

## EXECUTIVE SUMMARY

The main achievement of this study is to provide the Mexican society as a whole (the authorities and the general population) with information on the irregularities, abuses of power and acts of ill-treatment on behalf of public forces working in the police and justice procurement systems in the Federal District. To date, this type of information is non-existent in the country. The results of the survey provide data which measures the situation of abuse by law enforcement officers only in the restricted area of the Federal District (FD) since the information was produced and obtained through a pilot survey targeting open population in the FD, which encompasses most of the urban area of Mexico City. However, it should be stressed that the findings of the study are of high political significance as they address a problem that seems to be extending, with characteristics and levels of frequency that should be further measured, beyond the FD to other parts of the country. In this sense, even if the conclusions and recommendations formulated in this document are primarily addressed to the local authorities of the FD, which are accountable for the facts and violations highlighted by the study, they may also be relevant for informing policies and programmes of authorities governing or supervising public security forces and justice systems in the different states of the Mexican Republic, as well as at the federal level.

The main findings of the study are:

- Irregularities, abuses of power and acts of ill-treatment,<sup>1</sup> far from being exceptional, are regularly carried out by public officials involved in the police and justice procurement systems.
- There is a wide variety of abuses, which range from light violations to more severe ones and cover a large spectrum.
- All authorities under study, that is to say, public authorities working in the public security and procurement of justice systems with direct and regular contact with the population, are involved in the commitment of such abuses and violations, though it is important to stress that the characteristics and frequency of their involvement is different depending on the body or corporation under study.
- Regarding the population, some groups appear as being more vulnerable than others to abuses on behalf of the authority. The motive of contact and its geographical location are among a number of factors which contribute to explain such differences and vulnerability.
- In 94 percent of all contacts with abuse on behalf of law enforcement agents, the victims do not report the abuse(s) suffered to any of the relevant authorities or bodies.
- The study reveals an overall absence of culture of legality and respect of the law in Mexico, both on behalf of the authority and on behalf of the population in general.

---

<sup>1</sup> These will be defined below in section 2.1.



## 1. INTRODUCTION

This study has been carried out by Fundar, Centro de Análisis e Investigación as a substantive contribution to the implementation of Metagora, an OECD-hosted international project focusing on methods, frameworks and tools for measuring democracy, human rights, and governance. The original aim of the study is to explore if and how statistical methods can be properly applied to enhance monitoring of sensitive human rights issues and inform the design and implementation of policies aimed at strengthening the respect of human rights and rule of law. In these terms, Fundar conducted in-depth interviews and a pilot survey. Based on the quantitative data obtained and enriched by the qualitative information of the interviews, this case study on abuse in the Federal District was produced in close dialogue with several Mexican experts and with the Metagora partner organisations in charge of the implementation of two other pilot surveys on human rights issues, one in the Philippines and one in South Africa.<sup>2</sup>

The rationale of this study relies on the assumption that human rights and democratic governance issues can be properly measured and analysed with well-established statistical methods. Political analysts and human rights defenders know better than anyone that, when facing widespread human rights violations, a proper estimation of the scope and magnitude of the problem is of incredible value. The problem is that in Mexico, as in many other countries, “measuring” violations of rights, frequent abuses and widespread irregularities is discouraged by a dramatic lack of reliable information.

Current human rights monitoring mechanisms are mostly based on reporting of individual cases to NGOs and human rights commissions as well as on judicial decisions. This form of monitoring can certainly be very effective and useful for purposes of advocacy on individual cases, but it does not provide comprehensive information on the phenomena of human rights violations as such. The mechanisms underlying this form of “monitoring” generate a sequence of gaps and filters of information. Even in countries where human rights violations such as ill-treatment and torture constitute a large scale phenomenon, only a limited number of cases are reported to the human rights institutions and NGOs. Moreover, for various reasons, among these reported cases, only a few are subject to judicial suit – and only in a marginal number of cases this effectively leads to conviction and sanctions. Therefore, this kind of human rights monitoring does not provide a picture that reflects the real dimension and characteristics of the phenomena.

In order to efficiently address such lack of information, it is important to start complementing this type of human rights reporting (based on individual cases and complaints) with the development of methods and tools, such as sampling survey approaches and data coding techniques, that allow estimating the dimension and impact of human rights violations and issues related to the rule of law. Measuring these issues with such tools should be considered as a specific type of monitoring, different -but complementary- to other forms of human rights monitoring activities; its role is not to denounce individual cases of violations and abuses, but to produce information on the characteristics and evolution of human rights, democracy and governance issues. This approach therefore aims at developing policy-oriented assessment tools that provide reliable information to the civil society and to the public authorities on how the respect for human rights and the rule of law are evolving, and in which direction corrective plans and measures can usefully be implemented.

---

<sup>2</sup> In the Philippines, the National Statistic Coordination Board, the Commission on Human Rights, and the National Commission on Indigenous Peoples carried out a survey on indigenous peoples' rights. In South Africa, the Human Rights Research Centre implemented a survey on land reform.



The most important achievement of this study is to provide Mexican society as a whole -the authorities and the population- with information on irregularities, abuses of power and acts of ill-treatment on behalf of public forces working in the police and justice procurement systems, which, to date, is not available as such in the country. This information was obtained and produced through a pilot survey in the Federal District (FD), which includes most of the urban area of Mexico City. Thus, the results of the survey provide data which measures abuse only in the restricted target area of the FD. However, it should be stressed that the findings of the study are of high political significance as they address a problem that seems to be extending, with characteristics and levels of frequency that should be further measured, beyond the FD to other parts of the country.

### 1.1. General context

While on the basis of a preparatory workshop (held in Merida, Mexico, in April 2002), the present study was originally intended to focus on torture and degrading forms of treatment, exploratory research conducted by Fundar, meetings and consultations with stakeholders, and in-depth interviews with individuals and police officers, established that, although cases of torture are still being reported to the human rights institutions, the prevalence of torture and severe forms of ill-treatment has greatly diminished in the country over the past decade. In this sense, a sample survey did not appear as the proper tool for quantifying acts of torture. Having said that, consulted stakeholders and experts converged in stating -in line with a large section of the population- that in spite of the on-going firm democratic process in the country and of the commitment of local and federal authorities to enhance the rule of law, abuses are still frequent and common on behalf of law enforcement agents and materialise in numerous forms of law infringement and violation of human rights. On the basis of this consultation process, Fundar decided to carry out a study aimed at quantifying irregularities, abuses of power, and ill-treatment of individuals on behalf of public authorities. Such abuses constitute a well-known phenomenon in Mexico, which to date has not been measured combining quantitative and qualitative methods.

These preliminary consultations highlighted that:

- Police agents are generally considered as underprivileged people, both in economic and educational terms, and lack respect and support from society. They require adequate overall professional training, appropriate and better equipment, salaries, guidelines and supervision.
- The general population is confused by the complexity and opacity of the public security system, as there are many police forces and few people can clearly distinguish between their respective roles and powers. Moreover, the perception of the authority on part of the population is generally negative.
- The real size, trend and distribution of the abuses carried out by law enforcement authorities are still unknown as there is a general lack of reliable data on this matter, and information from other sources (such as the registers and statistics of complaints addressed to the National and Federal District Commissions on Human Rights) does not allow to draw up proper estimates.

Mexicans are familiar, through direct or indirect exposure, with a number of abuses involving public officials. This is not a new phenomenon but a recurrent cultural mark of the exercise of public powers in the country, linked with an old authoritarian culture that -in spite of the modern institutional architecture of the State- prevails in the behaviour of some civil servants and public authorities.

In Mexico, a “historical background” to current abuses and human rights violations can be found in huge past records of police brutality, semi-mafia constituencies within police and security structures, and overall abuse. This background is characterised by the fact that police forces responded not to the needs of the population but to that of an authoritarian government, fulfilling a role of control and protection of the institutions instead of the population.<sup>3</sup> Although official figures regarding past police abuse are merely partial, a series of studies and publications have disclosed a number of events or individual cases where violations committed by public authorities are undeniable.<sup>4</sup>

Nowadays, specialists in Mexican affairs would argue that the former levels of police abuse and, moreover, their high frequency, are no longer characteristic of the relation between individuals and the authority. Nevertheless, public agents *do* continue to abuse their power, fail to treat individuals with due compliance to the law, and thus regularly violate civil as well as other rights. As the study confirms, resorting to abuse and ill-treatment is still a rather common behaviour amongst law enforcement officers.

The assessment of the magnitude of such abuse and ill-treatment is particularly important today in Mexico. Indeed, Mexico embarked on a democratisation process in the 1990s, with the progressive implementation of transparent elections and subsequent victories of opposition parties at the provincial level (e.g. the accession in 1997 of an opposition party to the local Executive power of the Federal District) and, in 2000, with the presidential elections which, for the first time in over 70 years, brought an alternate party to power. This political process has led to a number of relevant institutional and normative transformations and to a certain degree of openness and recognition of past governmental abuses.

In 1990, a presidential decree created the National Human Rights Commission (CNDH, the federal ombudsman). Two years later, the CNDH was granted constitutional status, and in 1999 it became fully autonomous. This triggered the creation of state-level human rights commissions, making up a system of 33 ombudsman offices (one federal and 32 state). The Federal District Human Rights Commission (CDHDF) was set up in 1993, and is in fact the most recent ombudsman office. Local and national Human Rights Commissions in Mexico receive individual complaints in alleged human rights violations perpetrated by state actors, with the exception of labour law issues, environmental or jurisdictional matters, and electoral conflicts over which they do not have jurisdiction. The recommendations they issue after fact-finding investigations are non-mandatory, but are believed to exert moral pressure on public officials.

A true landmark of the Mexican government’s recent effort to improve its human rights record is the agreement signed with the OHCHR to open an office in Mexico, appoint a team of independent experts, and draw up a National Human Rights Diagnostic. This was presented to the President and to the civil society by December 2003. From the recommendations of the Diagnostic, a first-ever National Human Rights Plan has been set up with the collaboration of government officers, civil society and academic experts. However, little resources have been allocated to the effective implementation of the Plan (presented in December 2004), and the required mainstreaming of rights-based approaches across all federal offices is long due. This has been pointed out by some of the Special Rapporteurs from the UN and OAS system who have visited Mexico since 2003.

Fact-finding activities undertaken by both the national and local (Federal District) Human Rights Commissions have shown that abuses of power and acts of ill-treatment on behalf of public officials do

<sup>3</sup> See E. López Portillo Vargas (2003), “El caso México” in *La Policía en los Estados de Derecho Latinoamericanos*, Colombia: Ediciones Jurídicas Gustavo Ibáñez, pp. 389-421.

<sup>4</sup> See Office for the UN High Commissioner for Human Rights in Mexico (2004), *Diagnóstico sobre la situación de los derechos humanos en México*, Mexico: OHCHR, p. 28.



persist today in Mexico. For example, in November 2005, the CNDH issued Recommendation 10/2005 denouncing the persistence of torture in Mexico and urging the Ministry of Justice to commit to the definition of an overall strategy to establish specific actions to prevent torture, as well as to investigate known cases of torture. A more recent recommendation by the CNDH relates to the regulation of the use of force by law enforcement officers. The Federal District Human Rights Commission (CDHDF) has also been involved in highlighting abuses and violations on behalf of public servants working in the local justice and public security systems. A number of recommendations have been issued over the past few months and years regarding arbitrary detention, abuse of power, discrimination, violation to the right of dignity, honour and personal freedom, cruel, inhumane and degrading treatment, among other abuses.<sup>5</sup> A special report on the human rights record of the public security institutions was released in 2003 by the CDHDF.

In other words, there prevails today in Mexico an overall context (e.g. system of Human Rights Commission) which favours the respect of human rights and the application of the rule of law, although violations do persist. The systematic monitoring of the human rights situation in Mexico and of abuses on behalf of the public authority, can contribute to provide information on the current situation and, by highlighting persistent violations and abuses, allow to better inform the design and implementation of policies aimed at enhancing the respect and protection of human rights.

## 1.2. Quantifying and assessing the situation

The generally-shared assumption that in Mexico irregularities, abuses of power and ill-treatment are still common behaviour on part of public security and procurement of justice agents, is not sustained by reliable systematised data and thus does not allow for an estimation of the current extent, nature and characteristics of such violations. As mentioned above, Human Rights Commissions inform on the existence and persistence of various violations but, by focusing on individual complaints and cases, do not provide more general data on the frequency, extent and characteristics of such violations, nor on the victims and perpetrators of such acts.

