



World Justice
Project



Changing Mexico's Criminal Justice System is Possible:

Local initiatives pave the way
for transformation from the ground up.

A decade after it first hit movie theatres, *Presunto Culpable* is still the most widely viewed documentary in Mexico. Accused of a murder that he did not commit and facing a criminal justice system that wrongfully sentenced him to 20 years, Toño Zuñiga exemplifies the weaknesses inherent in Mexico's antiquated, inquisitorial model of justice: **major decisions were based on questionable testimony rather than hard evidence, and judges were typically absent from hearings.** Findings from CIDE's 2000, 2005 and 2008 inmate surveys revealed the extent of the system's shortcomings: 92% of prosecutorial accusations lacked physical or forensic evidence and 93% of those accused never even appeared before a judge.

Shortly after Toño's release in 2008 – achieved with the help of documentarians who provided a capable defense attorney – Mexico's criminal justice reforms were approved, launching the country's transition towards an adversarial model. In principle, the system relies primarily on verifiable evidence, ensures transparent, oral trials, and safeguards the rights of the accused. To date, the results of those reforms have been mixed. Widespread distrust of the Public Prosecutor's Office (Ministerio Público -- MP) and the police, coupled with fear of crime and high rates of impunity, have led many elected leaders, criminal justice officers and media personalities to question the new model and spearhead a counter-reform that would reduce the burden of proof for incarceration.

Today, the efficacy of the new criminal justice system is a major source of controversy and public distrust. Decision-makers and opinion-makers critical of reform offer polemics, troubling examples, and exhortations to use an "iron hand" when dealing with suspects.

**All too often,
what is missing from
this dialogue
is reliable evidence.**

Leading with evidence



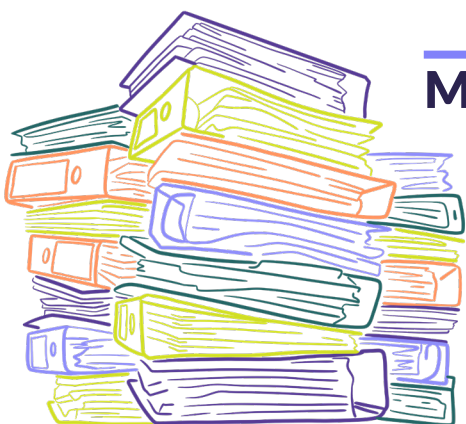
The World Justice Project (WJP), a non-partisan, data-driven NGO whose mission is to strengthen the rule of law, worked from 2016-2021 to evaluate and measure key aspects of criminal justice system performance, and to propose governance actions that would make it more effective, efficient, and equitable. Action should be supported by rigorous research. Using information provided by inmates from the ENPOL survey, our analysis shows that Mexico's criminal justice reforms achieved meaningful progress.

WJP's National Almanac was the first quantitative analysis to measure the effects of Mexico's criminal justice reforms.

The Almanac collection is made up of 32 volumes and findings were shown to Olga Sanchez, current Secretary of the Interior. **The Almanac's findings show a marked improvement in the**

trial process: judicial rulings are clearer and more transparent, processes are shorter, and defendants have a much better understanding about judges' rulings and decisions. The fact that these findings are based on data provided by people who had already been convicted -- most of whom freely admitted their guilt -- gives us considerable confidence in the reliability of the responses.

While trials have improved, the same cannot be said about the processes that occur before - detention, interrogation and investigation, custody, and arrest. These practices, which are controlled by the police and the MP, are where Mexico's criminal justice system needs further improvement: deeper reforms as well as better implementation of those already passed. Making this happen will depend not only on political will, but also on reliable and universally accepted performance indicators, which WJP has helped craft.



Mexico, 2018

Total crimes: **33 million**

Crimes reported: **3.5 million**

Cases where charges were pressed: **109 thousand**

Source: ENVIPE 2019, INEGI.

WJP's research suggests that major **progress could be achieved if police, prosecutors, forensic experts, judges, prison personnel and mediators would simply coordinate and establish a clear and rational division of labor.** In some cases, constraints on cooperation are based on inertia and the drive to preserve power, while in others, constraints result from rigid bureaucracy and lack of resources. An exception is the state of Querétaro's **cosmos** system. From WJP's evaluation of **cosmos**, we learned that effective cooperation requires shared and complete information that traces events through the life-cycle of every investigation or arrest. To encourage adoption by other states, WJP generated practical performance indicators.



