INSTITUTIONAL REFORM OF THE POLICE IN MEXICO: 1994-2012

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ABSTRACT OF THE THESIS

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This thesis presents a historical overview of federal-level police reforms initiated during the presidencies of Ernesto Zedillo, Vicente Fox, and Felipe Calderón in Mexico. Drawing upon Max Weber’s theoretical analysis of state and bureaucratic authority, I argue that the endurance of neo-patrimonialism at both the state and institutional levels has stymied reforms aimed at institutionalizing rational-legal patterns of conduct within the police. The result is a law enforcement apparatus that remains inefficient and unprofessional, hindering the consolidation of democracy in Mexico. Overcoming this dilemma will require changing the relationship between state and society, with citizens acquiring the agency necessary to serve as a check on state power.
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CHAPTER 1

INTRODUCTION

Of the myriad dynamics that shape the social, economic, political, and institutional makeup of the Third World\textsuperscript{1} state, perhaps none is as enigmatic as law enforcement. As the most visible representation of the state’s coercive power, police play a central role in the maintenance of basic social order and justice, which are fundamental concerns for the establishment of an effective, trustworthy, and democratic rule of law (Bailey and Chabat 2002, 4; Blake 2009, 97; Ziegler and Nield 2002, 56). However, consolidating a responsive and professional law enforcement apparatus within the context of a developing democracy presents obstacles related to the weakness of state institutions, along with potentially high levels of crime, corruption, and poverty, and “poorly institutionalized channels” of accountability (Hinton and Newburn 2009, 6; Rubio 2013, 5). Many of these pernicious realities are evident in Mexico.

For decades, corruption has been one of Mexico’s most pressing institutional challenges. Typically, corruption in Mexico manifests itself through the bribes paid to low-level bureaucrats for expediency,\textsuperscript{2} to the purchase of an injunction from a judge, to the stealing of state money by high-level officials (Morris 1999, 623). Despite advances towards procedural democratization in the past two decades, the failure of the state to meet the expectations engendered by democratic regime change, such as the curbing of institutional corruption, has reduced citizen trust (Bailey and Paras 2006, 60). This lack of trust has challenged the state’s capacity to implement reform legislation necessary to strengthen police accountability. In addition, the presence of strong non-institutional actors, including drug-

\textsuperscript{1} Although now considered an “anachronistic” term given the collapse of the Soviet Union, Handelman (2009, 2) argues that ‘Third World’ remains conceptually useful in the abstract because certain patterns among states within this construct remain definitive. However, as with other nomenclature like ‘developing’ or ‘global south,’ ‘Third World’ is imperfect and may fail to account for all the socioeconomic and political differences amongst groups within this category. While some view the term as a pejorative, my use of Third World carries no value judgment.

\textsuperscript{2} Commonly referred to as a \textit{mordida}, or ‘bite.’
trafficking organizations (DTOs),\(^3\) has further undermined accountability. Casual observers of world affairs will often hear stories of Mexican law enforcement officers conspiring with DTOs, which has a deleterious effect on reform efforts, as well as posing an existential threat to the state’s national security. One of the most egregious examples of this reality came in 2008 when the head of the Mexican Attorney General’s Office for Special Investigation into Organized Crime (SIEDO) was accused of receiving bribes from the Sinaloa Cartel. Complicating the matter further has been the general rise in crime rates in Mexico, with the country’s crime rate reaching an all-time high within the last 20 years, including a sharp increase in the number of killings and kidnappings (D. Davis 2006).

In the abstract, these incidents reflect the distressing reality that the broader absence of accountability, in conjunction with the persistence of traditional and informal networks of power, have come to outweigh the capacities of Mexico’s formal rules, structures, and mechanisms of control. This has produced often contradictory policy outcomes that are, in part, historical legacies of dynamics forged and institutionalized during the long era of single-party rule.

Before proceeding further, I wish to define and operationalize a relevant term. For the sake of efficiency, I define ‘institutions’ as the formal governing structures, laws, and rules of a state, as well as the informal ‘rules of the game’ that “structure incentives in the political, social, or economic spheres of society” (Acemoglu, Johnson, and Robinson 2005, 549).

For Clapham (1985), there is a political foundation of the Third World state, shaped by similar underlying politics, peripherality, state-society relations, and patronage systems. For much of the last century, the norms institutionalized by the semi-authoritarian ruling party, the Institutional Revolutionary Party (PRI), forged these patterns of Third World politics in Mexico. The PRI galvanized popular support in its pursuit of political hegemony, achieving an effective fusion of the party and government. The concurrent growth of a politicized bureaucracy came to permeate all facets of social life, limiting the agency of citizens to serve as a check on government abuse. Officials grew to treat posts as “personal fiefdoms” through which they extracted rents and acted in the absence of any

\(^3\) For a complete glossary of acronyms and initialisms, see Appendix.
institutionalized norms for operation or delegation of authority (Clapham 1985, 48). The institutionalized legacies of the PRI persist through a dominant patron-client system, as well as a general belief that personal relationships are the most effective means of accessing power within the political system (Edmonds-Poli and Shirk 2009, 192). This deficit between the “shared values” of state and society, coupled with the effects of social and political change, explains the “fragility” of the Third World state (Clapham 1985, 42). The weakness of the state is relevant because, as Bailey and Chabat (2002, 26) suggest, one cannot analyze the institutions of law enforcement as isolated actors within Mexico as they, in truth, reflect the broader sociopolitical and cultural contexts within which they operate.

These legacies extend into civil law enforcement – a historically weak set of institutions in Mexico. The PRI’s political tools of control effectively stymie the need to build or institutionalize strong cultures of integrity within the police departments because institutional relations with the public have not historically been based on trust; rather, political loyalty towards the party has determined power in the Mexican political tradition (Mohar 2010). The leadership of police forces is indeed a politicized entity as they remain accountable to elected mayors, governors, and presidents - creating a pyramidal chain of loyalties that is inherently prone to patron-client relationships. As a result, many fear that dominating patterns of corruption and clientelism have become consolidated parts of policing in Mexico. Through their survey of law enforcement officials in Mexico, LaRose and Maddan (2009, 344) found that corruption permeates Mexican policing and is fueled by a “political and social culture that participates and implicitly and explicitly accepts corrupt activity.”

 Movements toward institutional reform stem from the belief that those within public authority should exercise the powers of an office within a legally defined scope and structure. Normative conceptions of a modern police organization include an exemplification of the ideal traits of trained bureaucracy with specialization, centralization, rules, impersonality, and a meritocracy (Weber [1922] 1947, 343). However, attempts to establish the basic norms and institutions of a consolidated democracy within the context of a neo-democracy present potential obstacles (Schmitter 1974). Despite decades of reforms aimed at professionalizing the police, there have been few qualitative improvements.
For such a seemingly intractable problem, the literature understandably varies as to explanations for the persistence of corruption, as well as the failure of professionalization reforms. Uildriks (2009, 199) argues that corruption is an ethical issue that results from either the “moral weakness of society or the persistence of traditional values” within a polity. Scholars point to institutional factors related to poor training and the clientelistic system of incentives and domination to explain the systemic corruption of law enforcement. For Sabet (2012, 45), law enforcement corruption is a result of the combination of the police “negative reputation and high risks,” which contributes to a qualitatively weak force. Others, such as Donnelly and Shirk (2009), use socioeconomics and culture as explanatory factors. The profession often attracts less educated members of society who may be willing to accept bribes as a means of supplementing an otherwise small annual salary (Bailey and Dammert 2006). 4 Studies point to remuneration as a factor in explaining why police become directly involved in criminal operations, like drug trafficking (LaRose and Maddan 2009). In their ethnographic field study of municipal police near Mexico City, Arteaga Botello and Rivera (1998) found that corruption systematically underlies the agency’s organizational structure. Institutionalized patterns of patron-client relationships persist in which law enforcement superiors, such as medical examiners, field instructors, and commanders, accept monetary payoffs from their clients in exchange for certain immaterial benefits, such as a potentially lucrative patrol beat. This study, which the researchers argue is generalizable to all of Mexico’s police, posits that cadets are not trained in law enforcement, but rather in “extortion” (Arteaga Botello and Rivera 1998, 16). As part of an alternative literature, Diane Davis (2006, 55) links the failure of reform to Mexico’s democratic transition, arguing that it has fostered interagency bureaucratic and partisan competition that effectively paralyzes efforts to institutionalize police reforms. After surveying the literature, I became increasingly curious as to what extent the institutional makeup of Third World state itself may be an explanatory factor for the failure of contemporary police reform in Mexico.

This thesis is a historical analysis of police reform in Mexico using secondary research and data. I argue that federally initiated professionalization reforms to Mexico’s law

4 Edmonds-Poli and Shirk (2009, 187) warn that overemphasizing a cultural-based analysis may lead to “stereotyping or exaggerated claims” as to the explanatory strength of beliefs and attitudes in determining certain outcomes.
enforcement agencies under the presidential administrations of Zedillo, Fox, and Calderón failed due to the persistence of traditional patterns of social control at the state and institutional levels.

The thesis is organized into five chapters. Chapter Two introduces Max Weber’s normative theories of the state and authority, and reviews the scholarly literature on the nature of bureaucracy, institutional reform, civil service, as well as the effects of corruption. I proceed to extend Weber’s theoretical framework to the case of Mexico, tracing the historical development of traditional tools of domination by the ruling political party, the PRI, into both social and public administration contexts. Chapter Three presents a historical overview of police reform initiatives in Mexico between 1994 and 2012. Chapter Four assesses the effectiveness of these reforms using available data and analysis within the literature. I subsequently introduce a number of policy recommendations that I argue are necessary to achieve professionalization. This thesis concludes with a brief outline of the reforms proposed and implemented under Mexico’s current administration.

