that would normally encounter state hostility have the chance to prosper under this protective shield. The fact that this second type of protection is both illegal and provided by the police force stems from the role served by those who offer it: we are not referring to state agents or mafiosi that defend the interests of their organizations, but to agents who send signals in both directions.

### 3 Organizing Illegal Police Protection

While I was conducting my fieldwork, a high government official of the province of Buenos Aires from whom I was hoping to obtain information about the Ministry of Security said, in response to a comment of mine, "When one speaks with the mayors, one has the feeling that what they say about illegal financing and the relationship with chief officers does not exist." One could hardly prove the truthfulness of that statement, but in any case it serves to formulate an essential question: Was the protection enjoyed by the "Cut-Up King", for example, an elaborated product resulting from a particular institutional dynamic or was it merely an isolated example of corrupt behaviour? Or, in other words, is there an organized sale of illegal protection coordinated within the police force, or are there just particular police officers that take advantage of certain situations for their own profit?

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19 That the mafia and the police force are precisely differentiated by the possession of the monopoly of the sale of protection is an aspect that has gone unnoticed by many authors. For example: Durán-Martínez, Angélica, and Richard Snyder (2009), *Does Illegality Breed Violence? Drug Trafficking and State-Sponsored Protection Rackets*, in: *Law and Social Change*, 52, 3.

20 This view coincides with Sain's (2008: 150) when he states that "the traditional police model posed an irrational personnel structure, marked by the existence of a deficient distribution of human resources and by the appointment of a significant part of the personnel [...] to perform administrative tasks [...] or to take care of the personal security of judicial officials, politicians, legislators, dignitaries, and others".

21 On the phenomenon of illegal detentions as a means of production of bureaucratic information, there is a considerable amount of literature from human rights organizations. For example: Oliveira, Alicia, and Sofía Tiscornia (1997), *Estructura y prácticas de las policías en Argentina. Las redes de la ilegalidad*, Working Documents: CELS: Buenos Aires, 17; Tiscornia, Sofía (2008), *Activismo de los Derechos Humanos y burocracias estatales. El caso Walter Bulacio*, Buenos Aires: Editores del Puerto/CELS, 36.

To answer those questions, we must determine the existing degree of coordination inside the police force aimed at the production and sale of illegal protection. This is no different to the case of any other company because it could be accepted that the determined end products of a textile company also result from the coordination of a series of stages and processes. On the contrary, if the existence of an internal level of organization cannot be proven, we should speak about an isolated case of sale of protection, with no institutional correlate, attributable to deviant behaviour.

Before showing the information gathered in the interviews referring to this matter, I will address an issue present in specialized literature without which it would be impossible to approach the main topic of this section: the relationship between the police and politics. The idea that I will develop further below is the possibility that certain geographical areas, people or flows of transport may be protected based on an institutional dynamic that promotes the sale of protection.

The authors that have addressed this issue found that the logic of police operations in Argentina is not novel and that its origin dates back to the end of nineteenth century.<sup>22</sup> Ever since their formation as state organizations, the provincial police forces, including the Buenos Aires police, have exhibited a close connection with political parties, at an either local or provincial level. For that reason, and following Marcelo Saín, it proves useful to define the relationship between politicians and the police force as a *reciprocity pact* that continues to the present day.<sup>23</sup> According to the limited academic literature on the police force in the province of Buenos Aires, which mainly deals with police reform in the framework of democratization,<sup>24</sup> this link is maintained by a kind of “double activism”. On the politics side, there is a

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22 Gayol, Sandra (1996), *Entre lo deseable y lo posible: perfil de la policía de Buenos Aires en la segunda mitad del siglo XIX*, in: *Estudios sociales*, 6, 10, Santa Fe (Argentina), 123-138; Kalmanowiecki, Laura (2003), *Policing the People, Building the State: The Police–Military Nexus in Argentina, 1880–1945*, in: Davis, Diane E., and Anthony W. Pereira, *Irregular Armed Forces and Their Role in Politics and State Formation*, Cambridge, UK: Cambridge University Press; Barreneche, Osvaldo (2010), *La Reorganización de las policías en las provincias de Buenos Aires y Córdoba, 1936-1940*, online: <<http://historiapolitica.com/biblioteca>> (31 August 2010); Johnson, Lyman L. (1990), *Changing Arrest Patterns in Three Argentine Cities: Buenos Aires, Santa Fe, and Tucumán, 1900–1930*, in: Johnson, Lyman (ed.), *The Problem of Order in Changing Societies: Essays on Crime and Policing in Argentina and Uruguay, 1750–1940*, Albuquerque, NM: University of New Mexico Press; Zimmermann, Eduardo (1998), *El Poder Judicial, la construcción del Estado, y el federalismo: Argentina, 1860-1880*, in: Posada, Eduardo (ed.), *In Search of a New Order: Essays on the Politics and Society of Nineteenth Century Latin America*, Londres: Institute of Latin American Studies; Argeri, María E., and Sandra Chía (eds.) (1993), *Resistiendo a la ley: ámbitos peligrosos de sociabilidad y conducta social. Gobernación de Río Negro, 1880-1930*, Buenos Aires: Anuario del IEHS, 8, 275-306.

