



ANALYSIS OF GUILLERMO LASSO'S GOVERNMENT PROPOSAL TO COMBAT THE HIGH RATE OF INSECURITY IN THE COUNTRY AND ITS EXISTING LEGAL FRAMEWORK

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ABSTRACT

This research analyzes the proposal of Guillermo Lasso's government to combat the high level of insecurity in Ecuador. In recent months, insecurity in Ecuador has increased in cases of crime and violent death, especially in cases of hired killings in the country. Different official studies define this moment in history as the "new wars" that several countries in the region are going through. There are no hierarchical and vertical structures in the new wars as in wars against conventional armies. The new structure allows "various leaders to make decisions in an agile and decentralized manner, alliances between the most diverse organizations, and this element makes them so difficult to fight". Organized crime also encompasses a large number of actors linked to different activities. Criminal groups such as Los Lobos, Lagartos, Chone Killers and Latin Kings, and other small criminal gangs, manage to group in a sort of corporation to join forces. While in the "old wars," the objective was the appropriation of territory, nowadays, this territory is conquered through the political control of the population. The Government of Guille Lasso proposes four axes: The first is the containment of the levels of violence, for which the preventive, investigative and intelligence axes will be activated. 2.- The second point is to activate Police Intelligence to remove the organizations dedicated to the micro-exchange of drugs from anonymity. The government points out that small and large-scale drug trafficking is the leading cause of violence in the area. The third point of the plan is dismantling large criminal organizations that generate violence. For this purpose, the special units and tactical groups of the National Police will be



used. Finally, work will be done on sustainability, for which the empowerment and participation of the community are fundamental. Uniformed officers will make plans to strengthen relations with citizens to prevent organized gangs from occupying areas of the cities.

Keywords: National Police, insecurity, organizations, crime, violence, Ecuador.

The six most dangerous criminal gangs operating in Ecuador. According to the analysis of the National Police, they indicate that criminal gangs have managed to take over sectors of the country, and criminals are using "psychological and economical techniques of intimidation," which mostly end up driving out the population. The cause of the escalation of violence in Ecuador, especially in the Guayas, is due to the new routes for trafficking illicit drugs that all gangs want to control. "It has become much more lucrative to collaborate in sending cocaine shipments to Europe," the report adds. Until a few years ago, the biggest market was the United States, and the route used was the Pacific corridor by sea and air, which has led to what is known as "the cockroach effect," that is, "the fracturing and atomization of the gangs," which are seeking to take control of cocaine transport to Europe and domestic micro-trafficking. The study identifies various actors in a complex criminal structure, expressed primarily in six criminal gangs with thousands of members.

The Choneros criminal organization predominates, until before the death of its leader, alias "Rasquiña," maintained leadership and cohesion among various groups in the prisons and on the streets. However, according to the analysis, when the prison crisis was declared in 2019, and several gang leaders were transferred to different prisons to dismantle the structures, there was a change in dynamics. The result was an opposite effect that led to the creation of subgroups throughout the prison system and the multiplication of gang wars in the country. (Primicias 2022).

1.- LOS CHONEROS

It is Ecuador's most prominent criminal group. Its origins date back to the late 1990s in the coastal city of Manta, Manabi province, as a drug trafficking organization. They used the ports of that province for drug shipments. By 2000, they had taken over the routes and dedicated themselves to contract killings, kidnapping and extortion. They expanded to Santo Domingo de Los Tsáchilas, Los Ríos, Guayas and Pichincha. Their leader, Jorge Luis Zambrano, alias 'Rasquiña', was murdered in December 2020. At present, the criminal group is divided into Aguilas and Fatales, headed by alias 'JR' and 'Fito,' both serve time for different crimes in the Guayas Regional Prison (Primicias 2022).

2.- CHONE KILLERS

They operate as the armed wing of Los Choneros and are involved in drug trafficking, contract killings, robberies, and assaults, among other crimes. They operate in Guayaquil, Daule and Durán, in Guayas. The Chone Killers are under the command of brothers Terry Israel Camacho, alias 'Trompudo,' and Antonio Benjamin Camacho, alias 'Ben 10'. Trompudo has 20 judicial proceedings against him, seven for murder. However, he has always managed to get out before serving his sentence. Ben 10' was released in May 2021 after a judge ruled that at least eight people were acquitted of murder. According to the magistrate, there was insufficient evidence against him (Primicias, 2022).