As Sabet (2012) acknowledges, developing a research design within such a fluid arena of public policy creates challenges. Mindful of this reality, I outline here some of the deliberate limitations of this research. First, for ease of clarity and historical focus, I chose to cease my analysis at the year 2012 to avoid the burden of forecasting the long-term success of reforms instituted under the current administration of President Enrique Peña Nieto, who took power at the end of 2012. Second, I chose to narrow my focus solely to reforms initiated at the federal level for ease of historical comparison. Third, although in the abstract they are interrelated, I hope to divorce my analysis of police professionalization reforms from the topic of police reform for the purpose of crime reduction. This is a necessary distinction because it is entirely possible for there to exist a corrupt and unprofessional police in a low-crime environment, just as it is possible to have a law-abiding police force in a high-crime environment (Prado, Trebilcock, and Hartford 2012, 256). Finally, although the ongoing drug war is not my primary area of focus with this study, it remains a strong negative external factor that cannot be ignored within the context of law enforcement and corruption. While I do touch on state efforts to reduce institutional corruption as a means of combating DTOs in

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5 For a detailed overview of police reform at the subnational level, see Sabet (2012).
later chapters, I make no normative judgment as to the success, utility, or even morality of such efforts. In total, it is my hope that this research will contribute to a growing literature in the social sciences that examines the obstacles faced in the building of responsive, consolidated institutions within burgeoning neo-democracies.
CHAPTER 2

THE STATE AND POWER

This section introduces the theoretical foundation of my argument. Drawing upon the literature on the state and bureaucracy, I subsequently apply this framework to the case of police reform in Mexico. I will begin by outlining what the state is not. As Nordlinger (1987, 362) argues, one must avoid the “anthropomorphic fallacy” of characterizing the state as a monolithic entity capable of action. In truth, the apparatus of any functioning state comprises individuals equipped with certain autonomous decision-making authorities. Similarly, the state is more than any singular regime, as the state consists of separate, yet interacting “administrative, legal, bureaucratic, and coercive organizations” that maintain authority and ensure obedience to that authority (Skocpol 1982, 7). Mindful of these caveats, the literature largely adopts Max Weber’s writings as the canonical analysis of the state and power, as he argues that the state is, fundamentally, a compulsory association that claims “imperative control” over territories and the people within them (Weber [1922] 1947, 153). State legitimacy forms through a “social relationship” between a ruler, public administration, and citizens who are voluntarily obedient toward the state’s authority (Breuilly 2011, 478).

Weber conceived of three pure forms of authority through which states claim legitimacy: traditional, rational-legal, and charismatic. These forms of authority describe patterns of human organization and interaction that produce order. For Weber, order constitutes certain actions that achieve society’s basic goals or values, such as security and stability. For purposes of this study, I will focus my analysis specifically on Weber’s analysis of traditional and rational-legal authority. In brief, authority based in tradition rests on a historically established belief in the sanctity of certain “immemorial traditions,” with ultimate obedience given to a person; authority based on rational-legal grounds maintains obedience to a legitimate and “legally established impersonal order” (Weber [1922] 1947, 328; [1925] 1968, 46). As normative ideal types, these forms of authority are theoretical standards by which one can classify any particular case (Parsons 1947, 13). Although most empirical cases are solely an “approximation” of these pure forms of authority, for Weber that is not
necessarily a valid objection to the conceptual formulation and analysis of ideal types in the abstract (Theobald 1990, 13; Weber [1922] 1947, 329).

**Traditional Authority**

Traditional, or patrimonial, authority embodies many of the political characteristics of the pre-modern state, with its basic origins found in monarchical patriarchalism (Theobald 1990, 20). This form of authority ascribes power and obedience to a person “firmly anchored in a social or political order” - order that is legitimated often solely on the basis of tradition itself (Clapham 1985, 47; Weber [1922] 1947, 341). Public officials become an organic part of the political process, subject to the authority of superiors, while simultaneously serving their own “particularistic interests” (Clapham 1985, 41). In the absence of clear-cut spheres of competence, there is often little division between the incumbent and his or her office. As such, officials treat government authority and resources as private possessions to be exploited rather than a narrowly defined authority granted by nature of the office they occupy (Randall and Theobald 1985, 81). In other words, this authority typically breaks down the normative segregation between the official and personal spheres, resulting in an “institutionalization of individual functions” - or arbitrariness (Parsons 1947, 69). Traditional authority tends to foster under-institutionalized administration through a combination of bureaucratic instability, informality, and discontinuity (Theobald 1990, 104). In addition, the bureaucratic structure of traditional societies remains weak and politicized, subject to changing expectation and powers under a ruler’s discretion (Clapham 1985, 48). As the distinction between legal and illegal behaviors becomes increasingly arbitrary, a traditionally based form of authority often contributes to the predominance of corruption.

**Corruption, Clientelism, and Corporatism**

While it is difficult to find an agreed upon definition of corruption in the literature, many use Nye’s (1967, 418) conception of corruption as a “violation of the norms of public office for personal gain” as a useful standard. In other words, corruption represents a formal deficiency that exists between the normative values of personal and political conduct and the informal ‘rules of the game.’ For purposes of this study, recognizing the means by which administrative roles politicize is central to understanding the phenomenon of corruption in traditionally organized states. Although intended as a tool of regime stability, corruption has
negative effects on administrative capacity as it has the tendency to provoke “fragmentation, dissension, inter and intra-departmental rivalry” (Theobald 1990, 128). Morris (1999, 627) found that corruption undermines state capacity and destabilizes the public sector as there are few incentives to operate within the formal rules and for the public’s benefit – fostering what he calls “a culture of corruption.” This “culture” manifests itself through nepotism, favoritism, and conflict of interest, in addition to institutionalized practices of state control, such as clientelism and corporatism (Morris and Blake 2010, 2).

Schmitter (1974) defines clientelism as an informal asymmetrical relationship of mutual benefit in which a patron provides material benefits or services to a client in exchange for the client’s personal loyalty. Benefits may take the form of physical or legal protection, job attainment and promotion, or money (Clapham 1985, 55). Clientelistic relationships are based in domination and exploitation, and often perpetuate the hegemonic power of patrons. Clientelism tends to persist most strongly within polities with scarce resources and under the control of “deep-seated political cliques” (Brachet-Marquez 1992, 93; Manzetti and Wilson 2009, 81). Another form of social control, corporatism, is a “system of interest representation” in which the state formally structures the incorporation of “compulsory, noncompetitive, hierarchically ordered and functionally differentiated” interest groups in public policy (Schmitter 1974, 126). Constituent groups are granted a “representational monopoly” in exchange for compliance with certain state-directed demands and controls (Edmonds-Poli and Shirk 2009, 71). Under such corporatist arrangements, the state does not have a neutral relationship with society as the regime has the ability to monitor and co-opt dissident groups. In addition, those outside the bounds of the formal channels may have difficulty competing for an equal representational voice, as they are without the proverbial ‘seat at the table.’ The existence of these traditional tools of domination tend to be negatively associated with social trust and regime legitimacy—effectively undermining development efforts and representing a challenge to the deepening of democracy (Bailey and Paras 2006, 59; Morris 2009, 174).

Modernization theorists argue that the transformation of tradition-based societies is essential for the development of a functional institutional apparatus. However, the exact
processes by which states become ‘modern’ varies in the development literature.\(^6\) Some argue that the transition often accompanies the onset of democratization. Handelman (2009, 14) posits the socially transformative effects of education, urbanization, and the spread of mass media in traditional societies. Theobald (1990, 148) argues that modernity involves an “ethical reorientation” in which one acquires a “distinct set of values and attitudes.” For Weber, the breakdown of the networks of dependency based in kinship, serfdom, or client relationships, in favor of a strictly law-based order, is a crucial point of transition (Parsons 1947, 62). Specifically, the development of “specialized and differentiated government institutions” advances regime stability and legitimacy by providing the legally defined and peaceful channels through which both individuals and groups can pursue political objectives (Handelman 2009, 10).

**RATIONAL-LEGAL AUTHORITY**

In Weber’s typology, the modern state organizes normatively in a rational-legal pattern of authority. Under this pure type, state legitimacy stems from individuals in public positions exercising their power within a “legally defined structure directed towards a publicly acknowledged” and accepted end (Clapham 1985, 44; Weber [1925] 1968, 69). Rational-legal authority is, at its core, a “constraint system of abstract rules” that establishes a disciplined spirit under which officials perform their duties without regard for personal loyalties, “individual privileges and bestowals of favor,” or any other arbitrary consideration (Weber [1922] 1947, 340).

The coercive power of the state extends to individuals solely through a “specifically legitimized status” of the law (Parsons 1947, 58). As such, the conceptualization of rational-legal authority rests on a strict separation between the public and private spheres of authority figures, encapsulated in the idea of a fixed office. This separation differentiates the criteria by which officials administer public resources by nature of their positions and “sphere[s] of competence” from the way in which officials allocate their private property (Parsons 1947, 6).