Interactive website:
Police indicators



9 databases
evaluated



106 in-depth
interviews



53 media articles
or participations



Alejandro Hope @ahope71 · 18 jun. 2019
El proyecto Cosmos en Querétaro [@El_Universal_Mx](http://eluniversal.com.mx)

Reports

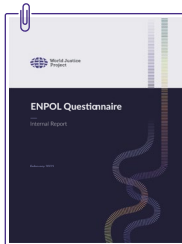


Almanaque
1 National
and 31 states.

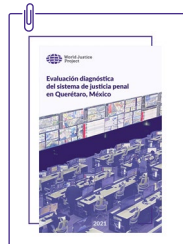
1 Event launch



Mexico's
New Criminal
Justice System



ENPOL
Questionnaire
Pilot



Cosmos
Report



Indicators
for the Public
Prosecutor's
Office

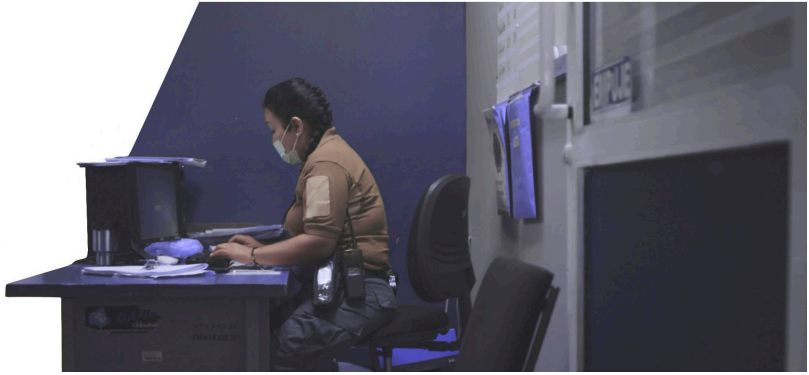


Police
Indicators

Alliances

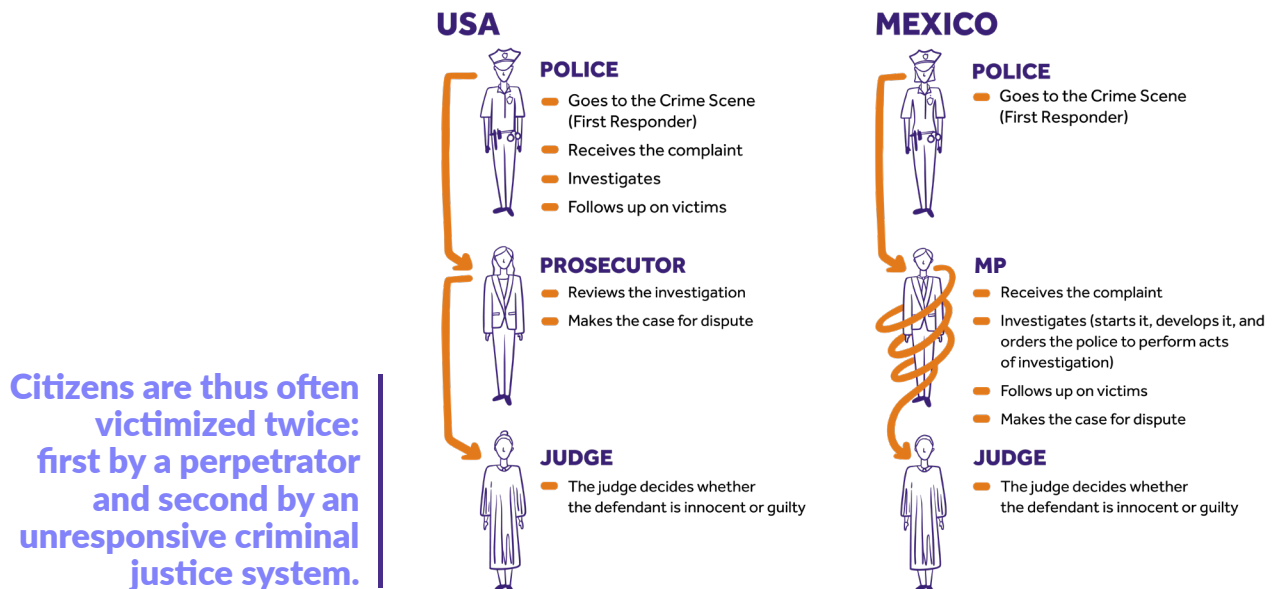


Police capacity and autonomy



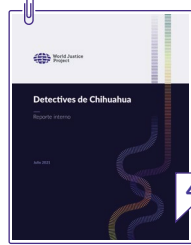
Nidia García, a detective police in Chihuahua.

