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Settings matter: Examining Protection's influence on the illicit drug trade in convergence settings in the *Paso del Norte* metropolitan area

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Abstract

Marcus Felson suggests that analysis of "organized crime" should be undertaken via the study settings, events, and their sequences. This study examines four intertwining settings in the Paso del Norte area: Ciudad Juárez as a plaza, El Paso as a plaza, Prisons, and the streets. It shows just how important settings are for understanding the events that lead to the establishment and maintenance of the protection that allows organized criminal events related to the drug trade to unfold in the region. By examining one region, bifurcated by an international border, this article shows that settings, even those that are in close proximity with one another, can significantly shift the way that protection arrangements are developed, which in turn affect how events unfold. However, criminal actors who move between these settings adapt their strategies to the available protection to maximize opportunity for the illicit enterprises they are involved in.

Introduction: Understanding illicit protection rackets

Protection – the insulation against threats or harms detrimental to one's physical or financial wellbeing, property, or a desired activity one wishes to engage in – is a fundamental necessity for any actor engaging in any licit or illicit entrepreneurial activity [1–4]. In licit circumstances within liberal democracies, the state accepts an obligation to provide adequate protection to its "denizens" [5], the people, regardless of citizenship or immigration status, who live and/or work within its borders, via the "social contract" [3, 6]. The state provides protection domestically by asserting control – i.e. enforcing its legal code [7], the framework of rules that defines acceptable and unacceptable behavior within a state and defines denizens' rights – within its territory, and internationally by enacting and defending its sovereignty vis-à-vis other states [3, 7, 8]. In turn, denizens generally acquiesce to the state's legal code, with the

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understanding that if they fail to abide by the state's laws, they will be subject to reprimand, which could potentially include the loss of the right to be protected by the state.

However, there are circumstances where the state is either unable or unwilling to enforce its laws due to resource shortages, logistical problems, or internal compromise, such as corruption [1, 9]. Whenever the state is unable or unwilling to assert control effectively, informal protection marketplaces typically emerge, filling whatever gap the state fails to monopolize in terms of the legitimate dominion over violence and providing a parallel sovereign structure to the licit state structure [2, 10–14]. Illegal protection rackets, regardless of where they are, may be provided by criminals or, alternatively, by corrupted state officials who illegally provide protection, either by not enforcing the law or by actively selling it to criminal entrepreneurs [1]. Illicitly-provided protection differs from licit, state-provided protection because, rather than acting as two way relationship where the state obligates its denizens to obey in exchange for guaranteeing the protection of rights for the denizens within its territory, illicitly provided protection is typically undertaken in the self-interest of the provider, and often unilaterally, which results in the erosion of the rights of those who are under such protection, forcing them into an unwanted social control regime [3, 15].

Scholarship on illicit protection is wide-ranging with studies of countries – such as those in Western Europe – where the state appears to have effective control [2, 3, 16, 17]; countries that are emerging democracies or have unstable governments – such as former-Soviet countries [14, 18–21] or many countries in Latin America [1, 13, 22–31], Africa [32–36], and Asia [37–39] – whereby state actors do not have effective control. Some scholars have specifically looked at protection as it unfolds in particular locations such as prisons [26, 40–45], housing projects and neighborhoods [31, 36, 46, 47], and borders [34].

While the need for protection in illicit markets is a general fact of their existence, the diverse array of scholarship on protection rackets shows how the dynamics of illicit protection unfolds is context specific. Context – formed by a setting's location and the state's ability or lack thereof to enact control – determines not only how groups form and behave but also what the market dynamics are in a specific place. However, no study has examined convergence settings with starkly different state governance that overlap and how this overlap affects the development and provision of protection in these liminal spaces. While this paper shows, as does the extant literature, that the nature of control in settings determines how protection rackets form, it also shows that actors who operate in liminal spaces tailor their protection mechanisms to respond to fluctuations in control across settings with different control regimes. By developing context-appropriate protection, criminal entrepreneurs are more likely to achieve sustained protection that helps to maintain illicit enterprise and perpetuate the ability to achieve positive economic outcomes.

To that end, this paper uses a framework advanced by sociologist Marcus Felson [48] to understand illicit enterprise via *settings*, *events*, and the events' *sequences* by examining two markets, the protection market and the illicit drug market, that exist within *Paso del Norte*, a binational metropolitan area, including the cities of El Paso, Texas, USA and Ciudad Juárez, Chihuahua, Mexico. Felson's approach facilitates the study of the "degree of planning and sophistication needed for offender symbiosis to occur" [48]. In adopting Felson's analytical approach, which prioritizes focusing on the

obvious and observable [48] in an effort to describe organized criminal operations, this paper shows how actors navigate and adjust to the liminal settings of Paso del Norte, while engaging in similar events that advance the drug trade in Paso del Norte.

This paper proceeds as follows. First, it provides an overview of Felson's "ecosystem for organized crime," showing how that framework helps make sense of the illicit markets in the Paso del Norte area. Second, it briefly provides an overview of the methods used for this study and the ethical concerns in conducting such a study. Third, it examines four key convergence settings within or associated with the Paso del Norte area. Through the examination each setting, this paper explores the events and their sequences that contribute to the maintenance of the drug trade. Finally, this paper returns to Felson's framework and discusses how the control mechanisms present and the location of settings matter in Paso del Norte, showing that while events may be similar across settings, the nature of how they unfold is not.

Understanding organized crime's ecosystem

To counter the image of "organized crime groups" as intricately coordinated and large in scale, Felson [48] offers a purposefully, "less dramatic" framework to study the ordinary processes that form criminal cooperation. Accordingly, Felson seeks to reorient the analyst's gaze from *specific groups of people* to the *organizing principal* underpinning organized criminal acts, namely "specific and tangible *events*, their specific *sequences*, and their specific *settings*" [48]. Felson further argues that some settings can be termed "offender convergence settings," that "allow criminal cooperation to persist even when particular persons vary" [48]. Offender convergence settings provide the context that underpins the formation and maintenance of illicit enterprise and allows them and the illicit markets they participate in to persist, albeit with different constituents realizing the necessary roles over time [49].

