Police and Public Security in Mexico

Edited by Robert A. Donnelly and David A. Shirk

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POLICE AND PUBLIC SECURITY IN MEXICO

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Introduction

ROBERT A. DONNELLY AND DAVID A. SHIRK

One of the most pressing public concerns in Mexico in recent years has been the proliferation of crime and violence that has seriously undermined the rule of law. With some important exceptions, notably homicide, other violent crime rates in Mexico appeared to grow in tandem with a series of economic crises starting in the mid-1970s. Meanwhile, high-profile violence related to organized crime, primarily drug trafficking, has also grown significantly over the last two decades. In the face of these trends, Mexican law enforcement and judicial institutions have demonstrated significant limitations—and in some cases, troubling dysfunctions—that have undermined public confidence in Mexico’s justice sector. Indeed, frustrated by the ineffectiveness, corruption, and even criminal activities of law enforcement officials, the public has issued repeated calls for public authorities to address these concerns, prompting tougher criminal penalties and even increased reliance on the Mexican military.

This monograph explores Mexico’s public security challenges, particularly its embattled law enforcement agencies, the growing role of the military, the problem of drug violence and corruption, and the possible strategies for moving forward. Drawing on the insights of some of the foremost scholars in this area, we examine some of the serious and persistent public security challenges that have plagued Mexico in recent years. Studying these issues is especially timely due to Mexicans’ heightened concerns about crime and violence, but also in light of growing U.S.-Mexican collaboration in this area in the context of the Mérida Initiative approved in June 2008. The goal of this monograph is to provide a careful analysis of Mexico’s public security apparatus, examine the institutional problems and practices that undermine effective law enforcement, and identify practical recommendations for addressing these challenges. We begin by providing an overview of Mexico’s current public security situation, and particularly recent trends in “common” and high-profile violence related to organized crime. We then move to an exploration of Mexican law enforcement organizations and a discussion of the increasing role that the Mexican military has played in domestic policing.
CRIME AND INSECURITY IN MEXICO

The recent wave of crime in Mexico consists of steep increases in reported crime and people’s concerns about public security in Mexico, as well as violence related to organized crime activities, most notably drug trafficking. While there are still significant limitations to the available data about crime, there are some identifiable and disturbing trends on a number of indicators, which suggest much higher levels of criminal activity over the past decade and point to the limited effectiveness of Mexico’s law enforcement apparatus. Meanwhile, this trend has been accompanied by greater violence related to organized crime, particularly with the breakdown of Mexico’s major cartels over the last decade. Below we outline these major trends to provide a backdrop for our discussion of Mexico’s public security apparatus.

Common Crime in Mexico

For more than a decade, Mexico has experienced elevated levels of crime and violence, problems that have been consistently ranked among the top concerns of its citizens. Yet due to the public’s lack of confidence in the justice sector, an estimated 75 percent of crimes go unreported because the public perceives that reporting crimes is a futile exercise. Estimates produced by the Citizens’ Institute for the Study of Insecurity (Instituto Ciudadano de Estudios Sobre la Inseguridad, ICESI) suggest that as few as a quarter of all crimes are actually reported in Mexico. This further exacerbates Mexico’s severe problems of criminal impunity and makes it virtually impossible to accurately measure actual levels of crime. Large numbers of cases are not investigated, and many cases that are investigated do not yield a suspect. Hence, in the absence of reliable crime reporting and successful investigations, other proxy measures—like the number of criminals arrested for specific crimes—are very inadequate. Data on arrests tend to seriously undercount crime, even though multiple persons may be arrested and convicted for the same crime. Arrest rates may also reflect socioeconomic factors (such as class bias), law enforcement resource constraints, bureaucratic inefficiencies, or other circumstances that would affect crime reporting, criminal investigations, and apprehensions.

Still, judicial sector data are available for most of the twentieth century in Mexico. Though they have serious limitations, such data (particularly arrests) can be suggestive of the overall caseload handled by law enforcement, which presumably fluctuates...
in response to actual levels of crime. Taking this into consideration, they offer some useful clues about larger trends in common crime in Mexico over the last few decades.\textsuperscript{1} For this reason, the Justice in Mexico Project compiled a historical dataset of arrests reported by the National Institute for Statistics, Geography, and Informatics (Instituto Nacional de Estadística y Geografía, INEGI) from 1926 to 2005 in four major categories of violent crime: homicide, robbery, assault, and rape.\textsuperscript{2} Figure 1.1 below expands data originally presented in the introduction to the edited volume titled *Reforming the Administration of Justice in Mexico* (Cornelius and Shirk 2007).

These data suggest a number of trends over the last eight decades. First, there was a general decline in homicide, assault, and robbery for most of the period from the 1920s through the 1960s. For example, the peak in homicides came between 1936 and 1940, when the average rate reached 38 homicide suspects per 100,000 people. Then, over the course of the next three decades, the number of homicide arrests declined nearly 75 percent, to an average of 10 or fewer per 100,000 people from 1976 to 2000. By 2005, however, the number of homicide arrests tipped up to 12.3 per 100,000 people.

It is also noteworthy that in two other categories—robbery and assault—we see an important point of departure from homicide beginning in the mid-1970s. Controlling for population, the rate of suspects accused of assault increased by more than 25 percent over the course of the 1980s (from roughly 31 per 100,000 in 1980 to 39 per 100,000 in 1990). While the rate of criminals arrested for assault dropped to 31 per 100,000 by 1997, it rose and fluctuated after 2000 (between 34 and 37 per 100,000). More significantly, arrest rates for robbery nearly doubled from 1976 to 1986 (growing from 22 per 100,000 to 40 per 100,000) and increased nearly 50

\textsuperscript{1} The rate of accused criminals is a problematic proxy because it only measures the number of suspects identified in cases investigated by authorities, not actual rates of crime. The INEGI database used by the Justice in Mexico Project dates back to 1926 and is available on line at www.justiceinmexico.org.

\textsuperscript{2} The rate of arrests is a problematic proxy because it only measures the number of suspects identified in cases investigated by authorities, not actual rates of crime. Large numbers of cases are not investigated, and many cases investigated do not yield a suspect. Nonetheless, this variable is somewhat useful because data are suggestive of the overall caseload handled by police, which presumably fluctuates in response to actual levels of crime. Accused suspect data are also available over a relatively long period; the INEGI database used by the Justice in Mexico Project dates back to 1926 and is available on line at www.justiceinmexico.org.
percent over the next decade (reaching 59 per 100,000 in 1996). By 2005, robbery arrests climbed another 13 percent, to 67 per 100,000.

Another, less visible trend relates to arrests for rape. Rape arrests tend to be drowned out in figure 1.1 due to the much higher rates in other categories of violent crime. Of course, it must be noted that rape data are notoriously problematic. Both male and female victims are extremely reluctant to report rape crimes. Moreover, historically crimes against women have been taken less seriously by police in Mexico (and elsewhere). This said, data on arrests demonstrate a remarkable trend over the last

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3 These figures reflect only local jurisdiction (fuero común) and exclude federal-level crimes (fuero federal).
eighty years. When broken out as a single category of crime, we see a very significant general increase in arrests for rape, with rates doubling in the 1950s and increasing dramatically in each subsequent decade (figure 1.2). Indeed, after an unusually stable lull from 1975 to 1985, the rate of arrests on rape charges (per 100,000 people) fluctuated and generally increased—by more than 50 percent—in the 1990s and the early 2000s.

