

Local responses to public insecurity in Mexico:
A consideration of the *policía comunitaria*
of the Costa Chica and the Montaña de Guerrero

Allison M. Rowland
División de Administración Pública, CIDE
Mexico City
allison.rowland@cide.edu
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I. INTRODUCTION

Mexico, like the rest of Latin America, has been hit hard since the mid-1990s by a rise in crime and violence, and government measures designed to slow this trend have been largely ineffective thus far. Much of the analysis of the public security problem in Mexico has been centered on large cities, which, undeniably, have suffered the greatest impacts of the crime wave in terms of numbers of victims and monetary losses. However, rural areas throughout the country also have been affected by armed banditry, smuggling (particularly drugs and arms) and violence, often with the complicity of police forces and the military. This rural violence is an especially complex issue in the country's southern states, given the long history of political repression in these areas (whether directly-sponsored by the government or simply tolerated), particularly where residents are primarily members of indigenous groups. The present chapter describes the experience of the *policía comunitaria* operating in nearly fifty villages of the southern state of Guerrero, considering it both in terms of potential to combat crime in a region traditionally neglected by state and national authorities, and of the possibilities of extending this model to other rural areas of Mexico.¹

Interest in “indigenous” forms of policing has increased around the world in recent years for several reasons. On the one hand, it forms part of broader attention to the problems of governance for regional minorities and ethnic groups in liberal democracies. The increasing salience of human rights in international law has led to studies of systematic discrimination against disadvantaged groups, including their access to justice, and has come to form part of the agenda for government and democratization in Latin America (see, for example, the works collected in Méndez, Pinheiro and O'Donnell 1999).² These issues came to special prominence in Mexico as a result of the EZLN uprising in the state of Chiapas in 1994, which centered worldwide attention on the struggles of indigenous peoples for respect of their basic rights. On the other hand, soaring crime rates in the developing world in the 1990s, combined with the difficulty of identifying successful public policies to combat it, has engendered growing efforts to adapt the findings about crime and policing from decades of research in the US, Western Europe and other liberal democracies to different institutional and cultural settings (see, for example, Bayley 2001; Fajnzylber, Lederman and Louyza 1998).

This chapter considers three main questions about the expression of these concerns—democratic governance and crime fighting—in Mexican public policy, and particularly, in police reform. First, does the community-generated, alternative form of local policing in the Montaña and Costa Chica regions of the State of Guerrero represent a legitimate alternative, from the point of view of the communities involved? Second, does the presence and relative success of the *policía comunitaria* suggest the need for changes in the national and state frameworks for policing? Finally, if we conclude that flexibility in forms of local policing is desirable public policy, how might this best be incorporated into the national and state systems in Mexico, and what are some potential pitfalls to be avoided?

At the outset, it is useful to differentiate between several related concepts. While it is tempting to translate the term *policía comunitaria* to “community police,” I prefer to avoid the term in English because it could be misleading, and it downplays some important

elements that distinguish the former from more familiar types of police organization present elsewhere in Mexico and in other countries. Apart from the rural and small-town context of this *policía comunitaria*, which contrasts markedly with the big city emphasis of much of the community policing literature in the US and elsewhere (Lyons 1999; Skogan and Hartnett 1997), these officers and the organizational structure that supports them also play key roles in the administration of justice, including the weighing of evidence and eyewitness testimony, the determination of a suspect's guilt or innocence, the type of punishment to be meted out in the case of guilt, and the degree of rehabilitation of the accused, as described below. It is also important to note that the term "policía comunitaria" has become common in Mexico, and is used to describe a wide variety of policing strategies. In this chapter, I refer only to the *policía comunitaria* of the Costa Chica and Montaña de Guerrero.

At the same time, the *policía comunitaria* present in the municipalities of Azoyú, Malinaltepec, Metlatónoc and San Luis Acatlán should not be confused with the systems of "indigenous justice" like those which operate in some parts of the states of Oaxaca and Chiapas (Collier 1995; Nader 1990). In this area of Guerrero, suspects of major crimes (e.g. murder, rape, drug trafficking) are turned over to state authorities, while only those caught for minor crimes (theft, public disorder, etc.) are processed under the local system. Thus, this local practice is quite distinct from other, more comprehensive systems of indigenous justice and dispute resolution which have drawn attention both for their perceived effectiveness in rehabilitating convicted criminals and for their special legitimacy in social contexts outside the mainstream of the countries where they are used. The norms regarding appropriate judgment and punishment for suspects in the Costa Chica and Montaña system, including respect for the human rights of suspects, are the subject of serious consideration and debate among participating groups. However, this study does not attempt an analysis of indigenous systems of justice more generally, but focuses more on the prevention of crime and pursuit of those believed responsible.

Apart from the differences with systems of justice administration in Chiapas and Oaxaca, several features of the *policía comunitaria* of the Costa Chica and the Montaña de Guerrero distinguish these from the *topiles* (watchmen) who operate in other indigenous communities around the country. Unlike *topiles*, agents of the *policía comunitaria* do not answer directly to municipal administration, but rather to a regional coordinating committee (*Coordinadora Regional de Autoridades Indígenas de la Montaña y Costa Chica*) organized for this purpose. Thus, the *policía comunitaria* are not employees of government, or members of police forces at any level, which makes the fact that these officers carry guns another distinctive, and controversial, aspect of their operation in the Mexican context.