3.- TIGUERONES

They broke away from Los Choneros. They worked under his command until 'Rasquiña' was murdered. The Tiguerones emerged at the end of the last decade in Esmeraldas. They grew stronger with the illicit drug trafficking business and dispute control of the prisons with Los Lagartos, the Chone Killers and Los Lobos. Authorities point to Alex Salazar Villamar, who was released in November 2021 after serving 60% of a 32-month prison sentence for receiving stolen



goods, as one of the ringleaders. And also, William Jofre Alcívar Bautista, alias "Comandante Willy" or "Negro Willy," a former prison guide (Primicias 2022).

4.- LOS LAGARTOS

They started as hitmen for the larger criminal groups. Currently, they are also involved in drug trafficking. Their area of influence is in the Guasmo sector, south of Guayaquil. According to police investigations, Los Lagartos control three wards of the Penitenciaría del Litoral. The leader of Los Lagartos is Carlos Mantilla Cevallos, alias 'Choclo,' detained in the Penitenciaría del Litoral, their center of operations. Choclo' is allegedly involved in the murder of television presenter Efrain Rules (Primicias 2022).

5.- LOS LOBOS

They are a criminal gang that broke away from Los Choneros. They were their allies until the death of 'Rasquiña'. It is considered the second largest gang in Ecuador, after Los Choneros. It is estimated that at least 8,000 people in the country's prisons are part of this criminal group dedicated to drug trafficking, linked to the Mexican cartel Jalisco Nueva Generación. The leader of Los Lobos was Wilmer Chavarría, alias "Pipo," who operated from the Turi prison in Cuenca. However, the police believe he is dead and that the new leader of Los Lobos is alias 'Esteban,' son of alias 'Pipo's partner. PRIMICIAS learned that Chavarría is in Turkey after escaping from Ecuador with the help of the recently murdered Leandro 'El Patrón' Norero (Primicias 2022).

LATIN KINGS

The Latin Kings gang was created in 1992 and for years was much feared. Its rivalry with Los Ñetas, another transnational gang of Puerto Rican origin dedicated to drug trafficking, caused several violent incidents in Ecuador. According to the police, this drug gang operates in the center and south of Durán. In addition, in this canton of Guayas, there is a territorial dispute with the Chone Killers for the sale of drugs. Investigations indicate that this group controls three wards of the Penitenciaría del Litoral. Its leader Mauricio Zúñiga was killed in May 2022 (Primicias 2022).

The research is carried out using the deductive and inductive methods with the quantitative analysis of the different cities of Ecuador and their violent murders using hired assassinations (Primicias 2022).

THE MOST TROUBLED CITIES AND AREAS IN THE COUNTRY

Ecuador registers a rate of 15.48 violent deaths per 100,000 inhabitants four months before the end of 2022. Esmeraldas is the province with the worst murder rate.

PROVINCES	RATE	2021	2022
ESMERALDAS	48,79	83,00	322
DMG* DMG* DMG* DMG* DMG* DMG* DMG* DMG* DMG	29,10	408,00	939
THE GOLD	25,94	97,00	190
THE RIVERS	25,34	94,00	239
SUCUMBITS	22,03	19,00	53
GUAYAS	21,26	153,00	272
MANABÍ	18,23	144,00	294
SANTO DOMINGO	17,71	34,00	84

*Guayaquil, Samborondón and Durán

Table: FirstSource: National Police



This places the province of Esmeraldas with the highest homicide rate in the country, with 48.79 deaths per 100,000 inhabitants.

DISBURSEMENT OF RESOURCES

To fulfill this plan, Lasso offered to deliver USD 1.2 billion over the next few years to improve the equipment and technology of the National Police. This amount will also increase by 30,000 in the police force, currently composed of 52,000 members.

Guayaquil was included in the list of the 50 most violent cities in the world in 2021. In zone 8, 688 violent deaths were registered in 2021. If the 250 people killed in the city's prisons are added to that figure, the result would be more than 938 people executed during the past year.

According to the report of the most violent cities, elaborated for a decade in Mexico, in Zone 8 there are 30.01 murders per 100,000 inhabitants. The study emphasizes that the number of victims occurs although there is no "open armed conflict"(Primicias 2022).

MINISTER WILL PRESENT AN EQUIPMENT PROJECT TO STRENGTHEN THE WORK OF THE NATIONAL POLICE

The Minister of the Interior, Juan Zapata, informed that until next week he would present to the President of the Republic, Guillermo Lasso Mendoza, the equipment project required by the National Police to combat insecurity in the country.

The plan contemplates, among other items, short and long arms, ammunition, armored vehicles, patrol cars, vests and human talent. Once the project has been presented, it is expected to be acquired under a special regime.

