

Public Security and Impunity in Mexico: The Local Police as Problem and Solution

Virtual Round Table hosted by the hosted by
the World Justice Project and the Wilson Center Mexico Institute

The World Justice Project and the Wilson Center's Mexico Institute co-convened a virtual roundtable on September 23, 2020, to discuss the inter-related problems of impunity and insecurity in Mexico and the role of the municipal police as both an obstacle and agent of change. Following Chatham House rules of non-attribution, the attached brief -- prepared by the World Justice Project Mexico team -- highlights key issues, practical experiences and proposals for reform that were raised in the meeting.

Identifying the Problem

Mexico is facing serious crime and security issues that have both causes and effects across its northern border. For more than a decade, the United States has supported Mexican security goals through the Merida Initiative, including technical assistance to strengthen the criminal justice system. More recently, assistance increasingly has gone toward combating organized crime and border insecurity. Yet as insecurity and impunity remain rampant, both countries need to re-think the bilateral cooperation agenda to make progress, starting with professionalizing the police at local and federal levels.

Data from Mexico's national inmate survey, [ENPOL](#), demonstrates that certain aspects of the criminal justice system – especially transparency and accountability during the trial stage -- improved after adoption of Mexico's 2008 criminal justice reform. However, the survey also revealed the persistence of serious capacity, irregularities and due process problems of police in the arrest, detention and investigation of suspects. Research and extensive interviews with criminal justice experts and operators, carried out by World Juste Project, show that most local police do not have the authority or capacity to respond to or investigate crime reports. Indeed, citizens must typically spend hours at a local prosecution office (Ministerio Público – MP) to even register a criminal complaint.

While local prosecutors have a virtual monopoly on activities usually carried out by local police in other countries, they lack the resources or incentives to carry them out effectively. The result is extremely low public confidence in law enforcement, non-reporting of most crimes and non-investigation of the few crimes that are registered. Pervasive impunity has led many decision-makers and citizens to view the local police as a lost cause. However, available evidence shows that reform is possible and that local police can fight crime effectively and accountably. To make that happen, national and local governments must invest in thorough police reform efforts mainstreaming investigative capacity and properly train law enforcement officers greater autonomy to interact with citizens and victims.

Transformation from the bottom-up: Focusing on local police

95%

of crimes are committed at a local or state level

7/10

calls for help are attended by municipal police

600

municipalities do not have municipal police

“Municipalities are the best kept secret to achieving transformational reform in Mexico.”

- Senior researcher

When the Merida Initiative began in 2008, it operated mainly at the national level and focused on four priorities: transnational organized crime, criminal justice, border security, and community resilience. That changed in 2012, as Merida began to provide technical assistance to law enforcement at the local level. This decision reflected the fact that, for the vast majority of crimes, such as assault, theft and fraud, most Mexicans deal primarily with local police. Mexico’s national statistics agency, INEGI, has carried out surveys showing that citizens’ perception of their own security is directly correlated with their trust in municipal police. This finding suggests that Mexico’s security challenges cannot be resolved by federal level law enforcement alone. The country therefore faces a paradox with important policy implications: while the municipal police are a major part of the cause of impunity, they must also be a major part of the solution.

Empowering municipal police

Some municipalities in Mexico have taken the lead in transforming their policing strategies. Chihuahua and Escobedo, for example, have adopted community policing (named “proximity” policing in Mexico), which promotes a holistic approach involving regular community interaction and specialized training for more experienced officers. Institutional improvements in municipal civic justice (the equivalent of County Justice or County Courts in Mexico) such as drug treatment for first offenders, combined with technological innovations like body cameras and drones, have encouraged accountability and transparency and increased public trust in the police. In addition, these local police departments have raised officers’ salaries. Results to date are promising: in Chihuahua, robbery dropped by 50% and extortion by 80% since 2008.

The evolving strategies and experiences with police reform at the local level highlighted the following key elements:

“We’re not using police institutions that could help us improve security conditions in the country.”

- Senior researcher

Receiving complaints

The vast majority of crimes in Mexico are not investigated, let alone closed. A legal ambiguity is responsible for funneling out most criminal complaints: although the police are first responders, they cannot receive reports. If you’re a victim of petty crime, you’re probably not as willing to spend hours at the Prosecutor’s office for a transgression you know won’t get solved; and if the violation isn’t reported, it won’t be investigated. The tide is beginning to change, and some local police in Mexico are even filing complaints digitally, but this is far from being the norm.

“Police investigation of crimes must be intelligent, strategic, and with a clear community orientation.”

