POLICE REFORM IN MEXICO: ADVANCES AND PERSISTENT OBSTACLES

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INTRODUCTION

At no time in Mexico's history has there been a greater need for professional police forces. The current security crisis, which resulted in an estimated 6,587 organized crime related killings in 2009, has brought police reform to the top of the national agenda. While law enforcement should be the primary tool to address the country's crime problems, the police are viewed as part of the problem rather than part of the solution. A brief review of the daily newspapers reveals problems such as (1) corruption and collusion with organized crime, (2) abuses of human rights in the form of torture, unwarranted search and seizure, violations to due process, and inversion of the presumption of innocence, and (3) ineffectiveness exemplified by the inability to stem the violence, poor investigation and intelligence gathering capabilities, and high rates of impunity. Evidence of these three problems has produced a deep seeded lack of confidence in the police, which ironically makes the police even less effective and further perpetuates corruption and abuse.

Addressing Mexico's security crisis will require creating an effective police force operating within the confines of the law. This chapter seeks to provide an overview of police reform in Mexico and elucidate the obstacles to institutional change. The chapter begins with an introduction to policing in Mexico and offers a brief exploration of the evidence of corruption, abuse, and ineffectiveness that plague Mexico's various and numerous police departments. The analysis briefly considers the different approaches to reform, including a limited discretion approach, professionalization, and militarization. I then offer an overview of reform during the last three federal administrations: Ernesto Zedillo Ponce de León (1994–2000), Vicente Fox Quesada (2000–2006), and Felipe Calderón Hinojosa (2006–2012). The analysis concludes that considerable advances have been made but is forced to recognize that the fundamental problems of corruption, abuse, and ineffectiveness remain. To understand why, I explore the considerable obstacles that continue to serve as a challenge to reform efforts.

POLICING IN MEXICO

While there are conflicting counts of Mexico's police forces, estimations as of June 2007 placed the number of public security personal in Mexico at 454,574, of which 368,315 were police officers (See Table 1.1). When population is taken into account, it is estimated by Guillermo Zepeda Lecuona that there are 351 police for every one-hundred thousand people in Mexico and 299 police for every one-hundred thousand people when the Federal District is excluded. Both these numbers are above the United Nations average of 225 and the recommended level of 280 police per one-hundred thousand people (although a few individual states fall below this mark.)²

These law enforcement personnel are divided by both jurisdiction and function. Jurisdictionally, the police are divided into municipal, state, and federal police departments, each of which has different responsibilities. For example, drug trafficking is considered a federal crime and falls under the jurisdiction of the federal police. Homicides are state crimes and investigated by state police. Functionally, the police have traditionally been divided into preventive and investigative departments. Preventive police departments operate at all three levels of government and are typically organized under the auspices of a Secretariat of Public Security. Their primary job is to conduct patrols, maintain public order, prevent crime and administrative violations, and be the first responders to crime. The transit police, responsible for sanctioning traffic violations and responding to accidents, are technically considered part of the preventive police; however, in some cases they are organized as a separate police force. The ministerial police, formerly known as the judicial police, organized under the auspice of federal and state public ministries, are responsible for investigating crimes and carrying out judicial and ministerial warrants.

Unfortunately, a number of authors and studies have clearly identified persistent patterns of corruption, abuse, and ineffectiveness among all of these different types of forces.

 Corruption: Mexico's chapter of Transparency International, Transparencia Mexicana A.C., has conducted surveys measuring self-reported bribe payments that have consistently found that bribes to transit police officers and

²Guillermo Zepeda Lecuona. 2009. "Mexican Police and the Criminal Justice System." In Robert A. Donnelly and David A. Shirk. *Police and Public Security in Mexico*. San Diego: University Readers: pg. 42.

³Technically, the Federal Police is no longer a preventive police force. Reformers in the Calderón administration have sought to simplify Mexican policing by eliminating the jurisdictional and functional divisions within the police. As such, the 2009 Federal Police Law granted the newly named Federal Police investigative functions. Also on the legislative agenda is a proposal to eliminate Mexico's municipal police forces. These issues will be dealt with in greater detail below.

⁴See Benjamin Reames. 2003. "Police Forces in Mexico: A Profile." Working Paper: Reforming the Administration of Justice in Mexico. Center for U.S.-Mexican Studies; or Ernesto López Portillo Vargas. 2002. "The Police in Mexico: Political Functions and Needed Reforms." In *Transnational Crime and Public Security*, edited by John Bailey and Jorge Chabat. La Jolla: Center for U.S.-Mexican Studies for an in-depth description of the Mexican police structure.

TABLE 1: BREAK DOWN OF MEXICO'S ESTIMATED 454,574 LAW ENFORCEMENT PERSONNEL (JUNE 2007)

Police	Number	Percent
Federal Preventive Police and National Migration Institute	18,296	4.97%
State ministerial police	25,615	6.95%
Federal ministerial police	5,900	1.60%
State preventive police	94,587	25.68%
Mexico Federal District preventive police	77,132	20.94%
Municipal preventive police	146,785	39.85%
Total Police	368,315	100.00%
Non-police public security officials	Number	Percent
Public ministers and specialists	24,453	28.35%
Prison personnel	30,403	35.25%
Police administrators	31,403	36.41%
Total	86,259	100.00%

Note: There is no authoritative tally of Mexico's police forces and federal agencies have provided conflicting numbers. The figures reported by Zepeda Lecuona are the most comprehensive but the estimates of federal police forces contradict other government estimations. Data cited below on the federal forces provided in the Calderón administration's annual report puts the total number of PFP and AFI in 2007 at 21,761 and 7,992 respectively.

Source: Guillermo Zepeda Lecuona. 2009. Mexican Police and the Criminal Justice System. In David Shirk ed. *Police and Public Security in Mexico*. San Diego: University Readers. Using statistics from the Sistema Nacional de Seguridad Pública.