23 Marcelo Saín, op. cit., 126.

24 The great majority of works on the police force and democratization in Argentina deal with the Federal Police Force. For information regarding reform processes of the police force of the province of Buenos Aires, see: Föhri, Alberto, and Julia Pomares (2001), *Las reformas policiales desde las teorías del cambio institucional. Los intentos de transformación de la policía de la provincia de Buenos Aires*, in: Frühling, Hugo, and Azun Candina, *Policía, Sociedad y Estado. Modernización y Reforma Policial en América del Sur*, Santiago de Chile: Centro de Estudios para el Desarrollo; Saín, Marcelo (2002), *Seguridad, democracia y reforma del sistema policial en la Argentina*, Buenos Aires: Fondo de Cultura Económica.

sort of non-official interference with the police institution and a selective protection of certain police officers, which is manifested in promotions and the appointment of postings. On the police side, an acceptable formal or informal control of criminality as well as the provision of certain “services” during election periods are guaranteed. Here, “acceptable crime control” means the absence of protests or social claims, which result in the loss of political capital. The direct consequence of this reciprocity pact, even during the democratic period, would be a progressive autonomy, both functional and programmatic, of the police organization;<sup>25</sup> or, in other words, that according to this perspective, the police force of the province of Buenos Aires does not operate independently from political parties – on the contrary, it organizes itself by auto-regulating the instances of contact with the latter.

But even now that this instrumental link between politics and the police has been demonstrated, the specialized academic literature does not seem to probe further. Little has been written about the motives that lead both police officers and politicians to sustain such reciprocity. This question is valid, above all, because maintaining this relationship means that politicians risk losing their public reputation or political capital, and police chiefs risk losing their posts. The argument that I would like to introduce, based on gathered empirical material, is that the reciprocity pact is sustained by the possibility of the regulation of certain illegal markets. The economic chances offered by these markets and the possibility of regulating their operation stimulate and keep the previously mentioned politics–police link alive. There is a reason to partner. In other words, the risk implied in being involved in this political–police affair is compensated for by the extraction of resources from specific markets, most of which are illegal. In this context, protection is the merchandise *par excellence* that serves to constantly suck resources, to regulate the “actors of crime”, and to keep the ties between politicians and police chiefs tight.

A report on the results of the tenure of former Minister of Justice and Security of Buenos Aires Carlos Arslanián states that the budget of the initial phase of his second period in power was deficient. That implied, according to that report, a lack of information systems, insufficient material resources, absence of purchases – for equipment, clothing, communications and computing purposes, etc. – a lack of both a purchase policy and an infrastructure plan, a deficient sanitary service, etc.<sup>26</sup> This set of problems, apparently, is not new to the police force. More than 100 years ago, other authors highlighted the existence of similar difficulties.<sup>27</sup> Moreover, Marcelo Saín states that presently “the huge amount and diversity of administrative and operative activities actually carried out by the police require such a prominent infrastructural and functional display that, in the majority of the cases, is not financed with funds from the state budget formally allocated to the institution”.<sup>28</sup> Does that

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25 Saín, Marcelo (2008), op. cit.

26 Arslanián, León C. (2004), *Plan de Reformas de las Policías. Resultados de Gestión 2004-2007*, Buenos Aires: Ministry of Security of the province of Buenos Aires, 256-257.

27 Gayol, Sandra, op. cit.

28 Saín, Marcelo (2008), op. cit., 160; Zaffaroni, Eugenio Raúl (2000), *Derecho Penal. Parte General*, Buenos Aires: Ediar, 15.

mean that the sale of protection, by means of which the illegal markets are exploited and regulated, is an answer to the lack of infrastructure and necessary resources? The answer, which I will expand on later in this paper, is yes. Lack of resources as the main cause of the sale of protection is arguable, especially when we could be facing a political activism that favours this state of affairs. Yet, according to the information collected, a satisfactory explanation alluding to a double-conditioning may be offered. On the one hand, we have to consider police defunding and, on the other hand, the political activism expressed through the federal institutional architecture that reinforces the status quo.

In the course of an interview, Supervision Officer Carlos referred to the financing subject:

“You see, we are in April [2010] and all the police stations of the province have been waiting since last October for the petty cash money to arrive.<sup>29</sup> I say this so you have an idea of the financing question. I don’t want to justify the things that are done, but this is to have a more global view. Look, a police officer, a low-ranking one, is currently working 8 normal hours. Four CORES, 6 additional hours, if they are paid, and that gives you a total of 3,600 pesos. And you are out of your house all day for that dough, which today is not enough for anything.”

While Carlos alluded to a debt that jeopardizes the minimum operation of a police station, Marcelo Saín proposed an exercise that clearly demonstrates the problem:

“There is a huge budgetary deficit. The police force of Buenos Aires has 55,000 men, and when people want more security they ask for more policemen. [...] If one day the police force stopped illicitly collecting money, [that is to say] they didn’t get anything from anywhere or anyone, then [the force] may be able to operate for only the first ten days of a month.”

If the first condition/incentive arises out of these budgetary and structural deficits, the federal institutional design is the second factor. It acts as a corset that delimits the transactions between the police force and politics and promotes the sale of protection.<sup>30</sup> In this federal scheme, the power held by mayors at the municipal level is used to exert influence on the decisions adopted in terms of policing at the provincial level. According to the interviewees, the police situation in the province of Buenos Aires cannot be explained without alluding to the figure of the mayor and the role that he plays in the appointment and maintenance of chief officers.<sup>31</sup> This anecdote exemplifies their power:

“There is a recent case that occurred less than a month ago. So, the [security] minister [of the province of Buenos Aires] gets mad at the chief of San Eusebio’s departmental.

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29 Petty cash is the money used to cover the basic expenses of a police station, such as ink cartridges for printers, paper, stationary articles, hygiene products, minor repairs, etc.

30 In this respect, see Eaton, Kent (2008), *Paradoxes of Police Reform: Federalism, Parties, and Civil Society in Argentina’s Public Security Crisis*, in: *Latin American Research Review*, 43, 3, 5–32.