These trends offer several useful points for reflection. First, it is worth noting that late-twentieth-century increases in arrests for violent crime—especially robbery—appeared to follow in the aftermath of the severe economic crises that occurred in 1976, 1982, and 1994. These brought significant slowdowns in the Mexican economy, severe devaluations of the peso, rampant inflation, and other problems. It is likely that conditions associated with these trends—unemployment, eroding wages, inequality, and so on—contributed to measurable increases in criminal activity. Second, the increase in arrests for rape is open to a number of plausible explanations, both positive and negative. It may be that the rate of rape has actually increased over time. It also may be that victims have become less reluctant to report crimes and police have become more inclined and better able to arrest suspects for rape. Third, the general downward trend in homicide may be partly explained by the consolidation of the Mexican political system, as postrevolutionary, antistate violence declined significantly after the 1930s and especially after the 1960s. At the same time, there were important improvements in medical technology over the twentieth century that helped to treat potentially fatal injuries and therefore may have reduced the number of homicides (while contributing to a general increase in assault charges). Whatever the case, the recent increase in the number of homicide arrests represents a disturbing reversal of a six-decade trend and appears to correspond to the intensification of drug-related violence that began in 2005.

Lastly, what is especially important to note about the general trends identified here is that—whether or not arrests represent an actual increase in violent crime—there has been an enormous increase in activity by Mexico’s public security apparatus over the last two decades. This in itself represents a significant challenge for police agencies and the overall justice system. Moreover, the fact that increased arrest rates probably reflect actual crime trends at least partially suggests that Mexico is in the midst of a serious public security challenge, for which it may not have adequate institutional response mechanisms. While this may be true for “everyday” forms of crime such as
**Figure 1.2 Arrests for Rape per 100,000 Persons, 1927–2005**

those discussed above, it may be even more so for violent organized crime. We turn to these challenges below.

**Organized Crime in Mexico: Drug Trafficking, Arms Trafficking, and Kidnapping**

The growth of “common” crime over the last two decades has been accompanied by increased activity by organized crime groups. Amid the apparent inability of public officials to address even minor forms of crime, the impunity of organized crime syndicates in Mexico has provoked a severe degree of public frustration and concern. Because organized crime is technically defined in Mexico as any criminal activity involving three or more persons, there is arguably some overlap between what registers as “common” and “organized” crime. Low-level organized crime might therefore include a mugging, a burglary, or a small-time prostitution ring. Higher-level crime syndicates, however, operate sophisticated domestic and international operations that include a diverse array of activities, including kidnapping and the smuggling of drugs, weapons, cash, and people. Here we concentrate our analysis on three interrelated forms of organized crime—drug trafficking, arms trafficking, and kidnapping—which have been especially prominent in recent years.

**DRUG TRAFFICKING**

Arguably, the most serious challenge facing Mexico’s law enforcement authorities is the growth of violence related to drug-trafficking organizations. In the early twentieth century, Mexico had been an important but low-level supplier of drugs to the United States, notably products like marijuana and opium that were homegrown in places like the “Golden Triangle,” where the northern states of Durango, Chihuahua, and Sinaloa meet. However, as Carlos Antonio Flores notes in his chapter in this monograph, drug trafficking in Mexico began to increase in the 1960s and 1970s, thanks in part to increased U.S. drug consumption. During this period, the popularity of countercultural lifestyles among U.S. middle-class youth and soldiers returning from Vietnam led to heightened drug trafficking and drug cultivation in Mexico. Also, with the growth of cocaine use, Mexico and the Caribbean became important transshipment points for Colombian cartels, as most Andean product was moved into the United States via the Miami connection through the Gulf of Mexico.
Subsequently, these changing patterns of drug consumption and U.S. anti-drug efforts were accompanied by a major shift. Successful interdiction efforts in the Gulf of Mexico and the disruption of Colombia’s cartels appeared to empower the Mexican drug-trafficking organizations, which proliferated and became increasingly involved in the direct control of the drug trade. Yet, according to Flores, changing patterns in Mexican drug trafficking are not solely attributable to exogenous shifts in U.S. counter-drug strategy, patterns of drug consumption, or the weakening of Colombian organized crime. Rather, Flores asserts that political democratization in Mexico has led to a proliferation of atomized and diffuse power relationships between drug-trafficking organizations and mid-level state actors beginning in the 1990s. Indeed, Flores divides Mexico’s drug history into two main eras: 1960–1994 and 1994–present.

First, according to Flores, the drug-trafficking regime that developed in Mexico in the 1960s was one in which the model of organized crime was highly centralized, and hierarchical regional organizations operated with a disturbing degree of influence at the highest levels of government. In Mexico, this rise in drug activity led to the expanded use of the military in destruction-and-interdiction operations targeting marijuana and opium poppy growers and traffickers in rural states in the North and Northwest in particular. Ultimately this “permanent campaign” led to a spoils system in which military commanders colluded with and extorted traffickers within their districts for personal enrichment. In sharp contrast to the government’s blanket campaign against political insurgents at the time, anti-drug operations by the military were neutered by a complex web of bureaucratic Catch-22s, Flores notes. He describes a Mexican national security apparatus that, threatened by antigovernment forces, engaged in a “dirty war” against political dissidents but largely turned a blind eye to traffickers. It is only when errant traffickers ran afoul of a high-level military figure that they risked “being disappeared” like political subversives. The apogee of state-directed centralization and control over trafficking networks came in the 1974–1985 period. It was then that a powerful domestic intelligence agency, the Federal Security Directorate (DSF), essentially operated above the law and exerted deep control over organized crime activity. With the introduction of large-scale cocaine trafficking and the neutralization of the leftist revolutionary threat in the 1980s, the Directorate turned its attention fully to drug trafficking, becoming in the process a breeding ground for corruption. Ultimately the Directorate’s rising power sparked a sharp rivalry with the Office
of the Federal Attorney General (PGR). However, the Directorate was abruptly dismantled in 1985 after the controversial torture and murder of undercover U.S. Drug Enforcement Administration (DEA) Agent Enrique Camarena provoked U.S. allegations of high-level corruption.

A second epoch of Mexican drug trafficking began in 1994 during the presidency of Ernesto Zedillo. By the 1990s the centralized, hierarchical model collapsed because of greater political plurality at the state level, the ascension of a president incapable or unwilling to exert total control over state governors, the undermining of established agreements and conspiracies between organized crime and government authorities, and the gradual unsettling of a political order that culminated in the Institutional Revolutionary Party’s (PRI) presidential loss in 2000. As evidence, Flores cites the high-profile arrest of Mexican anti-drug czar General Jesús Gutiérrez Rebollo in 1997 on charges of protecting a prominent drug lord, and he points to the enactment of judicial proceedings on organized crime charges against two ex-governors around the same time: Jorge Carrillo Olea of Morelos, after leaving office in 1998, and Mario Villanueva of Quintana Roo, after leaving office in 1999. According to Flores, these were signs that the erstwhile centralized model was fragmenting and that a more atomized and diffuse system, involving new actors and interests, was emerging.

Indeed, over time Mexico’s drug cartels had become divided into increasingly fractionalized and autonomous regional organizations, typically centered in a given city or state. During the 1980s, Mexico’s most powerful drug trafficker, Miguel Ángel Félix Gallardo, was based in Guadalajara and was one of the first to develop ties with Colombian suppliers. The two most prominent organizations in the 1990s, the Tijuana and Juárez cartels, arose after Félix Gallardo’s arrest in 1989. The Tijuana cartel, operated by Félix Gallardo’s nephews and nieces in the Arellano-Félix family (comprising seven brothers, four sisters, and other relatives), is involved in the smuggling of marijuana, cocaine, methamphetamines, and heroin. Meanwhile, the Juárez cartel was operated in the 1990s by Amado Carrillo Fuentes, known as

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4 At its peak, the Arellano-Félix organization was believed to dole out over US$50 million a year in bribes. Some estimates suggest that bribes from the Arellano-Félix cartel ranged as high as $75 million per year (Padgett and Shannon 2001).
the “Lord of the Skies” because he pioneered airborne Mexican smuggling routes into the United States for the Colombians.\(^5\)

By the late 1990s two additional cartels gained prominence, in the Gulf of Mexico and in Sinaloa. The Gulf cartel was brought to fruition by Juan García Abrego. After his arrest and extradition in 1996, an internal contest for power led to the rise of Osiel Cárdenas Guillén, a former “madrina,” or quasi-official police hit man.\(^6\) After his arrest in 2003, Cárdenas continued to coordinate the cartel’s operations directly from his jail cell. These operations included his direction of masked commando units known as “Zetas,” apparently comprising corrupt former elite military forces employed by Cárdenas, and ended only when he was extradited to the United States in January 2007.\(^7\) The Sinaloa cartel was started in the 1970s by Héctor “El Güero” Palma Salazar, who broke with Félix Gallardo to form his own organization. After Palma was arrested in 1995, Ismael Zambada, Joaquín Guzmán Loera (alias “Shorty” or El Chapo), and members of the Beltrán Leyva family took over the cartel’s operations. The Sinaloa cartel subsequently developed several enforcer groups—Los Negros, Los Pelones, and La Gente Nueva—to counter the Gulf cartel’s Zeta commandos, and this cartel is believed to work with transnational gangs (like the Mara Salvatrucha and the Mexican Mafia) operating in the United States.