Comprehensive figures regarding human rights violations in general, and irregularities, abuses of power and acts of ill-treatment in particular, are extremely difficult to find in Mexico, making it unclear exactly how widespread and frequent they are. Public information is poor and incomplete in this field. Victimization surveys providing data on similar themes do exist, but only inform on crime patterns, without analysing in depth the relation between police officers and individuals nor correlated patterns of contact and abuse. Irregularities, abuses of power and acts of ill-treatment committed by law enforcement bodies towards the population need to be quantified and, in an effort to contribute to this quantification and capture such information, Fundar decided to implement a questionnaire-based study.

This study has two essential aims:

- To inform on the nature of the contacts between the population and the authorities in charge of the police and procurement of justice systems in the FD -by focusing on the fulfilment of individuals' rights and on the behaviour of the authority- and thus to provide the public, civil servants and policy-makers with data which so far does not exist.

---

<sup>5</sup> See the study carried out by the CDHDF and published in A. López Ugalde (2003), *Procuración de Justicia y Derechos Humanos en el Distrito Federal*, Mexico: CDHDF, p. 72.

- To develop an overall methodology to collect and analyse data related to abuses that could be replicated over time, allowing to compare data in time series and to analyse trends.

The measurement and systematic monitoring of abuses should contribute to define concrete evidence-based policies aimed at preventing abuse and improving the respect and guarantee of individual liberties and human rights on behalf of the individuals working in the judicial and public security systems. This would substantially increase the quality, efficiency, and accountability of governmental action. In this sense, regular monitoring and assessment of progress must be considered as an inherent part of any serious evaluation of governance.

It should be stressed that quantifying irregularities, abuses of power and ill-treatment and commenting their features and evolution does not, in any way, question the common human rights approach; on the contrary, it reaffirms that any violation is unacceptable and wholly condemnable. Full respect of the law and of individual rights is a basic obligation of the State. Bearing this in mind, quantifying violations contributes to provide human rights defenders, civil society and policy-makers with decisive information to advocate and frame policies and strategies aimed at reducing systemic abuse.

This report will present in more detail the main findings of the study and concentrate on linking survey results to identified problems and several recommendations. The structure of the report will consist of a presentation of the pilot survey; an initial perspective of the overall situation; three sections, focusing each on a different actor: police forces, *Ministerio Público* officials, and the population; and, finally, the conclusions of the study.



## 2. THE PILOT SURVEY

The survey focuses on a wide range of irregularities, abuses of power and acts of ill-treatment, taking into account common and “light” violations or less common and “severe” ones, carried out against the population at large by law enforcement bodies. Such authorities include all police bodies, *Ministerio Público* (MP) personnel, the military and prison personnel.<sup>6</sup> The main objective is to build an evidence-based tool to detect and measure such abuses, thereby enhancing the assessment of the police and justice procurement systems.

### 2.1. Definition of abuses

When defining the content of the survey and questionnaire (during the preliminary qualitative phase), a consultation process was conducted. This included meetings with other NGOs, the Human Rights Commission of the Federal District (CDHDF), as well as selected experts in human rights, security issues, penal law and related fields. In-depth interviews with police officers, as well as with individuals who had experienced contact with relevant authorities, were also organised. The following assumption consequently emerged: abuses on behalf of public security forces materialise in numerous forms of law infringement and human rights violations, extending from “minor” abuses to more severe practices (see detailed definition below).

The study thus covers a wide range of irregularities, abuses of power and acts of ill-treatment. Although the degree of severity of these abuses varies, all such abuses have in common that, by being carried out by law enforcement agents, they weaken the police and justice systems and do not allow Mexico to reach higher levels of democracy, governance, and respect for human rights. Although in the human rights vocabulary there are distinctions between the terms “irregularity”, “abuse of power” and “ill-treatment”, it should be stressed that limits between one category and another are not always so clear and obvious. It is of particular interest for the study to obtain evidence-based information on the magnitude and characteristics of such abuses in order to better inform policy-making and enhance democracy, governance, and human rights issues. Thus, throughout this report, the terms “irregularities”, “abuses of power” and “ill-treatment” will be considered as one aggregated category: abuses.

---

<sup>6</sup> Although the survey covers military officers and prison personnel, during the analysis stage of the study it was decided not to analyse such bodies in a detailed manner since cases reported were too few (and do not allow for statistical inference). Moreover, in the case of prison personnel, they focus on visitors and not on detainees themselves.



## **WORKING DEFINITION OF ABUSES: Irregularities, abuses of power and ill-treatment**

Before analysing in detail the main results of the study, it is important to clarify the meaning of a number of terms used hereafter. The study refers to two types of abuses: physical and non-physical abuses. Whereas physical abuses are rather self-explanatory -and explicitly outlined in the study by a series of questions starting with "were you hit or physically harmed?", non-physical abuses include: "threats to hurt the person or relatives, threats to accuse someone on false grounds, to ask for money, to compel someone to confess or give information, to insult or humiliate someone, not to be assigned a legal representative when indicted", etc. For further information, please consult the questionnaire in Appendix D.

During the preparatory phase of this study, international and national legislation and jurisprudence were analysed, as well as documents and studies published by various organisations and Human Rights Commissions (both national and of the Federal District). This information, along with a large consultation process with stakeholders and experts, contributed to the framing of a working definition of abuses (which include irregularities, abuses of power and ill-treatment).

### Are considered abuses:

Not allowing a person under arrest or judicial process to exercise his/her rights: i.e. not being allowed to make a phone call to family members or a lawyer, not informing a person of the reasons for their detention nor of the charges against him/her, not allowing the person to receive medical attention when needed, not allowing a person to include as much proof as desired in their file, exerting pressure on witnesses, etc.

When perpetrated by the authority (public agents): extortion, theft, insults, intimidation, all kinds of threats, discrimination, retaining documents as a means of pressure, not accepting a person's deposition or right to report a crime, unlawful entry, arbitrary detention, forced or involuntary disappearance of persons, homicide, injuries and acts of torture.

Attention was also paid to conditions of detention when relevant:<sup>7</sup> i.e. enquiring whether detention cells are small or overpopulated, prisoners are kept in prolonged solitary confinement, conditions are anti-hygienic, medical facilities are poor, distribution of food is irregular, prisoners are denied all privacy, detainees are not separated according to their legal status, etc.

### Are NOT considered abuses:

Deprivation of liberty as a result of a legal sanction, abuses carried out by a person other than a public agent (e.g. cases of domestic violence), and/or failures on behalf of the authorities in the administration of justice process.

---

<sup>7</sup> See footnote number 6.

## **2.2. Geographical scope**

In 2004, the novelty of the exercise, financial limitations and the geographical division of the police and justice systems in Mexico, led Fundar to carry out the first pilot study in only one location within the Mexican Republic. Indeed, the police in Mexico are divided by function and jurisdiction and, for the sake of relevance and clarity, it was decided to initially focus on one geographical entity and on the authorities competent there.

There are two main federal departments in charge of public security: the Ministry of Public Security and the PGR (Federal Attorney General). Whilst the Ministry of Public Security commands the preventive police forces, the PGR rules over the judicial (investigative) police and the Federal Agency of Investigations (AFI). It is important to underscore that both the preventive and judicial police forces are part of the Executive branch of government. At state level, local executives are in charge of state preventive police forces (a rather complex array of specialised bodies) through either state Ministries of Public Security, or as part of their Internal Affairs Ministries. Investigative police at state level are ruled by state Attorneys. There are also preventive municipal police forces (funded with federal resources), but no municipal investigative bodies. The overlapping of the jurisdiction among these police bodies is more the rule than the exception.

Thus, in light of this complex system, it was decided to carry out the study in the Federal District. Such an entity constitutes an interesting case study. Indeed, the FD is extremely important in terms of national incidence, due to the fact that it comprises around 50 percent of greater Mexico City's population and 10 percent of the country's population. Since the pilot survey limits itself to the target area of the Federal District, it is important to note that all bodies under study depend on and report to the local authorities of the FD. A slight exception should be made for police agents who fall into the "other" category. Such agents may depend on the local or on the federal authorities.

The conclusions and recommendations derived from this study are thus addressed to the local authorities -essentially to the Attorney of the Federal District (PGJDF) and to the Ministry of Public Security of the Federal District (SSPDF). Having said that, it is important not to limit the potential scope and relevance of the survey itself, but rather to see it as a potential tool for other areas of the country, or even at a more regional and global level. Beyond the pilot survey carried out in the FD, the main objective of the study is to establish solid methodological basis for the development of evidence-based tools to detect and measure abuses at all levels of constituency of the states, thereby contributing to enhance the assessment of the police and justice procurement systems at all levels.

## **2.3. Target population**

The survey focuses on the general population since one of the main aims of this study is to obtain information and data on a seemingly largely-recognised but under-reported phenomenon in Mexico: abuses on behalf of public security authorities, regardless of whether such abuses are perceived as severe or not. Current information indicates that all groups of the population are affected. A study based on a survey to open population (i.e. a general population survey) allows to capture information on the incidence of abuse as a wider social phenomenon, while studies directed to particular groups -for instance, prisoners- only analyse part of the issue and tend to concentrate on the most severe abuses.



## METHODOLOGICAL NOTE ON THE CHARACTERISTICS OF THE SURVEY

### *Sample design*

The study is based on a representative, random, stratified, and multi-staged sample for the general population.

### *Survey population*

Inhabitants aged 15 or more<sup>8</sup> living permanently in households within the Federal District. This population is of 6.4 million inhabitants according to the 2000 census.<sup>9</sup>

### *Reference period*

The questionnaire focuses on all contacts between the population and the authority which took place within one year. To reduce any potential recall error, the survey explicitly refers to the last year using a month-to-month reference (i.e. from November 2003 to October 2004).

### *Survey data*

The survey was carried out between November 2004 and end of January 2005, and 3,666 effective interviews were conducted. Of all individuals interviewed, 744 had contact with the authority, accounting for 1,105 contacts (with an average of 1.4 contacts per person). Of the latter individuals, 385 suffered some kind of abuse and reported a total of 523 contacts with some form of abuse. Expanded results are presented below to refer to the whole population under study.

### *Data presented in this narrative report*

- The numbers and percentages presented hereafter refer either to individuals or to contacts.
- Most figures presented have been rounded up to the closest thousand or tenth of thousand. This is a reflection of the limits of statistical inference and of the explicit choice of reporting orders of magnitude.
- Statistical confidence intervals are given below each table.

For further information regarding the methodology of the survey, see Appendix A. As for the process followed to produce the questionnaire and implement the survey, see Appendix B which provides more detailed information on the qualitative and quantitative phases of the study.

As was the case of other Metagora projects conducted around the world, the survey in the Federal District was designed and implemented as a pilot experience, within a short time frame and with few resources. As a consequence, a number of sampling and technical limitations were experienced. However, the study has contributed to provide information on the different actors concerned. Such actors include all police officers, the personnel of the *Ministerio Público*, and the general population. The results of this study are presented hereafter and focus, after an initial perspective of the overall situation, on each of these main actors.

<sup>8</sup> Youngsters seem to constitute a particularly vulnerable group of the population when considering abuse and thus it was decided to include them as far as possible in the study. However, taking into consideration previous field experience and legal constraints to interview minors, it was decided to limit the age of the interviewees to a minimum of 15 years old.

<sup>9</sup> A tragic event occurred in Tláhuac during the fieldwork (late November 2004) where two policemen were lynched by the local population. Given the impact of this event, it was decided to exclude the Tláhuac area from the sample. See Appendix B for further information.

### **3. AN INITIAL PERSPECTIVE OF THE SITUATION**

**Abuses on behalf of police and procurement of justice officers are common in the Federal District**

A number of abuses are regularly carried out by public officials involved in the police and procurement of justice systems. When analysing survey results in detail, a number of situations and contacts as well as institutions are more associated with certain abuses than they are with others. This information is very useful when framing and recommending targeted public policies aimed at modifying and improving such a situation, and is presented below.

#### **A. A total of 1,170,000 contacts including some form of abuse occur annually and involve 800,000 individuals**

When considering contacts between the authority and the general population of the Federal District aged 15 or more, it appears that about 1 out of 4 persons (1,520,000 individuals) had contact with the authorities under study for a total number of 2.300.000 contacts in a period of one year. Thus, individuals with contact experienced an average of 1.4 contacts.

