

COMMENT

STEPPING UP THE MÉRIDA INITIATIVE: COMMUNITY POLICING AS A FOUNDATION FOR BUILDING RESILIENT COMMUNITIES AND REFORMING THE RULE OF LAW IN MEXICO

I. INTRODUCTION: A SNAPSHOT OF MASSACRE, CAPTURE, AND COLLABORATION

On August 2010, in an abandoned farm shed in the middle of San Fernando, Tamaulipas, Mexico, Luis Fredy Lala Pomavilla escaped through the night in search of help.¹

After walking ten miles through the arid countryside with a gunshot wound to his neck, he stumbled across a military checkpoint where Mexican marines were stationed.² The wounded migrant led the marines back to that abandoned farm shed.³ They raided the location and drew gunfire from the drug cartels, killing three gunmen and losing one marine.⁴ After the dust cleared, the marines entered the abandoned cinderblock farm shed and found a mass grave of bodies with their hands tied and faces blindfolded.⁵ The marines counted seventy-two bodies, all from different parts of Central and

1. See Gary Moore, *Unraveling Mysteries of Mexico's San Fernando Massacre*, INSIGHT CRIME (Sept. 19, 2011), <http://www.insightcrime.org/investigations/unravelling-mysteries-of-mexicos-san-fernando-massacre>.

2. See E. Eduardo Castillo, *Mexico Migrants Massacre: Drug Cartel Suspected in Killing of 72*, HUFFINGTON POST (Aug. 26, 2010, 11:54 AM), http://www.huffingtonpost.com/2010/08/26/mexico-migrants-massacre-_n_695299.html; Moore, *supra* note 1.

3. See *Survivor Details Massacre of 72 Migrants by Drug Cartel in Mexico*, FOX NEWS (Aug. 25, 2010), <http://www.foxnews.com/world/2010/08/25/mexican-government-migrants-dead-ranch-killed-zetas-drug-gang/>.

4. *Id.*

5. See Moore, *supra* note 1.

South America, and all executed by members of the Zetas cartel.⁶ The massacre is one of the most horrifying examples of a mass execution in Mexican history and a symbol of the drug violence that plagues the nation.⁷

On July 15, 2013, close to the third year anniversary of the San Fernando massacre, a Mexican military helicopter stopped a pick-up truck at 3:45am near the southwest border city of Nuevo Laredo.⁸ No gunshots were fired; no blood was shed.⁹ Inside the truck was Miguel Angel Treviño Morales, otherwise known as “Z-40”, the Zetas drug cartel leader.¹⁰ The Mexican military arrested Treviño Morales along with two other members of the cartel; the military also seized \$2 million in cash and an arsenal of weapons.¹¹ Some see Treviño’s arrest as a new era of the Mexican crime policy under the new President Enrique Peña Nieto; it provides an insight into Mexico’s new security policy and the role the United States will play in the next coming years.¹²

6. See Castillo, *supra* note 2. The cartel’s lieutenant, in charge of Tamaulipas in 2010, ordered the seventy-two migrants killed because they refused to pay the cartel money and work for them. See Elisabeth Malkin, *Mexico Gang Leader Held in Massacre of Migrants*, N.Y. TIMES (Oct. 8, 2012), http://www.nytimes.com/2012/10/09/world/americas/mexican-drug-leader-salvador-alfonso-martinez-escobedo-arrested.html?_r=0.

7. See FOX NEWS, *supra* note 3.

8. See Catherine E. Shoichet, *Mexico Captures Major Drug Lord*, CNN (July 16, 2013), <http://cnn.com/2013/07/15/world/americas/mexico-zetas-leader-captured/index.html>.

9. *Id.*

10. *Id.*

11. Randal C. Archibold, *Drug Kingpin Is Captured in Mexico Near Border*, N.Y. TIMES (July 15, 2013), http://www.nytimes.com/2013/07/16/world/americas/drug-kingpin-is-captured-in-mexico-near-border.html?_r=0.

12. Patrick Corcoran, *What Z40s Arrest Tells Us about Mexico’s Security Policy*, INSIGHT CRIME (July 22, 2013), <http://insightcrime.org/news-analysis/what-trevinos-arrest-tells-us-about-pena-nietos-security-policy>. “Treviño’s arrest provides a boost for Mexico’s security agencies . . . [and] also comes as many in Mexico are growing impatient for the promised reductions in violence.” *Id.* Furthermore, Treviño was the first cartel leader arrested under the Nieto administration. *Top Mexican Drug Lords Captured or Killed*, WALL ST. J. (July 16, 2013), <http://online.wsj.com/news/articles/SB10001424127887324348504578610002696849298>. The United States also assisted the Mexican marines with tracking the leader Treviño and arresting him, thus showing strength in the bilateral relationship. CLARE

The history of drug violence in Mexico is marked by battles between the drug trafficking organizations (DTOs) and the Mexican government in an attempt to control the Mexican borders, whose geographical location serves as a staple for the illicit drug trade into the United States.¹³ The importation of drugs into the United States plays a key role in the DTOs' continual success;¹⁴ therefore, United States participation is essential in the efforts to quell the drug violence in Mexico.¹⁵ The United States' and Mexico's joint efforts in dealing with the cartel drug violence reached a pivotal collaboration in 2007 when both countries developed the Mérida Initiative.¹⁶ The level of collaboration between the two countries was unprecedented; the United States and Mexico had a unique opportunity to address the mutual problem of the DTOs and also strengthen their bilateral relationship.¹⁷ Under the Mérida Initiative, former President George

RIBANDO SEELKE, CONG. RESEARCH SERV., R42917, MEXICO'S PEÑA NIETO ADMINISTRATION: PRIORITIES AND KEY ISSUES IN U.S. MEXICAN RELATIONS 7 (2013) [hereinafter PRIORITIES AND KEY ISSUES].

13. See generally Laura Mehalko, Note, *This is Gun Country: The International Implications of U.S. Gun Control Policy*, 35 B.C. INT'L & COMP. L. REV. 297, 302 (2012) (footnotes omitted) ("The growing violence in Mexico is associated with a few 'large, sophisticated and vicious criminal organizations' engaged in the illicit drug trade. Perhaps as a result of their growing influence, there has been greater conflict between the DTOs over maintenance of 'zones of control' and smuggling routes into the United States.").

14. See Callin Kerr, Comment, *Mexico's Drug War: Is it Really a War?*, 54 S. TEX. L. REV. 193, 196 (2012) (footnotes omitted) ("Mexico is the number-one source of illicit drugs in the United States . . . [O]ver 1,626 metric tons of illegal drugs are trafficked to the United States annually, most brought through the Mexico-United States border."). "[T]he drug cartels traffic over \$ 30 billion in drugs each year." *Id.* (footnote omitted) "Currently, up to 90% of all cocaine bound for the United States goes through Mexico." Melanie Reid, *Mexico's Crisis: When There's a Will, There's a Way*, 37 OKLA. CITY U. L. REV. 397, 400 (2012) (footnote omitted).

15. See *infra* Parts II, IV.B.

16. *U.S.-Mexico Security Cooperation: An Overview of the Merida Initiative 2008-Present: Hearing Before the Subcomm. on the W. Hemisphere of the Comm. of Foreign Affairs, H.R.*, 113th Cong. 9 (2013) [hereinafter *Hearing*] (statement of Ambassador William R. Brownfield, Assistant Secretary of State for International Narcotics & Law Enforcement Affairs).

17. U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-10-837, MÉRIDA INITIATIVE: THE UNITED STATES HAS PROVIDED COUNTERNARCOTICS AND ANTICRIME SUPPORT BUT NEEDS BETTER PERFORMANCE MEASURES 2 (2010) [hereinafter GAO Report].

W. Bush and former President Felipe Calderón focused their attention on training and equipping the Mexican military in their anti-crime efforts against the DTOs.¹⁸ In the development stages of the Initiative, the United States provided equipment, technology, and training tailored to strengthen the Mexican federal government and meet the violence head on.¹⁹

The paradigm of the Mérida Initiative shifted in 2010 when President Barack H. Obama and former President Calderón agreed to a new strategic framework focusing on the weak government institutions and societal problems that allowed the DTOs' continual growth in Mexico.²⁰ On May 2, 2013, President Obama met with newly elected Mexican President Enrique Peña Nieto, and both presidents reaffirmed their collaborative commitment on security issues arising out of the drug violence, with the goal of ultimately improving the lives of citizens in both countries.²¹ Even though both Presidents reiterated their strong commitment to continue their efforts under the Mérida Initiative, the United States Congress placed \$95 million in funds on hold and has yet to deliver between \$600 and \$700 million in resources to Mexico.²² Another controversy surrounding

18. See CLARE RIBANDO SEELKE & KRISTIN M. FINKLEA, CONG. RESEARCH SERV., R41349, U.S.-MEXICAN SECURITY COOPERATION: THE MÉRIDA INITIATIVE AND BEYOND 6 (2013).

19. See Steven E. Hendrix, *The Merida Initiative for Mexico and Central America: The New Paradigm for Security Cooperation, Attacking Organized Crime, Corruption and Violence*, 5 LOY. U. CHI. INT'L L. REV. 107, 112, 114 (2008).

20. SEELKE & FINKLEA, *supra* note 18, at 6.

21. *Hearing, supra* note 16, at 18 (testimony of John D. Feeley, Principal Deputy Assistant Secretary of the Bureau of Western Hemisphere Affairs). President Obama stated in the May 2, 2013 meeting: "Obviously, these are serious challenges, and President Peña Nieto and I discussed them in depth today. I agreed to continue our close cooperation on security, even as the nature of that cooperation will evolve. As I told the President, it is obviously up to the Mexican people to determine their security structures and how it engages with other nations, including the United States. But the main point I made to the President is that we support the Mexican government's focus on reducing violence, and we look forward to continuing our good cooperation in any way that the Mexican government deems appropriate." *Id.* at 23.

22. *Id.* at 31 (statements between Chairman Matt Salmon, Rep. of Ariz., and Ambassador William R. Brownfield, Assistant Secretary of State for International Narcotics & Law Enforcement Affairs).

the Mérida Initiative stems from the human rights violations in Mexico that increased significantly since its implementation.²³ Mexico has yet to address and resolve these concerns;²⁴ thus, the future of the Mérida Initiative remains uncertain.

This Comment supports the continued commitment of the United States to the Mérida Initiative, which is essential in this new age of drug violence and reformation in Mexico. Furthermore, an emphasis in President Peña Nieto's security plan will fall in line with the current paradigm of the Mérida Initiative, specifically in building a stable rule of law and resilient communities. President Peña Nieto's plan, and the paradigm shift of the Mérida Initiative, allows both countries to continue their efforts uniformly and achieve their goals of the initiative by focusing on root causes of the continual violence stemming from the drug trade. Lastly, this Comment encourages an introduction of community policing as a foundation to meet the expectations of pillar II and IV of the Mérida Initiative.

Community policing tackles the severe disconnection between the local communities, the local police, and the local government; it creates new methods of collaboration and partnership between the three groups, which can result in lower crime rates in the local neighborhoods. By building a bridge of communication and establishing a functional relationship between the public and the government, community policing can result in a step towards thwarting the threat of the DTOs and creating a system for police and government accountability.

Part II of this Comment discusses the evolution of the Mérida Initiative from the early stages to the current state in both the United

23. See *Country Reports on Human Rights Practices for 2011: Mexico*, U.S. DEP'T ST., <http://www.state.gov/j/drl/rls/hrrpt/2011/humanrightsreport/index.htm?dclid=186528#wrapper> (last visited Mar. 13, 2014) ("The most serious human rights issues . . . arose from the fight against the organized crime, which involved frequent clashes between the security forces and Transnational Criminal Organizations . . ."); *Country Summary: Mexico*, HUM. RTS. WATCH (Jan. 2013) [hereinafter HUMAN RIGHTS WATCH], http://www.hrw.org/sites/default/files/related_material/mexico_7.pdf ("From January 2007 to mid-November 2012, Mexico's National Human Rights Commission issued detailed reports of 109 cases in which it found that members of the army had committed serious human rights violations, and received complaints of 7,350 military abuses.").

