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Author

Rowland, Allison

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PROJECT ON REFORMING THE ADMINISTRATION OF JUSTICE IN MEXICO
CENTER FOR U.S. MEXICAN STUDIES
9500 Gilman Drive, #0521, La Jolla CA 92093-0510
Tel. 858-534-4503; Fax: 858-534-6447
<http://usmex.ucsd.edu/justice>

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Assessing Decentralization: What Role for Municipal Government in the Administration of Justice?

by

Allison Rowland

CIDE, División de Administración Pública
allison.Rowland@cide.edu

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ABSTRACT: This chapter attempts to identify the reasons that Mexican municipalities encounter difficulties in preventing and controlling crime, and improving perceptions of public safety. The research framework considers institutional constraints, including local administrative capacity, as well as relations with local residents and other levels of government, as possible explanations for failures in the design and implementation of local anti-crime policies. Empirical evidence is drawn from research carried out in six municipalities located in three different states. The conclusions suggest that understanding the source of municipal problems in the areas of prevention, public order and local police reform, as inherent in the design of local government helps explain how municipal policy-making could be nudged in productive directions through greater recognition of the potential for local initiatives.

Assessing Decentralization: What Role for Municipal Government in the Administration of Justice?

By Allison Rowland
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Introduction

In Mexico, decentralization of government functions to the municipal level has been linked since the early 1980s—both in rhetoric and in practice—to the broader processes of democratization, reform of the state and the construction of “true” federalism. Both as cause and effect of this process, municipal governments as a group have become more important actors in many spheres of public life, including local public service provision, land use regulation and planning, and revenue generation. This growth in activity and capacity has not gone unnoticed by citizens, who increasingly turn to the municipal level for the resolution of many daily problems of community life. In essence, the local arena has begun to take on political and governmental significance in ways that substantially differ from that of much of the 20th century.

It is not surprising, then, that in recent years issues of crime and public safety also have become more pressing concerns for municipal governments. On the one hand, citizens are increasingly likely to identify local government as a sphere of authority which can be useful for addressing issues that affect their lives. On the other, with increased levels of electoral competition among parties for local posts, municipal authorities have more reasons than ever to pay attention to, and try to resolve, the problems that residents present to them. Furthermore, to the degree that efficacy in pleasing local voters has become a test of electoral viability for politicians with ambitions of ascending to higher electoral office,¹ the issue of the formal assignment of powers among distinct levels of government (municipal, state, and central) has become a theme of substantial interest in public debate.

For these reasons, in spite of the inattention to these matters by most central and state authorities, the formal assignment of the functions of public order and preventative policing to the municipal level is anything but a minor detail in the lives of local authorities and of most of the residents of Mexico.² Local responsibility for public safety is Constitutionally defined as a shared attribution of the three levels of government in Article 21. Reforms in 1999 to Article 115 included preventive policing and transit in the

¹ Municipalities were proving grounds for up-and-coming politicians under the previous, one-party system, as well, but in a different way: they sought to demonstrate their loyalty to superiors in the party hierarchy and to prove that they could keep the peace and deliver the vote in their jurisdiction.

² The 8 million-odd residents of the Federal District (DF) live under an especially confusing, and quickly evolving, system of responsibility for crime prevention and control, the discussion of which goes beyond the scope of this chapter.

list of tasks in which municipal authority within local jurisdictions is preeminent over that of other levels.³

Still, in spite of shifts in politics and in formal rules, Mexican local governments appear to have progressed little in terms of policy approaches to crime control and prevention. A recent study of forty municipal programs concludes that while local administrations are clearly feeling pressure from their residents to take action on these issues, virtually none have developed comprehensive approaches, nor are their policies likely to have any palpable impact on either crime rates or the public's fear of victimization (Rowland 2003a).

The present paper focuses on the possible reasons behind this failure of municipalities to develop anti-crime policies that show any promise of having an impact. It attempts to identify the limitations of municipal governments in addressing problems of crime and public safety by identifying the key issues which constrain local effectiveness in this area. The empirical evidence for this study is drawn from research carried out during 2001, in six municipalities located in three different states. This research included document collection and in-depth interviews with the major actors in municipal and state governments on their perceptions of insecurity, the role of local government, and the policy-making process.

The chapter begins with a brief discussion of the potential of local government in public safety and crime control, and explains why the lack of reliable crime statistics should not be of particular concern as we consider these issues. The next section sets forth the framework and methods used to answer the main research question: why do Mexican municipal governments fail to produce credible policies for crime fighting? Evidence drawn from both the broader literature on municipal government in Mexico, and from the field research carried out for this study, is then presented to help formulate answers to this question. Finally, the conclusions suggest some distinct types of policy approaches designed to address the problems identified and improve local crime-fighting policies.

Can local government fight crime?

This study takes as a point of departure that it is important to understand why municipalities in Mexico have not succeeded in developing policies that are likely to prevent crime and improve the public's sense of personal security. The assumption is that such an understanding can be used to help design ways to improve the effectiveness of local policies and thus, lower crime rates as well as fear of crime. However, before delving into the question of municipal policy failures, it is important to address two related issues. First, how do we know that they have not succeeded? And second, is it possible that this level of government *can* succeed in doing something about crime?

³ This reform was designed to overcome the practices of many states, which routinely "kept" the most profitable and politically-sensitive activities—and policing in Mexico is both—under their own control.