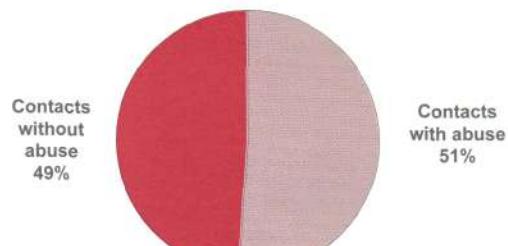
It is important to bear in mind that the data mentioned throughout this report can either refer to individuals or to contacts. It is also essential to note that a person can have, in the one-year period under study, one or more contacts with the authority, that such contacts do not necessarily involve the same authority, and that they can involve one or more agents. Contacts registered in this study do not necessarily imply the existence of an official record (i.e. stopping a police officer on the street for information, or being subject to a general revision does not involve any kind of systematic record and counting), but represent any interaction between an individual and public officer(s) working in the police and procurement of justice systems in the Federal District.

On average, 1 out of every 2 persons with contact with the authority experience some form of abuse in the Federal District (800,000 persons). Out of all contacts (see graph 1), about 1 out of 2 is tainted with some kind of abuse (1,170,000 contacts). It should be noted that abuses are mostly non-physical (see graph 2), and that approximately 1 out of 20 contacts involves physical ill-treatment (some 70,000 contacts).



Graph 1

CONTACTS WITH ABUSE AS PERCENTAGE OF ALL CONTACTS IN THE FEDERAL DISTRICT

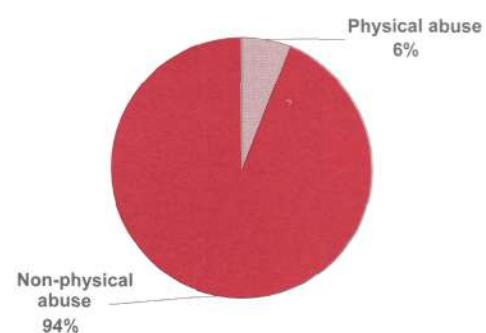


Total number of contacts  
Estimated contacts: 2,300,000

Confidence intervals for contacts with abuse: 44-58

Graph 2

TYPE OF ABUSE (PHYSICAL vs. NON-PHYSICAL) AS A PERCENTAGE OF ALL ABUSES IN THE FEDERAL DISTRICT



Total contacts with abuse  
Estimated contacts: 1,170,000

Confidence intervals for contacts with physical ill-treatment: 1-11

## B. About 30% of all contacts include asking for money (bribes), making it the most frequent abuse

The most frequent abuses are non-physical and include being asked for money (29% of all contacts), having been insulted or humiliated (10%), as well as being threatened to be accused on false grounds (7%), undergoing threats to obtain a confession or some information (5%), or being threatened of getting hurt (5%). Less frequent are: retention of official documents to exert pressure, being compelled to confess, and undergoing threats aimed towards family members. The high number and frequency of some violations justifies tackling their elimination through the design and implementation of a series of specific policies (see below).

Cases of physical ill-treatment reported in the survey are not sufficient to provide precise estimates. Nevertheless, they are too numerous as such. Be it occasional or recurrent, the mere fact that physical ill-treatment does occur, is of immediate concern. Notwithstanding prohibition of such behaviour by a series of international treaties and declarations ratified by Mexico, cases involving hitting, punching, aggression with objects, having one's hands tied up, having one's head covered or being blindfolded during arrest, suffering crushing-related injuries, suffocation or asphyxiation, or immersion were reported in the survey.

### C. Police officers are involved in about two-thirds of the abuses committed annually, and about two-thirds of contacts with MP personnel include some kind of abuse

The frequency of contacts between the population and the authorities, as well as the involvement of each authority in contacts with abuse, is not equal and varies sharply from one authority to another (see charts 1 and 2).

Considering the two main law enforcement actors under study, police officers and MP personnel, it stands out that from about 2,300,000 contacts, approximately 550,000 occur between the population and MP personnel, whilst some 1,680,000 contacts involve police officers. From chart 2, it appears that police officers are involved in 760,000 contacts with abuse annually (45% of all their contacts), while this figure reaches 370,000 as far as MP personnel is concerned (representing 67% of all their contacts). Therefore, it stands out that police officers are more present in the total of contacts with abuse than MP personnel: they represent two-thirds of the 1,170,000 contacts with abuse.

However, when relating the total of contacts with abuse with the number of contacts per authority (i.e. police forces vs. MP personnel), it appears that, in relative terms, MP personnel tend to be more involved in acts of abuse than police forces. Of all contacts with MP personnel, some 370,000 (about two-thirds) are characterised by some kind of abuse, and of all contacts with police officers, about 760,000 (about two-fifths) contain some type of abuse. It thus stands out that the levels of contact and abuse vary depending on the authority considered.

**Chart 1**

#### CONTACTS IN THE FEDERAL DISTRICT PER AUTHORITY

Authority	Contacts (%)	Total contacts (estimated contacts)
Ministerio Público personnel	24	551,000
All police forces	73	1,680,000
Prison personnel	3	69,000
<b>TOTAL</b>	<b>100</b>	<b>2,300,000</b>

Confidence intervals for contacts with MP: 20-29; all police forces: 68-77; prison personnel: 2-5.

**Chart 2**

#### PERCENTAGE OF CONTACTS WITH ABUSE IN THE FEDERAL DISTRICT PER AUTHORITY

Authority	Contacts with abuse	Contacts without abuse	TOTAL
Ministerio Público personnel	67	33	100
All police forces	45	55	100

Confidence intervals for contacts with abuse with the MP: 64-71; all police forces: 39-51.

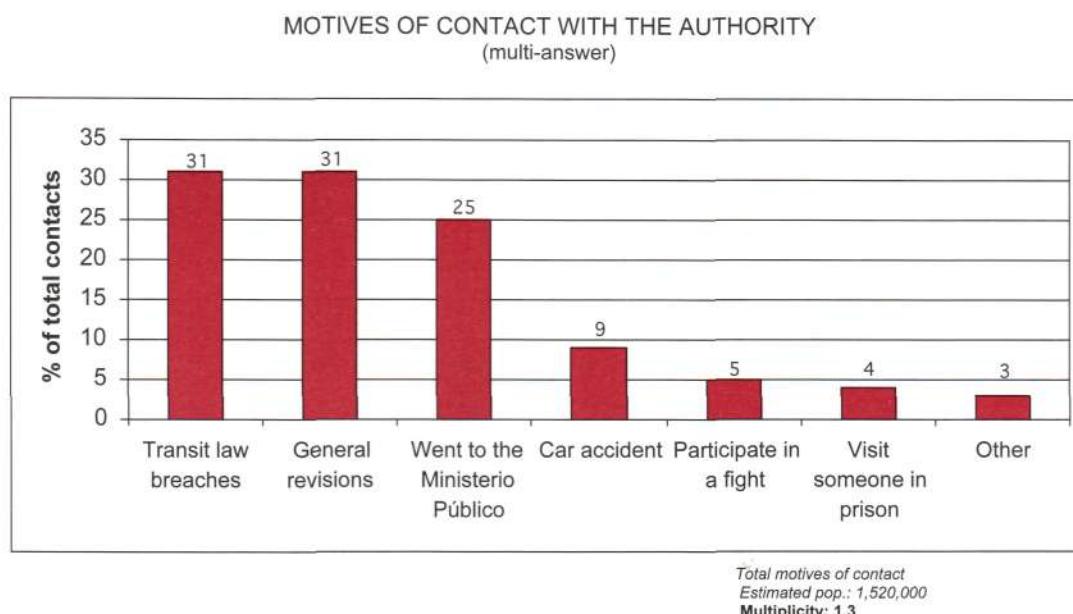
## D. The main motives of contact are transit law breaches and revisions. The major places of contact are the street and private cars

Also of interest for understanding the overall situation and dynamic of contacts with law enforcement authorities are the motives and places of contact between the population and the authorities.

### D.1. Motives

With regard to the motives of contact, the survey reveals that the main reasons for interacting with the authorities under study include transit law breaches and general revisions, both accounting for 31% of all motives of contact.

**Graph 3**



However, a number of differences exist, which should be highlighted:

- Regarding the motives of contact per socio-economic level, it stands out that for persons belonging to the low socio-economic levels, the most frequent motive of contact with the authority are general police revisions, raids, or retention points, whilst transit law breaches are the most frequent motive of contact for persons from the highest socio-economic levels.
- As for motives of contact per age group, strong differences can also be observed: the main motive of contact for persons aged 15 to 24 are general police revisions, raids and retention points, although the motive “to participate in a fight” also stands out. Regarding persons aged 25 to 44, the main motive are transit law breaches, and for persons aged 45 or more, the principal reason for having contact with the authority are visits to the *Ministerio Público*, especially visits to report some kind of robbery.

## D.2. Places

With regard to the places of contact between the population and agents working in the police and procurement of justice systems, most contacts take place in the street or in a private car (regardless of whether it actually belongs to the person or not), accounting together for 62% of the total of contacts. Agencies of the *Ministerio Público* occupy the third place of contact with 25%. Other mentions include: in a police car, in prison, in a private house or office, in other public places, etc.

The results presented so far indicate that abuses on behalf of the authorities concern a great number of persons living in the Federal District, and that although all authorities under study are involved in the different abuses, the proportion of contacts with abuse and the distribution between types of abuses (physical or non-physical) varies depending on each authority. Further analysis will show that such variation is due, among other elements, to the difference in nature of such authorities and to their functions and responsibilities. Attention shall be paid, on the one hand, to the various police forces and, on the other, to the personnel of the *Ministerio Público*.

## 4. THE POLICE FORCES

In the eyes of the population, the police system in Mexico is complex; it is composed of a variety of police forces which are divided according to their function in a dual set of preventive and investigative police and according to their jurisdiction, i.e. by entity, see introduction. Be it at the federal or local level, the preventive police, *policía preventiva*, depend on the *Secretaría de Seguridad Pública*, are responsible for maintaining order and public security, and do not have any mandate on criminal investigation. The investigative police, *policía judicial*, are an auxiliary to the *Ministerio Público*, and act under its authority and command.

Police forces thus embody the public security forces charged with the prevention and investigation of crimes. Building on the composition of the police, as well as on the population's knowledge and identification of the various police bodies, the labelling of authorities in this study is based on the following categories:<sup>10</sup>

- **Preventive police.** To refer to police officers in charge of prevention activities in the Federal District and commonly identified by their blue uniforms (preventive officers accounted for 30,980 in 2004).
- **Traffic police.** They are legally part of the preventive police (they constitute one of the special divisions of the preventive police) but are identified as different by the population and their function and characteristics allow for a separate analysis (such officers accounted for 2,075 in 2004).
- **Judicial police.** To refer to the investigative police, which are organised under the Office of the Attorney General of the Federal District (there were 3,938 such officers in 2004).
- **Other police forces.** To include all other forces active in the Federal District: officers which report to federal -and not local- authorities, the *policía complementaria* (composed in its majority by the auxiliary and by the industrial and banking police and accounted for 45,024 agents in 2004) and any police officer not clearly identified by the individuals as belonging to one of the three categories mentioned above.

Survey results show that characteristics of contacts between the population at large and the police forces active in the Federal District vary according to the authority concerned.

### A. Close to 50% of contacts and abuse with police officers takes place with traffic officers (790,000)

Of all contacts with police officers (1,680,000 contacts), almost 1 out of 2 contacts involve traffic officers (790,000 contacts). This last figure is not surprising taking into account that such officers are assigned to traffic regulation and thus are in the street during their entire shift, making them the police body most likely to be in contact with the population. Moreover, transit-law breaches are among the most frequent motive of contact with the authorities under study and fall within the jurisdiction of the traffic police.

As for the percentage of implication of each police force in contacts with abuse, it is roughly equal to the percentage of contacts each force is involved in (see chart 3).

<sup>10</sup> Figures presented hereafter were provided by the *Oficina de Información Pública* of the *Secretaría de Seguridad Pública del DF* (SSPDF) in the case of the preventive police, traffic police and other police forces; and by the *Oficina de Información Pública* of the *Subprocuraduría de Atención a Víctimas de Delito y Servicios a la Comunidad del DF* in the case of the judicial police, after explicit request by Fundar in November 2005.

### Chart 3

NUMBER OF CONTACTS IN THE FEDERAL DISTRICT (TOTAL AND WITH ABUSE)  
WITH THE POPULATION AGED 15 OR MORE PER POLICE BODY

Police body	(%)	Contacts	Contacts with abuse	
		Estimated contacts	(%)	Estimated contacts
Judicial police	9	150,000	9	69,000
Preventive police	35	590,000	37	280,000
Traffic police	47	790,000	48	365,000
Other police forces <sup>11</sup>	9	150,000	6	46,000
<b>TOTAL</b>	<b>100</b>	<b>1,680,000</b>	<b>100</b>	<b>760,000</b>

Confidence intervals for contacts (total contacts) with the judicial police: 6-13; preventive police: 30-41; traffic police: 41-54; others: 6-12.  
Confidence intervals for contacts with abuse with the judicial police: 6-12; preventive police: 32-42; traffic police: 43-53; others: 5.9-6.1.