[In a final paragraph or two here, a future version of this document will incorporate the major findings of literature on other countries which have experience in indigenous police forces. Suggestions for books and articles to review are appreciated.]

II. THE SCOPE AND LIMITS OF MEXICAN LOCAL POLICING

Mexican government at all three levels (central, state and municipal) was initially slow to react to the crime wave of the 1990s. While its attention to the matter has increased dramatically during the past five or six years, measures designed to combat insecurity have been dominated by agencies at the national level, both in terms of personnel assigned and budget amounts allocated. A modest number of states have taken their own initiatives in this matter, but with even more meager results.

Meanwhile local governments (*municipios*) all over the country are struggling to improve their response to the crime wave, under conditions of severely limited resources and experience. Paradoxically, as I argue elsewhere (Rowland 2003), although local government action is necessary in Mexico to improve crime prevention and address the public's perceptions of insecurity, the very institution charged with this task in Mexico—the *municipio*—is ill-suited for the job in the vast majority of cases. The product of this dilemma, thus far, has been a proliferation at all levels of government of public policies formulated to fight crime, an enormous increase in the amount of public resources dedicated to this task, and little, if any, evident progress. Unfortunately, incessant attention in the media and by politicians, combined with few perceptible improvements as the result of government efforts, is beginning to lead to public disenchantment, and may endanger recent gains in democratization and decentralization in Mexico, as voices in favor of a hard line approach (*la mano dura*) by central government gain ground. Thus, effectiveness, or even simply perceived effectiveness, is a key element to the success of any police reform policies.

The scope and restrictions on local policing in Mexico are defined in the national constitution, specifically in Articles 21 and 115. In essence, municipalities are charged with ensuring local public safety and “preventive” policing, which is interpreted to include public order maintenance and the interruption of crimes in progress, with the detention of those responsible, when possible. Municipal police departments are not permitted to engage in investigative work, nor do they generally work closely with their state prosecutor's offices, although Article 21 does mention the need for coordination among the distinct levels of government involved in public security. Indeed, particularly from the late 1960s to the early 1990s, the role and importance of local policing in Mexico seems to have diminished, as government functions generally became more centralized. As noted previously, this tendency toward centralization has been reinforced by the crime wave currently sweeping the country, and has led to calls for national action and high-profile policing modeled on the FBI and other well-regarded national agencies from elsewhere.

To complicate the panorama, during the same period, many municipalities—particularly those whose jurisdiction includes major cities—have rapidly increased their administrative and governance capacities (Cabrero 1996; Guillén 1996; Ramírez Saíz 1998; Ziccardi 1995). These have begun to insist on greater responsibilities and more local control of activities—including local policing—that are constitutionally assigned to them, but have been assumed by national or state levels in the past few decades. This process of decentralization by demand of the municipalities is linked to improved regulation and the growing competitiveness of local elections in nearly the entire country.

It is important to note, however, that progress in municipal administration has varied greatly by region, and most rural areas and towns still lack the experience and qualified personnel to successfully carry out even a limited range of services (Cabrero 1995; Díaz Montes, et al., 1994; Rowland 2001). In addition, the single national legal framework under which all municipalities are governed—whether their population is several hundred or over one million residents, with all that this difference implies in terms of social structure, economic strength, and administrative complexity—fails to incorporate the idea that the approaches to policing appropriate for large cities may have limited relevance in rural municipalities. For example, the types of crime in rural areas may be different from those common in cities (land grabs, cattle rustling, highway banditry), the substantially larger geographic territories of rural areas may imply that more of the budget needs to be aimed toward the acquisition of hardware (particularly trucks and communications systems), it may be more important to train police officers in a variety of general-purpose practices and develop fewer specialists, and special sensitivity may be needed for dealing with closer-knit and more traditional communities in rural areas.

Still, as many municipalities are beginning to discover, not only is there much scope for improvement in the limited police functions allowed to local government, but also, basic reform in policing and police services is a complex and expensive task (Rowland 2003). Furthermore, municipal administrations are realizing that better performance by local police requires not just improved technical training and equipment, but also constant contact with, and consensus from, the local population. This is another new and difficult area of local government activity, since traditional forms of citizen-local government interactions in Mexico tend to follow clientelist and corporatist patterns.

Rural *municipios* face some difficulties quite unlike those of their urban counterparts, especially in terms of availability of public resources and of experienced administrative personnel. Because of their relatively small political and economic significance for state and federal politicians, they may also find it harder to call the attention of authorities to their plight, although as we see in this chapter, such neglect could be considered a mixed blessing in some cases. However, especially where local areas are homogenous in terms of ethnicity and cultural norms, certain types of public security programs may actually be *more* feasible in small communities and rural areas than they are in cities. In particular, community-based efforts to improve the monitoring and control of activities which do not conform to local standards of behavior (theft, vandalism, public disorder, potentially domestic violence) may work much better in rural settings than in cities.³

Although local crime prevention and public order is a constitutional responsibility of municipal authorities in Mexico, in rural areas and state capitals, state governments often maintain large and active police forces of their own, and these answer directly to the governor. They are often the source of controversy, and allegations are common that state police forces overstep the limits of their formal responsibilities and impinge upon activities of the municipal forces. They are frequently cited for human rights violations as well (PRODH 1995, 1997). Their supporters defend their presence with reference to municipal incapacity to provide adequate local police protection.