24. See generally HUMAN RIGHTS WATCH, *supra* note 23.

230 CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL [Vol. 44

States and Mexico. It addresses the necessity for the United States to continue its commitment to the Initiative and ensure that the proper resources are used to reduce and eliminate the DTO violence in Mexico. It also focuses on current Mexican President Peña Nieto's security strategy and how it aligns with pillar II and pillar IV of the Mérida Initiative.

Part III discusses community policing, from its historical foundation to current implementations. It illustrates specific examples, including the "Chicago Alternative Policing Strategy" (CAPS)²⁵ program and Japan's community policing model, to understand community policing in practice and how a city defines its problems and strengthens its interactions between the police and community.

Part IV introduces a community policing plan for Mexico through the "Broken Windows Model."²⁶ It discusses the skeletal implementation of community policing in Ciudad Juárez, Mexico, and its success in quelling drug violence by including the community in the rule of law. Further, it analyzes the current state of Nuevo Laredo, Mexico, a city plagued by drug violence, and discusses the potential ability to fundamentally change the city with the implementation of community policing. Lastly, it addresses issues that may impede a strong implementation of community policing, but also encourages taking those additional steps to fundamentally improve the relationship between the Mexican community and the government.

Part V concludes this Comment by re-emphasizing the purpose of the Mérida Initiative, and aligning its objectives with Mexican President Peña Nieto's security strategy in his fight to strengthen Mexico and reduce the drug violence. It also reiterates the importance of the United States' effort to assist Mexico as both countries continue the fight against the DTOs. Lastly, this article encourages the implementation of community policing as an additional component to pillar II and pillar IV of the Mérida Initiative.

25. See WESLEY G. SKOGAN ET AL., NAT'L INST. OF JUSTICE, PUBLIC INVOLVEMENT: COMMUNITY POLICING IN CHICAGO (Sept. 2000) available at <https://www.ncjrs.gov/pdffiles1/nij/179557.pdf>.

26. See Michael D. Reisig, *Community and Problem-Oriented Policing*, 39 CRIME & JUST. 1, 24 (2010).

II. THE MÉRIDA INITIATIVE: COLLABORATIVE EFFORTS TO FIGHT THE DRUG TRADE ORGANIZATIONS

The Mérida Initiative came to fruition in March 2007 when former President Calderón and former President Bush met in Mérida, Yucatán, Mexico.²⁷ In October 2007, the United States and Mexico proposed the initiative's plan, which would entail a "package of . . . counterdrug and anticrime assistance to Mexico," appropriating \$1.4 billion in funding for equipment and training.²⁸ This plan laid the foundation for the collaboration between the United States and Mexico in their efforts to reduce the DTO violence in Mexico.²⁹ The initial goal involved confronting the violent DTOs head on; former President Calderón made the DTO leaders his principal targets and depended greatly on the military forces, naval forces, and federal police to capture and eliminate them.³⁰ Former President Calderón's plan, however, brought negative results, and the DTOs responded violently due to the government's actions. Since their organizations were fractured with the loss of their leaders,³¹ the fracturing of the organizations opened the door for new leaders to gain control of the drug production and transit zones and continue to traffic drugs into the United States.³² Furthermore, new DTOs gained momentum,

27. Hendrix, *supra* note 19, at 110.

28. CLARE RIBANDO SEELKE, CONG. RESEARCH SERV., R40135, MÉRIDA INITIATIVE FOR MEXICO AND CENTRAL AMERICA: FUNDING AND POLICY ISSUES 2 (2010) [hereinafter FUNDING AND POLICY ISSUES].

29. *Id.*

30. *Hearing, supra* note 16, at 63 (testimony of Steven Dudley, Director, Insight Crime); FUNDING AND POLICY ISSUES, *supra* note 28. Under President Calderón's kingpin strategy, the government captured or killed 27 out of the 37 top leaders. *Hearing, supra* note 16, at 63 (testimony of Steven Dudley, Director, Insight Crime). The foundation of the Mérida Initiative was based on four objectives: "(1) break the power and impunity of criminal organizations; (2) assist the Mexican and Central American governments in strengthening border, air, and maritime controls; (3) improve the capacity of the justice system in the region; and (4) curtail gang activity in Mexico and Central American and diminish drug demand in the region." FUNDING AND POLICY ISSUES, *supra* note 28, at 3.

31. *Hearing, supra* note 16, at 63 (testimony of Steven Dudley, Director, Insight Crime).

32. *See* FUNDING AND POLICY ISSUES, *supra* note 28, at 2; *See generally* *Hearing, supra* note 16, at 64 (testimony of Steven Dudley, Director, Insight Crime)

232 CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL [Vol. 44

enlisting new tactics, weapons, and a ruthlessness that continued to fuel the drug violence and significantly increased fatality rates in the country.³³

In March 2010, the Obama Administration shifted gears and developed a new framework for the Mérida Initiative, which focused on four pillars: “(I) disrupt the operational capacity of organized crime,³⁴ (II) institutionalize reforms to sustain rule of law and respect for human rights,³⁵ (III) build a 21st century border,³⁶ and (IV) build

(discussing the fragmentation within the larger DTOs, their lack of central authority within the DTOs, and steady increase in revenue).

33. See Carina Bergal, Note, *The Mexican Drug War: The Case for a Non-International Armed Conflict Classification*, 34 *FORDHAM INT’L L.J.* 1042, 1071-1072 (2011). Drug-related murders doubled from 2006 to 2007, and again in 2008 where there were approximately 6,200 killings. Ronald F. Wright, *Mexican Drug Violence and Adversarial Experiments*, 35 *N.C.J. INT’L L. & COM. REG.* 363, 367 (2010); Bergal, *supra*, at 1069 n.145. Many of the killings targeted law-enforcement agents. Wright, *supra*. Furthermore, clashes between the cartels change the dynamic of the violence, specifically in the border state. See Bergal, *supra* at 1070. One example was the war between the Gulf Cartel and the Zetas, which were initially the military wing of the Gulf, but broke off and began to claim their land in the Tamaulipas area, on the Eastern border of Mexico, south of Texas. *Id.* at 1070-71.

34. SEELKE & FINKLEA, *supra* note 18, at 12. The presence of the DTOs remains strong due in part to the DTOs continued efforts to attain new weapons and overall operational financing. See *id.* President Calderón initiated efforts of eliminating the DTOs with the “king-pin” strategy, which made the DTO leaders his principal targets. *Hearing, supra* note 16, at 63 (testimony of Steven Dudley, Director, Insight Crime). President Calderón captured or killed 27 out of the 35 top leaders, but this resulted in the development of fractions within the DTOs, thus ensue an increase in violence to control the lucrative territories without leaders. See *id.* Currently, President Nieto continues to implement the “king-pin” strategy, and has arrested the Zetas and Gulf cartel leaders since taking office. See Archibold, *supra* note 11; Anahi Rama & Elinor Comlay, *Mexico Captures Gulf Cartel Leader*, *NBC NEWS* (Aug. 18, 2013), http://worldnews.nbcnews.com/_news/2013/08/18/20070390-mexico-captures-gulf-cartel-leader. Furthermore, the Mexican government increased extraditions to the United States, thus increasing the chances to convict and imprison these individuals in an unbiased, non-corrupt system. SEELKE & FINKLEA, *supra* note 18, at 25; Reid, *supra* note 14, at 408-09.

35. SEELKE & FINKLEA, *supra* note 18, at 13.

36. SEELKE & FINKLEA, *supra* note 18, at 18. The concept of the “21st century border” is new and more complex than a line between the two countries. *Id.* The United States Department of State developed a new framework focusing on “the principles of joint border management, co-responsibility for cross-border crime, and shared commitment to the efficient flow of legal commerce and travel.” *United*

strong and resilient communities.”³⁷ Under the new paradigm, the United States and Mexico’s goal of the Mérida Initiative transformed from solely military assistance and training to “addressing the weak government institutions and underlying societal problems” that allowed the DTO’s perpetual growth and success in Mexico.³⁸ This meant that Mexico, with the aid of the United States, would confront their problem of corruption within all levels of the government, the human rights violations perpetuated by the military as they fought the DTOs, and the problem of complete community distrust for the government.³⁹

A. Addressing the Weak Government Institutions and Societal Problems under Pillar II and IV of the Mérida Initiative

In the early stages, the tactics in pillar I of the Mérida Initiative led to the capture of many of the DTO leaders.⁴⁰ Yet today, the DTOs

States-Mexico Partnership: A New Border Vision, U.S DEP’T ST. (Mar. 23, 2010), <http://www.state.gov/r/pa/prs/ps/2010/03/138926.htm>. The proposed 21st century border is based on (1) enhancing public safety from the criminal organizations, (2) securing flows of people and goods using tools that prevent illegitimate trade and travel, (3) expediting legitimate commerce and travel by including the private sector and investing in people, technology and infrastructure, (4) engaging border communities, and (5) setting policy in statutory, regulatory and infrastructure systems. SEELKE & FINKLEA, *supra* note 18, at 18. Although a plan is in place by the State Department, there are concerns with which country assumes responsibility with both the northbound and the southbound entries into both countries and how each country’s resources should be used. *Id.* at 19. Current practices include the use of non-intrusive inspection systems and customs training to support professionalization of Mexican customs department. *Id.*

37. SEELKE & FINKLEA, *supra* note 18, at 20; GAO Report, *supra* note 17, at 6; *Merida Initiative*, U.S DEP’T ST., <http://www.state.gov/j/inl/merida/> (last visited Mar. 12, 2014).

38. *See Hearing*, *supra* note 16, at 47 (statement of Clare Seelke, Specialist in Latin American Affairs, Cong. Research Serv.).

39. *See infra* Part II.A.

40. *See Hearing*, *supra* note 16, at 63 (testimony of Steven Dudley, Director, Insight Crime) (twenty-five out of thirty-seven leaders were captured under President Calderón.); SEELKE & FINKLEA, *supra* note 18, at 12 (noting that the United States and Mexico’s early focus was focused to “dismantling the leadership of the major DTOs.”); *see also* FUNDING AND POLICY ISSUES, *supra* note 28, at 2 (explaining that in the early stages of Calderón’s presidency, Mexico saw success with the capture of cartel leader Teodoro Garcia Simental and the killing of another

are persistent in continuing their illegal activities and remain successful in their efforts.⁴¹ A strong reason for their success is Mexico's problem with corruption. Mexico currently suffers from a corrupt and inefficient criminal justice system, and estimates from one study indicate "that ninety-eight percent of those arrested for organized crime are set free."⁴² The criminal justice system is based on a closed-door inquisitorial process where the prosecutor has "plenary power" to enter almost any evidence, and the defense's evidence may be limited in its validity compared to that of the prosecutor.⁴³ Since the judge and the prosecutor are the determinants for a conviction and maintain a strong hold on what evidence is entered into a proceeding, in Mexico's closed-door system, there is more susceptibility for bribery.⁴⁴

The Mexican police force, and its infrastructure, is also plagued by corruption. Less than thirteen percent of the crimes that occur in the country are reported, and this is due to the Mexican population's distrust of the police.⁴⁵ DTO leaders spend a portion of their wealth bribing government officials, including high-ranking officials in the police force.⁴⁶ These bribes ensure that the DTOs gain loyalty and

known cartel leader Arturo Beltrán Leyva).

41. See generally JUNE S. BEITTEL, CONG., RESEARCH SERV., R 41576, MEXICO'S DRUG TRAFFICKING ORGANIZATIONS: SOURCE AND SCOPE OF THE VIOLENCE 6 (2013) (describing the DTOs as businesses looking for more efficient ways to "maximize their profits" while increasing their control of the illegal drugs market in the United States).