- public security personnel top their list of the most common acts of corruption in Mexico.⁵ Furthermore, daily newspaper reports and academic writings also reveal extensive collusion with organized crime.⁶
- Abuse: A study conducted by Fundar, a Mexico City based think-tank, reveals interesting variation in the type of abuses across departments. The study finds that of 744 Mexico City residents who had contact with the police, 385 (51.7%, or 10.5% of the total sample) reported some form of abuse or mistreatment by the police (broadly understood to include insults). Transit police were most often accused of soliciting bribes; preventive police were most often accused of threats to be charged on false grounds, insults and humiliations, and soliciting bribes; and ministerial police were most often accused of threats to obtain a confession, to cause harm, or to charge on false grounds. In addition, human rights commission reports have detailed specific cases of police excesses.
- Ineffectiveness: Using large sample victimization surveys, the Citizen Institute of Insecurity Studies (Instituto Ciudadano de Estudios de la Inseguridad ICESI) estimates that 11.5% of Mexicans were a victim of crime in 2008. Moreover, they find that citizens only report 22% of these crimes and only 15% of these crimes results in an open case file.¹⁰ Zepeda and others have found that only a very small percentage of crimes result in successful prosecutions.¹¹

These findings have been confirmed by qualitative ethnographic studies that reveal in great detail the nature of corruption, abuse, and ineffectiveness

⁵Transparencia Mexicana. 2007. Informe ejecutivo: Índice Nacional de Corrupción y Buen Gobierno. Mexico City: Transparencia Mexicana A.C.

⁶See for example, John Bailey and Matthew M. Taylor. 2009. "Evade, Corrupt, or Confront? Organized Crime and the State in Mexico and Brazil." Journal of Politics in Latin America. Vol. 2: 3–29, Daniel M. Sabet. 2010. Confrontation, Collusion, and Tolerance: The Relationship between Law Enforcement and Organized Crime in Tijuana. Forthcoming in *The Mexican Law Review*. Vol. 3(1); Luis Astorga. 2005. El Siglo de las Drogas: El narcotráfico, del Porfiriato al nuevo milenio. Mexico City: Plaza Jánes.

⁷Claire Naval. 2006. Irregularities, Abuses of Power, and Ill-Treatment in the Federal District: The Relation between Police Officers and Ministerio Publico agents, and the population. México: Fundar, Centro de Análisis e Investigación A.C.

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⁹For example, in 2006, police from the State of Mexico clashed with protestors in San Salvador Atenco resulting in numerous alleged violations including arbitrary detentions, torture and sexual abuse. Comisión Nacional de Derechos Humanos. 2006. Recomendación 38/2006 sobre el caso de los hechos de violencia suscitados los días 3 y 4 de mayo de 2006 en los municipios de Texcoco y San Salvador Atenco, Estado de México. Mexico City: Comisión Nacional de Derechos Humanos.

¹⁰ICESI. 2009. Sexta Encuesta Nacional Sobre Inseguridad: Resultados Primera Parte. Mexico City: Instituto Ciudadano de Estudiso sobre la Inseguridad A.C.

¹¹Guillermo Zepeda Lecuona. 2009. Índice de Incidencia Delictiva y Violencia. Mexico City: Centro de Investigación para el Desarrollo A.C.

in Mexico's police forces and the factors that give rise to these problems, such as poor working conditions, perverse institutional incentives, distrust between police and citizens, and low moral. Some scholars contend that corruption, abuse, and ineffectiveness should not be surprising given that historically the police primarily existed to support the governing regime rather than to protect and serve the Mexican people. This was the case from Benito Juarez's *Rurales*, formed in the mid-1800's, to the Institutional Revolutionary Party's Federal Security Directorate (Dirección Federal de Seguridad — DFS), which was dissolved in 1986. Regardless of whether or not these problems are the product of historical legacies, however, there is clearly an urgent need for reform.

APPROACHES TO REFORM

Given the above mentioned findings, it is necessary to ask: why are officers not acting consistent with their mission and what can be done to reduce corruption and abuse and improve police effectiveness? Many Mexican police leaders have answered the former question with Robert Klitgaard's formula that *monopoly* plus *discretion* equals *corruption*. As such, rather than address the causes of corruption, they have attempted to reduce police discretion.¹⁵ The hallmarks of what can be termed the "limited discretion model" include constant rotation of personal (to prevent police from developing unhealthy commitments), deployment in large groups (to make it harder to arrange corrupt deals), restricted access to information, and reductions in authority. For example, preventive police are often sent to patrol in a district of which they have no knowledge; they are not allowed to make arrests unless a criminal is caught red handed; and they are prohibited from handling evidence or interviewing witnesses. Ministerial police are tasked to carrying out warrants on cases they know nothing about; they are asked to chauffeur witnesses to the public ministers rather than conduct interviews themselves; and they are buried under paperwork.

Ironically, these policies have not only failed to reduce corruption and abuse, they have had the unfortunate impact of turning the police into ineffective and reactive security guards. For example, Elena Azaola argues that rather than create accountable police, reporting requirements for investigative police have created what she

¹²Nelson Arteaga Botello and Adrián López Rivera. 1998. *Policía y corrupción: El caso de un municipio en México*. México: Plaza & Valdés; Elena Azaola and Marco Antonio Ruiz Torres. 2009 *Investigadores de Papel. Poder y derechos humanos entre la policía judicial de la Ciudad de México*, Fontamara, México D.F.; María Eugenia Suárez de Garay. "Mexican Law Enforcement Culture: Testimonies from Police Behind Bars." In Robert A. Donnelly and David A. Shirk. Police and Public Security in Mexico. San Diego: University Readers

¹³Paul J. Vanderwood. 1992. *Disorder and Progress: Bandits, Police, and Mexican Development*. Wilmington: Scholarly Resources Inc; Lopez Portillo. The Police in Mexico.

¹⁴See Astorga. El Siglo de las Drogas. for dissolution of the DFS.

¹⁵Robert Klitgaard. 1988. Controlling Corruption. Berkeley: University of California Press

calls "investigadores de papel," or "paper investigators." Guillermo Zepeda sums the problem up well when he writes, "Generally speaking, both society as a whole and the authorities themselves mistrust the police, but instead of taking steps to improve the police, the police have seen their functions stripped away piece by piece." This paradigm is still predominant in a number of departments and altering it confronts a chicken and egg problem: treating the police as corrupt and abusive perpetuates unprofessional departments; however, police cannot be treated as professionals if they are corrupt and abusive.