### **B. On average, 45% of all contacts with police officers involve some type of abuse**

51% of all contacts with the law enforcement bodies under study involve some kind of abuse, whilst this figure amounts to 45% when only police forces are considered. As far as contacts with police bodies are concerned, the survey indicates that the force which is most likely to resort to some form of abuse when in contact with the population is the judicial police. The latter is followed closely by the traffic and then by the preventive police and other police forces (see chart 4).

### Chart 4

CONTACTS WITH ABUSE IN THE FEDERAL DISTRICT PER AUTHORITY (in %)

Authority	Contacts with abuse (%)	Contacts without abuse (%)	TOTAL (%)
<b>ALL POLICE OFFICERS</b>	<b>45</b>	<b>55</b>	<b>100</b>
Judicial police	48	52	100
Preventive police	43	57	100
Traffic police	47	53	100
Other police forces	41	59	100

Confidence intervals for contacts with abuse with all police officers under study: 39-51; the judicial pol.: 45-51; preventive pol.: 38-48; traffic pol.: 42-52; and others: 40.8-41.2.

Regardless of the responsible authority, 6% of all contacts with abuse include some act of physical ill-treatment (see chart 5). Some authorities working in the local justice procurement and police systems are more involved in physical acts of ill-treatment than others. Of all police bodies, it appears that traffic police are the least implicated authority, as a proportion of all its contacts, in physical acts of ill-treatment (about 1 out of 25 contacts includes this sort of abuse). Preventive police, on the other hand, turn out to be one of the police forces most frequently involved in physical ill-treatment (a little more than 1 out of 10 contacts includes physical ill-treatment).

<sup>11</sup> Other police forces include mentions of the AFI, granaderos, PGR, federal, PFP, estatal, montada, preventiva del metro, fuerza de tarea, etc.

**Chart 5**

TYPE OF ABUSE BY AUTHORITY UNDER STUDY IN THE FEDERAL DISTRICT

	Non-physical abuse (%)	Physical ill-treatment (%)	Estimated total contacts with abuse
Prison personnel	81	19	35,000
<b>Preventive police</b>	88	12	280,000
Judicial police	92	8	69,000
Other police forces	93	7	46,000
Traffic police	96	4	365,000
MP personnel	98	2	375,000
<b>TOTAL</b>	<b>94</b>	<b>6</b>	<b>1,170,000</b>

Confidence intervals for contacts with physical ill-treatment: prison perso.: 18.0-20.4; preventive pol.: 9.3-15; judicial pol.: 7.6-8.7; other pol.: 6.9-7.8; traffic pol. 2.2-4.9; MP perso.: 0.8-3.2.

### C. Abuses by police forces are concentrated in five violations

The study contributes to identify the main non-physical abuses: asking for money (bribes), insulting or humiliating someone, threatening to accuse a person on false grounds, threatening to obtain a confession or some information, threatening to hurt the person (see chart 6).

All police forces under study, without exception, are implicated in these five types of abuse. Police officers thus fail to comply with article 21 of the Mexican Constitution, which establishes four principles of action applicable to the entire police force: legality, efficiency, professionalism, and integrity. On this same note, article 16 of the Federal District Public Security Act refers to the main guiding principles of police officers in the following way: “*Service to the community and discipline, as well as respect to human rights and legality are normative principles that all public security bodies should constantly observe during their activities*”.<sup>12</sup>

Having said that, a more detailed analysis of survey data indicates that beyond the fact that all authorities are involved, though in different proportions, in abuse (be it physical or non-physical), they seem to “specialise” in the use of one or several abuses. Indeed, survey results point towards “patterns of abuse” which are presented below.

### D. Patterns of abuse which indicate a sort of “specialisation” on behalf of the authority

#### D.1. Traffic police

First, the probability for traffic officers to resort to abuses is slightly higher than when all police forces are considered together: 47% of all contacts between traffic officers and individuals include some type of abuse versus 45% at a general level (see chart 4).

Second, a reading of chart 6 (below) reveals interesting features. With regard to traffic police, it is striking to notice that, although the latter account for 33% of all contacts with the authority, they account for 46% of all acts in which the authority asks the individual for money. There is therefore an overrepresentation of traffic police officers in contacts involving extortion and this police force is the major actor responsible for this abuse. Bearing in mind corruption issues in Mexico, it is worrying but not surprising that regulation of traffic occupies a predominant place in such a violation.

<sup>12</sup> Translation by the author.



**Chart 6**

DISTRIBUTION PER AUTHORITY OF CONTACTS AND MOST FREQUENT ABUSES  
IN THE FEDERAL DISTRICT

Contacts with the authorities	POLICE FORCES				SUB-TOTAL (%) *	OTHER BODIES		TOTAL
	Preventive police (%)	Traffic police (%)	Judicial police (%)	Other police forces (%)		MP perso. (%)	Prison perso. (%)	
Total contacts	28	33	6	5	73	24	3	100
Total contacts with abuse	24	31	6	4	65	32	3	100
<b>Most frequent abuses</b>								
Asking for money (bribes)	29	46	6	4	84	10	6	100
Insulting or humiliating someone	33	22	18	4	76	18	6	100
Threats to be accused on false grounds	40	22	22	7	91	9	0	100
Threats to obtain a confession or information	8	33	28	10	80	17	3	100
Threats to hurt the person	19	26	23	6	74	16	10	100

\* The total referred to here does not sum 100% because it only refers to contacts with police officers (excluding MP and prison personnel).

For information on confidence intervals, see footnote below.<sup>13</sup>

## D.2. Preventive police

As for the preventive police, contrary to traffic and judicial officers, they tend to resort in slightly lower proportions to abuse (chart 4). Having said this and following the idea of "patterns of abuse", it should be stressed that the preventive police are involved in 40% of all contacts with threats to be accused on false grounds, and 33% of those with insults and humiliations (see chart 6), as well as in 29% of all contacts where the individual was asked for money, whilst it only accounts for 24% of all contacts with abuse. It can therefore be said that they are overrepresented in these three violations.

Survey results thus indicate that a common feature for preventive officers is to resort to pressure and aggression (see chart 6). Such behaviour is in total contradiction with that expected of such officers. Prevention of crime involves patrolling -and thus a constant presence of officers on the street- along with any measure, technique, or policy to avoid breaches to the law. The presence of preventive officers should be reassuring and synonym of protection for the population at large. However, results show that preventive officers are involved in a negative dynamic with individuals: they tend to threaten to accuse them on false grounds, insult or humiliate them, and ask for money. Notwithstanding, regardless of the nature of the contact (prevention or sanctioning of crime), in no way should officers be involved in such behaviour. This is a perversion of their function and provokes a lack of respect and confidence in the authority on part of the population.

<sup>13</sup> Confidence intervals for contacts involving "asking for money" with preventive pol.: 26-32; traffic pol.: 43-49; judicial pol.: 4-8; others: 0-9; MP: 8-12; prison perso.: 5-7. C.I. for contacts with "insults, humiliations" with preventive pol.: 31-35; traffic pol.: 20-24; judicial pol.: 16-20; others: 4-4; MP: 17-19; prison perso.: 5-7. C.I. for contacts with "threats to be accused on false grounds" with preventive pol.: 35-45; traffic pol.: 17-27; judicial pol.: 20-24; others: 5-9; MP: 5-13; prison perso.: 0-1. C.I. for contacts with "threats to obtain a confession or information" with preventive pol.: 3-13; traffic pol.: 28-38; judicial pol.: 26-30; others: 8-12; MP: 13-21; prison perso.: 2-4. C.I. for contacts with "threats to hurt the person" with preventive pol.: 18-20; traffic pol.: 25-27; judicial pol.: 22-24; others: 5-7; MP: 15-17; prison perso.: 9-11.

### D.3. Judicial police

Judicial police officers are involved in acts of abuse in 48% of all its contacts with the population. This is slightly higher than the overall figure for police officers (45%), see chart 4.

The data obtained suggests that, when involved in cases of abuse, judicial police officers are most likely to resort to threats to persons (threats to obtain a confession or information, threats to hurt the person and threats of accusations on false grounds, see chart 6). The weight of judicial officers in the above-mentioned abuses, when compared to their participation in overall contacts between law enforcement bodies and the population, points towards their overrepresentation. It should be stressed that, when involved in contacts with abuse, judicial police officers tend to account for more than one abuse. As such, this does not mean that they "abuse" more than other authorities, but rather it appears that the abuses carried out by such officers tend to be linked and easily feed into each other. In certain situations, some violations are more likely to lead to further abuse than others: i.e. the connection between threats to be accused on false grounds, threats to obtain a confession or information, threats to hurt the person and threats to hurt relatives is very high.

These acts constitute means of intimidation and are not only illegal,<sup>14</sup> but all the more worrying if we take into account the role of the judicial police in Mexico. As seen, its main function is to participate, along with the *Ministerio Público*, in the investigation of crimes and offences, that is to say MP agents play an essential role in judicial processes. By behaving in such a manner, judicial officers endanger and weaken the overall judicial system and the protection of human rights.

### E. Abuses are also context-specific: over 70% of transfer contacts involve some kind of abuse

Another finding of the survey is that contacts take place in a variety of settings and situations, which influence both the presence and features of abuses. Indeed, it appears that the occurrence of abuse between the general population and police forces also depends on the context of the contact.

The survey investigates a number of possible situations of contact between the authorities working in the police and procurement of justice systems and individuals. Contacts can thus occur on the street; at or inside someone's private house or office; in a *Ministerio Público* agency; in jail or detention centres; or in a patrol car (or any other official vehicle) when an individual is arrested, detained by the authority and taken away. The latter case will be referred to as "transfer contacts" with reference to the fact that, after having been detained in one particular spot, the person is transferred by the authority to another spot. Transfer contacts will be subject to further analysis hereafter for two main reasons.

First, the percentage of transfer contacts tainted by some kind of abuse (7 out of 10 contacts) is significantly higher than with other contacts (5 out of 10 contacts). The same can be said of physical acts of ill-treatment (about 1 out of 10 instead of approximately 1 out of 20 respectively). Second, it appears that all police forces, and not just one, are involved. The judicial police account for 36% of all such contacts, the preventive police 32%, the traffic police 21% and other police forces make up for the remaining 11% and their behaviour is rather homogeneous.

<sup>14</sup> See article 2 of the Inter-American Convention to Prevent and Punish Torture, which clearly states that acts of intimidation shall be illegal and considered, depending on a number of characteristics, as inhuman, cruel, or degrading treatment or as torture.



The nature of the police body responsible for the contact therefore fails to explain the presence and characteristics of the abuses in transfer contacts. Deeper analysis is required to explain such levels of abuse and to fully understand their consequences. The motives of contact, the profile of the individuals, and the overall context and characteristics of such contacts are some of the elements that will be taken into account.

### **E.1. Transfer contacts are highly connected to the notion of presumption of culpability**

Generally speaking, contacts are most frequently the result of transit-law breaches and general revisions. The next most frequent motives of contact are respectively going to the MP, being involved in a car accident, participate in a fight or visit someone in jail. However, depending on the place of contact and the authority concerned, some motives are more likely than others.

Survey results indicate that in the case of transfer contacts, motives of contact are more likely to be characterised by the individual having been detained; minor faults such as writing graffiti, urinating or drinking on the street; the authority presenting itself at the person's private house; or other motives which include theft, domestic violence, begging, etc. When excluding "rare" cases of transfer contacts (i.e. transfers initiated by the individuals asking for help), such motives are rather consistent with the legal theory: a person should be taken away in a patrol car after having been caught in the act or because the authority has a detention warrant. It should thus be stressed that transfer contacts are connected with a presumption of culpability of the individual on part of the police.

### **E.2. Victims of abuse during transfer contacts are mostly: men, youngsters, and poor people**

#### E.2.1. Gender

Men are overrepresented in the case of transfer contacts: 95% of transfer contacts concern men (see chart 7). This figure is much higher than the proportion of men in the general population and in the population with contact with the authority.