42. See Bergal, *supra* note 33, at 1068 (citing David Luhnnow & Nicholas Casey, *Felipe Calderón – Interview Transcript*, WALL ST. J. (May 19, 2010), <http://online.wsj.com/news/articles/SB10001424052748703957904575252551548498376>).

43. William Hine-Ramsberger, *Drug Violence and Constitutional Revisions: Mexico's 2008 Criminal Justice System Reform and the Formation of Rule of Law*, 37 BROOK. J. INT'L L. 291, 295 (2011).

44. *Id.* at 299.

45. SEELKE & FINKLEA, *supra* note 18, at 13; CLARE RIBANDO SEELKE, CONG. RESEARCH SERV., R43001, SUPPORTING CRIMINAL JUSTICE SYSTEM REFORM IN MEXICO: THE U.S. ROLE 2 (2013) [hereinafter SUPPORTING CRIMINAL JUSTICE REFORM IN MEXICO]; see DAVID A. SHIRKE, COUNCIL OF FOREIGN REL., THE DRUG WAR IN MEXICO: CONFRONTING A SHARED THREAT 11 (2011), available at <http://www.cfr.org/mexico/drug-war-mexico/p24262>.

46. See Wright, *supra* note 33, at 365-66.

assistance from the police force, thus reducing the chances of convictions for the perpetrators and justice for the victims of the violence.⁴⁷ “It is estimated that six out of ten crimes in Mexico involve some form of police complicity.”⁴⁸

The police force is also known to serve as “spies, assassins, weapons providers and escorts” to many of the DTOs,⁴⁹ showing further compliance with the perpetrators responsible for most of the violent crimes in Mexico. Additionally, impunity is a cultural norm; therefore, even if the police are caught violating the law with their corrupt activities, there is no punishment for their violations.⁵⁰ The combination of the lucrative bribes the DTOs provide to all levels of ranking police officials and the high impunity rates creates a breeding ground for corruption to thrive in a system the Mexican public does not trust.

Along with corruption, Mexico also faces issues pertaining to human rights violations. Since former President Calderón implemented the use of the Federal police and the military to combat the DTOs, there has been a significant increase in human rights violations as well as the inability of the government to investigate and prosecute these claims of abuse.⁵¹ Human rights violations in Mexico include unlawful killings, physical abuse, torture, and disappearances.⁵² These crimes are brought before the military justice system, which does not have adequate resources to handle the significant increase in claims against the military for human rights

47. See BEITTEL, *supra* note 41, at 7.

48. Justin B. Shapiro, *What are They Smoking?! Mexico's Decriminalization of Small-Scale Drug Possession in the Wake of a Law Enforcement Failure*, 42 U. MIAMI INTER-AM. L. REV. 115, 126 (2010) (footnote omitted).

49. *Hearing*, *supra* note 16, at 67 (testimony of Steven Dudley, Director, Insight Crime).

50. See Shapiro, *supra* note 48, at 127.

51. See SEELKE & FINKLEA, *supra* note 18, at 13; see also HUMAN RIGHTS WATCH, *supra* note 23 (“From January 2007 to mid-November 2012, Mexico’s National Human Rights Commission issued detailed reports of 109 cases in which it found that members of the army had committed serious human rights violations, and received complaints of 7,350 military abuses.”).

52. HUMAN RIGHTS WATCH, *WORLD REPORT 2013: EVENTS OF 2012*, 246 (2013), available at https://www.hrw.org/sites/default/files/wr2013_web.pdf.

236 CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL [Vol. 44

violations.⁵³ As a result, impunity rates with human rights violations remain high, further decimating any confidence the community may have for the government to protect their safety. These human rights violations and corrupt institutions symbolize a weak infrastructure that the Mexican communities do not trust.⁵⁴

Although great concerns of corruption and human rights violations surround Mexico, under former President Calderón, reformation through the early stages of the Mérida Initiative laid the foundation for changes in both the justice system and the police force.⁵⁵ A significant amount of attention was placed on purging many of the state and local police officers that failed to meet anti-corruption standards.⁵⁶ Police reform also included training for more than 19,000 federal and state police officers, and expanding incarceration security at the federal level.⁵⁷ Furthermore, in 2008, President Calderón amended the Mexican Constitution to reform the criminal justice system from a closed-door inquisitorial process to an open, accusatorial and oral process, similar to the United States justice

53. See HUMAN RIGHTS WATCH, *supra* note 23. Changes are occurring to meet the substantial increase in human rights violations. See *id.* (In August 2012, the [Mexican] Supreme Court ruled that the killing of an unarmed man by soldiers at a military checkpoint should be prosecuted in civilian jurisdiction, and that the article of the Military Code of Justice used to claim jurisdiction over human rights cases was unconstitutional.”); *Mexico’s Supreme Court Decides to End Military Jurisdiction for Soldiers Who Commit Human Rights Violations*, WASH. OFF. ON LATIN AM. (July 13, 2011), http://www.wola.org/commentary/mexico_s_supreme_court_decides_to_end_military_jurisdiction_for_soldiers_who_commit_hu_man [hereinafter WASH. OFF. ON LATIN AM.].

54. See generally Hine-Ramsberger, *supra* note 43, at 299-300.

55. See *Hearing*, *supra* note 16, at 10.

56. Over 3,200 police officers were fired in the anti-corruption drive and 1,020 federal officers were disciplined for failing tests that identified susceptibility to bribes. Thomas Black and Jens Erik Gould, *Mexico Purges 3,200 Police Officers in Anti-Corruption Drive*, WASH. POST (Aug. 30, 2010, 1:05 PM), <http://www.washingtonpost.com/wp-dyn/content/article/2010/08/30/AR2010083002738.html>. Police forces throughout the states of Mexico implemented competence tests that included honesty tests. Stephen Gibbs, *Mexican Purge Axes Corrupt Police*, BBC NEWS, <http://news.bbc.co.uk/2/hi/americas/8356140.stm> (last updated Nov. 12, 2009). In Monterrey, over 270 police officers were dismissed and an additional 500 were sent for more training. *Id.*

57. See *Hearing*, *supra* note 16, at 10.

system.⁵⁸ The hope is that by 2016, all states in Mexico will implement the changes under the judicial reform.⁵⁹ Additionally, both the United States and Mexico realized that tackling the drug violence in Mexico with military tactics was simply not enough. President Obama's paradigm shift symbolized that belief when he incorporated pillar IV into the Mérida Initiative.

To address the community's distrust of the government, a new paradigm includes "building resilient communities" as the fourth pillar of the Mérida Initiative.⁶⁰ The United States Agency for International Development (USAID) currently implements the Mérida Initiative's fourth pillar.⁶¹ USAID works with at-risk youth in the border-states most vulnerable to drug trafficking and the DTOs.⁶² Cities include Ciudad Juárez and Tijuana, and the USAID implemented programs have resulted in employment opportunities for youth participants, reenrollment in schools, and violence prevention training.⁶³ Preliminary data, based on the programs implemented in the two cities, shows promising results, and nine additional master plans have been developed in target communities to continue the work of building resilient communities.⁶⁴

58. See Hine-Ramsberger, *supra* note 43, at 301.

59. See *id.* at 302.

60. The purpose of the fourth pillar is to address the underlying cause of crime and violence that plagued the communities. See SEELKE & FINKLEA, *supra* note 18, at 20. It seeks to bring the communities in as a component to fight the DTOs by empowering the local leaders, civil society representatives, and the private sector. *Id.*

61. See *Hearing*, *supra* note 16, at 27 (statement of Elizabeth Hogan, Senior Deputy Assistant Administrator for Latin America and the Caribbean). USAID's current strategy is based on three objectives: "(1) [i]mproving federal, state and local government capacity to safeguard citizen security; (2) catalyzing public and private sector resources to expand socio-economic opportunities in the regions most affected by crime; and (3) increasing youth capacity to play a constructive role in their communities by keeping youth in school, developing their job skills, and supporting family counseling and social integration activities." *Youth and Community*, USAID, <http://usaid.gov/where-we-work/latin-american-and-caribbean/mexico/youth-and-community> (last visited Jan. 25, 2014).

62. See *Hearing*, *supra* note 16, at 27 (statement of Elizabeth Hogan, Senior Deputy Assistant Administrator for Latin America and the Caribbean).

63. USAID, *supra* note 61.

64. *Id.* "More than 1,000 youth participated in life-skills and employability

B. A New Mexican President and a New Perspective

Further changes occurred July 2012 with the election of President Peña Nieto, under the Institutional Revolutionary Party (PRI).⁶⁵ Although the change of the president in Mexico usually leads to an “overhaul of governmental structures and organizational patterns,”⁶⁶ President Peña Nieto has made clear that his intentions are to continue implementing the Mérida Initiative and maintaining a close collaboration with the United States on security issues, specifically targeting crime prevention and the rule of law.⁶⁷ President Peña Nieto outlined six action plans to his security strategy in Mexico: “planning, social prevention, human rights, inter-governmental coordination, justice reform, and evaluation and feedback.”⁶⁸ Additionally, President Peña Nieto proposed reformations under five pillars:

training, and over 740 students participated in after-school programs in Ciudad Juarez and Tijuana. In Ciudad Juarez, 70% of 638 youth who participated in programs have returned to school . . . [and] 88% of 624 youth re-enrolled in middle school after participating in summer camps . . .” *Id.* (alteration in original).

65. Felipe Calderón’s National Action Party (PAN) was more conservative when addressing Mexican issues plaguing the country; the change meant a new perspective in the way Mexico would address the problems associated with the DTOs and violence in Mexico. Tim Padgett, *How Enrique Peña Nieto Won Himself and His Party the Mexican Presidency*, TIME MAGAZINE (July 2, 2012), <http://www.world.time.com/2012/07/02/mexico-election-how-enrique-pena-nieto-won-himself-and-his-party-the-presidency/>.

66. PRIORITIES AND KEY ISSUES, *supra* note 12, at 3.

67. *Hearing*, *supra* note 16, at 16 (statement of John D. Feeley, Principal Deputy Assistant Secretary, Bureau of Western Hemisphere Affairs).

68. *Id.* at 22. President Peña Nieto’s security strategy, known as “Mexico in Peace” primarily aims to reduce the violent crime in Mexico. PRIORITIES AND KEY ISSUES, *supra* note 12, at 7. The strategy in the six specific areas includes: “better government planning that would result in a reduction in violence and clear, measurable results; increases in crime prevention programs and social investments to give young people alternatives to crime; a commitment to protect human rights; improved inter-governmental coordination among federal agencies and between federal, state and municipal governments; continuation of institutional reform and strengthening efforts; and, continuous evaluation of government programs for effectiveness with adjustments made based on these evaluations.” Eric L. Olson, *The Future of U.S.-Mexico Security Collaboration*, in NEW IDEAS FOR A NEW ERA: POLICY OPTIONS FOR THE NEXT STAGE IN U.S.-MEXICO RELATIONS, 17, 20 (2013), available at http://www.wilsoncenter.org/sites/default/files/new_ideas_new_era.pdf.

“reducing violence, combating poverty, boosting economic growth, reforming education, and fostering social responsibility.”⁶⁹ All of the five pillars tackle individual problems, but the grand scheme centers around making Mexico the vibrant, economically successful, and strong country it can be.

President’s Peña Nieto’s security strategy and reformation plan for Mexico fall in line with the second and fourth pillar of the Mérida Initiative. Although the suspension of funding for the Mérida Initiative shows some doubt as to whether President Peña Nieto is serious about combating the DTOs,⁷⁰ President Peña Nieto’s six action security plan focuses on continuing the rule of law reformation, specifically in the justice system, and also strengthening the Mexican communities that can assist in tackling the DTOs’ strong presence in the country.