Recognizing the failure of the limiting discretion approach, more recent reforms have sought to produce police forces deserving of the authority and discretion necessary to be effective. These include a wide range of reforms, such as raising salaries and benefits, improving recruitment and selection criteria, elevating training times and standards, offering specialized training, developing and certifying operational procedures, offering a system of merit based promotion, vetting officers, and creating and strengthening accountability mechanisms and oversight.

Despite a growing consensus on these measures, there are considerable implementation challenges to such a holistic reform package. Moreover, these changes are being carried out under two very different paradigms: (1) citizen oriented professionalization and (2) militarization. The former can be seen in police departments led by reformist civilian police chiefs and have been complemented with citizen outreach and community oriented policing strategies. Documented examples include the Chihuahua City police force (1998–2009) and the Queretaro state police (2003–2009).¹⁸

Militarization shares many of the same elements of reform but with a strong emphasis on discipline and hierarchy under the command of current or former military leadership. As such, the militarization approach is best viewed as a half-way point between the limited discretion model and the professionalization model, as officers are still afforded very limited authority and discretion. While a professionalization approach is more desirable, given the lack of trust in the police and the ever worsening security crisis, the militarization paradigm currently predominates. This can be seen most visibly in increasingly common appointment of military and retired military personnel to lead Mexico's state and municipal police forces.¹⁹

¹⁶Elean Azaola and Marco Antonio Ruiz Torres. 2009 Investigadores de Papel. Poder y derechos humanos entre la policía judicial de la Ciudad de México, Fontamara, México D.F.

¹⁷Zepeda Lecuona. "Mexican Police and the Criminal Justice System": pp. 42.

¹⁸Daniel M. Sabet. 2009. Two Steps Forward: Lessons from Chihuahua. In Robert A. Donnelly and David A. Shirk. *Police and Public Security in Mexico*. San Diego: University Readers; Juan Salgado. 2009. "Buenas prácticas en prevención del delito y seguridad ciudadana en México." Presented at the Seminario Internacional de Seguridad y Convivencia Ciudadana. Chihuahua: March 19.

OVERVIEW OF POLICE REFORM IN MEXICO

In the following section, I offer an overview of police reform in Mexico under the last three federal administrations. As all police departments and all three federal administrations have seen their fair share of corruption scandals, it is tempting to conclude that Mexican police are the same as they were fifteen years ago. A closer look, however, reveals that some important advances have been made. Nonetheless, there are a frustrating number of reforms that have never made their way from paper to implementation and others that have not survived administration changes or changes in police leadership.

Police reform arguably did not become a national priority until the administration of Ernesto Zedillo (1994–2000); however, previous administrations did confront civil society pressure to address human rights abuses. As mentioned above, President Miguel de la Madrid Hurtado was pressured to disband the DFS, and following the 1990 murder of Sinaloa human rights activist Norma Corona (who had uncovered judicial police abuses and extrajudicial killings) the administration of Carlos Salinas de Gortari established the National Human Rights Commission. The Commission was later made independent, given constitutional status and replicated across the Mexican states. Unfortunately, the Commission's credibility has declined during the Fox and Calderón administrations, and the government's war against drug trafficking organizations has produced an increase in allegations of arbitrary detention, torture, and violations of due process.²⁰ Nonetheless, the commissions have had a profound impact on Mexican policing. While human rights abuses still occur at unacceptable levels, the commissions offer aggrieved citizens an autonomous institution to investigate their complaints. Non-obligatory recommendations emitted by the commissions, while too frequently ignored, at least offer civil society an authoritative account of alleged abuses. Moreover, the commissions are frequently responsible for training police officers and educating the public about human rights. As a result, in interviews, reformist police officers contend that there has been a significant shift in officers' attitude and behavior as a direct result of the human rights commissions.

ZEDILLO

A crime wave in the mid-1990's revealed the deficiencies in the country's police forces and moved police reform onto the national agenda. A diagnostic study conducted early in the Zedillo administration was not encouraging and identified a

²⁰From 1990 to 2002, the federal government reports an average of 72 officers a year sanctioned as a result of recommendations of the National Human Rights Commission; however, since 2003 the government reports no such sanctions. Felipe Calderón Hinojosa. 1999. *Tercer Informe de Gobierno*. For a critique of the Commission see Human Rights Watch. 2008. "Mexico's National Human Rights Commission: A Critical Assessment." Vol. 20. No. 1B. New York: Human Rights Watch. The report argues that the Commission has become a "chronicler of the status quo" having narrowly interpreted its mandate, failed to follow up on recommendations, not promoted reform, and hesitated to "name and shame."

litany of weaknesses across the country's many departments.²¹ Investment in public security was minimal, estimated at .008% of the GDP. There were over 2,000 departments across the country but only 41 police academies and many police never received any formal training. Of the 41 academies, only 14 required education up to the 9th grade, and the majority of preventive police throughout the country (55.6%) had only primary school or no education at all.²² The report recognized the lack of capacity in state and municipal forces and the lack of coordination across the country's many departments.

To improve coordination across jurisdictions and to set national policy for police professionalization and operations, the Zedillo administration oversaw the creation of the National Public Security System (Sistema Nacional de Seguridad Pública — SNSP). The system entailed the creation of a National Public Security Council, made up of state and national police and political leaders, and state and local councils, made up of federal, state, and municipal leaders.²³ While national policy and inter-jurisdictional cooperation have been elusive targets, the SNSP continues to be the primary mechanism to set national policy.²⁴

Rather than confront the weaknesses of the poorly trained and ill-equipped state and municipal forces more directly, the Zedillo administration chose to create and focus its attention on a new federal police force, the Federal Preventive Police (PFP — Policía Federal Preventiva). By mid-2000 the new agency totaled around 11,000 men and women made up of roughly 5,000 military personnel, 4,000 officers from former federal highway police, 700 from the country's intelligence agency (CISEN), and over 1,000 new recruits trained at a recently created national police academy. The PFP's primary responsibility was to support and coordinate with local authorities to maintain order, prevent crimes and administrative violations, and provide security in federal areas (e.g. highways, railways, ports, etc...); however, unlike other preventive forces it was to participate more actively in investigations and intelligence.