\(^6\) I hope to avoid certain ethnocentric strands of modernization theory that conceptualize a strictly linear transition from the ‘traditional’ to the ‘modern’ by means of a universal socioeconomic and political homogenization towards a Western liberal democratic model (Black 1966). Instead, I view traditional and rational-legal authority as qualitatively differing patterns of human organization that tend to produce certain results in varying socioeconomic and historical contexts.
Principal to this separation between the public bureau and the private domicile is the notion that one is not to use public office for the purpose of exploiting rents (Weber [1925] 1968, 69). Offices are regulated using “rationally calculative” rules and norms, with positions requiring eligibility and training standards to demonstrate one’s technical capabilities (Holton and Turner 1989, 69; Weber [1922] 1947, 331). In total, the office is conceptually a developed vocation requiring the full capacity of an official “in return for a secure existence” (Weber [1925] 1971, 4).

**Bureaucracy**

Modern democracies are characterized by their structurally broad scope of functions, which necessitates an institutional apparatus made up of “personally detached and strictly objective” officials (Eisenstadt 1968, liv; Weber [1925] 1968, 70; [1925] 1971, 16). As such, in the abstract, the state’s purest and most stable exercise of rational-legal “imperative control” is through a developed public administration (Weber [1922] 1947, 333). In its bureaucratic form, public administration organizes hierarchically with fixed standards for recruitment and promotion based on either seniority or merit. Officials earn a fixed salary and operate within allocated jurisdictions of authority with clear rules of operation, along with adequately institutionalized mechanisms of supervision and regulation of lower offices by higher ones (Parsons 1947, 58; Rickover 1971, 154; Theobald 1990, 2; Weber [1925] 1971, 13). Under such a system, regardless of the length of tenure, loyalty is established to the impersonal order of the office. Disobedient actions become not only rationally disadvantageous, but also antithetical to one’s sense of institutional ethos and “duty” (Bensman 1979, 18; Weber [1925] 1968, 76). Weber contrasts a trained and knowledgeable bureaucracy with the “collegiate and honorific” forms of administration found in patrimonial states, arguing that a rational-legal public administration is superior for its inherent “precision, speed, continuity, and unity” (Weber [1925] 1971, 14). However, although a superficial dichotomy between bureaucratic and patrimonial forms of administration exists, both systems maintain a sense of permanence (Parsons 1947, 64). This is arguably the case as each form functions to meet the social needs of the populace, albeit in varying manners. In this respect, Weber argued that bureaucracy is the “counter-image” of patrimonial structures “transposed into rationality” (Weber [1925] 1968, 18). In summary, under rational-legal
authority, the habituation of rule-based action fosters an obedient institutional apparatus that systematizes “substantive law” and civil service, and through which state leaders can “monopolize legitimate coercion” (Tanner 2000, 102; Weber [1925] 1968, 76).

**NEO-PATRIMONIALISM**

As the state is in essence a “structure of control,” the unique political foundation of the Third World state is best understood by its combination of “power and fragility,” shaped by its peripherality, state-society relations, patronage systems, and bureaucracy (Clapham 1985, 39). As a form of social domination distinct from both traditional and rational-legal authority, neo-patrimonialism represents the proliferation of certain “universal values and abstract characteristics” of modern rational-legal societies within traditional contexts (Eisenstadt 1968, ix).

As Clapham (1985, 48) explains, neo-patrimonialism is a mixed form of social organization in which traditional patrimonial relationships exist within a political and administrative system organized formally “on rational-legal lines.” Officials retain positions within the bureaucracy that have enumerated powers; however, the boundary between the private and the public spheres - central to the concept of a modern public administration - is both ambiguous and “tenuous” (Clapham 1985, 48; Theobald 1999, 492). This “heterogeneous” combination of arbitrary power and tradition contributes to the persistence and legitimization of certain informal patterns of conduct, particularly in the absence of capable accountability mechanisms (Donnelly and Shirk 2009, 22; Durazo Herrmann 2010, 87). While such conditions provide a degree of regime stability, the long-term consequence for administrative capacity and integrity are nonetheless “deleterious” (Theobald 1999, 493).

**THE HISTORICAL FOUNDATION OF NEO-PATRIMONIALISM IN MEXICO**

Although it is beyond the scope of this chapter to present an empirically exhaustive analysis of Mexico’s post-revolutionary political structure, it is nonetheless necessary to understand the historical context that institutionalized certain political arrangements. Through a mixture of both formal and informal forms of sociopolitical domination, the
Institutional Revolutionary Party (PRI)\(^7\) emerged from the Mexican Revolution to become the country’s dominant political force for much of the 20th century (Edmonds-Poli and Shirk 2009, 87). On its face, Mexico’s post-revolutionary political system showed signs of classic federalism with power divided constitutionally among the executive, legislative, and judicial branches of government at the federal, state, and municipal levels. In practice, however, the PRI effectively fused party with government, utilizing a classic pattern of highly personalistic machine-style politics as a means to galvanize broad sectors of support and centralize authority at the national level, while often using the coercive authority of the state to repress potential sources of political opposition (Edmonds-Poli and Shirk 2009, 67).

Arguably perfected first during the presidency of Lázaro Cárdenas from 1934 to 1940, the PRI consolidated power and achieved political stability by its effective control of the electoral process through a centralized, hierarchical, and disciplined party structure.\(^8\) Reflecting the diverse nature of the party’s popular base, the PRI did not necessarily adhere to a strict political philosophy, in effect maintaining a degree of “ideological flexibility” that afforded it the ability to adapt to changing political realities while maintaining a shared and rotating leadership structure (Edmonds-Poli and Shirk 2009, 75). Additionally, as any semblance of checks and balances theoretically generated by a federal system with separate executive, legislative, and judicial branches was at best tenuous, the president maintained nearly absolute discretionary authority. The executive’s control of the structures of party and government through incentive systems, along with occasional electoral manipulation, gave the appearance of nominally democratic elections, while the party exploited the discretionary tools necessary to maintain favorability and political hegemony (Edmonds-Poli and Shirk 2009, 151; Quintero 2009, 213).

The PRI developed sophisticated networks of informal state-society relations to maintain a base of popular support. The personalistic nature of power in Mexico contributed to the use of clientelism and corporatism as a means of building and coordinating popular...

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\(^7\) Earlier incarnations of the party include the National Revolutionary Party (PNR) (1929-1938) and the Party of the Mexican Revolution (PRM) (1938-1946).

\(^8\) Lawson (2000, 275) traces this pattern of patron-client relationships back to when rival caudillos (strongmen) ceded control over territories “in exchange for personal security and a share of the national spoils,” while others trace it to the era of colonialism.
channels of support (Morris 2009, 175; Rubio 2013, 9). Corruption aided the use of these tools of political control, perpetuating the “informal rules of the game” (Morris 2009, 169). In effect, the party maintained the genuine support of its patrons while defying many of its constitutional mandates (Edmonds-Poli and Shirk 2009, 65).

The party thwarted any serious threat to regime hegemony through cooptation, fraud, and, when necessary, repression (Lawson 2000, 268). The PRI’s use of cooptation aided regime stability, and took myriad forms, an example of which would be the awarding of a desirable bureaucratic post to a potential political opponent in exchange for loyalty or submission (Edmonds-Poli and Shirk 2009, 80). Indeed, by incorporating a wide array of social groups through incentives or cooptation, the regime weakened potential political opposition while simultaneously building a strong base for political support and stability.

This fusion of party and government extended into the state’s public administration system, where the informal patterns of corporatism, clientelism, cooptation, and *presidencialismo* (a strong presidency) made the formal structures of accountability and oversight weak, if not meaningless. By utilizing the bureaucracy as a “strategic tool of political control,” public officials remained accountable to their bosses through both formal and informal networks of administrative control, rather than remaining accountable to the law through the rational-legal norm of checks and balances (Arellano Gault and Amparán 2003, 155; Bailey and Chabat 2002, 4). In the absence of any effective civil service, bosses retained the political and economic resources to reward loyalty, “effectively controll[ing] the career trajectories” of both bureaucrats and politicians (Morris 1999, 627). The system was held together not by institutionalized structures, but by the discipline of elites who were not willing to “overstep the bargain” (Rubio 2013, 9).

**Police and Civil Service Reform**

Police forces are a state’s primary instrument of law enforcement. Although institutions charged with keeping public order have existed since antiquity, modern normative conceptualizations of the police are that of formally organized, publicly funded, specialized, and professional organizations authorized to enforce the law through coercive means (Frühling 2004, 18). The police base their legitimacy on formal rational-legal rules of conduct having evolved into hierarchically organized bureaucracies with fixed standards for
qualification, salary, promotion, discipline, and control (Weber [1922] 1947, 153). For Weber, effective police embody a bureaucratic “spirit of formalistic impersonality” - assisting governments in exercising their “monopoly of the use of legitimate force in a territory” (Tanner 2000, 103; Weber [1922] 1947, 159). However, the police’s duty to maintain social order also grants them a degree of personal discretion not afforded to a typical bureaucrat.

Consequently, as informal rules tend to be more salient than formal structures of accountability, in a context of a weak state with poor police oversight, nominal checks and balances, and insufficient resources, police are “more prone to corruption” (Hinton and Newburn 2009, 19; Uildriks 2009, 211). As such, the combination of diminished pay and poor channels of control creates low opportunity costs for income supplementation through corrupt practices (Edmonds-Poli and Shirk 2009, 315). These institutionalized patterns of non-integrity, aided by corruption, diminish law enforcement capacity, while also weakening state-societal social trust and solidarity (Bailey 2009, 71; Morris 2010, 144).

