

Seminary Report

# Civilian Monitor for the Guerrero Police:

Dialogue with National and International Experience

August 30 - September 1st, 2007  
**Chilpancingo, Guerrero**

**Seminary Report**  
**“Civilian Monitor for the Guerrero Police:  
Dialogue with National and International Experience”**

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## Centro de Derechos Humanos de la Montaña “Tlachinollan”, A.C. (“Tlachinollan” Mountain Human Rights Center)

The Tlachinollan Mountain Human Rights Center is an NGO based in Tlapa de Comonfort, Guerrero, Mexico. Its mission, for almost 14 years, has been to promote and defend the rights of the Nahua, Mixtec, Tlapanec and Mestizo peoples in the Guerrero mountains, and to help design legitimate and pacific means to guarantee their human rights.

One of the objectives of our work is to influence the structural causes of human rights violations in Guerrero. Thus, we have developed a strategy consisting in an integral defense of human rights, which involves all the areas Tlachinollan works in:

- ♦ **Education Area.** This area provides workshops and makes didactic material on human rights, focusing on the collective rights of the indigenous peoples. It works directly with communities and their authority figures for the design and implementation of both.
- ♦ **Communications Area.** This area seeks to make the human rights situation in the Mountain region, as well as the cases Tlachinollan takes on, known to the general population.
- ♦ **International Area.** This area is in charge of spreading information on this situation internationally, in particular through strategic relations with organizations such as Human Rights Watch, WOLA, Amnesty International and the German Human Right Coordination. It also works in communication and advocacy with special rapporteurs from the United Nations and the OAS. In addition, it has a program for the attention of human rights violations victims, which provides guidance and psychological attention.
- ♦ **Legal Area.** This area provides legal counseling and assumes the defense in cases of human rights violations, working towards

attaining better access to justice for the population. Another part of its work consists in mediation between both sides of a conflict among individuals, promoting peaceful and satisfactory settlements for both parties, and thus allowing people to avoid dealing with official institutions and being subjected to time consuming and costly processes.

This defense strategy involves legal, communications, political advocacy, articulation with national and international actors, and education actions, and it has allowed us to build representative cases of human rights violations, which, in turn, has made it possible for us to foresee the most significant problems in this area in order to create proposals for legislative and public policy reforms that would influence their causes.

<http://www.tlachinollan.org>

## Fundar, Centro de Análisis e Investigación, A.C. (Fundar, Analysis and Research Center)

Created in 1999, Fundar is a non-profit, plural, independent organization with no ties to any political party, which seeks to contribute towards the consolidation of substantive democracy. Fundar has specialized, since its creation, in the analysis of public budgets and policy, and in the precise monitoring of institutions to promote accountability, thus helping strengthen democratic institutions.

One of the founding principles of Fundar is to advance towards the rule of law and the guarantee of human rights. The strategies Fundar follows are: to widen and strengthen citizen participation; to demand transparency and accountability; and to promote substantial equality. The main tool it uses is advocacy based on evidence, led by the effort to find creative solutions to the problems the country faces, and form proposals characterized by rigorous and interdisciplinary research.

Currently, Fundar works in four large areas: transparency and accountability, public budgets and policy, strengthening of citizen capacities, and human rights and citizen security.

The human rights and citizen security area coordinates projects that explore creative options for social change in key sectors for the democratization process in Mexico, and it evaluates the efficiency of public institutions in charge of safeguarding human rights in our country through strategic monitoring and litigation.

Since 2003, Fundar began to study accountability alternatives for police systems, based on the perspective of citizen security. Through 2004 and 2005, Fundar coordinated in Mexico Metágora Project. Which is an study of the irregularities, power abuse and mistreatment of police officers and public attorneys in the Federal District. The research is currently being applied in three municipalities of Querétaro State.

In this sense, the citizen security program has dedicated to analyze accountability mechanisms of public security institutions in the Federal District (Mexico), aiming at ameliorating policing practices, through disseminating learned lessons from such models to other municipalities in Mexico; and through collaboration with police corporation at municipalities in order to acheive democratic schemes of policing through capacity building.

**<http://www.fundar.org.mx>**

## Instituto para la Seguridad y la Democracia, A.C., Insyde (Insyde, Spanish acronym for the Institute for Security and Democracy)

The Institute for Security and Democracy (Insyde) is an autonomous, trans-disciplinary civilian organization founded in 2003. It is made up of a group of investigators specialized in public security, democratic political reform, criminal justice and investigative journalism in public security and violence. Five years since its creation, Insyde has built and consolidated relationships with national and international civil society organizations, academic institutions and cooperation organisms.