The administration also conducted a massive purge of the Federal Judicial Police (Policía Judicial Federal — PJF), firing over 700 officers (of roughly 4,400), and replenishing its ranks with over 1,000 military personnel.²⁶

²¹Sandoval Ulloa, José G. 2000. *Introducción al Estudio del Sistema Nacional de Seguridad Pública*. Mexico City: Unknown publisher.

²²Ibid

²³For a more detailed discussion see Vivianna Macías and Fernando Castillo. 2002. Mexico's National Public Security System: Perspectives for the New Millennium. In John Bailey and Jorge Chabat eds. *Transnational Crime and Public Security*. La Jolla: Center for U.S.-Mexican Studies.

²⁴The SNSP is governed by what is known as a "General Law," a somewhat unique feature of Mexican jurisprudence, as states and municipalities must adapt their legislation to its provisions. As such, reforms to the General Law of the National Public Security System in 2009 offered the Calderón administration the means to set a number of new requirements for local police professionalization.

²⁵López Portillo. The Police in Mexico.

²⁶PGR. 2006. AFI, Un Nuevo Modelo de Policía. Mexico City: Procuraduría General de la República.

While the Zedillo administration set in motion several important initiatives as well as the militarization of the police, it discovered the implementation challenges inherent in police reform. For example, the administration announced the creation of a nationwide, secure communications network, databases for improved information sharing, and a national registry of law enforcement personnel. These were to be important mechanisms to ensure coordination and prevent departments from unknowingly rehiring corrupt officers that had been fired from another agency. However, at the time, departments used entirely different criteria to quantify and classify crimes, lacked technical capacity and infrastructure, and were resistant to systematically tracking and sharing information. Over ten years later and after millions of dollars in investments, officials are still working to put national crime databases and the police registry to effective use.

FOX

The Vicente Fox administration (2000–2006) maintained the SNSP and the PFP, not a foregone conclusion in the politics of Mexican law enforcement, and continued to build the federal government's policing capacity. Fox moved the PFP out of the interior ministry and into a newly created Secretariat of Public Security (SSP). The centerpiece of Fox era police reform, however, was the dissolution of the scandal ridden PJF and the creation of what was intended to be a new model of professional investigative policing, the Federal Investigations Agency (Agencia Federal de Investigaciones — AFI).

In addition to considering the PJF corrupt and ineffective, incoming administration officials felt that investigations and intelligence had taken a backseat to reaction and dissuasion, that the agency was too small, that its structure was too decentralized with insufficient internal supervision mechanisms, and that officers lacked proper training, salary, and benefits.²⁷ The newly created AFI sought to overcome the errors of the past through the following:

- A police civil service, with improved selection criteria, emphasis on education and training, a merit-based promotion process, improved salaries, and improved equipment and facilities. For example, by 2005, incoming AFI agents were required to have a college degree.
- A new police structure prioritizing planning, tactical analysis, and investigations.
- An emphasis on improved statistics, information flows, technology, and unified databases known as AFInet.
- A focus on clear processes and procedures, much of which were ISO-9001 (International Standards Organization) certified.

 $^{27}Ibid.$

An emphasis on improved accountability mechanisms, including an office to investigate officers, a second office to conduct vetting, and a third to oversee the agency as a whole. The administration reported that during its six years there were 512 criminal investigations resulting in 277 penal processes against 353 officers.²⁸

The AFI was not without problems, as salaries remained relatively low, corruption persisted, and agents criticized promotion criteria and arbitrary decision making. Nonetheless, the new standards and procedures established at the AFI represented an advance for Mexican policing. Ironically, however, its former director Genaro García Luna, who was promoted to Secretary of Public Security in the Calderón administration, would later act to undermine the agency, hoping to transfer its functions to the SSP. As will be discussed below, this merger was unsuccessful and left the AFI weakened.

Without question the Zedillo and Fox administrations focused their efforts on building federal police capacity; however, they did take some steps to strengthen the state and municipal departments that contained the majority of the country's police. The Public Security Support Fund (Fondo de Aportaciones para la Seguridad Pública — FASP) grew to include an annual transfer of \$5 billion pesos to the states by 2006 (roughly \$500 million in 2006 U.S.\$). The states were asked to match a percentage and meet certain reporting requirements. The fund supported the development of emergency call and dispatching centers under a unified 066 number (equivalent to the U.S. 911), the continued development of national crime and police databases, and training and infrastructure development.

While a portion of the funds were supposed to trickle down to the municipalities, the states tended to use the FASP funds to build up their own capacity rather than share the funds. For example, during the Fox administration the states of Chihuahua, Baja California, and Sonora all spent enormous sums to create new, elite (albeit small) state police forces, leaving little left over for the municipalities.

The Fox administration also intended to develop initiatives to build local capacity. The Preventive Police Standardization Program hoped to create model criteria for future police development; a pilot initiative called the Planning and Police Control System was developed to improve local level operations and internal supervision; and the AFI planned to work with state investigative police in creating model police investigations units. Unfortunately, these efforts were all under-prioritized pilot programs. For example, of the 500 officers selected to participate in the model investigations units, only 42 passed the program's vetting procedures.²⁹ Fortunately, however, the Calderón administration, which maintained much of the same police leadership, learned from these mistakes, gave money directly to the municipalities, and made local police professionalization a centerpiece of their reform efforts.

CALDERÓN

Upon coming into office, the Calderón administration proposed dissolving the state and municipal police forces and creating a unitary national police force. The administration contended that such a force would avoid the coordination problems across jurisdictions, offer a unity of command, and facilitate reform. Officials could point to both Chile and Colombia as national police forces that had successfully undergone transformations in a relatively short period of time. Nonetheless, the required constitutional reform and major restructuring of the Mexican state was a political non-starter. Instead, the administration set its sights on at least unifying the federal police by merging the investigative and preventive forces. Again, they were unable to rally sufficient congressional support, and in mid-2009 the AFI and the PFP were replaced with the Federal Ministerial Police (Policía Federal Ministerial — PFM) and the Federal Police (Policía Federal — PF), respectively.³⁰

The restructuring did include some important changes. The AFI's tactical analysis and reactive operations were transferred to the PF, allowing the future PFM to in theory focus more on investigations. The reforms also resulted in expanded powers for the PF as compared to its predecessor organization, offering it more tools in gathering intelligence and combating organized crime, such as the authority to conduct investigations, operate undercover, locate cell phones, and tap phone lines (all with supervision by either the public minister or a judge). Officials in the Secretariat of Public Security can boast an impressive new intelligence center and contend that the state's intelligence gathering capacities are stronger than ever.