Measuring local policy effectiveness in crime fighting

Studies of public policy are rightly concerned with detecting, measuring and evaluating the intended and unintended outcomes of government action (or inaction). Thus, if we want to show that the policies of Mexican local governments are ineffective in preventing or combating crime, one way to do so would be to measure the changes in crime rates across a variety of local jurisdictions and to try to trace these impacts back to differences in the kinds of policies implemented.

This approach would certainly be adequate for the study of many of the public services with which local governments are charged, such as water provision or street paving. However, in contrast to these relatively straightforward tasks, the complex—and eminently human—character of criminal behavior makes it much more difficult to link patterns observed in the real world to policies implemented by a local unit of government. Indeed, we can imagine a local government which implements some optimal package of anti-crime policies (whatever this may be) and nonetheless experiences a rise in crime rates. This situation could come about because of such diverse factors as a dramatic change in national macro-economic conditions, the coming of age of an exceptionally large number of adolescents, or the sparking of a turf war among rival drug-trafficking factions active in the region. And the reverse is also possible: a local government which does nothing, or which implements patently stupid anti-crime policies, could see a reduction of crime in its jurisdiction because of changes in other variables which affect the crime rate, and in spite of its own incompetence.

In addition, we can expect that many of the potential benefits of local policies—particularly the reform of police forces, training of new officers, and efforts to improve public order—will be felt only in the longer term. Given that the brief terms of Mexican local administrations are often accompanied by drastic zigzags in policy, any results of a single administration's efforts are difficult to detect. Even in the best cases, where reforms are continued from one administration to the next, the time period necessary to identify and evaluate results (for example, from an improved police academy) goes beyond that available to this study.

These theoretical difficulties are daunting enough. But an additional reason for setting aside the search for “objective” measures of the effectiveness of local public policies is that the data upon which these would be based is highly problematic in Mexico.⁴ In addition, even where data are available and relatively reliable, the unit of measurement is generally the entire local jurisdiction (municipality or *delegación*). These local jurisdictions range in population from just over one hundred residents to over 1.7 million, according to the latest census data (INEGI 2000), and the wide disparity among neighborhoods in urban areas—arguably wider than in developed countries because of greater income disparities and the lack of effective zoning of land uses—data which encompasses these units are difficult to interpret.

⁴ Other studies in this volume explain the problems in more detail.

Do these problems imply that it is impossible, or simply useless, to study local government policies for crime control and prevention in Mexico? Not at all, but they do suggest that simple statistical measures of crime are inappropriate for this study. Still, other methodologies may bear fruit. Specifically, the research team for this project⁵ used interviews with key informants to help evaluate the difficulties and the effectiveness of the policies in question. The information that such informants can offer is not, by its nature, of the clean and clear variety we expect from quantitative data, and it is sharply limited by the number of in-depth case studies which can be carried out within a comparable time period. However, these sources have a richness in terms of detail and causal explanation that raw numbers lack. Thus, I argue that it is possible to offer some comment on the effectiveness of local crime control and prevention policies currently in place in Mexico, and beyond that, on the difficulties in formulating these policies and putting them to work. In addition, although municipal actions to improve public perceptions of personal risk or safety may have little impact on “real” crimes rates, my position is that they are worthwhile anyway, since it is public perceptions, rather than data, which determines votes. This observation is of no small importance in newly competitive Mexican local governments.

Evidence of effectiveness in preventing and controlling crime, as well as reducing fear

Given that Mexican municipalities appear to have been unsuccessful so far in implementing local crime prevention and control policies, it is reasonable to ask whether, in fact, these governments are the appropriate level to take charge of such actions. Indeed, in countries with unitary structures of government, the very idea of municipal police and local anti-crime programs is usually considered rather odd. Even in Mexico, in spite of its federal structure, recent crime fighting policies have been concentrated at the federal level (and to some extent the states) as a political response to public concerns about the current crime wave. In many senses, municipal policing and crime control have been ignored or dismissed, either tacitly or openly.⁶

In contrast, however, much of the vast research on crime and policing which has been carried out in federal countries (particularly the US) takes as a given that local governments can have important impacts on levels of crime and fear. The recommended policy approaches cannot be imported directly, of course, since the list of formal responsibilities for municipal policing and justice administration in Mexico is not as comprehensive as those in other federal countries, and there are important differences in

⁵ The field research referred to here was carried out by Christian Flores, Luis Gómez and Beatriz Sánchez, as part of their Master’s theses in Administración y Políticas Públicas in CIDE, Mexico City. The work was funded in part by a grant from CONACYT.

⁶ One welcome exception is the SSP’s current use of federal agents to help train local forces in a handful of municipalities. However, this program is still in its infancy, and its effectiveness is not yet known. On the one hand, the “exit strategy” for federal forces involved in local policing, as well as the degree to which new patterns imposed from the outside will take root, has yet to be seen. On the other, it is reasonable to question the ability of this type of policy to have a substantial national impact, given the relatively small number of agents and resources involved, relative to the number of municipalities where improvement is needed.

context and practice as well. Perhaps most importantly, there are no local detectives or local courts, and municipal police duties are restricted to prevention, order maintenance and the apprehension of criminals caught in the act. In addition, some Mexican scholars point to vagueness and even self-contradiction in the various legal structures that pretend to give form to local duties of policing and public security (Yañez, this volume).

