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## THE MEXICAN PATH TO A REFORM OF THE NATIONAL PUBLIC SECURITY SYSTEM: BUDGETARY EFFORT IN THE FEDERAL ENTITIES AND MUNI- CIPALITIES (2008-2015)

### **Abstract**

This paper looks at the complicated situation that Mexico has been facing since the beginning of the National Public Security System reform process in 2006. The decision to reform Mexican security institutions had been delayed. When the country decided to face up to this challenge, both organized crime and the structural failings of the security agencies forced the government to take on a double challenge: to recover ungovernable territories infiltrated by organized crime – for which the state will need to fall back on the Armed Forces, and to fully restructure the National Public Security System. This paper shows that the argument that Mexico doesn't invest enough resources in public security is not in line with reality, but rather that precisely federal and municipal entities have invested the most. This argument that is in stark contrast to the scarce results that are to be seen forces society to take a concerned look at the destination and use of public resources and highlights the importance of the debate on the police «single command» in Mexican federal entities.

### **Keywords**

Public Security Reform, Mexico, Armed Forces, Police, Budget, Single Command.

## INTRODUCTION

The reform of the National Public Security System and, in parallel, of the judicial administration, became a priority for the Mexican government in 2006 when Felipe Calderón Hinojosa of the National Action Party (Partido Acción Nacional PAN) was elected as president of the Republic, and has continued to occupy an important position in the public agenda since 2013 with the election of the Institutional Revolutionary Party's (Partido Revolucionario Institucional PRI) candidate Enrique Peña Nieto in 2013. While there had already been some partial efforts made at reform, this process hadn't previously been embraced in any consistent or priority manner, as highlighted by Raúl Benítez Manaut<sup>1</sup> and Luis Astorga<sup>2</sup>, meaning that a complicated reform process needed to be begun, made all the more difficult by the climate of violence ruling the country.

In 2006, when the political decision was taken to initiate a head-on fight against organised crime in Mexico, there was no trustworthy police force in the country, nor was there a functioning justice system. The Armed Forces has not been reformed or modernised either, as explained by Benítez Manaut: *«the fundamental tools for an effective battle against drug trafficking (police, justice and defence) suffer from huge vulnerabilities and weaknesses, and this alongside intelligence services that had given priority to «political» intelligence over criminal intelligence»*.

Since Ernesto Zedillo's administration (1994-2000), aspects of domestic security policy, particularly those related to organised crime, had been «delegated» to the Ar-

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1 BENITEZ MANAUT, Raúl. La guerra al narcotráfico en América Latina: ¿victoria militar, fracaso social y político?» in MAINHOLD, Günther and JUST, Stefan El narcotráfico y su combate. Sus efectos sobre las relaciones internacionales. México: Konrad Adenauer Stiftung, Cátedra Guillermo y Alejandro von Humbolt, SITESA, 2014, p 48.

2 ASTORGA, Luis. ¿Qué querían que hiciera? México: Grijalbo, 2015, p.161-162.

3 BENITEZ MANAUT, Raúl. La guerra al narcotráfico en América Latina: ¿victoria militar, fracaso social y político?» in MAINHOLD, Günther and JUST, Stefan El narcotráfico y su combate. Sus efectos sobre las relaciones internacionales. México: Konrad Adenauer Stiftung, Cátedra Guillermo y Alejandro von Humbolt, SITESA, 2014, p 48.

4 Guillermo Valdés, former Director of the Centre for Research and National Security (CISEN) justifies the decision to intervene with the following argument: *«President Calderón's decision to take action against the drug trafficking organisations with the institutions in the condition they were in was criticised. However, a president cannot defend the state's inaction, neither politically nor legally, nor can he ask citizens subjected to violence and insecurity to wait for 15 or 20 years for a reform of the institutions. The severity of the problem meant that there was a need to implement a public policy at the same time as reforming and strengthening the responsible institutions (...) organised crime's greatest strength lay in the weakness of the state security and justice institutions. For that reason, there was a double urgency: starting to contain and weaken the first and at the same time strengthen the second»* (VALDÉS, Guillermo. Historia del narcotráfico en México, México: Aguilar, 2013, p. 468).

med Forces<sup>5</sup> that also incorporated military personnel into the Federal Preventive Police (PFP)<sup>6</sup>. Vicente Fox (2000-2006) decided to place into the hands of the military both the Attorney General's Office (PGR) and the main operative entities in the fight against drugs<sup>7</sup>. General Rafael Macedo de la Concha, in charge of the PGR, surrounded himself with comrades in arms:

*«Two months later (after his appointment), there were already 14 generals assigned to the PGR. Among them, the incumbent of the Planning Centre for the Control of Drugs (CENDRO), Carlos Fernández Luque, and general Carlos Demetrio Gaytán, operations coordinator for the Special Prosecutor for Crimes against Health (FEADS). In addition, lieutenant colonels, colonels, captains and admirals were appointed to other posts»<sup>8</sup>.*

President Felipe Calderón (2006-2012) consolidated the growing participation of Army and Navy personnel in the implementation of anti-drug policies, allowing an every-growing presence of the incumbent of the Secretary of National Defence (SE-DENA) in the media and in the political arena, incorporating ten thousand members of the military in the Federal Preventive Police<sup>9</sup> and encouraging federal entities and municipalities to select active or retired military officials to a good number of the Secretariats of Security, police corporations and prison administrations in the country<sup>10</sup>. Enrique Peña Nieto (2012-2018) has continued with the same practice, taking support

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5 ASTORGA, Luis. Seguridad, traficantes y militares: el poder y la sombra. México: Tusquets Editores, 2007, p.22; ASTORGA, Luis. ¿Qué querían que hiciera? México: Grijalbo, 2015, p.62. points out that *«In 1997, Senator Molina declared that President Zedillo had made a mistake in giving a «leading» role to the Army. He spoke of the problems he had had with military personnel in the National Institute for the Fight against Drugs (INCD), particularly regarding the impenetrability of the institution, its unwillingness to share information, the request from the military to take complete control of crop eradication, and the derogation to the legal system for the military institution, among others. In summary, he said in 1997: «In an assault operation, the army took control of the PGR, the INCD, the CENDRO (Planning Centre for the Control of Drugs), 23 of the 25 national airports and all of the PGR delegations on the northern border». Three years later, the Senator's assessment of the army's intervention was the following: «Today there are 150 members of military personnel who have betrayed the trust of their superiors by becoming connected to criminal organisations».*

6 ASTORGA, Luis. Seguridad, traficantes y militares: el poder y la sombra. México: Tusquets Editores, 2007, p.196.

7 ASTORGA, Luis. Seguridad, traficantes y militares: el poder y la sombra. México: Tusquets Editores, 2007, p.38.

8 ASTORGA, Luis. Seguridad, traficantes y militares: el poder y la sombra. México: Tusquets Editores, 2007, p.64.

9 ASTORGA, Luis. Seguridad, traficantes y militares: el poder y la sombra. México: Tusquets Editores, 2007, p.194.

10 BARRACHINA, Carlos; HERNÁNDEZ MORA, Juan Ignacio. Reformas del sistema de seguridad pública en México (2006-2011) in URVIO, N.II, March, Ecuador: FLACSO-Ecuador, 2012, p.81; BAILEY, John. Crimen e impunidad. Las trampas de la seguridad en México. México: Debate, 2014, p.205.

in a «central» manner from the Armed Forces, states Astorga<sup>11</sup>, to try and control issues related to illegal drugs trafficking and criminal organisations. Bailey shares this opinion, highlighting the fact that the PRI president's policy as regards public security basically follows the steps and efforts made by the previous administration<sup>12</sup>. In the same way, the presence of the Secretary of National Defence in the press and national debate has been very frequent.

At the beginning of his mandate, Calderon, in response to the perception that the state was losing control over significant portions of national territory, launched an offensive against the organised crime groups, sending 25,000 soldiers and federal police to several border towns and rural areas with high levels of crime<sup>13</sup>. This increase in the warmongering rhetoric of the president<sup>14</sup> was accompanied by an alarming increase in the murder rate in the country<sup>15</sup>.

Astorga<sup>16</sup> recalls that the National Governors' Conference (CONAGO), during its session in Tlaxcala in February 2007, supported the president's policy and supported, on the motion of the PRI Governor of Sonora Eduardo Bours, a declaration stating that there was a need to «depoliticise» the problem of insecurity and to stop the violence carried out by criminal groups<sup>17</sup>. Governors from different parties had requested

11 ASTORGA, Luis. ¿Qué querían que hiciera? México: Grijalbo, 2015, p.160.

12 BAILEY, John. Crimen e impunidad. Las trampas de la seguridad en México. México: Debate, 2014, p. 241.

13 ASTORGA, Luis. ¿Qué querían que hiciera? México: Grijalbo, 2015, p. 16.

14 ASTORGA, Luis. ¿Qué querían que hiciera? México: Grijalbo, 2015, p.50.

15 ESCALANTE, Fernando. El homicidio en México entre 1990 y 2007. México: Colegio de México, Secretaría de Seguridad Pública Federal, 2009. ESCALANTE, Fernando. Homicidios 2008-2009: la muerte tiene permiso, in NEXOS, 3 January, México: 2011.

*«And so between these three wars: the confrontation between the different cartels, the Mexican state's fight against drug trafficking, and the cartels' war against the civilian population – all of this is taking place in a context of weakness due to the fact that there are four vulnerabilities. firstly, Mexican democracy is young, it first came about at the beginning of the 90s and there was no change of party in the government until 2000; secondly, the democratic process is incomplete, many areas of the state still need to undergo democratic reforms including defence, intelligence and the justice system, and the transparency of official information is very limited and it is constrained by «national security clauses»; thirdly, elements of the old authoritarianism coexist with the new democratic conditions and, very often, the former prevail over the latter; and fourth, the country is plagued by national and international factual elements. Among those is organised crime. In summary, the transition to democracy coincided with the process of globalisation that, as part of its negative aspects offered favourable conditions to organised crime and placed Mexico among the producer and consumer regions»* BENITEZ MANAUT, Raúl. La guerra al narcotráfico en América Latina: ¿victoria militar, fracaso social y político?» in MAINHOLD, Günther and JUST, Stefan El narcotráfico y su combate. Sus efectos sobre las relaciones internacionales. México: Konrad Adenauer Stiftung, Cátedra Guillermo y Alejandro von Humbolt, SITESA, 2014, p. 49-50.