In this sense, the *policía comunitaria* which operate in several municipalities in the southern state of Guerrero are especially interesting. These organizations were formed

during the mid-1990s as a local response to growing criminal violence, increased reports of abuses of local residents by police and military agents, and the perceived inattention of state authorities charged with overseeing public security in the region. As we see in the following sections, the efforts of the *policía comunitaria* in the Costa Chica and Montaña de Guerrero present, on the one hand, a novel and apparently successful approach to local public security problems, to the extent that they have achieved community approval, as well as some degree of effectiveness, at a very low financial cost. However, not only do these officers undertake their duties with uncertain levels of legal protection (both from suspects and from various branches and levels of government), but they also run serious risks of injury or death because of lack of coordination with the activities of other security forces.

III. THE *POLICÍA COMUNITARIA* OF GUERRERO

The regional context

The village police forces studied in this chapter are currently active in the villages of four rural municipalities of the Costa Chica and the Montaña de Guerrero, two regions located on the eastern side of the southern state of Guerrero, which together were home to over 703,000 people in 2000. These are some of the poorest and most remote zones in all of Mexico,⁴ whose residents survive principally on subsistence agriculture, some cash crops (coffee and fruits), small livestock (pigs, chickens and goats), as well as the sale of woven palm hats. In the dry season, the landscape in the Montaña is barren and harsh, and access to water is a determinant to survival. As in other parts of the country, the most fertile and arable lowlands tend to be private plots owned by *mestizos*, while the indigenous villages have title to common plots (under the *ejido* or *communal* legal regimes) on less accessible and fertile grounds. On the Pacific Ocean side of the Sierra Madre del Sur, in the Costa Chica and a few Montaña municipalities which straddle the mountain divide, water is more abundant year round, but cattle production by *mestizo* elites is expanding and causing friction over land rights. The population in the larger towns in both regions is ethnically diverse, but the villages are principally home to indigenous peoples of Mixteca, Náhuatl and Tlapaneca ethnicities, and these govern themselves with a mix of traditional and modern Mexican practices, including councils of elders and community assemblies, as well as *ejido* and municipal authorities.

This area has a long history of conflicts among rival groups for control of economic resources and political power. Most recently, during the 1970s, guerrilla warfare and violent state-sponsored repression of organized dissent (known as Mexico's Dirty War) shook the region, and even non-violent organization and peaceful electoral contest was discouraged. Recent changes in the country's political system have slowly come to be echoed in the Costa Chica and Montaña, however, as opposition electoral victories at the municipal level were grudgingly ceded, particularly since the end of the Salinas regime.⁵ Changes within and beyond the PRI can also be observed in the sharply increased number of municipal presidents since the mid-1990s who are members of the majority indigenous population, rather than of the traditional *mestizo* elite. Thus, while reports of ongoing

human rights violations in the region are troubling, the fact that these are registered and protested through official channels is a welcome indication of political change in this region.

The growing number of violent crimes at the beginning in the 1990s, however, marked the proliferation of a different form of assault on the region's residents, with armed robbery, rape, kidnapping and murder becoming more prevalent, and not necessarily tied to political issues. Local residents tend to blame difficult economic times and a lack of opportunities for young men, and this may be a reasonable conclusion, given that demographic growth in the region has not been accompanied by an increase in the number or types of productive activities that young people can use to support themselves. Indeed, in some areas, young people are not integrated into agricultural production, and thus, the local social and political structure, because there is no additional arable land for them to work. One result is that seasonal migration, both to the US and to other parts of Mexico (especially to the states of Sinaloa and Sonora) has grown rapidly in recent years as a response to local stagnation. Return migration by young people who have absorbed different cultural values, including a dependence on cash transactions, may have contributed to the rise in crime in previously tranquil communities.

Another factor contributing to criminal violence in the region may be the influx of guns and narcotics traffickers in the 1990s. Shipments of cocaine from South America allegedly are delivered along the relatively unpeopled Pacific coast, and some local residents, as well as outsiders, are involved in the transportation of these either along the coast toward the US or across the mountains toward Mexico City. While this activity is not necessarily a source of local violence, it probably adds both to the number of people in the region who do not have ties to local communities, as well as to the availability of arms that can be used to commit crimes. In addition, many peasants were reportedly lured into heroin poppy production in the 1990s, and traffickers are reported to give guns as part of their payment, since this valuable crop requires substantially more protection than corn and other subsistence crops.