Still, many of the tasks that Mexican local governments and their police forces have begun to assume have much in common with key areas of research in other federal countries. The difficulties in coordination among the police forces and public policies of multiple levels of government have not gone unnoticed in the US (see for example, Geller and Morris 1992), but the benefits of local control and local knowledge are usually judged to outweigh these complications. Three aspects in particular stand out as areas in which local policies to combat crime and fear may be effective. First, for historical and cultural reasons, the extensive literature on policing from the US presumes that policies related to police organization and behavior are best formulated and implemented by local government (Lyons 1999; Sherman 1995; Walker 1999). Second, according to the related literature, municipal governments and police forces have better access to detailed knowledge about neighborhood and urban dynamics, which makes the findings about crime control through the imposition of public order and combat of “hot spots” clearly relevant (Gottfredson and Hirschi 1990; Murray 1995; Sherman, et al. 1989; Skogan 1990; Taylor and Gottfredson 1986). Finally, questions of social capital and its role in crime prevention are focused precisely on interactions at the community and neighborhood levels, rather than grand national strategies, so the role of local government in fomenting higher levels of interpersonal trust and watchfulness is taken for granted (Bursik 1988; Merry 1981; Wilson 1995; Wilson and Kelling 1982).

Thus, the lack of reliable statistics on crime rates in Mexican municipalities should not be considered a barrier to studying local policy approaches and suggesting ways to improve them. As noted above, “real” statistics are neither available nor particularly relevant, since it is likely that even theoretically perfect policies would have mixed impacts on crime rates, at least during the short run. Instead, in this chapter, evidence of the potential importance of local government actions in controlling and preventing crime is taken from contexts outside of Mexico, under the assumption that similar principles of social interaction among residents, potential criminals and police officers are valid in this country as well.

The research question and methods

A superficial familiarity with Mexican municipalities is sufficient to suggest a variety of potential, overlapping factors to explain their failure to design and implement successful anti-crime policies. The present section begins with an outline of the most common and credible arguments, and a brief evaluation of each. This sets the bases for the main hypothesis of this research: that it is institutional limitations, more than other factors that explain municipal failure to develop credible anti-crime policies.

For those who believe that organized crime, especially drug-trafficking, is the primary source of crime and insecurity in Mexico, the local level is all but irrelevant. In essence, the argument is that, given the dimensions of the problem, crime fighting is simply “too big” a problem for local governments. That is, the latter’s closer relationship with citizens, as well as specialized knowledge of local issues and characteristics, is not relevant to issues of public security. This position contrasts sharply with the literature discussed in the previous section, which suggests that Mexican local governments could be successful within a limited sphere of action, centered on tasks of improved policing, prevention and maintenance of public order.

Another potential explanation for municipal failure to formulate credible anti-crime policies, which is frequently alluded to in national discourse on crime, is that local officials are simply too corrupt, or easily corruptible, to undertake such delicate matters. In other words, they benefit (financially) from the status quo, whether or not their inaction suits local residents. Thus, according to this line of argument, municipal administrations inevitably undermine national and state attempts to fight crime. However, it seems farfetched to suggest that local authorities are somehow intrinsically more corrupt than their counterparts at other levels of government, especially now that electoral competition acts as an incentive to better local government performance nearly everywhere in the country.

A related explanation suggests that it is not moral lapses that explain municipal failures, but plain incompetence. As discussed below in more detail, in Mexico, local governments typically are not characterized by high levels of professionalism and expertise. Still, the implication of this argument is that there is just not enough intelligence to go around in Mexican government, and this gives little credence to the idea that local officials might learn and improve their capacities. While the traditional difficulties in attracting and maintaining high-caliber staff to posts in smaller municipalities cannot be overlooked, competition for elected office has not only increased the diversity and responsiveness of local governments, but has also led to rapid improvements in municipal capacity in recent years (Cabrero 1996; Guillén 1996; Ramírez Sáiz 1998; Ziccardi 1995). Nevertheless, for this research project, I do ask whether there are reasons related to the design of *municipios* which continue to hold back progress in many local areas, and incorporate this question into the research framework.

A more credible suggestion is that given numerous other public service responsibilities, combined with serious longstanding service backlogs, crime fighting may simply not currently be a priority of local governments. The urgency of demands for other local services, may combine with a frank assessment by elected officials of the scant possibility to make palpable progress reducing crime and fear during their three-year terms of office. Thus, insufficient attention may be paid to the issue of crime prevention and control. Whether this truly occurs is another question incorporated into the research framework for explicit consideration in each case municipality.

The hypothesis which guides the research presented in this chapter considers the arguments presented above, but focuses explicitly on the institutional limitations of

municipal government in Mexico as an explanation of failures in local anti-crime policies. This hypothesis is based primarily on a review of the problems that researchers have identified in municipal governments in general, rather than in crime-fighting in particular, since very little specific information exists about the latter. These broader studies also help establish a systematic framework for understanding governance in Mexican municipalities, as well as the common problems encountered. The framework (summarized in Figure 1) posits that for any given sector of local public policy, local governments confront three major types of constraints: administrative and technical limitations; difficulties in the relationship with local residents; and, the inattention of state and federal levels of government to their efforts and problems. In addition, local governments must deal with a set of issues unique to tasks of crime prevention and control. The presence of such constraints, according to this research framework, can be detected by informed actors' opinions about certain indicators in each municipal case; in other words, a self-diagnosis.