Drawing on Felson's framework to assess organized crime, this paper shows that there are, within the context of the drug trade in *Paso del Norte*, four *convergence settings*, (1) Juárez as a plaza, (2) El Paso as a plaza, (3) Texas state prisons and county jails, and (4) the streets of Paso del Norte, all of which sometimes overlap. To that end, this paper assesses these convergence settings in the context of the protection that the illicit drug trade requires in order to function. Thus, this paper explores how each setting influences how the *events*, i.e. the transactions that occur within the settings, and the event *sequences*, i.e. how the transactions are operationalized, unfold not only in terms of the provision of protection but also in terms of how that protection influences trafficking, wholesaling, and retailing of illicit drugs [48].

The focus on the Paso del Norte region specifically is twofold: first, an asymmetric pattern of violence characterizes each half of the metropolitan area, with El Paso being rated one of the safest cities of its size in the US and Juárez being one of the most violent cities in the world not in a war context in the 2000s and 2010s [50, 51]. Second, not only is Paso del Norte the largest metropolitan area on the US border, with a population of approximately two million people [52–54], it is also the third busiest landport in Texas, with over 700,000 northbound shipping containers crossing its two commercial bridges every year [55]. El Paso's status as a preeminent transportation hub

has made Juárez a site of violence as competing drug trafficking organizations (DTOs) and their surrogates have vied to establish a monopoly over access to the border in Juárez that provides access to the US and its lucrative illicit drug markets [50, 56–58].

Several "ordinary processes" underwrite the wholesale and retail drug markets that operate in Paso del Norte ([59], though the wholesale drug market is more important given that it involves more revenue and volume. The difficulty in moving products across the border makes Juárez a bottleneck; Juárez is where DTOs must stage – i.e., temporarily store – products before strategically shipping them to minimize loss [60]. According to the Border Patrol agents I interviewed, apart from cannabis, which is often backpacked across the desert, most illicit drugs that enter the US – heroin, methamphetamines, and cocaine – come across in vehicles or human mules transiting through licit points of entry (Emilio and Jaime, personal communication, April 14th, 2014, El Paso). This claim is consistent with illicit smuggling operations globally [61]. On the other side of the border, El Paso is where drugs are distributed to those who transport them to markets in other parts of the United States and beyond. Retail markets, with heroin being the most important, exist on either side of the border, supplying regular drug users [60]. However, smaller markets for cocaine, crack cocaine, and methamphetamines have emerged on the US side to serve demand that is not significant in Juárez.

Both markets require protection to exist. And, though the markets are related and interface with one another, how criminal actors operationalize that protection, and how the events unfold in the manner that they do, clearly depends on the settings in which the markets operate. Criminal actors make decisions based on the constraints and opportunities they perceive [62, 63]. Accordingly, this paper demonstrates how the connections that underpin the protection required for the events of both the wholesale and the retail markets to unfold are formed within, and sometimes carried between, the four settings studied and how protection arrangements that take different shapes depending on those settings buoy and constrain the illicit drug markets in the Paso del Norte.

Methods

This paper reports findings from a larger, multi-site study on the drug trade in the United States. It draws on formal interviews that I conducted with fifty-one actors related to, or with knowledge of, the drug trade in Paso del Norte. All but one of these interviews were conducted from February to June 2014 in El Paso, Texas and Ciudad Juárez, Chihuahua. I classify these actors into three broad groups: tangential actors, people who had knowledge of the drug trade from the periphery, such as community members, attorneys, and journalists; involved actors, people who had direct involvement in the drug trade at some point in their lives, including former members of DTOs, current and former members of street and prison gangs, and current and former drug users; and law enforcement actors.

I recruited participants using four recruitment methods: traditional chain referral; direct engagement; "gonzo" recruitment [64], which took advantage of my living and working circumstances; and online classified advertisements with clear criteria that solicited respondents involved in the drug trade [65], similar to what sociologist

Meredith G.F. Worthen [66] did to recruit stigmatized people. The diversity of recruitment strategies ensured an assorted range of perspectives. Accordingly, triangulation among involved and tangential actors occurred quickly as accounts from respondents who did not know each other converged. In El Paso, recruitment and data collection ended when data saturation and account convergence occurred. In Juárez, data collection ended when no additional respondents could be safely recruited.

Gonzo recruitment occurred entirely in El Paso, though some of the respondents worked in El Paso but lived in Juárez. All of my gonzo recruits were Mexican men, between the ages of 25 and 62. Of the 17 involved respondents recruited, none was female. Their ages ranged from 26 to 54. Three were white; fourteen were Hispanic. At least six different street and prison gangs were represented in the sample; the majority of the involved respondents in El Paso did not know each other; however, most of the Juárez-based respondents were acquainted. Law enforcement officers represented the Drug Enforcement Agency (DEA), the El Paso Police Department, Customs and Border Patrol (CBP), and the High Intensity Drug Trafficking Area (HIDTA). Demographic information was not collected from law enforcement officials.

Table 1 shows a further breakdown of the respondents, how and where they were recruited. I had several informal conversations in the field which informed my understanding of the drug trade; however, these interactions have been excluded from the tally below.