31 Interviews with Arslanián, Saín, Naldini, Pol, Zaffaroni, Kollmann, Mariani.

Then he calls Sánchez [the police chief] and tells him: ‘Sack him! I don’t want him here anymore!’ The guy [the departmental chief] had 33 years of service. And so Sánchez tells him, ‘Why don’t we wait, make all of them redundant and include him as well.’ [The Minister replies,] ‘No, no! Now, now!’ Sánchez says, ‘OK.’ Then the police chief calls the precinct chief and tells him ‘Remove San Eusebio’s departmental chief and put the second one in charge.’ That happened on a Thursday afternoon. So they go, remove him and put the second one in charge. It turns out that the [relieved] departmental chief calls Mr. Cardinal [San Eusebio’s mayor] and tells him ‘Listen, I was given the sack.’ ‘Don’t worry,’ [replies the mayor]. Mr. Cardinal calls Mr. Alonso [the governor] and tells him that he wants the departmental chief back. Governor Alonso calls the security minister and on Monday the departmental chief is back at his post. See how far the mayor’s power extends?”<sup>32</sup>

Through this example we can observe a usual mechanism whose centre of gravity is the mayor’s electoral power. Thanks to that, the departmental chief has the chance to indirectly press the provincial authorities. In that way, not only does he keep his job, but he also has the chance to take part in the commercial opportunities that the area of San Eusebio offers him. On the other hand, the actions taken by Mr. Cardinal are explained by his own need, as is well put by Eaton, “to derive substantial funds from the illicit conduct of police officers, funds that are useful in hard-fought and increasingly expensive political campaigns”.<sup>33</sup> In that sense:

“During campaign times there is an increase in crime because the police let the rackets do their work. Letting their businesses run is a means for politicians to raise money during campaign times. That is the reason why at that time there is also a decrease in drug seizures; there is a need to sell. The deal for the mayor is to win money that is then passed on to the chief officer. And it is also meant for other things. For instance, to leave the *punteros* [neighbourhood brokers] free to commit armed robberies. The *punteros* work for the mayor during the day and at night they commit armed robberies.”<sup>34</sup>

As shown by evidence, this political–police joint venture is based on the constant absorption of resources generated by the sale of protection, which are used to cover different financing needs: political campaigns, the lack of resources at the police institution, and the illicit enrichment of police chiefs and politicians.<sup>35</sup> However, the fact that police officers and politicians form an alliance for convenience does not mean that they both participate in the same way. That is to say, in terms of the production of protection, one must make a distinction between the protection provided by the police and the other type of protection, a more diffuse protection, by the way, provided by politicians.

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32 Interview with Carlos.

33 Kent Eaton, op. cit., 19.

34 Interview with Carlos.

35 Interviews with Arslanian, Naldini.



There are three reasons to maintain that distinction: The first one is that police protection is a requirement of police autonomy. Such autonomy is expressed by the fact that the police force defines its own duties and institutional goals; it also establishes the guidelines of public security. Here, autonomy also means that the police have developed informal institutional mechanisms that aim to achieve a parallel self-financing. Similar to any kind of modern enterprise, we find ourselves before an organization whose structure – from the community police station up to the police headquarters in the city of La Plata – is fed by resources gained from the sale of illegal protection.<sup>36</sup> This assertion goes for all the police stations of the province of Buenos Aires.<sup>37</sup> The internal chain of distribution was described as follows:

“There is a great difference between officers and sub-officers. Sub-officers live on their salary and some other small things, like women who steal from clothing stores. But officials are inside the ‘collecting’ structure and are protected by chief officers. The officer is protected, is trustworthy and is the one who collects the money. The officer takes between 10% and 20% of the collected money. The chief officer takes 20% and the rest [+/- 60%] goes up to the departmental. Sixty percent of the money of each police station goes to each departmental. From each departmental a percentage goes up to the Superintendencia de Cooperación Operativa [Office of the Superintendent of Operative Coordination]. [When asked about the amount of money, the interviewee answers that he does not know]. The deputy chief officer doesn’t see a buck. In general, the deputy chief officer is given the maximum of CORE hours. At the police station, the ones who participate are the chief officer and the “street service”. The rest do not. If the money is non-institutionally collected, that is, collected without having gone through the usual mechanisms, and you do not let the chief officer ‘participate’ in such collection, then you run the risk of being regarded as a traitor. They ‘take you out’ [of the police station] and make you go on patrol or do clerical work.”<sup>38</sup>

According to Marcelo Saín:

“The chief of police hands it [the money] in to the minister. It is like this, it works like this, they do it in the most natural way. Those guys do what they have to do.”

At the same time, those circuits are replicated in the rest of the police structure:

“The policemen that collect money [...]. I mean the ones that really collect it, no bullshit, are: the Superintendencia de Seguridad [Office of the Superintendent of Security], which has about 40,000 guys; the Superintendencia de Investigaciones [Office of the

36 Former minister León Arslanián, Adolfo Naldini, Marcelo Saín and chief officer Carlos confirmed that. Moreover, several interviewees (Saín, Arslanian, Vásquez) made a distinction between the money collected from the sale of protection and that arising from overpriced public tenders. Here I am referring to the first case.

37 Interviews with Naldini, Arslanián.

38 Interview with Carlos. The statement that chief officers do not take part in the “money collecting” process should be open to doubt. Both Elena Mariani and several documents contradict such a statement.

Superintendent of Investigations], [comprised of] policemen on the streets, detectives – about 3,000 guys. These two include everything, except drug-trafficking. Then you have the Superintendencia de Narcotráfico [Office of the Superintendent of Drug-Trafficking], about 8,000 guys for the whole province!, the Superintendencia Siniestral [Office of the Superintendent of Disasters and Accidents], made up of firemen. They [illegally] collect money from shops' and buildings' licences. And lastly you have the Superintendencia de Policía Científica [Office of the Superintendent of Forensic Science], which [illegally] collects money from expert testimonies, alcohol, speeding drivers, etc. These guys change everything.”