Hence, Flores argues that Mexican organized crime has experienced a shift from its former centralized, hierarchical model to one that is more atomized, multifaceted, and unpredictable, as each of the above-noted cartels has suffered major blows in the last decade.\(^8\) The result has been disequilibrium and competition among and within

\(^5\) After Carrillo Fuentes mysteriously died—or not, as some speculate—on the operating table of his plastic surgeon in 1997, it is believed that Vicente Carrillo Fuentes, the brother of Amado, continued to coordinate the remnants of the Juárez cartel.

\(^6\) Abrego solidified the Gulf cartel organization’s ties with Colombia’s Cali cartel. The Gulf cartel was originally founded in Matamoros, Tamaulipas, in the 1970s by Abrego’s uncle, Juan Nepomuceno Guerra, who got his start in cross-border smuggling as a bootlegger in the 1930s. Nepomuceno Guerra, who was never successfully charged with drug-related offenses, died on July 12, 2001 (Castillo García and Torres Barbosa 2003).

\(^7\) Thereafter, the cartel’s operations continued under his brother Antonio “Tony” Esquiel Cárdenas Guillén and top lieutenant, Jorge “El Coss” Eduardo Costilla.

\(^8\) In 2002, Ramón Arellano Félix was killed in a shootout with police in Sinaloa (possibly in a clash with Zambada), and Benjamín Arellano Félix was arrested by Mexican authorities in a hideout in the
the cartels, which has produced a cascade of violence. In recent years the remnants of the Tijuana and Gulf cartels have been locked in a battle with the Juárez and Sinaloa cartels, whose evidently allied forces have become known as “The Federation” or the “Golden Triangle” alliance (Trahan, Londoño, and Corchado 2005). These organizations no longer operate in the structured, orderly, quasi-official framework that previously characterized Mexican drug trafficking. Hence there has been a newfound willingness by cartels to attack official targets. According to Flores, the willingness of Mexico’s cartels to strike back against the state was evidenced by the prison escape of Sinaloa cartel leader Joaquín Guzmán in 2001 and an attempted jailbreak in 2005 at the maximum-security Almoloya prison in the State of Mexico (intended to free Gulf cartel leader Osiel Cárdenas and the Tijuana cartel’s Benjamín Arellano). Flores suggests that this scornful disregard for state authority was uncharacteristic of organized crime in the 1980s and early 1990s, when it would have been unacceptable to overstep the boundaries of a centralized criminal hierarchy intimately interlinked with the state.

The result has been a wave of high-profile drug violence that began to intensify in 2005. That year, Mexico experienced the retaliatory murder of half a dozen Matamoros prison guards, the brazen assassination of Nuevo Laredo police chief Alejandro Domínguez only hours after being sworn in, thousands of drug-related homicides, and a series of kidnappings and assaults throughout the country (Grayson 2008). Over the next few years, drug violence in Mexico reached unprecedented proportions, with brutal violence that included killings, kidnappings, assaults, gun battles in the public square, and a series of gruesome beheaded and dismembered bodies appearing in states like Baja California, Chihuahua, Guerrero, and Michoacán. 9 Brazen attacks against military, police, and government targets continued through 2008 and represent a serious challenge to the Mexican state.

Because the Mexican government did not release official data on the number of drug-related killings until 2008 (and still releases such data only sporadically),

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9 It is worth noting that the escalation of violence in Mexico to include video-recorded and Internet broadcasts of killings and beheadings appeared to follow the example of (or at least coincide with) similarly gruesome violence in the Middle East.
the best available estimates for drug violence in recent years have come from news sources that track the figures informally. According to data compiled by the Mexican newspaper Reforma, the number of drug-related killings in Mexico totaled around 1,500 in 2005, over 2,100 in 2006, and 2,300 in 2007 (figure 1.3). A systematic analysis of drug-related murders reveals that central Mexican states like Michoacán and Guerrero experienced the largest number of killings in 2006. Later, however, the greatest number of drug killings shifted to northern and border states, with the most violence in 2007 concentrated in Baja California (154 drug killings, or 5.14 per 100,000), Sonora (125, or 5.07 per 100,000), and Chihuahua (148, or 4.45 per 100,000). In 2006 and 2007, the national rate of cartel-related killings stood at 2.1 and 2.3 per 100,000, respectively.

In 2008, Mexico experienced a dramatic escalation of cartel-related violence, with Reforma tracking a total of more than 5,000 cartel-related killings (the government reported more than 6,000). By 2008, cartel-related killings became overwhelmingly concentrated along the border and especially in the state of Chihuahua, with over 1,600 killings that year. Chihuahua’s rate of killings increased fivefold to 49.3 per 100,000 people—nearly double the rate in Sinaloa (now more than 25.7 per 100,000) and more than fifteen times the national rate (5 per 100,000). By early July 2009, despite the massive deployment of troops earlier in the year, the number of cartel-related killings nationwide stood at 3,054 (see figure 1.4). This was only a slight decline—about 5 percent—compared to the previous six-month period, and was on track to exceed the total for 2008. Still, despite the large volume of cartel-related killings, Mexican officials insist that homicide rates in Mexico have remained at around 10 murders per 100,000 in recent years (significantly lower than the rate of more than 90 killings per 100,000 that accompanied drug-related and paramilitary conflict in Colombia during the late 1980s and early 1990s).

10 In 2006 and 2007, Central Pacific Mexican states experienced the most killings, with 346 drug killings in Sinaloa (13.27 per 100,000), 238 in Michoacán (5.96 per 100,000), and 256 in Guerrero (8.03 per 100,000). In relative terms, Durango ranked among the top three states with the most drug killings, since its 130 killings in 2007 constituted a rate of 8.45 per 100,000.

11 The Federal Attorney General’s Office released official figures in August which noted the deaths of more than 450 police officers between December 2006 and June 2008. At the time this paper was written, more than 50 police and military personnel had been murdered after June 2008, according to the newspaper Reforma.
Figure 1.3 Distribution of Drug Killings in Mexico by State, 2006, 2007, and 2008
Drawing from Flores’s analysis, the recent increase in drug violence—from the Central Pacific Coast to northern border states—appears to be a “positive” outcome. No longer as complicit with organized crime as in the past, the Mexican federal government has adopted a more aggressive strategy in recent years. During the early 2000s, important gains made against drug traffickers—the arrest and prosecution of numerous high-ranking cartel members, tougher interdiction measures, and the extradition of major cartel leaders—seriously destabilized Mexico’s organized crime syndicates and intensified the competition for lucrative smuggling routes into the United States. The ensuing struggles between—and within—the cartels have resulted in higher levels of violence.
ARMS TRAFFICKING

In recent years, Mexican organized crime groups have utilized a wide array of firearms, including 9mm pistols, .38 caliber “super” pistols (also known as cop killers), .45-caliber pistols, and AR-15 and AK-47-type assault rifles. From 2007 to 2008, the Mexican federal government saw significant increases in the number and array of weapons seized, with a significant increase in the proportion of high-powered weapons (including machine guns, grenades, and bazookas) (Calderón 2008, 24). From January to June 2008, 7,645 weapons were seized, compared to only 3,801 during the same period for the previous year. Particularly disturbing was the increase in the proportion of “long-arm” weapons (armas largas), which went from 1,877, or
49.3 percent of weapons seized in the first half of 2007, to 4,465, or 58.4 percent of weapons seized in the first half of 2008. The dramatic increase in the use of high-powered weapons means that Mexican law enforcement confronts a more lethal threat from organized crime.