Historically, Mexico’s law enforcement agencies did not institutionalize patterns of rational-legal bureaucratic discipline. As an extension of the PRI’s semi-authoritarian system of control, the police organized using informal neo-patrimonial instruments of political coercion (Shirk 2010, 192). In particular, the dominance of “particularistic criteria” in the selection, promotion, and removal of officers’ institutionalized behaviors of “complicity, impunity, and autonomy” across Mexico’s law enforcement apparatus (Husain 2009, 59; López Portillo Vargas 2002, 111; Sabet 2012, 67). Patronage systems permeated institutional relations, fostering a system of favoritism rather than institutionalized rights. The predominance of these informal norms, particularly within the police, is a historical legacy of the post-revolutionary period in which revolutionary leaders and the police “made trade-offs” in pursuing the defeat of forces loyal to Porfirio Díaz (D. Davis 2009, 191).

This politicization of Mexico’s public administration made police typically subject to the control of politicians through patronage rather than through “institutionalized forms of accountability” (Hinton and Newburn 2009, 15; Panizza and Philip 2005, 674). The police in Mexico often operated not unlike a Roman tax collector system in which patrons collected bribes to meet imposed quotas set by superiors at both the institutional and state levels (Edmonds-Poli and Shirk 2009, 315; Lawson 2000, 283). In such contexts, one could not
view the police as neutral arbiters as they were indeed the “visible handmaids of organized power,” with the potential to become mere extensions of the ideological bent of the regime in power (Uildriks 2009, 202). In the absence of any external mechanism of supervision and control, the existence of these informal neo-patrimonial tools of control meant that arbitrariness persisted in the absence of any rule-of-law culture for much of the twentieth century during the PRI’s hegemony.

As the following chapters will outline in greater empirical detail, since the mid-1990s, political leaders – having recognized the “chronic inadequacies” of a politicized police - entered office with ambitions to implement reform legislation with either the implicit or the explicit aim of promoting meaningful institutional change (Edmonds-Poli and Shirk 2009, 304). Professionalization efforts ranged from organizational restructuring, increasing public security budgets, and introducing advanced equipment, to implementing qualitative improvements to the management of personnel through enhanced standards for selection, training, promotion, salary, and discipline (Asch, Burger, and Fu 2011, 23; Sabet 2012, 4).

Successful police reform habituates certain “democratic criteria,” including placing legitimate restraints on the use of force, maintaining accountability to the law instead of government, and functioning for the protection of citizens and not the state (Prado, Trebilcock, and Hartford 2012, 252). As Frühling (2009, 42) outlines, the design of police reform generally takes two distinct paths: one path is the strategic plan for modernization that introduces new reforms that do not necessarily “rupture” past police doctrine; the other path envisions broad normative shifts within the state and society that foster new democratically responsive civil police forces. However, the structural organization of states often determines both the initiatives they undertake, as well as their “capacities to achieve policy goals” (Skocpol 1982, 6). Building upon the literature outlined above, this thesis argues that Mexico’s neo-patrimonial systems of domination explain why the state has been inhibited in the institutionalization of rational-legal patterns of authority within law enforcement. Thus, any viable normative prescription must seek changes to these institutionalized norms. In total, my argument differs from much of the literature as I utilize a state-centered Weberian model to measure institutional failure. Given the historical salience of Mexico’s ruling party in the shaping of the performance of institutions, a state-centered analysis is appropriate for this case. As I will outline in the proceeding chapters, despite the breakdown of PRI’s
national hegemony, the legacies of 71 years of informal institutionalized patterns of domination continue to influence the culture of the police, contributing to its institutional weakness.
CHAPTER 3

PROFILE OF THE MEXICAN POLICE FORCES

Mexico’s Constitution organizes the state’s law enforcement agencies at the federal, state, and municipal levels, with forces generally divided into either a preventative or investigative function. With exceptions that I will detail later in this chapter, preventive police operate as a patrol-and-response force charged with maintaining general security, while the federal and state-level ministerial police perform investigations (Frühling 2009, 25; López Portillo Vargas 2002, 122). Using the latest available data, Table 1 shows that of the more than 400,000 police officers in Mexico, about 9% operate at the federal level, nearly half operate at the state levels, and 39% operate at the municipal levels. Of the 2,022 municipal police departments, nearly half consist of fewer than 20 officers, while a small percentage of municipalities maintain no organized police force (Justice in Mexico Project 2010).

Table 1. Distribution of Mexico’s Police Forces (August 2009)

<table>
<thead>
<tr>
<th>Police Force</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Police</td>
<td>32,264</td>
<td>7.88</td>
</tr>
<tr>
<td>Federal Investigative (Judicial) Police</td>
<td>4,327</td>
<td>1.06</td>
</tr>
<tr>
<td>State Investigative (Judicial) Police</td>
<td>26,329</td>
<td>6.43</td>
</tr>
<tr>
<td>State Preventative Police</td>
<td>186,862</td>
<td>45.63</td>
</tr>
<tr>
<td>Municipal Preventative Police</td>
<td>159,734</td>
<td>39.00</td>
</tr>
</tbody>
</table>


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9 This includes the federal district of Mexico City.
The police rank among the least respected institutions in Mexico with just 10% of citizens reporting “some” or “much” confidence in the state’s law enforcement agencies (Brown, Benedict, and Wilkinson 2006, 158). Survey data consistently show the municipal police to be the least respected force, while the federal police enjoy the highest relative percentage of citizen respect (Brown, Benedict, and Wilkinson 2006, 158). This lack of trust results from generalized perceptions of police corruption and impunity. According to a 2004 Latinobarómetro survey, 70.9% of Mexican survey participants responded that there was a “high” or “quite high” probability of successfully paying a bribe to the police, with 59% having direct experience of paying a bribe. In contrast, 22% of Chilean survey participants responded that it was probable to pay a bribe to police, with 13% having direct experience (Morris and Blake 2010; Sabet 2012, 13).

Corruption hinders citizen confidence in the law. Victimization survey data consequently estimate that citizens report only 25% of crimes to authorities in Mexico, making the measurement of accurate crime statistics difficult (Brown, Benedict, and Wilkinson 2006, 158). Nevertheless, the rise in crime levels in recent decades has been a troubling trend. Edmonds-Poli and Shirk (2009) link rises in violent crime rates in Mexico with the country’s fiscal and monetary crises, which, beginning with the 1976 peso devaluation and followed by decades of neoliberal structural adjustment policies, resulted in higher unemployment, inflation, and inequality. Rising crime rates, in part fueled by drug-trafficking organizations (DTOs), remain one of the most visible negative external factors to reform, and consequently threaten civilian law enforcement capacity and increase citizens’ demands for solutions (Sabet 2012, 28; Ziegler and Nield 2002, 3).

Chronic patterns of corruption and ineffectiveness have made police reform a central public policy objective for more than two decades across three consecutive presidential administrations. Successive governments have introduced myriad reforms aimed at restructuring and depoliticizing police agencies at the federal and subnational levels, with legislation ranging from long-term programs to “quick fix” solutions (Uildriks 2009, 204). In the following section, I will present a historical overview of the federal reforms initiated during the respective sexenios (six-year presidential terms) of Presidents Zedillo, Fox, and Calderón to trace why police reforms have largely failed to produce qualitative improvements to the police (Asch, Burger, and Fu 2011, 1; Morris 2010, 147).
ERNesto ZEDILLO (1994-2000)

Upon election in 1994, Ernesto Zedillo Ponce de León took executive control of a country with a citizenry increasingly unhappy with the state’s notoriously corrupt and weak law enforcement institutions. Recognizing these realities, Zedillo’s administration conducted a diagnostic survey of the state’s police forces to measure the system’s deficiencies. The report’s results suggested a qualitatively and quantitatively weak public security apparatus. As Sabet (2010) outlines, the report showed investment in law enforcement was minimal at only .008% of GDP. Similarly, there existed an inadequate system of training and education. Of the 41 existing police academies across the country, only 14 required a minimum ninth grade education for new recruits. Demographically, this resulted in only 13.7% of the force having a minimal high school education by 1996 (Sabet 2012, 19). For Zedillo, these inadequacies contributed directly to law enforcement’s chronic unprofessionalism and weakness.

Shortly thereafter, Zedillo introduced a number of initiatives. In December 1994, The Mexican Congress passed reforms to Articles 21 and 73 of the Constitution, designating public security as an official state policy (Bailey and Chabat 2002, 17). Zedillo subsequently approved the creation of The National Public Security System (SNSP), which incorporated all federal and subnational law enforcement agencies into a coordinated institution focused on the development of national-level security policies. The SNSP created a “systems framework” that developed an infrastructure of computer databases to improve communication across agencies and jurisdictions, as well as to prevent the rehire of terminated officers (Bailey and Chabat 2002, 19; Shirk 2005, 208). Zedillo placed the SNSP within the Interior Ministry (SEGOB), as it had broader constitutional powers over internal security than granted to the Attorney General’s Office (PGR). From 1996 to 2000, the SNSP’s annual budget grew exponentially from $25.3 million to $12.6 billion pesos (Bailey and Chabat 2002, 19).