**Chart 7**

DISTRIBUTION PER GENDER OF TRANSFER CONTACTS (in %) IN THE FEDERAL DISTRICT

Gender	DF population aged 15 or more	DF population aged 15 or more with contact	DF population aged 15 or more with transfer contacts	DF population aged 15 or more with transfer contacts with abuse
Men	47	66	95	100
Women	53	34	5	0
TOTAL	100	100	100	100

*Estimated pop.: 6,400,000*

*Estimated pop.: 1,520,000*

*Estimated pop.: 81,000*

*Estimated pop.: 58,000*

Confidence intervals for pop. with transfer contacts: men: 88-102 and women: 0-12.

#### E.2.2. Age

Transfer contacts are concentrated in young people. 45% of all transfer contacts and 46% of all such contacts involving abuse take place between the authority and individuals aged 15-24, whilst this group only represents 27% of the general population under study (see chart 8).



### **E.3. Individuals are isolated in transfer contacts and are more likely to experience abuse**

To fully understand abuses related to transfer contacts, it is important to examine the context of such contacts. When an individual is taken away in a patrol car by one or various police officers, he/she is in a vulnerable situation. As we have seen previously, it is very likely, due to the potential motives of contact, for the person to be in a situation of "confrontation" and overall "negative dynamic" with the authorities. In addition, the person is most often alone and thus isolated, and there is no external control whatsoever on what happens inside the patrol car. For instance, police officers in Mexico do not systematically report to their superiors when they detain a person and basically, once detained, the individual is at the mercy of the authority.

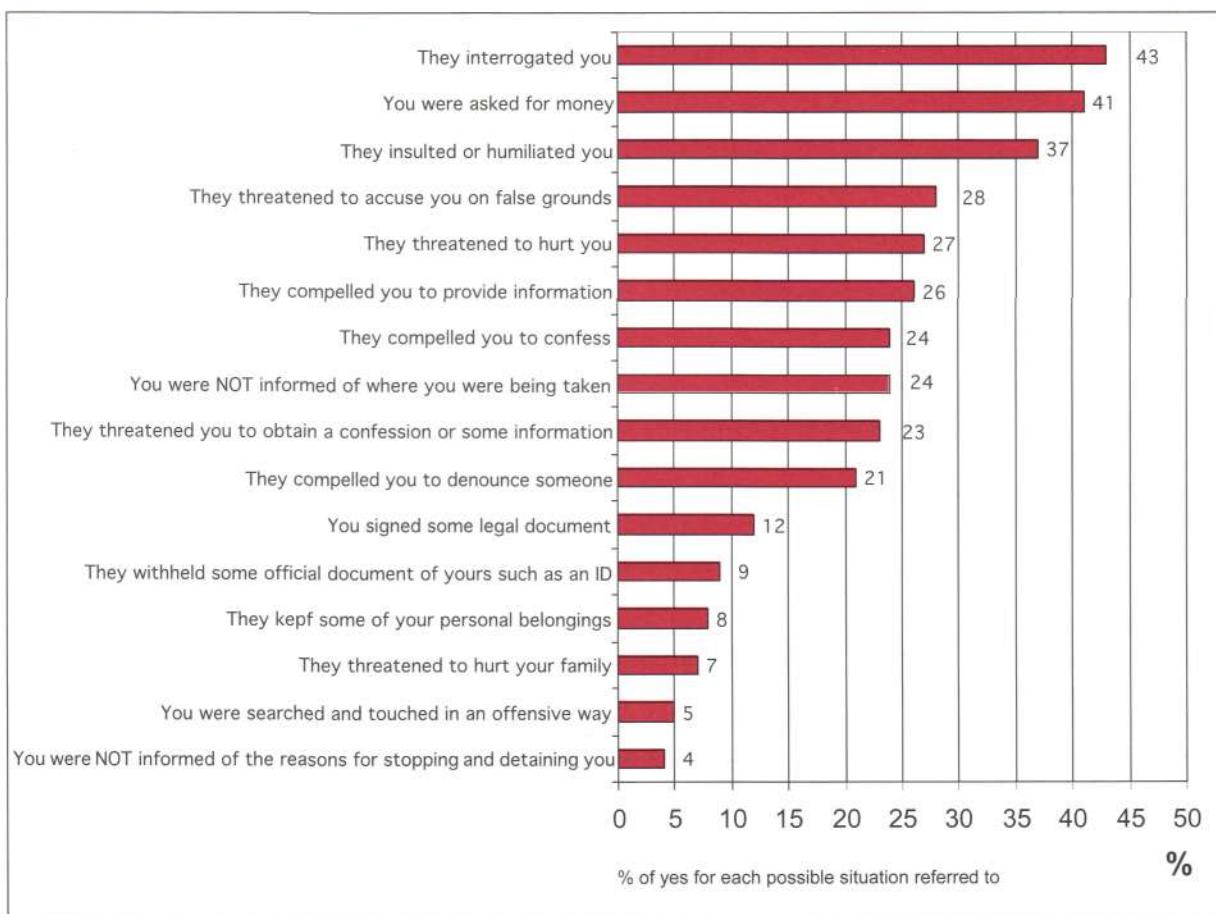
#### E.3.1. Higher levels of abuse

Although survey data does not allow for precise estimations of physical acts of ill-treatment (the order of magnitude of such violations is of some tenth of thousand a year), the violations reported in transfer contacts are: hitting, kicking, and crushing-related injuries. No particular authority comes out as being most involved in such acts, which may indicate that more than the authority, it is the overall context of transfer contacts that allows for abuses and in particular for physical ill-treatment to take place.

Three types of non-physical abuses are more frequent in transfer contacts than when all contacts are considered: being asked for money (41% of transfer contacts versus 29% for all contacts); being insulted or humiliated (37% versus 11%); and being compelled to confess (24% versus 2%), see graph 4 below.

**Graph 4**

TRANSFER CONTACTS WITH NON-PHYSICAL ABUSE (in %) IN THE FEDERAL DISTRICT \*



Total of transfer contacts  
Estimated pop.: 81,000

\* The number of transfer contacts registered in the survey does not allow for precise estimations and ranking of the various abuses mentioned here-above. Thus, the numbers presented should be read as orders of magnitude.

While all violations are alarming, some are even more so due to their potential consequences. Two examples will be analysed hereafter.

- Regarding corruption, a number of elements ought to be mentioned. One of the results of this survey is that individuals are repeatedly asked for money by the authorities. Money can be given for a number of reasons in a patrol car: it can be as a consequence of threats, to avoid being taken to the MP, etc. In all cases, it is unacceptable behaviour in a democratic country and constitutes behaviour that should be fought against. Persons should never have to give an officer money or other bribes to have their rights respected, and if a person is suspected or guilty of a crime or offence, by no means should he/she be allowed to bribe an officer so as not to be taken to the MP and face justice.
- The violations to a detainee's rights mentioned in graph 4 can have severe immediate but also long-run consequences. Indeed, 43% of all transfer contacts involve some kind of interrogation. Not only are patrol cars not the place for individuals to declare (article 20 of the Mexican Constitution only recognises legal value to declarations and confessions rendered



before an MP or a judge and in the presence of a lawyer), but all the more dangerous taking into account a number of violations which commonly occur in transfer contacts. Indeed, approximately 1 out of 4 individuals undergoes threats to be accused on false grounds; 1 out of 4 is victim of personal threats; 1 out of 4 is compelled to provide information; 1 out of 4 is compelled to confess; and 1 out of 8 signs some legal document.

The gravity of such violations is reinforced by the fact that a considerable proportion of transfer contacts originate in detentions and minor faults, and thus involve individuals considered as “suspects” and possibly involved (or about to be involved) in a judicial process. Although legally a confession obtained other than before the MP or a judge and with a lawyer does not have any value in the judicial process, reality is quite different.<sup>16</sup> Confessions obtained illegally are given the same importance as legal ones and thus the full potential impact of a forced confession obtained in a patrol car goes way beyond a simple violation of the law.

Abuse in transfer contacts is therefore not only proportionally higher than other types of contacts with the authority, but the possible implications of such abuse are extremely preoccupying. Taking into account the motives of contact (i.e. large proportion of “suspects”) and the profile of the individuals (overrepresentation of people belonging to vulnerable groups of the population: i.e. people belonging to the lowest socio-economic levels), the consequences of the above-mentioned violations are all the more worrying. Without a doubt, having to pay a bribe, or being involved in a judicial process based on false accusations or on a forced confession, is all the more penalizing for people with low income. The loss of money is a real issue when resources are scarce, and the impossibility of paying for a high-quality legal defence can result in tragic stories for people facing judicial processes based, for example, on false accusations. As it will be seen in the section on MP personnel, this is reinforced by the fact that although the law guarantees all indicted people with an *“abogado de oficio”* (state-appointed lawyer), the survey shows that this is not systematically the case.

### E.3.2. Inappropriate final destination

Another related element is the final destination of transfer contacts. Legally, when a person is taken away in a patrol car, he/she should be taken directly to the MP or before the judge. As mentioned, a person can be involved in a transfer contact for two main reasons: because of a detention warrant, or because the person was caught in flagrancy. It should however be stressed that other motives exist: i.e. a person may ask the authority for help and, as a result, be given a ride, though this accounts for less than 2% of such contacts according to survey data.

Considering the most frequent scenario, it is surprising to note that only 62% of all transfer contacts end with the individual actually being taken to the MP (whether to an agency or *separo*).<sup>17</sup> In 38% of cases, some kind of arrangement is reached –voluntarily or not- between the individual and the authority, which results in the individual being dropped off in the street, close to an MP agency, in a market or mall, or at home.

Excluding the situation where the individual was dropped off at his/her private house (1% of all transfer contacts), this situation is worrying. People who were not handed over to the MP are probably either individuals who were taken away on illegal grounds, or people guilty of some offence who, instead of facing justice, reach some kind of agreement with the authority. In both scenarios, such behaviour is in direct violation of the law and human rights norms.

<sup>16</sup> See E. López Portillo Vargas, *op. cit.*, p. 390.

<sup>17</sup> Separos are temporary detention cells within the *Ministerio Público* agencies.

## RECOMMENDATIONS FOR POLICE FORCES

Beyond the three recommendations which come directly from the survey results, it is interesting to bear in mind that a number of publications and recommendations from other studies address the issue of the working conditions of police officers and the need for such conditions to be improved.

### 1. Improving the working conditions of police officers

A majority of police officers work under very difficult conditions. Despite the fact that this does not in any way justify the abuses registered in this study, it contributes to explain their presence and persistence. The instability of the job of police officer, the insufficient training and the scarce level of specialisation of officers, as well as the low level of salaries and benefits received for themselves and their families, among others, have generated serious negative consequences for Mexican society. It has become urgent to study in depth the organisation of the police to tackle such consequences.

With regard to the findings of this study, it is to note that the most common abuse, extortion, concerns essentially traffic police officers. The latter are also among the officers who receive the lowest incomes. Without in any way underestimating the analysis presented here (for example, the fact that the frequency of this abuse is closely connected to the role of such officers), it should be mentioned that an improvement in the income and benefits received by traffic police agents could substantially contribute, under certain conditions and along with public information campaigns, to the reduction of the phenomenon of corruption in Mexico.

### 2. Enhance the efficiency and professional skills of police officers

Recent SSPDF policies allocate different sorts of efficiency bonuses to police officers based on their capacity to arrest. Such allocations are unrestrictive of the merits of the detention or of the nature of the means used. A different approach to police productivity is one linked to responsiveness and competence. Therefore, *the criteria for granting bonuses to police officers with regard to efficiency and quality need to be redefined in order to assess the work of police officers with new standards, i.e. criteria based on the full respect of the rule of law and on the absence of violations should be introduced*. Moreover, even though training by itself does not bring about comprehensive police reform schemes, it is important to underscore the crucial *need to improve the academic level, the length of instruction, as well as further and better incorporate human rights and citizen awareness programmes in police academies*.

### 3. Fighting corruption

The study reveals that asking for money is among the main acts of non-physical abuse carried out by police forces in the Federal District. Resorting to bribing and extortion as a way of settling situations (regardless of whether the money is required as an alternate to a legal sanction, or whether it is paid by an individual in the absence of the commitment of a crime or offence as the way out of a potential conflict with the authority), is in clear contradiction with the law and, in terms of democracy, human rights, and governance, is an important issue to be resolved as soon as possible. To do so, a number of elements should be considered: for example, *strategies to reduce the incentive for public agents to ask for money (bribes), public awareness campaigns on the negative cost of such practices, and schemes to eliminate the prevailing impunity towards officers involved in corruption should be implemented, etc.*

#### 4. Reinforcing control mechanisms

Despite the fact that various ***mechanisms of internal and external control*** of police officers already exist, it is ***necessary to reinforce*** them to limit and eliminate the abuse reported in this study. Transfer contacts, which involve a number of violations to the rights of individuals, will be used here as an example.