Table 1 Respondent breakdown by type, recruitment method, and place. The HIDTA representative was interviewed in Phoenix but had operational knowledge of Texas due to a previous assignment and is not included in these tables

	El Paso	Juárez	Totals
Tangential Actors (Journalists, $n = 8$; Community members, $n = 11$; Drug users, $n = 4$)			
Recruited online	1	1	2
Chain referral	4	6	10
Direct Contact	2	2	4
Gonzo	10*	0	10
Involved Actors (Gang members, $n = 15$; Cartel operatives, $n = 2$)			
Recruited online	8	0	8
Chain referral	2	7	9
Direct Contact	0	0	0
Gonzo	0	0	0
Law Enforcement			
Recruited online	0	0	0
Chain referral	4	0	4
Direct Contact	4	0	4
Gonzo	0	0	0
Total respondents	*35*	*16*	***51***

*Given the transnational nature of the *Paso del Norte* metropolitan area, respondents who lived in Juárez were recruited in El Paso

I interviewed most respondents individually in single sessions that lasted from 90 to 150 minutes. Two law enforcement interviews were conducted via email. All face-to-face interviews were conducted at offices provided to me by the University of Texas, El Paso, the Universidad Autónoma de Ciudad Juárez, and a non-governmental organization in Juárez. Most interactions were recorded and later intelligently transcribed, with stumbles, stuttering, filled pauses (e.g. uh, um, hmm), and inadvertent repetition excluded. I took notes during all interviews to guarantee a record in the rare instances of equipment failure or respondents' declining to be recorded.

Though I had a base set of queries that I asked every respondent, some questions were tailored to the respondent's experience and, over time, as I became more knowledgeable about the local context, I expanded the base set. The quotes used herein are representative of sentiments expressed by other respondents in similar positions. Using a grounded approach, I examined the transcripts for common themes. I drew on the knowledge I gained from exploring the field, and the new questions I felt necessary to introduce, as starting points for a coding framework. In Paso del Norte, the principal themes involved wholesale and regional retail drug sales, drug trafficking strategies, life in prison gangs, and the role of criminal organizations in facilitating the drug trade.

The varying backgrounds of the participants interviewed allowed me to sketch out the retail and wholesale drug trade in Paso del Norte, with particular accuracy in El Paso. My knowledge of El Paso's neighborhoods, as well as my ability to triangulate what dealers, users, and police reported against each other's accounts, allowed me to understand El Paso better than Juárez. The difficulty in recruiting a broad array of respondents in Juárez, due in part to Juárez's history and ongoing presence of violence [50, 57], limited my ability to understand it as well as El Paso. I do not have any law enforcement accounts from Juárez, due to my gatekeepers' insistence that attempting to get such accounts would be very dangerous and bring unwanted attention not only on me but also on them as they went about their work. The respondents in Paso del Norte, taken as a whole, had been involved in the drug trade or in policing it at different periods spanning more than two decades, allowing me to have confidence in the validity of the information received and to develop a notion of how the drug trade shifted over time both in El Paso and in Juárez.

Ethical considerations

This study was approved by the Cardiff School of Social Sciences ethics committee and was undertaken within the standards set forth by that body. Quotes have been attributed to the true identities of the following: the public information officers (PIOs) who provided "on the record" interviews inherent to their jobs; Elizabeth Kempshall, then director of the Arizona High Intensity Drug Trafficking Area (HIDTA), who authorized the use of her name since her comments were similar to those provided to local media and attributed to her in the past; and the late José Rivera who authorized the use of his name since his role in the founding of the Barrio Azteca prison gang would make it impossible not to imply his true identity. Given the sensitive nature of the content studied, all other respondents, whether law enforcement, community members, or current or former offenders, are represented with pseudonyms.

Setting 1: Juárez as a *plaza*

Historically, Ciudad Juárez has been one of the most important *plazas* for the wholesale drug trade destined for US markets [67, 68]. *Plazas* are territories that are key to the transportation and staging – i.e. temporarily storing – of wholesale quantities of drugs (and/or cash and weapons); they are often, though not always, located at a major transportation hub or a point close to an international border. The plaza is a convergence point where a sequence of events unfolds: transporters, bringing in product from farther afield, connect with wholesalers who sell the product to other wholesalers or to retailers who supply the domestic market [60]. For those events to unfold, some organizations provide protection to prevent the state or competing groups from interfering.

The groups involved in both the drug trafficking events and the provision of protection vary. They range from relatively large, established groups that may have established networks, to small, emergent groups that cooperate with one another to establish networks and compete against the status quo [23]. Nonetheless, the events of the drug trade, and their sequences, are similar regardless of the groups involved. To understand how protection unfolds in Juárez, one must first consider the nature of control in the Ciudad Juárez *plaza* in the broader context of the wholesale drug trade in Mexico, which was, until the 1990s, controlled effectively by state actors who established the rules by which DTOs had to abide [69].

How well the state can provide protection and affect control contributes to the amount of visible violence present in the wholesale drug market [68, 70]. The contrasting levels of violence on either side of the US-Mexico border illustrate this dynamic. On one hand, US border towns are generally safe with low rates of violent crime, indicating that the US provides sufficient protection to denizens via effective law enforcement. For instance, in El Paso, safety is enjoyed generally among denizens regardless of their socioeconomic status, race, or residential status. Safety is enjoyed by residents of working-class neighborhoods with historic – though not necessarily ongoing – gang presences [71] and by unauthorized immigrants who blend into the majoritarian Latino population and, given the El Paso's sanctuary city policies [72], are not subject to local law enforcement scrutiny for immigration offenses.

On the other hand, several Mexican border towns and other cities in Mexico, particularly those along trafficking routes, are characterized by the violence associated with the wholesale drug trade as Mexican law enforcement struggles to respond to the actions of criminal organizations, which do not fear state reprisals [57, 68, 73, 74]. The Mexican state's struggle to control violence emanating from criminal markets is relatively new. Before the country underwent its political liberalization in the 1980s and 90s, the *Partido Revolucionario Industrial* (PRI) had vertical control over most events, licit and otherwise, within the country [69, 75]. DTOs were forced to behave as the PRI dictated [76]. Accordingly, DTOs had clearly assigned *plazas*, and acts of violence led to military mobilization [13, 60, 77]. In other words, corruption, in the form of appeasing the financial and operational demands of the PRI, became a prerequisite event for any DTO wanting to engage in the drug trade through and in Mexico [78].