Figure 1. A model of constraints to effective local crime prevention and control

CONSTRAINTS	INDICATORS	RESULT
Administrative and technical deficiencies	<ul style="list-style-type: none"> • Lack of administrative and technical capacity • Financial limitations 	Problems in the design and implementation of local government policies for crime prevention and control
Difficulties in incorporating citizen participation and preferences	<ul style="list-style-type: none"> • Inadequate formal mechanisms • Uncooperative citizens • Inadequate informal mechanisms 	
Lack of state and federal support for local efforts	<ul style="list-style-type: none"> • Lack of formal mechanisms • Inadequate informal mechanisms 	
Problems intrinsic to local policing	<ul style="list-style-type: none"> • Conflicts with residents • Inadequate organization • Lack of equipment • Limited faculties 	

The division of local government functions presented here is somewhat arbitrary, since in practice there is substantial overlap among the processes of local government, but it is useful to bring clarity and thoroughness to the discussion. It also allows for more detailed hypotheses about the specific ways in which institutional limitations present problems for Mexican local governments in their attempts to design and implement policies to prevent and control crime.

As alluded to earlier, in spite of rapid gains in recent years in the number and quality of studies about Mexican municipal government, the kind of information needed to understand the choices made by public officials is most readily and accurately available

only through case studies of particular places. This study adopted the method of multiple, explanatory case studies to allow both a review of actions of specific local governments (policies designed and implemented, or not, for example) and interviews of local actors about successes and failures, as well as the reasons for making certain decisions. Six municipalities were chosen to maximize the variety of possible combinations of factors which the literature on crime and on Mexican local government suggests are important, including the region of the country, urban versus rural social structures, political party affiliation of municipal and state authorities, and the economic profile of the place (Figure 2). This study could not pretend to exhaust the list of possible factors and combinations, but did attempt to focus on the issues judged most important for local policy-making. In recognition of the large role of states in determining the scope of municipal action, the municipalities were chosen in pairs for each of three states, Guerrero, Jalisco and the State of México. As in all case studies of current government functioning, it was necessary to limit the study to cases in which the cooperation of local officials could be secured.

Figure 2. Key characteristics of the municipal cases (2001)

Municipality	State	Population	Mpl party affiliation	State party affiliation	Economic base
Atacomulco	México	76,750	PRI	PRI	Agriculture, trade
Chilpancingo	Guerrero	192,947	PRI	PRI	State capital, trade, services
Guadalajara	Jalisco	1,646,319	PAN	PAN	State capital, industry, trade, services
Naucalpan	México	858,711	PAN	PRI	Industry, trade, services
San Luis Acatlán	Guerrero	36,813	PRD	PRI	Agriculture, ranching
Tomatlán	Jalisco	34,329	PRI	PAN	Agriculture

Why do municipalities fail to develop effective anti-crime policies? Some explanations

The underlying argument in this research is that local governments in Mexico differ in significant ways from those envisioned in the literature on federalism and decentralization, as well as those presented in studies of crime prevention and control. These differences, including administrative deficiencies, difficulties in relationships with residents, and lack of intergovernmental support, in turn, help explain the ineffectiveness of Mexican municipalities in preventing and controlling crime. The empirical evidence encountered in this study suggests that in general terms, this argument holds in all six cases, albeit in slightly different ways. This section of the paper reviews the findings

according to the categories described in the research framework, putting them in the context of municipal government generally.

Administrative and technical deficiencies in local government

Since the early 1980s, local government functions in Mexico have expanded from simple order-keeping and minor public works (Fagen and Tuohy 1972, Graham 1968), which required little in the way of administrative expertise, to a much broader list of tasks, including personnel management, budgeting and planning, organizing property tax registers and providing basic public services, including local public security. The degree to which individual municipalities have developed the capacity to manage such tasks varies considerably, but urban municipalities (in most states) have tended to be more successful than rural ones for several reasons, including the larger and more educated population from which they can draw potential employees, and their larger revenue bases (Cabrero 1996; Rowland 2001).

Still, few observers of this process would suggest that even the most advanced Mexican local governments have advanced to the point of successfully carrying out all aspects of their jobs. The very design of local government, including a brief three-year term of office with no possibility of immediate re-election for municipal authorities, contributes to discontinuities between the programs of one municipal administration and the next. Not only is learning by elected officials lost with every change in administration; because of rapid turnover and the lack of a professional civil service, training invested in personnel is usually lost as well.

Financial limitations contribute to these problems. Recent evidence suggests that almost two decades after national decentralization legislation was implemented, decentralization of public expenditures in Mexico is finally underway, with urban municipalities, in particular, beginning to generate revenue from local sources, principally the property tax and service charges (Cabrero 1996; Cabrero 1998; Cabrero and Orihuela 2000). Still, in 1997, small municipalities (with fewer than 50,000 residents) on average collected just over half the amount per capita that their urban counterparts did from local sources, and their high dependence on transfers from the federal level (*participaciones*) remains problematic, since these transfers are processed and distributed by state governments, which often attach political strings to their use and amounts (Rowland 2001). The size of these transfers varies greatly and unpredictably from year-to-year, as well, which makes municipal planning and budgeting much more difficult (Rowland 1997). To make matters worse, longstanding backlogs in public services imply that pent-up demand exists for spending in many other areas of local responsibility.