Finally, in spite of the political changes noted previously, police and military agents are commonly perceived by local residents to contribute both indirectly and directly to the rise of violence and crime in the Costa Chica and the Montaña. On the one hand, the State of Guerrero's police officers play a large role in the security operations of most rural areas of the state, ostensibly in support of municipal forces which are often too small and underfunded to carry out their duties effectively. To the extent that they are involved in these activities, their efforts are commonly criticized for being insufficient for the size of the problem.

This scarcity of state police may, however, be a mixed blessing, since the police units (both in Guerrero and in other Mexican states) are often accused of corruption and involvement in organized crime rings. Mexico's military have traditionally been considered free from corruption, but this has begun to change in recent years with accusations of involvement in drug trafficking becoming more common. In addition, on several occasions firefights and less serious incidents have broken out between municipal police forces and either soldiers or state police, with each side claiming that the other was discovered as it engaged in illicit activity.

Police and military presence rose sharply in these regions after the beginning of the EZLN uprising in Chiapas in 1994, ostensibly in response to several minor guerrilla organizations which made their appearance during the following years. The largest was the EPR (*Ejército Popular Revolucionario*), but none ever achieved the prominence and public support that the Zapatistas did in Chiapas. Complaints to human rights organizations of illegal detentions and searches of residents and their property, commonly accompanied by beatings and torture, rose sharply from 1994 to 1996, as national military and police forces, joined by the state police, purportedly attempted to thwart guerrillas in the region (Amnesty International 1999; Centro de Derechos Humanos, Tlachinollan, 1995, 1996; Human Rights Watch 2001; PRODH 1997). Tales of disappearances and summary executions during these years persist, adding to the climate of fear and vulnerability among residents, regardless of the veracity of any particular case.⁶

This panorama of crime and violence, in which the line between criminals and government is not always clear, is the setting for an innovative experiment in community-based police, begun in 1995. One of the interesting elements of these *policía comunitaria* is that, while they do not attempt to address the “underlying causes” of crime in the region (and it is not clear that either local groups or higher levels of government could do so, even if they were so inclined), they do appear to have fomented perceptions of increased personal security among residents. Their methods have been dismissed as quaint by some critics and unconstitutional by others, but they do fill a vacuum which municipal government is incapable of doing, and which state and national government do not appear to take seriously. We discuss the organization and practices of the *policía comunitaria* in the next section.

Origins of the policía comunitaria

The *policía comunitaria* was formally constituted in 1995, in the village of Santa Cruz en el Rincón, in the Montaña municipality of Malinaltepec, during a meeting of thirty-two elected village officials from this municipality, as well as Acatepec and San Luis Acatlán in the Costa Chica. These were joined by a number of locally-based social organizations, including producer unions, indigenous associations, and representatives of parents and teachers at primary schools. The group made its intentions public and official through registration of their single page of agreements with a notary public from San Luis Acatlán. Their central concern, as expressed in this document, was to put an end to the “hundreds” of robberies, sexual assaults, injuries and murders which had taken place over the past few years on rural roads used by villagers to get to markets, schools and health centers. They complained that in spite of formal reports that victims and their families had filed with the “corresponding authorities,” nothing had been done by governments to address the problem. The group based their decision to form a locally-based, volunteer police force on their interpretation of Article 4 of the Mexican Constitution, which defends the autonomy and self-determination of indigenous communities and regions, as well as Convention No. 169 of the ILO, which protects traditional methods of dealing with offenses committed by members of indigenous groups, and has been ratified by the Mexican national government. The original agreement of the group assembled in Santa Cruz en el Rincón was to assign member of the *policía comunitaria* to guard the rural roads

connecting their villages with other communities, to each coordinate the actions of village force with the others, and to make it possible for agents of the *policía comunitaria* who did not have firearms of their own to be able to borrow those of others, as long as the *Comisario Municipal* in each village maintained a registry of the serial numbers of these weapons.⁷

Subsequently, and in spite of the lack of official approval, the new *policía comunitaria* was implicitly recognized by Governor Ángel Aguirre Rivero (1996-1999), who provided money and some equipment for their use. Based on the success of these early efforts, other indigenous communities in the region began to follow suit, and by 2002, forty-five villages in three municipalities (Azoyú, Malinaltepec and San Luis Acatlán) had generated agreements between municipal officials, traditional authorities, and the majority of community members to establish their own *policía comunitaria*.

The municipal governments of these communities have not only accepted this form of local policing, but have supported it actively through the contribution of federal funds and equipment earmarked for public security (part of the program for direct federal transfers to municipalities, known as *Ramo 33*). Municipal officials also occasionally solicit the services of the *policía comunitaria* to help undertake operations in the villages where they exist. Indeed, both the municipalities concerned and the leaders of the *policía comunitaria* report good working relationships with one another, and offer no complaints about their counterparts. Their success has led to calls to expand these organizations to other municipalities in the region, and in early 2003, several villages in the municipality of Metlatónoc approved their creation and municipal officials joined with the other three local governments to inform neighboring communities and officials in the municipalities of Alcozauca de Guerrero, Atlixac, Copanatoyac, Tlacoapa and Zapotitlán Tablas about the potential for *policía comunitaria* in their jurisdictions.