However, the restructuring also had unintended negative consequences. First, just as there was the greatest need for federal investigative capacity, the uncertainty regarding the restructuring weakened the ability of the federal government to investigate crimes. News reports suggest a decline in the AFI's ability to carry out its functions due to a drop in personnel, resources, and infrastructure.³¹ Much of the AFI's newer recruits transferred over to the SSP, leaving critics to allege that the remaining officers were holdovers from the old and discredited Federal Judicial Police. One of the AFI's most celebrated accomplishments in the previous administration, the system of databases known as AFInet was reported to be no longer operational and much of its data had been transferred to the PF.

Second, when the AFI was created in 2001 it was heralded as a new model of policing and the solution to Mexico's policing problems. The subsequent dissolution of the agency seemed to repudiate this message and increased skepticism towards yet another new police force. Third, restructuring inevitably requires high costs in creating and adapting to new work structures and risks leaving the underlying

³⁰As of this writing the PFM is still formally referred to as the AFI and will be until the Calderón administration emits the internal regulations for the new agency.

³¹Rolando Herrera and Antonio Baranda. "Concentran a AFI en labor ministerial." *Reforma*: January 11, 2010.

TABLE 2: FEDERAL INVESTIGATIVE POLICE PERFORMANCE INDICATORS

	Average monthly fed- eral crimes reported	Average time to complete investigation (days)	Percent of investigations that go be- fore a judge	Percent of sentences of cases investigated	Backlog of judicial warrants
2005	7,284				
2006	9,146	270	22.4	14	
2007	11,441	151	18.3	12	44,625
2008	11,341	152	19	11	43,566
2009*	10,594	157	15.3	9	39,054

^{*}Based on the first six months of the year.

Source: Tercer Informe de Gobierno. Data on the judicial warrant backlog came from the PGR. 2009. Informe de Labores. Mexico City: Procuraduría General de la República.

Note: Among the states the national average was 12% with states like Sonora reaching up to 36%. Eduardo Bours. 2009. *Sexto Informe de Trabajo*. Hermosillo: Gobierno del Estado de Sonora.

challenges confronting the police (e.g. accountability) unaddressed. A year after legislative changes went into effect, the Calderón administration had still not issued internal regulations for these new agencies, leaving them in a state of legal limbo and delaying advances on everything from using undercover agents to addressing internal corruption.

Official data from the Calderón administration presented in Table 2 suggests that on the plus side the federal investigative police are attending to a greater number of cases, carrying out more judicial warrants per officer, and reducing the time that it takes to investigate a case. In addition, a slightly higher percentage of these cases come before a judge than the national average among state investigative police (15.3% as compared with 12%).

On the other hand, Table 2 reflects the police's large backlog of judicial warrants. More importantly, the percent of cases going before a judge and the percent resulting in a conviction has declined in recent years, inviting criticism that many of the administration's heavily promoted drug related arrests are based on insufficient evidence. Authorities use a policy called "arraigo" to hold detainees accused of involvement in organized crime for up to eighty days without charge. Proponents defend the arraigo policy as a necessary stop gap measure; however, unless the detainee confesses or becomes a protected witness, it is very difficult to build a solid criminal case after arrest. Nationally the situation is even worse: Guillermo Zepeda calculates that in 2007 only 1.71% of crimes resulted in a detention and 1.24% in a sentence.³²

While improvements in effectiveness continue to be elusive, the Calderón administration can be credited with overseeing unprecedented financial investments in public security and the criminal justice system. Table 3 shows that since 2006, the total number of federal police and size of the federal agencies' budgets have grown dramatically.

In addition, the administration has focused its efforts on strengthening Mexico's municipal police departments. Although, federal crimes such as drug trafficking capture the headlines, the vast majority of crime continues to be local and local police officers make up a majority of the country's forces. Unable to nationalize the police, the Calderón administration turned to the power of the purse to encourage and facilitate local professionalization. In addition to continuing the FASP financial transfers to the states, in 2008 the administration initiated a program targeted at the country's largest and most dangerous cities (initially 150 and later 206), known as the Municipal Public Security Subsidy (Subsidio de Seguridad Pública Municipal — Subsemun). In order to obtain the funds, however, municipalities have to comply with a series of requirements, including the following:

- Matching 30% of the funds and dedicating these monies to police remuneration.
- Using the funds for communication technology, equipment purchases and infrastructure improvements, and police professionalization, much of which is targeted at vetted, model police units.
- Connecting to a shared system of national databases known as Platform Mexico (Plataforma México) and uploading information to those databases, including the national registry of police and the national crime database.
- Developing model police units of 100 officers who undergo "confidence control" testing, or vetting, which involves psychological and intelligence testing, drug-testing, medical examination, asset declarations and

³²Guillermo Zepeda Lecuona. 2009. Mecanismos alternatives de solución de controversias y salidas alternativas al juicio oral en la propuesta de Jalisco. Presented to the Consejo Ciudadano de Seguridad Pública del Estado de Jalísco. Guadalajara: Sept. 24. Available at http://www.consejociudadano.com.mx/lecuona. pdf Comparative data is hard to obtain. Zepeda uses an analysis by Lucia Dammert from 2000 in Argentina calculating that 12% of crimes result in arrest and 2.3% result in sentences.

TABLE 3: CHANGE IN THE SIZE OF THE FEDERAL POLICE FORCES AND SPENDING

	AFI	PFP	Total federal forces	PGR budget (thousands of pesos)	SSP budget (thousands of pesos)
2001	4,920	10,241	15,161	\$5,451.2	\$5,156.8
2002	5,525	10,830	16,355	\$6,991.9	\$6,389.0
2003	6,122	12,535	18,657	\$7,267.0	\$6,259.6
2004	8,078	14,415	22,493	\$7,521.3	\$6,397.6
2005	7,676	11,756	19,432	\$7,572.3	\$6,976.9
2006	8,127	12,907	21,034	\$8,862.4	\$8,676.0
2007	7,992	21,761	29,753	\$9,439.5	\$17,626.9
2008	5,996	31,936	37,932	\$8,950.2	\$21,140.3
2009*	4,974	32,264	37,238	\$12,309.9	\$32,916.8

^{*} Data from June 2009 when the PFP became the PF. Budget for 2009 is the total amount authorized by Congress.