WORKING TOGETHER

Once the state of exception in Zone 8 ended, the highest authority of the Ministry of Interior commented that the work articulated with the Ministry of Defense would continue since the Armed Forces would carry out operations to control arms and explosives. Meanwhile, the National Police will continue with its teams in the territory.

The minister also stressed that, until tomorrow, the National Police must present the number of intermediate barracks that the institution needs at the national level. "The UPCs in conflictive sites, as in Socio Vivienda 1 can no longer be the management model of the Police, there must be an intermediate barracks between 200 and 300 men that guarantee a positioning in the territory, but that also provide security", he highlighted. (Primicias 2022).

ERADICATION OF VIOLENCE

He said that as of October 31, those entering the institution would already study eradicating violence against women, gender equity and strengthening of human rights. "This will be progressive for all training schools and promotion courses. Police officers who have duly substantiated complaints of verbal or physical violence will not be able to be promoted", he concluded (Ecuadorenvivo 2022)

LEGAL ANALYSIS

It is necessary to mention the existing legal body in Ecuador that typifies this type of act mentioned in previous lines as a crime, being the case of the Organic Integral Penal Code that establishes:

Article 367 - Financing of terrorism. The person who individually or collectively, directly or indirectly, provides, offers, organizes or collects funds or assets, of licit or illicit origin, with the



intention that they are used or in the knowledge that they will be used to finance in whole or in part, the commission of the crimes of terrorism; or any other act intended to cause death or serious bodily injury to a civilian or any other person not taking direct part in hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population or to compel a government or an international organization to do or abstain from doing any act; or, the existence of individual terrorists, terrorist groups or organizations, shall be punished by deprivation of liberty for a term of seven to ten years. 1. The person who provides, offers, organizes, collects, or places resources, funds or assets, movable or immovable property at the disposal of the individual terrorist or terrorist organization or association, regardless of whether the same are to be used in the effective commission of one of the crimes indicated in the preceding article. 2. The person with the legal obligation to prevent their consents to the commission of these crimes or the person who knowingly provides or facilitates the means to that end. The crimes typified in this article shall also be punished with an acceptable equivalent to twice the amount of the funds and assets provided, offered or collected to finance acts of terrorism, individual terrorists or terrorist organizations, with the penalty of criminal confiscation following the provisions of this Code and with the extinction of the legal entity created or used for the purpose. When a conviction is issued against a public official or public servant, it shall be punished with disqualification from holding any public office or position for a period equal to twice the length of the sentence. When the sentence is issued against an official of the financial or insurance system, it shall be sanctioned with the disqualification to perform management functions in entities of the financial and insurance system for a period equal to twice the length of the sentence. The crimes in this article will be investigated, prosecuted, adjudicated or sentenced as autonomous crimes of other crimes typified in this Code, committed inside or outside the country. (COIP, 2022)

Art. 483.- Undercover operations.- In the course of investigations, exceptionally under the direction of the specialized unit of the Prosecutor's Office, an undercover operation may be planned and executed with the personnel of the specialized integral investigation system, forensic medicine and forensic sciences. Its agents may be authorized to get involved or enter criminal organizations or groups hiding their official identity, to identify the participants, and to gather and collect information, elements of conviction and valuable evidence for the investigation. The undercover agent shall be exempt from criminal or civil liability for those crimes in he must incur or that he has not been able to prevent, provided that they are a necessary consequence of the development of the investigation and keep due proportionality with the purpose of the same; otherwise, he shall be punished under the relevant legal standards. (COIP, 2022)

Article 552 - Special orders in crimes of terrorism and its financing - In crimes of terrorism and its financing, the prosecutor shall request the judge to order the establishment of precautionary measures in the case of natural or legal persons identified as individual terrorists, terrorist groups or organizations or persons acting on their behalf or under their direction, who appears on the general list of the Security Council of the United Nations Organization. The judge, following due process, shall order the precautionary measures verifying whether the person or entity is on the list indicated herein and shall order the immobilization or freezing provided for in the first paragraph of the preceding article. In order to comply with the measure, it shall notify the corresponding institutions, financial control and supervision agencies, and the Ministry in charge of foreign policy so that it may inform the United Nations Security Council. For compliance with this provision, without prejudice to referral to other authorities, the Ministry of Foreign Policy shall send the list of persons designated by the Security Council of the United Nations, to the prosecutor and the agencies involved in the fight against money laundering, terrorism and its financing. (COIP, 2022).

Article 553.- Validity of precautionary measures issued in terrorist crimes and their financing.- The judge may lift the precautionary measures in terrorist crimes and their financing, at the request of a party, exclusively in cases in which they have been issued on the property, funds and other assets



of a counterpart or when the property, funds and other assets on which they have been issued, are not owned or are not linked to the person or entity listed in the list indicated in the previous article. If the judge decides to lift the precautionary measures in the cases above, he/she shall notify the Ministry of Foreign Policy to inform the United Nations Security Council. (COIP, 2022).