As authorized by the Congress in December 1998, Zedillo established the Federal Preventative Police (PFP), a national law enforcement agency composed of existing police and intelligence forces. Zedillo formed the PFP to provide security for federal areas and to coordinate with state and municipal authorities to maintain order. The nearly 10,000-person PFP force integrated officers from the Policía Federal de Caminos (Federal Highway
Police), the *Policía Fiscal Federal* (Federal Fiscal Police), the *Policía Migratoria Federal* (Federal Migration Police), as well as about 4,900 soldiers from the Third Military Police Brigade (Bailey and Chabat 2002, 23). Opposition politicians from both the National Action Party (PAN) and the Party of the Democratic Revolution (PRD) criticized the formation of the PFP for fear that it would become a political tool of the ruling PRI government. In a subsequent reform, Zedillo purged the notoriously corrupt Federal Judicial Police (PJF) of more than 700 of the force’s nearly 4,400 officers, and replaced them with more than 1,000 members of the military.

While many heralded the Zedillo Administration’s reforms as necessary, problems related to their institutionalization persisted. Implementing the SNSP’s systems framework faced challenges stemming from the substandard technical infrastructure in some municipalities, as well as a general resistance to the sharing of massive amounts of data across jurisdictions (Sabet 2010, 9). In addition, Zedillo’s National Program for Public Safety 1995-2000, which allocated funding to state governments to create better instruments for the monitoring of police corruption, failed to produce tangible results. More troubling, none of Zedillo’s reforms measurably reduced crime or corruption rates, leading Magaloni and Zepeda (2004) to argue that Zedillo’s policies were failures. While the difficulties of institutional reform plagued the Zedillo Administration, so did Mexico’s rapidly changing political dynamics and decline in support for the ruling party.

The PRI’s loss of legitimacy stemmed from a gradual loss of party cohesion in addition to a rise in opposition party support. Over time, the high costs of corruption, impunity, and a lack of transparency within the institutionally fragile neo-patrimonial bureaucratic apparatus created a deepening sense of distrust among many Mexicans towards both the state and, consequently, the ruling party (Edmonds-Poli and Shirk 2009, 95). The PRI’s political downfall was ultimately the result of a prolonged decline of regime legitimacy rather than a formal break. Public discontent stemming from decades of failed structural adjustment economic policies forced the PRI to accept a series of political reforms throughout the 1980s and 1990s that allowed for greater democratic openings for competing parties (Lindau 2011, 181). The first tangible indication of the PRI’s national decline came during the 1997-midterm election when the party lost its outright majority in the 500-seat Chamber of Deputies, winning only 236 seats to the PAN and PRD’s combined 246 seats.
This election demonstrated the public’s willingness to channel its discontent by electoral means. While this election resulted in a nearly unprecedented check on executive authority, it did not bring about a total breakdown of *presidencialismo* (Edmonds-Poli and Shirk 2009, 109). While the Chamber of Deputies approved the majority of Zedillo’s bills even after 1997, his rate of success was lower than his predecessors’ “historical average” (Weldon 2004, 163). Zedillo’s subsequent refusal to name his successor through the informal ‘*dedazo*,’ in combination with broader shifts in state-society relations and political reforms, ushered the most broadly transformative election in Mexico in generations, ending more than 71 years of one-party hegemony of the nation’s executive office - what Mario Vargas Llosa called the “perfect dictatorship.”

**VICENTE FOX (2000-2006)**

Vicente Fox Quesada’s election in 2000 represents both a “culmination” of the PAN’s subnational electoral success throughout the 1990s, as well as a tangible indication of the PRI’s gradual decline in legitimacy over several decades (Edmonds-Poli and Shirk 2009, 112). Elected as a social reformer, Fox entered office at a seminal time in Mexican politics, as the country was making great strides towards democratic opening. At the same time, problems of narcotrafficking and institutional impunity persisted, contributing to a weak rule of law and a general distrust of law enforcement agencies. Heeding his campaign promises, Fox introduced a number of comprehensive ‘grand design’ reforms to Mexican public security institutions aimed at structural reorganization and modernization, reducing corruption, and building capacity.

Shortly after entering office, the Fox administration created the Secretariat of Public Security (SSP), a security coordinating office established as a means to meet the public’s demand for increased security. Subsequently, Fox successfully moved the PFP out of the control of the SEGOB and into the SSP, a move Macías and Castillo (2002, 66) argue reflected Fox’s desire to diminish the political influence of the SEGOB - an institution used historically by the PRI to control all facets of public security. In addition, Fox successfully restructured the SNSP.

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10 *Dedazo* translates roughly to ‘finger tap.’
Recognizing the chronic ineffectiveness of the PJF, the Fox administration disbanded the organization in 2001, replacing it with a new institution: the Federal Investigations Agency (AFI). Structurally, Fox argued that the PJF was too decentralized and lacked necessary supervisory mechanisms, while officers were often improperly trained and poorly compensated (Uildriks 2009, 204). Fox modeled the AFI as a modernized investigative agency similar to the Federal Bureau of Investigation (FBI) in the United States. To achieve this, the agency proposed establishing a civil service that set official standards for selection and training, including the requirement of a college degree for all investigators by 2005, as well as stricter criteria for promotion and termination (Uildriks 2009, 204). Additionally, by 2003 Fox consolidated all federal agencies investigating organized crimes related to “narcotrafficking, arms trading, robbery, child position, human slavery, kidnapping, money laundering, and terrorism” into a new entity, the Deputy Attorney General’s Office for Special Investigation into Organized Crime (SIEDO) (D. Davis 2006, 72). Administration officials argued that this consolidation would both increase oversight and reduce corruption.


While Fox’s reforms focused generally on federal agencies, he instituted a capacity-building program at the state and municipal levels through a Public Security Support Fund (FASP), an annual cash transfer of $5 billion pesos to the states to assist in infrastructure development, data collection, and the building of unified emergency dispatch centers (Sabet 2010, 11). States received funds on the condition that they would match a percentage of the funding and implement certain mandates. However, funds often failed to trickle to the municipal level as the states used the majority of the money to build their own capacities (Sabet 2012, 189).
Observers hailed these reforms as necessary transformations of the state’s weak public security apparatus; however, problems persisted. In particular, policy design failures and informal institutional realities plagued the AFI. While the Fox government formally dissolved the PJF, the majority of AFI recruits were simply rehired PFJ agents, leading critics to describe the new agency as a nominal reform. By 2006, the Attorney General’s Office launched investigations of nearly 1,500 of the AFI’s 7,000 agents for criminal activity (Uildriks 2009, 204). Lindau (2011, 193) details one 2007 incident in which soldiers at a checkpoint in Michoacán exchanged gunfire with men wearing AFI uniforms. Similarly, strained relations between Fox and the Congress served as an obstacle to subsequent reforms, including a proposal rejected by the Chamber of Deputies to centralize the state’s federal forces, the PFP and the AFI, within the SSP, a move that left each institution weakened (Edmonds-Poli and Shirk 2009, 318; Shirk 2005, 209). Another setback for the Fox administration came when the National Plan to Combat Corruption and Promote Administrative Transparency and Development showed few indications of success (Uildriks 2009, 204).

Moloeznik (2006) argues that the Zedillo and Fox administrations relied on quantitative measures, such as budget figures, and the number of forces, investigations, and arrests, as formal indicators of police reform success. This quantitative approach downplayed intangible qualitative indicators of true professionalization, such as leadership quality, education and training, and supervisory mechanisms. Such metrics of success explains the dominant trend towards the militarization of domestic law enforcement under both Zedillo and Fox, as the military offered a more reliable means to achieve quantitative benchmarks of security (Moloeznik 2006, 176). According to Diane Davis (2006), militarization under Zedillo and Fox was the inevitable outcome of a ‘vicious cycle’ of failed police reforms, particularly in the context of a state in which the military retained a generally positive perception, while the public viewed the police as corrupt and inefficient. As policies failed to meet objectives, subsequent reforms reflected increasingly “centralized” and “quasi-authoritarian” responses as a means to increase the federal government’s coercive power (D. Davis 2006, 74). Fueled by growing efforts to combat DTOs, Fox appointed military officers to head the SSP as well as posts in the AFI. Concurrently, the federal law enforcement budget grew from $37.25 billion pesos in 2003 to $89.6 billion pesos by 2008, with the
appropriation of the budget directly controlled by the executive branch expanding from $18.7 billion pesos in 2004 to $55.6 billion pesos by 2010 (Lindau 2011, 184; Shirk 2005, 208). Additionally, by 2010 the SSP doubled in size to nearly 47,000 personnel. This trend towards a militarized solution to security threats would escalate during the subsequent administration of Felipe Calderón.

**FELIPE CALDERÓN (2006-2012)**

Following a narrowly contested election with PRD candidate Andrés Manuel López Obrador, PAN candidate Felipe Calderón Hinojosa entered office as a hardliner eager to confront the high-profile security crisis brought about by the rampant illegal drug trade. The Calderón administration instituted a number of reforms to heed the public’s demand for more effective law enforcement institutions. The 2009 Federal Police Law dissolved the PFP, replacing it with the Federal Police (PF), a new agency that, like its predecessor, remained within the cabinet-level SSP. Unlike the PFP, however, the PF now had expanded preventative and investigative capabilities, making it the first federal force with an investigative function outside of the PGR (Shirk 2010, 214). As with the AFI under Fox, Calderón sought to model the PF after the FBI, with hopes that a professional force of agents would have the capacity to confront the counternarcotics security challenges (Asch, Burger, and Fu 2011, 38; Lyons 2009). To achieve this, SSP Secretary Genaro García Luna introduced new screening processes, including stricter background checks, lie detector and drug tests, as well as advanced academy training by agents from the United States (Justice in Mexico Project 2009; Lyons 2009). Officials also hoped to achieve qualitative demographic changes to the federal forces by attracting more than 7,000 middle-class and university-educated recruits. Officials proposed raising the average salary by 30% to nearly $16,000 pesos per month, while introducing new incentives for recruits such as special mortgage rates, health benefits, and a retirement plan (Ellingwood 2010). García Luna argued that these incentives, in addition to the promise of upward mobility in the career civil service, would motivate agents to resist corruption (Lyons 2009).