Despite the large number of weapons confiscated in recent years, firearms are heavily restricted in Mexico. In 2007, there were an estimated 4,300 registered firearms in Mexico (Grillo 2007). Restrictions on the sale and personal possession of firearms in Mexico make arms trafficking the primary source of weapons for Mexican drug cartels and other organized crime syndicates (Lumpe 1997). The legal availability of firearms in the United States—including advanced high-caliber, semi-automatic weapons that are especially sought after by organized crime—creates a readily accessible market in which to purchase weapons that are illegally trafficked into Mexico.  

Thus, in addition to crime related to the northbound flows of drugs, Mexico has faced significant challenges due to the southbound flow of weapons in recent years. Indeed, authorities estimate that 90 percent of weapons confiscated in Mexico come from the United States, which effectively serves as a “gray market” for arms traffickers (Serrano 2008).

Within the United States there are several alternate legal sources of weapons, including the formal, regulated system of registered gun dealers, as well as an informal, unregulated (but legal) system of person-to-person sales (as, for example, through newspaper advertisements). In addition, there are numerous unlicensed hobby dealers and gun shows throughout the country. Many gun shops—an estimated 6,700

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12 According to the 2004 national firearms survey conducted by Hepburn et al. (2007), there are an estimated 218 million privately owned firearms in the United States. However, only one in four U.S. citizens (26 percent) and two in five households (38 percent) actually owned a firearm. This means that the vast majority of firearms are owned by a small percentage of the population, with nearly half of all individual gun owners (48 percent) possessing four or more weapons and only 20 percent of owners holding 65 percent of all guns.
dealers\textsuperscript{13} out of some 54,000 nationwide\textsuperscript{14}—are located along the U.S.-Mexico border. In 2007, an ATF (U.S. Bureau of Alcohol, Tobacco, and Firearms) trace of weapons confiscated in Mexico found that 1,805 of 2,455 weapons (73.5 percent) came from three border states: Arizona, California, and Texas. Moreover, gun shops are weakly regulated, with only 5 percent of all gun dealers in the country inspected annually (Marks 2006). Along the border there are an estimated 100 U.S. firearms agents and 35 inspectors.

Organized crime is involved in the purchasing—often through “straw” or substitute buyers—and trafficking of weapons into Mexico. Straw purchasers are often unfamiliar with the weapons they use, buy bulk quantities of like-model weapons, make their purchases in cash, and structure purchases in ways that avoid ATF reporting requirements.\textsuperscript{15}

**KIDNAPPING**

As noted above, the increase in high-profile violence has coincided with a serious problem of kidnappings in Mexico since the mid-1990s. Although kidnapping can involve cases of intra-family abduction or other instances of individual or small-scale criminal activity, kidnapping in Mexico frequently involves organized crime. “Organized” kidnappings range from small-scale heists where an individual is carjacked or abducted in a taxicab to sophisticated operations involving corrupt law enforcement personnel. In the 1990s, so-called express kidnapping (secuestro express) became a major phenomenon, with two or more assailants abducting an individual

\textsuperscript{13} Estimates for the number of drug shops along the border vary. In September 2007, George Grayson estimated the number at 1,200. In January 2008, Mexican Ambassador Arturo Sarukhán criticized the availability of weapons along the border: “Between Texas and Arizona alone, you’ve got 12,000 gun shops along that border with Mexico. And a lot of these gun shops provide weapons that feed into organized crime in Mexico, so we really need the support of the United States” (Corchado and Connolly 2008). More recently, the figure of 6,700—three dealers for every mile along the border—has been used in reports about the number of gun shops along the border (Serrano 2008).

\textsuperscript{14} Estimates for the total number of gun dealers in the United States vary, but by all accounts they have declined dramatically over the last decade—from 245,000 to 54,000—thanks to tougher enforcement by ATF and tighter gun regulations, such as the Brady Handgun Violence Protection Act of 1993 (Marks 2006; see also Vernick et al. 2006).

for the purpose of extracting the maximum daily withdrawal from a bank card (and possibly holding the person until the next 24-hour cycle for a second withdrawal) before releasing him or her. At the same time, more sophisticated operations included a clandestine group known as “La Hermandad” (The Brotherhood), which operated a crime syndicate that engaged in kidnapping and other forms of racketeering within the ranks of the Mexico City police. However, not all kidnappings necessarily constitute profit-making activity; in recent years, there have been a significant number of “pickups” or “levantones,” in which a victim is forcibly abducted to be tortured and killed.

As with other crime data in Mexico, existing statistics on kidnappings are quite unreliable because they reflect officially reported and acknowledged kidnappings. In Mexico, people are reluctant to report kidnappings, in part because of the perceived ineffectiveness or suspected involvement of police. Another problem is that different states seem to record and report kidnappings differently, depending on the nature of the abduction. Likewise, reporting rates also probably vary dramatically by state, due to differential rates of confidence among citizens in reporting crimes. However, as with other crime statistics, official data suggest some interesting trends that hint toward some general tendencies and tentative conclusions. One noticeable trend is that reported kidnappings appeared to decline dramatically from 1997 to 2005, then picking up slightly from 2005 to 2007 (figure 1.5). It is noteworthy that this post-2005 increase in kidnappings parallels trends observed in homicide, robbery, and assault after 2005.

In 2007, the absolute number of reported kidnappings was heavily concentrated in the greater Mexico City metropolitan area, particularly the Federal District, Mexico State, and Tlaxcala (figure 1.6). Meanwhile, collectively, other high drug-trafficking states (Michoacán, Guerrero, Baja California, Jalisco, and Sinaloa) also ranked in


nationwide series of anticrime demonstrations involving over 150,000 people. The "top ten" in terms of the absolute number of officially reported kidnappings. These data may reflect a few different trends: (1) many people who are kidnapped may be involved in the drug trade; (2) law enforcement personnel also rank high among the victims of kidnapping (possibly in part because they may also fit into the first category); and/or (3) the breaking up of drug cartels has led to diversified criminal activities. In other words, there is some reason to believe that kidnapping in Mexico is strongly related to drug trafficking, law enforcement corruption, and the proliferation of more fractionalized criminal enterprises.

The increase in kidnappings has provoked a sharp response from Mexican citizens. In August 2008, the abduction and brutal murder of Fernando Martí, the fourteen-year-old son of prominent Mexico City businessman Alejandro Martí, triggered a nationwide series of anticrime demonstrations involving over 150,000 people. The Mexican public was particularly outraged upon discovery of the involvement of law enforcement officers.

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18 Aguascalientes is not known as a major drug-trafficking state, but it ranked eighth (above both Sinaloa and Jalisco) in total number of reported cases of kidnapping.
enforcement—including federal police officers—in the kidnapping ring. The Martí family had paid an estimated US$2 million to the kidnappers to secure their son’s return, but the boy was brutally murdered. His body was discovered weeks later in the trunk of a car. In the wake of the Martí murder, new security measures were initiated by President Calderón and Mexico City Mayor Marcelo Ebrard, including tougher sentences and special police units to prevent and investigate cases of kidnapping. Also, representatives from all three federal branches of government and state authorities met in a televised session to discuss a new 74-point security plan to be implemented over the next hundred days. Although significant numbers of Mexicans supported these efforts, critics expressed skepticism given that harsher sentences are not a significant deterrent without a criminal justice system that can effectively address the problem of impunity.
In the face of the public security crisis described above, Mexican law enforcement has exhibited significant limitations. In response to the failure of civilian police forces to provide basic public security, authorities have increasingly turned to the armed forces. The militarization of domestic security has included not only the deployment of more than twenty-five hundred federal police and military troops in troubled states, but also the appointment of military personnel to head civilian law enforcement agencies and the wholesale recruitment of soldiers to the ranks of law enforcement agencies. In contrast to Mexican police, who are viewed as ineffective and severely corrupted, the military enjoys a high degree of public confidence (higher than any other government institution) and is widely believed to be the best hope for restoring order. To provide a background for understanding this trend, below we examine Mexico’s domestic law enforcement and security apparatus in more detail.