President Peña Nieto’s strategy, which aligns with pillar II of the Mérida Initiative, includes “strengthening the Attorney General’s office, [and] revising the practice of pre-trial detention to better protect human rights”⁷¹ The Attorney General, Jesus Murillo Karam, is the current architect of the justice system reformation, and

69. PRIORITIES AND KEY ISSUES, *supra* note 12, at 6.

70. *Sen. Patrick Leahy Blocks \$95M in Mérida Initiative Funds*, MEX. GULF REPORTER (Aug. 15, 2013), <http://www.mexicogulfreporter.com/2013/08/sen-patrick-leahy-blocks-95m-in-merida.html> (noting that funds for the Mérida Initiative have been frozen since February, 2013 due to the Senator’s belief that President Nieto is not doing enough to go after the DTOs or disrupt their industry, thereby closing the funds to Mexico that were initially to be distributed in January 2013); see Laura Carlsen, *Suspensión de Fondos a la Iniciativa Mérida Salvará Vidas*, PRENSA SAN DIEGO (Aug. 23, 2013), <http://laprensa-sandiego.org/stories/suspension-de-fondos-a-la-iniciativa-merida-salvara-vidas/> (discussing how Senator Patrick Leahy’s concerns relate to a lack of clear strategy by the United States Department of State and the Mexican government, and increasing human rights violations).

71. *U.S.-Mexico Security Relationship: Hearing Before the Subcomm. on W. Hemisphere and Global Narcotics Affairs of the S. Comm. on Foreign Relations*, 113th Cong. 3 (2013) (statement of William R. Brownfield, Assistant Sec’y of the Bureau of Int’l Narcotics and Law Enforcement Affairs), http://www.foreign.senate.gov/imo/media/doc/Brownfield_Testimony.pdf. The Mexican system is currently undergoing a transition from an inquisitorial, closed system where the detained individual is held during the evidentiary stage of the proceeding known as the *arraigo*. See Hine-Ramsberger, *supra* note 43, at 292-96. This process may take years to conclude, so during that time the person is held without receiving a final verdict. *Id.* at 298.

240 CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL [Vol. 44

works with the United States Department of Justice to ensure that the deadlines within the plans of reformation are met.⁷² By strengthening the office, Attorney General Karam has more discretion and opportunity to implement these changes. Attorney General Karam has stated that it is fundamentally important to continue collaborations with the United States.⁷³ By strengthening his decision-making, it should translate as a forward step towards continuing the justice system reformation under the Mérida Initiative and maintaining a close collaboration with the United States in the process.

Additionally, President Peña Nieto's strategy in revising the pre-trial detention falls directly in line with reforming the rule of law. One of the key strategies addressed in the judicial system reformation is revising pre-trial detention by limiting this action to perpetrators and persons accused of violent crimes.⁷⁴ Furthermore, the Mexican government has sought additional assistance from the United States government in implementing this judicial reform.⁷⁵ President Peña Nieto understands that an effective plan of reformation requires the assistance of the United States because the reformed system is currently modeled after the United States judicial system.⁷⁶

For the Mexican government to continue implementing the plan, they require that United States advisors assist in ensuring that the plan is not only instilled, but also successfully implemented. President Peña Nieto demonstrates that he intends to tackle the specific problems within the current justice system. By strengthening the office of Attorney General, he demonstrates his continued commitment to reformations of pre-trial detentions, one of the key strategies of the overall justice system reformation. Furthermore, by seeking the assistance of the United States Department of Justice to

72. SUPPORTING CRIMINAL JUSTICE REFORM IN MEXICO, *supra* note 45, at 13-14.

73. *Transforming Justice in Mexico: Discussion with Mexico's Attorney General Jesús Murillo Karam*, WILSON CENTER (Sept. 10, 2013), <http://www.wilsoncenter.org/event/murillo-karam>.

74. SUPPORTING CRIMINAL JUSTICE REFORM IN MEXICO, *supra* note 45, at 5.

75. *See* PRIORITIES AND KEY ISSUES, *supra* note 12, at 16.

76. *See* Hine-Ramsberger, *supra* note 43, at 292. *See generally* SUPPORTING CRIMINAL JUSTICE REFORM IN MEXICO, *supra* note 45, at 4 (stating that the move is towards an "adversarial public trial system with oral arguments and the presumption of innocence until proven guilty.").

implement the reformations, he is aligning himself to the Calderón 2008 amendments and the Mérida Initiative's plan

To align with the fourth pillar of the Mérida Initiative, President Peña Nieto further emphasized the importance of building strong and resilient communities by introducing his pillars of “reducing violence; combating poverty; boosting economic growth; reforming education; and fostering social responsibility.”⁷⁷ President Peña Nieto has created the “Mexico Crime and Violence Prevention Program,” and aims to use the program to strengthen the local, state and federal governments with their efforts at policy making and identifying resources to fight crime.⁷⁸ The program enlists the help of the International City/County Management Association (“ICMA”) to create “municipal violence and crime prevention committees . . . which [assist in] monitoring crime prevention initiatives in the community.”⁷⁹ They are in the stages of developing a manual for community policing, which in turn incorporates the community in the government's crime prevention efforts.⁸⁰ The creation of the National Crime and Violence Prevention Program demonstrates that President

77. PRIORITIES AND KEY ISSUES, *supra* note 12, at 6.

78. *Mexico Crime and Violence Prevention Program*, ICMA INT'L, http://icma.org/en/international/projects/directory/Project/1040/Mexico_Crime_and_Violence_Prevention_Program [hereinafter ICMA] (last visited Jan. 28, 2014). The program is currently funded through the USAID for three years. *Id.* Its aim is to support “urban and social planning to strengthen crime and violence prevention; . . . [improve] the capacity of local government to incorporate community stakeholders into its budgeting process to increase public and private investments in violence prevention; and . . . promot[e] community policing to improve relationships between municipal police and the community through the ICMA CityLinks[] approach.” *Id.*

79. *Id.*; *Who We Are: ICMA: Leaders at the Core of Better Communities*, ICMA, http://icma.org/en/icma/about/organization_overview/who_we_are (last visited Mar. 28, 2014). ICMA is a non-profit organization under Mexican law which “serves as a base to promote professional management in subnational governments in the region, carrying out ICMA's mission . . .” *ICMA México-Latinoamérica*, ICMA INT'L, http://icma.org/en/international/about/icma_latino_america (last visited Mar. 12, 2014). ICMA provides “[r]esources, information, and training on good governance through [their] Web site . . .” *Id.* They also provide “[a]ssessment instruments and other programs that strengthen subnational institutional capacity . . .” and they offer “[o]pportunities for interaction among Mexican administrators, officials, and local government organizations . . . and their counterparts in the United States. *Id.*

80. ICMA, *supra* note 78.

Peña Nieto's interest is aligned with the fourth pillar of the Mérida Initiative. The funding comes from USAID,⁸¹ the resource used for the fourth pillar under former President Calderón, and they continue to positively impact the communities in Mexico. Furthermore, the program is at the beginning stages of creating a community policing manual, an empowering tool to assist in building strong and resilient communities.

President Peña Nieto's security plan is also aimed to protect and respect human rights in Mexico.⁸² The fourth pillar of the initiative, under the USAID implementation, focuses on supporting the Mexican government in providing life and job skills for at-risk youth in three cities: Ciudad Juárez, Monterrey, and Tijuana.⁸³ They also provide educational opportunities within the cities, and they improve the local governments' capacity to assist with citizen safety and address root causes of crime and violence.⁸⁴ The Mexican government, under President Peña Nieto, and USAID show the collaborative efforts that have shined throughout the Mérida Initiative. Both parties are tackling issues with employment and educational opportunities, which are imperative to building a strong community. Furthermore, both parties demonstrate an emphasis on youth, which are the most susceptible to the DTOs' influence. USAID and President Peña Nieto's plans are working to find alternative ways to reduce the DTO's hold on territory by reducing their chances to control the community through the youth.

President Peña Nieto demonstrates in his strategy an inherent understanding of the purpose of the four pillars of the Mérida Initiative. He sees that although combating the DTOs is still a priority, the problems' roots go deeper into society with the lack of rule of law, violation of human rights, and community distrust. By

81. *Id.*

82. PRIORITIES AND KEY ISSUES, *supra* note 12, at 7. The Mexican government has allocated "a \$9 billion budget that includes socioeconomic, education, infrastructure, and drug treatment programs." *Id.*

83. *Testimony of Mark Feierstein, Assistant Administrator for Latin America and the Caribbean, Before the Senate Foreign Relations Western Hemisphere Subcommittee*, USAID (June 18, 2013), <http://www.usaid.gov/news-information/congressional-testimony/june-18-2013-testimony-mark-feierstein-security-cooperation-mexico>.

84. *Id.*

proclaiming the important task of rebuilding the communities after years of drug violence and turmoil, President Peña Nieto has aligned himself with the United States and pillar II and IV of the Mérida Initiative.

While concrete examples show how President Peña Nieto's plan aligns with the Mérida Initiative, doubts also stem from his security strategy plan. Some experts find that President Peña Nieto's move to centralize security policy is an indication that he is more skeptical of the United States/Mexico collaboration.⁸⁵ Furthermore, President Peña Nieto "plac[ed] the Federal Police and intelligence service under the authority of the Interior Secretary," which Representative Albio Sires of New Jersey indicated could pose a setback in cooperation in the federal agencies for both countries working together.⁸⁶ Lastly, "[e]ight months into his administration, the jury is still out on Peña Nieto's security strategy," and some argue that he has yet to concretely define those security priorities and how they will be accomplished.⁸⁷

While it is common that change in leadership will lead to change in the workings of a program such as the Mérida Initiative, President Peña Nieto has shown continual commitment to implement the reforms and changes stemming from the Mérida Initiative. The concerns addressed by the Subcommittee of Foreign Affairs seem to originate from logistics on which government agency shall be responsible for each program,⁸⁸ and not from a disconnect from the Mérida Initiative.⁸⁹ While valid, they tend to be minor setbacks from the overall scheme of the Mérida Initiative. As with any new leader coming in to run a country, each one wants to distinguish themselves

85. See *Hearing, supra* note 16, at 3 (statement of Rep. Albio Sires, Subcommittee on the Western Hemisphere, Committee on Foreign Affairs).

86. *Id.*

87. PRIORITIES AND KEY ISSUES, *supra* note 12, at 7.

88. See *id.* at 3 (describing how Mexican presidential transitions are characterized by turnovers within the government agencies, and overhaul of governmental structure and organizational patterns).

89. See *Hearing, supra* note 16, at 16 (testimony of John D. Feeley, Principal Deputy Assistant Secretary of the Bureau of Western Hemisphere Affairs) (describing how Peña Nieto and his team made clear their continued interest to collaborate with the United States on security matters, including crime prevention and rule of law).

in their approach to a plan instilled by a former President, and these changes take time to implement with the checks and balances of a country. Yet, the overall scheme, through current strategies, plans of action, and concrete examples, point President Peña Nieto in the direction that aligns itself with both the United States and the Mérida Initiative.

President Peña Nieto maintains a willingness to continue Mexico's committed collaboration with the United States on the Mérida Initiative. Former President Calderón and President Obama shifted the goals to ensure that a complete overhaul of Mexico's security policy resulted in both the empowerment of the country and elimination of violence.⁹⁰ Yet building a resilient community requires that the community be involved in the reformation process, along with the judicial system and the police force. One approach that has proven tremendously successful, both in the United States and other nations, is the concept of community policing.

III. COMMUNITY POLICING: A NEW APPROACH TO POLICE AND CITIZEN INTERACTION IN MEXICO

The paradigm shift under the Obama Administration, and President Peña Nieto's security strategy plan, led to many questions on how to implement the new pillars under the Mérida Initiative. USAID currently laid the foundation for both pillar II and IV by assisting with the justice reformation and including at-risk youth in their plan to quell the violence in the Mexican border-states.⁹¹ However, incorporating community policing can create a more systematic and foundational change with both the rule of law and building resilient communities, thereby getting deeper to the root of the problem plaguing Mexico. Implementing the community policing model requires extensive understanding of its purpose, approaches, strengths, weaknesses, and goals to ensure that it not only meets the individualistic needs of the communities in Mexico, but also succeeds both in the short-term and long-term goals of the Mérida Initiative.