A second part of the Federal Police Law dissolved the AFI, transferring its operational authority to the PF, and replacing it with the Federal Ministerial Police (PFM), a new investigative agency that remained in the PGR (Asch, Burger, and Fu 2011, 23). In total,
increased investment brought about by the Federal Police Law reforms expanded federal police forces from nearly 6,500 personnel in 2006 to more than 36,000 by 2012 (U.S. Senate 2012, 6). However, despite these reforms, problems remained. By 2010, nearly 10% of the entire federal force was fired for drug screening failures, chronic absenteeism, or “substandard performance” (Ellingwood 2010).

At the subnational level, Calderón continued FASP while introducing a new grant aid in 2008 to supplement municipal budgets in the modernizing and professionalizing of local law enforcement through training, equipment, and infrastructure: the Subsidy for Municipal Public Security (SUBSEMUN). As with FASP, SUBSEMUN funds were conditional, requiring municipalities to match a percentage of funds and implement certain mandates, such as building communication technology and introducing personnel management reforms related to police selection, promotion, and discipline (Sabet 2010, 14). Officials targeted funds in municipalities with the largest populations and highest crime rates, with SUBSEMUN initially providing $3.5 billion pesos to local governments in 2008, and growing to $4.1 billion pesos by 2009 (Justice in Mexico Project 2009).¹¹

Calderón’s most ambitious proposal at the subnational level sought the effective centralization of forces. Arguing that the decentralized structure, rampant unprofessionalism, and “vulnerability” of Mexico’s municipal police departments were contributing to a weakened rule of law, Calderón’s National Public Security Council proposed amending the Constitution to eliminate all municipal police departments, shifting local patrolling authority to state-level forces in coordination with federal agencies (Ellingwood 2010). This 2010 overhaul was based on the premise that “economies of scale” would improve police presence, communication, and coordination between jurisdictions (Justice in Mexico Project 2010). Ultimately, as with Calderón’s failed 2006 proposal to place all state and municipal forces under a single unified command structure, Congress rejected the initiative, as both legislators and municipal-level leaders argued that the plan excessively consolidated power at the federal and state levels (Trans-Border Institute 2012; U.S. Senate 2012, 7).

¹¹ Shirk (2010, 216) questions the efficacy of the federal government’s use of the “power of the purse” in the absence of more stringent oversight mechanisms and checks and balances.
With death counts rising and a fragile set of civilian law enforcement institutions increasingly unable to maintain security, Calderón turned to a militarized counternarcotics strategy. Shortly after taking office, Calderón launched a campaign against organized crime by ordering military troops into states to combat DTOs. Recognizing the “negative externalities” of Mexico’s growing narcotics trade on its national interests, the United States launched a security cooperation agreement with Mexico in 2008 (Edmonds-Poli and Shirk 2009, 322). This agreement, the Mérida Initiative, provides funding and equipment to Mexico’s security agencies for purposes of combating organized crime syndicates. Since 2008, the United States has sent more than $1.9 billion to Mexico under the Mérida Initiative. While it is not the purpose of this thesis to assess the efficacy of Calderón’s militarized counternarcotics strategy, many analysts have argued that the heavy reliance on direct military confrontation of DTOs was “ineffective,” often exacerbating both human rights abuses and citizen insecurity (Edmonds-Poli and Shirk 2009, 382). Under the Obama administration, the Mérida Initiative transitioned towards a new framework that emphasizes four-pillars of bilateral cooperation. This new approach deemphasizes the purchase of “big ticket equipment” for military and police forces in favor of increased funding for the institution building and training (U.S. Senate 2012, 5). Language within the Mérida Initiative’s foreign assistance budget now emphasizes that civilian institutions, not the military, must remain the body responsible for both “serving justice and maintaining the rule of law” (Olson and Wilson 2010). Regardless of these changes, the deleterious consequences of Calderón’s drug war are evident. By the end of Calderón’s sexenio, Mexico tallied more than 55,000 drug-related homicides with few formal indicators of success with respect to a reduction in the relative levels of crime or corruption (U.S. Senate 2012, 2).

The above story is, on its surface, somewhat puzzling. That a state that has made great leaps towards political pluralism as well as undertaken expansive efforts towards police reform would continue to see few positive results suggests that there must exist underlying institutional variables contributing to this policy failure.

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12 In August 2013, U.S. Senate Appropriations Committee Chair Patrick Leahy blocked the release of $95 million in additional funding for the Mérida Initiative, arguing that there lacked clear accountability as to how the U.S. and Mexican governments were appropriating funds (Carlsen 2013).
CHAPTER 4

INSTITUTIONAL FAILURES

Building upon the policy failures outlined in the previous chapter, Chapter Four will analyze the way in which Mexico’s enduring neo-patrimonial structures have stymied reform efforts. I will then proceed to outline various policy alternatives discussed in the literature. Finally, I will distinguish between democratic transitions and consolidations, arguing that democratically consolidated law enforcement institutions require the progressive inculcation of citizen involvement through a stronger and more effective civil society to introduce necessary oversight.

Policy implementation cannot be analyzed independent of policy design as implementation depends on a “complex chain of reciprocal interaction” (Pressman and Wildavsky 1973, 143). As such, Shirk (2005) outlines two contradictory patterns towards police reform under Zedillo, Fox, and Calderón: bureaucratic centralization and diffusion of authority. At the macro level, the cases show that centralization is a frequent response to public security ineffectiveness as it provides enhanced coordination, information sharing, and efficiency. However, ‘top-down’ initiatives aimed at the restructuring or creation of bureaucratic law enforcement structures tend to reinforce both “centralized” and “authoritarian” forms of policing (Uildriks 2009, 203). The second pattern: the diffusion of authority creates overlapping jurisdictions, which, in theory, provide necessary interagency oversight (Shirk 2005, 212). Too much diffusion, however, may also foster rivalries between agencies and jurisdictions, making reforms difficult to implement.

The previous chapter demonstrated the propensity among Mexico’s leaders towards ‘grand design’ legislation that creates, merges, or disbands entire forces, rather than focusing on an ‘incremental’ approach towards professionalization. The grand design approach faces myriad implementation challenges as these reforms often contain contradictory objectives and fail to correct for institutionalized corruption and unaccountability (Asch, Burger, and Fu 2011, 27; Shirk 2010, 191). While a purge is a dramatic action aimed at demonstrating the state’s apparent commitment to accountability, this ‘wholesale’ purge of officers and
disbanding of agencies demonstrates the failure of internal disciplinary mechanisms to reduce corruption, and often is little more than scapegoating to mask deeper problems.

Similarly, Theobald (1990, 139) posits that not only do mass firings have a limited impact on corruption levels, they may actually promote greater “bureaucratic pathologies,” such as “cronyism, factionalism, and excessive politicization,” while simultaneously reducing institutional morale. The “rotten-apple theory” that underlies these purges assumes that misconduct is the product of individual behavior rather than negative institutional incentives that reward misconduct - what Sabet (2012, 22) refers to as the “rotten barrel.”

Officials have directed great attention and resources towards reform; however, the obstacle of institutionalization is compounded by the historical aversion to policy continuity between administrations in Mexican politics. Because there is no enduring civil service, the first temptation of an incoming presidential administration is always to establish a new organization in order to “hire new people, establish your own rules, and work out patterns of operation you believe will facilitate the new activities” (Pressman and Wildavsky 1973, 128). This lack of policy continuity between administrations fuels clientelistic patterns as the massive bureaucratic turnovers of the police command structure every six years invites appointments based on personal loyalties and patronage rather than professional merit. Sabet (2012, 63) terms this cycle of turnover and restructuring of the police institutions the “change-continuity paradox.” The state of constant institutional change enigmatically allows the same pernicious neo-patrimonial practices to persist. The result of this is a state populated by officials operating outside of the rules. In summary, while there have been improvements to the police in quantifiable areas of budget and force size, LaRose and Maddan’s (2009) survey of Mexican law enforcement and criminologist experts suggests that the majority of current reforms have failed to produce the institutional change necessary to reduce the prevalence of corruption.

Transparency International (TI), a non-governmental organization that monitors international governance, publishes an annual list of worldwide corruption perception index (CPI) scores. Using the definition of corruption as “the abuse of entrusted power for private gain,” TI uses a composite index that combines both survey data and other assessments of
corruption to calculate a composite index score based on the relative perceptions of corruption within the state’s public sector (Transparency International 2012). Table 2 shows Mexico’s scores from 1995 - the year in which TI first began scoring countries - to 2012.

<table>
<thead>
<tr>
<th>Year</th>
<th>Score</th>
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<td>1995</td>
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Despite myriad reforms, Mexico’s corruption index score has only increased marginally between the beginning of Zedillo’s sexenio and the end of Calderón’s. Such levels of institutionalized corruption impairs fundamentally the success of reforms aimed at qualitatively improving police through “selection, training, or internal control mechanisms,” creating a vicious cycle of reforms unable to achieve their goals (Uildriks 2009, 210). As evidenced by the previous chapter, formal rules and structures can be changed with relative ease; however, changing informal rules require deeper shifts. Given the police’s historical

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13 Composite scores range on a scale from 1-10, with 1 signifying an extremely high level of corruption, and 10 signifying an extremely low level of corruption.
role as a repressive arm for the ruling PRI, as well as their contemporary association with corruption and even criminal activity, it is not surprising that popular legitimacy and trust remain low (Uildriks 2009, 205). Complicating the matter further is the reality that Mexico has embarked on the reconstruction of its public security apparatus within a climate marked by a security crisis, which has expanded “non-democratic institutions and practices” (Lindau 2011, 177). The coercive capacity of DTOs cannot be underestimated. Through monetary temptation or the threat of violence (plata o plomo - money or the bullet), DTOs undermine police integrity (Lindau 2011, 194).