The degree of support and cooperation between municipal authorities, whether indigenous or mestizo, and the *policía comunitaria* makes sense, considering the lack of municipal capacity to provide public security and police services. The four municipalities where the *policía comunitaria* now exist have smaller budgets per capita than most Mexican municipalities (in spite of federal transfers) since their impoverished populations limit the amount which can be generated by local tax collections. The state government does not help matters, especially since it began in 2001 to retain part of the resources for public security designated to these municipalities by *Ramo 33*, purportedly to reimburse the state for money owed on the electricity bills of previous municipal governments.⁸

The administrative limitations of local governments in the Montaña and Costa Chica, as well as their lack of confidence in state authorities, can also be observed in the fact that none of these four have submitted to state officials their *Programa de Seguridad Pública*,⁹ and researchers for this project were not able to attain official or unofficial municipal documents of this nature either. Still, this absence is hardly unusual in rural municipalities throughout the country, and the fact that officials of the current state administration use this as an excuse to condemn and dismiss the *policía comunitaria* underlines the difficulty of coordinated government action in favor of residents of the region. On the other hand, changes in the political sphere have helped defend the *policía comunitaria*: municipal officials of all three major political parties are involved in promoting it, and they take great pains to describe it as a nonpartisan issue.

Organization and practices of the policía comunitaria

At the time of this research, the *policía comunitaria* were active in forty-five communities in the municipalities of Azoyú, Malinaltepec, Metlatónoc and San Luis Acatlán. Each village names between six and twelve officers, depending on its size and local perceptions of need, and each group is headed by a local commander. Officers volunteer for one-year terms of service, or are named by the local Council of Elders, as a part of their routine, unsalaried community duties (*cargos*), which over the years also may include tasks such as hosting the village's annual feast, or serving as village treasurer. Incoming members are trained by village elders and current officers to undertake duties which include maintenance of public order and basic police intelligence work, as well as the apprehension and detention of suspected criminals.

The governing body of the village police forces is the Executive Committee of the *policía comunitaria*, which consists of five commanders elected from among the participating communities. This committee is responsible for maintaining the radio communication system which ties the participating communities together, raising money from government and other sources, and representing the *policía comunitaria* in dealings with municipal and state authorities. The whole system is organized under the rubric of the *Coordinadora Regional de Autoridades Indígenas de la Montaña y Costa Chica*, a loosely-knit group of regional political and social leaders, which designed the program and is headquartered in the town of San Luis Acatlán, with the Executive Committee. In these offices, thirty-five employees work full-time, with their activities paid for through the municipality's Ramo 33 funds.

While the issue of financing the *policía comunitaria* is of constant concern, the broader efforts to keep money from contaminating both the policing and the administration of justice related to it, speak volumes about local perceptions of crime control in the region. Active officers of the *policía comunitaria* are not paid salaries for their services, although they are excused from other community duties and payments. The underlying premise is that money—and in particular, the opportunity to buy one's way out of arrest and prosecution—should be separated from policing. In addition, opponents maintain that paying a salary would attract careerists who are not fully integrated into the social life of the village, and who therefore would undermine the premises of self-policing upon which the *policía comunitaria* is based. However, as evident from the case of several villages in Malinaltepec, where families of officers do receive cash payments from the municipality's Ramo 33 funds, complete consensus among residents on this issue does not exist. Those who argue in favor of salaries emphasize the precarious financial situation of most families involved, and point out that, during their time of service, officers have less time to devote to their households' agricultural activities.

With no salaries and only rudimentary equipment, the entire budget for the services provided by the *policía comunitaria* is kept to a minimum. As noted previously, the four municipal governments where the *policía comunitaria* are active provide some financial support via their Ramo 33 funds, and during the term of the previous governor (1996-1999) money and training was also occasionally available. In addition, the National Indigenous Institute (INI), a semi-autonomous federal agency which operates under the auspices of the

Social Development Secretary (SEDESOL), provided money for the purchase of radios for the village groups, and has played a role in helping promote the *policía comunitaria* generally. Thus, the *policía comunitaria* exhibit no small degree of financial precariousness, although it could be argued that in this sense they are little different than other actors involved in service provision in rural Mexican municipalities.

Suspects apprehended by the *policía comunitaria* are turned over to the *Coordinadora Regional*, which organizes a community assembly (consisting usually of only male heads of households) to determine guilt or innocence. In these assemblies, authorities explain the circumstances of the arrest and the charges against the suspect, and the suspect, joined by family and friends, is allowed to present a defense. However, no lawyers are allowed, again, because of local perceptions that these lead only to corruption and inequitable treatment of suspects.¹⁰

Members of the assembly vote on the proposals for punishment and reparations required of a guilty suspect, and the *Comité Ejecutiva* oversees the fulfillment of these decisions. The length of sentences is not fixed in advance, and can include up to one year of community service (typically labor in village public works projects), with meals provided by the community and nights spent in jail. Care is taken to exclude both corporal punishment and large cash or property reparations, and in the emphasis on rehabilitation and reintegration of convicts to their communities. This is no doubt in part a reflection of the influence of the regional, independent human rights group, *Centro de Derechos Humanos Tlachinollan*, which is supported by the Catholic Diocese of Tlapa and has promoted the development of the *policía comunitaria* since its founding in the mid-1990s. The Council of Elders in each of the communities where the prisoner is sentenced to work for fifteen days at a time offers instruction on good behavior and responsibility. Each council also writes a letter of evaluation for the prisoner, and based on these, the *Comité Ejecutiva* decides whether to free the prisoner or to extend his sentence. Once a prisoner is freed, he is taken to his village of origin and turned over to his family in the presence of the whole community, as formal testimony to his or her rehabilitation.