A second difference between political and police protection stems from the auto-financing logic. Its immediate consequence is that the police force's institutional behaviour ends up being similar to that of a company. An example of this behaviour is that the political protection needed by the police is obtained by means of lobbying activities. In other words, in order to sell police protection, it is necessary to obtain political protection.

Similar to the interest groups at the time of political elections, the police force in question does not pursue a particular result aside from influencing government security policies.<sup>39</sup> For those who want to see this as an act of extortion committed by the police, it is important to point out that this behaviour does not differ from that of legal organizations. If we consider, for instance, the pharmaceutical industry or a powerful trade union, we will see that their actions, which are meant to influence public politics and create a normative framework to protect their own interests, do not analytically differ from those of the police. This leads us to observe that police protection as merchandise is different from political protection, in the same way as the sale of an antibiotic is distinguished from the policies that protect the pharmaceutical sector.

Third, the protections differ from one another on a very basic level, which has to do with contact with the public. As I will illustrate in the following text, those who take part in illegal businesses maintain a relationship with the police but not with politicians. The sale of non-enforcement, not only to criminals but also to citizens who are willing to pay for such merchandise, is made by the police, and it is that force that manages both the amount to be charged and the form of sale.

To sum up, even though police protection is closely linked to politics, the two need to be clearly differentiated. Police autonomy has caused the institution's organizational behaviour to resemble that of a company that works to generate its own resources through the sale of guarantees of protection.

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39 Grossman, Gene M., and Elhanan Helpman (1994), Protection for Sale, in: *The American Economic Review*, 84, 4, 847.

#### 4 Resources for the Protection Sale

In the preceding section we saw that the sale of protection arises as an inner requirement of the police force and that it must not be interpreted as mere corruption or as a collection of isolated deviant behaviours. By means of the sale of protection, the police provide a non-enforcement that results in the creation of protected areas in which rights have no importance. In this way, as we have already seen, the state sells protection twice: once for the citizens, who supply resources through taxes, and once for criminals, who pay to be able to work in illegal markets.

However, even though the police provide said protection, this does not mean that the venture will succeed. As well as with the supply of legal protection, in which the state must prove to its citizens that its ambitions to collect taxes from it are legitimate,<sup>40</sup> (otherwise it must prove its ability to impose itself), in the case of illegal protection the police must show guarantees to the world of illegality. The police must be illegally believable. Whenever the criminals see in the police a reliable source of protection and the threat of extra-legal force is appropriate, the purchase of protection will be guaranteed.<sup>41</sup> As is clear from this, it is not enough to state that the police sell illegal protection; it is also important to establish the factors to guarantee that sale.

I will illustrate this point with the cases of two policemen. Alfredo Coronel was a policeman at the División Departamental de Investigaciones (DDI) [Departmental Division of Investigations] in the town of Tigre. Meanwhile, José Garay worked as a policeman – sub-officer – in the police station of the city of General Pacheco. Though they carried out their duties in different places, they were both policemen in active service in Buenos Aires. Around

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40 Legitimacy here is not understood in normative terms, but simply as the acceptance of a decision that is based on the belief that the same is legitimate. Along those lines, refer to Weber, Max (1988), *Wirtschaft und Gesellschaft*, Paderborn: Voltmedia or Luhmann, Niklas (1969), *Legitimation durch Verfahren*, Frankfurt/Main: Suhrkamp.

41 The link that the police establishes with the criminals through the sale of protection is just one of the possible alternatives. The available literature on the subject points out that the control of illegal markets by means of the sale of protection by the police force has been a pacific method of relationship. Along those lines, the similarities between the cases of Chicago and Buenos Aires are remarkable: Whyte, William F. (1993), *Street Corner Society*; Chicago: University of Chicago Press; Heller, Mark H. (1990), *Illegal Enterprise: A Theoretical and Historical Interpretation*, *Criminology*, 28, 2, 207-235; Reuter, Peter (1984), *Police Regulation of Illegal Gambling: Frustration of Symbolic Enforcement*, in: *Annals of American Academy of Political and Social Science*, 36-47. Recently, several authors have dealt with the relationship between criminal gangs and the government and the conditions for the emergence of violence. For more on this subject, refer to: Snyder, Richard, and Ravi Bhavnani (2005), *Diamonds, Blood and Taxes*; in: *Journal of Conflict Resolution*, 49, 4, 563-597; Reno, William, *Illicit Markets, Violence, Warlords, and Governance: West African Cases*, online: <[www.springerlink.com/index/ev6k470548575m85.pdf](http://www.springerlink.com/index/ev6k470548575m85.pdf)> (05 march 2009). About Latin America there are papers that focus on Colombia, Mexico and Brazil and comment on a characteristic of the crime–government relationship that differs from the case of Buenos Aires: the confrontation with the government. Refer to the interesting paper of Bailey, John, and Matthew M. Taylor (2009), *Evade, Corrupt, or Confront? Organized Crime and the State in Brazil and Mexico*, in: *Journal of Politics in Latin America*, 1, 2, 3-29 or to Snyder, Richard, and Angélica Durán Martínez (2009), *Drugs, Violence, and State-Sponsored Protection Rackets in Mexico and Colombia*, in: *Colombia Internacional*, 70, 61-91.