One of the elements which allows for abuses to take place in transfer contacts is the isolation and lack of external control characteristic of such contacts. If officers reported on their activity and detentions, a control (which to date is non-existent) could be carried out as to why and where the individual was detained, where the officers are planning to take him/her, and on the route and time necessary to hand the individual over to the MP. Any discrepancy with "normal procedures" could be enquired. For example, ***the actual introduction and systematic use of radios or any other communication device between police officers and their superiors could contribute to reduce the abuses perpetrated by officers***. Another possible remedy to such violations may be the introduction of cameras within the patrol car. One of the current problems is for individuals to prove they have been victim of some form of abuse on behalf of the authorities. With the introduction of surveillance cameras, it is believed that violations such as extortion, offensive and violent searches, forced confessions, etc., will, eventually, be curbed. Moreover, the current decentralised system considerably limits possibilities of control and supervision. It might be necessary, under certain conditions, to adopt a more centralised system to better regroup and control operations in general.

## 5. THE PERSONNEL OF THE MINISTERIO PÚBLICO

In Mexico, the offices colloquially known as *Ministerio Público* (MP) are the key institutions for the procurement of justice, both at the federal level and in the Federal District. The term MP comes actually from the title of the prosecutor in charge of filing enquiries (*averiguaciones previas*) and of undertaking relevant endeavours to instruct the investigative police (*policía judicial*). The MP also acts as attorney bringing cases to the criminal justice system, alas monopolising the trigger mechanism to access justice.

All references to the MP in this study relate to the personnel operating MP agencies, and not exclusively to the holder of the office. In the Federal District, there are 73 MP agencies which can be roughly divided in three categories: centralised (where general crime investigations are concentrated); decentralised (based in each borough or *delegación*); and thematic (such as domestic violence, drug-related crime, kidnapping). MP agencies cover a number of different situations and functions which include: filing crime reports; submission by preventive police officers of offenders caught in flagrancy; investigative police officers delivering persons who were requested to be held in temporary custody during crime investigation periods; individuals bringing cases that require mediation, etc.

### A. Contacts with abuse are more frequent with MP personnel than with other forces under study, and essentially occur on MP premises

As mentioned, the proportion and characteristics of abuses vary according to the authority under study and significant differences can be noticed between the behaviour of MP personnel and that of police forces. In the case of *Ministerio Público* personnel, three facts are worth attention.

- In 67% of all contacts with MP personnel, some kind of abuse takes place (see chart 2). Of all authorities under study here, this corresponds to the highest percentage (representing 375,000 contacts), making MP personnel the authority most likely to commit some type of abuse (see chart 5).
- 99% of all contacts with abuse involving MP personnel -be they physical or non-physical abuses- take place inside MP agencies. Policies aimed to address abuses should be designed bearing this feature in mind.
- MP personnel are least likely to participate in physical acts of ill-treatment (2% of all contacts versus 6% when all authorities under study are considered, see chart 5). Moreover, acts of physical ill-treatment seem to be exclusively committed in the *separos* and not in the rest of the MP agency. Consequently, in the *separos*, the proportion of physical ill-treatment is higher than the average 6%. Bearing in mind that abuse is context-specific (e.g. transfer contacts), it appears that contacts with MP personnel in *separos* are different to those in the rest of MP agencies. It should be stressed that *separos*,<sup>18</sup> like transfer contacts, involve situations of detention and isolation, which harm individuals.

<sup>18</sup> Contacts in *separos* concern 0.6% of the population with contact (i.e. the population with contact in *separos* represents less than 20 persons in the sample). Since this percentage is not sufficient to allow for statistical inference, detailed analysis of such contacts could not be carried out.



## B. Abuses carried out by MP personnel are largely procedure-related

There are various standings on which a person can arrive at an agency of the MP: as a victim of an offence or crime, as a witness, or as an indicted person. Rights and obligations of both individuals and the authority vary depending on this standing. Although it is difficult to make common statements to such a variety of situations, it is worth analysing the characteristics of all contacts with MP personnel before paying special attention to the features and nature of the abuses committed by MP personnel against indicted people and against victims of crime.

Chart 10

CHARACTERISTICS OF CONTACTS IN THE MP (in % of contacts) IN THE FEDERAL DISTRICT

Characteristics	YES	NO	TOTAL
Your testimony/ declaration was taken	85	15	100
You were given wrong or incomplete information which misled the process	13	87	100
You were asked for money to speed up or slow down red tape	10	90	100
You were insulted or humiliated	7	93	100
You were charged money inadequately	7	93	100

Such characteristics are worrying. Regardless of their standing, all individuals are entitled to a number of basic rights. Moreover, considering the role of the authority as duty-bearers, a series of obligations apply regardless of the situation of the individual. People should never be given wrong information which misleads the process, nor should they be insulted, humiliated or charged money inadequately (see chart 10 above).

In this sense and from a procedure-related perspective, it should be stressed that a common feature of 70% of all contacts in the MP is the signing of some kind of legal document. In almost 1 out of 5 such cases, the individual reported not having read the document beforehand, signed something which did not fit accurately their account, or even signed the document against their will. Considering that the MP is responsible for the procurement of justice, and thus has a vital role in guaranteeing access to justice and respect of the population's basic rights, the above-mentioned figure is extremely troubling for its possible consequences. Regardless of whether the person was victim of a crime or offence, or involved (or suspected of being involved) in committing one, such characteristics point towards breaches to the full respect of the rule of law.

The information provided by the questionnaire indicates that in the case of the MP, the majority of the abuses carried out are irregularities and procedure-related violations. Data and results related to indicted people and victims of crime are presented next.

## C. Procedure-related violations particularly harm indicted persons

Special attention has to be paid to indicted persons. As seen above, the importance of a declaration in any judicial process is vital and the fact that people report having signed documents which do not relate to their narration or against their will, is especially serious in the case of indicted persons. Indeed, such documents might be forced confessions, or false declarations accusing someone else. Apart from constituting illegal behaviour,<sup>19</sup> this is symbolic of another problem: the absence of proper

<sup>19</sup> See articles 136 and 208 of the Federal District Code of Criminal Proceedings.

legal defence and advice, and the excessive weight given to the "ministerial affidavit"<sup>20</sup> instead of privileging statements rendered before judicial authorities. If the law was respected by the letter, indicted people would always count with legal defence and the risk of declarations being altered would be considerably reduced.

Article 269 of the Federal District Code of Criminal Proceedings states in paragraph III b-d that individuals "must have an adequate defence by self, lawyer or person of confidence, or if they do not want or cannot appoint a defender, a state-appointed lawyer will be assigned to do so"; the person will also have the right "to be assisted by their defender when declaring; for the defender to be present during all submissions of evidence as part of the averiguación previa, and the latter will have the obligation to do so as often as required".<sup>21</sup> Reality is somewhat different. Survey data shows that, in cases where the person presented him/herself at the MP as an indicted and was not assigned a state-appointed lawyer, in almost 4 out of 5 such contacts, individuals reported not having their own lawyer, and in 1 out of 2 contacts the person was not accompanied by a "person of confidence". This means that at least 1 out of 2 indicted persons in the MP did not have any form of legal defence.

Without proper legal defence or advice, individuals are left to the good will of MP personnel and to their own knowledge of their rights. This is preoccupying since a majority of people are not well-informed when it comes to their individual civil and other human rights (see paragraph D in section 6).

Moreover, paragraph III of article 269 of the Federal District Code of Criminal Proceedings clearly states that individuals "shall be informed of the rights associated to the averiguación previa that are provided to them by the Mexican Constitution. Such rights are: a) not to declare if that is their wish...",<sup>22</sup> etc. Survey results, however, show that of all contacts in the MP involving an indicted person, 60% are characterised by the fact that the person was not informed of the right to remain silent. Such a comment applies to a variety of rights guaranteed by Mexican legislation (see chart 11).

Chart 11

RIGHTS OF INDICTED PERSONS IN THE MP IN THE FEDERAL DISTRICT

Individual right referred to	% of compliance (for indicted people)		Legal basis
	YES	NO	
To be informed of the charges pressed against oneself	87	13	Art. 269 II of the FD CCP**
To be informed who is accusing them	64	36	Art. 269 II of the FD CCP**
To be authorised to make a phone call (% of those who asked to)	50	50	Art. 269 III g of the FD CCP**
To include in their file as much proof or as many witnesses as desired	43	57	Art. 269 III f of the FD CCP**
To be informed of the right to remain silent	40	60	Art. 269 III a of the FD CCP**

\*\* Federal District Code of Criminal Proceedings  
(Código de Procedimientos Penales para el Distrito Federal)

Confidence intervals for the right to be informed of the charges: 85-89; of whom is accusing the person: 62-66; being authorised to make a phone call: 48-52; include in their file as much proof or as many witnesses as desired: 41-45.

As seen in chart 11, despite the existence of legislation which explicitly refers to the rights of indicted persons, survey data relating to the MP reveals that such rights are only partially applied. 1 out of 7 indicted persons reported not having been informed of the charges pressed against them, and almost 1 out of 6 reported not having been able to include in their file as much proof or as many witnesses as desired. Such figures reveal serious procedure-related violations and underscore an alarming situation

<sup>20</sup> Prior to declaring before a relevant judicial authority, detainees submit a written affidavit at the office of the Ministerio Público; such statement is known as the *declaración ministerial*.

<sup>21</sup> Translation by the author.

<sup>22</sup> Translation by the author.

as far as the procurement of justice is concerned. Indeed, how can regular individuals properly prepare their defence without being aware of the charges pressed against them, or without being able to include in their file all potential elements of defence?

Another interesting fact is that, although article 269 of the Federal District Code of Criminal Proceedings clearly states that "*when an indicted person is arrested or presents him/herself voluntarily before the MP, the immediate procedure to follow is: I. Register the time, date and place of the detention and, when it applies, the name and position of the person who ordered and executed it*",<sup>23</sup> this only happens in about 1 out of 2 contacts (respectively 53% and 51% of contacts between indicted persons and MP personnel). Moreover, paragraph II of the same article states that indicted people "*will be informed of the charges against them as well as of the name of the plaintiff*".<sup>24</sup> This is however not the case in respectively 1 out of 7 and 1 out of 3 such contacts (13% and 36%).

These failures to apply the law can have important negative repercussions for individuals (i.e. not being able to prove compliance with a presentation warrant, or not being able to prepare in the best possible way for one's defence), though their fulfilment does not require any special effort nor complicated reform. Indeed, survey results point to a number of violations and irregularities which, as such, are not dramatic, but whose negative consequences could be easily modified should the existing legislation be respected.

#### D. Victims of crimes or offences suffer further complications in the MP

Just as MP agencies are uncertain and hostile places for indicted persons, they can be synonym of abuse and problems as far as victims are concerned. When analysing contacts where the person attended the MP as a victim to file an accusation/complaint, a number of irregularities appear.

Only 5 out of 6 of the people who attend the MP to file an accusation actually do so. The other 16% represents individuals who spent several hours in the MP agency (average of 3h20mn) but were not attended, cases where the individual was asked for money as a condition to receive help, or the person was advised not to file a complaint by the authorities. This highlights a poor delivery of services and lack of fulfilment of obligations on behalf of MP personnel. Regarding contacts where the person did effectively file a complaint, a series of further irregularities and violations emerge. In 10% of such contacts it was reported that the authority tried to convince the person not to file an accusation. Various other procedure-related violations stand out (see chart 12).

Chart 12

RIGHTS OF VICTIMS (PERSONS HAVING SUFFERED SOME OFFENCE OR CRIME) IN THE MP

Individual right referred to	% of compliance (for victims)		Legal basis
	YES	NO	
Receive a copy of their complaint	80	20	Art. 9 IX CPP **
Receive a copy free of charge	93*	7*	Art. 9 IX CPP **
Have access to their file	55	45	Art. 9 XII CPP **

\* of the 80% of people who were given a copy of their complaint

\*\* Federal District Code of Criminal Proceedings  
(Código de Procedimientos Penales del Distrito Federal)

<sup>23</sup> Translation by the author.

<sup>24</sup> Translation by the author.

## RECOMMENDATIONS TO THE PERSONNEL OF THE MINISTERIO PÚBLICO

Tackling a number of problems related to MP personnel could have a strong impact on levels of abuse and on the quality of procurement of justice, which is currently characterised by services of poor quality. The overall system and habits of the MP personnel favour such a situation. Recommendations to MP personnel could include the following points.