This system of justice is obviously designed primarily for transgressions by local residents, and the treatment for suspects from outside the indigenous communities can be problematic, especially if these complain that their human rights are violated by virtue of detention by agents not authorized by government. However, the remoteness and poverty of the zones where the *policía comunitaria* operate imply that the crimes that outsiders do commit tend to be often more serious matters, such as drug trafficking or murder, which this system does not attempt to address. Suspects of these serious crimes, if apprehended by the *policía comunitaria* are turned over to state authorities, regardless of their place of residence.

Opposition to the policía comunitaria

In spite of the apparent success of the *policía comunitaria*, both in terms of community satisfaction and cost-efficiency, the government of the State of Guerrero has shifted from quiet support to active opposition to these efforts, which threatens the future of this type of approach. In part, the state's disapproval is on legal grounds, but other issues may also be in play. For example, if members of the state police are in fact involved in

organized crime, the *policía comunitaria* certainly threaten their profit margins. At the same time, any autonomous organization in the Costa Chica and Montaña regions may still represent an intolerable threat to traditional forms of political control by state elites. Indeed, the degree of disagreement between local and state authorities on even some basic points of fact about the *policía comunitaria* suggests high levels of difficulty in working together, as well as low levels of mutual trust. This situation is not new to the region, but certainly presents an impediment to research. The political atmosphere is polarized and tense, and statements by officials and other actors at any level are often not verifiable in documents or by other informed opinions.

State authorities interviewed for this research project insist that the *policía comunitaria* should be disbanded on several grounds. They note that prosecution and the administration of justice are not municipal—and much less, community—faculties, and that the *policía comunitaria* is not an officially-recognized authority.¹¹ In addition, sources in the state public security ministry argue that the *policía comunitaria* do not conform to state-wide plans and programs for public security.

In essence, the claim is that state government in fact does support efforts to reduce crime and improve policing in the Costa Chica and Montaña regions, principally by building a state police headquarters for one hundred officers in Tlapa de Comonfort, the regional capital of the Montaña, in 2000, and by sending state police to work under the command of municipal forces with their salaries paid by the state. In addition, state authorities insist that no police officers have been arrested as a result of complaints to the State Human Rights Commission about violation of individual liberties put forth by people detained by these police forces, and that warrants have only been issued in these cases.¹² Other sources, however, disagree [the next version of the paper will have the precise citations from *La Jornada*, *El Proceso* and *El Sur*]. Still, whether *policía comunitaria* officers are in jail, or are simply subject to arrest because of the outstanding warrants, it is reasonable to suggest that these actions constitute a threat to the officers and the programs as a whole, especially given the documented history of state abuses against rural and indigenous populations within its jurisdiction. In addition, state police have reportedly confiscated the firearms of the *policía comunitaria* on numerous occasions.

The question of whether the *policía comunitaria* is a legal organization, and whether its activities are lawful, has yet to be resolved. As alluded to earlier, supporters insist that Article 9 of ILO Convention No. 169 refers explicitly to this kind of organization in the clause which protects traditional methods of dealing with offenses committed by members of indigenous groups. Protests continue over the *Reforma Indígena* incorporated into the Mexican Constitution in 2001, but meanwhile Article 2 is also cited as support for the *policía comunitaria*. The debates over the degree of legal protection offered by these documents forms an integral part of the wider questions of indigenous rights in Mexico and elsewhere (see Dandler 1999; Davis 1999), and they are unlikely to be resolved to the satisfaction of all sides for the purposes of the *policía comunitaria*. In the meantime, local supporters zigzag between defiance of the State governments right to interfere, and efforts to promote legal reform at the national level to shelter the *policía comunitaria* and its officers. A proposal for these legal reforms is currently being drafted by members of the *Coordinadora Regional*.

IV. SOME REFLECTIONS ON THE VIABILITY OF COMMUNITY-BASED POLICE FORCES IN MEXICO

How, then, to evaluate a police reform which on the one hand, is supported by local residents, and on the other, is the object of scorn and legal objections by the local state? Community satisfaction with the *policía comunitaria* (as indicated by the reports of local officials, the lack of organized local protest, and the requests for help in expanding this practice in neighboring communities) suggests that they are fulfilling a useful public service in a reasonably successful way. Part of this success may have to do with the simplicity of the approach, the willingness of local community members to subject themselves to other local residents for mutual protection, the visibility of the *policía comunitaria* as a force for public order in areas all but abandoned by state government, and the low cost that these efforts represent to the overstressed municipalities. The element of justice administration present in the organization of the *policía comunitaria* can be explained by the desire for more effective measures in the eyes of local residents, which is a persistent issue all over Mexico because the administration of criminal justice is widely agreed to be riddled with corruption and abuse. Residents of the villages of the Costa Chica and Montaña de Guerrero argue that previously, even when municipal or state police caught a suspect, he or she was invariably released in short order for lack of proof or as the result of bribery. With the *policía comunitaria*, this is no longer the case: a sense of justice in the treatment of those who offend community standards has been restored.