the year 2002 a judicial investigation determined that they had an activity in common: They collected a weekly “fee” from several chop shops in General Pacheco.<sup>42</sup> While Coronel<sup>43</sup> collected the money for an area division of investigations, Garay<sup>44</sup> did the same but for Chief Officer Norberto Fiori.<sup>45</sup> According to witnesses, the relationship between the owners of the chop shops and the policemen of the station, Garay and Fiori, was very close. Reports from neighbours state that cars were transported almost daily between the police station and the facilities in which they were later scrapped, and that they used to have barbecues together. In addition, Officer Coronel was prosecuted for his alleged relationship with the kidnapers of a young man, brother of a famous soccer player. What is most striking about Officer Coronel’s case is that, after he was preventively discharged, he continued his duties as chop shop collector. Coronel kept “working” for the DDI and, in his own words, the reason for his staying was that to his “bosses” he was the only trustworthy person.<sup>46</sup>

The issue that I am going to deal with here comes from the striking fact that Officer Coronel “kept working” because to his “bosses” he was a trustworthy person. Indeed, this event shows that Coronel was not a regular policeman and that his job was important for two reasons: The first one is that Coronel had exclusive *information* about the area and its inhabitants.<sup>47</sup> This unique territorial information as well as the fact that he was a police officer gave him a particular negotiation power with the chop shop owners, but also within the police station (to fight for his job). The second reason is that, as a result of that information, Coronel became effective and trustworthy – that is to say, he gained a *reputation* of being a protector, an attribute essential for any organization that pretends to sell those types of commodities.<sup>48</sup> Next, I will point out that the success of selling illegal protection requires that

- 1) the police develop sensible mechanisms to acquire information, and that
- 2) police officers maintain their reputation in the eyes of both the police force and the criminals.

When these factors are present, police protection circulates and crime can be controlled informally. And as Gambetta agrees, the dimensions complement each other because the “ability to gather information is part of the prestige”.<sup>49</sup>

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42 Preliminary Criminal Investigation No. 16.883 “Chaparro Oscar and others with no illicit association and aggravated concealment”.

43 Administrative Summary Investigation 241.452/02, 27 September 2002.

44 Administrative Summary Investigation 241.452/02, 27 September 2002. Officer José Garay was subsequently discharged from the police force, refer to Agenda No. 101, Ministry of Security of Buenos Aires, 25 October 2002.

45 Administrative Summary Investigation 241.452/02, 27 September 2002. Police Chief Norberto Fiori was subsequently discharged from the police force, refer to Agenda No. 101, op. cit.

46 Preliminary Criminal Investigation No. 16.883, op. cit.

47 Preliminary Criminal Investigation No. 16.883, op. cit. In addition, “If you don’t pay, I’ll kill you”, *Página 12*, 4 November 2002.

48 Gambetta, Diego (2009), *Codes of the Underworld*, Princeton: Princeton University Press; Smith, Alastair, and Federico Varese (2001), Payment, Protection and Punishment, *Rationality and Society*, 13, 3, 349-393.

49 Diego Gambetta (1996), op. cit. p. 75.

Officer Coronel fulfilled one of the necessary conditions for the successful selling of police protection: He was familiar with the area, the neighbours and every chop shop – small or large – operating in his jurisdiction. The same can be said about Officer Garay, who was part of the “street service” of the police station commanded by Fiori. People like these are essential because through them, information is gathered about the condition of illegal markets and about possible commercial opportunities. Knowing about alliances between criminals, whether they maintain or change their line of business, what their economic or infrastructure problems are, what their needs are, and whether there are new participants in the market reveals both the potentialities and the limitations that the clients face. At the same time, with this type of information, the police can evaluate the reliability of their partners or introduce extortive measures.

In this underworld where there are few certainties, the permanent demand of reliability makes information a precious commodity. Anyone who has good information can act in an environment that he considers to be reliable and foresee successful businesses. For that reason, the role of the informant, or *buchón* (“snitch”), an authentic dealer of information, becomes extremely important.<sup>50</sup>

Nevertheless, the main means of information-gathering that the police stations in Greater Buenos Aires have is the so-called “street service”, a group of four or five policemen whose job is to go around their jurisdiction all day long.<sup>51</sup> All the accumulated knowledge of the police stations about the territory comes from this group being in touch with neighbours, shopkeepers, businessmen, public employees, and criminals, as well as the police officers’ personal history. To give an example, many of them having been born in shantytowns “know where the cocaine kitchens are”.<sup>52</sup> Street service, then, by being the first line of contact with the criminals, is an essential stage in the process of protection sale. There, prices and sale conditions are set, possible reprisals are communicated, and strategic information is given, such as opening and closing hours of local shops or possible controls from other state organisms.<sup>53</sup> Using official information for criminal purposes makes street service a significant aspect in the manipulation of available information. The monopolistic position of the police implies that the street service does not specialize in verifying the purity of the transactions or in gathering exhaustive information about the clients. To a certain extent, it is not relevant for the police if their clients swindle or are swindled, as it is also not important to gather personal information about these clients. This is the case because the police, unlike the mafia groups described by Gambetta, do not need to defend themselves from competitors. That is why, for the

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50 Interview with Carlos.

51 Interviews with Carlos, Naldini, Saín, Arslanián.

52 Interviews with Carlos, Arslanián.

53 Notification of the judge of guarantees of Bahía Blanca to the General Audit of Internal Affairs relating to the Preliminary Criminal Investigation No. 59.947. On the other hand, during the interviews, the legal representatives in Argentina of companies Nike and Louis Vuitton stated that the search operations of the shops that sell fake products always fail because the police, before arriving at the premises, warn the shopkeepers.

purpose of selling illegal protection, it is not necessary to use mechanisms of criminal intelligence<sup>54</sup> and it is only necessary to verify, as we shall see, the criminals' affordability.