Art. 554.- Amount.- All precautionary measures of a real nature include assets of sufficient value to guarantee the obligations of the person being prosecuted, which shall be fixed fairly by the judge when the respective measure is ordered. (COIP, 2022).

Strategies to be implemented in the country

1. To increase citizen security and public order effectiveness in the national territory.

Strategies:

- 1.1. Implement the service model of the police subsystems.
- 1.2. To intervene in the phenomena of crime and violence, following the institutional mission.
- 1.3. Strengthen national and international coordination and cooperation.
- 1.4. Generate strategic alliances with public and private entities.
- 1.5. Optimizing information to generate proactive activities and preventive citizen security measures.
- 1.6. Strengthen police participation in citizen security committees.
- 1.7. Improve the control, supervision and evaluation of police operations.

To increase public confidence in the national police force.

Strategies:

- 2.1. Strengthen external communication processes in citizen security and public order.
- 2.2. Generate inter-institutional and citizen participation in the processes of prevention.
- 2.3. Strengthen the knowledge and application of the institutional doctrine.
- 2.4. Strengthen institutional preventive and community management.
- 2.5. Strengthen strategic alliances with the media.

3. Increase institutional efficiency.

Strategies:

- 3.1. To strengthen process management in the institution.
- 3.2. Generate plans, programs, and projects according to institutional planning. Develop management tools for the substantive processes.
- 3.4. To implement best standardization practices for institutional management.
- 3.5. Improve the management of control, monitoring and evaluation in the institution.

4. To increase integral control and transparency in institutional management.

Strategies:

- 4.1. To monitor the implementation of transparency policies in institutional management.
- 4.2. Improve knowledge of the legal framework.
- 4.3. Strengthen the processes of control, sanctioning, follow-up and evaluation of the conduct and discipline of police officers.
- 4.4. Strengthen preventive, corrective and rehabilitation actions for disciplinary misconduct.
- 4.5. Reduce impunity for disciplinary misconduct at the institutional level.



5. Increase institutional knowledge management.

Strategies:

- 5.1. Develop a knowledge management model.
- 5.2. Strengthen the management of intellectual capital.
- 5.3. Strengthen the exchange of institutional information.
- 5.4. Manage patents of institutional interest.
- 5.5. To implement information security policies and guidelines in the National Police.

6. To increase the integral development of human talent in the institution.

Strategies:

- 6.1. Strengthen the professional development of the competencies, skills and abilities of police officers.
- 6.2. Strengthen the institutional, educational model.
- 6.3. Improve the recruitment and selection processes for Police officer applicants.
- 6.4. Improve the human talent performance evaluation processes.
- 6.5. Strengthen the process of competency-based mobility of human talent.

7. Increase the well-being of human talent.

Strategies:

- 7.1. Strengthen the comprehensive health care system.
- 7.2. Generate strategic public-private alliances aimed at improving Police welfare.
- 7.3. Strengthen services in the work and family environment.
- 7.4. Strengthen the management of public housing and habitability.
- 7.5. Promote a culture of institutional occupational health.
- 7.6. Implement labor retention and motivation plans.
- 7.7. Strengthen the management of education centers for children and adolescents. Dependents and police entitlements.

8. Increase institutional capacities.

Strategies:

- 8.1. Strengthen the institutional, technological platform, equipment, resources and technological tools at the national level.
- 8.2. Strengthen the distribution, allocation and reallocation of Institutional, human and logistical resources.
- 8.3. To meet the institutional requirements based on the demand for Police services.
- 8.4. Promote regulations to strengthen Institutional competencies.
- 8.5. Improve efficiency in the administration of the allocated budget.

Conclusions

- 1.- It is necessary to create a legal framework in addition to the existing one, which allows judicial officials to have tools to speed up judicial processes and to toughen the penalties in relation to hired assassinations and violent deaths in the country.
- 2. Improve the equipment of the National Police with fourth-generation technology to combat organized crime.
- 3. Proposes stiffer penalties for corruption offenses.
- 4. Implement strategies to reduce the rate of violent deaths in Ecuador.
- 5. Use the Strategic Plan prepared by the National Police as a matter of urgency and priority.



6. TheCode
7. The Organic Integral Penal Code establishes pecuniary and prison sentences within the Ecuadorian legal framework that punishes illicit associations. However, it has not yet found all the regulations that the country is facing today regarding the social problems it is going through, which has also become a legal problem.

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