To consolidate a system in which evidence is robust, relevant, and reliable, those leading criminal investigations must be well-trained and have the authority to collect and present information. **In principle, local police have a mandate to receive and respond to complaints, attend to and question victims, and gather evidence for criminal case files; yet few municipal police departments actually carry out these actions.** However, in practice the MP retains a virtual monopoly on criminal investigations, their officers overwhelmed with a caseload that they cannot share. The result throughout Mexico is a backlog within the MP: over half of all active cases end up in the bureaucratic black hole known as the “*archivo temporal*”, a holding tank for pending cases that usually signals the effective end of an investigation.



Empowering a police force to carry out investigations and interact directly with victims takes political will, time, and money. For many civil servants, the goal seems unreachable. Yet we know that it is far from impossible. WJP's work on police reform consists of disseminating lessons of promising local initiatives both to the general public and specialized groups. ***Detectives de Chihuahua* is a short documentary that shows how local police are already investigating and solving murder and sexual assault cases.** Along with police from Escobedo – a municipality in the State of Nuevo León – local police are proving to other local governments in Mexico that change can happen when the correct measures and conditions are adopted. The film has already been screened on major national TV and discussed with civil servants and academics from different states, including Quintana Roo, Guanajuato and Mexico City.

Report



4 Webinars

Detectives de Chihuahua

Policy papers



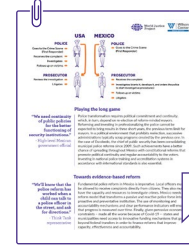
1 Webinar

No habrá paz sin la policía



1 Webinar

Misión Possible



1 Roundtable

Local Police in collaboration with the Wilson Center

Videos



Detectives de Chihuahua
Documentary - 16 min



ReformaPolicialYA
Explainer - 4 min



45 Media articles or participations



150 hours of video



1 award

NEXOS Informar para transformar:
¿Cómo evaluamos a la policía?

Awarded by **INEGI**



Denise Maerker
@DeniseMaerker

Un fragmento del documental "Detectives de Chihuahua", de @marien_rivera y @cklilian, sobre la policía municipal de Chihuahua, la única en el país con una unidad en investigación por razones de género que persigue a presuntos violadores y feminicidas

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CHIHUAHUA
Cada vez mejor
GOBIERNO MUNICIPAL 2018-2021



Debunking myths in the criminal justice system



The “revolving door” (in Spanish, *puerta giratoria*) is a term often employed by critics of Mexico’s adversarial system reforms—many of them members of Mexico’s legislature, executive branch and news media. It refers to the premature or inappropriate liberation of suspects – with the assumption that they are actual perpetrators of crime – due to corruption or ineptitude of criminal justice operators, especially judges. Much of the public dissatisfaction stems from an expectation of punitive justice: seeing people behind bars. This endangers the freedom and human rights of innocent people, especially as the evidence for this often comes from eyewitnesses, which WJP has shown to be unreliable. As with much conventional wisdom about complex policy issues, the underlying complaints about the revolving door were based on rhetoric, selective examples and plain ignorance, rather than data and evidence.

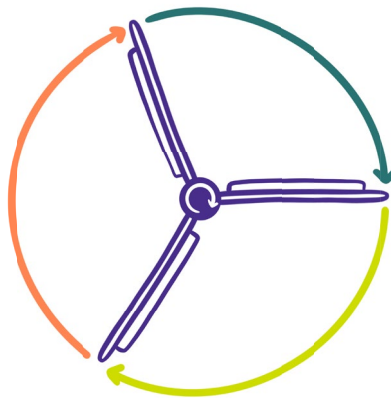
There wasn’t a commonly accepted definition of *puerta giratoria*, much less an understanding of its causes.

WJP researchers published “What is (and isn’t) the Revolving Door?”, an objective, data-driven response to justice reform critics who point to the revolving door as a justification for weakening the adversarial system. In it, **WJP developed a compelling typology of “revolving doors” and demonstrated that the adversarial system intendedly opened some of these, specifically when offenders repair victim’s harm and when offenders face their trial not on remand.** WJP concluded that reforms should focus on police and prosecution capacity rather than harsher sentencing laws that may keep innocent people in jail.

Problematic

Revolving Door

- Illegal detention
- Denied service
- Dismissal of the case for lacking probable cause



Justified

Revolving Door

- Free during the investigation
- Bail
- Power to dismiss cases before bringing them to court for lacking merits

Restorative

Revolving Door

- Alternative dispute resolution (ADR)
- Plea Bargaining (including victims' voice)

The three revolving doors, as described in “What is (and isn’t) the Revolving Door?”