16 ASTORGA, Luis. ¿Qué querían que hiciera? México: Grijalbo, 2015, p.24.

17 «During the XXXII meeting of the CONAGO in Puerto Vallarta, in May 2007, governors gave unanimous support to President Calderón's security strategy (...) They also recognised the Armed Forces for their work in the fight against organised crime (...) Contrary to the position expressed by some of their colleagues in the Permanent Commission on the call upon President Calderón to withdraw the Armed Forces from

operations and support from the federal government. Thus, during the first 100 days in government, activities had been started in Michoacán, governed by the Party of the Democratic Revolution (PRD), Guerrero (PRD), Baja California (PAN), Sinaloa (PRI), Chihuahua (PRI), Durango (PRI), Nuevo León (PRI) and Tamaulipas (PRI), with the aim of recovering areas<sup>18</sup>.

## REFORM OF THE NATIONAL PUBLIC SECURITY SYSTEM

The task that needs to be carried out is one of building a new institutional framework with different dimensions related to public security and access to justice. At the federal level, a General Law on the National Public Security System was passed, published in January 2009. Other important points were the creation of the Federal Police, replacing the PFP, and the expansion of the penitentiary system that will be extended from five federal centres in 2006 to twenty-four in 2015 – some outsourced to the private sector<sup>19</sup>. A reform of the criminal justice system was also started, in which the traditional inquisitorial system was replaced by a full oral accusatory system to speed up the judicial process and make the system fairer and more efficient.

Another aspect that is being dealt with is the change in the police model in the states and municipalities, which will bring to light the power struggle and battle of interests between the different levels of government, independently of their partisan colours<sup>20</sup>. The importance of creating reputable professional state police institutions

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*public security activities, governors from parties other than the president's party closed ranks on this issue (...) Governors know, from direct and daily experience, that the state of their police forces is currently insufficient to resist the onslaughts of the traffickers' organisations». (ASTORGA, Luis. Seguridad, traficantes y militares: el poder y la sombra. México: Tusquets Editores, 2007, p. 311-312).*

18 «The warning signs were clear and the main processes of the conflict ongoing. This was when some governors made a request to the then President-elect Felipe Calderón for support from the federal government to combat the organised crime that, due to its huge fire power and corruption was taking over the state forces and putting the governability of the entities at risk.» (VALDÉS, Guillermo. Historia del narcotráfico en México, México: Aguilar, 2013, p. 379).

19 OADPRS. Informe de gestión 2014-2015, México: Comisión Nacional de Seguridad, 2015, p. 21.

20 «At the federal level there was a federal police force, created in 1999, that had not grown over the ensuing years; and the around 10,000 police officers at the end of 2006 were not enough to face up to the needs arising due to the criminal organisations. The Federal Judicial Police had been transformed into the Federal Investigation Agency (AFI) but it was still a long way from going through a comprehensive reform. This weakness, along with the lack of agents from the public ministry and the persistence of inadequate working systems, resulted in insufficient and often poorly integrated pretrial investigations; the capacities of the judicial system were overwhelmed by the quantity of files and the structural failings of the criminal justice system and the inefficient functioning of the public ministry; the federal and state prison system also suffered from important shortcomings: overcrowding, almost inexistent rehabilitation systems, corruption, outdated facilities. If these shortcomings were serious at the federal level, they were even worse at the local level: the state and municipal police forces that could consider themselves as such, could be counted on the fingers of

is underlined and the debate started on the disappearance of municipal police forces, or the conservation of those that are viable – especially in large urban areas – under a single command structure granted to the governors. The executive branch of the federal government and the state governors will position themselves on one side of the argument, while the mayors and federal legislators will be on the other – as happened during Felipe Calderón Hinojosa's six-year term, and is happening during the term of Enrique Peña Nieto, who continues to debate this reform<sup>21</sup>.

On the 21 August 2008, the XXIII Ordinary Session of the National Council for Public Security took place and the National Agreement on Security, Justice and Legality was signed, with the participation of the executive, legislative and judicial organs, the media and civil society organisations. Astorga points out that *«the obvious was acknowledged: corruption, impunity, lack of coordination between authorities, insecurity, violence, institutional deterioration in the areas of public security»*<sup>22</sup>.

During this session, ideas were set out on how to reconstruct police forces and make them more effective and reliable. A national system for police development was drawn up, as well as systems for the uniform organisation and functioning of all of the police forces in the country. There was a push for the strengthening of the Federal Police, the creation of a national criminal information system, the design and implementation of a national model for control and reliability assessment, and for a process of cleaning-up of all of the police forces in the country<sup>23</sup>.

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*one hand, leaving citizens almost completely helpless»* (VALDÉS, Guillermo. Historia del narcotráfico en México, México: Aguilar, 2013, p.375).

21 BENITEZ MANAUT, Raúl. La guerra al narcotráfico en América Latina: ¿victoria militar, fracaso social y político? in MAINHOLD, Günther and JUST, Stefan El narcotráfico y su combate. Sus efectos sobre las relaciones internacionales. México: Konrad Adenauer Stiftung, Cátedra Guillermo y Alejandro von Humbolt, SITESA, 2014, p.49 recalls that *«One of the cornerstones of Mexico's transition to democracy was a reduction in the power held by the president of the republic and an increase in the power of governors and mayors – through so-called «decentralisation». But instead of creating stronger democracy, what was created was an almost feudalised dispersion of power that favoured local groups. This led to a strengthening of all types of criminal groups – but especially of the drugs traffickers. The basic elements that upheld the stability of the country were thus dismantled and were not replaced by strong democratic governance but rather by a notable weakness in the security, defence and justice structures that weren't subjected to a modernising reform as required by the circumstances. This can be called a security dysfunction»*.

22 ASTORGA, Luis. ¿Qué querían que hiciera? México: Grijalbo, 2015, p.40.

23 VALDÉS, Guillermo. Historia del narcotráfico en México, México: Aguilar, 2013, p.435-436; BAILEY, John. Crimen e impunidad. Las trampas de la seguridad en México. México: Debate, 2014, p. 212) states that this was the government's most complete declaration, committing the three levels of government to focus on 74 specific objectives.

Genaro García Luna, Secretary of Public Security in the Calderón administration, was the main ideologue and biggest force behind the reform of the National Public Security System which was agreed upon in this accord<sup>24</sup>.

Bailey highlights the fact that it is necessary to be familiar with García Luna's career path to understand the reform that was to be implemented. In 2006, he published the book «*Contra el crimen. ¿Porqué 1.661 corporaciones de policía no bastan? Pasado, presente y futuro de la policía en México*» (*Against Crime. Why are 1,661 police corporations not enough? Past, present and future of the police in Mexico*). In 2011, he published another book: «*El nuevo modelo de seguridad para México*» (*Mexico's new security model*). García Luna's proposal responds to a transformational effort originating within Mexican security institutions. For this reason, it can be considered to be a «*professional reform*» that has its origins in the orbit of the civil servants who had lived with the system and its problems for years and who presented an alternative from within to modernise and operate the security model in a different manner<sup>25</sup>.

One of the central aspects of the reform, and the one that generated most political rejection, was to do with the deployment of police forces on the ground and the political and operative control of said forces. Genaro García Luna put forward the creation of 32 state police forces and introduced into the discussion the concept of the «single command» that, originally, encouraged the conservation of the viable municipal police forces, respecting the concept of subsidiarity, but that during Enrique Peña Nieto's six-year term was interpreted in another manner: support for the elimination of municipal police forces and full handover of control to the state governor<sup>26</sup>.

To the mind of Guillermo Valdés, another of the «professionals» who shared the vision for the reform, the failure of this initiative delayed and endangered the process:

*«The governors were in agreement with the alternative of state police forces with single command. And so the federal executive branch drew up a legislative proposal and sent it to Congress in 2011. Unexpectedly, legislators could not come to an agreement and the proposal stalled. Since then, there has been no in-depth structural solution to the poor federalist model of distribution of competencies in the area of security, and until this happens and a new police model for the country is established and its implementation accelerated, the army will have to continue with the gruelling task of compensating for the ineffective police forces across the country»<sup>27</sup>.*

24 BARRACHINA, Carlos; HERNÁNDEZ MORA, Juan Ignacio. Reformas del sistema de seguridad pública en México (2006-2011) in URVIO, N.II, March, Ecuador: FLACSO-Ecuador, 2012, p. 209.

25 BAILEY, John. Crimen e impunidad. Las trampas de la seguridad en México. México: Debate, 2014, p.210 concludes that «*despite having the ardent support of president Calderón, García Luna's reform came up against corruption scandals involving senior civil servants of the AFI and the PFP, and the opposition of Congress*».

26 At the time of writing, heated debate was ongoing as to the final decision on the «single command» operation in Mexican federal entities.

27 VALDÉS, Guillermo. Historia del narcotráfico en México, México: Aguilar, 2013, p.453.

In his evaluation, Bailey is critical of the results obtained by the Calderón administration in this process. While acknowledging that he achieved substantially more than his predecessors, the reform was carried out in an incomplete manner. Calderón was unable to ease infighting and, in political terms, had little success in forging a strong coalition that would support his security policy in a federal system with 32 state governors and more than 2,000 municipal presidents<sup>28</sup>.