The recent escalation of the military’s involvement in the provision of public security in Mexico is partly a symptom of deep and pervasive problems in domestic law enforcement. Mexican police, in particular, are viewed as highly ineffective and severely corrupted. Government authorities have insisted that the militarization of Mexican public security is therefore a necessary, limited, and temporary phenomenon that the country must endure until it makes greater gains in professionalizing domestic police forces. Yet civil libertarians, human rights advocates, and legislators have protested this trend toward militarization on the grounds that the use of combat tactics to ensure domestic security dramatically increases the risk of human rights abuses and military corruption.

Thus, even if the military can provide a “temporary fix” in restoring order, longer-term solutions to Mexico’s public security crisis will require penetrating reforms to overhaul domestic law enforcement. As the authors in this volume make clear, at least three sets of problems are of particular concern: (1) problems with the recruitment, training, organization, and culture of Mexico’s law enforcement corps; (2) larger problems of institutional design that undermine effective public policy and civil service in Mexico; and (3) the growing role of the Mexican armed forces. We discuss each of these in turn below.
Problems with Mexico’s Law Enforcement Apparatus

Mexican law enforcement is much reviled and frequently disparaged. Mexican citizens view their law enforcement authorities as woefully ineffective, thoroughly corrupt, and frequently prone to abusive and criminal behavior. Yet, as the authors of this volume point out, the problem with Mexican law enforcement is rooted in institutional factors which practically guarantee that police will not only fail to adequately serve the public, but will become a menace to society. From the outset, police are poorly trained and equipped, underpaid, and subject to an incentive system that leads naturally down a twisted path of extortion and corruption. The criminal justice system is also organized in a way that creates a disconnect between critical police functions and simultaneously undermines effective police investigations, contributes to criminal impunity, and threatens the rights of criminals. This system is ultimately to blame for the problems of Mexican law enforcement, and it requires broad and penetrating reforms, some of which are already under way.

Perhaps no other Mexican academic has conducted such thorough research on the daily lives of Mexican police officers as Elena Azaola, a social anthropologist. In her chapter in this volume, Azaola issues a strong indictment of the systemic challenges that prevent police professionalism. Through exhaustive research, which includes detailed ethnographic analysis and interviews based largely in Mexico City, Azaola portrays a highly discretionary system absent of clearly delineated rules, expectations, or rewards—a “good ole boy” system where tacit understandings thrive and accountability is unknown. Yet Azaola finds police themselves a surprisingly sympathetic subject. She notes that Mexican police officers face deplorable working conditions, have terrible work schedules, must deal with a patronage-fueled promotions structure, and are poorly salaried. Police are routinely charged by superiors for items that are necessary for patrol work: ammunition, bulletproof jackets, and even vehicles. According to Azaola, such conditions harm morale and contribute to the susceptibility of police to corrupt practices. Forced to navigate an informal system that eclipses the paltry academic training they receive, entry-level officers who hope to advance invariably end up being corrupted themselves. Azaola closes her piece by noting that, for an integral reform to the corps, greater research is needed from the perspective of the rank-and-file police officer and his self-image.

María Eugenia Suárez, also an anthropologist, provides a similarly pessimistic assessment of public security forces in Mexico. Basing her observations on ethnographic research and interviews with police officers, she concludes that the state has proven
largely incapable of meeting the public security demands of citizens. Moreover, this inability to provide for public security has foisted an ever-greater burden on citizens for ensuring personal safety, signaling a paradigmatic shift from the collectivization to the individualization of such responsibilities. Suárez’s assessment is instructive to determining the efficacy of anticrime efforts that are focused on increasing the raw number of officers on the streets. If the state is viewed as incapable of reversing rising crime rates, then how effective are policies that boost manpower and firepower but do little else? More portentously, a state unable to ensure public security engenders a society ever more willing to accept coercion and force to fight crime. Suárez hints that a natural outcome of the failure to maintain public security includes vigilantism, mob violence, and other threats to the consolidation of democracy in Mexico. Perhaps tellingly, 71 percent of respondents in a 2007 AP-Ipsos poll said they favored the death penalty for murderers, possibly indicating a preference for an “ironfisted” approach to law enforcement. 19

Unlike fellow anthropologist and contributor Elena Azaola, whose work attempts to derive conclusions about police systems at the macroscopic and structural levels, Suárez’s ethnographic research focuses on the microscopic and individual relationships that dictate the expression of police power in everyday exchanges and settings. After all, the authority of the state is ultimately materialized in the person and behavior of its most visible representative: the police officer is the face of the state. Suárez asserts that individual officers internalize exaggerated conceptions of masculinity and are transformed into almost psychopathic “men with guns,” becoming “trapped, cornered, and paranoid” in the sadistic and repressive institution that is the stationhouse. An overriding and negative ethos pervades the police corps, she asserts, one that emphasizes discretion, aggression, hierarchy, and a stereotypical masculinity. It is a culture, she says, that exalts fearsome talismans of masculine power: militaristic uniforms, badges, and guns. And for average citizens its very real and natural consequences are the routine instances of brutality, abuse of authority, and due process violations that are committed by the very agents expected to uphold the rule of law.

Suárez furnishes a glimpse of common, everyday police dirty work: the use of men known as *madrinas*—literally “godmothers”—who are hired to do dirty enforcement jobs such as shaking down petty drug dealers, torturing suspects, and extracting

confessions. She tells of cops who have been retaliated against for violating unspoken codes and who are “trapped” in a debasing, opaque, and abusive world. To the public these officers face a harsh stigmatization, attributable to the popular belief that they are impotent in the face of rampant crime (or at least impotent in the face of media-stoked perceptions of rampant crime) and are themselves the beneficiaries of illicit activity. Like Azaola’s, Suárez’s data also indicate low morale and low self-esteem among officers, given the abysmal public approval ratings they consistently obtain. But Suárez also produces examples of officers who derive satisfaction from the meager power to be gotten from owning a badge or, even more, because of its appeal to some women, a gun.

Though Suárez’s research is primarily concerned with the processes guiding the identity formation of individual officers, she is mindful of the role that structures play in the self-perpetuation of the present broken system. She views the stationhouse as a microcosm of the clientelism that was elemental to the PRI party’s domination of Mexican political life for most of the twentieth century, where, even after the end of its authoritarian rule, entrenched patronage enables only unethical officers to rise in the ranks and discourages promising candidates from ever applying. She also acknowledges the incompetence of the civilian leadership structure, which in the face of massive public protests against violent crime in past years has done little more than engage in empty posturing.

Problems of Institutional Design

Many of the above-noted problems of police culture and organization relate to problems of institutional design. As Guillermo Zepeda and Daniel Sabet make clear in their respective chapters, these include the procedures Mexico has long used for criminal investigation, trial, and sentencing, as well as a lack of administrative continuity that contributes inadequate oversight, reduced job security, and limited opportunities for career development.

First, Guillermo Zepeda, a professor at the Instituto Tecnológico de Estudios Superiores del Oriente or ITESO, and a researcher at the Centro de Investigación para el Desarrollo, A.C., or CIDAC, observes that many of the problems with police in Mexico relate to the lack of checks and balances in Mexican criminal procedure. Mexico’s legal system is rooted in a “civil law” tradition descended from Roman
law, reinvigorated by Napoleonic law, and proliferated throughout Latin America by Spain. Like other civil law systems, Mexico has traditionally relied on an inquisitorial model of criminal procedure, which places the judiciary in the position of gathering evidence and making determinations of guilt or innocence on behalf of the state.