90. See SEELKE & FINKLEA, *supra* note 18, at 6-7.

91. See *Hearing*, *supra* note 16, at 27 (statement of Elizabeth Hogan, Senior Deputy Assistant Administrator of Latin America and the Caribbean).

The development of community policing came to fruition in the United States in the 1960s and 1970s when protests against the Vietnam War and the Civil Rights movement led to police-community interactions that were reactive and negative for both the police and the community.⁹² The negative interactions between citizens and the police led to a reduction of reported crime, and so the police and government changed their approach when interacting with the community to develop a sense of trust between the two.⁹³ In the 1990s, the United States Federal government took note of the community policing module and backed the program financially.⁹⁴

In 1994, the United States, under the Department of Justice, developed the Federal Community Oriented Policing Service (COPS) program to advance the concept of community policing and provide funding to law enforcement implementing their own modules.⁹⁵

92. See BUREAU OF JUSTICE ASSISTANCE, UNDERSTANDING COMMUNITY POLICING: A FRAMEWORK FOR ACTION 6-7 (1994) [hereinafter UNDERSTANDING COMMUNITY POLICING], available at <http://www.ncjrs.gov/pdffiles/commpp.pdf>. The crime rate rose dramatically in the 1960s and continued to rise into the mid-1970s. Matt Wawrzyn, *Chicago v. Morales: Constitutional Principles at Loggerheads with Community Action*, 50 DEPAUL L. REV. 371, 376 (2000). Many of the riots in the 1960s occurred to challenge the police tactics and were sparked by incidents with the police. *Id.* Once the police realized their tactics were resulting in community resentment, experimentation on new police tactics began, thus laying the foundation of community policing in the United States. See *id.* at 376-77.

93. UNDERSTANDING COMMUNITY POLICING, *supra* note 92, at 7. One of the earliest examples was through the San Diego Police Department and the community-oriented policing project (COP). *Id.* at 8-9. COP required patrol officers to be knowledgeable about their patrol runs in the demographics, topography and call history of the city. *Id.* at 9. The project showed that better police interaction with the community improved attitudes towards police responsibilities and the communities they served; it also produced both innovative and creative solutions to the problems that plagued the local communities. *Id.*

94. See Reisig, *supra* note 26, at 2.

95. NATHAN JAMES, CONG. RESEARCH SERV. R40709, COMMUNITY ORIENTED POLICING SERVICES (COPS): CURRENT LEGISLATIVE ISSUES 1 (2010); Reisig, *supra* note 26, at 2 (“From 1995 to 2008, the Community Oriented Policing Services (COPS) program awarded more than \$ 13 billion in grants to local police agencies to hire community policing officers and foster police-community problem solving . . .”). The COPS program was enacted through the “Public Safety Partnership and Community Policing Act of 1994, Title I of the Violent Crime Control and Law Enforcement Act . . .” U.S. GOV’T ACCOUNTABILITY OFFICE, GAO/GGD-97-167, COMMUNITY POLICING: ISSUES RELATED TO THE DESIGN,

Many cities, including Los Angeles and Chicago, have addressed their problems of crime and safety with their own versions of community policing, and it has shown to be a step towards encouraging the local communities to actively collaborate with law enforcement in their efforts to solve these problems.⁹⁶ Community policing can fundamentally change Mexico's relationship between the communities and the government. If implemented correctly, it can transform the country from a state of perpetual violence to a strong nation of courageous individuals willing to protect their homes, their neighbors, and their country.

*A. Components of Community Policing: Prevention is Better than the Cure*⁹⁷

As a basic foundation to community policing, the concept varies depending on the approach the police, local government and the community take when interacting with one another. At its core, however, community policing is an organizational strategy with many multifaceted features⁹⁸:

[I]t requires that citizens, at the neighborhood level, meet regularly with police to jointly define neighborhood crime problems and set police priorities[, which] serves four functions: (1) it allows the neighborhood residents to express their concerns and needs; (2) it gives the police a forum to educate citizens about neighborhood crime issues; (3) it allows the neighborhoods to state complaints about the police themselves; and (4) it gives police a chance to report back on what actions they have taken and what successes . . .

OPERATION, AND MANAGEMENT OF THE GRANT PROGRAM 1 (1997) (footnote omitted).

96. See *Community Policing Unit: Opportunities*, L.A. POLICE DEP'T, http://www.lapdonline.org/support_lapd/content_basic_view/731 (last visited Feb. 1, 2014); *What is CAPS*, CHI. POLICE, <https://portal.chicagopolice.org/portal/page/portal/ClearPath/Get%20Involved/How%20CAPS%20works/What%20is%20CAPS> (last visited Mar. 28, 2013).

97. Ogadimma Chukwubueze Arisukwu, *Community-Oriented Policing in Nigeria: A Focus on Adatan, Ogun State*, 85 POLICE J. 319, 320 (2012), available at <http://vathek.org/doi/pdf/10.1350/pojo.2012.85.4.583>.

98. James Forman, Jr., *Criminal Law: Community Policing and Youth as Assets*, 95 J. CRIM. L. & CRIMINOLOGY 1, 7 (2004).

they have had⁹⁹

Aside from the communication component discussed above, a plan for solving the issues raised in the meetings is also essential to develop an effective framework of community policing.¹⁰⁰ This can mean a variety of approaches in tackling the problems raised at the meetings; it can mean that the police eliminate the problem in its entirety, reduce the number of instances of the same problem, reduce the degree of injury within the problem, and/or treat a problem in a more humane fashion.¹⁰¹

The underlying process would be a combination of information gathering, or communication between the police force and the community, followed by problem solving methods to resolve the issues raised in the information gathering stage, which would then create a cycle that aims to build trust between the police and the community.¹⁰² The end result would mean that more people are willing to bring up issues that affect the local community with the assurance that the issue will be resolved, thus creating a continuum of information gathering and problem solving between the police force and the community.¹⁰³ Community policing is one approach to restore the community trust and deal with adversarial relationships between the police and disadvantaged communities.¹⁰⁴

99. *Id.* (footnotes omitted).

100. *See* UNDERSTANDING COMMUNITY POLICING, *supra* note 92, at 17-18.

101. *Id.* at 20. An example would be addressing a rise in domestic violence disputes in a local community. *Id.* The police may notice when they get a call from dispatch that the perpetrator in most instances is intoxicated and that the crimes are occurring regularly during nighttime hours. *Id.* Community members may then discuss the fact that there is an after-hours illegal night club where a good portion of the perpetrators enjoy their time. *Id.* The police, local leaders, local government officials, and the general community may then hold a meeting to find out proper methods to close down the club with little hostility from the business owner. *Id.* Furthermore, special interest groups, police, and the local government may then work together to establish shelters for battered women and rehabilitation centers, thus stopping the problem of the illegal night club, and helping those affected by both the alcohol abuse and the spousal abuse as a result of the excessive drinking. *Id.*

102. *See id.* at 19.

103. *Id.*

104. Forman, Jr., *supra* note 98, at 8.

B. Successful Programs of Community Policing in the United States and the World

Community policing can be implemented in a variety of different approaches, each tailored to the needs of the city. One excellent example of community policing is through the city of Chicago and their “Chicago Alternative Policing Strategy” (CAPS) program.¹⁰⁵ In the 1990s, Chicago went through a significant increase in crime rates, including homicides, robberies, and aggravated assaults.¹⁰⁶ As a response to the high rates in crime, the city took action by reforming the police and ensuring that in their new era of crime, a more effective police force would assist in reducing the crime problem; thus the community policing model was implemented in the city.¹⁰⁷

Chicago uses a “problem-solving” model; it defines a persistent problem that continually occurs and concerns a significant portion of members in the neighborhood.¹⁰⁸ The police, who are designated to patrol and protect a section of the city, thereby use a five-step process: “(1) identify and prioritize the problem, (2) analyze the problem, (3) design response strategies, (4) implement response strategies, and (5) assess the success of response strategies.”¹⁰⁹ This process is conducted through the *Beat Meetings* throughout the city where the aim is provide residents a forum to discuss chronic problems and engage in the five-step process to solve these chronic problems.¹¹⁰

105. *How CAPS Works*, CHI. POLICE, <https://portal.chicagopolice.org/portal/page/portal/ClearPath/Get%20Involved/How%20CAPS%20works> (last visited Feb. 1, 2014).

106. Wawrzyn, *supra* note 92, at 371.

107. See generally WESLEY G. SKOGAN & SUSAN M. HARTNETT, COMMUNITY POLICING: CHICAGO STYLE, 38-41 (1997) (discussing the changes in the leadership of the Chicago police, including the change from an “old school” superintendent cop to a more progressive candidate in terms of accepting the change to community policing; at the same time that these leadership changes occurred, the mayor was transitioning into the experimental phase of community policing).

108. WESLEY G. SKOGAN ET AL., NAT’L INST. OF JUSTICE, PROBLEM SOLVING IN PRACTICE: IMPLEMENTING COMMUNITY POLICING IN CHICAGO 1, 3 (2000), available at <http://www.ojp.usdoj.gov/nij>.

109. WESLEY G. SKOGAN ET AL., NAT’L INST. OF JUSTICE, TAKING STOCK: COMMUNITY POLICING IN CHICAGO 4 (2002) (alteration in original), available at <https://www.ncjrs.gov/pdffiles1/nij/189909.pdf>.

110. The meetings are held monthly, bi-monthly, or quarterly throughout the

Other cities in the United States have their own versions of community policing, including Los Angeles and Boston.¹¹¹ Boston's crime problem grew tremendously when hostilities between the police and the inner-city community augmented substantially.¹¹² Boston's community policing model had two interconnected approaches. First, it tackled the homicide rate in a highly concentrated area because it realized that "less than one percent of the adolescents and post-adolescent[s in the area were] responsible for sixty percent of the of the city's homicides."¹¹³ At the same time, Boston addressed the issue of police harassment by working with its community leaders; city officials worked in inner-city churches, and church ministers were effective intermediaries "due to their close connections with neighborhood youth and long history of speaking against police abuse."¹¹⁴ Looking at Boston's model, the police took on both the immediate need to quell the violent homicide crimes, and at the same time, they took responsibility for harassing the youth by reaching out to individuals that would create the platform to mend a broken relationship and instill trust.

Countries throughout the world also implement forms of community policing into their local police departments, including Great Britain, Singapore, and Japan.¹¹⁵ Japan currently has the oldest

285 beats in Chicago. *What Are Beat Meetings . . . And Why Are They Important?*, CHI. POLICE, <https://portal.chicagopolice.org/portal/page/portal/ClearPath/Get%20Involved/How%20CAPS%20works/Beat%20Meetings> (last visited Nov. 30, 2013)

111. ANDREA SCHNEIDER ET AL., *COMMUNITY POLICING IN ACTION!: A PRACTITIONER'S EYE VIEW OF ORGANIZATIONAL CHANGE* 15 (2003), available at <http://www.cops.usdoj.gov/Publications/communitypolicinginaction.pdf>; L.A. POLICE DEP'T, *supra* note 96.

112. *See* Forman, Jr., *supra* note 98, at 38.

113. *Id.*

114. *Id.* at 38-39.