In his opinion, this is down to what he calls the «*security trap*»: «*the dynamics of crime, corruption, violence and impunity nullify the state and civil society's desire for reform, and trap democratic governance in an imbalance. The metaphor forecasts inertia in the immediate future*»<sup>29</sup>. This idea is thought-provoking and explanatory for the case that we are examining, together with another of the author's images that highlights that the reform is in the «*valley of transition*», an uncertain state in which «*it is difficult to determine whether most or all of the initiatives have started their ascent to higher levels of achievement or whether they continue to battle down in the depths*»<sup>30</sup>. This image is complemented with Valdés' vision that asserts that in different areas of Mexico, there is a «*powerful seizure of the state*», which hinders any transformation or reform process due to the capacity that individuals and illegal groups such as «*mafias, drugs traffickers and paramilitary or subversive groups*» have to carry out violence as a mechanism that «*substitutes or complements bribery*»<sup>31</sup>.

A further perspective related to the transformation process, and defended by both authors, is still to be discussed in this paper: the idea that the difficulties encountered in advancing the reform are linked to a lack of economic resources. Bailey<sup>32</sup> points out, without further developing the idea, that Mexico invests less in public safety than similar middle-income countries, and he also underlines that most of the budget set aside for public security between 2007 and 2012 was invested in the Secretariat of Public Security and in the Federal Police. To a certain extent, this argument is supported by Guillermo Valdés when he attributes the initiative to reduce municipal police forces to the lack of federal resources due to the State's inability to meet the needs of all of the requests from the states and municipalities<sup>33</sup>.

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28 BAILEY, John. Crimen e impunidad. Las trampas de la seguridad en México. México: Debate, 2014. p. 230-231.

29 BAILEY, John. Crimen e impunidad. Las trampas de la seguridad en México. México: Debate, 2014, p. 242.

30 «The security trap», in Bailey's opinion (2014:122), is not exclusive to the Mexican process and can be found in most Latin American countries as a malign determinant affecting democratic consolidation.

31 VALDÉS, Guillermo. Historia del narcotráfico en México, México: Aguilar, 2013, p.321.

32 BAILEY, John. Crimen e impunidad. Las trampas de la seguridad en México. México: Debate, 2014, p.75.

33 Rather than a lack of resources, the idea of eliminating many municipal corporations has to do with efficiency and operability in a complex environment such as the Mexican one. It is more of a

In the context in which we are analysing Mexico's security policy, the budget allocated to this aspect should not be understood strictly as that allocated to «public safety», as there are many players involved who have thrown almost all of their resources into fighting organised crime domestically, and into the reform of the security sector at the federal, state and municipal level. It would be unfair to ignore the efforts made by these agencies and entities. To fully understand expenditure on security, it is necessary to take into consideration spending by institutions such as SEDENA, the Secretariat of the Navy (SEMAR), as well as money invested by federal entities in the public security secretariats or their equivalents, and in access to justice.

In a sense, the big question we should be asking ourselves after seeing this information is how this money was spent and why the results are so unsatisfactory if the State and the state and municipal entities invested so much. Here, the amount invested has been calculated at 136,930,000,000 dollars between 2008 and 2015<sup>34</sup>. Perhaps this is to do with the «*security traps*», or with the «*powerful seizure of the state*» in different territories and not so much to do with the lack of resources that substantially and continually increased between 2008 and 2015.

## BUDGETARY OUTLAY FOR FEDERAL AND MUNICIPAL ENTITIES (2008-2015).

The success of the reform of the Nation Public Security System lies in there being professional and competent police forces across the entire national territory. As has been shown, the debate as to how to make this possible is ongoing. There is no denying the important budgetary outlay made to attain this goal over the past year, but the results of such a large investment are questionable. In this «*valley of transition*», we need to ask ourselves if this investment has been effective. Like all public initiatives, we will be able to find examples of success and of failure; however, it is undeniable that, in general, there is still a long way to go to achieve the desired aim in an effective manner. In this paper, we focus on drawing up a summary of the resources invested and on explaining the different support programmes that were set up to strengthen the national public security system, particularly in the states and municipalities between 2008 and 2015.

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strategic decision than an economic one. VALDÉS, Guillermo. *Historia del narcotráfico en México*, México: Aguilar, 2013, p.452-453.

34 Faced with this amount of resources invested by the Mexican authorities, the \$1.3 billion from the Mérida Initiative of the \$2.275 billion authorised between 2008 y 2015 does constitute a generous support from the government of the United States but is certainly not a determining factor nor is it worthy of the excessive media attention it has received (at least as regards the amount of resources received). Source: For 2008 and 2009. CRS (2008). For 2010-2015 CRS (2015). Due to the difficulty involved, budgets for the municipal security secretariats have not been included, meaning that the amount of money invested in security and access to justice is higher.

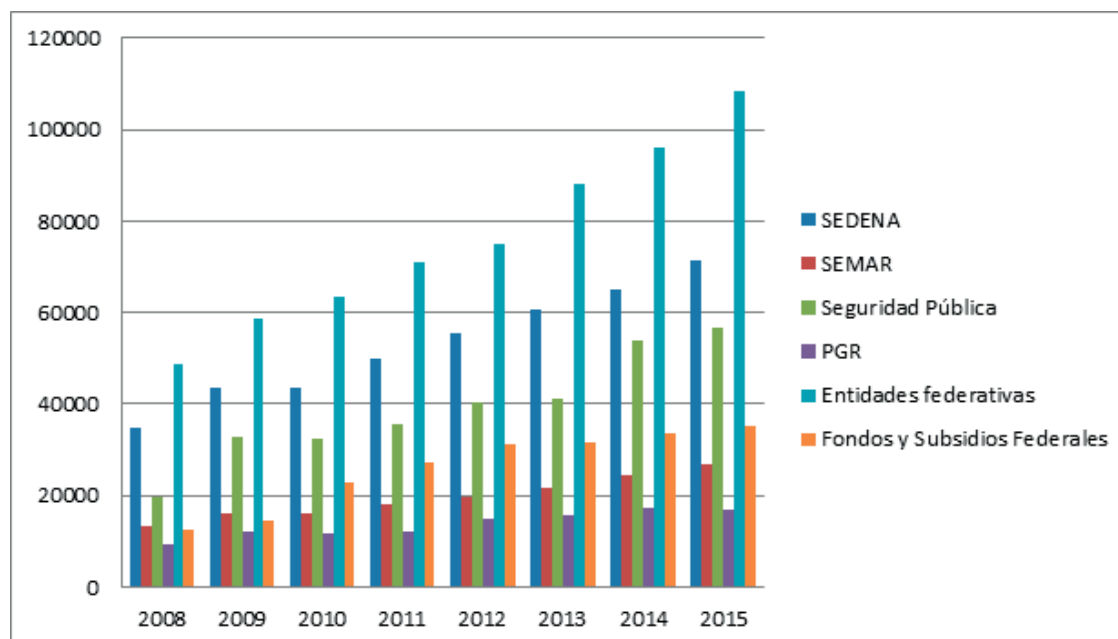
| Institution                 | 2008    | 2009    | 2010    | 2011    | 2012   | 2013    | 2014    | 2015    | Total     |
|-----------------------------|---------|---------|---------|---------|--------|---------|---------|---------|-----------|
| SEDENA                      | 34,861  | 43,623  | 43,632  | 50,039  | 55,611 | 60,811  | 65,237  | 71,273  | 425,087   |
| SEMAR                       | 13,382  | 16,059  | 15,991  | 18,27   | 19,679 | 21,865  | 24,603  | 27,026  | 156,875   |
| Public Security             | 19,711  | 32,916  | 32,437  | 35,519  | 40,536 | 41,217  | 53,859  | 56,53   | 312,725   |
| PGR                         | 9,307   | 12,309  | 11,781  | 11,997  | 14,905 | 15,761  | 17,288  | 17,029  | 110,377   |
| Federal Entities            | 48,811  | 58,817  | 63,369  | 71,177  | 74,993 | 88,048  | 96,242  | 108,316 | 609,773   |
| Federal Funds and Subsidies | 12,665  | 14,493  | 23,036  | 27,314  | 31,226 | 31,775  | 33,725  | 35,301  | 205,509   |
| Total, in Mexican pesos     | 138,737 | 178,217 | 190,246 | 214,316 | 236,95 | 259,477 | 290,954 | 315,475 | 1,820,346 |
| Total, in US dollars        | 11,279  | 14,489  | 15,467  | 17,424  | 19,264 | 21,096  | 18,184  | 19,727  | 136,93    |

Table 1. Security and Defence Budget in Mexico (2008-2015).

Source: Prepared by author based on adapted data from Table 1 of the Annexe to the Security and Defence Budget in Atlas de la Seguridad y la Defensa de México 2012: 145. For 2013, 2014 and 2015, prepared by author based on the Expenditure Budget of the Federation (27/12/2012; 3/12/2013; 3/12/2014); Headings federal entities and Federal Funds and Subsidies prepared by author. As regards "Public Security" 2014 and 2015, the headings assigned to Heading "04 Governance" dealing with this function are added together (CEFP, 2015). Amounts in millions of pesos and dollars.

As can be seen in table 1, all of the institutions consistently and considerably increased the resources invested between 2008 and 2015. In most cases, the amount of money budgeted in 2015 is more than double that of 2008, reflecting the continuity of the policy, not just under president Calderón's administration, but also under Peña's government, as well as by many of the federal entities that, irrespective of their political colour, notably increased their budgets for public security and access to justice.

This also shows a double commitment: on the one hand, from the side of the federal government that, working on strengthening the state security apparatus, keeps the Armed Forces involved in the daily operation of the fight against organised crime,



Graph 1. Proportion of budgetary investment by institution (2008-2015). Source: Prepared by author, together with Pilar Merino, based on adapted data from Table 1 of the Annexe to the Security and Defence Budget in Atlas de la Seguridad y la Defensa de México 2012: 145. For 2013, 2014 and 2015, prepared by author based on the Expenditure Budget of the Federation (27/12/2012; 3/12/2013; 3/12/2014); Headings federal entities and Federal Funds and Subsidies prepared by author. As regards "Public Security" 2014 and 2015, the headings assigned to Heading "04 Governance" dealing with this function are added together (CEFP, 2015). Amounts in millions of pesos.

allocating resources to this and increasing different programmes of federal subsidies and funds to be allocated to strengthening state and municipal police corporations. The second commitment is from the side of the states, both in making means available to their corporations, as well as co-participating in the subsidies that the State allocates to the entities. As can be seen clearly in graph 1, the federal entities invest more resources in the National Public Security Service reform process than other institutions.