Deficiencies in administrative and technical capacity in local governments presumably act in direct and indirect ways on the potential of local governments to design and implement anti-crime policies. This research sought to determine whether these deficiencies lead to local strategies that are inadequate in the face of real conditions, and which reflect an insufficient understanding of the scope and characteristics of the local

crime problem. In addition, even where policies seemed reasonable, I tried to find out whether they were implemented fully, and in the way their designers intended.⁷

The evidence collected in all six municipal cases made clear that crime control and prevention is an issue of high priority for local governments. None of the administrations were insensitive to the political imperative to take action in this sector. However, the policy development process, even in the most sophisticated municipalities, remains primitive. The research team found evidence of little planning, few attempts to explicitly link policy inputs and outputs, and no efforts at evaluation of public security policies currently in place. Paradoxically, the incapacity to carry out basic tasks of policy design and implementation appears even more marked in the largest urban cases, presumably because their local contexts, both in bureaucratic and social terms, are more complex.

Two other findings in regard to administrative and technical capacity bear note. On the one hand, while finances are certainly limited, few officials or other actors considered this the primary constraint to more effective anti-crime policies. On the other hand, although the level of trust for police officers attributed to residents was very low, the opinion of municipal governments more broadly is considered by local actors to be much more positive, regardless of the corruption which may exist in specific municipal offices. This suggests that residents are likely to cooperate, at least initially, with local government efforts to fight crime and reduce the fear of becoming a victim.

Difficulties in incorporating citizens into policymaking

One of the presumed advantages of decentralized government is that its proximity and smaller scale allows more frequent contact with local residents, allowing them to express their preferences more easily and offering greater and more specialized information to public officials (Dahl and Tufte 1973; Manor 1999; Putnam 1993; Rondinelli 1990; Smith 1985; Tocqueville 1969; World Bank 1997, 2000). However, in Mexico, the relationship between local residents and local authorities remains confused and often distant.⁸ Thus, as municipal governments began taking on greater importance in local affairs over the past few decades, the ambiguity in the established forms of interaction between these and their residents has become more obvious.

In part, the problem is related to representation⁹ and the structure of local government.⁹ In addition, the post-electoral relationship of residents to their local representatives is not

⁷ Limits in administrative and technical capacity also probably exert an effect on the other factors considered here: the ability to organize participation of local residents in policy design and implementation, the management of intergovernmental affairs under adverse circumstances, and the ability to organize and reform local police, as well as to conceive of other options to improve crime prevention and control.

⁸ This problem has historical roots, the explanation of which goes beyond the scope of this paper. Suffice it to say that under the traditional PRI organization of government, the interaction of citizens with local government on substantial policy issues was almost nil (Davis 1994; Fagen and Tuohy 1972; Ramirez Saíz 1998; Ward 1998; Ziccardi 1995).

⁹ Local citizens vote for slates of members of the local council (*cabildo*), which is headed by the mayor (*presidente municipal*), and the number of councilors (*síndicos* and *regidores*) varies according to

entirely clear, either in formal terms or by virtue of accepted practice. Under the one-party system, the mayor dominated local policy making and politics, and the majority in the council simply rubber-stamped the initiatives forwarded to them for official approval. This pattern has changed—in most parts of the country—as a result of the increasing competitiveness of local and state elections since the late 1980s. Local councilors are now less likely to cooperate unconditionally with mayors, even of their own party. At the same time, candidates must appeal to voters to prevail over opposition slates, and one way to do so is to offer to be more responsive to local problems. While this seems like a reasonable, and even laudable, development, it is complicated by the fact that there is no formal list of tasks for council members, nor oversight of their work on sectoral commissions. Indeed, in many cases their activities overlap and even conflict with the directors of municipal administrative departments, who are named by the mayors. Little has been published about the effectiveness of council members in affecting local policy (Guillén 1996 is one exception), but it is not easy to be optimistic given the formal structure and anecdotal information.

Since the institutional design of interactions between local government and residents is ambiguous in formal terms, in practice there is substantial variation among municipalities, as well as during different administrations of the same municipality.¹⁰ To try to understand the impact that this problematic relationship between citizens and government may have on local public security policies, three (non-exclusive) possibilities were considered. First is the ineffectiveness, noted above, of formal mechanisms for incorporating citizen participation in the design and implementation of policies for the control and prevention of crime. In concrete terms, the goal was to determine the degree to which municipal governments receive information from local residents about their preferences and problems. Second, even where local authorities have adopted formal mechanisms of citizen participation, like Citizens' Days or meetings of the COPLADEM, citizens often simply do not show up. That is, either such mechanisms lack credibility, or people fear for their own safety if they get involved in crime prevention and control efforts, meaning, once again, that communication between residents and local authorities is stymied.¹¹ Finally, especially in smaller towns, it may be that while formal procedures of communication between residents and authorities are lacking, informal mechanisms (such as conversations during chance meetings in public places) serve as effective means for bringing the benefits of citizen participation to local public policy.¹²

municipal population and state law. A share of council seats is reserved for those non-majority parties which receive minimum thresholds of support.

¹⁰ The approaches that municipal administrations have taken to the problem of responsiveness to voters has varied somewhat, but common strategies and problems are beginning to emerge. These include traditional sectoral commissions for the *regidores* and *síndicos*; attempts to have the *cabildo* take on legislative functions at the municipal level (although in fact, the council has no legislative authority); and a variety of "Citizens' Days," or similar arrangements, which essentially invite citizens to approach the mayor and his or her administrative officers once a week to explain their specific problems.