Although administrative reform is both a “permanent and continuous” process, the time between the conception and implementation of a reform and that reform’s potential discernable results is considerable, and requires the long-term commitment of the state’s political and public administration actors in order to avoid reproducing the flaws of old institutions in the new ones (Theobald 1990, 135; U.S. Senate 2012, 8). Because the informal neo-patrimonial decision making structures remain more salient than formal rules and procedures in Mexico, evidence suggests that nearly two decades of reforms aimed at instituting rational-legal patterns of authority within police organizations have not succeeded because reforms have failed to correct the neo-patrimonial features of state-society relations. As I argue, changes to the public administration requires broader changes to the state.

**Policy Alternatives**

Blame for these policy failures does not necessarily lie in the reforms themselves. Rather, the persistent legacies of sociopolitical domination institutionalized historically under the PRI have stymied earnest efforts at professionalizing the state’s weak law enforcement apparatus. In total, my argument stresses the strength and relative stubbornness of pre-existing patterns of authority as a negative factor on the potential success of reform. Thus, true reform towards a rational-legal model would require an accounting for these realities. To be effective, future reform initiatives should initiate fundamental shifts in the informal “rules of the game” that have more-or-less shaped the fabric of state-society relations in Mexico for much of the last century - an understandably monumental undertaking.

While “parachuting” Western rational-legal forms of bureaucratic administration into Third World states with differing patterns of socioeconomic and historical development is
not a viable prescription, modernization theorists nevertheless posit an evolutionary trend towards stable and effective political and institutional systems (Clapham 1985, 46; Handelman 2009, 15). According to Weber, the quest for order and institutional discipline requires the rationally uniform neutral obedience of civil servants (Weber [1925] 1968, 28). This is achieved through the separation of the “warrior from the means of warfare” through individual obedience to a rational law, not an individual ruler (Weber [1925] 1968, 37).

Unsurprisingly, the literature presents a variety of solutions to this seemingly intractable problem. For Uildriks and van Reenan (2001, 88), reform through supervision, discipline, and training have the potential as a “moderating impact” through a shared normative framework. Ziegler and Nield (2002, 2) note the critical importance of establishing effective internal disciplinary mechanisms early in the reform process to maintain accountability. Chevigny (2004, 64) argues that a merit-based system of advancement fosters greater cohesion and control of law enforcement. However, as argued earlier, superficial reorganization of agencies consisting of minimal reforms such as salary increases have historically failed to achieve these necessary structural changes. In fact, Diane Davis (2006, 62) argues that no salary increase from the state can compete with the funds that are available from DTOs to buy police impunity. True reform thus requires structural change of these entrenched problems, problems that are beyond the influence of one person, regardless of status.

The transformation of corrupt institutions involves the implementation of a new organizational framework of formal procedures based in rational-legal behavioral norms that reduce the incentive structure for corruption (Blake 2009, 107; Eisenstadt 1968, xxxix). As LaRose and Maddan (2009) argue, the effective institutionalization of reforms requires an era of professionalization in which police habituate ‘good practices’ and accept the norms of policing in a democratic environment free of many of the neo-patrimonial social relations that have defined policing for much of the last century. Naturally, reforms must address the systemic problems related to corruption, disorganization, recruiting, and training, as well as the absence of strong accountability mechanisms. As persisting patterns of “discretion and secrecy” may increase the probability of misconduct, there must also exist structural oversight mechanisms that use both quantitative and qualitative metrics to achieve vertical and horizontal accountability (Shirk 2010, 227). Accountability involves the acceptance of
rational-legal “universal values” in place of the “particularistic values of the neo-patrimonial state” (Clapham 1985, 186). Horizontal accountability refers to internal governmental mechanisms of control. Vertical accountability refers to citizen-driven accountability through both electoral and non-electoral means (Kleinig 1996; Morris and Blake 2010, 21; Sherman 1978). Finally, recognizing that external accountability requires the police to have a stake in pushing for greater effectiveness, police attitudes towards both reform and the community are crucial factors (Ziegler and Nield 2002, 10). Mexico’s problems do not stem from a lack of legislative attempts at reform. However, states cannot achieve professionalization in the absence of changes to the public administration that truly begin to institutionalize this rational-legal separation of the office from the private domicile of the official.

For comparison, both Chile and the United States share a historical legacy of transforming once politicized police forces into relatively respected and trusted institutions through the establishment and institutionalization of a civil service. For Chile, the depoliticization of the police was achieved through the placing of their federal force, the Carabineros, under the authority of the defense ministries. In the United States, machine-style politics in major cities contributed to a police gripped by patronage, and ultimately required a “widespread progressive social movement” to bring about change (Sabet 2012, 220). While there is no uniform prescription for success, both Chile and the United States demonstrate the fundamental necessity of transforming the informal patterns and rules by which the police operate.

Regardless of the purity of intent, reform often creates collective action problems, as there is little rational incentive to shun one’s corrupt practices if few others do. Rational choice theory embraces “methodological individualism” in its view that individual social behavior is fundamentally strategic in nature (Hanson 2010, 7). As such, social analysis seeks to understand how collective outcomes reflect the choices of “reasoning individuals who pursue their self-interest in a reasonably consistent manner” (Hanson 2010, 7). In this context, the question is: what incentives exist for an officer to choose an alternative path to the informal patron-client relationship or outright corruption if the alternative of adopting rational-legal behavior represents a potential loss of illegitimate income or rank (Sabet 2012, 25)? In other words, at what point does personal expediency outweigh the potentially deleterious institutional effect that corruption and clientelism pose to the collective? The
progressive inculcation of minimum levels of trust and institutional ethos against misconduct based in norms of “best practices” introduces certain intangible assurances necessary to overcome this rational choice collective action problem (Sabet 2012, 22). In doing so, police begin to secure the ethical foundations necessary to avoid deviant behavior, regardless of the personal advantage it may offer. As such, the value of order is fundamentally its ability to achieve predictability and overcome the institutional burden of arbitrariness.

**DEMOCRATIC TRANSITION AND CONSOLIDATION**

For some, the promise of democratic transition in Mexico has not brought the tangible outcomes expected - a professional police being the relevant outcome for this study. Despite Mexico’s transition from one-party political authoritarianism towards greater procedural democracy in 2000, the country has yet to undergo a true structural change to the informal neo-patrimonial arrangements that have defined state-society relations for much of the last century. Democracy, understood using Schumpeter’s (1942, 183) normative definition, embodies an institutional arrangement, or social contract, designed to achieve a “common good” through elections. This social contract between the citizen and the state necessitates a shared framework of norms for both social order and political action (D. Davis 2006, 80). However, democracy is not a static outcome achieved by electoral means alone. Linz and Stepan (1997, 18) distinguish qualitatively between democratic transitions and democratic consolidations, arguing that a transition involves the changing of a regime, while a consolidation develops a “durable democratic regime.” A consolidated democracy consists of a complex set of “institutions, rules, and patterned incentives and disincentives” integrated “behaviorally, attitudinally, and constitutionally,” and becomes the routine basis upon which any sociopolitical action is calculated (Linz and Stepan 1997, 19). Grassi (1998, 9) argues that consolidations require the “abandonment” of the “formal and informal institutions, procedures and mandates” that undermine the governance of the new regime. Three additional conditions necessary for the deepening of a stable and effective democracy include “an independent civil society, an autonomous political society, and the rule of law” (Linz and Stepan 1997, 23). Analyzing democracy as such makes it as much a “social project” as it is a “set of constitutional guarantees” (D. Davis 2006, 80). While elections produce quick policy
results, changes in customs, practices, and beliefs are “slow and uneven” (Bailey and Paras 2006, 62).

A *Rechtsstaat* - a normative state of law - emerges when the state establishes formal legal limits on discretionary power, including the institutionalization of rational-legal patterns of authority within the bureaucracy. As some suggest, these patterns remain weak in Latin America because of the strongly hierarchical and authoritarian political and cultural legacies of colonialism, which are reproduced within Mexico’s modern leadership structures and patronage networks (Edmonds-Poli and Shirk 2009, 185). Weak traditions of “legal proceduralism” within the state bureaucracies of non-democratic regimes negatively affect a state’s efforts towards democratic transition and consolidation (Tanner 2000, 102).

While such legacies could explain the failure of recent police reform, I hope to avoid the fatalistic argument that somehow weak and ineffective state structures necessarily signal a qualitative weakening of democracy in Mexico. Democracy is a “process” in which “sustained” democratic behavior inculcates democratic values (D. Davis 2006, 75; Handelman 2009, 45). While Klitgaard (1988) and Rose-Ackerman (1999) find that there is no clear empirical relationship between democratic transitions and a reduction in the rates of corruption, democracy’s power nevertheless rests in its ability to foster a “network of governmental and nongovernmental accountability mechanisms” that increase societal demand for a check on corruption (Blake and Morris 2009, 9). If this is true, an informed and engaged citizenry arguably carries significant agency in the ability to consolidate democratically accountable institutions.