Note: As both the PGR (Attorney General's Office) and the SSP (Public Security Secretariat) are larger than the AFI (Federal Investigations Police) and the PFP (Federal Preventive Police), the budgets presented are larger than the budgets of these police agencies. For example the PGR also includes public ministers and the SSP includes prison wardens and guards.

Source: Tercer Informe de Gobierno de Felipe Calderón.

background checks, polygraph (lie-detector) test, and examinations on basic police knowledge and tactics.

- Adopting a form of police civil service that determines criteria for selection, training, promotion, and discipline.
- Adopting a national police operations manual and a standardized police reporting mechanism, implementing new patrolling policies, and participating in joint operations.

As this partial list of requirements suggests, the Subsemun program reflects a comprehensive and ambitious approach to police reform. As a result, the effort confronts enormous implementation challenges and perverse incentives for municipalities to implement window dressing reform. The main tool to ensure compliance has been the threat of "turning off the tap of funds," but the administration has also pursued a consensus building strategy. The tragic kidnapping and death of 14 year old Fernando Martí in June 2008 and subsequent civil society mobilization, led to the signing of the National Agreement on Security, Justice, and Legality in August 2008. The agreement committed signatories to many of the reforms already included in the Subsemun program. These professionalization measures were also approved by the National Public Security Council and were incorporated into the 2009 revision to the General Law of the National Public Security System (Ley General del Sistema Nacional de Seguridad Pública). For example, the 2009 law requires all states to create state trust control centers to provide ongoing vetting and certification of state and municipal officers.

Table 4 offers a glimpse of the situation at the municipal level at the end of 2008. The eleven municipalities presented responded to a survey sent to the forty largest departments in the country. Given an expected self-selection process, it is safe to assume that these are the better municipal departments in the country. While each municipality scored well on certain indicators, there are wide fluctuations, suggesting that advances are uneven. In the last couple of years, several departments have adopted minimum high school education requirements for incoming cadets. Although those with a high school degree or greater only make up around half of the responding police forces, this is a significant improvement from the 1990's, when over half of the police had only a primary level of education.³³ While spending has increased across the board, it nonetheless varies among the departments. Only Chihuahua stands out as having made up the deficit in police vehicles. But even standouts like Chihuahua have been hesitant to address corruption, as evidenced by the very small internal affairs agency. Torreón on the other hand, has fired a number of officers for corruption, but lags in many of the other areas.

TABLE 4: SELECT INDICATORS ON MUNICIPAL FORCES, 2008 CONTINUES ON FACING PAGE

City	Minimum education requirement	Percent of qualified applicants accepted to the academy	Percent of police with a high school degree or greater	Duration of cadet training (months)	Basic monthly salary (pesos)
Ahome	High School	54.00%	55.15%	12	\$6,269
Chihuahua	High School	15.67%	47.07%	10	\$8,745
Cuernavaca	High School for traffic police		55.80%	·	\$5,952
Guadalajara	Secondary	26.60%	34.17%	8	\$7,916
Mérida	Secondary		28.39%	3	\$4,672
México DF	Secondary	22.02%	40.03%	6	\$8,186
Monterrey	Secondary	65.91%	33.97%	6	\$7,243
Puebla	High School				\$7,226
S.L. Potosí	High School	12.82%	35.27%	8	\$6,506
Torreón	Secondary	45.07%		6	\$6,625
Zapopan	Secondary	32.30%	34.55%	6	\$9,050

POLICE REFORM IN MEXICO: ADVANCES AND PERSISTENT OBSTACLES

City	Vehicles per police	Budget per police officer (pesos)	Internal affairs employees per 100 police	Average annual firings as a percent of police?
Ahome	0.13		0.50	3.12%
Chihuahua	0.68	\$240,183	0.44	0.97%
Cuernavaca	0.26	\$184,471	1.13	1.40%
Guadalajara	0.23	\$121,161	2.94	0.76%
Mérida	0.25	\$147,007	0.64	1.71%
México DF	0.18	\$181,774	0.84	3.09%
Monterrey	0.25	\$260,976	3.72	1.90%
Puebla	0.38		0.43	
S.L. Potosí	0.22		1.35	3.81%
Torreón	0.46	\$39,880	0.40	16.05%
Zapopan	0.19		1.14	0.36%

ADVANCES AND CONTINUED CHALLENGES

In summary, there have been a number of changes to Mexican policing over the last two decades. It is possible to conclude that Mexican law enforcement has advanced in the following areas:

- As illustrated in Table 5, there has been a major and sustained increase in public security budgets allowing for improvements in equipment and technology. From 2007 to 2008 and from 2008 to 2009, spending in the policy arena increased 20.2% and 21.7% respectively. These investments have allowed for the strengthening of 066 (911) call centers and communications systems, and the purchase of vehicles, uniforms, bullet proof vests, guns and other tools necessary to professional police work.
- The federal government has a far greater law enforcement capacity than it had 15 years ago. Federal police officers have grown from 11,000 in 2000 to approximately 37,000 in 2009, more than tripling.
- There is consensus on the need to professionalize federal, state, and municipal law enforcement through better selection and recruitment, improved training, better remuneration, and improved operational procedures rather than simply limiting officer discretion. This consensus has been enshrined in law and the federal government has provided funding to help states and municipalities comply with the law.
- There has been a dramatic and impressive increase in the use of vetting, including polygraph tests. The SSP conducted 54,536 trust evaluations over the course of one year, including 24,971 applicants, 3,878 federal personnel, and 25,687 state and municipal police.³⁴
- Institutional mechanisms (e.g. National Public Security Council), communication systems (i.e. Platform Mexico), and databases (e.g. registry of law enforcement personnel) have been created to allow for (but not guarantee) better coordination between Mexico's police forces.