¹¹ The term "citizen participation" in Mexico has been put to such a wide variety of (often disagreeable) uses that people are reasonably skeptical.

¹² In evaluating the evidence, I try to distinguish these types of circumstances from a less favorable possibility, where informal channels are undermined and rendered ineffective for most local residents. For example, local politics may be dominated by a single party or faction, or local authorities may have a

The evidence collected in the six cases suggests that municipalities indeed experience difficulties in finding a place for citizens in their processes of policy development in general, and especially in anti-crime strategies.¹³ There is no clear consensus on what role residents should play in preventing and controlling crime, and the predominant attitude appears to be that the issue is too pressing and too dangerous to permit extensive public input. Nor are citizens typically deemed trustworthy allies in fighting crime.

Meanwhile, low public confidence in police officers, fueled by perceptions (and the reality) of brutality and corruption, keeps the relationship between citizen and police officers from improving. Indeed, as argued in more detail below, in issues of crime control and public security, the specific personnel responsible for this local service, as well as their training and ethics, takes on far greater importance than in other areas of local government activity. In particular, the complexity of police duties, the intensity of their relationship with the public, and their potential recourse to physical force contribute to a dramatic difference in the types of interactions that these employees routinely have with citizens, as compared to, for example, local water engineers, garbage collectors, or those responsible for approving construction permits.

Finally, the party affiliation of local government appears to have little predictable relationship with local policy-making, either in terms of its implications for policy choices or for intergovernmental relations. Indeed, the most profound effect of partisan issues was reported to be the distraction that these create for municipal governments in their search for systematic approaches to crime and security problems. In many municipalities, electoral jockeying makes consensus on policy goals nearly impossible, and thus, impedes progress not only in public security, but also in other local issues.

Lack of support of municipal efforts by state and federal governments

Intergovernmental relations are of relatively recent concern in Mexico, since disputes traditionally were mediated behind closed doors within the PRI hierarchy. The rise of electoral competition since the late 1980s, however, has led to a growing diversity of parties in power at the local and state levels, which in turn implies not only a greater degree of conflict among all three levels, as they battle for control of public resources and voters' favor, but also the need for new mechanisms of dispute resolution among these bodies (Rowland 2000). Unfortunately, in spite of decentralization efforts, including the constitutional reforms of 1999 which were designed to strengthen municipalities, the vulnerability of most Mexican local governments to impositions by state and national levels continues.¹⁴ Indeed, in some cases it may be more problematic than ever, since

reputation for corruption, which could imply that these informal channels serve more as opportunities to reinforce the dominance of some groups over others.

¹³ The only exception is the municipality of San Luis Acatlán, where the current municipal administration works closely with an innovative, non-governmental, *policía comunitaria* which enjoys local public support and some success at lowering crime rates (Rowland 2003b).

¹⁴ While the 1999 reforms did set more solid bases for municipal claims to jurisdiction over certain tasks, including public security, many states have been slow to adjust their local constitutions to reflect these changes. For example, the municipality of Mérida, capital of the state of Yucatán, only gained control of local policing duties in June, 2003. In general, a major constraint to the exercise of municipal rights is that

state governments, in particular, continue to meddle in local affairs as part of their electoral strategies.

The problems that municipalities encounter in intergovernmental relations with regard to crime prevention and control vary somewhat depending on whether interaction with the state or the federation is at issue. As in the discussion of citizen participation, in this research I considered both formal and informal mechanisms of communication and coordination. Formal mechanisms of coordination between municipalities and states—beyond the general principals of liberty, autonomy and cooperation set forth in the Constitution—are integrated into many national programs, including the *Sistema Nacional de Seguridad Pública* and the *Sistema Nacional de Planeación Democrática*. However, the actual extent to which both the letter and the spirit of these laws, which presume ongoing communication, common goals, and mutual respect among equals, are complied with varies from state to state. In fact, it is generally the states which dictate the terms of these relationships, since as noted previously, the balance of power between the two levels of government is tilted so far in favor of this level.

Thus, states which still consider municipalities to be little more than administrative branches of their own governments, or which see municipalities as irrelevant to the fight against crime, are unlikely to promote effective mechanisms for intergovernmental coordination and communication. This is equally true in states which may hold higher opinions of municipalities, but which themselves lack the administrative capacity (or simply the imagination) to incorporate the views and needs of local governments into their own programs for crime control.

The same logic holds for federal-municipal relations, with the added complication that many states consider themselves legitimate and indispensable intermediaries in this relationship. However, even in states which are willing to cooperate with federal initiatives to establish and maintain formal mechanisms of coordination with municipalities, the central level of government appears to have difficulty formulating a useful role for municipalities in the control and prevention of crime.¹⁵ At the same time, it is not unusual for intergovernmental conflicts to play out on the streets between local police and their federal or state counterparts, either while members of different groups pursue the same suspects, or—in situations more numerous than one might expect—when members of one police group are apprehended by another as suspects in a crime.

As with citizen-local government relations, there are also informal mechanisms of communication among governments. These consist of officials at differing levels who meet in an *ad hoc* manner when the need arises, or simply pick up the telephone and discuss matters of importance with their counterparts.

the juridical process necessary to rule on and enforce intergovernmental controversies usually lasts longer than local terms of office.