Its purpose is to support the strengthening of a democratic state within a space of respect of human rights, assuming the conviction that police reform sustained in civilian action builds towards an authentic democratic cohabitation. Insyde also orients its actions towards aiding the constitution of new forms of interactions between citizens and the police; in order to achieve this, the organization participates in actions and initiatives such as the Altus-Alliance Global Week of Police Visitations.

We count, among our greatest international achievements, with the MacArthur Award for Creative and Effective Institutions, granted in March of 2007, its second edition, by the John D. and Catherine T. MacArthur Foundation, to Insyde and eight other organizations from the United States, Nigeria, Nepal, India y Russia. This has served as an incentive that strengthens our commitment with our institutional objectives, and pushes us to continue our work.

Insyde further advances towards its goals by adopting and incorporating new perspectives and methodologies, which allow it to get to know and collaborate with police institutions using a positive, respectful and co-responsible approach.

For the past two-and-a-half years, Insyde has collaborated with Fundar Center for Analysis and Research and the Tlachinollan Mountain Human Rights Center to create “Civilian Monitor for the Police and Security Forces in the Guerrero Mountain in Mexico”, an unprecedented project since its origin due to its creation by civil society.

<http://www.insyde.org.mx>

# 1. INTRODUCTION

Robert Varenik, an expert in democratic reform of security and justice institutions once said, “Good ideas must cross borders.” Civilian supervision of police forces is, without a doubt, one of those good ideas that cross any border, and Chilpancingo, in the Mexican state of Guerrero, was the stage for the first exchange of ideas on the subject in an event unprecedented in Mexico, which took place on August 30-31 and September 1st. To quote some of the participants, internationally renowned experts on the issue, the event was historic, due to the initiative of civil society leading it, the platform of academic research on which it was sustained, the international impulse behind it, the close accompaniment of the organizations that designed the first civilian police monitoring program in Mexico, and the promising reception of the proposal both by authorities in the state of Guerrero and international organizations of the utmost relevance, such as the United Nations.

Those days, the expectations for the project were high, and now there is great excitement about the reality: the Civilian Police Monitor (Mocipol, Spanish acronym) for the mountains of Guerrero began operating in November of 2007 and institutional support for the project grows with each passing day, as its office accumulates attention to complaints and the obtaining of relevant information week by week. But we must take in the process a step at a time, so let us look back for a moment.

The “Tlachinollan Mountain Human Rights Center, Fundar Center for Analysis and Research and the Institute for Security and Democracy –three civil society organizations with different histories and institutional profiles– have come together, a meeting that seems predestined by history, to work together in the design of a police

monitor of unlimited potential, as unlimited as the difficulties it has and will continue to face. The alliance is, in itself, a success, according to Julita Lemgruber. And so it is, because it has required a reciprocal learning and growth process that proved more intense, complex and productive than all the parties expected. Today, more than two years after having begun working together, the three organizations know, understand and accept each other better than ever.

The seminar here was a strategic stop on the road towards the design and put in practice of Mocipol. The agreement was simple: the results of this Monitor –what it should and can be– would become a deep discussion with experts from countries that have years of experience in the theory and practice of external police control as well as those, from the Mountain region and the state of Guerrero, who have experience in the matter and can share their knowledge.

## Regions of Guerrero



### Municipalities of the Mountain Region

- |                            |                                   |
|----------------------------|-----------------------------------|
| 1 Acatepec                 | 11 Olinalá                        |
| 2 Alcozauca de Guerrero    | 12 Tlacoapa                       |
| 3 Alpoyeca                 | 13 Tlalixtaquilla<br>de Maldonado |
| 4 Atlamajalcingo del Monte | 14 Tlapa de Comonfort             |
| 5 Atlixnac                 | 15 Xalpatláhuac                   |
| 6 Copanatoyac              | 16 Xochihuehuetlán                |
| 7 Cualac                   | 17 Zapotitlán Tablas              |
| 8 Huamuxtitlán             | 18 Cochoapa El Grande             |
| 9 Malinaltepec             | 19 Liatenco                       |
| 10 Metlatónoc              |                                   |

It is important to point out that, satisfactorily, almost all those invited accepted the trip, even from South Africa, to find out about this proposal and discuss it without limits.

The goal was obtained. In addition, the presence and voices of the three powers of the state government of Guerrero, the Guerrero Mountain policía comunitaria, the Mexican office for the United Na-

tions High Commissioner on Human Rights, and Mexican experts in police matters, were added to the discussion.

The foundation for the Monitor, which is to say, the first methodological document and the operational guidelines to put it in practice were set out and discussed in conjunction. But the reader of this report would be surprised at the ample and profound debate. The seminar was an experience of great creativity and ideas exchange that lasted three days. Matters such as the extraordinary relevance of the moral and political dimensions of the Monitor, which constitute the cornerstone of the project and thus the team and operation, were clarified; the unprecedented character of the model under discussion was clarified, especially with regard to the function of the absence of a legal mandate –an aspect of which both weaknesses and opportunities were placed into consideration. The high quality of the information collected by the Monitor and of its analysis were established as technical imperatives, together with the discussion on the correlation of the functions of defense of human rights violations victims and the strict civilian supervision of the police, with which police neutralization, high technical specialization and equidistance from the authorities and civil society can be obtained.