However, with regime liberalization, the vertical control the PRI once enjoyed began to deteriorate, and the criminal actors who had long existed under PRI rule quickly and efficiently used the organizational wellbeing, market share, connections, and operational knowhow gained over the restricted market years to challenge the government in the protection market, thus changing the events and sequences necessary to obtain protection and engage in the wholesale drug trade. The first such organization to take advantage of the liberalization of the underworld was the Guadalajara Cartel which was founded by Miguel Ángel Felix Gallardo, Rafael Caro Quintero, and Ernesto Fonseca after the 1982 elections [79]. By emulating Pablo Escobar's Medellín Cartel, the Guadalajara Cartel became the first of a new generation of Mexican DTOs to emerge during that era.

In effect, these new DTOs created a parallel structure to the state and sought to undermine, but not topple, the government by competing with its authority and control in their *plazas* of operation [80]. This structure would come to underwrite the violence, driven by the economic interests of dominating market share, that came to characterize the drug trade in Mexico and that established the Mexican government's inability to better its denizens' security [81]. This phenomenon illustrates the role the state plays in the provision of protection not only for denizens but also for DTOs. The shift in these protection arrangements, from state-dominated to DTO-held, changed how the events and their sequences within the wholesale drug trade in Mexico unfolded over time and how different actors came to participate in them.

This change in the sequence of events that secure protection was clear: engaging in violence rather than pay-offs is the event that establishes protection. This phenomenon is evident particularly during times of DTO fragmentation and/or reconfiguration following, for instance, the arrest of leadership [23, 68]. Moreover, the failure to control violence illustrates that the Mexican state is unable to provide adequate protection to its denizens, while DTOs enjoy a level of protection which allows them to execute the events necessary to operate the drug trade in Mexico [73]. In short, by positioning themselves as competitors to the state in the protection market, Mexican DTOs are able to engage in protection-building events outside the state-underwritten paradigm [11], or, in market terms, to self-regulate their business [10, 15, 82]. With protection established, the events required to traffic products across the border or to retail products in the domestic market then unfold.

Nonetheless, the magnitude of violence – and a visible display of violence as necessary events for the drug trade – did not significantly escalate in Juárez until 2007 [78, 83]. At this juncture, two points of conflict arose. First, Mexican President Felipe Calderón mobilized the military to respond to DTOs, which caused some DTOs to fracture and others to seek monopolistic control [78], to maximize profit. Second, competing DTOs introduced street and prison gangs and other militarized groups as armed branches of their organizations and used them to compete for, and attempt to monopolize, prime territory [23, 83–85]. As elsewhere in Latin America, competition in this context breeds violence [25]. In Juárez, the resulting proxy war led to the largest number of drug-trade related deaths in the context of the twenty-first century drug trade [57]. Most victims were involved in the drug trade at some level, but some journalists and uninvolved denizens were also murdered in an effort to silence sources of criticism or unwanted attention.

Under the threat of retribution, journalists feared covering illicit activity and criminal organizations. The 2008 killing of Armando Rodríguez Carreón, a journalist for the Juárez broadsheet, *El Diario*, rattled many of his peers, some of whom I interviewed. Marco, a journalist who used to cover the narco beat, noted that, "Like all of the citizens, Juárez-based journalists feel the insecurity in their bones" (Marco, personal communication, April 3rd, 2014, Ciudad Juárez). Members of the public came to fear reporting illicit activity to law enforcement, since the public now came to believe that law enforcement were either inept or colluding with DTOs. The public reaction emanating from these "signal crimes" was silence [64], in part because the state has been unable to respond to the public's demand for improved public safety.

The damage to the police's reputation, whereby sections of the Mexican public are suspicious of law enforcement's involvement with criminal organizations, has been a consistent phenomenon in the twenty-first century [86–88]. The resulting unwillingness to call law enforcement creates a type of protection that allows DTOs to operate their wholesale drug businesses as they wish, without the regulation of and deference to the ruling political parties. DTOs continue to engage in events that normalize silence in Mexican society. Some communities in Ciudad Juárez have set up roadblocks and informal controls in an attempt to curb DTO presence [9], particularly since they continue to believe that the police can be bought by, or are involved with, criminal organizations.

Nevertheless, though violence establishes protection in contemporary Juárez, improved investigative efforts may have affected how actors engage in violent events in the city. Pancho, a member of the transnational Barrio Azteca prison gang which has functioned as the primary surrogate for the Juárez Cartel and is the dominant provider of both illicit protection and heroin in El Paso, discussed the choices that gang members make in using violence on either side of the border, noting the visible changes to violent events in Juárez: "There is still violence, but not like it used to be. Like leaving the bodies out on the street. Now they bury them. Now it's like back in the days; they do it under water [without drawing attention]" (Pancho, personal communication, April 4th, 2014, El Paso). In short, the shifts in the violence that underpins protection in Juárez demonstrates that as the nature of control within a setting evolves, actors, while still seeking outcomes that maximize the protection they can establish and maintain themselves, change the way they undertake events to minimize risk to their illicit enterprises.

Setting 2: El Paso as a *plaza*

El Paso, like Juárez, is an important *plaza* for illicit drug wholesalers. There they converge with transporters, bring product across the border, and redirect product to transporters who carry it on to various other markets in the US. To a lesser extent, wholesalers connect the dealers who supply the steady but modest retail drug market in El Paso. Additionally, El Paso is a staging ground for southbound cash and weapons destined for Mexico, that are often exchanged for the northbound drugs. Evidently, El Paso serves as a hub that brings a broad array of criminal actors together, connecting them with the products and payments that they seek. However, the lack of visible violence in the city illustrates that *how* events unfold in El Paso is distinct from the violent setting of Ciudad Juárez.