¹⁵ An important example is the *Programa Nacional de Seguridad Pública*, established during the Zedillo administration (1994-2000), which mentions municipalities in passing, but devotes almost no attention to their potential as partners in fomenting greater success in fighting crime.

The specific research questions about intergovernmental relations were whether the polarization of political parties in present-day Mexico impedes informal communication, and whether problems in establishing trust and fruitful relationships may be aggravated by (perceptions of) corruption at all levels of government. In theory, this latter problem could be especially serious among officials involved in crime-fighting, since other levels of government might betray them in some matter of personal security, particularly through links to organized crime.

The evidence from the case studies points up an unforeseen element in intergovernmental relations: the difference in practice between activities of state and federal police and military, and the broader issues of administrative and financial support for local initiatives from state and federal governments. In the former, a certain tradition of cooperation and assistance to municipal police forces appears to prevail,¹⁶ although there also appeared to be some hesitance by local actors interviewed to openly criticize police and military actions.

In contrast, in broader terms, local officials and other local actors report disappointment with the level of other types of support from state and federal governments for their crime fighting efforts. While the influx of public funds (Ramo 33) dedicated to municipal public security was welcomed by all, the belief was widespread that federal and state governments should do much more to help municipalities fight crime. For their part, the actions and attitudes of actors at higher levels suggest an underlying skepticism that municipalities can do much about crime, an opinion not shared by local actors. This may, however, reflect, in part, differences in the kinds of crime—particularly drug-trafficking and other forms of organized crime—that states and federal government view as most important.

Special difficulties for municipalities in crime control and prevention

Aside from the issues of administrative capacity, relationships with citizens, and intergovernmental relations mentioned above, the specific local institutions dedicated to crime prevention and control appear incapable of responding adequately to the current crime wave. Indeed, in spite of being charged with “public security” according to the national and state constitutions, local governments have little power to do more than basic patrol and order-maintenance. Municipal police are defined as merely “preventive,” and they are empowered to make arrests only for crimes discovered *in flagrante*, or of individuals for whom an arrest warrant has been issued by a state prosecutor. The prosecutor’s office in many regions has become a source of complaints by local authorities, as well as in the media, because of slowness in investigations and the numerous cases in which a suspected criminal is released from custody because of errors in the documentation submitted to the presiding judge. Its lack of coordination with local

¹⁶ San Luis Acatlán, again, diverges from the pattern, in the sense that state police and military troops are a recurrent source of problems for local residents (see Rowland 2003).

police in questions of information and intelligence is also the target of frequent criticism.¹⁷

There are also administrative difficulties in local policing, some of which echo the broader problems in local administration noted above. Shortfalls in technical personnel and administrative equipment (such as computers and radios) are common. In addition, the municipal police chief is a political appointment, and lack of job protection often results in high turnover rates and dramatic changes in department policies from one year to the next (Ramírez Sáiz 1998).

These formal constraints are not the only limits on local police. In addition, officer salaries are low, even by Mexican standards, ranging from around 1,500 pesos to 5,000 pesos per month (the official minimum wage at the time of this writing was around 700 pesos for a 160-hour month). Other types of benefits, including life insurance and basic equipment (bulletproof vests, uniforms) are often not included in the officers' salary package, and must be purchased separately. Armament is outdated and in short supply, and the contrast between the weapons carried by local police and the criminals they often face on the streets is alarming, since the latter commonly are equipped with the latest in semi- and fully-automatic technology.

A chilling study co-written by an undercover participant-observer who joined a municipal police force near Mexico City reports a number of additional problems, all of which are most likely generalizable to other localities (Arteaga and Rivera 1998). Recruits to local police forces tend to have little more than primary education, and many have been previously fired from other police forces, or have their own criminal records. Once enrolled in the police academy (where these exist), cadets are not trained in law enforcement, police tactics, or the management of interpersonal conflicts, but instead are explicitly instructed in techniques of extortion of residents and businesses, as well as the need to regularly bribe their superior officers. Indeed, according to this study, corruption is the basis upon which the daily activities of local police officers are organized, since they must pay off their superiors, including everyone from the medical examiner who declares them fit for service, to the instructors charged with giving them exams, to the commander who assigns them to profitable or unprofitable beats.

Perhaps not surprisingly, many local police chiefs report that available positions on their forces remain unfilled because not enough candidates can be found. A vicious circle, beginning with low public esteem and miserable working conditions of police officers, leads to difficulties in recruiting competent and professional-minded cadets. Since those who are recruited tend to have little formal education and are inducted into patterns of corruption as part of their working environment, public officials are reluctant to defend proposals to increase salaries and improve the benefit packages of officers. Thus, the distance between the organizational culture of police officers and the preferences of local residents for their behavior can become a problematic issue in itself.

¹⁷ See other chapters in this volume for more information on the specific problems of the criminal justice system in Mexico.