115. *See* JEROME H. SKOLNICK & DAVID H. BAYLEY, *NAT'L INST. OF JUSTICE, COMMUNITY POLICING: ISSUES AND PRACTICES AROUND THE WORLD* 4-7 (1988), available at <http://babel.hathitrust.org/cgi/pt?id=mdp.39015024885173;view=1up;seq=3>. The London Metropolitan Police implement the "Neighborhood Watch" program, the centerpiece of their community crime-prevention. *Id.* at 4. Japan's community involvement is through custom; membership is automatic and leaders provided mediation services, "organized neighborhood improvement campaigns, [and] communicated information about local concerns . . ." *Id.* at 5.

community policing program in the world, which was created after World War II.¹¹⁶ The government has built local police stations approximately six to seven blocks apart, their policemen are on foot, and they respond to citizens' request for services.¹¹⁷ Furthermore, twice a year, policemen visit the homes and businesses of their neighborhoods to inquire about the problems of the neighborhood, inform the citizens of the area, and use their time for crime-prevention and security inspections.¹¹⁸

These models are just a few of the variety of ways to implement community policing. As a preliminary component, it is essential that the country tailor its policy over its immediate and long-term needs. With the assistance of the United States under the Mérida Initiative, Mexico can implement community policing into the communities most affected by the drug violence as short-term form of relief, and possibly into the entire country as a long term goal, with an organization plan similar to the United States' COPS program.

IV. A FEDERAL PROGRAM OF COMMUNITY POLICING IN MEXICO:
CONNECTING PILLAR II AND PILLAR IV OF THE MÉRIDA
INITIATIVE

Following along in the footsteps of former President Calderón, President Peña Nieto has a great task ahead of him in dealing with the DTOs. His goals for Mexico and for his security strategy plan are “to reduce violent crime,” maintain a low-key approach to arresting the DTO leaders, and to create a national prevention program that would include “socioeconomic, education, infrastructure, and drug treatment programs.”¹¹⁹ Aligning his goals with tackling the weak institutions and building strong resilient communities could mean that a federal

Singapore conducts their own version of the “Neighborhood Watch” Program, which covers half of the population. *Id.* at 7.

116. *Id.* at 31.

117. David Bayley, *The State of the Art in Community Policing: An International Perspective*, in AUSTRALIAN INSTITUTE OF CRIMINOLOGY CONFERENCE PROCEEDINGS: THE POLICE & THE COMMUNITY 7 (Sandra McKillop & Julia Vernon, eds., 1992), available at http://www.aic.gov.au/media_library/publications/proceedings/05/bayley.pdf.

118. *Id.*

119. PRIORITIES AND KEY ISSUES, *supra* note 12, at 7.

program, similar to that of the COPS program by the Department of Justice, would be the key step in bringing his goals to reality.

Under pillar II of the Mérida Initiative, the Mexican government, with the guide of the United States Department of State, the Department of Justice, and USAID, can incorporate community policing into their training programs for the federal, state and local police forces. Former President Calderón purged many of the precincts from the corrupt policemen that decimated any trust that existed between the public and the government,¹²⁰ and therefore it would be an opportune moment to instill a comprehensive community policing program to new members.

Since the Mexican government has a great task of building trust for the local police enforcement, a program similar to the “Broken Windows Theory” would be an excellent start at gaining momentum.¹²¹ Under the “Broken Windows Theory,” the government sees two dimensions to a community’s problem: social disorder and physical disorder.¹²² These two dimensions instill a fear and lack of safety within the community.¹²³ Physical and social disorder fester the underlying serious crimes that take hold of the community, but they can be remedied through different methods like making use of abandoned buildings or cleaning up graffiti.¹²⁴

120. .See U.S. DEP’T OF STATE BUREAU OF DIPLOMATIC SEC., *Mexico 2013 Crime and Safety Report: Nuevo Laredo* (Aug. 12, 2013) [hereinafter *Mexico 2013 Crime & Safety Report*], available at <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=14358>; Ken Ellingwood, *Mexico Fired 3,200 Federal Police Officers*, L.A. TIMES (Aug. 31, 2010), <http://articles.latimes.com/2010/aug/31/world/la-fg-mexico-police-fired-20100831>.

121. See Reisig, *supra* note 26, at 24.

122. *Id.* The social disorder consists of problems that are “boorish and threatening,” such as “aggressive panhandling, street prostitution, public drinking and drug use, and urinating in public spaces.” *Id.* The physical disorder “refers to visual signs of negligence and unchecked decay,” such as broken streetlights and windows, vacant lots filled with garbage, abandoned . . . buildings and cars, and gang graffiti . . .” *Id.* (internal quotation marks omitted).

123. See *id.* at 25.

124. *Id.* at 29 (describing the Chicago solution to fixing the physical disorder with police intervention significantly improving neighborhood conditions in the area studied.) The city of Chandler, Arizona “emphasized order maintenance and zoning ordinance enforcement to address disorder problems” which resulted in a significant decrease in the number of service calls related to “public moral offenses.” *Id.* at 30

The police would be trained to work with the local government to ensure that these problems are resolved through an overhaul and systematic training. To address the issue of individuals causing these small problems in the community, policemen would be trained in the concept of mediation and counseling, using non-arrest methods, such as “persuasion, counseling, and ordering” to resolve the small problems that do not necessarily require the police to book the individuals causing the problems.¹²⁵ If these approaches do not resolve the problem, then strict adherence to arresting individuals for misdemeanors would be the next step.¹²⁶

After a systematic training of all local police enforcement, their roles would expand from handling crimes within the area to also assisting the local government with solving small, but powerful problems within the community.¹²⁷ These problems would be addressed on a routine basis,¹²⁸ and the policemen would have discretion, with feedback from the community through the community meetings, as to the seriousness of the problem and the immediate need to solve it.¹²⁹ The local police force would be focused on the community, tackling non-DTO crimes and fixing social and physical problems within the community to gain their trust. The federal police, on the other hand, would continue to fight against the DTOs and ensure that they do not impede on the local police’s progress within the community.

An emphasis on the “Broken Windows Theory” is based on training the local and state police force due to the discretionary power that is granted under the theory;¹³⁰ this training can result through the

(citation omitted).

125. *Id.* at 27.

126. *Id.*

127. See UNDERSTANDING COMMUNITY POLICING, *supra* note 92, at 21 (providing example of a patrol officer talking to members of the neighborhood to find out about the problems of lighting in certain neighborhood, which if solved, can decrease the incidents of mugging). See *generally* Reisig, *supra* note 26, at 24-25 (discussing how physical disorder creates a profound sense of fear in the neighborhood).

128. See Reisig, *supra* note 26, at 26.

129. UNDERSTANDING COMMUNITY POLICING, *supra* note 92, at 17, 22.

130. See Reisig, *supra* note 26, at 26 (stating that police officers “must determine the seriousness of the offense in context . . . [and] must also evaluate the

Mérida Initiative and coordination by the United States Department of Justice, since it manages the COPS program in the United States.¹³¹ Furthermore, Mexico has the potential to develop a federal program of community policing and implement the program throughout the nation. However, the coordination between the local, state, and federal police forces is imperative to ensure that a program like the “Broken Windows Theory” works in Mexico. The United States’ supervisory role, through constant feedback and evaluation, is essential to ensure that police conduct falls within the training, the federal police focus on tackling DTO violence, and community policing does not transform into a negative effect on the community and Mexico.

The missing component in Mexico is the police interaction and communication with the community, which would fall under pillar IV of the Mérida Initiative. At the beginning, it will be extremely difficult to believe in the changes implemented by the local police force, but with a local meeting ground between the two, a start at change can occur. Similar to Chicago’s *Beat Meetings*, the police force can hold weekly or bi-weekly meetings for the community to meet with their police representatives and discuss the physical and social disorder in their community.¹³² Furthermore, the police force needs to gain the trust of the local community leaders such as priests, teachers, private citizens, and civic leaders, to communicate as intermediaries to ensure that the police force has the backing of those highly invested in the community.¹³³ The government may use the example under the Boston model where two components of police work are initiated: the first would be solving the immediate problem of violent crimes within the community, and the second would be using the leaders within the community in the meetings as

harm done to the victim or effect on the community.”).

131. JAMES, *supra* note 95, at 1 (The COPS program aims to “advance community policing in all jurisdictions across the United States.”) (footnote omitted).

132. See Forman, Jr., *supra* note 98, at 9.

133. See *id.* Chicago uses “District Advisory Committees” and meets with the District commanders of the police force on a regular basis to discuss the community’s conditions and police responses. *Id.*

intermediaries to address police abuse,¹³⁴ in addition to the physical and social disorder problems within the community.

Once trust is maintained between the community and the police force; further steps can be taken to solidify this trust. Using the example from Japan, additional precincts can be built in neighborhoods and the police's role can evolve even more: from mere crime scene investigators to community problem solvers.¹³⁵ Community policing cannot be just a short-term goal, it must be an investment into the community and a program that will remain intact regardless of the leaders in power. The success of this program is not only reducing violence, but also building a strong and resilient community that relies and trusts in the police and the government.

Community policing would be an essential and positive program to implement under both pillar II and pillar IV of the Mérida Initiative. The basic commonality that all countries and cities had when implementing community policing was the existence of a crisis in crime rates and disconnect between communities and the police. Traditional approaches were no longer viable to ensure crime was not only quelled, but prevented. For example, when the CAPS program and the concept of community policing in general was considered as a possible new program in Chicago, the city's crime problem peaked due to an increase in drug trafficking and gang-related activity.¹³⁶ The four largest gangs in the city accounted for almost seventy percent of the gang crimes, and with the lucrative business of selling crack-cocaine, alliances between gangs fell apart and the city fell victim to high homicide rates.¹³⁷ Furthermore, the Chicago police department was characterized as "lazy, poorly-managed, and unresponsive to policy direction."¹³⁸

134. *See, e.g., id.* at 38-39.

135. *See* SKOLNICK & Bayley, *supra* note 115.

136. SKOGAN & HARTNETT, *supra* note 107, at 20-21 (noting that during 1991, "almost 44,000 robberies were reported . . . [a]ssaults were up by 1,000" from the previous year, burglaries were substantially higher than the previous year, and murders reached "fourth in the nation.").

137. *Id.* at 21-22. The housing projects in Chicago became the breeding ground for most of the gang related violence in the city and the violent crime rate in the housing projects was twice as much as the rest of the city. *Id.* at 22.

138. *Id.* at 26. (explaining that the police during the early 1990s were documented as being non-responsive to troubled spots or 911 calls, covering up

Mexico is currently dealing with a serious crisis that involves drugs, highly organized drug cartels, and complete community distrust of the government and the police force. Similarly to Chicago, Mexico suffers from high homicide rates due mostly to the DTO violence as a result of the lucrative business of drug trafficking. During former President Calderón's six year presidency, over 60,000 individuals were estimated to have been killed as a result of the perpetual drug violence and defense mechanisms instilled by the country.¹³⁹

With divisions and adversarial relationships between the numerous DTOs,¹⁴⁰ the homicide rate increase was, and continues to be, attributed to the DTOs persistence in gaining and controlling territory to conduct their business effectively. Furthermore, there seems to be an ever increasing threat of violence with the change in the presidency.¹⁴¹ In order to decrease the amount of violence that plagues Mexico, the Mexican government must enlist the community to assist them in their fight to retain peace in their country, which is the approach Chicago took when its city dealt with a significant spike in drug-related violence. Former President Calderón took a progressive step, similarly to Chicago with the CAPS strategy, towards implementing a community policing archetype with "Todos Somos Juárez."¹⁴²

mistakes made by their colleagues, and providing "indifferent service.")

139. See *Hearing, supra* note 16, at 3 (statement of Rep. Albio Sires, Subcommittee on the Western Hemisphere, Committee on Foreign Affairs).

140. The Zetas cartel was once a section of the Gulf Cartel, but broke off to fight a war with the Sinaloa cartel to gain Juárez as a main territory. See Kerr, *supra* note 14, at 195-96. In other instances, when there was a capture of one leader under the "kingpin" strategy, the DTOs would break apart and violence would rise due to their desire to control territory. See *Hearing, supra* note 16, at 63 (testimony of Steven Dudley, Director, Insight Crime).