Upon entry to El Paso, as is likely the case whenever an illicit product crosses a border, drugs appreciate in value. In El Paso drugs appreciate by a about a third. Traffickers, with more value per unit to lose, are particularly careful not to engage in events that are likely to bring any unwanted attention to their operations in El Paso. The events associated with the wholesale drug trade present in El Paso are primarily related to transportation and distribution, with violent events noticeably absent.

Nevertheless, trafficking events still require protection. Protection for smuggling drugs across the border and distributing them onward functions peacefully, with groups working to reduce visibility or divert law enforcement's attention. Moreover, traffickers typically make use of either trusted partners or intermediaries, who serve as "cutouts," to reduce the risk of any actor being able to bring down the network; such risk-aversion strategies have been observed elsewhere [89, 90]. These tactics are in stark contrast to the violent and visible actions that underpinned Juárez's protection rackets; the attention violence brings is a liability in the US.

One respondent, Scoperto, a former member of the Barrio Azteca prison gang, described the non-violent tactics used to negotiate trafficking drugs across the border. He served as a decoy to allow a larger load to get through. By having a small, but significant amount, easily detected in the vehicle he was driving, Scoperto diverted the relatively limited CBP resources. He was needed as a decoy because bribing an officer to look past a vehicle was difficult and not guaranteed. Luke, another man who smuggled cocaine, although he was never affiliated with a gang, said that he smuggled uncut product to minimize volume: "[Only o]nce you've got it north, you cut it" (Luke, personal communication, April 17th, 2014, El Paso). It appears that the protection needed to execute smuggling events was a function of strategizing the proper sequence of events and human resources. To that end, unlike in Juárez, where corruption and/or violence have historically been key factors to keeping business afloat, most criminal actors in El Paso appear to prefer to operate outside the knowledge of law enforcement. Operating with minimal violence, actors thus focus on getting the product to market. That sequence is characterized first by a transportation event, crossing the border; then, a staging event, holding product for the next link in the supply chain; and, finally an onselling event to another wholesaler, retailer, or transporter.

Like in Juárez, law enforcement interventions – i.e. exercising control – effect how events unfold. For example, when the El Paso Police Department determined that stash houses were its principal problem vis-à-vis the wholesale trade, it set up a special unit to investigate stash houses. PIO Daryl Petry noted that the unit has been successful due to the good relationship that the police have with the community; unlike Juárez, people in El Paso call the police when they see something out of place. The sergeant in charge of the unit noted how the police's efficacy in identifying stash houses had led smugglers to restructure their loads to minimize their financial loss in the event of police capture: "In the initial stages there were large amounts of narcotics being stored, like 4 to 6,000 pounds of marijuana. As of late, the amounts are smaller, in the 100 to 500-pound range so that [the smugglers] do not lose large amounts at once" (Petry, D. personal communication, March 19th, 2014, El Paso). The setting of El Paso means that successful interdiction is more likely than in Juárez, and the history of success has changed the way criminal actors operationalize the necessary events to maintain their illicit enterprise.

In addition to structuring loads to minimize loss, wholesale smugglers emphasize reducing overall loss in general, by minimizing visibility. DEA PIO Special Agent Diana Apodaca highlighted the potential problem of "rip crews," groups that attempt to steal wholesale stashes from smugglers:

> [Rip crews] have actively targeted rival drug traffickers, as well as their own members, in this area due to the ongoing battle between the Sinaloa and the Juarez Cartel. This type of activity has caused gangs/DTOs to become more proactive [and employ] counter surveillance measures to ensure their drugs are safely transported and sold, and to prevent law enforcement interdiction (Apodaca, D. E-mail correspondence, April 19th, 2014, El Paso).

These practices indicate that protection in El Paso operates subtly; brutal violence which is an asset in Juárez is a liability in El Paso. Elizabeth Kempshall emphasized this point in describing how business interests coupled with likely law enforcement responses resulted in low levels of violence perpetuated by wholesale traffickers in the US:

> You have to remember, [drug traffickers] are businessmen. They don't want to do anything that is going to cost them more money to do their business. If they start having that violence that's occurring in Mexico occurring here in the United States, then the United States is going to rise up and get more committed to stopping that type of activity from coming across the border. So, when [Americans] rise up, put more forces on the border, [and] shut the border down […], the cartels, in effect, are hampered in making money. So, they don't want to encourage that type of activity (Kempshall, E. personal communication, September 4th, 2014, Phoenix).

Compared to El Paso, Juárez is still the preferred theater for violence for Hispanic drug trade actors based in El Paso. In discussing the role of violence in the drug trade, Pancho emphasized its covert nature in El Paso, where knives are preferred over guns due to the unwanted attention that a gunshot can instantly bring. Moreover, Juárez – where the state is less effective in its control efforts – is a better setting in which to kill someone; if a person from El Paso needs to be eliminated, the gang may attempt to disappear him or her in Mexico rather than leaving evidence for the comparatively better equipped and more efficient US law enforcement bodies to find and investigate.

By examining Juárez and El Paso in the broader context of state-provided protection, one can see how each state's provision of protection influences the events and the sequences of those events in which wholesale drug trade actors engage. In Mexico, competition to monopolize the border results in violence and the benefits of public displays of violence outweigh police scrutiny because such displays expand protection by silencing the public. In contrast, El Paso seldom experiences violence since it draws police attention which results in lost profits. Instead, actors develop protection mechanisms to minimize the risk of capture and loss, in the event of a seizure. As shown in the next sections, though the source of protection changes, these patterns of protection optimization replicate themselves in carceral settings in the US, which then extend to the street.

Setting 3: The Texas prison system

The Texas Department of Criminal Justice (formerly known as the Texas Department of Corrections, TDC) runs carceral institutions where, in theory, they ought to have absolute control. However, in practice, in the post "turn-key" era [91, 92], Texas' carceral settings have been, and to some extent continue to be, spaces where active competition for protection between various inmate groups and the state exist [41]. The protection arrangements negotiated in prison have historically been exported to the streets from which the inmates hail [93, 94].