### 1. Internal and external control mechanisms for the MP

The system of *internal assessment* of the performance of the MP personnel (in charge of the Executive branch of the government of the Federal District) **needs to be enhanced** to better track undue practices and irregular behaviour of public officials in the MP. In addition, *external control mechanisms*, involving the ombudsman, the Legislative and/or Judicial branches, as well as independent citizen participation, **should be improved to better assess the running of MP facilities**. Moreover, with reference to the need to introduce control mechanisms in patrol cars, it appears that individuals detained in *separos* are also subject to context-specific abuse, and thus the introduction of video cameras there could also be contemplated.

### 2. Investment in technology for enhanced control

Although there have been important improvements in the treatment of *averiguaciones previas* (investigation submissions) in the PGJDF, this has not been generalised. The probation system is triggered by *actas circunstanciadas* (enquiry records) that, to date, cannot be tracked electronically due to the lack of technological means for that matter. Just as *averiguaciones previas are currently electronically labelled and can be tracked down, allowing for better control of MP performance and accountability, the same measure should be applied to enquiry records*. This would allow for a complete overview of the investigation process, and particularly its filter and trigger mechanism running from enquiry records to formal investigation submissions.

The role of MP personnel in the initiation or not of an *averiguación previa*, and in turn of any judicial process, is crucial. **MP agents have total control over judicial action and it is thus necessary to improve the accountability system with regard to their decisions**. In the light of survey results, i.e. the absence of a systematic registration of individuals upon arrival at the MP (e.g. name and date), and the non-inclusion of witnesses and evidence, it appears that the current situation gives scope to abuse and to an overall lack of control over the actions and decisions of MP personnel.

### 3. Promote alternatives to the MP

The survey indicates that some people go to MP agencies in vain -they are never attended-, and that the overall legal advice and defence given to indicted people does not characterise itself for being professional or of high quality. Moreover, one of the main problems of the MP seems to be the overload of cases in MP agencies and the lack of personnel. One possibility to improve this situation could be to **include restorative justice and alternative conflict resolution schemes to avoid the recurrent overload of MP facilities**. Several cases handed over to the MP could be worked out through mediation and conciliation techniques, leaving only more serious cases to the justice system.



## 6. THE POPULATION AND THE AUTHORITY

In order to fully understand the dynamics and characteristics of the contacts between the population and the authorities under study, it is necessary, alongside in-depth analysis of the authorities themselves, to examine, as another main actor, the relation of the population with police officers and procurement of justice agents.

### CRIME AND INSECURITY

During the 1990s, Mexico experienced a drastic increase in levels of crime and insecurity,<sup>25</sup> which remain high to date. In such a context, the population's expectations with regard to public security agents (whose job is precisely to provide for public security, respect of the law and social peace) should be extremely high. However, two main factors contribute to explain why this is not the case.

- In view of the failure of public security forces to reduce crime levels, and due to the fact that the media constantly associates police officers with organised crime and various illegal actions, the general population has come not only to distrust their authorities, but also to fear them.
- It should be stressed that the average level of preparation and education of police officers is low.<sup>26</sup> This, in turn, affects their general working conditions and has contributed to create, in the population, a down-graded image of such officers, which results in police officers not being given the respect that such an authority should aim for in any given society.

#### A. The population has a generally negative perception of law enforcement officers which is worsened after contacting them

Survey results support the statements above. Indeed, the overall rejection of, and lack of confidence in, police and justice officers expressed by the population at large is reinforced when individuals actually have contact with law enforcement agents (see chart 13). When asked to grade the authority on a 0 to 10 scale, where 0 corresponds to the lowest level of confidence possible and 10 to the highest, the population gives the authority the following grades:

**Chart 13**

GRADES OF CONFIDENCE IN THE AUTHORITY

AUTHORITY	GENERAL POPULATION		POPULATION WITH CONTACT WITH THE AUTHORITY <sup>27</sup>	
	Grade of confidence (average)	Grades 0 and 1 as % of total grades	Grade of confidence (average)	Grades 0 and 1 as % of total grades
Judicial police	5.1	15	4.0	31
Traffic police	5.2	13	4.1	21
Preventive and other police	5.9	9	5.4	8.5
MP personnel	5.3	14	4.3	23

Confidence intervals for grades of confidence given by the general population for judicial pol.: 4.9-5.3; traffic pol.: 4.9-5.5; preventive and other pol.: 5.7-6.1; MP: 5.2-5.4. C.I. for grades of confidence given by the population with contact with the authority for judicial pol.: 3.7-4.3; traffic pol.: 3.7-4.5; preventive and other pol.: 5.1-5.7; MP: 4.1-4.5.

<sup>25</sup> G. Pérez (2004), *Diagnóstico sobre la Seguridad Pública en México*, Mexico: FUNDAR, pp. 1-2.

<sup>26</sup> As far as education is concerned, a majority of police officers in Mexico have either never been to school, or count with incomplete or complete primary school, in *Ibid.*, p. 20.

<sup>27</sup> Grades reported in columns 3 and 4 ('population with contact with this authority') do not correspond to the general population, but to people who actually had contact with the graded authority.

Three facts are of special interest here. Special attention will be paid, as an example, to the MP, although the following comments apply to all authorities.

- The survey shows (from chart 13) that the MP is given a grade of 5.3 by the general population. This grade drops to 4.3 among those people who have had contact with MP personnel during the last year. Not only are these grades low,<sup>28</sup> but they illustrate the fact that having contact with MP personnel is significantly not seen as a positive experience by the population.
- This negative feeling is reinforced by the fact that the concentration of low grades of confidence is much higher among people who have actually had a recent contact (in the one-year period under study) with the authority. When the whole population is considered, grades 0 and 1 account for 14% of all grades. However, such figure rises to 23% when only people who have actually had contact with MP personnel are taken into account (see chart 13).
- When asked for the reasons for their lack of trust in the authority, the population at large mentions as main motives of mistrust "corruption" and "inefficiency" followed by "abuse of power" (see chart 14 below for a more detailed description of the reasons given by the population for the low levels of confidence). In the case of the MP, 52% of individuals report MP personnel as being corrupt and 62% as inefficient. As for police officers, it is interesting to note, in parallel to what was mentioned in section 4 of this report, that corruption was more recurrently reported as a feature of the traffic police and abuse of authority was most strongly associated with the judicial police (see graph 5).

#### Chart 14

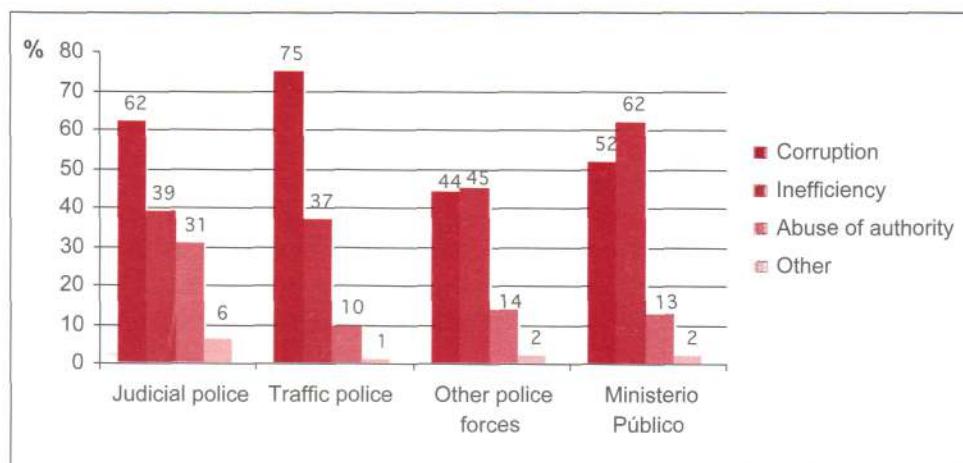
LIST OF REASONS GIVEN FOR THE LACK OF CONFIDENCE IN THE AUTHORITY  
(open-ended questions)

CORRUPTION
THEY ARE CORRUPT
THEY ALWAYS ASK FOR MONEY
THEY ONLY FULFIL THEIR OBLIGATIONS WHEN GIVEN MONEY
THEY STEAL PEOPLE
THEY ARE ACCOMPLICES OF CRIMES/CRIMINALS
THEY PROTECT DRUG-DEALERS/THIEVES
EFFICIENCY
THEY DO NOT COMPLY WITH THEIR OBLIGATIONS
THEY DO NOT SOLVE ANYTHING
COMPLAINTS ARE NOT PROPERLY DEALT WITH
THEY ARE SLOW TO ATTEND
THEY ARE CHARACTERIZED BY POOR PERFORMANCE
THEY ARE NOT PRESENT WHEN NEEDED
ABUSE OF AUTHORITY
THEY ARE ARROGANT
THEY ARE VIOLENT PEOPLE
THEY ABUSE OF THE POWER GIVEN TO THEM
OTHER
THEY LACK TRAINING
THEY DO NOT INSPIRE CONFIDENCE
THEY DO NOT ARREST THIEVES BUT INNOCENT PEOPLE

<sup>28</sup> In Mexico, the scale 0-10 is commonly used to measure perception and confidence, as school grades are based on this same scale, where grades below 6 correspond to fail.

Graph 5

MAIN REASONS GIVEN FOR THE LACK OF CONFIDENCE IN THE AUTHORITY  
(open-ended questions)



(Percentages do not sum 100% due to the possibility given for multiple answers)

The population of the Federal District explains the misconduct and bad behaviour of the authorities in the following terms. They believe that serious bad habits exist within these corporations and perceive the authority as corrupt and inefficient due to poor preparation; to a lesser degree, individuals feel that public agents lack ethics and honour and that internal corruption is widespread. Bad organisation, impunity, low salaries, and lack of laws and regulations are the following main answers.

## B. Corruption is a major challenge for the authorities and for society as a whole

Corruption has been presented as one of the main issues when dealing with contacts between the population and the authorities throughout the study. It has already been observed that in almost 3 out of 10 contacts, the individual is illegally asked for money on behalf of the authority. Further analysis shows that 1 out of 5 individuals with contact gives money (regardless of whether he/she has been asked) and that men are more likely to give money than women: respectively about 1 out of 4 versus 1 out of 6.

However, this is only one side of the story: of all the people who reported giving money to the authorities, 1 out of 4 said they had not been asked for it. It thus appears that, as far as corruption is involved, both the authorities and the population are immersed in a culture of disregard for the law, whether intentionally or due to a lack of knowledge of the law: i.e. rights and obligations (see paragraph D below), which questions society at large with regard to the rule of law and governance issues. Without in any way underestimating neither the responsibility of public agents, nor the gravity of such acts, it is important to stress that changes on behalf of both the authority and the population are necessary for tackling this issue.

### C. Police authorities fail to identify themselves duly

Survey results report that in 4 out of 5 contacts with police officers, agents do not identify themselves by name and that in almost 3 out of 4 contacts individuals were not informed of the corporation officers belonged to. This means that the agents did not have a clearly visible identification tag, or that they did not inform the individual (verbally or by showing their tag) of their name and corporation.

Police officers have the legal obligation to identify themselves while on duty. Article 10 of the Federal District Public Security Act indicates that: "*elements of the public security forces shall wear and display an official identification when carrying out their professional activities. Members of the FD police force have the obligation to wear the appropriate uniforms, tags, symbols and regulatory equipment during all working actions and situations. [...] the uniforms, badges and tags of the elements belonging to the Auxiliary and Banking and Industrial Polices will be different than those used by the Preventive Police and will be designed in such a way that they can easily be distinguished. The relevant departments shall issue such identification tags and provide all officers with the uniforms referred to by this article at no cost for the latter*".<sup>29</sup>

Beside the fact that in the case of police officers the lack of identification is a direct fault to the law and contributes to the population not identifying well the precise role and responsibility of the different bodies, it should be stressed that, as far as all law enforcement bodies are concerned, the implementation of such rules can prove very useful and relatively easy-to-reach measures to fight against corruption and abuse. Indeed, it allows for a precise identification of the individual (name and/or corporation) and thus permits, on behalf of the population, to denounce specific inadequate behaviour by the authority and, on behalf of the authority, it leads to a stronger sense of responsibility for their actions.

Bearing in mind that such a measure is already a legal requirement as far as police officers are concerned but that its fulfilment is far too scarce, a number of alternative ways to guarantee its implementation should be contemplated. For instance, a way to ensure that officers can be clearly identified and always wear their identification tags could be to have such tags directly sown on to their uniforms.