However, when the police legally investigate the operations of criminal organizations, a series of evidence or clues are found that must be controlled constantly to confirm its veracity. In the case of selling illegal protection, the same problem comes up: the reliability of the information given by criminals must be controlled. In other words, how can the police protect themselves from useless information? In regards to this issue, the police officer with exhaustive knowledge about the area and its inhabitants again plays an essential role. The sale of useless information by criminals can be avoided by implying that one (the police officer) has greater and better information, that is to say, that otherwise you are getting into risky business. Due to this deterrent mechanism, it is understood that at first the police will accept all sorts of information and then evaluate the reliability of their partners.<sup>55</sup> But the deterrence of criminals must necessarily be accompanied by the constant threat of physical violence. Interviewees have expressed that the level of violence increases and methodology changes according to the times that criminal partners sell false information or do not comply with what was agreed.<sup>56</sup> The emergence of the figure of "confrontation" expresses the maximum penalty against criminals.<sup>57</sup> The secondary purpose of the murder of criminals is to send a message to the interior of the criminal underworld.

The second reason for which Officer Coronel had the confidence of his bosses was his reputation. This, as Gambetta points out, "refers to the quality and reliability that is expected from goods or a businessman and acts as a guide for buyers".<sup>58</sup> The reputation problem of the police officer of Buenos Aires is unusual and differs clearly from other types of reputations, such as that of a member of the mafia or a public officer who performs his duties. In these last two cases, it refers to a reputation directed towards a specific clientele, whether real or potential, but built on the absence of identification with its opposite: The mafioso who does his job well is expected to have no problem breaking the law; from the efficient bureaucrat one would expect that "his product" is not inefficiency or request of bribes. For this reason, they both have different clienteles. And the same goes, in general terms, for professions: A lawyer who does not know how to defend has no future.<sup>59</sup> Though this seems simple, it is quite different in the case of a Buenos Aires police officer who has not one, but two, clien-

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54 Interview with Carlos.

55 Interview with Carlos.

56 Interview with Arslanián.

57 This is what some investigations suggest (arising from Preliminary Criminal Investigations) in which it was expected to determine the responsibility of the police in the murder of young people. Refer to: Administrative Summary Investigation No. 385/302 file No. 21.100-049.647/02 (one sergeant and one first corporal are accused); Administrative Summary Investigation No. 4389/302 file No. 21.100-638285/01 (one sergeant and one corporal are accused).

58 Gambetta, Diego (1996), op. cit., section "*La reputación*" ["The reputation"].

59 Unless the lawyer makes his poor performance a product which is sold to the other party.

teles. The first clientele is linked to the official role of policeman, whose reputation is very low. Not only do surveys show the lack of prestige of the police force, even the policemen have no social acceptance:

“The policemen told me that when they went to play soccer, they carried their uniforms in their bags and didn’t show them. To work as a Buenos Aires officer doesn’t give you any prestige and there is no feeling of belonging to the institution. Besides, there is a feeling of being inferior to the federal police. Being a police officer is just a job opportunity. You have a steady income, a health plan and a retirement plan. There is no sense of belonging.”<sup>60</sup>

Nevertheless, this negative reputation linked to the role of police officer coexists with (and was built thanks to) a prestige associated with the role of efficient illegal protector. That is to say, we are dealing with a positive reputation, as protector or seller of commodities, whose clientele are groups or individuals who need a momentary abrogation of the law. A clientele consisting of criminals and citizens who occasionally seek protection against the government. And not only that, the prestige as protector leads to the prestige of police stations as places where businesses prosper.<sup>61</sup> To notice the existence of this second reputation of the police force is of great importance because it allows one to avoid the already common culturalist explanations that suggest the existence of social essences or specificities. What we have here is a group of rational players who recognize the ability of the police to guarantee a space free of legal controls. According to a former auditor at the General Audit of Internal Affairs, participation in illegal businesses is part of police culture and, for that reason, it is not frowned upon.<sup>62</sup> In other words, “the police station loses prestige with an honest police chief”.<sup>63</sup>

But the reputation of the chief officer as protector is not static and can be lost suddenly, as this account shows:

“When it goes to hell [a scandal becomes public through the mass media], the chief officer sends people to the joint or takes out a few. That’s when the police station is no longer reliable for the crook. We can say that the crook’s business risk increases. And it becomes more difficult to gain their trust again. Besides, they talk to each other and the rumour goes around that Chief So-and-so doesn’t want to know anything more about it or has stopped doing business.”<sup>64</sup>

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60 Interview to Sirimarco. Refer to Sirimarco, Mariana (2009), *De civil a policía. Una etnografía del proceso de incorporación a la institución policial [From Civilian to Police Officer: An Ethnography of the Procedure of Joining the Police Force]*, Buenos Aires: Teseo.

61 Every interviewee, with no exception, confirmed that the police stations have a fee and this is set according to the “businesses” that are linked to them.

62 Interview with Naldini. The interviewee expressed, similarly, that there are moral thresholds for the chief officers; that is to say, not every chief officer provides protection, for example, for drug dealers or *piratas del asfalto* [lorry hijackers].

63 Interview with Carlos.

64 Interview with Carlos.

Information and reputation are two essential resources necessary for securing the sale of illegal protection by the police of the province of Buenos Aires. Relating to the former, street service plays a leading role, a branch of the police force that spreads over the territory to gather and send messages, orders, proposals and warnings. Street service works as a territorial scanner. But what ensures the asymmetry of power between police and crime in Buenos Aires<sup>65</sup> is a manipulation based on the availability of information from formal and informal sources. On this accumulation of available information lies the reputation of police officers like Coronel and Garay, who offer a quality product: the guarantee of protection.