## FEDERAL FUNDS AND SUBSIDIES

Following the creation of the National Public Security System in 1995, 1997 and 1998, respectively, the State set up two programmes that still today are fundamental in supporting many of the changes, particularly in the areas of the infrastructure and the equipping of the different police forces in Mexico. The «Public Security Contribution Fund» (Fondo de Aportaciones para la Seguridad Pública FASP) allocated to the federal entities, and the «Fund for the Strengthening of Municipalities and Boundaries of the Federal District» (Fondo para el fortalecimiento de los Municipios y Demarcaciones del Distrito Federal FORTAMUN) allocated to the municipalities, pave the way for federal resources to flow, firstly as funds and then as subsidies, promoting co-participation of the entities in the budgetary effort.

The fragmentation of spending under FORTAMUN, the relative «success» of the FASP as a mechanism to incentivise joint efforts in the follow-up of federal policies, and the «urgency» of president Calderón's administration to transform the system led to the creation in 2008 of the «Municipal Public Security Subsidy» (Subsidio para la Seguridad de los Municipios SUBSEMUN) following the same approach as the FASP, but with the aim of supporting the reform of some municipal police forces. In 2011, the «Accredited Police Subsidy» (Subsidio para la Policía Acreditada SPA) was approved; probably the most ambitious and important programme of Genaro García Luna's reform. This is a mechanism to promote accredited state police units, allowing many municipalities without appropriate capabilities to be supported by a more efficient, effective and modern force.

Finally, from 2010, the government allocated resources to the reform of the Mexican justice system, taking support from the Technical Secretariat of the Coordinating Council for the Implementation of the Criminal Justice System (SETEC) to stimulate the transformation of the modes of operation of the justice system, generating an outline of incentives that, despite being allocated fewer resources than the other programmes analysed, is still of importance.

This next section will offer a brief explanation of the characteristics of the main programmes that were developed between 2008 and 2015, and that, with the obligatory co-participation of the states and municipalities, reached a level of investment greater than 205,509,000,000 pesos.

|              | 2008              | 2009              | 2010              | 2011              | 2012              | 2013              | 2014              | 2015              | Total              |
|--------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|--------------------|
| FORTAMUN     | 0                 | 0                 | 8,483,579         | 9,523,609         | 10,146,557        | 10,882,769        | 11,733,228        | 11,852,780        | 62,622,522         |
| FASP         | 7,901,979         | 8,975,309         | 8,861,421         | 9,130,312         | 9,503,111         | 9,797,037         | 7,921,624         | 8,190,692         | 70,281,755         |
| SUBSEMUN     | 4,762,847         | 5,518,184         | 5,379,259         | 5,417,207         | 5,661,764         | 5,584,419         | 5,928,138         | 6,869,074         | 45,120,892         |
| SPA          | 0                 | 0                 | 0                 | 2,800,000         | 2,471,570         | 2,558,067         | 2,661,720         | 2,752,215         | 13,243,572         |
| PROASP       | 0                 | 0                 | 0                 | 0                 | 3,000,000         | 0                 | 0                 | 0                 | 3,000,000          |
| PREVENCIÓN   | 0                 | 0                 | 0                 | 0                 | 0                 | 2,500,000         | 2,595,000         | 2,683,000         | 7,778,000          |
| SETEC        | 0                 | 0                 | 312,011           | 443,108           | 443               | 453               | 905               | 906               | 3,462,119          |
| <b>Total</b> | <b>12,664,826</b> | <b>14,493,493</b> | <b>23,03,6270</b> | <b>27,314,236</b> | <b>31,226,002</b> | <b>31,775,292</b> | <b>33,725,116</b> | <b>35,301,772</b> | <b>205,508,860</b> |

Table 2. Resources allocated to Federal Funds and Subsidies (2008-2015).

Source: Prepared by author based on various Official Gazettes of the Federation, agreements and the website of SETEC. In Mexican pesos.

## FASP

The «Public Security Contribution Fund» (FASP) began to be implemented in 1998. It is one of the oldest programmes, along with FORTAMUN (1997) that aims to strengthen the structures of the federal entities of Public Security in Mexico. This mechanism only focuses on security aspects and, from its beginnings, was managed by the then recently created Executive Secretariat of the National Public Security System. The FASP has the co-participation of the states that cover an additional 25% of the resources with their own funds.

In 1998, the first coordination agreements on carrying out activities in the area of public security were reached, in which the creation of a state trust for the allocation of funds was approved. The «Public Security Fund» (Fondo de Seguridad Pública FOSEG) administrated government resources that were transferred to the treasuries of the states and the Federal District. This fund ceased to exist as the FOSEG in 2009 as the resources began to be transferred to a specific bank account in the federal entities. These funds under budget item 33 – Federal contributions to the federal and municipal entities – that the federal executive branch grants to the states and to the Federal District are now transferred directly following the criteria for calculation and formula determined by the National Public Security Council, and can only be used for the following purposes: recruitment, training, selection, assessment and vetting; equipping; national telecommunications network; construction, improvement or expansion; follow-up and evaluation.

## FORTAMUN

The «Fund for the Strengthening of Municipalities and Boundaries of the Federal District» (FORTAMUN) is allocated by the federal executive branch through the Secretariat of Finance and Public Credit (SHCP) and destined to back up the finances of the municipalities and support their financial clean-up, as well as strengthening public security activities and contributing to fulfilling their operational needs.

According to the SUBSEMUN White Paper<sup>35</sup>, FORTAMUN is budget item 33's fund and has the fewest restrictions on its use due to the fact that article 37 of the Fiscal Coordination Act establishes that municipalities and Federal District delegations must use the fund's resources for the primary purpose of meeting the following headings: fulfilment of financial obligations; payment for water rights and use; meeting needs directly linked to the public security of citizens, without going into any further detail.

Economically speaking, this is a substantial resource. The allocation of money and the lack of supervision and accountability mean that there is no way of knowing exactly how much money is used for municipal public security through the FORTAMUN fund; neither are the criteria used by the different states to select the municipalities known, nor the programmes this fund is used for.

However, as of the 2010 Budget of Expenditure of the Federation, the states are obliged to coordinate with the Executive Secretariat of the National Public Security System (SENSP) to ensure that at least 20% of these funds are allocated to the needs directly linked to public security in the areas of professionalization, equipping, technological modernisation and infrastructure<sup>36</sup>. Between 2010 and 2015, as will be shown further on, 20% of these funds is equal to 62,623,000,000 pesos<sup>37</sup>.

## SUBSEMUN

The «Subsidy for Public Security in Municipalities and Territorial Boundaries of the Federal District» (SUBSEMUN) is *r to safeguard the rights and integrity of its citizens and preserve public freedoms, order and peace, in line with the Programmes of National Priority*<sup>38</sup>.

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35 SENSP. SUBSEMUN White Paper. Subsidy for public security in municipalities and territorial boundaries of the federal district. Mexico: SEGOB, SENSP, 2012, p. 52.

36 DOF 07-12-2009 «Budget of expenditure of the Federation for the fiscal year 2010»:

37 This means that despite not being able to give the exact amount of money allocated to security aspects since its creation, it is probably greater than the amounts presented in this paper.

38 More specifically, according to SENSP. SUBSEMUN White Paper. Subsidy for public security in municipalities and territorial boundaries of the federal district. Mexico: SEGOB, SENSP, 2012, p.14, the following specific aims are set out: Strengthen the factors for the protection of the population through preventive comprehensive and coordinated interventions by public, private and social institutions; Promote a policy that will influence the socio-cultural contexts in which risk factors develop that foster violence and organised crime before the events that set this off have a chance to occur; Increase the levels of security and trust called for by citizens through the implementation of uniform evaluations of confidence monitoring; Strengthen professionalisation through the establishment of a professional service of police career, as well as equipping public security departments in municipalities and Federal District territorial boundaries; Support the construction and improvement of municipal public security installations in order to have the necessary and adequate infrastructure to carry out police operation and functioning in municipalities and Federal District territorial boundaries; Promote the

| Zone         | 2008       | 2009       | 2010       | 2011       | 2012       | 2013       | 2014       | 2015       | Federal Resources | Municipal Resources | Total Resources   |
|--------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------------|---------------------|-------------------|
| Centre       | 46         | 56         | 63         | 63         | 76         | 85         | 89         | 90         | 9,513,760         | 3,175,560           | 12,689,320        |
| North-East   | 25         | 32         | 33         | 36         | 36         | 37         | 39         | 39         | 5,861,986         | 1,684,695           | 7,263,174         |
| East         | 28         | 48         | 45         | 49         | 45         | 51         | 57         | 60         | 8,310,090         | 2,683,233           | 10,993,323        |
| North-West   | 22         | 27         | 29         | 31         | 29         | 29         | 29         | 30         | 5,335,135         | 1,575,287           | 7,193,929         |
| South-East   | 28         | 43         | 34         | 43         | 48         | 44         | 54         | 59         | 5,431,101         | 1,550,045           | 6,981,146         |
| <b>Total</b> | <b>149</b> | <b>206</b> | <b>204</b> | <b>222</b> | <b>234</b> | <b>246</b> | <b>268</b> | <b>278</b> | <b>34,452,072</b> | <b>10,668,820</b>   | <b>45,120,892</b> |

Table 3. Number of SUBSEMUN municipalities by country zone; and federal and municipal resources invested in pesos. Resources allocated to Federal Funds and Subsidies (2008-2015).