In such systems, the judge or other actors effectively operating on behalf of the court—the public prosecutor (ministerio público) and the judicial police (policía judicial) in Mexico—have oversight of criminal investigations and an active role in the levying of charges against the accused. Hence, in a civil law system, the court may have compelling indications of guilt in advance of trial and sentencing, and the accused is often held in detention prior to sentencing. Pretrial release of the accused is therefore very rare, in part because of the preponderance of evidence indicating guilt and concerns that defendants may represent a flight risk. Thus, while Mexico theoretically maintains a “presumption of innocence” prior to the verdict of the court, defendants are commonly viewed as “guilty until proven innocent” and spend years in jail prior to receiving a formal sentence. Moreover, because court procedures rely much more on written than oral presentation of information, criminal procedure has tended to lack the degree of public scrutiny found elsewhere.

This contrasts with the accusatorial model used in the United States, which is more typically associated with common law systems. The accusatorial system derives from a historical and cultural tradition that challenges the legal position of the state and seeks to establish checks and balances in criminal procedure. That is, the accusatorial model allows for a more balanced treatment of the prosecution and the defense, viewing these as equally opposing forces in a criminal case. For this reason, the accusatorial system is sometimes also described as an “adversarial” system. In an accusatorial model, both parties—the prosecution and the defense—are granted the opportunity to present evidence and testimony in support of their positions. Moreover, the accusatorial model customarily allows each party to question and contradict the other’s case before a judge in a public, oral proceeding. By comparison, the role of the defense in an inquisitorial system is typically limited to ensuring adherence to proper legal procedure, without the presentation of counterarguments or supporting evidence.

20 The defining characteristic of the civil law tradition is the strict application of legal codes or statutes (as written by the legislature) in judicial decisions, with the goal of ensuring that judges interpret the law consistently across all cases. Mexico’s civil law system differs from the “common law” tradition that the United States inherited from Great Britain.
Both the inquisitorial and accusatorial systems have attributes with potential advantages and disadvantages (see table 1.1). In the United States, for example, prosecutors and the public often lament the reliance on highly paid defense attorneys who are skilled at subverting the state’s evidence in criminal trials through legal technicalities. Also, the use of citizen juries to issue a verdict in accusatorial systems sometimes generates public criticism because of “jury rigging” and prejudicial juries. Meanwhile, proponents of the accusatorial system claim that it provides for a more transparent and balanced presentation of arguments and evidence—as well as greater speed and efficiency—than the inquisitorial model.

Despite the potential advantages of the inquisitorial model, its flaws are very visible in the Mexican experience. In Mexico, there is a strong role for the public prosecutor, there is very limited use of oral proceedings, and cases are presented primarily in written form. The problems that result include a lack of fluidity of the proceedings, enormous case backlogs and unsound prosecutorial investigations, inadequate disclosure of evidence to defense attorneys, insufficient involvement of the presiding judge, and a lack of alternative remedies for resolving criminal matters outside of court. The United Nations Commissioner for Human Rights in Mexico and numerous domestic and international nongovernmental organizations (NGOs) have criticized such problems as detrimental to the rights of the accused. Many also suggest that Mexico’s inquisitorial model contributes, directly or indirectly, to botched criminal investigations, excessive criminal impunity, systemic problems of corruption, a lack of adherence to due process, and severe human rights abuses. In terms of the problems of Mexican police, the limited role of the defense in Mexican criminal procedure means that the checks and balances for law enforcement are exceedingly weak.

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21 The accusatorial model need not rely on citizen juries, however. An accusatorial system could conceivably abandon the use of citizen juries in favor of rulings by an impartial judge or even by professional juries. Indeed, certain crimes in the United States are tried by “grand juries” comprising members of the judiciary.

22 It should be noted that elements of both systems can be combined. Indeed, prior to the 2008 justice-sector reforms, Article 20, Fraction VI of the Mexican Constitution included the possibility of jury trials, for instance (though these have been used only rarely in Mexican history). Also, Mexico has long employed “oral hearings” in the preliminary and adjudication phases. However, these are quite different from the oral, public proceedings found in most accusatorial systems. As we discuss in greater detail in the conclusion, recent reforms go much further in moving Mexico toward the accusatorial model.
Table 1.1 Attributes of Accusatorial and Inquisitorial Legal Systems

<table>
<thead>
<tr>
<th>Accusatorial System</th>
<th>Inquisitorial System</th>
</tr>
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| • Direct confrontation between the state (prosecutor) and the accused (defendant), with both prosecutors and defendants presenting arguments and evidence. | • Investigative process and presentation of evidence undertaken by the court or its investigative and prosecutorial representatives (e.g., 
  policía judicial, ministerio público). |
| • Access to prosecutorial evidence (i.e., “discovery”) provided to defendant in advance of proceedings. | • Consideration of evidence and testimony by a judge, who serves as impartial evaluator. |
| • Public forum where the judge serves as an impartial arbitrator in the presentation of arguments and evidence. | • Written proceedings, documentation of evidence, and testimony. |
| • Oral proceedings that permit contradiction between the parties in the review of arguments and evidence. | • Legal defense of the accused advocates for due process and proper adherence to criminal law procedure. |
| • Public proceedings are subject to public scrutiny, including the possibility of jury trials in certain cases. | • Proceedings are not subject to public scrutiny and rarely involve juries (Mexico’s Constitution allows jury trials, but they have not been used for several decades). |
| • Commonly allows debate on cautionary measures to be applied to the accused during trial, such as the restraint of liberty. | • Commonly restrains liberty of the accused during pre-sentencing phase of trial procedure, upon presentation of compelling indications of guilt. |
As we discuss in further detail in the conclusion, Mexico responded to these concerns by passing sweeping legislation and major constitutional reforms in 2008 that will move the criminal justice system toward the accusatorial model, introducing legal innovations like oral trials and alternative dispute resolution mechanisms. In fact, prior to the passage of these federal reforms, several Mexican states had already passed similar legislation and had already begun to implement their reforms. As Zepeda points out, there was significant variation in the extent of reform in these early reform states. Among the most progressive states were Chihuahua, Oaxaca, and Zacatecas, while others—like Mexico State—opted for half measures that in many ways made systematic “criminal injustice” more efficient. Thanks to the new federal reform package, all states will now have up to eight years to implement reforms, though some may fail to incorporate changes that will adequately guarantee the rights of the accused.

As Zepeda argues, these changes to Mexican criminal procedure will have important implications for policing. They will introduce the principle of contradiction, rights for the defendant, and greater due process that will provide a much-needed check on law enforcement agencies. In the face of a stronger, more empowered legal defense for criminal defendants, standards for proper evidence gathering and presentation of criminal cases will necessarily increase. Police and prosecutors will need to work together to build the strongest possible case to prove culpability or risk that criminals will walk free. Hence the modifications to criminal procedure that will be implemented over the next decade will significantly raise the bar for Mexican law enforcement.

Meanwhile, a second major area for institutional reform relates to the problem of administrative continuity and the development of a career civil service in Mexico. In his contribution to this monograph, Daniel Sabet, of Georgetown University, describes how sustained policy continuity across mayoral administrations and compliance with international best-practices accreditation programs have led to improved public perceptions of the Chihuahua City police. His empirical case study provides a model—or at least a precedent—for municipal-level reform efforts that do not necessitate wholesale and possibly volatile overhauls of existing law enforcement structures. Rather, Sabet’s study suggests that small-scale modifications, feasibly implemented within the reduced time windows of Mexican municipal administrations, may improve police professionalization levels more efficiently than grandiose reform projects, which may be more comprehensive but also more complicated and
Introduction

Sabet’s study of the Chihuahua City police force is highly compelling and an important contribution to the study of municipal-level police reform efforts in Mexico. Like Azaola, Suárez, and Zepeda, Sabet provides a detailed diagnosis of Mexican police operations and structures. Focusing on the challenges complicating professionalization, he acknowledges the persistence of patronage-based systems of promotion and addresses the difficulties of effective interagency policy coordination in a federal system. Likewise, he focuses on the consequences of co-optation and infiltration that result from shortsighted police recruitment efforts. He also discusses the problem of perennial budget and operational shortcomings, particularly at a time when formidable organized crime syndicates pose real threats to the rule of law.