While these protection arrangements likely affect how the event sequences unfold within the retail markets throughout the state, the focus herein is on the development of protection as it applies to inmates originating from *Paso del Norte*. Specifically, this section shows how the development of the Barrio Azteca prison gang set the terms of protection in prisons (and later the streets of El Paso) for large proportions of Paso del Norte inmates. Moreover, it notes how the recent emergence of the Tangos threatens the status quo that had been established by Barrio Azteca in the 25 years following its founding.

Barrio Azteca was founded by José "Raulio" Rivera Fierro in the Coffield Unit of the Texas state prison system in the mid-1980s in the wake of unrest in the TDC [95]. About a decade earlier, Texas inmate David Ruiz sued TDC director, W.J. Estelle, Jr., stating that he was being subjected to conditions which amounted to cruel and unusual punishment. In particular, Ruiz challenged the TDC's building tender system which used inmates known as "turnkeys" to police other inmates, thereby reducing the number of prison guards needed [91]. In 1981, Judge William Wayne Justice ruled in favor of Ruiz and ordered the TDC to phase out the building tender system [96].

Judge Justice's decree created two problems for the TDC, given the two-year timescale provided for institutional change. First, since the turnkeys could no longer fulfil their security role, the TDC faced shortages in security staff. The security shortages were compounded by the inexperience of the new guards who were at a loss as to how to go about controlling the inmates; both inmates and guards felt that the balance of power, or the ability to assert control, had shifted into the inmates' favor [95, 97]. Inmate homicides doubled in 1984 from the previous year and increased again in 1985 [97, 98], with the majority of the killings being gang related [99]. Plus, without the turnkeys, the TDC no longer had the insider intelligence that allowed them to keep tabs on prison developments [99], meaning that the state no longer monopolized protection in prison. Prison gangs began to compete in the protection market [41]. (This phenomenon is not unique to Texas prisons; similar cessions of control have occurred in prisons in El Salvador [100], Guatemala [26, 45], and Brazil [42, 44].)

The development of prison gangs in the TDC emulated what happened in the California prison system in the 1950s, '60s, and '70s. Former prisoner John Irwin describes how the prisoners formed pseudo-familial structures in order to mediate disputes among themselves. However, as racial hatred reached a high level among the inmates, "cliques increasingly became organized for their own members' protection" [101]. In the decade following the downfall of the building tender system, several groups formed along racial and national lines, which in time would be classified by the TDC as security threat groups (STGs) [92, 102].

In the Texas prison system, two Hispanic prison gangs initially emerged: The Texas Syndicate [103] and The (Texas) Mexican Mafia [104], also known as the "Mexikanemi" or, more commonly, the "Eme." In the late 1980s, these prison gangs began to engage in events that allowed them to establish protection by forcing incoming inmates to choose their allegiance or accept the consequences of being on their own. According to Rivera Fierro, the Eme and the Texas Syndicate initially coexisted but fell into conflict over a disagreement on taxing the drug trade within the prisons. Each gang recruited heavily for the resulting gang war; the men from Paso del Norte were attractive recruits because they were unlikely to be associated with the Eme or the Texas Syndicate, given Paso del Norte's distance from other major population centers.

Like many (though certainly not all) of his fellow El Pasoan inmates, Rivera Fierro did not want to be involved with the conflict between the Eme and the Texas Syndicate, so he established Barrio Azteca as a solidarity organization. The organization's goal was to provide a structure for El Paso and Juárez inmates, thereby protecting them from the recruitment efforts. Within the TDC, the El Paso County jails, and – to a lesser extent given the lack of prison gang tradition – the Juárez jails and prisons, Barrio Azteca successfully provided itself with sufficient protection to contest the established prison gangs [41].

With its protection racket in place and capable of providing the gang the protection needed to exist and expand, Barrio Azteca's new leadership had the group engage in events that transformed it into the prison gang that it is today, one that engages in a myriad of illicit activities, including running protection and drugs outside prison. Barrio Azteca's evolution is not unique. The sequence of five events that leads to the formation of prison gangs in the Texan context was first described by Buentello et al. [102]: first, an inmate learns the rules of prison's social order; second, inmates join cliques which may be temporary or permanent; third, permanent cliques evolve into self-protection groups; fourth, successful self-protection groups evolve into predator groups; finally, successful predator groups become prison gangs which seek to have a presence both inside and outside prison.

Economist David Skarbek [93, 94] describes how Californian prison gangs use their presence in the prison and jail systems to influence politics on the street, thus playing an important role in both settings. In brief, prison gangs establish rules which the criminal actors operating on the street obey because eventually either those actors, or their associates, will be caught and subjected to sharing a space with members of the prison gang who are incarcerated. Given the racial divide within prison and the de facto segregation that continues, it is unlikely that members of different race-based prison groups will be housed together, thus removing some of the threat of retaliation across races [94]. That means that El Paso-based Hispanic street gang members will likely be placed with a member of Barrio Azteca who then may refuse to protect, or outright assault, the offending party.

Accordingly, a prison gang controls the street gangs to which its members once belonged, even though the punishment event which maintains the protection relationship occurs in the prison setting. Moreover, prison gangs attempt to control street gangs which have similar racial demographics and may be a source of future members. Prison gang members, upon release, become ranking members of different zones of the city and fulfill the will of leadership still in lockup. Released prison gang members may

serve as points of contact between the street-level retailers and the wholesalers whom they meet in prison or through the connections developed by the prison gang, thus facilitating the wholesaling events and governing the way in which retail sales occur.