Source: Prepared by author based on data from the SUBSEMUN White Paper (2012), and on the agreements signed between the federation and the states for the years 2013, 2014 and 2015. In Mexican pesos.

The SUBSEMUN is to be used for professionalisation, equipping of public security agencies, improvement of infrastructure of corporations, and social crime prevention with citizen participation, as well as police operation from 2009 and 2010. Since it came into existence, the individual subsidy has never been lower than 10,000,000 pesos, except for in 2008 when it was 9,000,000 pesos, and it has never exceeded 95,000,000 pesos except for in 2008 when the maximum amount was 104,000,000 pesos<sup>39</sup>.

In the XXXIII Session of the National Public Security Council<sup>40</sup> that was held on 2 August 2012 approval was given to dedicate 20% of the SUBSEMUN funds to «Social prevention with citizen participation» projects, and the obligatory projects for beneficiary municipalities were determined. The projects were the following: local diagnosis of the social contexts and processes of violence and crime; violence and crime social prevention plan; training of public officials in public safety; accident prevention and violent behaviour generated by youth alcohol and drug consumption.

## SPA

The consolidation of accredited police units in the federal entities is the most important aim and pillar of the measures discussed in this paper. The main problem identified as regards the security forces in the federal and local entities was the excessive number of municipal police forces without any real capacity for operations, and the lack of professionalism and career conditions both within state police forces as well as municipal ones.

supply, exchange, systemisation, harmonisation and update of the technological and telecommunications infrastructure of the National Public Security System.

39 The funds from this co-participation have been used for different things: in 2008, they were used for salary adjustments for police officers; in 2009 and 2010, to improve working conditions, police operations and crime participation with citizen participation; in 2011 and 2012, for salary restructuring and standardisation, improvement of working conditions and social crime prevention.

40 Activities Report by the Executive Secretariat of the National Public Security System for the period December 2011 – June 2012. XXXIII Session of the National Public Security Council.

The «Accredited Police Subsidy» (SPA) seeks to create police units that fulfil objective requirements of ethics and professionalism. Since 2011, and with this federal aid, the states have been improving their police forces in these areas to be able to effectively introduce «the single police command» that, at the beginning and on a subsidiary basis, should act to support the provision of security in areas where local police operations are unable to provide it<sup>41</sup>.

The results have, thus far, been very limited, and a large part of the Budget allocated to this programme has not been executed because the federal entities have not been in condition to prove that they have made adequate progress. As of 2012, a budget was made available for accrediting not only state police units but also judicial police forces and prison system guards.

The SPA's aim was originally to create police units made up of 420 police officers arranged into a tactical analysis unit of 30 officers; an investigation unit of 100 officers; and an operations unit of 270. The candidates to this unit would have to comply with minimum education requirements, pass checks of their trustworthiness, and attend specific training courses on carrying out their tasks in a professional manner. It was also planned that they would be put on a police career path and they would receive incentives like life insurance, scholarships for their education and that of their children, saving funds, housing support, major medical expense insurance, among others<sup>42</sup>.

### *Prevention*

The concept of the «social prevention» of crime has been present since the very beginning of the reform process. The creation of the accredited police units, and FASP and SUBSEMUN programmes have all had «social prevention» as one of their key axes, and have tried to establish mechanisms to ease this concern.

President Peña Nieto has made prevention one of his points of reference, establishing it as a priority, in both the Pact for Mexico and the National Development Plan 2013-2018. In this way, in addition to the programmes that were already on-going and that took into account this variable in the Budget of Expenditure of the Federation 2013, programmes related to «prevention» were established, with an allocation of 2,500,000,000 pesos to be distributed among the federal entities for the development of related programmes<sup>43</sup>. For 2014, 2,595,000,000 pesos were

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41 At the time of writing, the debate on the «single command» was in full swing. There are two main positions: a single command that respects subsidiarity, and another that would integrate and take over municipal police forces.

42 SNSP. Presentation of the accredited state police model. Mexico: SNSP, February 2011.

43 Article 10.b of the 2013 budget sets aside: «\$2,500,000,000 for the granting of support within the framework of the National Crime Prevention Programme. These resources will be granted to the federal entities that comply with the guidelines issued by the Federal Executive through the Secretariat of Governance. The guidelines issued by the Federal Executive through the Secretariat of Governance, by the 15 February at the latest, will contain, at least, the distribution

invested and for 2015 2,683,000,000<sup>44</sup>. Other programmes related to the social prevention of crime as a whole received a total of 118,802,000,000 pesos in 2013 that were distributed under different headings among the secretariats of Governance<sup>45</sup>, Finance and Public Credit<sup>46</sup>, Defence<sup>47</sup>, Communications and Transport<sup>48</sup>, and Public Education<sup>49</sup>.

In his first message to the nation on the 1 December 2012, Enrique Peña Nieto set out a commitment to approve a National Crime Prevention Plan – a commitment that is also agreed upon in the Pact for Mexico<sup>50</sup>. In February 2013, the terms of the national

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*of resources to federal entities following criteria of beneficiary population, crime rate and territorial coverage of the state public security institutions, as well as the bases for the evaluation of the implementation of said resources and their results. The Federal Executive, through the Secretariat of Governance will, by the 31 March at the latest, enter into specific agreements with the federal entities that wish to benefit from these subsidies.*

44 CEFP (Public Finances Study Centre). Budget of Expenditure of the Federation 2015. Resources Assigned to Heading 04 «Governance». Mexico: 26 February 2015.

45 Promoting the Protection of Human Rights and Prevent Discrimination; Carrying out, promoting and coordinating the generation, production and distribution of audio-visual materials; Promoting the focus on and prevention of violence against women; Developing and implementing programmes and policies in the areas of social crime prevention and the promotion of citizen participation; Promoting the prevention of, protection of and focus on people trafficking; Activities that contribute to the political and social civic development of the country; Disseminating actions in the area of human rights; Provisions for the creation of the gendarmerie; Granting of subsidies for Public Security to the Federal Entities, Municipalities and the Federal District; Granting of subsidies for the implementation of the criminal justice system reform; National Crime Prevention Programme.

46 Comprehensive Assistance to Family Members of Disappeared or Missing Persons; Detection and prevention of financial crimes related to terrorism and money laundering.

47 Human rights; Military education system; National Defence Secretariat's Public Security Programme; SDN Programme for equality between men and women.

48 Temporary Work Programme (PET).

49 Promotion of the development of culture; Production and transmission of educational and cultural materials; Promotion and development of books and reading; Building and equipping of educational, cultural and sporting spaces; Production and distribution of books, educational, cultural and commercial materials; Focus on sports; Generation and development of comprehensive public policies for youth; Support for the operation of the National Council for Life-long Education and Work (INEA); Virtual university; Design, construction, consulting and evaluation of the physical educational infrastructure; Training and certification for work; Initial and basic education programme for the rural and indigenous populations; Science and technology social infrastructure projects; Cultural infrastructure projects; Education social infrastructure projects; Strengthening indigenous education and culture; Basic Education Programme for Children of Migrant Farm Workers; Programme for the Strengthening of the 'Telesecundaria' Education Service.

50 The programme's general objectives are the following: *Establish objectives, priorities, principles, guidelines, axes and programmes that coordinate the planning, design, carrying out and evaluation of public policies on prevention of violence and crime at the three levels of government, and integrate the participation of the social sector to build safer, more cohesive and inclusive communities. Position policies for the prevention of violence and crime as a priority on the public and citizens' agenda to guarantee the rights of the people and to restore peace* (INTER-MINISTERIAL COMMISSION FOR THE SOCIAL PREVENTION OF VIOLENCE AND CRIME. Terms of the national

programme were published in the document «Terms of the national programme for the social prevention of violence and crime and the creation of the Inter-Ministerial Commission» that made public the above-mentioned Inter-Ministerial Commission for the social prevention of violence and crime made up of the secretariats of Governance, Finance and Public Credit, Social Development, Economy, Communications and Transport, Public Education, Health, Labour and Social Services, and Agricultural, Territorial and Urban Development.

## SETEC

The Technical Secretariat of the Coordinating Council for the Implementation of the Criminal Justice System (SETEC) has been in charge of leading the process of implementing the New Criminal Justice System since 2008 and continues to be so as the time of writing<sup>51</sup>. SETEC has published various studies and documents that have supported the effort to reform the Mexican justice system<sup>52</sup>.

SETEC data from May 2015 demonstrates how the beginning of the operation, as well as the degree of progress both of the Accusatory Penal System (SPPA) and of the National Criminal Procedure Code (CNPP) varies greatly from one federal entity to another.

In 2007, the states of Chihuahua and Oaxaca started the SPPA operation (the former comprehensively and the latter partially). In 2008, Morelos started the process and is currently one of the two states in the Republic that is comprehensively operating both the SPPA and the CNPP. In 2009, and with differing results, the following states joined the process: the State of Durango that has a comprehensive operation of the SPPA and the CNPP, the State of México that has comprehensively implemented the SPPA, and Zacatecas that has made only partial advances in the SPPA and the CNPP. In 2010, Baja California started the partial implementation of the SPPA. In 2011, Yucatán, with full implementation of the SPPA, and Guanajuato,

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programme for the social prevention of violence and crime and the creation of the Inter-Ministerial Commission, Mexico: 2013, p. 21).

51 Here, it is useful to bear in mind the reflection made by BAILEY, John. *Crimen e impunidad. Las trampas de la seguridad en México*. México: Debate, 2014, p.39 «Attempting to reform parts of the criminal justice system under normal conditions and in few places, as a pilot project, is a formidable task. Introducing a comprehensive reform of the system in the middle of a security crisis – something that the Calderón administration tried to do after 2007- is worthy of the term «the perfect storm», in the words of a Minister of the Supreme Court of Justice».