Sabet’s analysis of the Chihuahua case subtly puts forth a prescriptive model for addressing these and other challenges to police professionalization in Mexico. His analysis suggests that compliance with prestigious international accreditation programs, combined with sustained policy continuity across administrations, can anchor a successful professionalization model. Moreover, the successful pursuit of certification from a prestigious nongovernmental organization, such as the Chihuahua force’s accreditation by the U.S.-based Commission on Law Enforcement Accreditation (CALEA),

<table>
<thead>
<tr>
<th>State</th>
<th>Date of Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baja California</td>
<td>January 2009</td>
</tr>
<tr>
<td>Chihuahua</td>
<td>December 2006</td>
</tr>
<tr>
<td>Federal District</td>
<td>October 2008</td>
</tr>
<tr>
<td>Mexico State</td>
<td>August 2006</td>
</tr>
<tr>
<td>Morelos</td>
<td>January 2010</td>
</tr>
<tr>
<td>Nuevo León</td>
<td>January 2004</td>
</tr>
<tr>
<td>Oaxaca</td>
<td>September 2007</td>
</tr>
<tr>
<td>Veracruz</td>
<td>January 2010</td>
</tr>
<tr>
<td>Zacatecas</td>
<td>January 2009</td>
</tr>
</tbody>
</table>
may defuse the politicized issue of police professionalization, transforming it into a less polemical technical or scientific objective. Sabet’s study also suggests that police professionalization efforts can benefit from the application of best practices, standards, and techniques developed in the fields of business administration and the management sciences—illustrated in the Chihuahua force’s successful ISO-9000 credentialing. His case study further suggests that the exploitation of existing systems of incentives, such as the desire for the prestige obtained from successful accreditation, may be essential to any successful reform strategy.

Moreover, Sabet identifies policy continuity as an essential ingredient for sustained police professionalization efforts at the municipal level. Acknowledging that high barriers exist for such continuity given inflexible term limits on mayors, Sabet’s study shows how successive mayoral administrations in Chihuahua City advanced and sustained the work of previous administrations, even within the logics of partisanship that define Mexican politics. Additionally, Sabet’s study indicates a strong case for federally directed and long-term investment into those municipal police departments that are implementing successful professionalization efforts. Amid the consistently negative drumbeat of “bad news” about the police in Mexico, this “success story” of professionalization in the Chihuahua City preventive police force is very encouraging.

The Militarization of Public Security and the Role of the Armed Forces

Given the limitations and problems facing law enforcement agencies in Mexico, public authorities have increasingly resorted to extreme measures to try to get a grip on crime. Higher criminal sentences and even growing support for the death penalty reflect the growing frustration of both politicians and the public. But perhaps the most notable and potentially dangerous trend that has developed is the tendency of public authorities to draw on the military for the provision of basic public security and the staffing of civilian law enforcement agencies. On the one hand, the Mexican government has deployed thousands of federal troops to man checkpoints, establish street patrols, and oversee other domestic law enforcement functions in high drug violence states (see table 1.3). Precise data on the number of federal troops deployed are lacking, primarily because the government refuses to release such statistics for security reasons. However, media reports of deployments—which typically blur federal
TABLE 1.3 Major Federal Police and Military Deployments During the Calderón Administration

<table>
<thead>
<tr>
<th>State</th>
<th>Month</th>
<th>Troops</th>
</tr>
</thead>
<tbody>
<tr>
<td>Michoacán</td>
<td>Dec. 2006</td>
<td>6,700</td>
</tr>
<tr>
<td>Baja California</td>
<td>Jan. 2007</td>
<td>3,300</td>
</tr>
<tr>
<td>Guerrero</td>
<td>Jan. 2007</td>
<td>7,000</td>
</tr>
<tr>
<td>Golden Triangle (Chihuahua, Durango, Sinaloa)</td>
<td>Jan. 2007</td>
<td>4,000</td>
</tr>
<tr>
<td>Nuevo León and Tamaulipas</td>
<td>Feb. 2007</td>
<td>3,600</td>
</tr>
<tr>
<td>Veracruz</td>
<td>May 2007</td>
<td>1,200</td>
</tr>
<tr>
<td>Nuevo León</td>
<td>June 2007</td>
<td>1,600</td>
</tr>
<tr>
<td>Tamaulipas</td>
<td>Feb. 2008</td>
<td>n.a.</td>
</tr>
<tr>
<td>Chihuahua</td>
<td>Mar. 2008</td>
<td>2,500</td>
</tr>
<tr>
<td>Baja California</td>
<td>Oct. 2008</td>
<td>150</td>
</tr>
<tr>
<td>Chihuahua</td>
<td>Feb. 2009</td>
<td>1,800</td>
</tr>
<tr>
<td>Chihuahua</td>
<td>Mar. 2009</td>
<td>5,000</td>
</tr>
<tr>
<td>Chihuahua</td>
<td>Mar. 2009</td>
<td>1,500</td>
</tr>
<tr>
<td>Michoacán</td>
<td>July 2009</td>
<td>5,500</td>
</tr>
</tbody>
</table>

Source: Justice in Mexico Monthly News Report (www.justiceinmexico.org/news). Numbers reflect large-scale deployments of both soldiers and federal police, but does not include troop replacements.

Police and military personnel—provide an approximation of the size of deployments in recent years.

While there is no way to determine the length of deployments or the extent to which government forces are gradually drawn down or redeployed elsewhere, the size and significance of the initial deployments is notable. The first major deployments began at the outset of the Calderón administration, with the introduction of 6,700 troops in the state of Michoacán in December 2006 (see table 1.3). At the time,
Michoacán had the highest level of drug-related killings in Mexico. These deployments were followed one month later by further deployments in Baja California, Guerrero, and the Golden Triangle area in January 2007. Throughout 2007, the government made smaller deployments to Nuevo León, Tamaulipas, and Veracruz. The most recent deployments have targeted the violence-ridden state of Chihuahua, where the number of killings exceeded 1,000 people by September 2008 (more than twice the number recorded in any other state).

In his chapter in this volume, Marcos Pablo Moloeznik examines the changing mandate of the Mexican military as its mission adapts to confront the national security threat posed by organized crime. He explains that the military’s security detail has broadened in increasing proportion to the growing challenge the state faces from drug-trafficking organizations. And he cites specific examples of the gradual militarization of public security duties in Mexico since 1994. Moloeznik considers that two principal developments have enhanced the military’s role in normally civilian police functions, and that these developments have cemented the military’s place within the national security apparatus.

The first major development was the inclusion in 1996 of the military in the federal security cabinet, the National Public Security Council (Consejo Nacional de Seguridad Pública, CNSP), a promotion that enabled the high brass’s direct involvement in the elaboration and implementation of public and national security policy. Moloeznik considers the military’s elevation to this upper stratum of security decision making to be the most prominent example of the militarization of security duties in Mexico in recent years. A second exemplary development of the militarization trend occurred also in 1996 when the Mexican Supreme Court gave its constitutional imprimatur to the use of the military in civilian-led public security operations. This high court decision, related to constitutional Article 129, has been interpreted as a legal redefinition of the mission of the corps, expanding the scope of its sworn duty to protect the nation. Besides its traditional call to arms against foreign invaders, the corps’ mandate now orders it “to fight drug trafficking and organized crime or against acts that threaten the security of the nation,” Moloeznik writes.