The weaknesses in the first model conceived appeared (as was to be expected), which, in some cases, were faced immediately, while others are still being discussed, in practice, as investigation problems that require methodical handling. Before, during and after the conference, the Monitor has catalyzed the coincidences, but has also allowed the differences, in some cases, and the diversity, in others, to bloom. Deep down, we find, in many cases, the underlying need to advance through a fine-knit fabric of balances between: a) the intensions nourished by theory; b) the lessons learned from practices in other latitudes; and c) the specific circumstances of the given context, which presents both opportunities and severe restrictions.

Behind the Civilian Police Monitor we find an irreplaceable factor: the professional prestige, credibility and social and political influence of Tlachinollan both in the Mountain region and the state of Guerrero. In issues such as litigation in favor of human rights and valid interlocution with the authorities, this organization presents a level of maturity that might be impossible to repeat in the country, which has allowed it to overcome obstacles derived from the precaution that, due to its extreme stances, it could become handicap for other organizations, hindering close work with other actors, similar or not, of organized civil society. This is the main reason why the proposal from the Monitor, which was made by Insyde and immediately backed by Fundar, found in Tlachinollan the fertile soil to bloom.

In this sense, and for the reasons explained above, foreign experts were invited, such as: Sue Quinn, independent consultant in civilian oversight and former member of, among other organizations, the National Association for Civilian Oversight of Law Enforcement (NACOLE), the National Association for Civilian Monitoring of Law Enforcement Agencies; William MacDonald, senior investigator at the office of the Commissioner on complaints against the police in British Columbia, Canada; Barbara Attard, independent auditor for the police in San Jose, California; Julita Lemgruber, first ombudsperson for the police in Rio de Janeiro, Brazil; Eduardo I. Diaz, current president of NACOLE; Thomas Mavabasa Tshabalala, General Manager of Investigations for the Independent Complaint Directorate (ICD) in South Africa.

The national experts invited were: María Eugenia Suárez de Garay, researcher in police studies and president of the Consultive Board for Citizen Security in Guadalajara, Jalisco; Marcos Pablo Moloeznik, professor and researcher of the University of Guadalajara, communicator of the International Humanitarian Law (International Red

Cross Committee); Carlos Silva Forné, researcher at the Instituto de Investigaciones Jurídicas (Institute for Legal Research), Mexico City, expert in police behavior patterns, police-community relations, police abuse, police culture, performance indicators and accountability.

Some of them, along with other specialists, will make up the International Advisory Board for the Monitor, a collegiate body that will serve as a catalyst for an ample multinational exchange, collaboration and technical assistance agenda. The first Mexican Police Monitor is, strictly speaking, a local actor, but it emanates added values from its experience, which will be guided through channels of regional, national and even international impact, particularly through training of and from the Monitor.

The Civilian Monitor for the Guerrero Mountain Police faces social, political, institutional, financial, organizational and managerial challenges. The team directly and indirectly responsible for guiding it represents a trans-disciplinary platform that provides several points of view and methods for seeking solutions for all these challenges. One of the aforementioned strategic points of view has been, for example, to give a privileged space to the local actor in the understanding of the local context; this seems obvious, but it is not: we propose that the theory and the best shared experience cannot substitute direct exposure to the specific context and the knowledge this exposure produces.

The construction of a unique identity for Mocipol is an especially hard challenge considering the institutional profile of Tlachinollan, organization which the direct management of the Monitor falls to and that, at the same time, must progressively distance itself from it.

For any reader interested in this report, and any observer tuned into the Monitor, the information will permanently flow through the websites of the three organizations involved: [www.insyde.org.mx](http://www.insyde.org.mx), [www.fundar.org.ms](http://www.fundar.org.ms), [www.tlachinollan.org](http://www.tlachinollan.org).

We are not certain of what the outcome of the Monitor will be, but we are convinced of its value as an experience towards the building of professional, efficient, legitimate police institutions in Mexico, re-inserted into the society they must serve and stay close to.

## 2. ORGANIZATION AND STRUCTURE OF THE SEMINAR

### 2.1. Justification

The Civilian Monitor for the Police and Security Forces in the Mountain region of Guerrero project responds to the common goal of developing a concrete effort by civil society to oversee police institutions and promote structural reform of police activities in Mexico

For two years, these three organizations conceived the event and identified the opportunity to establish constant interaction with civilian supervision agencies and other associations, in order to receive and exchange technical information.