52 «Videos» and other promotional material have been broadcast on the web page and in the media with the aim of raising awareness and educating both the different players in the criminal justice system, as well as the governmental authorities and the general population on the upcoming changes and the consequences they will have.

that at the time of writing has partial implementation of the SPPA, joined. In 2012, Nuevo León comprehensively implemented the SPPA, while Chiapas and Tabasco started partial operation of both the SPPA and the CNPP. In 2013, the states of Puebla, Veracruz, Coahuila and Tamaulipas followed in the other states' footsteps; and in 2014, Querétaro, Quintana Roo, San Luis Potosí, Guerrero, Jalisco, Sinaloa, Aguascalientes, Hidalgo, Campeche, Nayarit, Tlaxcala, and Colima joined. Finally, in 2015, the Federal District and Michoacán started the partial operation of the SPPA and the CNPP, while the state of Baja California Sur was due to put it into effect in 2015, and the SPPA and CNPP were due to come into existence in the state of Sonora in 2016.

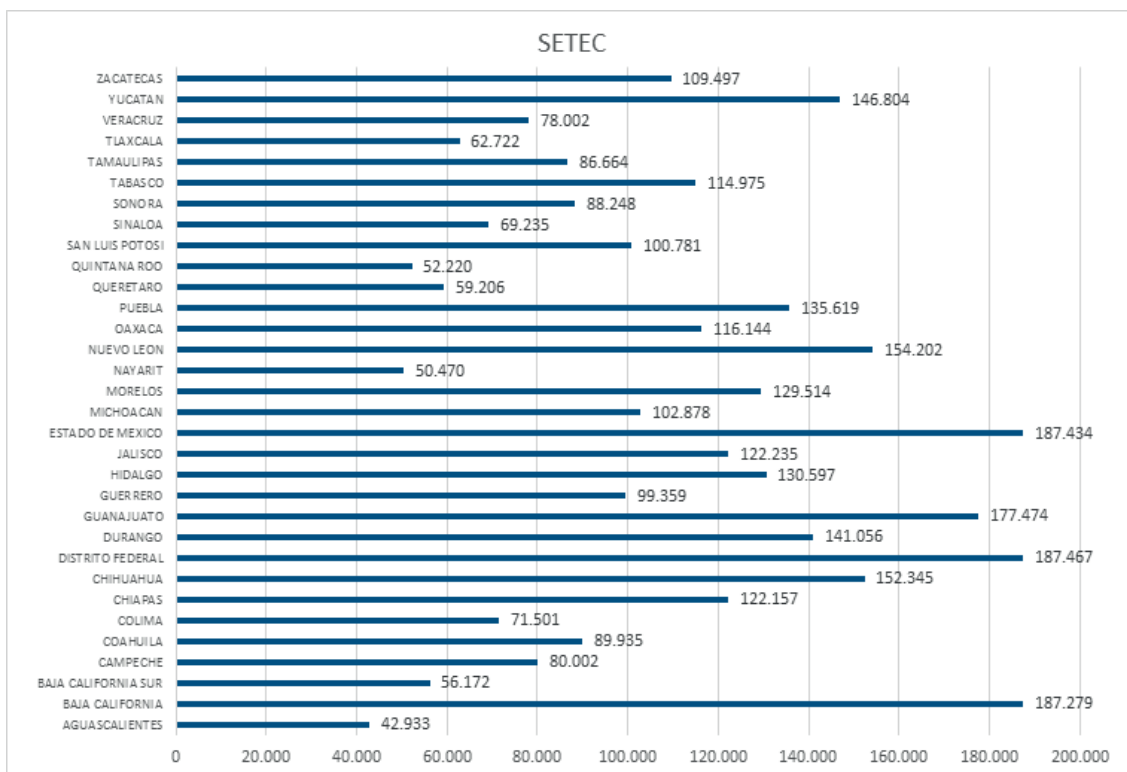
In summary, at the beginning of 2016, 2 states in the Republic had the SPPA and CNPP operating comprehensively; 4 states had SPPA operating comprehensively and 3 had it operating partially. 21 states had both the SPPA and the CNPP operating partially and 2 states were still due to put into force the SPPA and the CNPP, either partially or comprehensively.

As regards the beginning of operation of the Accusatory Penal System at Federal Level, according to the declarations of entry into force that the Congress of the Union releases, on the 24 November 2014, the states of Durango and Puebla began operations; on the 16 March 2015, Yucatán and Zacatecas; and Baja California Sur, Guanajuato, Querétaro and San Luis Potosí were expected to do so on the 1 August. The states of Chiapas, Chihuahua, Coahuila, Nayarit, Oaxaca and Tlaxcala were expected to begin operations in November 2015, leaving 18 federal entities to complete the process by mid-2016.

In documents published by SETEC, there is a clear concern as regards the planning of the strategic lines of operation of the new system. For the effective planning of these lines, the following elements should be included: creation of an implementing body and a unit for institutional reorganisation; carrying out of an initial appraisal, revision and implementation of the legal framework; study of the institutional situation; development of the strategy for reorganisation; and evaluation of the policies for reorganisation. There are also general criteria for organisational change among the main players in the system (police corporations, attorney generals' offices, public defenders' departments, institutions for alternative criminal dispute settlement mechanisms, expert services institutions, pretrial services, judicial powers – control, oral trial, execution of sentences -, and social reintegration departments).

In another document from 2011, SETEC recognises that the gradual implementation of the Criminal Justice System reform should take into account the specific needs of the entities *«for the enforcement and administration of criminal justice and, therefore, to allow for the correct administration of the economic and human resources it has»*. This paper insists on the need for creating a management model that will examine the tasks and responsibilities of organisations and individuals based on the substantive and administrative functions and on the responsibilities of the operators of the justice system.

The comprehensive planning of the implementation of the Accusatory Penal System is part of the ongoing effort that SETEC has made to push the process forward. The Technical Secretariat produces a handbook that includes all operators in the system<sup>53</sup>. It highlights the strategic and tactical objectives of the accusatory penal system. Among the first things to be done are to implement the accusatory penal system according to the terms of the 2008 penal reform, fulfil the principles of the 2008 penal reform, change the culture of the operators of the system – focusing on ensuring that the priority of criminal proceedings is finding the truth, and improving the population’s perception of the penal system. Among the secondary things to do are to ensure there is a complete regulatory structure in line with the 2008 penal reform, modernise technology and equipment, have efficient and modern IT infrastructure available for the operation of the penal system, have an organisation that assures the performance of the Accusatory Penal system for operators, train and certify operators, spread information about the subject to the population and fully intercommunicate with operators.



Graph 2. SETEC resources distributed by state for the implementation of the NSJP (2010-2015). Source: Prepared by author together with Elsa Gurrola. In millions of Mexican pesos.

53 SETEC. Methodology for the comprehensive planning for the implementation of an accusatory criminal justice system in Federal Institutions and the Federal Entities of Mexico. Mexico: SETEC, 2012.

*Investment in public security and access to justice in the federal entities (2008-2015)*

Table 1 shows that despite growing investment in SEDENA, in SEMAR, in Public Security, and in the Attorney General's Office (PGR), all of which are embedded in the Federal Government, more public resources are invested in public security and access to justice at the level of the federal entities and municipalities.

Between 2008 and 2015, the Mexican states budgeted 609,773,000,000 pesos of their own money while the federation, with the co-participation of the states, allocated 205,509,000,000 pesos to Funds and Subsidies to strengthen different aspects of this policy at the local level. This is not surprising considering that the main problem of the national public security system lies in ensuring that Mexico has trustworthy police structures across the country as well as efficient criminal justice systems. The economic resources invested point towards there being a healthy interest, both at federation and state level, in recovering the «captured territories» taken over by organised crime or in «vaccinating themselves» from the possibility of this happening and maintaining the rule of law as far as possible.

The largest amounts of funds have been invested in Mexico's main population nuclei. In the Federal District, the local budgets reflect an investment of 133,248,000,000 pesos while the total of the main funds and subsidies (FORTAMUN, SUBSEMUN, FASP Y SPA) adds an additional 14,507,000,000 pesos to this amount. In the State of Mexico, the state government allocated 75,267,000,000 pesos, to which a further 17,898,000,000 should be added. In Jalisco, the amount budgeted by the state was 37,500,000,000 pesos plus the 8,723,000,000 pesos of one-off contributions. In Nuevo León, the amount was 37,500,000,000 plus 7,988,000,000 pesos. Guanajuato, Veracruz, Baja California, Tabasco, Michoacán and Chihuahua are at a mid-high range, with each one allocating amounts ranging from just over 23,000,000,000 pesos to 19,000,000,000 pesos (plus the federal resources which range from 10,387,000,000 in the state of Veracruz to the 4,303,000,000 in the state of Tabasco)<sup>54</sup>.

All of these states except Tabasco, added together with Coahuila, Chiapas, Guerrero, Oaxaca, Puebla, San Luis Potosí, Sinaloa, Sonora and Tamaulipas received more than 5,000,000,000 between 2008 and 2015 in funds and subsidies. These states are home to the areas in which the Mexican state has experienced the most issues of governability, which shows that this policy has tried to strengthen public security institutions both in the large population nuclei<sup>55</sup> as well as in the most violent areas.

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54 These figures are taken from the corresponding Official Newspapers that are listed in the bibliography. The addition of the annually allocated amounts is prepared by the author.