Moloeznik points out that there is a long history and tradition of military involvement in Mexico’s domestic public security. Thus Moloeznik suggests that the use of the military in public security tasks is not a short-term measure, but rather that its role in top-level security policy making is becoming institutionalized and that this role has successively deepened over the past three presidential administrations. He
closes by stressing that the rule of law demands that a stable horizon be fixed for the withdrawal of troops currently deployed in counternarcotics operations. He emphasizes the need for a schedule, or timetable, to govern the military's role in domestic policing activities and in those other activities he considers “beyond its nature.”

Indeed, there are serious questions about the effectiveness of the military strategy even in the short term. Measured in terms of the reduction in drug violence, Mexico's military deployments have brought only mixed success at best. Some states, like Michoacán and Tamaulipas, saw significant reductions in drug-related violence shortly after federal forces were deployed there. Other states, like Baja California, Chihuahua, Guerrero, and Nuevo León, suffered continued or increased violence. A number of plausible hypotheses might explain these outcomes. One, which links back to Flores's claims, is that drug-trafficking organizations have successfully cultivated relationships with mid-level state actors in some states but not in others. Another, also related to Flores's observations, is that the fractionalization and atomization of drug cartels means that they are simply too erratic and unpredictable in their responses to state actions. Both of these hypotheses are compatible and troubling. If the government's strategy of last resort—exercising the chief tool of government coercive capability—is incapable of overcoming cartel violence, what are the prospects for the longer term?

Human rights researcher and activist Jorge Rocha expresses similar concerns and offers a critique of the trend toward the militarization of Mexican domestic public security, which has contributed to human rights abuses, exposed the military to greater corruption, and increased the militarization of organized crime. Moreover, echoing Zepeda's concerns, Rocha warns that a “false dichotomy” has wrongly made civil liberties and law and order mutually exclusive concepts in Mexico, perpetuating the received “either/or” knowledge that the suppression of human rights is necessary for the improvement of public security. “One can read and hear in the local and national press … different social actors … vouch(ing) for the restriction of certain rights for the maintenance of personal security and the social order,” Rocha notes. The widespread belief that such abrogations are necessary for the rule of law has aggravated conflicts between the state and civil society, especially with civil society that employs collective action, mass mobilization, or other political strategies that rely on “freedom of association,” Rocha says. In many cases, the state's default repression or criminalization of such activities has served to expose its lack of effective noncoercive conflict-resolution capacities (such as political negotiation, labor mediation, and so on).
In fact, enforcement-heavy reactions have frequently led to even greater intransigence and stalemate in some state–civil society conflicts, further hardening positions and thwarting negotiated solutions. As a case in point, Rocha discusses in detail the 2006 Oaxaca City uprising, a months-long rebellion fundamentally ignited by a disastrous government attempt to break a massive teachers’ strike. The state’s mismanagement of the teachers’ protest sparked a lengthy and volatile standoff, the vigilante killings of civilians, the illegal and arbitrary detentions of hundreds of protesters, and a politically costly federal intervention. The Oaxaca case exemplifies the state’s need for a more constructive engagement with civil society, Rocha says. Such a rapprochement is possible when the state adopts the premise that political protests fundamentally arise from deeply embedded social and economic conditions, and when it rejects the automatic belief that such demonstrations are criminal or disruptive to the social order.

The state must also work to reverse the de facto stereotyping of certain vulnerable and marginalized groups as criminal or deviant, since such labeling rationalizes abusive practices against minorities, Rocha notes. Branding as criminals such groups as the indigenous, homosexuals, sex workers, drug addicts, and youths encourages their further marginalization and second-class citizenship, Rocha says. Not unilaterally blaming the state, he acknowledges the role of a sensationalistic news media in manufacturing such social constructions of crime and deviance. “What we have, in the face of a legal and institutional vacuum, is a de facto public security policy that socioculturally constructs criminality and pursues persons and social groups, not for having committed crimes, but for having belonged to certain social groups or having realized certain social practices.”

Rocha considers the expanded use of the military in police duties part of a security doctrine that leans toward the criminalization of state–civil society conflict, that favors coercion, and that encourages the abrogation of individual liberties in the name of national defense. Such a doctrine, Rocha suggests, represents a “maximalist” vision of the role that security should play in the enactment of the rule of law in Mexico. The Calderón administration’s protracted and large-scale troop deployments, making use of security checks and warrantless search capabilities, to fight organized crime throughout the country are emblematic of this doctrine. Yet in sharp contradiction, another equally important component to the rule of law—human rights—possesses a highly circumscribed and minimalist iteration. Rocha suggests that “human rights” in Mexico are frequently subordinated to collectivist rights, that a “nucleus”
of core rights is continuously being whittled down, and that a “race to the bottom” mentality characterizes recent trends. More portentously, he warns that a minimalist understanding of human rights can indirectly serve to justify claims for the suppression of individual rights, particularly in the name of national defense. Under such scenarios, Rocha warns, human rights violations become permissible because they are seen as necessary for the preservation of more important national rights. Ideally, the predominant vision of human rights in Mexico should be a maximalist one, continuously expanding its scope and responsibility rather than accommodating to a continuously diminished set of minimum standards.

In his contribution to this monograph, Rocha stresses the important connections between two concepts commonly considered in polar opposition: law and order and civil liberties. He suggests that a professional police force that upholds civil liberties in the performance of its security task begins to be viewed by citizens as an effective partner in the enactment of the rule of law. However, genuine and enforceable citizen monitoring of the police, heretofore lacking in Mexico, is essential to catalyze this improvement. In short, Rocha’s essay helps to advance a fundamental thesis of the Justice in Mexico Project that generated this monograph: that the democratic rule of law is dependent on the development and interplay of three essential elements—order (law and order and security); accountability (transparency and effective public accountability of government actions); and access to justice (due process, protection of human rights, and just application of the law).

CONCLUSION

In short, this monograph provides a comprehensive and timely overview of the significant public security challenges Mexico faces today. Together, the authors represent some of the leading academic experts on Mexican policing, and their observations and recommendations offer tremendous insights into the possible policy directions for improving Mexican law enforcement. Collectively, these authors provide support for the idea that improving the overall effectiveness of civilian police forces is a better alternative than long-term reliance on the military for public security. In the short term, Mexico’s reliance on the military may be a “necessary evil,” but emphasis must be placed not only on the necessity but on the evils: human rights violations, heightened violence, and other threats to democratic governance are very clear and present dangers in Mexico’s military strategy.
Thus there is a critical and urgent need to improve the capability of Mexican police to deal with crime, and especially organized crime. As these authors point out, efforts to improve Mexican law enforcement will necessarily address the systemic problems found in the function and organization of its police agencies. Improving the daily work conditions of police officers—with better pay, better equipment, and better training—will greatly enhance the function and effectiveness of Mexican law enforcement. Indeed, as this volume went to print, significant changes were made at the federal level seeking to address some of these issues. In May 2009, the Federal Attorney General Law and the Federal Police Law passed both chambers of Mexico’s Congress, giving more investigative powers to the Public Security Ministry (SSP) through the creation of a new Federal Police agency. Meanwhile, scattered police reform efforts at the state and local levels—as illustrated by Sabet’s discussion of the case of Chihuahua—offer some promise that police reform can make real headway in Mexico under the right institutional conditions.

Yet, while strengthening the capability of law enforcement is essential for improving the rule of law in Mexico, promoting greater police effectiveness is not enough. Indeed, without proper checks and balances to ensure accountability and fairness in the Mexican criminal justice system, improving the effectiveness and efficiency of police may actually contribute to greater problems and injustices. Hence guaranteeing the success of Mexico’s justice-sector reform initiatives over the next decade will be essential to the longer-term promotion of both order and justice. These reforms will introduce the necessary checks and balances to ensure that police become more effective and more accountable.

REFERENCES
Mexican Police and the Criminal Justice System


Vernick, Jon S., Daniel W. Webster, Maria T. Bulzacchelli, and Julie Samia Mair. 2006. “Regulation of Firearm Dealers in the United States: An Analysis of State Law and Opportunities for Improvement,” Journal of Law, Medicine, and Ethics 34, no. 4: 765–75.