141. The government estimates that "at least 6,000 additional organized crime-related deaths occurred during the first six months of the Peña Nieto Administration." PRIORITIES AND KEY ISSUES, *supra* note 12, at 15.

142. See *Hearing, supra* note 16, at 65 (testimony of Steven Dudley, Director, Insight Crime). The phrase "Todos Somos Juárez" means "We are all Juárez." *Id.*

A. *We are all Juárez: The Community Moves to Quell the City's Violence*

In 2011, Ciudad Juárez was synonymous with drug violence in Mexico. Between 2007 and 2011, the city's homicide rate went from about 300 to over 3,500 deaths.¹⁴³ The cause of the violence stemmed from the larger DTOs fighting for control over the city and one of the most important access points between the United States and Mexico; corrupt officials were involved by allowing the drug trade to flourish.¹⁴⁴ While there was a dramatic rise in violence, there was also a dramatic reduction in murders, extortion, and kidnappings in the city.¹⁴⁵ Some analysts believed that the Sinaloa cartel won the war against the Juárez cartel for control of the territory, but others have a strong belief that the active involvement of the citizens led to the quelling of violence in Ciudad Juárez.¹⁴⁶

Former President Calderón responded to this violence by creating the “Todos Somos Juárez (We Are All Juárez) [project] that brought together the business community, civil society and the various levels of government to take on the challenge . . .” of eliminating the organized crime that plagued the city.¹⁴⁷ Under former President Calderón, the Mexican government spent a quarter of a billion dollars to change the infrastructure of the city.¹⁴⁸ As a result of the investment to the societal issues of the city, Ciudad Juárez created a platform for officials and the community to discuss the underlying issues. They implemented the “Mesa de Seguridad,” or a safety table, that is currently managed by the citizens; government officials come

143. *Id.* at 64.

144. *Id.* at 64-65.

145. *Id.* at 64.

146. *Id.*

147. Christopher Wilson, *Todos Somos Nuevo Laredo? How Mexico's PRI Can Make Nuevo Laredo into Juarez*, WILSON CENTER (Aug. 7, 2013) (internal quotation marks omitted), <http://wilsoncenter.org/article/todos-somos-nuevo-laredo-how-mexicos-pri-can-make-nuevo-laredo-juarez>.

148. Alfredo Corchado, *As Juárez Curbs Cartel and Corruption, Hundreds Apply to Be Cops*, DALLAS NEWS (Apr. 14, 2013, 11:26 PM), <http://www.dallasnews.com/news/nationworld/mexico.20130414-as-juarez-curbs-cartels-and-corruption-hundreds-apply-to-be-cops.ece>.

to the meetings to listen to the problems the city is facing.¹⁴⁹ Within the “Mesa,” there are fourteen committees meeting monthly that are designed to tackle a specific crime or issue, such as kidnapping, car theft, or the Emergency Response Center.¹⁵⁰ The “Mesa” also acts as an intermediary between the officials and the community because, although there has been tremendous progress with ensuring problems get solved, the community in Ciudad Juárez still lacks trust for both the public officials and the police.¹⁵¹

Although this is a skeletal implementation of community policing, the need for positive police-community interaction is the key component to ensure that this system works and remains a stronghold for Ciudad Juárez. Furthermore, Ciudad Juárez shows that not only can community policing work in Mexico, but it can show successful results. Lastly, even though the community continues to distrust the police force and the local government, dialogue has been initiated and continues. This in itself is promising because community is central to the community policing model, and without communication, community policing would not be a viable option.¹⁵² The example of “Todos Somos Juárez” is an excellent archetype that can positively transform many cities in Mexico, including the violent city of Nuevo Laredo.

B. *Nuevo Laredo: Strike it While The Leader is Out*

The early successes of Ciudad Juárez, with the implementation of “Todos Somos Juárez,” have brought a potential opportunity to

149. See *Hearing, supra* note 16, at 65 (testimony of Steven Dudley, Director, Insight Crime).

150. *Id.*

151. *Id.*

152. For example, in Southtown Chicago, facilitators came in to open dialogue between the Hispanic members and African-American members within the community, who at times were in conflict with one another. Forman, Jr., *supra* note 98, at 43. The facilitators were able to open dialogue, locate a problem in a city park and divide between the two groups, and create a plan that allowed both groups use of the park. *Id.* When the facilitators left, the African-American members moved the meetings to a central location in their section, the Hispanic members no longer went to the meetings, and the police force would reject many of the proposals at the Beat Meetings. *Id.* at 43-44. As a result, the community meetings deteriorated and problems within the community persisted. *Id.* at 44.

258 CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL [Vol. 44

develop similar programs in other border-state cities. One particular city plagued by the DTO violence is Nuevo Laredo, which is located in Tamaulipas, Mexico.¹⁵³ The situation in Nuevo Laredo changed a few years ago when the Gulf DTO and the Zetas DTO split; this split began a turf war between the two DTOs, which led to a dramatic increase in violence.¹⁵⁴

Nuevo Laredo has many characteristics that make the city very attractive for a DTO. It is one of the most important crossing points between Mexico and the United States, totaling between 10,000 to 12,000 cargo trucks crossing the border and about 500 million dollars in trade each day.¹⁵⁵ The city is also a main crossing point for many of the eastern states in Mexico, including the Mexican capital, el Distrito Federal, and Monterrey.¹⁵⁶ Furthermore, police corruption continues to run rampant in the town.¹⁵⁷ The majority of the victims do not report their crimes, and most of the population sees the investigative process as a waste of time.¹⁵⁸ The problem with corruption is so extreme, that in July 2011, the entire municipal police force was disbanded because of the corruption, and the military has taken over police responsibility.¹⁵⁹

Additionally, the city is controlled by the Zetas DTO and the homicide rate has gone up by ninety-two and-a-half percent in the last year.¹⁶⁰ The Zetas pose a significant threat in that their tactics are more aggressive and invasive when it comes to controlling territory.¹⁶¹ The Zetas control the news outlets by dictating what news may be broadcasted, and by using extreme acts of violence to perpetuate their

153. See *Mexico 2013 Crime & Safety Report*, *supra* note 120.

154. *Id.*

155. See *Hearing*, *supra* note 16, at 67 (testimony of Steven Dudley, Director, Insight Crime).

156. *Id.* at 68.

157. *Mexico 2013 Crime and Safety Report*, *supra* note 120.

158. *Id.*

159. *Id.*

160. Wilson, *supra* note 147.

161. See MICHELE COSCIA & VIRIDIANA RIOS, KNOWING WHERE AND HOW CRIMINAL ORGANIZATIONS OPERATE USING WEB CONTENT § 6.2 (2012), available at <http://projects.iq.harvard.edu/files/ptr/files/cosciarios.pdf>.

dominance in the city.¹⁶² In essence, the Zetas organization does not consider itself a DTO, but more a military group whose purpose is controlling territory and the people in the territory that conduct the illegal activity.¹⁶³ This key characteristic of the Zetas makes them different than most of the other DTOs and also a formidable challenge for both Mexico and the United States.¹⁶⁴

Yet, the leader of the Zetas DTO was captured in July 2013,¹⁶⁵ leaving many questions about the vitality of the organization.¹⁶⁶ This great blow to the DTO is an important element because if the federal government is tactful about this development, it can go into Nuevo Laredo and implement all four pillars of the Mérida Initiative. Under pillar I, the federal government, with the assistance of the United States, can use the resources and training to continue dismantling the organization, and attacking any top leaders, middle management, and the lower bodies that have been loyal to the organization, which includes cutting off financial resources.¹⁶⁷

Furthermore, under pillar II, Nuevo Laredo is without a police force.¹⁶⁸ Recruiting new police officers, possibly from the federal government or other towns, would be necessary to rebuild the lost police force. This would require thorough background checks, polygraph tests, and drug tests, many of which were used during the Calderón presidency.¹⁶⁹ If enough individuals get recruited into the police force, then with the assistance of the federal police and the

162. William Booth, *In Mexico's Nuevo Laredo, Drug Cartels Dictate Media Coverage*, WASH. POST (Aug. 2, 2010), <http://www.washingtonpost.com/wp-dyn/content/article/2010/08/01/AR2010080103481.html>. The Zetas have people working in the news organizations ensuring that stories of their activities do not get published. *Id.* The Zetas are also responsible for bombings of news buildings, and there are frequent kidnappings of journalists. *Id.* Kidnapping rates in Nuevo Laredo are also the highest in the nation. Wilson, *supra* note 147.

163. *See Hearing, supra* note 16, at 68 (testimony of Steven Dudley, Director, Insight Crime).

164. *Id.*

165. Shoichet, *supra* note 8.

166. *See Corcoran, supra* note 12.

167. *See SEELKE & FINKLEA, supra* note 18, at 12.

168. *See Mexico 2013 Crime and Safety Report, supra* note 120.

169. Reid, *supra* note 14, at 407.

United States representatives under the Mérida Initiative,¹⁷⁰ these individuals can be trained to address the issues pertaining to the DTOs.

Even more importantly, the police officers can be trained to implement community policing into their neighborhoods. This would require extensive understanding of the demographics of the city, the local problems within the neighborhoods in the city, and the private citizens that influence the community.¹⁷¹ This could mean that police officers visit churches, speak to teachers at their local schools, and interact consistently with the local government.¹⁷² Establishing forms of communication is imperative, and the most effective approach is to gain the trust of the influential individuals in the neighborhoods, similar to the “Todos Somo Juárez” program.

With enough interactions between the local police and the leaders of the community, the fourth pillar of the Mérida Initiative will connect with the first and second. The police can begin a “Mesa de Seguridad” similar to that of Ciudad Juárez.¹⁷³ Even in Juárez, the population has yet to trust the government, but they do trust the “Mesa de Seguridad,” and therefore the beginning steps of establishing a bridge of communication are possible and concrete.¹⁷⁴ This new form of interaction will take time, energy, frustrations, and a complete understanding of the community and of community policing.¹⁷⁵ It requires an open-mind and a change in the way policing is conducted. But it is possible, and for the sake of Mexico and the United States, it is an essential component to seeing concrete results under the Mérida Initiative and making a difference in the fight against the DTO violence.

170. See SEELKE & FINKLEA, *supra* note 18, at 14.

171. See UNDERSTANDING COMMUNITY POLICING, *supra* note 92, at 9.

172. See *id.* at 28.

173. See *Hearing*, *supra* note 16, at 65 (testimony of Steven Dudley, Director, Insight Crime).

174. *Id.*

175. See UNDERSTANDING COMMUNITY POLICING, *supra* note 92, at 28 (describing the necessity for community policing to be a “dynamic and flexible process . . .” where on-going feedback and evaluation is essential. The planning must accord to the “needs, conditions, and priorities . . .” of each individual community, and criticisms need to be accepted to refine and revise the model during the implemented stage.)

An important additional note must be addressed. The local police force has to show that they are of the people, whether or not the community distrusts them at the beginning. This would mean that while the local police force manages the small problems to gain the trust of the community, the federal police must still address the bigger picture of tackling the DTOs head-on under pillar I. Both of these pillars need to be working simultaneously because of the extreme hold the DTOs have on the town, and the complete lack of trust the people have for the government. Furthermore, Mexico's problem with corruption and human rights violations pose large barriers for community policing. In order to effectively implement the plan, these problems must be addressed and resolved.

C. Additional Issues that Impede Community Policing's Success in Mexico

The difficulties that deter community policing in Mexico are grave, but they can be overcome through persistence, consistency, and building trust between the communities and the government. Once the United States commits to funding the Mérida Initiative, as the House of Representatives will recommend for the 2014 fiscal year,¹⁷⁶ the focus must shift towards the issues of human rights violations and distrust for the government. The judicial system reformation must continue as the first step. Past conduct in reforming the system, with the guidance of the United States Department of Justice, Department of State and USAID, have shown hopeful signs of successes transitioning to an open adversarial system, with states such as Chihuahua, Morelos, and Zacatecas successfully making the change.¹⁷⁷

176. PRIORITIES AND KEY ISSUES, *supra* note 12, at 15 (“[T]he house version of the FY2014 State-Foreign Operations appropriations legislation (H.R. 28555/H.Rept. 113-185) recommends fully funding Mérida).