55 Included among these entities are those that received more than 1,500,000,000 pesos for the municipalities supported by SBUSEMUN.

| ENTITY              | FORTAMUN   | SUBSEMUN   | FASP       | SPA        | TOTAL       | OWN EXPENDITURE |
|---------------------|------------|------------|------------|------------|-------------|-----------------|
|                     |            |            |            |            | F and S     |                 |
| AGUASCALIENTES      | 661,361    | 846,12     | 1,066,534  | 251,438    | 2,825,453   | 6,201,652       |
| BAJA CALIFORNIA     | 1,781,878  | 2,843,477  | 2,784,319  | 389,907    | 7,799,581   | 20,190,993      |
| BAJA CALIFORNIA SUR | 365,835    | 351,197    | 1,358,413  | 354,298    | 2,429,743   | 4,529,237       |
| CAMPECHE            | 460,26     | 308,562    | 1,084,224  | 355,219    | 2,208,265   | 4,579,340       |
| COAHUILA            | 1,524,623  | 1,117,260  | 1,959,993  | 410,317    | 5,012,193   | 10,740,237      |
| COLIMA              | 362,539    | 1,755,483  | 1,055,135  | 354,906    | 3,528,063   | 2,865,054       |
| CHIAPAS             | 2,672,963  | 1,149,553  | 2,821,468  | 452,135    | 7,096,119   | 16,203,160      |
| CHIHUAHUA           | 1,902,200  | 737,633    | 2,515,752  | 501,087    | 5,656,672   | 19,900,539      |
| DISTRITO FEDERAL    | 5,188,605  | 3,793,850  | 4,302,268  | 772,298    | 14,057,021  | 133,248,314     |
| DURANGO             | 903,748    | 496,068    | 1,609,862  | 359,496    | 3,369,174   | 6,848,439       |
| GUANAJUATO          | 3,012,079  | 3,699,152  | 2,676,556  | 427,393    | 9,815,180   | 23,110,103      |
| GUERRERO            | 1,852,377  | 2,055,409  | 2,131,834  | 408,816    | 6,448,436   | 12,289,828      |
| HIDALGO             | 1,468,933  | 961,664    | 1,790,185  | 356,274    | 4,577,056   | 9,483,948       |
| JALISCO             | 4,072,528  | 1,064,007  | 3,200,174  | 386,027    | 8,722,736   | 37,505,411      |
| ESTADO DE MEXICO    | 8,516,238  | 3,155,503  | 5,377,493  | 848,585    | 17,897,819  | 75,266,687      |
| MICHOACAN           | 2,373,525  | 1,559,167  | 2,486,371  | 419,376    | 6,838,439   | 19,232,130      |
| MORELOS             | 982,405    | 714,847    | 1,520,835  | 356,88     | 3,574,967   | 6,159,843       |
| NAYARIT             | 604,365    | 498,167    | 1,310,202  | 351,38     | 2,764,114   | 5,396,665       |
| NUEVO LEON          | 2,593,400  | 1,966,227  | 2,936,199  | 491,832    | 7,987,658   | 37,500,339      |
| OAXACA              | 2,082,448  | 399,338    | 2,184,740  | 419,145    | 5,085,671   | 14,150,016      |
| PUEBLA              | 3,203,790  | 1,676,803  | 2,750,260  | 472,226    | 8,103,079   | 15,733,009      |
| QUERETARO           | 1,021,858  | 1,247,593  | 1,299,095  | 255,295    | 3,823,841   | 6,573,608       |
| QUINTANA ROO        | 770,34     | 846,614    | 1,419,871  | 355,528    | 3,392,353   | 7,961,387       |
| SAN LUIS POTOSI     | 1,426,045  | 1,383,937  | 1,966,931  | 382,841    | 5,159,754   | 9,945,438       |
| SINALOA             | 1,530,885  | 1,812,027  | 2,097,877  | 358,915    | 5,799,704   | 12,875,454      |
| SONORA              | 1,485,373  | 1,802,347  | 2,769,518  | 476,215    | 6,533,453   | 16,877,605      |
| TABASCO             | 1,229,525  | 1,075,427  | 1,642,424  | 355,291    | 4,302,667   | 19,687,595      |
| TAMAULIPAS          | 1,822,528  | 1,946,930  | 2,610,516  | 393,654    | 6,773,628   | 12,296,045      |
| TLAXCALA            | 653,642    | 331,244    | 1,271,933  | 351,65     | 2,608,469   | 4,859,039       |
| VERACRUZ            | 4,191,390  | 1,988,906  | 3,644,634  | 561,814    | 10,386,744  | 22,371,915      |
| YUCATAN             | 1,089,638  | 1,212,746  | 1,509,676  | 257,544    | 4,069,604   | 8,554,191       |
| ZACATECAS           | 815,199    | 323,634    | 1,126,463  | 355,79     | 2,621,086   | 6,636,576       |
| Total               | 62,622,523 | 45,120,892 | 70,281,755 | 13,243,572 | 191,268,742 | 609,773,797     |

Table 4. Funds and Subsidies by State; Own expenditure.

Source: These figures are taken from the corresponding Official Newspapers that are listed in the bibliography. The addition of the annually allocated amounts is prepared by the author. Amounts in Mexican pesos.

An analysis of these figures throws up two alternatives. If this investment is paying off and contributing in an effective manner to both the strengthening of the public security

institutions as well as the criminal justice institutions, it is possible that within a short period of time, and this is indeed what has happened in some cases, organised crime will move to entities that invest less in security, such as Aguascalientes, Colima, Querétaro, Durango, Campeche, Nayarit, Tlaxcala, Quintana Roo, Zacatecas or Yucatán<sup>56</sup>. The second alternative is more worrying and is linked to the «security traps» that Bailey referred to for Mexico. Here, the possibility that comes up is that these resources are not contributing efficiently to the strengthening of adequate security structures.

In fact, it is worrying that the subsidies that should go towards strengthening the reform of the state security agencies (state police, judicial police and prison guards) and the reform of the operating model of the criminal justice system receive such a small amount of money compared to all the others. The SPA and the SETEC that to some extent underpin the public national security system, only receive 13,244,000,000 pesos and 3,462,000,000 pesos respectively, and have not benefitted from the co-participation of the federal entities, which probably contributed to the fact that the commitment from the side of the entities in this process was not well defined.

For the SPA, in February 2016 there was no information nor clear evidence on the number of accredited units of state police, ministerial police, nor accredited guards. This is serious, especially considering that the current debate is focused on the single command of State governors over municipal police forces.

If this is the case, it brings into question the results of the investment of the 62,623,000,000 pesos from the FORTAMUN, the 60,282,000,000 pesos from the FASP, and the 45,121,000,000 pesos from the SUBSEMUN over the years, as well as the 609,773,000,000 allocated by the Mexican federal entities. If, however, the money has served to sufficiently strengthen the public security institutions, the current debate on the «single command» and political distrust wouldn't make sense as there would already be unquestionable municipal corporations, trustworthy, institutionalised and professional state police structures that run little risk of turning into police forces «at the service of the governor» instead of at the service of citizens or the incumbent mayor.

## **PARTY POSITIONS AS REGARDS THE PROFESSIONAL PROFILES OF THE CIVIL SERVANTS IN CHARGE OF THE PUBLIC SECURITY SYSTEM REFORM**

A consequence of the state of abandon in which the public security policy has historically been left in Mexico is the lack of professionals and political leaders who

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<sup>56</sup> The case of the state of Morelos is particularly worrying because despite being one of the federal entities with the greatest perception of insecurity (CASEDE. Atlas de la seguridad y violencia en Morelos. Universidad Autónoma del Estado de Morelos: México CASEDE, 2014), the investment in public security and access to justice is moderate. Between 2008 and 2015, the state of Morelos budgeted 6,160,000,000 pesos for this heading, with an additional 3,575,000,000 pesos in funds and subsidies.

understand how to organise and lead corporations, and how to do so within a democratic context.

A clear example of this is the change in the professional profiles of the heads of public security at state and municipal level. At the beginning of 2012, of the 32 federal entities, 15 were led by retired or active military personnel, 5 by professional police officers, and 12 by politicians with a different profile. At the end of 2015, 9 were military personnel, 6 police officers and 17 politicians.

In the case of the country's 25 most important municipalities, we can see a similar phenomenon. There is a clear tendency towards a «demilitarisation» of the high commands of the corporations, giving priority to personnel with a professional profile. At the beginning of 2012, there were 11 military personnel, 5 police officers and 9 politicians; at the end of 2015, only 5 were military personnel, 15 police officers and 5 were politicians with a different professional profile<sup>57</sup>.

As can be seen in tables 5 and 6, the party affiliation of the political representatives is not relevant when determining the professional profile of the political leader of the police corporations, which to some extent shows that it has not been consistent. The states where politicians are in charge of management are the same states in which the public security secretariat and the state attorney general's office have been consolidated into a single institution that in general is called a «fiscalía» (public prosecutor's office). These politicians have a legal professional profile.

| <u>Principios 2012</u> | <u>Estados</u> |          |      |        | <u>Municipios</u> |          |      |
|------------------------|----------------|----------|------|--------|-------------------|----------|------|
|                        | Militares      | Policías | Otro |        | Militares         | Policías | Otro |
| PRI                    | 8              | 4        | 7    | PRI    | 8                 | 5        | 6    |
| PRD                    | 4              | 1        |      | PRD    | 1                 |          | 1    |
| PAN                    | 3              |          | 4    | PAN    | 1                 |          | 3    |
| PVEM                   |                |          |      | PVEM   |                   |          |      |
| MC/CON                 |                |          | 1    | MC/CON |                   |          |      |
| <br>                   |                |          |      |        |                   |          |      |
| <u>Finales 2015</u>    | Militares      | Policías | Otro |        | Militares         | Policías | Otro |
| PRI                    | 7              | 3        | 8    | PRI    | 3                 | 8        | 3    |
| PRD                    | 1              | 1        | 2    | PRD    | 1                 | 1        | 1    |
| PAN                    |                | 1        | 6    | PAN    | 2                 | 3        |      |
| PVEM                   |                | 1        |      | PVEM   |                   | 1        |      |
| MC/CON                 |                |          |      | MC/CON |                   | 2        |      |
| IND                    | 1              |          | 1    |        |                   |          |      |

Table 5. Professional profiles and party affiliation of those in charge of public security in the Mexican states and municipalities.

Source: Prepared by author.

57 Prepared by author using the websites of the different entities as well as finding out who the people in charge are from newspapers.