For this reason, a first item of interest in this study is whether the lack of trust among people involved in what is ostensibly a shared police-citizen effort at crime prevention and control is a limitation to local crime-fighting efforts. The second issue, in light of the findings of Arteaga and Rivera (1998) is the extent to which the organization of police forces, including their training, is seen as problematic for local authorities. A further question is whether material shortages of police equipment truly exist. It is reasonable to assume that municipalities must balance demands for improved equipment with demands for resources in areas such as water provision, street paving, garbage collection and others, but it is not known whether this poses direct competition for funding for public security. A related question is whether the targeting of federal money to municipal crime-fighting efforts, through the *Fondo de Aportaciones para el Fortalecimiento de los Municipios* (FAFM) of Ramo 33, has alleviated equipment shortfalls. Finally, there is some debate over whether the legal constraints on local police activities play a part not only in difficulties in attacking crime at the local level, but also in motivating officers to do their jobs. The research attempted to test whether the lack of investigative functions and the inability to detain suspects who are not caught during the commission of a crime, limits local police to an irrelevant role in crime prevention and control.

The work in the municipal cases suggested that mistrust between police officers and local residents may be the most important stumbling block to improved municipal public security, if citizen input into these policies is judged necessary and advantageous. As in large cities in most of the rest of the world, conflict was particularly serious in certain urban neighborhoods controlled by local gangs, often in collusion with residents, and where local police forces are reluctant to enter at all. In contrast, citizen-police relationships were characterized as far less conflictive in small towns. This makes sense, given that in the latter context, the everyday social separation of either officers from residents, or certain neighborhoods from the rest of the community, is less feasible than it is in large cities.

The organization and training of municipal police was considered by local actors to be deficient in all six of the case municipalities. While many of those interviewed reported efforts to restructure and reform the institutions of local policing, they rarely reported satisfaction with the outcomes, even of their own policies. There was also much complaint over perceived shortages of equipment for municipal police forces, as well as reports of antiquated equipment in deteriorated condition. These shortages may be real, but it is not clear that they pose more serious problems to policing and local policy-making than do the other problematic aspects of local government discussed here. The insistence on the gravity of this problem may simply indicate a bias among many actors in favor of a “technical” solution to crime and violence.

Surprisingly, apart from equipment shortages, many officials denied that revenue constraints were an important limitation to their anti-crime strategies. Again, the locality’s population size appears to play a key role in these differences, with both large and medium cities reporting a distinct advantage in this sense. In addition, all the cases received additional funds from Ramo 33, which may also help alleviate revenue scarcity.

Opinions were mixed about whether municipal attributions should be expanded to detective work and other types of currently-forbidden activities.

Conclusions

The evidence from the six case studies selected for this project suggests that Mexican local governments suffer from built-in weaknesses which impede effective policy-making and implementation in issues of crime prevention and control. These problems, like many others encountered in local government, arise from a vicious circle of local inexperience, which leads to ineffective policy design and implementation, and provokes the mistrust of federal and state officials, leading to continued exclusion from higher-level efforts, and the subsequent failure to improve local capacity in this sector. To the extent that municipalities are considered at all, state and federal government policies to combat crime have emphasized municipal incompetence, or, at most, the remediation of material shortages via targeted revenue transfers (Ramo 33). The present research disputes the accuracy of these notions with the argument that neither the centralization of crime-fighting functions nor throwing money at the problem is likely to improve the situation.

Indeed, locating the source of local government failures to develop effective anti-crime policies at the systemic, rather than individual, level—if accurate—points us in a fruitful direction for helping local governments improve their responses to crime and fear of crime. Clearly, the municipal level is not adequate for fighting some of the crime problems, particularly drug-trafficking, that most preoccupy the federal and most state levels. However, the findings drawn from other federal countries about policing, public order and crime prevention, as well as issues related to perceptions of personal safety, suggest that there is indeed a role for local governments in this sector of activity. Unfortunately, the key ingredient to the success of these programs—the actions of relatively autonomous and competent local governments—appear to be overlooked in Mexico. Involving, rather than excluding municipalities, as well as concentrating on ways to help them overcome their limitations, would appear to be promising first steps.

The present research also suggests that the nature of public security itself differentiates the personnel involved from that of other sectors of municipal activity, and makes lack of local experience especially problematic. “Learning by doing,” and other informal or incremental ways of gaining expertise in local tasks, are risky in issues of crime control and prevention. Here, additional information on what works and what does not in the Mexican context is of crucial importance to helping local governments do a better job of formulating successful local policy.

The improvement of municipal police forces can be another vicious circle in which low pay and low public esteem limit the quality of candidates for these jobs, and in turn, reinforce the idea that local police do not deserve better. Indeed, the experience with the non-governmental police officers in one of the cases, San Luis Acatlán, Guerrero, suggests that concerted attention to the human element inherent in this public service may be fundamental to improving both perceptions and reality of citizen safety. In this case,

resident involvement in crime-fighting has accompanied improved police responsiveness, and each continues to reinforce the other (see Rowland 2003b).

While the precise model of San Luis Acatlán is unlikely to be replicable in more culturally heterogeneous areas, or in cities in general, it emphasizes the importance of integrating local populations and municipal governments into efforts to prevent and control crime. Even in the best cases, federal and state police generally have little direct, day-to-day contact with law-abiding citizens, and rarely appear to consider the effects of their actions on the perceptions of residents of a particular locality. Nor do state and federal police forces, prosecutors or courts have any pressing need to answer to local authorities about their actions. In other words, the incentives which face local governments to formulate effective policies for crime prevention and control, as well as to improve public perceptions of security, do not appear to affect higher levels to the same extent. Thus, the potential role for municipalities in crime prevention and control is closely related to other arguments in favor of decentralization. Comparative advantage among levels of government on an issue of pressing public concern should not continue to be squandered.

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