Apart from perceived effectiveness, the acceptance of the *policía comunitaria* appears to rest on widespread agreements about acceptable behavior, the small size and high cohesiveness of communities in the region, and general agreement on the threat to all from outside authorities. This means that such practices are unlikely to be feasible in larger and more socially-diverse regions. In addition, like neighborhood policing initiatives elsewhere, it probably depends on some level of pre-existing community organization.¹³

Still, the *policía comunitaria* is not without its risks and limitations as a response to local crime problems. Where *mestizos* and indigenous populations live in close contact with one another, the former often complain about being subject to a form of policing in which their own preferences are not considered. In addition, while this research project encountered no evidence of local discomfort, outside observers cannot help but notice that women in these villages neither vote in most community assemblies, nor are present in positions of political leadership, nor act as *policía comunitaria* officers. These concerns highlight the complexity of balancing local indigenous practices with the defense of individual rights and the liberal democratic principle of equal protection under the law.

On the other hand, it is important to keep in mind that the genesis of the *policía comunitaria* is precisely the lack of effectiveness and indeed, the alleged abuse of residents by state and national police, as well as military agents. Improved governmental performance in meeting local concerns and respecting human rights would probably make the *policía comunitaria* unnecessary. But this, in turn, would in essence imply that state elites surrender their attempts to control in this region, which is unlikely to occur anytime soon.

This discussion also begs the question of whether any other form of policing as currently practiced in Mexico could be effective in the setting of the Costa Chica and the Montaña de Guerrero, as well as similar zones throughout the country. The rugged topography, insufficient and poorly-maintained road and telecommunication infrastructure, combined with the cultural and linguistic differences of local residents from the majority of state and national populations, present a complex scenario for any outside agency to confront. The literature on community policing suggests that police officers who are intimately familiar with local conditions and who are accepted by local residents as legitimate forces of public order may be the most appropriate for the prevention and basic detection work needed to combat most forms of crime. The only police who currently fit this description in villages of the Costa Chica and Montaña de Guerrero are the *policía comunitaria*.

Police ineffectiveness and low levels of legitimacy among residents, as well as complex terrain (both rural and urban), characterize much of a large and diverse country like Mexico. This suggests that the federal structure of the country, in policing as well as other services, may offer advantages, especially in terms of the possibility to adjust practices to diverse local preferences.¹⁴ In many cases, the municipality is the most appropriate institution to undertake these efforts, since funding and oversight mechanisms are already in place, and the police affiliated with municipal government enjoy at least basic (if limited and at times, problematic) legal protections. In addition, most Mexicans are not members of indigenous communities, and therefore cannot claim the rights to traditional forms of dealing with offenses which are protected by ILO Convention No. 169.

Still, the evident success of the *policía comunitaria* in responding to community concerns in an area underserved by municipal and state forces is significant enough to merit consideration in national and state legislation. These officers assume substantial personal risk in carrying out their duties, not only because of the inherent danger of their work, but also because of the lack of legal protection for the work they do. Incorporating the possibility of this type of local police reform into national and state legislation—particularly in remote rural areas, where cultural norms may differ substantially from those of the national majority—could help protect the human rights of both officers and suspects. The experience of the *policía comunitaria* in the Costa Chica and Montaña de Guerrero suggests that even if this type of arrangement is nominally protected by international agreements, it needs to be spelled out in national and state legislation. Given the magnitude of crime and fear of crime in Mexico, flexibility in incorporating local solutions to crime problems should be encouraged rather than suppressed.

At present, the main dangers to the continued existence of the *policía comunitaria* appear to stem from the opposition of the government of the State of Guerrero. Continued hostility on the part of the current governor (René Juárez Cisneros, 1999-2005) not only undermines the possibility of improving administration and the training of these forces, but it also puts the very lives of its officers in danger, in part because of the potential for clashes with state police agents (in the line of legitimate duty or otherwise), and in part because of the ever-present threat of incarceration for agents of the *policía comunitaria* who have been accused of human rights violations by suspects they detain. Ironically, effective support by the state of municipal police forces could prove most damaging to the *policía comunitaria*, since presumably their services would no longer be needed. For better

or worse, however, Governor René Juárez is unlikely to be able or willing to foster improved municipal policing in the Costa Chica and Montaña, and the *policía comunitaria* not only continues to operate, but is being expanded at the request of village residents the region.

To a lesser extent, the continuance of the *policía comunitaria* also depends on the ability of the municipalities where these forces operate to channel funds to them from Ramo 33. The State of Guerrero's efforts to minimize the amount of these funds which actually reach the municipalities has restricted improvements in the *policía comunitaria*, but the ability to run these forces without much use of cash resources has allowed them to complete many of the duties which local residents demand.