## 5 Stealing Vehicles: Forms of Protection

How exactly do the police protect criminals? After showing that there is police specialization regarding sale of protection to criminals, I will next try to show the specific forms of protection the police sell. I will examine the forms of protection offered and what the conditions for sale are, using the market for stolen vehicles in Buenos Aires as a reference point. I must warn the reader that, in this section, the information provided about this market is fragmentary. In addition, there is a complete absence of investigation on the subject due to the fact that, as it happens with the mafia, everything we know is a consequence of those cases in which business problems arose. When there is a good understanding between the police and the criminals – as there is most of the time – nothing is recorded and, therefore, we know nothing about it.

From the information gathered, it can be stated that the protection adopts three specific forms. The common denominator of all of these is administrative tampering. In the following, the three forms of protection will be described, and finally, I will provide an example of bureaucratic tampering.

*Arrest and release:* Arresting people for legal or illegal reasons to collect a sum of money for the release of the prisoner is the most common form of sale of protection. People who committed crimes – for example, criminals with arrest warrants<sup>66</sup> – as well as others who did not – in general, known criminals – are arrested to charge them for their release, either for cash or for part of the loot.<sup>67</sup> This form is related to the recruitment of teenagers and the supply of police protection so they can commit crimes. But even though the logic of arrest-release or its derivative, recruitment, are widespread forms of sale of protection, they reach their limit with the emergence of conflicts. Indeed, deaths of young men in alleged confrontations with the police seem to be a consequence of the breach of the informal contractual relationship between the police and their clients.<sup>68</sup>

65 Saín, Marcelo (2010), *La policía, socio y árbitro de los negocios criminales* [“The Police, Partner and Judge of Criminal Businesses”], in: *Le Monde diplomatique*, 33, July 2010.

66 Interview with Naldini.

67 Interview with Carlos, Arslanián, Zaffaroni.

68 The proliferation of dead young men in the Lomas de Zamora district during the crisis of 2001 originated judicial inspections that are recorded in a report of the Human Rights Department of the Government of Buenos



*Releasing areas (liberar zonas)*: The release of areas from the interference of the rule of law is an effective mechanism of sale of protection that stimulates the operation of the three main criminal markets in Buenos Aires. In these cases, the protection will cover fixed targets, such as “kitchens” or places to store cocaine, chop shops, etc., or moving targets such as people or vehicles.<sup>69</sup> In any of the cases, the protection requires an exhaustive knowledge of the territory as well as a certain degree of logistic coordination. Supervision Officer Carlos expressed that “the person who gives the order to release an area at a specific time and street is the officer on duty or the chief officer”.

*Informants*: The protection for informants is another form of sale of protection used to gain interests – economic or of prestige – as well as to regulate the markets. In an insecure world such as the criminal one, quality information is a precious commodity. Because of that, there are enough reasons for criminals to trade information in exchange for protection and/or money. Meanwhile, the police have the possibility of benefiting economically or of gaining prestige if they manage to intercept valuable information. An example of the latter are the chief officers who buy information related to drug cargoes – coming from other provinces or bordering countries – and with it they organize drug seizures that, due to widespread media interest, earn them promotions or awards.<sup>70</sup>

These three forms of illegal protection could not be marketed without administrative-bureaucratic mechanisms that allow for its invisibility. Releasing areas, the “arrest-release” of people, and informant protection all require constant tampering with records or submitting certificates intended to conceal multiple irregularities that occurred during the protection sale. Consequently, the legal system considered in broad terms is an essential component when absorbing the demands of illegality and maintaining a legal appearance of police actions. This stage, however, is not reached with police participation alone. In many of the documents I was able to access, it can be verified that the acquisition of certificates, authorizations, permits, etc., is something usual and without which illegal businesses could not have prospered. Investigations stemming from the murder of María Victoria Chiaradía and Hector Iglesia Braun suggest the collaboration of different instances of the judicial system or, at least, omission.<sup>71</sup> Other memoranda expose that the contact with the legal system does not necessarily mean the collaboration of public officers. An example of this is the purchase of

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Aires. Another example is the Administrative Summary Investigation No. 4389/302 file No. 21.100-638285/01 that investigates the death of a sixteen-year-old boy in an alleged confrontation with two policemen. Other forms of conflictive situations, for example with the so-called *piratas del asfalto* are “solved” through similar methods. Interview with Arslanián.

69 Interview with Vásquez. Since each type of crime implies a specific coordination, there are several kinds of land liberation. Cfr. Morseli, Carlo (2008), *Criminal Mobility and Criminal Achievement*, in: *Journal of Research in Crime and Delinquency*, 45, 1, 4–21.

70 Interview with Carlos. This type of operation results in the driver of the transport being arrested (and maybe his companion as well).

71 Preliminary Criminal Investigation 22.318, María Victoria Chiaradía and Héctor Iglesia Braun, victims of aggravated murder. Ministry of Security of Buenos Aires. Judgement, April 2003.

wrecked cars with car ownership papers in public auctions. First, the buyers of the wrecked vehicle will sell it again as scrap and then they will start to search for – and steal – a vehicle with the same characteristics to the one that will be cloned with the papers of the purchased car. Finally, they will have a “new” vehicle that may be sold as a *remis* (fixed-fare taxi) in Greater Buenos Aires or as spare parts.<sup>72</sup> In spite of the judicial participation in the promotion of this business, police are clearly active in tampering with documents. This can be verified by the Administrative Summary Investigation 4679/702 of 2002. There, besides registering complaints of theft by policemen during the events of December 2001 and cover-ups of brothels, the chief officer and street service of Lanús are accused of protecting chop shops. It can be clearly seen in these documents that the protection becomes administrative cover-up – that is to say, drawing up documents that state that, after the police inspection, there is “nothing unusual to report”.<sup>73</sup>