From a market viewpoint, it is in a prison gang's best interest to engage in a *realpolitik* of the street, in which it attempts to minimize the number of competitive organizations not only within the city or cities it operates but also within the prison system collectively. Eliminating competing enterprises and emerging groups, which could 1 day turn into potential competitors, results in the theoretical maximization of earning potential. When such competitions have occurred in the American southwest, they have involved almost exclusively groups whose members were predominately of the same race [93, 94]. Moreover, given their focus on running a successful illicit drug trafficking and dealing enterprise, prison gangs, despite their violent reputation within carceral settings, discourage visible violence in the US, particularly violence – like drive-by shootings –which may result in the killing of innocent bystanders. These patterns hold largely true in the El Paso context.

Nonetheless, the dynamics of Texan prison gangs have been changing since at least 2010 due to two phenomena [41]. First, the TDCJ has worked to impede established, hierarchical leadership structures and recruitment strategies used by prison gangs, including Barrio Azteca, by placing identified leaders into solitary confinement. This tactic has made it difficult for prison gangs to promote new leaders and recruit new members. Second, new horizontal solidarity groups, known as *tangos,* have emerged for Hispanic prisoners as an alternative to old-style, hierarchical prison gangs. Tangos, which are organized based on geographic provenance, promise their members protection but, unlike hierarchical prison gangs, do not obligate continued membership after an inmate's release. The inmates who became Chuco Tango – the El Paso *tango* clique – whom I interviewed indicated that they returned to their street gangs upon their release and did not maintain much contact with their fellow Tangos, indicating the organization's lack of interest in influencing street politics and establishing an organized free-world criminal enterprise.

To that end, various recently released prison gang members reported a shift in control within prison: Barrio Azteca no longer has the presence it once did throughout the jail and prison system. Nonetheless, for the time being, protection rackets bind prison and the street together. However, with the shifts in how protection forms in prison, it will be necessary to reassess the events and sequences that establish the protection paradigms in prison and extend to the street over time; should they completely change, there could be a knock-on effect to the street and the illicit drug markets. However, at the time of the fieldwork undertaken for this project, 2014, Barrio Azteca still dominated – but did not monopolize – the street-level protection and the retail drug markets, specifically for heroin and powder cocaine, indicating that shifts to illicit protection regimes that transfer from one setting to another may have a significant lag time or experience a reconfiguration to maintain the status quo.

Setting 4: The streets

In addition to being important plazas, both El Paso and Ciudad Juárez have steady, but modest retail drug markets. It is a space where wholesalers; retailers, including street

and prison gang members, among others; and users converge. In El Paso, and to some extent in Ciudad Juárez, the retail trade has been shaped by the protection developed in the Texas prison system, as prison gang members return to their communities.

As previously noted, Barrio Azteca, being the dominant player in the retail drug trade in El Paso, generally sets the terms of engagement on the streets of El Paso, and as such discourages violence in that city. By keeping violence to a minimum, violent crime has decreased compared to when street gangs competed with one another over retail spaces. Officer Gordon, who was the supervisor of the El Paso Police Department's gang unit in the early 1990s, described this shift: In the late '80s and the '90s El Paso

> had a lot of different gangs throughout the city, a lot of membership; but they were more focused and not so much into profiteering, selling drugs, prostitution, and things of that nature. Most of them were copycatting and they just went around the city and graffitied their areas, if you will, their boundaries. We had a proliferation of drive-by shootings and retaliation-type things (Officer Gordon, personal communication, February 14th, 2014, El Paso).

A gang sergeant, Charlie, described the system Barrio Azteca imposed in El Paso (and Juárez later) in order to control the retail drug market. The events which still underpin this system of control unfolded as follows:

> When [Barrio Azteca] came out [from prison] onto the streets of El Paso around [19]87, '88, they started developing areas which would coincide with our police districts and they would put members in charge of those areas. They in turn would start opening up stores, or what they would call *tiendas* in Spanish. These were individuals or actual businesses that sell narcotics in the streets of El Paso and [the gang would] charge a tax, or what they call a *cuota*, for them selling within the [Barrio Azteca] turf. If these individuals refused to pay, there would be threats of violence, violence, or even the taking of property in lieu of money for them to start paying this *cuota*. If they succeeded in having these people pay this tax, the Barrio Azteca would in turn start supplying them with narcotics (Charlie, personal communication, April 14th, 2014, El Paso).

In Juárez, the Aztecas faced competition once the Sinaloa organization moved into town in the mid-2000s to compete with the dominant Juárez Cartel not only to ship wholesale loads to the US but also to supply the local retail market, using the Artistas Asesinos as their proxies [50]. The competition in the retail marketplace, coupled with the Ciudad Juárez police's inability to affect control, led to the opposing gangs targeting retail sellers and sometimes even users in order to establish retail territory [60]. Nonetheless, retail territories remained in flux, with the potential of a violent event claiming a territory for an opposing organization existing on any given day.

The violence in Juárez appears to have pushed retail dealing away from the street, thus changing how retailing events unfold. In speaking with harm reduction workers in Juárez, and in observing the high-drug use area these workers serve, it appears that most heroin users – the most commonly abused hard drug in Juárez – buy inside a dwelling, out of public view. Some of these places double as "shooting galleries,"

where users can both purchase their product and use it immediately after purchase. Cara, a recovering heroin addict, explained how the process worked: "For $10 [US dollars] you can get a quarter of a gram of heroin and a new syringe and you can go in the back and shoot your dope. But, as soon as you shoot, you have to leave" (Cara, personal communication, May 3rd, 2014, El Paso). These strategies to establish protected spaces to buy and consume drugs help reduce, but not eliminate, the risk for sellers and users by making them less visible to police and opposing dealers. When police identified and cracked down on shooting galleries, dealers began to use delivery services or on-demand meeting services.