Because so much of the media's treatment of revolving door cases focused on (alleged) corruption, WJP identified factors that curb this practice. **Corruption is most likely when decisions are made by a single individual or office, with no external oversight, since they are not subject to an explicit judicial accountability mechanism and are typically opaque.** In contrast, the environment in which judges release detainees typically disincentivizes corruption because they are highly transparent to all interested parties; especially to the litigants and attorneys present in court when such decisions are announced.



79 requests for information



21 Media articles or participations



40 in-depth interviews



7 databases analyzed



1419 media articles analyzed

Report



Revolving Door

Policy papers



Ira sin razón

1 Webinar



Evitar contagios en las cárceles

1 Webinar



Hilda Téllez Lino
@HildaTellezL

Evitar contagios en nuestras cárceles, asunto de justicia - Animal Político.

#MonitoreoCNDH #DDHH #PPL #COVID_19 | @CNDH



CDHCM
@CDHCMX

Te invitamos a seguir la transmisión del Foro Virtual: "Población Penitenciaria... ¿y sus Derechos Humanos?", con especialistas en temas de seguridad penitenciaria.

Forum

Human Rights of incarcerated people

1 Webinar

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DE DURANGO



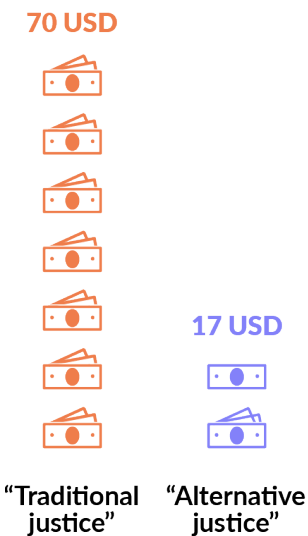
Alternative paths to justice



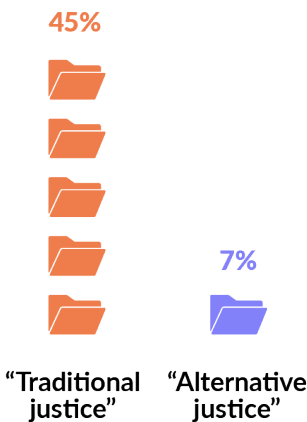
ADRs produce greater satisfaction for all parties.

Putting people in jail is not always the best way to achieve justice – even from the perspective of victims. Though any resolution should include the perpetrator’s admission of guilt, in some cases, a prison sentence may not be needed, or even useful. **WJP research shows that Alternative Dispute Resolution (ADR) mechanisms are among the most efficient tools to achieve justice: being both cheaper and speedier than traditional trials.** They also produce greater satisfaction for all parties. And yet, ADRs are under-used in Mexico. Employed only in about 14% of total offenses currently, WJP calculates that ADRs could and should be used to resolve twice that number.

Mexico, 2018:
Average cost per case



Mexico, 2018:
Percentage of pending cases



Mexico, 2018:
Percentage of cases with satisfactory resolution



Source: INEGI, National Census of State Procurement of Justice 2019.
ADRs are cheaper, more efficient and bring greater satisfaction, according to “Justice to Heal”.

One reason for under-use is the absence of a national or state-level institutional ADR policy. Orientation to these mechanisms depends more on individual knowledge and predilection than on systemic criteria. Capitalizing on ADRs is further undermined by the political logic that motivates prosecutors to prove that they are “tough on crime,” regardless of the impact of their actions on victims, criminals and communities. **Finally, WJP documented a general distrust among criminal justice system operators about ADRs, combined with a lack of information about their significant benefits.**

To generate reliable and systemic data, WJP developed a prototype of survey to record the perceptions of ADR stakeholders on fairness, satisfaction, and conflict resolution. As an alternative to a system that is overburdened, WJP proposed mechanisms to improve their implementation, gathered material to promote their use, and developed a prototype of survey to record the perceptions of ADR stakeholders on fairness, satisfaction and conflict resolution.

