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Mexico's Police: Many Reforms, Little Progress Executive Summary

Since the 1980s, successive Mexican presidents have taken steps to address the multiple shortcomings of the country's police forces. Agencies have been created, disbanded, and rebranded; hundreds of thousands of agents have been trained and vetted; equipment has been upgraded and expanded. Yet Mexico's police forces are still riddled with corruption, abuse, and ineffectiveness.

This report provides an overview of police reform efforts over the past two decades and examines why, in spite of multiple efforts, Mexican police forces continue to be abusive and corrupt. It assesses the sweeping changes made to the criminal justice system in recent years and evaluates federal initiatives to support state and municipal police reform, vet all police forces through the confidence control (control de confianza) evaluation system, and strengthen oversight mechanisms, such as Internal Affairs Units. It contends that the failure to establish strong internal and external controls over the police has meant that agents implicated in wrongdoing—from acts of corruption to grave human rights violations—have little incentive to change their actions, because the odds are slim that they will ever be investigated and sanctioned.

The study further argues that comprehensive police reform is urgently needed in order to reverse the trend to militarize public security in the country. The use of the military in police roles has grown steadily in Mexico because police forces have been seen as too corrupt or ill-trained to handle the high levels of crime and violence seen in recent years. However, Mexico's experience has shown that deploying the military cannot be a substitute for building police forces that fight crime with the trust and cooperation of ordinary citizens. Deploying soldiers for tasks that they have not been trained to handle in an environment permissive of abuse has also led to widespread human rights violations. Moreover, the use of the military to perform the functions of a weak police force leads to a vicious circle: handing over police functions to the military draws attention away from the need to fundamentally reform the police forces, which in turn all but guarantees the ongoing use of the military in the provision of public security.

President Peña Nieto has promised a new security strategy in order to reduce violence and recover citizen trust in their police forces. However, as is described in this report, his administration has largely maintained the initiatives and police model that were put into place during the Calderón administration. He has also continued to rely heavily on the military to combat organized crime and provide public security, deploying the Armed Forces in new security operations in the states of Michoacán, Guerrero, the State of Mexico, and elsewhere, and there are no announced plans to return the military to its barracks.

Through analyzing efforts made to reform Mexico's Federal Police, the report also maintains that while a strong civilian force is needed to replace the Mexican military in its current public security functions, the Mexican government must reverse the Federal Police's poor record of human rights violations and corruption in order for it to be effective in combating crime and gain the trust of the population. The Mexican government has held up the Federal Police as a modern, professional, and well-trained force, and it grew significantly between 2006 and 2012. The Federal Police has also received significant support from the United States through its security assistance to Mexico. But with demands to show results in the Mexican government's efforts to combat organized crime and an environment permissive of abuse, an increase in the size of the force also led to persistently high allegations of human rights violations. Many agents implicated in human rights violations in previous years remain on the force, and there is little to suggest that the limited efforts to increase oversight over the Federal Police during the first year of the Peña Nieto administration have resulted in a significant change in behavior. In a survey by migrant shelters about abuses against migrants in transit during the first six months of 2013, which is described in this report, the Federal Police were the force with the highest number of cases of abuse. Likewise, for 2013, the CNDH issued 14 recommendations regarding human rights violations committed by Federal Police agents. In one incident in April 2013, Federal Police agents in civilian clothes shot at two university students who were driving in a vehicle on the outskirts of Mexico City, killing one of the students.

The report also issues a word of caution for future U.S. security assistance to Mexico. From fiscal years 2008 to 2013, the United States appropriated over US\$2.1 billion in security assistance for Mexico through the Merida Initiative. As of February 2014, over US\$1.2 billion of these funds had been delivered to Mexico in the form of equipment, training, and technical assistance, primarily to combat organized crime, and funding for programs to support violence prevention, the rule of law, and human rights. As of May 2013, the United States had provided training courses for over 19,000 Mexican law enforcement officials, including the training over 4,500 Federal Police agents. The United States has also provided US\$8 million in training and equipment to support the control de confianza vetting program.

Because of the significant proportion of Merida Initiative funds that have been allocated to better train and equip Mexico's Federal Police, the United States has a vested interest in working with the Mexican government to ensure that this force is not undermined by corruption and a poor human rights record. Equipment and hardware may lead to more tactical victories, but they will do little to combat the weaknesses in Mexico's institutions that have allowed organized crime to flourish and that are also at the root of human rights violations. Providing more human rights training to Mexican police forces will also be of little use if the agents do not believe they will be investigated and sanctioned for wrongdoing.

During his remaining years in office, President Peña Nieto has the opportunity to turn the page on human rights violations by Mexican police and focus on measures to hold Mexico's security forces accountable for their actions. Failure to do so will perpetuate a vicious pattern of police abuse and a climate of mistrust between the police and the population. If it can create strong, rights-respecting institutions that are able to prevent and combat crime with the trust of the citizenry, the Peña Nieto administration can also help reverse the pernicious trend of militarizing public security.

Recommendations for strengthening police reform in Mexico, particularly in the area of accountability, detailed in the report include:

1. Certify police forces, not just individual police officers, because often corrupt and abusive practices are fomented within the police force itself.
2. Continue to reform the current control de confianza evaluation system and ensure that this evaluation complements other internal controls.
3. Establish and/or strengthen Internal Affairs Units and Honor and Justice Commissions at the state and municipal levels.
4. Accelerate and improve efforts to make the National Police Registry operational so that the results of police evaluations and investigations are registered and made available to all police forces.
5. Draw from important and innovative police reform initiatives at the state and municipal levels in Mexico and look for ways to adapt these experiences for other forces in the country.
6. Create strong external control mechanisms to complement Internal Affairs Units and other mechanisms for internal police discipline.
7. Strengthen the oversight role of citizen councils and observatories of police forces.
8. Fully implement the judicial reforms of 2008 as a way to ensure efficient investigations and adequate collection of evidence while respecting due process guarantees.
9. Fully establish the national registry of detainees as many human rights abuses committed by police officers take place when individuals are first detained.
10. Provide more transparency and oversight over federal subsidies granted to municipal and state governments to support police reform efforts.
11. Respect the rights of the police officers; just as police officers should be sanctioned for wrongdoings, so too should they be rewarded for doing a good job.

For the United States government, the report recommends that as it works with the Mexican government to determine how to allocate the remaining US\$900 million that has been appropriated for the Merida Initiative through FY 2013, it should prioritize support to strengthen accountability mechanisms for Mexico's police at all levels. This could include additional support for Internal Affairs Units, reforms to the vetting system, additional support for the Police Registry, and support to ensure that the national registry of detainees becomes fully operational. The report also calls on the State Department to use the leverage provided by the human rights requirements in the Merida Initiative and make clear that addressing human rights abuses by Mexican police forces is a priority for the United States government.