### D. Most individuals (the population and public officers) have little knowledge of their rights and obligations

In no country does the general population have a total and precise knowledge of its legal rights and obligations. Mexico is no exception to the rule. The survey, however, indicates that the population at large is particularly knowledgeable of several rights, the main rights being respect from the authority and right to a fair treatment. Although these two first rights can be considered as rather general, the following are much more specific: right to a lawyer, to a phone call and to know the charges pressed against one. Moreover, both the general population and individuals with contact with the authority prioritise the same set of rights, although a small difference can be noted: the population with contact rates slightly higher rights related to physical integrity.

Having said that, the information provided by the survey indicates that in a number of contacts involving abuse, the individual is not aware of the fact that a violation or irregularity is being committed. Raising population awareness of its rights and obligations is a necessity to fight against impunity and enhance respect for human rights.

<sup>29</sup> Translation by the author.

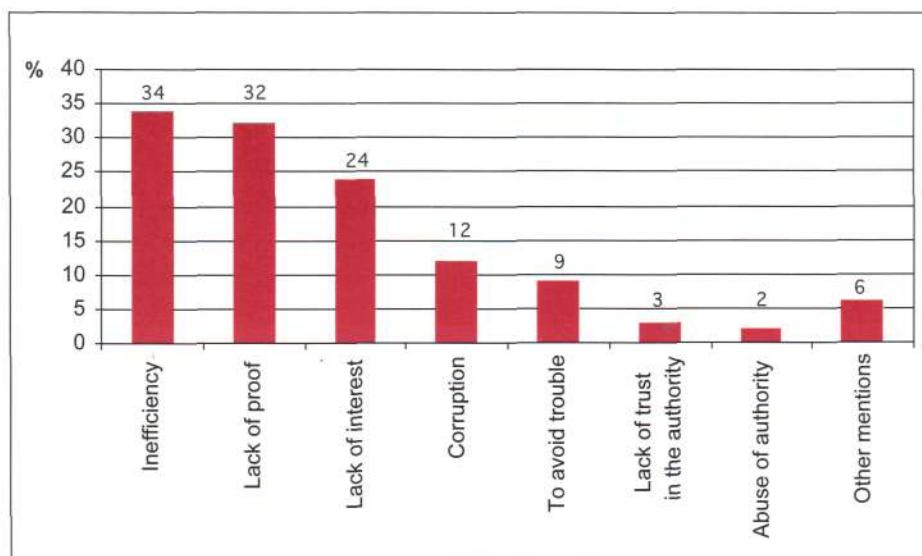
Also of interest here is the lack, on behalf of police officers themselves, of a proper knowledge of their rights and obligations. During the preliminary phase of this survey, interviews were carried out with police officers that evidenced their sense of vulnerability and lack of protection as far as rights, and moreover human rights, are concerned. Instead of referring, both as individuals and as police officers, to a number of rights and protections, police officers feel that they are totally out of their scope and protection.

## E. Low levels of reporting of abuses

While the magnitude of irregularities, abuses of power and ill-treatment revealed by this study is *per se* a warning signal, another finding of the survey shows how much this issue is severely jeopardizing the basic grounds of democratic governance: it is striking to see that only an extremely low number of contacts with abuse (6%) actually lead to some kind of reporting and complaint. Even in the more severe cases of abuse (e.g. violence, threats to be accused on false grounds, retention of documents as a mean of pressure, etc.), survey results show that individuals rarely report such violations.

**Graph 6**

REASONS FOR NOT REPORTING ABUSE  
(spontaneous answer, multi-answer, in %)



*Non-reported contacts with abuse  
Estimated contacts: 1,100,000*

As shown in graph 6, the most common explanations given by victims of abuse for not reporting the abuse(s) suffered -and thus for their consequent silent passive behaviour- are highly eloquent in terms of a widespread feeling of misgovernance within the systems of public security and procurement of justice:

- In a third of cases of abuse, victims of abuse renounced to complain or report the event(s) due to the so-called inefficiency of the relevant authorities: the general feeling is that "problems never get solved" and that "one is not paid attention to".

- In a third of cases of abuse, victims of abuse renounced to complain because of lack of evidence. The feeling is that the instances responsible for the procurement of justice will remain deaf to complaints that are not based on solid proof. The burden of proof is put on the victim and since in many abuses it is extremely difficult for the individual to gather the necessary proof, they give up before trying.<sup>30</sup>
- In a quarter of the cases, the person who was subject to abuse does not even consider itself a victim or does not give the abuse any importance, as if it were normal and unimportant. In other words: for a significant number of people, most abuses (such as bribes) are considered as part of the normal life and/or as an inevitable element of the public scene and of individuals' day-to-day relations with law enforcement authorities.
- As for the other reasons mentioned for not reporting abuse, corruption and fear of further trouble that complaining would entail appear next in order of importance and echo the findings of the survey with regard to the low levels of confidence of the population in law enforcement authorities commented upon above.

Moreover, survey results indicate that over 80% of all complaints and reporting do not proceed. Sanctions are extremely rare (only one such case was reported in the survey) and there is no doubt that impunity allows for abuses to exist and persist. Means of introducing, and fully-implementing, sanctions in cases of abuse should seriously be considered by policy-makers.

This does not mean, however, that the targeted population of the Federal District accepts and accommodates itself with a situation of misgovernance and weak rule of law. On the contrary, when asked about the most important rights a person has with regard to the authorities, the right to respect on behalf of the latter (38%), and the right to fair treatment (29%) are the two rights most often mentioned. These rights are seen as even more important by those who actually experienced contact with law enforcement authorities (respectively 43% and 34%).

## F. Ambiguous relation to the law

To fully understand the relation between police officers and the general population, it is essential to bear in mind the context and conditions in which the police carry out their daily activities. The Federal District Public Security Act includes a number of important references to the rights and working conditions of police officers. Article 40 states that police agents should "*perceive a decent and rewarding salary in line with the characteristics of their service [...]; be treated in a respectful way by their superiors; count with the respect and attention of the community they serve; be given the necessary preparation and training to become professional police officers; receive the regulatory equipment and uniform free of cost...*".<sup>31</sup> However, as seen previously, reality is somewhat different.

A great number of police officers receive what is perceived as a low salary; tend to lack the respect of the population and sometimes even of their superiors; receive inadequate training (e.g. the training of most police officers includes an initial training programme in the Academy and, although there has been progress in overall training schemes, updating courses remain insufficient); and often have to fix their patrol cars and weapons themselves, etc.

---

<sup>30</sup> Centro de Derechos Humanos Miguel Agustín Pro Juárez and Lawyers Committee for Human Rights (2001), *Injusticia Legalizada: Procedimiento Penal Mexicano y Derechos Humanos*, Mexico: Impretei, p. 14.

<sup>31</sup> Translation by the author.

Despite the fact that domestic legislation covers and deals with a number of potential problems (i.e. training of officers, social respect, etc.), there is a sharp contrast with reality. The lack of full implementation of such legislation has led police officers to distrust the system: their own rights are not fully respected. Thus, instead of feeling that the law and their superiors support them, and that they have rights both as individuals and as police officers, they do not trust the law nor are they motivated to abide by its principles. Since practice is not in line with the legislation regarding the integrity of police officers, the latter do not feel compelled to act according to the law with regard to the population. This leads to a vicious circle in the relation between individuals and police officers.

Democratic rights are embedded in the national legislation, however, their large lack of respect on behalf of all actors involved in this study -on the one hand, police officers and MP personnel and, on the other hand, the population at large- has led to an overall negative feedback in the relation between the authority and the population. It is urgent to break this vicious circle and re-establish legality.

## RECOMMENDATIONS FOR THE RELATION BETWEEN THE AUTHORITY AND THE POPULATION

### 1. Modifying the dynamic of the relation between law enforcement officers and the population

The relation between individuals and the law enforcement authorities is based on a negative dynamic. In this study, both the population at large (survey data) and public agents (qualitative preparatory in-depth interviews) complained about the way the other treated them; for instance, in 40% of contacts, individuals reported that the authority did not treat them politely. Although this notion can be subjective, it illustrates the negative relation between the two. **Several structural changes along with information campaigns are necessary to modify such behaviour.** Moreover, **multi-sector approaches and partnerships** may constitute a way to improve such a relation. Indeed, based on the successful comprehensive and integrated crime prevention strategies in Bogotá, Colombia and Belo Horizonte, Brazil, for example, actions based on the active participation of civil society organisations, the business sector, preventive and investigative police, academics, social development departments, social workers specialised in youth behaviour, and other relevant actors should be privileged in Mexico.

### 2. Improving people's knowledge of the system: rights and obligations

Information campaigns aimed at public agents and the population are essential to reduce the current information-gap. Indeed, individuals in general are not clearly aware of their rights and obligations, nor of the possible consequences or measures to take when the latter are violated. Moreover, people do not identify clearly the respective competency of each authority (especially between the different police bodies), which contributes to favour situations of abuse. **Measures such as official identification tags** should be used by all law enforcement officers (see above) and **information campaigns need to be carried out and reach all sectors of the population**, particularly the vulnerable groups identified in the survey, so as to fight against abuse.

## **7. CONCLUSIONS**

As a general conclusion, it can be said that this study contributes to fulfilling its overriding goal and main objective through the generation and systematisation of non-existing data; the development and testing of a methodology to enhance the measurement and assessment of human rights, democracy, and governance; and the elaboration of a policy-oriented report on abusive behaviour on behalf of law enforcement agents based on the pilot study carried out, as an initial exercise, in the Federal District.

### **7.1. Results**

About half of all contacts with law enforcement authorities include some kind of abuse in the Federal District. A majority of the abuses can be defined as “light” (as opposed to severe) but with an extremely negative impact on society as a whole.

All authorities are involved in the variety of abuses identified in this survey, though different “patterns of abuse” can be associated with each authority. For instance, traffic police officers are most involved in corruption issues and the judicial police tend to resort to threats to the person. Additionally, the distribution of contacts with abuse between physical and non-physical abuses depends on the authority under study, and MP personnel are least associated with physical ill-treatment. Abuse is also context-specific: in patrol cars and *separos* individuals are put in particularly vulnerable situations, making it easier for the authority to resort to various forms of abuse.

The overall public perception of insecurity and of police behaviour is, alongside systematised data, an important element to frame comprehensive public security policies, and abuses and violations should be tackled through a set of given policies. Moreover, a major finding of this survey is the absence of a general culture of respect of the rule of law in Mexico, to which all actors involved in the authority/population relation contribute, willingly or unwillingly.

### **7.2. Need for change and reform**

One of the tools available to policy-makers includes the improvement of the overall professional profile of public security and justice agents. This could lead to more respect on behalf of the population, and to less uncertainty by police officers in terms of responsiveness (how to act and when). Such reforms could focus on salary issues, training and preparation, internal and external control mechanisms –involving civil society actors, information campaigns, among other elements.

It is necessary to modify the current situation characterised by impunity. This is all the more true with regard to severe violations which amount to thousand of cases each year. The actual implementation of sanctions should be considered as a means of improving, if not restoring, credibility to the system. Moreover, beside the possibility of implementing overall institutional reforms, a number of basic and focused steps and actions, alongside well-structured information campaigns, can be extremely efficient to fight, in the short, middle and long run, against the entire spectrum of abuses identified in this survey and contribute to prompt a culture of legality (see the recommendations at the end of each section).



### **7.3. Monitoring over time and between entities**

One of the study's main merits is to provide information which to date is non-existent. Figures and order of magnitude allow for discussions on abuses to move from general talk to addressing problems based on a quantitative knowledge of their features. Moreover, the regular implementation of this survey could inform on the evolution over time (i.e. improvement or worsening) of a particular situation. On this same note, a replication of the survey in various states of the Mexican Republic or at a regional level (i.e. in a number of Latin American countries) could provide us with interesting comparative data. Such information could then be related to public security and procurement of justice policies in the different entities under study and used as a way of assessing the impact and consequences of given policies on the respect and protection of human rights. To do so, a number of significant indicators could be monitored and analysed.

### **7.4. Developing human rights, democracy and governance indicators**

From this first survey and the analysis carried out throughout this document, it appears that indicators of human rights, democracy and governance could include: the proportion between contacts with and contacts without abuse; the distribution between physical and non-physical abuse; the evolution of the percentage of a given abuse, etc.

When measuring abuse, this survey tackles democracy, human rights and governance issues. Indeed, the possibility of linking the implementation of specific public policies and the evolution of evidence-based indicators is a concrete way of introducing democratic and human rights issues in governance matters.