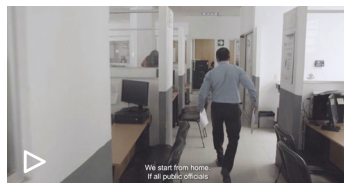


28 in-depth interviews



5 recommendations

Videos



Entendiendo la justicia alternativa



Una ruta hacia la justicia alternativa

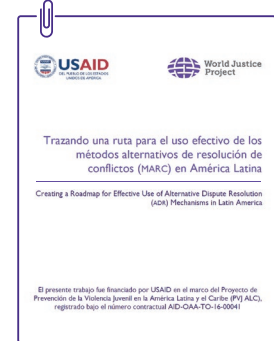


Mediación indígena

Reports



Justicia para sanar: Entendiendo la justicia alternativa en materia penal



Trazando una ruta para el uso efectivo de los métodos alternativos de resolución de conflictos (MARC) en América Latina



Justicia Alternativa Hidalgo
@jusalternativah

El día de ayer [@TheWJP_mx](#) presentó su documental "Justicia para Sanar" a la Magistrada Presidenta del [@TSJHidalgo](#) [@JanetHerreraM1](#) y a [@NancyGu11067686](#) Directora General de [@jusalternativah](#). Excelente proyecto para dar a conocer el trabajo del Tribunal y los beneficios de los MASC

Alliances



GOBIERNO DE JALISCO
PODER JUDICIAL
INSTITUTO DE JUSTICIA ALTERNATIVA
DEL ESTADO DE JALISCO



FISCALÍA
GENERAL DEL ESTADO
DE DURANGO



Procuraduría
General de Justicia
Hidalgo crece contigo

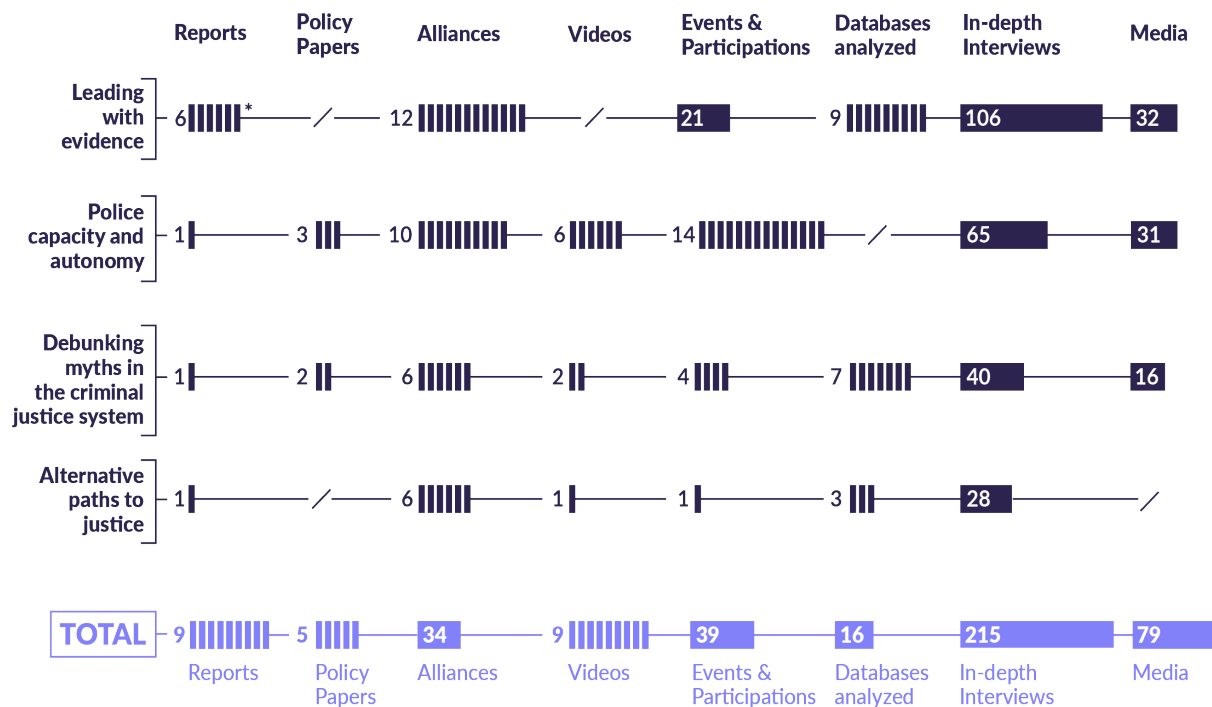


IIDEJURE
INSTITUTO INTERNACIONAL DE JUSTICIA RESTAURATIVA Y DERECHO

CENTRO ESTATAL DE
JUSTICIA ALTERNATIVA
DEL ESTADO DE HIDALGO

Conclusion

While international experience provides many examples of good practice in public security, Mexico can find effective solutions from within. WJP has identified local best practices in the country, from which other states and municipalities can learn from. Our work is data-driven. We believe in the value of monitoring performance to inform leaders for a more efficient, equitable and effective justice system. In some cases, this implies designing indicators, while in other cases, data collection and analysis. Our research strives to offer practical solutions and educate others on what we have learned about current practices.



*31 states reports of the Almanac not included.



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