Even if the *policía comunitaria* is successful and sustainable in the Costa Chica and Montaña de Guerrero, it is worth asking whether it is replicable in other rural areas of the country. As noted from the outset, various forms of local, indigenous policing and administration of justice already exist in other parts of the country. The best known examples are indigenous courts in some areas of Chiapas and Oaxaca, but a different sort of policing takes place in the sparsely populated Seri lands of the west coast of the state of Sonora, where *guardias comunitarios* use automatic weapons to enforce their control of the land. Other examples undoubtedly exist and could shed more light on the problems and possibilities of community-based policing in Mexico. However, the *policía comunitaria* experience discussed here points up some of the difficulties of establishing a locally responsive policing system, even where international agreements to which Mexico is a signatory, explicitly protect this type of arrangement.

Police reform in rural areas, of course, is only one aspect of the public security problem in Mexico, and programs like the *policía comunitaria* are still in their infancy. It remains to be seen whether they will prove feasible in the long run, especially in the current climate of violence and risk of incarceration of community police officers. In addition, it is not clear that these types of programs are suitable and feasible for other villages and towns, especially where social cohesion is not as great. Indeed, where resident populations are more diverse and undergoing more rapid change, it may be preferable for residents to work toward improving corresponding municipal and state policies to reform approaches to public insecurity instead. However, the results of the *policía comunitaria* suggest that the regional and cultural diversity of a large country like Mexico would be better served by a more flexible approach to these local approaches where residents deem these necessary.

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¹ The information presented here was gathered from 2001 to 2003 in numerous interviews with leaders in the region, attendance at community meetings and informal conversations with residents and others familiar with the region. I express special gratitude to Crispin de la Cruz, Abel Barrera and Raúl López Vargas, for their generous help in answering my questions about the region and putting me in contact with key actors. Financial support for part of the research was provided by CONACYT and undertaken by Luis Gómez, as part of his Masters thesis at CIDE.

² An extensive body of work in the early 1970s, principally from anthropology and from law, focuses on comparative and indigenous legal systems (for a review of this literature, see Merry 1992), but their interest is more centered on the administration of justice and on dispute resolution than on policing.

³ Again, I am referring here to common crime and perceptions of personal safety, and not the resolution of disputes over land ownership, electoral processes or other civil issues.

⁴ The Montaña municipality of Metlatónoc ranks as *the* most marginalized of more than 2,400 municipalities in the country, according to CONAPO (2000); municipalities ranked number 7, 12, 16 and 19 are also found in these regions. Within Guerrero, all ten of the most marginalized municipalities are found in the Costa Chica and the Montaña regions.

⁵ The brother of then-President Carlos Salinas de Gortari, Raúl, is rumored to have been a key supporter of a shadowy wing of the PRI known as Antorcha Campesina, which was and still is active in rural and semi-urban areas, principally in the States of Mexico, Puebla, Morelos and Guerrero.

⁶ In one well-documented incident, El Charco, in the municipality of Ayutla de los Libres, soldiers opened fire on residents who were attempting to surrender, killing eleven people (CNDH Rec. 20/2000).

⁷ A single voluntary village police force had been formed about a month earlier, in the village of Cuanacaxtítlán, municipality of San Luis Acatlán, as a result of discussions in the community assembly. The names of fifty-one victims of violent death from 1991 to 1995 are listed in the assembly's report (this, in a village of about 3,000 residents), along with the names and circumstances related to the assaults on sixty-one villagers from 1993 to 1995, ranging from rape to robbery and beatings.

⁸ The state asks local governments to sign agreements that permit it to do this, under threat of cutting off the municipality's electricity. This appears to be in flagrant violation of the principles, and perhaps the letter of the law, regarding this source of intergovernmental finances, but no formal action has yet been taken by municipalities or federal agencies.

⁹ Interview with Juan Carlos Téllez Guerrero, Secretario Ejecutivo del Consejo Estatal de Seguridad Pública, Guerrero, conducted by Luis Gómez, 1 June 2001.

¹⁰ This perception appears widespread, not only in Mexico, but in many Latin American countries. A reference to Bolivia is cited in Davis (1999: 154-55).

¹¹ Interview with Juan Carlos Téllez Guerrero, Secretario Ejecutivo del Consejo Estatal de Seguridad Pública, Guerrero, conducted by Luis Gómez, 1 June 2001. Interview with Juan Alarcón Hernández, Presidente de la Comisión Estatal de Derechos Humanos, Guerrero conducted by Luis Gómez, 25 May 2001.

¹² Interview with Juan Alarcón Hernández, Presidente de la Comisión Estatal de Derechos Humanos, Guerrero conducted by Luis Gómez, 25 May 2001.

¹³ However, it should be noted that in the Costa Chica and Montaña de Guerrero, success with the *policía comunitaria* appears to be laying the bases for multi-partisan cooperation among municipalities in other sphere of government action as well.

¹⁴ In this sense, the recent focus of national policy for public security and policing on using federal officers to help train municipal police forces represents an improvement over the previous insistence that police deployed by central government to far-flung regions of the country are the key to fighting crime.