Furthermore, the concrete forms of protection are inseparable from its sale conditions. Just like insurance companies, policemen who sell illegal protection also stipulate the conditions of the contract. The protector ensures that there are tolerable risk margins. These conditions prove essential during the process of protection sale and determine who will be able to purchase it. Supervision Officer Carlos and former minister Arslanián agree, in a different way, that there are two conditions for sale: profitability and the media impact of the business. If there are no profits that encourage risk-taking and if the possibilities of the media becoming aware of it are too high, the conditions for the sale of protection are not met. They are exclusive to one another. For that reason, Supervision Officer Carlos has mentioned the tendency among policemen to avoid working with *paqueados* (those who use cocaine paste). When working with them – especially during car thefts – there are risks of murders being committed<sup>74</sup> and that may lead to public protests or the intervention of the mass media. This could also happen with kidnappings for ransom.<sup>75</sup> Former minister Arslanián expressed that during his administration, police stations were found to have under their jurisdiction the same number – exactly – of stolen cars. The reason for this was that a larger number of thefts could decrease the tolerance of insurance companies and raise media awareness.<sup>76</sup>

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72 Memorandum, Subject: “Chop shops, Direction of Prevention of Crimes against Car Ownership”, Buenos Aires, 2002. This was confirmed in the interviews with Fernando Antar and Juan Pablo Sassano.

73 Tampering with public documents is a common practice confirmed by the two former auditors of Internal Affairs who were interviewed. For example: Administrative Summary Investigation 4679/702, General Audit of Internal Affairs, Ministry of Security of Buenos Aires, 2002. Refer to appendix; Memorandum, 9 August 2002, about the criminal complaint against a Deputy Chief Officer and a Deputy Inspector for tampering with the logbook.

74 This tendency should not be generalized because, unlike what Supervision Officer Carlos and many newspaper articles point out, recruitment of young people and payment with drugs is something usual. Even though there is still a real risk, not every violent case becomes public and the police possess several cover-up mechanisms. Cf. the report about the death of young people in police confrontations which occurred on the grounds of the Departmental Police Station of Lomas de Zamora during 2001. Also refer to: Jacobs et al. (2003), Carjacking, Streetlife and Offender Motivation, in: *British Journal of Criminology*, 43, 4, 673-688.

75 Interview with Carlos.

76 Interview with Arslanián.

## 6 Conclusion

The state weakness, long-lasting and widespread, that several Latin American countries display, has its origin in sectors within those states. Social groupings or specific constellations of players located in the heart of the weak state are characterized by its strength and resistance to reforms, but also for extending the above-mentioned weakness. This paper has demonstrated that a clear example of this is the conduct of the police of the province of Buenos Aires. The police prevent a suitable standard of law enforcement from being reached when performing their duties because they sell illegal protection.

The phenomenon of protection sale to criminals provided by the police has demanded an important theoretical distinction. My analysis of police protection differs from that of Charles Tilly because Tilly states that protection is a product offered by the state to the citizens in exchange for those resources that would allow the consolidation of the state power. Far from being a product supplied only to those who contribute resources by following legally established paths, police protection is also sold to those who work in drug-trafficking, vehicle theft and human-trafficking. Nor is it a case of sale of protection, like the one described by Diego Gambetta in his analysis of the Sicilian Mafia. However, the police maintain the status of state organization and prevent it from operating as mafia organizations. Illegal police protection is, for that reason, a third form of protection with the main characteristic of being a shield against the law. This non-enforcement or temporary suspension of the law can be marketed only by a state agency whose behaviour resembles the one that Gambetta attributes to the mafia.

We are in the presence of a state that, at least presently, sells protection twice: to citizens and to criminals – to players whose interests are the exact opposite. The risk that this implies for policemen and politicians is tolerated because of the profitability that the aforementioned businesses offer. Several quoted interviewees refer to the serious financial problems of the police force as well as the need of politicians to finance their political campaigns. These budgetary deficits together with institutionalized corruption cause the sale of what the police decide daily: whether they will enforce the law or not.

From this thesis, two theoretical contributions and one question arise. The first contribution refers to the widespread thesis according to which the presence of bribes (graft) indicates that the police force cannot ensure the policemen's obedience. Throughout this paper, I have demonstrated how the sale of protection is not only to the benefit of the policemen, who obtain additional economic benefits, but also to the financial support of the police force. The activity of selling protection supports the force because it decisively contributes to the financing of the police stations and the day-to-day police duties, and also because it is a mechanism that – as Darden observes in the Ukrainian bureaucracy – reinforces hierarchies and makes obedience possible. That is to say, in this case, bribe (graft) does not generate weakness, but rather strength. The second contribution refers to the assumption that the sale of protection, commonly known as “police corruption”, leads to a loss of police/state control

over crime. When denying the operational capability of certain criminal gangs or crooks, it must be pointed out that the protection sale is an informal mechanism to regulate crime and, therefore, a control for it. Police territorial deployment – even when it is logistically precarious – and its ability for extortion allow a maintenance of an asymmetrical relationship towards the individuals or groups that operate in illegality. The question arises from the way of relating to criminals – especially the ones that are organized – which is established by means of selling illegal police protection. As was already mentioned, the sale of protection allows a control or informal regulation of crime that can be maintained as long as there is police superiority. Whether, in the long run, the protection sale stimulates the progressive operational autonomy of criminal organizations and eliminates the asymmetry of power between the police force and organized criminal groups remains an open question.

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