**Civil Society**

Because the state and society are interrelated entities, institutional performance necessarily requires social capital. In other words, while top-down legislative efforts are key to achieving public policy outcomes such as police reform, so must citizens share a stake in the shaping and instituting of policies through bottom-up activism. One means to this end, civil society, consists of independent self-organized social groupings that confront and target state power through lobbying and advocacy for purposes of advancing individual, group, or national interests.
According to Putnam (1993), institutions are shaped by the historical and social contexts within which they operate, creating a path dependency that influences performance. In his analysis of the disparate political outcomes of northern and southern Italy, Putnam argued that the level of historically developed civic community and trust influences the creation and maintenance of responsive and successful state institutions (Putnam 1993). Collective mobilization is both a symbolic and pragmatic means of empowering traditionally disfranchised groups in the addressing of state problems. This activism can lead to positive institutional performance precisely because popular struggle creates a sense of ownership and democratic accountability that is not necessarily achieved through top-down reform (Lopez 2005). In other words, an active civil society has the political agency to keep institutions accountable within the context of the “legally defined state-society relationship” (Theobald 1995, 425; Weigle and Butterfield 1992, 3).

This link between integrity and trust may explain why many of the post-democratizations reforms aimed at professionalizing and modernizing Mexican police forces have not succeeded. Structural approaches to corruption in Mexico note the “fundamental incongruence” that exists between state power and societal power (Morris 1999, 626). As Sabet (2012) outlines, changes to this relationship may come through an engagement between citizen and state towards the creation of a shared normative rule of law based in building institutions that are publicly accountable and reduce state discretion and impunity. Although civil society in Mexico remains weak as a historical legacy of the PRI’s control and integration of popular interest groups into the regime through corporatist institutions, it is not dormant (Beer and Mitchell 2004, 298; Olvera 2004, 434; Thacker 2009, 28).

Mexican civil society has demonstrated its strength through the rise of urban popular and solidarity movements, particularly in the shadow of culturally transformative events like the Tlatelolco Massacre in 1968, \(^\text{14}\) the 1985 earthquake in Mexico City, \(^\text{15}\) and the Zapatista uprising in Chiapas. Recent popular movements like the Caravan for Peace, organized by the

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\(^\text{14}\) For many, Mexico’s contemporary social movements are a historical outgrowth of the activism following the state-sponsored killing of student activists on the eve of the 1968 Olympic Games in Mexico City.

\(^\text{15}\) Defying the orders of the government to remain home following the magnitude 8.1 earthquake that killed more than 10,000 people, citizens began mobilizing on their own initiative to rescue and tend to victims. La Botz (1995) argues that before the earthquake, the idea of civic organizing and participation without party leadership was largely unprecedented.
Mexican poet Javier Sicilia in 2011, show the symbolic power of activism to pressure governments for change. Sicilia, whose 24-year-old son was killed by alleged members of a drug cartel, authored a six-point formal pact with other civic groups condemning the government’s handling of the drug war, while demanding an end to violence, as well as a call for new government policies aimed at curbing corruption and poverty (Ellingwood 2011).

Any effective policing strategy must enhance citizen participation in the establishment of law and order through greater engagement and cooperation. One alternative approach to policing, community policing, is a strategy in which the space between the police and citizens decreases through everyday interaction, and police build familiarity with citizens at the local level. Numerous studies have demonstrated how policing strategies designed to increase citizen participation in the provision of public security have increased levels of information sharing, trust, and satisfaction with the police (D. Davis 2006, 79; Sabet 2012, 28). Others posit that such a strategy “enhances democratic governance,” while reducing crime and building accountability (Tulchin and Golding 2004, 262). However, in his study of the Policía de Barrio program in Mexico City, Müller (2010) found that the success of community-oriented policing efforts is strongly determined by the relative strength of established patterns of clientelism at the local-level. While community policing offers the promise of a more participatory and accountable law enforcement, successful implementation requires a long-term commitment and cooperation between both government and citizens - an understandably difficult task given the desirability among much of the police to maintain the status quo (Caldero, Gonzalez-Gutierrez, and LaRose 2006). While no such strategy has been instituted on a large scale in Mexico, LaRose and Maddan (2009, 344) argue that before community policing efforts can be implemented successfully, there must be a systematic reform stage to professionalize the police and address problems of corruption, disorganization, recruiting, and training through both ‘top-down’ and ‘grassroots’ initiatives.

In total, civil society fosters the necessary space for citizen empowerment, while demonstrating that an alternative power structure based in an independent, autonomous, decentralized, and rotating leadership apparatus is possible - a stark contrast to the neopatrimonial traditions of the state. Through the promise of initiatives like community

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16 An additional demand was the resignation of Calderón’s SSP Secretary García Luna.
policing, there is hope that the power of civil society will harness over time, providing the necessary agency to restrict abusive practices and building political institutions based in shared norms and values, which is vital to consolidating democratic accountability. Ultimately, however, the success of any reform will depend on the existence of a sustained commitment at both the state and societal levels to institutionalize rule-based policies.
CHAPTER 5

CONCLUSION

In truth, no public administration can achieve complete mutual exclusivity between the public and private spheres. However, through the inculcation of discipline and accountability, there is hope that the public administration can begin to build the normative foundation of a rational-legal ‘office’ - an undertaking arguably more essential for the police than for any other arm of the state (Theobald 1990, 21).

As Clapham (1985, 185) acknowledges, the failures of the Third World state are politically rooted, requiring political solutions to the improvement of institutions and social structure. In the case of Mexico, it is critical that the state recovers the legitimacy upon which it can claim its constitutional monopoly on the use of force, free from the neo-patrimonial and semi-authoritarian forms of social control. Substantive reforms are unlikely to institutionalize in the absence of a long-term habituation of patterns of conduct. As it stands, Mexico has achieved many of the political and institutional foundations necessary for a modern burgeoning democracy, as a democratically oriented citizenry increasingly demands a greater participatory role in both the electoral process and the administration of justice. It behooves state officials to harness the power and energy of the citizenry through official and non-official channels in the long-term structuring of competent, professional, and responsive public security institutions. As civil society becomes more engaged, properly designed top-down community-oriented policing initiatives may offer the necessary foundation to build public trust and confidence in the state’s law enforcement institutions. The alternative, sadly, is a country that remains impervious to the reform of its inherited neo-patrimonial forms of social control, and the faded promise of arationally bound state apparatus. In the latter scenario, Mexico may come to resemble other Latin American ‘quasi-democracies,’ rather than the democratically consolidated model to which it aspires (Lawson 2000, 287).

Although Pressman and Wildavsky (1973, 6) argue that “unfulfilled promises” of failed reforms can lead to “disillusionment and frustration,” Diane Davis (2009, 208) counters that the hope of police reform remains in its ability to “reinvigorate hope and optimism” about
reversing historical patterns of impunity and bringing about its demise – cautious yet hopeful sentiment, particularly for an institution that remains so frustratingly precarious and stubborn, yet infinitely fascinating.

After 12 years of PAN rule, the PRI returned to federal power with the election of Enrique Peña Nieto in 2012. As with his three predecessors, Peña Nieto proposed an ambitious restructuring of Mexico’s public security institutions. With broad support from the Congress and opposition parties, Peña Nieto successfully amended the Public Federal Administration Law, dismantling the SSP and transferring its powers back into the SEGOB - a return to the pre-2000 organizational structure (Molzahn, Rodriguez Ferreira, and Shirk 2013, 38). Peña Nieto argued that the centralization of former SSP agencies within the SEGOB would foster greater cooperation, creating a more “cohesive and efficient” public security force (J. Davis and Fox 2013). In addition, Peña Nieto proposed dissolving the Public Administration Ministry (SFP) and transferring its authority to existing agencies (Trans-Border Institute 2012). In January 2013, Peña Nieto introduced his “Pact for Mexico,” a multifaceted agreement between leaders of the PRI, PAN, and PRD that introduced a broad legislative agenda, including a proposal to establish a 10,000-person gendarmerie, as well as a renewed push for a unified police system at the state level (Molzahn, Rodriguez Ferreira, and Shirk 2013, 39). As of the writing of this thesis, it remains too early to assess accurately the effectiveness of these initiatives, or even the likelihood that they will become law.

However, history has shown that this cyclical restructuring and dismantling of public security agencies in the absence of true rational-legal institution building is not likely to achieve long-term success. In addition, to what extent the return of the PRI to national office may bring about a hardening of the traditional neo-patrimonial tools of social control within the public administration also remains uncertain. Mexico remains a state that defies easy categorization given its unpredictable and, at times, contradictory nature. The enigmatic nature of the political system, in combination with a citizenry increasingly engaged and demanding greater agency, makes this an exciting and truly fluid time in the study of Mexican politics.
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AFI: Federal Investigations Agency
DTO: Drug Trafficking Organization
FASP: Public Security Support Fund
FBI: Federal Bureau of Investigation
PAN: National Action Party
PF: Federal Police
PFM: Federal Ministerial Police
PFP: Federal Preventative Police
PGR: Attorney General’s Office
PJF: Federal Judicial Police
PRD: Party of the Democratic Revolution
PRI: Institutional Revolutionary Party
SEGOB: Interior Ministry
SFP: Public Administration Ministry
SIEDO: Attorney General’s Office for Special Investigation into Organized Crime
SNSP: National Public Security System
SSP: Secretariat of Public Security
SUBSEMUN: Subsidy for Municipal Public Security