While these advances deserve recognition, they have been obscured by continued evidence of corruption, abuse and ineffectiveness. Organized crime related killings have increased every year since they spiked in 2005 and even targeted efforts in specific regions have failed to quell the violence. Daily newspaper articles reveal cases of

³⁴SSP. 2009. Tercer informe de labores. Mexico City: Secretaría de Seguridad Pública, pg. 77. The federal government released aggregated test results in late 2008 showing that nationwide 61.6% of tested officers were not recommended for service. Rather than fire the vast majority of their officers, local police leaders report that they view the test results as red flags that need further substantiation. The response has merits, particularly given the limitation of the lie detector test and the inadmissibility of its results in court. Nonetheless, it only highlights the continued importance of a currently ineffective internal investigation agency.

TABLE 5: SPENDING ON PUBLIC SECURITY, PROSECUTION OF JUSTICE, AND PRISONS

	Municipal and state budget (in millions of pesos)	Federal budget (in millions of pesos)	Total budget (in millions of pesos)	Percent of government budget	Percent of GDP
2007	84,846.9	48,110.7	132,957.7	5.9%	1.2%
2008	100,804.0	58,982.7	159,786.7	6.2%	1.3%
2009	117,002.4	77,766.5	194,769.0	6.4%	1.7%

Note: The state and municipal budget for 2009 made up 60.1% of the total. Subsemun and FASP monies are included in the municipal and state budgets and made up 4.7% and FASP 8.4% of the total budget. The total budget grew 20.2% from 2007 to 2008 and 21.9% from 2008 to 2009.

Source: Developed by Carlos Mendoza Mora. 2009. El Costo de la Inseguridad en México. Mexico City: Instituto Ciudadano de Estudios sobre la Inseguridad. Based on state and federal budgets.

corruption rising to the highest levels of police agencies.³⁵ Faced with insecurity and corruption scandals, citizens are left to wonder why announcements of improved selection criteria, training, vetting, and other professionalization reforms have failed to alter this status quo.

It is therefore necessary to ask why reforms have not been more successful. First and foremost, from a U.S. perspective, it is important to recognize that police reform in the United States was a decades long process. Warren Sloat, for example, documents congressional inquiries and civil society mobilizations against police corruption in New York City in the late 1800's. ³⁶ Over 70 years later, the 1972 Knapp Commission

³⁵To offer a few examples, in 2008 and 2009 Saulo Reyes Gamboa, the former director of municipal police in Ciudad Juárez, Hugo Armando Reséndiz Martínez, the former assistant attorney general in Durango, Carlos Guzmán Correa, the former head of public security in Cárdenas, Sinaloa, Gerardo Garay Cadena, the former head of the Federal Preventive Police, Noé Ramírez Mandujano, former acting director of the country's anti-drug agency (SIEDO), Francisco Velasco Delgado, former head of the municipal police in Cancún, Juan José Muñiz Salinas, former head of the municipal police in Reynosa, and Roberto Terán the former head of the municipal police in Pachuca, Hidalgo were all arrested for ties to organized crime.

³⁶Sloat, Warren. 2002. A Battle for the Soul of New York: Tammany Hall, Police Corruption, Vice, and the Reverend Charles Parkhurst's Crusade against Them, 1892–1895. New York: Cooper Square Press.

was still uncovering widespread corruption and abuse, and it was not until the 1990s that the New York City Police Department became a model agency.

Second, it is a mistake to analyze the police as an isolated actor. Rather, the police force is embedded within a larger political, legal and cultural system. Politically, it is important to remember that the police leadership is appointed by, highly dependent on, and accountable to the elected president, governor, or mayor. While no president and only one governor has ever been convicted on collusion charges, there are no shortage of allegations of political collusion with organized crime and there appears to be widespread tolerance.³⁷ Collusion and even tolerance effectively rules out the possibility of meaningful reform. Legally, there is considerable ambiguity in the justice system, discretion in the application of the law, and a tendency to elevate informal rules above the law. Culturally, citizens expect and sometimes even benefit from the ability to bribe officers. As officers frequently point out in rationalizing their own corruption, it is typically the citizen who will offer the bribe first.³⁸

Executive power and police dependence on the executive appears to be one of the biggest obstacles to reform. In theory, executive appointment of police chiefs should make the police more accountable to citizens and executive discretion should facilitate rapid reform, but in practice, this power has led to window dressing reform, patronage appointments, poor policies, and a lack of continuity in reform efforts.

There is a tendency among political leaders coming into office to repudiate the past administration, restructure the police, and introduce new programs. However, change is not the same as reform. In the discussion above it was noted that the structure of the federal police changed dramatically under each administration, and such practices are perhaps even more common at the state and municipal level. For example, in the early 2000s most state judicial police were renamed ministerial police and many municipal police departments became secretariats. While a new name, new uniforms, and new logos are meant to symbolize a break from the past, there is often insufficient substance to such reforms. Moreover, political, human, and financial capital is spent adjusting to the new structure rather than tackling the real challenges of police reform.

Despite significant efforts to strengthen the municipal police since 2008, there is (at the time of this writing) a proposal on the table with considerable political momentum to dissolve the country's municipal forces and subsume them within the state police. While it is argued that the proposal will allow for improved coordination and facilitate reform implementation, it is hard not to see the proposal as just another restructuring without confronting the real challenges of police reform. The proposal would likely change "who" provides policing services rather than alter "how" those services are provided.

³⁷Astorga. El Siglo de las Drogas; Ravelo, Ricardo 2006. Los Capos: Las narco-rutas de México. Mexico City: DeBosillo; Jesús Blancornelas. 2002. El Cártel: Los Arellano Félix: La mafia más poderosa en la historía de América Latina. México: Plaza & Janés México.

³⁸For a more thorough exploration of these themes, see Azaola and Ruiz Torres. *Investigadores de papel*.