177. *See* SUPPORTING CRIMINAL JUSTICE REFORM IN MEXICO, *supra* note 45, at 8, 13. Chihuahua is considered by many to be a model state because it has successfully reformed the judicial system, adopted the reformed criminal code, and has implemented these changes throughout the state. *Id.* at 8. This process took approximately two and a half years to accomplish, which indicates to signs that change can be effectively accomplished within the allotted time frame. *Id.* at 8-9.

The judicial system reformation is crucial to implementing community policing. If the communities trust that their participation will lead to successfully prosecuting criminals, protecting the rights of the victims, and protecting the innocent, then it would only open the door to increased member participation in community policing in the future. Furthermore, accountability for human rights violators within the federal police force and military must be included within the judicial reform. Arbitrary detentions and torture techniques used by the Mexican government can no longer be tolerated or go unnoticed.¹⁷⁸

The current government practices do not have adequate remedies for human rights violations,¹⁷⁹ and therefore trust is at a weak point. But there have been significant changes with addressing human rights violations in Mexico. The Mexican Supreme Court has opened the door to bring human rights violations against the military to civilian court,¹⁸⁰ which would in turn allow the justice system the ability to account for these human rights violations, which they had not been able to do in the past. The decision is monumental and shows that Mexico is stepping up to address their problem with human rights violations.

The federal police and military are not the only human rights violators. State police officers routinely conduct torturing techniques

178. Pre-charged judicial detention routinely occurs without due process and over 1500 reports of abuse occurred during the year 2012. See AMNESTY INTERNATIONAL, ANNUAL REPORT 2013: THE STATE OF THE WORLD'S HUMAN RIGHTS, available at <http://amnesty.org/en/region/mexico/report-2013> (last visited Mar. 15, 2014). One example of the human rights abuses occurred where three brothers, one being fourteen years old, "were picked up by judicial police in Ciudad Juárez . . ." and they were beaten, given electric shock treatment, and forced to confess to an extortion crime. *Id.* A torture complaint was filed, but no information was given or action taken against the human rights violators. *Id.*

179. See HUMAN RIGHTS WATCH, *supra* note 23. Out of nearly 5,000 investigations opened for human rights violations, there were only 38 convictions. *Id.* "[C]itizens must file for an injunction against trial in military courts on a case-by-case basis . . ." Laura Carlsen, *Mexico's False Dilemma: Human Rights or Security*, 10 NW. J. INT'L HUM. RTS. 146, 148 (2012). The overwhelming amount of complaints and limited option to obtain a conviction has placed Mexico in a predicament where accountability is virtually non-existent. See HUMAN RIGHTS WATCH, *supra*.

180. See generally WASH. OFF. ON LATIN AM., *supra* note 53.

to attain information from detainees.¹⁸¹ The incentive for using torturing techniques was based on the practice that a confession sufficed a conviction.¹⁸² But the investigation process has been extended to include “evidence gathered [and] can be contradicted in an oral, public trial”¹⁸³ Prosecutors will be obligated to support their charges against an individual and show the methods police took to acquiring the evidence; the defense will also be allowed to rebut the evidence and show any discrepancies in attaining that evidence.¹⁸⁴ The end result is ensuring that the accused have an opportunity to defend their innocence, and the police will have to show guilt through means other than mere confessions.

Further changes are occurring in Mexico. The Mexican Supreme Court in November 2013 ruled that “evidence obtained through torture or other violations of fundamental human rights is inadmissible”¹⁸⁵ This ruling is a monumental step in the direction of protecting human rights, and another example of how Mexico is reforming its police conduct. President Peña Nieto is also showing support for accountability by opening dialogue in addressing human rights violations and supporting a law which would require states to support crime victims and their families.¹⁸⁶ It is extremely important that President Peña Nieto continues to reform the judicial system and fund programs aimed at quelling human rights violations to see these changes unfold throughout the country.

181. Approximately two-thirds of police investigations are conducted with torturing techniques. Stephanie Erin Brewer, *Structural Human Rights Violations: The True Face of Mexico's War on Crime*, 16 HUM. RTS. BRIEF 7, 9 (2009) (footnote omitted).

182. See SUPPORTING CRIMINAL JUSTICE REFORM IN MEXICO, *supra* note 45, at 5.

183. *Id.*

184. *Id.*

185. Israel Arzate Meléndez was arbitrarily detained and tortured for a confession in a multiple homicide. *Mexico: Key Supreme Court Ruling on Torture Case*, HUMAN RIGHTS WATCH (Nov. 7, 2013), <http://www.hrw.org/news/2013/11/07/mexico-key-supreme-court-ruling-torture-case>. The Mexican Supreme Court has yet to publish its opinion. *Id.*

186. See PRIORITIES AND KEY ISSUES, *supra* note 12, at 17; ICMA Mexico-Latinoamerica, *supra* note 79.

Another concern that must be addressed is the continual corruption within the local and state police. Under community policing, the police officers will be responsible for holding town meetings, problem-solving small issues within the community, and gaining the community's trust.¹⁸⁷ The police officer will also have discretionary powers when problem solving these issues. But if a police officer turns into a collaborative third-party to the DTOs, both the training and the trust are lost. The DTOs profit margins range in the billions, and therefore they have the means to bribe state officials.¹⁸⁸

DTO bribes are lucrative, while a police officer's monthly pay fails to attract loyalty in comparison.¹⁸⁹ Therefore, it is imperative that Mexico address the lack of education, low wages, and turnover rates in the police force.¹⁹⁰ Mexico must ensure that the hired police force can withstand these temptations through effective training and accountability measures that successfully prosecute the individuals who are bought by the DTOs. The Mexican federal and state governments must also create a viable standard of living that police officers can maintain and protect. Former President Calderón initiated a screening process that extended to all 375,000 municipal and state officers to eliminate corrupt individuals.¹⁹¹ This preliminary solution is only the beginning. Routine inspections by third-party independent groups and by the federal government are imperative.¹⁹²

187. See UNDERSTANDING COMMUNITY POLICING, *supra* note 92, at 16-17.

188. Kerr, *supra* note 14, at 196.

189. Mexican authorities have stated that DTOs pay around \$100 million a month to bribe municipal police officers throughout the country. *Mexico: Cartels Pay Corrupt Cops \$100 million a Month*, LATIN AM. HERALD TRIB. <http://www.laht.com/article.asp?CategoryId=14091&ArticleId=362206> (last visited Feb. 4, 2014). On average the state police officer in Tamaulipas, Mexico makes around 250 dollars a month, and the average federal police officer makes around 700 dollars a month. Patrick Corcoran, *Pay Rises Alone Won't Break Chain of Police Corruption*, INSIGHT CRIME (Sept. 29, 2011), <http://www.insightcrime.org/news-analysis/pay-rises-alone-wont-break-chain-of-police-corruption>.

190. Reid, *supra* note 14, at 403.

191. This includes polygraph tests, background checks, and drug testing. *Id.* at 407. It also includes maintaining database for corrupt officers in order to prevent future hiring of the same individuals in other precincts or states. *Id.*

192. See generally UNDERSTANDING COMMUNITY POLICING, *supra* note 92, at 35-36 (describing the need for supervision as a key to effective community policing

Accountability is key with community policing, so if Mexico does not prosecute the corrupt individuals, all of the training and initial screenings will mean nothing.¹⁹³

Mexico remains a troubled nation consumed with DTO violence, corruption, and human rights violations. But with an insurmountable crisis, there is an opening for a radical change that has proven to be effective in other parts of the world affected with similar problems. Mexico's task involves changing their perspective to ensure that this grave problem is resolved and the solution remains a success for many decades to come. Through the justice reform, training of their state and federal police force, and added accountability measures, Mexico has begun the steps at rehabilitating the country. The missing component is the inclusion of community policing as a way to combine all of the Mérida Initiative's measures and include the community in the rehabilitation process. This program is an effective way to combine all necessary components to make Mexico a safe country, but it will only work if the individuals involved work together and choose to protect the country and its communities.

V. CONCLUSION

President Nieto's strategy in focusing the Mérida Initiative on the state and local governments' reformation, and reducing violent crimes, is necessary to the progress the United States and Mexico make with eliminating the DTOs and their perpetual violence. Although violence has not been eliminated, it has calmed down enough to shift the focus to reforming the justice system and the police force, and building a strong community unafraid of the DTOs' acts of violence. It is a starting point where Mexico can incorporate the community to collaborate with Mexican officials, both with the local and state government and its police forces; this can be accomplished through community policing.

Community policing can assist in solving the immediate problems of the DTOs and the underlying issues that allow their continual strength in the most vulnerable cities. Through the initial success of

and how middle managers are another source for patrol officers to respond to a wider set of demands).

193. See Reid, *supra* note 14, at 406.

266 CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL [Vol. 44

Ciudad Juárez, Mexico proves that community policing is a viable option to build trust between the government and its people. By incorporating a more systematic approach of community policing, Mexico will reinvent relationships between the police forces and the communities in Mexico, which has the potential to assist in sustaining a strong rule of law. Furthermore, with the United States and its assistance under the Mérida Initiative, Mexico will have the essential resources to continue their fight against the DTO violence and create strong and resilient communities through the rule of law by implementing community policing.

*Rosa Acevedo**

* J.D. Candidate 2015, California Western School of Law. I dedicate this article to my parents for their exemplary lives, encouragement, and complete dedication to afford me the opportunity to accomplish my goals. I would like to thank Professor Roberta Thyfault for her research support, and Charles Whitman, Andrew Koper, and Anthony Parker for their generous encouragement and valuable feedback on earlier drafts. And a special thank you to my sister for supporting me through all my efforts.

INFORMATION FOR AUTHORS

The CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL welcomes the submission of unsolicited manuscripts concerning international legal affairs. The JOURNAL prefers that all articles (and expedited requests) be submitted via ExpressO at <http://law.bepress.com/expresso/>. If you are unable to submit your article via ExpressO, please direct your submission via email to lawreview@cwsl.edu. You may also submit manuscripts to the Executive Lead Articles Editor, CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL, 225 Cedar Street, San Diego, California 92101.

Please observe the following requirements for your submission:

(1) All citations should conform to *The Bluebook: A Uniform System of Citation* (19th ed. 2010).

(2) Manuscripts should be submitted in Microsoft Word format.

(3) Each manuscript should be accompanied by a cover letter giving a brief overview of the manuscript and providing author contact information including name, e-mail address, phone number, and mailing address. Enclosing a résumé, a list of previous publications, and/or a curriculum vitae with the submission, while not necessary, can also be helpful for the JOURNAL's reviewers.

Manuscripts will be approved for publication in the JOURNAL only after a Lead Article Board review. If any part of the paper has been published elsewhere, the author must include this information at the time of submission. Submitted manuscripts will not be returned unless requested.

The CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL will do everything possible to ensure prompt review of submitted manuscripts. Please note that manuscripts which adhere to the above listed format will move through the review process more rapidly.

**AN INVITATION TO EMPLOYERS FROM
CALIFORNIA WESTERN SCHOOL OF LAW**

California Western School of Law provides career services for students and recent graduates.

If your firm, agency, or organization is interested in interviewing individuals for associate positions, you may contact the Career Services office to make arrangements.

Please direct inquiries to:

Courtney Miklusak, J.D.
Assistant Dean for Career and Professional Development Office
California Western School of Law
225 Cedar Street
San Diego, California 92101
Phone: (619) 525-7087
cmiklusak@cwsl.edu