Thus there are no relevant differences between the positions defended by the PRI, the PAN, the PRD, the Ecological Green Party of Mexico (PVEM), Citizens' Movement (MC), Convergence (CON), or independents (IND), which confirms two ideas: security hasn't been part of the party debate, leaving management not in the hands of politicians but of «professionals» who have been unable to efficiently present their demands to society, contributing to the fact that the reform process has been left undealt with until the problem has become too serious for the governability of the country. The lesson to be learned from this is that society cannot remain unconcerned about the management of policies such as security and defence, nor about the institutions that work in these areas. This case shows that the neglect favours not only corporatism, but also the consolidation of the lack of «professionalism» of those involved. It is precisely this lack of supervision and social interest that has led to a large number of the problems of institutionality from which Mexico suffers within the context of the National Security System.

| Militares               |      |                        | Policías |                        |     |                         | Otro perfil profesional |                        |      |                            |     |
|-------------------------|------|------------------------|----------|------------------------|-----|-------------------------|-------------------------|------------------------|------|----------------------------|-----|
|                         | 2012 |                        | 2015     | 2012                   |     | 2015                    |                         | 2012                   | 2015 |                            |     |
| Tijuana                 | PRI  | Naucalpan              | PRI      | Tlanepantla            | PRI | Tlanepantla             | PRI                     | Estado de México       | PRI  | Lerma                      | PRI |
| Ensenada                | PRI  | <b>Guerrero</b>        | PRI      | Lerma                  | PRI | Ecatepec                | PRI                     | Ecatepec               | PRI  | Nezahualcoyotl             | PRD |
| Zapopan                 | PRI  | <b>Aguascalientes</b>  | PRI      | Naucalpan              | PRI | Toluca                  | PRI                     | Toluca                 | PRI  | <b>Baja California</b>     | PAN |
| <b>Guerrero</b>         | PRD  | Aguascalientes         | PRI      | San Luis Potosí        | PRI | Tijuana                 | PRI                     | Nezahualcoyotl         | PRI  | Ensenada                   | PRI |
| <b>Chihuahua</b>        | PRI  | <b>San Luis Potosí</b> | PRI      | <b>Tamaulipas</b>      | PRI | Mexicali                | PAN                     | <b>Baja California</b> | PAN  | <b>Jalisco</b>             | PAN |
| Ciudad Juárez           | PRI  | San Luis Potosí        | PRD      | Nuevo Laredo           | PRI | Guadalajara             | MC                      | Mexicali               | PRI  | <b>Chihuahua</b>           | PRI |
| Chihuahua               | PRI  | Torreón                | PRI      | <b>Baja California</b> | PRD | Zapopan                 | MC                      | <b>Jalisco</b>         | PAN  | <b>Guanajuato</b>          | PAN |
| <b>Guanajuato</b>       | PAN  | <b>Tamaulipas</b>      | PRI      | <b>Campeche</b>        | PRI | Acapulco                | PRD                     | Guadalajara            | PRI  | <b>Coahuila</b>            | PRI |
| <b>Aguascalientes</b>   | PRI  | Nuevo Laredo           | PAN      | <b>Tabasco</b>         | PRI | Ciudad Juárez           | PRI                     | Acapulco               | PRI  | <b>Sonora</b>              | PRI |
| Aguascalientes          | PRI  | <b>Hidalgo</b>         | PRI      | <b>Yucatán</b>         | PRI | Chihuahua               | PRI                     | León                   | PAN  | <b>Puebla</b>              | PAN |
| <b>San Luis Potosí</b>  | PRI  | <b>Nayarit</b>         | PRI      |                        |     | León                    | PAN                     | Tuxtla                 | PRD  | Culiacán                   | PRI |
| <b>Chiapas</b>          | PRD  | <b>Tabasco</b>         | PRD      |                        |     | <b>Chiapas</b>          | PVEM                    | Coahuila               | PRI  | <b>Quintana Roo</b>        | PRI |
| Torreón                 | PRI  | <b>Zacatecas</b>       | PRI      |                        |     | Tuxtla                  | PVEM                    | <b>Sonora</b>          | PAN  | <b>Oaxaca</b>              | MC  |
| Hermosillo              | PAN  | <b>Nuevo León</b>      | IND      |                        |     | Hermosillo              | PRI                     | <b>Puebla</b>          | PAN  | <b>Distrito Federal</b>    | PRD |
| <b>Sinaloa</b>          | PAN  |                        |          |                        |     | Puebla                  | PAN                     | Puebla                 | PAN  | <b>Baja California Sur</b> | PAN |
| Culiacán                | PRI  |                        |          |                        |     | <b>Sinaloa</b>          | PAN                     | Oaxaca                 | CON  | Campeche                   | PRI |
| <b>Quintana Roo</b>     | PRI  |                        |          |                        |     | Cancún                  | PRI                     | Colima                 | PRI  | <b>Colima</b>              | PRI |
| Cancún                  | PRD  |                        |          |                        |     | <b>Michoacán</b>        | PRD                     | <b>Durango</b>         | PRI  | <b>Durango</b>             | PRI |
| <b>Distrito Federal</b> | PRD  |                        |          |                        |     | <b>Tlaxcala</b>         | PRI                     | <b>Hidalgo</b>         | PRI  | <b>Morelos</b>             | PRD |
| <b>Michoacán</b>        | PRD  |                        |          |                        |     | <b>Yucatán</b>          | PRI                     | <b>Nayarit</b>         | PRI  | <b>Querétaro</b>           | PAN |
| <b>Morelos</b>          | PAN  |                        |          |                        |     | <b>Estado de México</b> | PRI                     | <b>Nuevo León</b>      | PRI  | <b>Veracruz</b>            | PRI |
| <b>Querétaro</b>        | PRI  |                        |          |                        |     |                         |                         |                        |      |                            |     |
| <b>Tlaxcala</b>         | PRI  |                        |          |                        |     |                         |                         |                        |      |                            |     |
| <b>Veracruz</b>         | PRI  |                        |          |                        |     |                         |                         |                        |      |                            |     |
| <b>Zacatecas</b>        | PRI  |                        |          |                        |     |                         |                         |                        |      |                            |     |

Table 6. Professional profiles and party identification of those in charge of public security.

Source: Prepared by author using websites and the press. In bold – Federal Entities.

## CONCLUSIONS

The path of the National Public Security System reform has been a priority for the last two administrations in Mexico, presided by Felipe Calderón Hinojosa (2006-2012) and Enrique Peña Nieto (2013-2018). The evidence for this statement is the large investment of resources into public security and access to justice. This allocation of resources has greatly increased year on year in the fiscal years examined in this paper.

The on-going increase in spending in the federal entities, as well as the funds and subsidies allocated to states and municipalities, also shows that this reform has not only been a priority for the federal government, independently of whether the PAN or the PRI has been in government, but also for a large number of the Mexican states, independently of the political colour of their governments.

The reform was designed and planned by a team of security professionals working with Genaro García Luna, Secretary of Public Security in the Calderón administration. However, the situation of violence in which the country has been plunged seriously complicated the process of consolidation of the public security institutions, leading to an increase in the presence of the military in the streets and, at the time of writing, worsening the violence and Mexicans' perception of insecurity.

Despite this shared interest in reforming the National Public Security System that is reflected in the budgets, political agreements have not been simple and the results have been questionable. The federal and state executives received support from legislators in approving budgets and a large part of the reforms. Paradoxically, the legislators come up against opposition from the federal and state executives and from the municipal presidents when finalising a model that would define the institutional structure of the local security corporations.

This apparent contradiction between the use of resources and power can be explained by the fact that the mayors want to continue managing and controlling the security corporations in their municipalities and the legislators support them in this duty.

The debate on the police «single command» in the states is complex. On the one hand, Mexico has identified the weakness of the municipalities in dealing with both organised crime and the de facto powers. On the other hand, it would appear that the resources invested haven't generated good results. Trustworthy state police structures have still not been established. The critics of the «single command» point out that it is easier to corrupt one single person, i.e. the governor, than various municipal presidents. Thus, *the security trap* in Mexico, as underlined by Bailey, is still having an impact on the necessary establishment of structured and trustworthy police corporations and everything would point towards this inertia continuing.

As an epilogue to the «drama» of the National Security System reform, at the beginning of 2016, the Mexican federal government made an about-turn that this author considers to be wrong and confusing. In one fell swoop, the SUBSEMUN and the SPA disappeared – the two most important subsidies for the national public security system reform. This shows that, on the one hand, the Mexican government recognises that the efforts haven't given the expected results. In the case of SUBSEMUN, a new subsidy called FORTASEG has been created to replace it. The number of municipalities has increased to 300 and the resources invested have been moderately increased. However, priority is no longer given to crime prevention policies and instead focus is placed on the promotion of training within the New Accusatory Penal System that has been supporting SETEC, for its introduction and implementation in August 2016 across the country.

The disappearance of the SPA is very serious and shows a lack of clarity among current politicians on the spirit of the reform. As has been pointed out, this financing instrument was created to strengthen state police units, professionalising them and giving them the teams they need, with the aim of rolling out these units to cover all of the components of state and ministerial police forces and prison wardens across the country. The creation of trustworthy police forces would allow viable municipal police forces to stay alive, and for the inefficient forces to be substituted by accredited and professional state police forces.

The disappearance of this subsidy clearly shows the current failure of the reformist process of the state police forces and the invested budgetary effort. On the 25 May 2016, Álvaro Vizcaino, head of the Executive Secretariat of the National Public Security System, responded to questions posed by the author of this paper – at the II International Congress on International Standards in the Prison System – saying that the subsidy was not well thought through because it privileged elite units and ignored most of the corporations. This response shows a lack of understanding of the reform process. The idea was to create capable and professional police forces and to eliminate those that aren't effective, not the other way around. In this way, the government has complicated the idea of a single command in which there are effective police corporations. This implies a recognition of the failure of the policies introduced since 2006 and is a way of giving up working in any serious manner on the comprehensive reform process of the National Public Security System.

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