- High level Mexican Criminal Justice Officer

Investigating crime

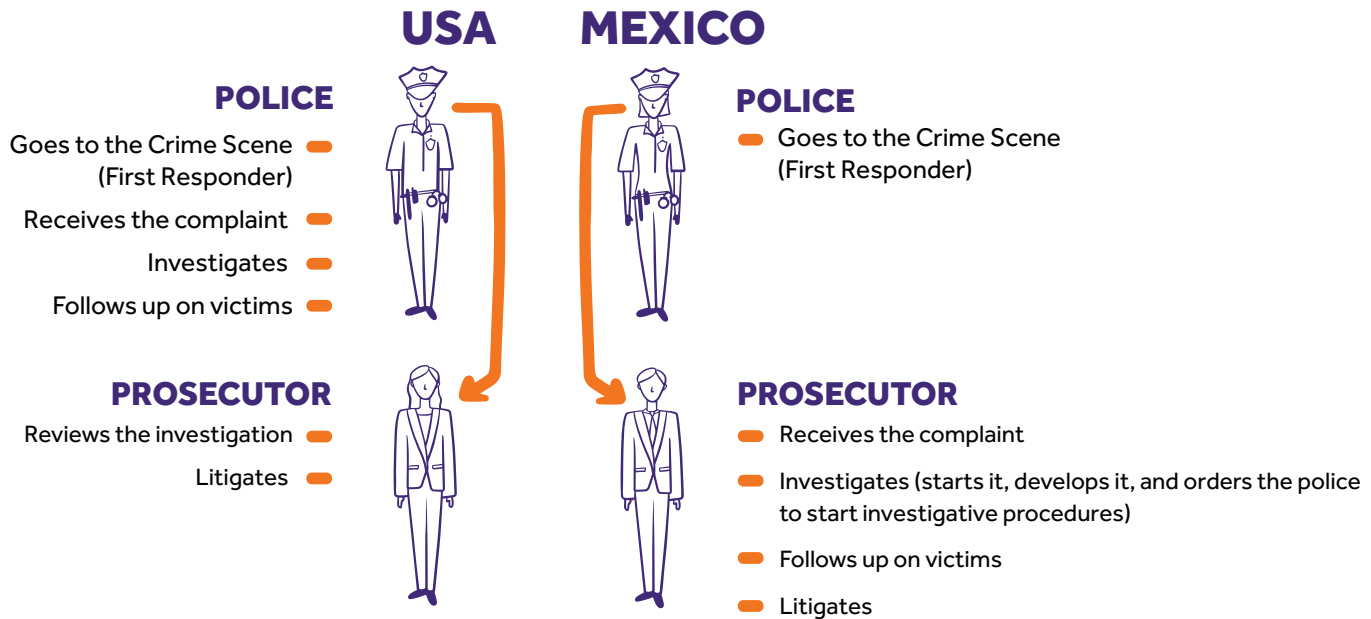
Police know where crime hotspots are, and where delinquents hang out. Their community knowledge is wasted as they cannot investigate felonies, unless instructed to do so by a public prosecutor, through time-consuming official and bureaucratic means. The Prosecutor’s Office should assume the role of litigator, while the police must be professionalized and able to investigate, autonomously.

“I would like to highlight the lack of investments in police, they are quite low. If you try to provide them with training, a lot of times they are countered by the conditions they live and develop their work in.”

- High level diplomat

Improving conditions

Police have very few benefits and weak salaries, often paying for their own uniforms and gas for their patrols. There are no incentives to stay engaged in this career, become professionals and not resort to corruption. Police need to be recognized as civil servants, in a labor system with rights. All of this requires heavy investments which the government alone cannot pay for. Innovative schemes, such as the public-private partnerships which have worked in Chihuahua, and where a third of the budget is invested in safety and security are a promising option.



Playing the long game

“We need continuity of public policies for the better functioning of security institutions.”

- High-level Mexican government official

Police transformation requires political commitment and continuity, which, in turn, depend on re-election of reform-minded mayors. Reforming and investing in professionalizing the police cannot be expected to bring results in three short years, the previous term limit for mayors. In a political environment that prohibits reelection, successive administrations typically scrap programs created by the previous one. In the case of Escobedo, the chief of public security has been consolidating municipal police reforms since 2009. Such achievements have a better chance of spreading throughout Mexico with constitutional reforms that promote political continuity and regular accountability to the voters. Investing in national police training and accreditation systems in accordance with international standards is also essential.

Towards evidence-based reform

“We’ll know that the police reform has worked when a child can talk to a police officer in the street, and ask for directions.”

- Think Tank representative

Fundamental police reform in Mexico is imperative. Local officers must be allowed to receive complaints directly from citizens. They also must have the capacity and resources to investigate crimes. Mexico needs a reform model that transforms a passive and reactive police force into a proactive and preventative institution. The use of monitoring and accountability mechanisms and clear performance indicators will ensure that progress is measured over time. Finally, given pervasive economic constraints – made all the worse because of Covid-19 -- states and municipalities need access to innovative funding mechanisms that go beyond federal transfers in order to finance reforms that improve capacity, effectiveness and accountability.