Ironically, while executive control makes rapid change possible, it makes real reform difficult to institutionalize. For example, it is common for a municipal administration to focus on improving the quality of selection criteria and training, only to have the following administration prioritize dramatically increasing the size of the force, and in so doing undermining previous efforts to improve selection and training. Although undermining accountability to voters does not appear advantageous, increasing accountability to the law rather than to the executive and granting city councils, state legislatures, national and state public security councils, citizen public participation committees, and citizen observatories meaningful oversight authority offers an attractive alternative to the current system.³⁹

Third, reform efforts have not been more successful because even with an increased emphasis on vetting, they have not sufficiently confronted corruption. Whether by design or by default, reformers (particularly at the local level) have instead prioritized improving selection criteria, education and training and investing in equipment and technology over developing robust accountability mechanisms. As the latter entails confronting organized crime and the rank and file police who supplement their salary with daily bribe payments, state and municipal political and police leaders have opted for less threatening reforms. Such a strategy might provide a long term foundation for tackling corruption, but in the short term, existing reforms have proven to be insufficient to improve police effectiveness. Creating accountability will also require an effective mid-level command structure promoted based on their merits rather than their personnel ties. Although a civil service type reform is central to the current package of initiatives, it challenges the tradition of clientelism and confronts considerable opposition and implementation hurdles.

Fourth, the challenges of building accountability mechanisms and merit-based promotion criteria point to the fundamental problem of implementation. A large literature has sought to understand the gap between reform policy and reform im-

³⁹Kelling and Moore argue that real reform did not begin in the U.S. until the 1930's when reformist chiefs succeeded in insulating themselves from the political process and civil service reforms were passed. Kelling, George L, and Mark H. Moore. 1988. The Evolving Strategy of Policing. *Perspectives on Policing*. Vol 4.

⁴⁰Even when combating corruption has been made a priority, the results have often been less than desirable. Absent effective investigative capacity, anti-corruption crusaders have simply assumed police culpability despite insufficient evidence. Azaola and Ruiz Torres in *Investigadores de Papel*, go so far as to argue that anti-corruption initiatives actually help fuel corruption. They write that the promotion of zero-tolerance policies against impunity have led to a "reaction of resistance and rationalization on the part of those who are stigmatized as guilty, in this case the police, that results in more actions of abuse of power and corruption" (46). This is not to say that anti-corruption crusades should be abandoned, merely that departments require effective investigative capacity.

⁴¹Departments typically have an internal affairs type unit responsible for investigating police corruption; however, as they respond to citizen complaints they do not tend to address corruption issues. More importantly, with limited investigative capacity, such agencies have a hard time building a solid enough case to prove corruption beyond a reasonable doubt. In addition, these agencies are focused on finding rotten apples and rarely analyze and address institutional causes of corruption.

plementation. ⁴² It is far easier to write a policy outlining merit based reform than to implement it. In fact, departments frequently have had formal policies outlining such promotion criteria on the books for over a decade. Opponents to reform often find ways to subvert what on the surface appears to be good policy. For example, many departments are now able to track arrest and crime indicators at the neighborhood level in close to real time. But as soon as performance becomes measured based on statistics, there is an incentive to manipulate the data. As one officer interviewed by Azaola and Ruiz Torres offers, "If they want numbers, we'll give them numbers — even if they're garbage." ⁴³ In fact, other authors have shown how the police discourage crime reporting to keep crime statistics low. ⁴⁴ The problem is not a desire to measure police performance, which is of course a positive development, but the implementation challenges of developing reliable data. The Calderón administration's *Integral Police Development System* and *New Police Model* outline the correct policies required for long term change, but the real challenge is implementation. ⁴⁵

Finally, underlying and compounding all of these factors, is of course the presence of powerful and unscrupulous organized criminal organization. If organized crime is able to credibly threaten police officers, then a well trained, well educated, vetted officer is just as subject to the choice between the bullet and the bribe as his or her predecessors. Protecting officers by securing radio communications, properly equipping officers, allowing threatened officers to carry weapons off duty, transferring officers when necessary, and most importantly investigating and prosecuting police killings remain challenges for the future.

In summary, it is important to recognize both the advances that reformers have achieved in Mexico, but it is also necessary to recognize continued corruption, ineffectiveness, and abuse. On the one hand, it is perhaps unrealistic to expect a radical revolution in Mexican policing in the short term. On the other hand, there has perhaps never been such an opportunity for real reform. Nonetheless, speeding up reform efforts will require a sober and realistic analysis of the continued challenges ahead. In short, police reform will likely require greater police insulation from the political arena accompanied by greater accountability to the law, the legislative branch, public security councils, or directly to citizens. As a corollary to this, police reform will require long term efforts that outlast police and political leaders. Real change will also require confronting corruption head on, not by reversing the presumption of innocence, but by developing a merit based mid-level command structure, appropriate accountability mechanisms that address both the rotten barrel

⁴²Jeffrey L. Pressman and Aaron Wildavsky. 1979. *Implementation: How Great Expectations in Washington are Dashed in Oakland*. Berkeley: University of California Press.

⁴³Azaola and Ruiz Torres. Investigadores de Papel: pg. 79

⁴⁴Catalina, Pérez Correa. Front Desk Justice: Inside and Outside Criminal Procedure in Mexico City. *The Mexican Law Review*. Vol. 1(1): 3–31.

⁴⁵SSP. 2009. Sistema Integral de Desarrollo Policial. Mexico City: Secretaría de Seguridad Pública; SSP. 2009. Nuevo Modelo Policial. Mexico City: Secretaría de Seguridad Pública.

and the rotten apples, and by protecting officers. All of this demands more than well written policies, but the capacity to anticipate and respond to the many implementation challenges and unintended consequences of reform.

ACRONYMS

Acronym	Spanish	English
AFI	Agencia Federal de Investigaciones	Federal Investigations Agency
DFS	Dirección Federal de Seguridad	Federal Security Directorate
FASP	Fondo de Aportaciones para la Seguridad Pública	Public Security Contribution Fund
ICESI	Instituto Ciudadano de Estudios de la Inseguridad A.C.	Citizen Institute of Insecurity Studies
PGR	Procuraduría General de la República	Attorney General of the Republic
PF	Policía Federal	Federal Police
PFM	Policía Federal Ministerial	Federal Ministerial Police
PFP	Policía Federal Preventiva	Federal Preventive Police
PJF	Policía Judicial Federal	Federal Judicial Police
SNSP	Sistema Nacional de Seguridad Pública	National Public Security System
SSP	Secretaría de Seguridad Pública	Secretariat of Public Security
Subsemun	Subsidio de Seguridad Pública Municipal	Municipal Public Security Subsidy