By comparison to Juárez, the El Paso retail market is safer and more diverse. The retail market for hard drugs in El Paso serves four predominant products, in decreasing importance: heroin, cocaine, crack cocaine, and methamphetamines. Though it is relatively easy for a US citizen to cross the border, the risks associated with Juárez – violence, theft, and the lack of a safe place while using – deter US-based users from buying there unless they have developed the necessary connections to move unseen or are desperate to buy as cheaply as possible. According to the users I interviewed, quality of heroin does not decrease significantly, or at all, in El Paso; the premium paid is for the transportation of the drugs, which can be almost twice as much as the retail value of the drugs in Juárez. The same cannot be said for cocaine, where quality appears to have decreased due to the drug war and the increasing difficulty to source good, less adulterated product. According to both users and sellers, the market for crack cocaine and methamphetamines in El Paso is small.

As Charlie noted, Barrio Azteca has historically implemented a *cuota* system like the one in Juárez. However, historically, there has been a lack of competition in the El Paso retail heroin market. Despite the Texas Gang Threat Assessment claiming a presence of Sureño gang members affiliated with the Sinaloa cartel in El Paso [105], of the individuals I interviewed, no police or gang members, including a man who was formerly a Sureño, knew of any such links. The lack of competition and the unwanted attention that violence brings means that the Aztecas appear to continue to control the terms of protection for the heroin and cocaine markets.

Curiously, Barrio Azteca does not appear to act against the drug enterprises that operate in the small crack cocaine and methamphetamine markets. There are two possible reasons for this practice. First, the mechanisms of prison-gang-implemented protection means that whatever rules the Aztecas impose are enforced in the county jail or state prison system, thus relocating the punishment events from the street to the prison where they are less likely to affect street business operations while still maintaining the protection racket.

Second, it is possible that the markets are too small to be worth jeopardizing other, more lucrative operations via violence which would attract police attention. The crack cocaine market is confined to an area of town known as the Devil's Triangle and is supplied by African American gangs. The methamphetamine market is even further removed, operating at the northern edge of town and operated by members of the Aryan Brotherhood, an organization that has historic ties to methamphetamine production in Texas [99]. These two factors suggest that, for Barrio Azteca, controlling retail drug trafficking events is only important should drug-related events threaten the preeminence of the gang or impinge on its comparative advantage in the heroin and cocaine markets that it dominates.

The difference in violence between El Paso and Juárez is a further indication that protection unfolds in response to a setting's control dynamics. On one hand, constraints, in the form of effective law enforcement, may limit or obviate the need for violence to establish effective protection. In El Paso, violence is likely to bring a police presence significant enough to undercut retail profitability. On the other, the lack of constraints, characterized by ineffective law enforcement and ongoing competition for market dominance among retailers, invites violence as a strategy to establish a dominant protection racket that, in turn, seeks the monopolization of the retail market, that appears unperturbed and undeterred by the violence.

Conclusion: Paso del Norte, a convergence of settings and events

Paso del Norte is a convergence of four liminal settings within which various elements of the drug trade interact. There are several activities which occur simultaneously, loosely, and with various, sometimes revolving, actors. The dynamic nature of the drug trade makes eradication difficult, given the markets' propensities to correct when disturbed. Nonetheless, Felson's assertion that organized crime needs to be examined in terms of settings, events, and their sequences proves helpful in understanding the often mundane mechanics of the drug trade in the *Paso del Norte* metropolitan area and how it responds to different control regimes and changes in control over time.

This paper has demonstrated that settings clearly matter, especially location and the nature of state control regimes, which, together, affect the context of a setting. Location determines the types of events that occur within a setting. The nature of control determines how protection operates, which in turn influences how those events unfold, a phenomenon that has been observed in various contexts within Latin America and elsewhere [1, 2, 21, 25, 30]. However, this paper has shown that as control paradigms change in settings, thus impacting protection, events and their sequences may also change. Moreover, this study has demonstrated that, when settings with dissimilar control regimes are in close proximity to the point where actors and events transcend their boundaries, actors adapt their actions to suit the contexts in which events unfold to maximize their entrepreneurial opportunities.

The Paso del Norte functions as a diorama where the three setting configurations have existed at different points in the area's history. First, El Paso shows that where the state is strong and able to impose effective control measures, crime events are relegated to the margins of society where they hide in the shadows to avoid unwanted attention. Second, pre-liberalization Mexico shows that, where the state is strong but acts amorally, state actors engage in corruption to mobilize state police and military forces to provide protection [1] but fundamentally fail to provide control [106]. Third, contemporary Ciudad Juárez [68, 83], and to a lesser extent the Texas prison system [41], show that where the state is weak and unable to monopolize the provision of protection, actors directly contest the protection market, given the improved likely payout for forcefully expanding their market share. In each case, the strategies criminal actors employ are results based. Notably, violence is not necessary when there is a monopoly, but violence increases when it is effective in fending off competition [25]; concealment increases when risk of capture or disruption increases.

Notwithstanding the changes in the characteristics of how events unfold, each setting experiences three principal types of events related to the founding and preservation of illicit enterprise: first, events that establish and maintain protection take place; then, once protection is established, actors create networks that allow them to supply market demand for a product; and, third, further activities related to the supply of the product occurs. These three event types – protection establishment in settings, networking within the convergence setting, and trafficking the product through and between settings – can be considered to be the first-level types of events which are common among settings. This paper has explored a non-exhaustive array of second-level events, which unfold as a function of each of these first-level events, depending on the control dynamics of a given setting. Despite this similar pattern of first-level events replicating itself in each setting, the dynamics of each setting influence which second-level events are likely to occur.

This study, by examining four liminal settings that have actors who may exist or conduct business within two or more of the settings, has also shown that actors who engage in different settings adjust to context [62]. Ultimately, settings are a product of the quality of state control and, accordingly, the politics of control cannot be divorced from the events of crime. Criminal actors work within the constraints the state is able to impose and maintain. And while actors do not bring settings with them, they do take an understanding of protection as a commodity, that, if dominated, allows for profit maximization to new settings. Finally, if a state, for whatever reason, presents an opportunity for others to enter and compete in the protection racket market, then these actors will likely engage.

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