The project's evolution led to a series of stages and activities during which the need to articulate a multi-disciplinary team was expressed. This team would build a document that laid out the justification for the Civilian Monitor, the local context, the norms, the charter, organization and structure, the operative processes, the political and communication strategies, and the internal evaluation mechanisms for the Monitor.

The elaboration of the institutional design of a civilian monitor was focused on generating a referential instrument that would establish guidelines for the monitor's operational actions, policies and communication. Said document was sent to the experts a month before the seminar, in order to give them time to review it.

The "Civilian Monitor for the Guerrero Police: Dialogue with National and International Experience" Seminar was conceived as a strategy to evaluate the institutional design of the Monitor. This evaluation was seen as a priority necessity to incorporate trustworthy and valid opinions and points of view.

The reviewers were asked to identify the areas of opportunity and the strengths of the design. The goal of the seminar was focused

on building observations and proposals that would serve as technical references for a more finished institutional design which respected, at all times, the context of the Guerrero Mountain region and the resources available for its operation.

The evaluation and feedback that resulted from the Seminar required an exhaustive search to identify and invite experts in the subjects of public security, police accountability, civilian supervision and human rights.

The answer obtained from the experts to the invitation made by the organizing associations was very favorable. For three days, national and international experts, members of the three organizations that founded the project, human rights organizations activists, state authorities and the representative in Mexico of the United Nation's High Commissioner for Human Rights' Office analyzed and discussed the design presented to them. The participants provided feedback from their perspectives, proposals and advice. The contents and themes discussed allowed the members of the Civilian Monitor to collect observations and foresee their actions in scenarios and situations that they would potentially have to face during the work of the Monitor with police institutions, citizens and state authorities.

## 2.2. Objectives of the Seminar

1. To study the experience, operation, characteristics, challenges and achievements of different international police supervision agencies.
2. To receive, from national and international experts, an evaluation of the preliminary design for the Civilian Monitor.
3. To receive feedback and practical proposals for the Civilian Monitor model, framed within the context and needs of the Guerrero Mountain region.
4. To encourage the reunion of international civilian oversight experts, national public security experts and human rights activists in order to provide their knowledge and experience in the interaction with police and security institutions from an integrated perspective.
5. To invite the experts to form part of the International Technical Counsel for the Civilian Monitor.
6. To present the project to local and state authorities, and provide formal channels for conversation.
7. To share the approximation and expectations of the Civilian Monitor's functions and reach.
8. To provide substantial information on the project to the public and media in attendance.

## 2.3. List of Participants

### Founding Organizations

1. Abel Barrera, president of the Tlachinollan Mountain Human Rights Center
2. Ana Paula Hernández, vice-president of the Tlachinollan Mountain Human Rights Center
3. Mario Patrón, coordinator of the Legal Area of the Tlachinollan Mountain Human Rights Center
4. Vidulfo Rosales, lawyer for the Tlachinollan Mountain Human Rights Center
5. Gino Costa Santaolalla, international consultant
6. Jorge Sánchez Rebolledo, independent consultant
7. Kristina Pirker, associate director and academic coordinator of Fundar Center for Analysis and Research
8. Juan Salgado Ibarra, associate researcher at Fundar Center for Analysis and Research
9. Andrea de la Barrera Montpellier, coordinator of Institutional Development, Fundar Center for Analysis and Research
10. Juan Carlos Martínez, coordinator of the Human Rights and Citizen Security Area, Fundar Center for Analysis and Research
11. Ernesto López Portillo Vargas, president of the Institute for Security and Democracy (Insyde)
12. Antia Mendoza Bautista, senior investigator at Insyde
13. Ernesto Cárdenas, investigator at Insyde
14. Walter Mackey, director of Centropol, Insyde

### Participating Public Institutions

1. Amerigo Incalcaterra, Office of the United Nations High Commissioner for Human Rights (OACNUDH, Spanish acronym)
2. Ramiro Solorio Almazán, state of Guerrero Legislative Power

3. Edmundo Román Pinzón, state of Guerrero Judicial Power
4. Eduardo Murueta, state of Guerrero General Attorney's Office
5. Heriberto Salinas Altés, state of Guerrero Ministry of Public Security

### **Local Participants**

1. Juan Alarcón, Guerrero Commission for the Defense of Human Rights
2. Juan Angulo, El Sur newspaper

### **Representatives of Human Rights Organizations**

3. Luis Arriaga, director of the "Miguel Agustín Pro Juárez" Human Rights Center
4. Isabel Uriarte, lawyer for the "Miguel Agustín Pro Juárez" Human Rights Center
5. Edgar Cortez, "Todos los derechos para todas y todos" National Network of Human Rights Organizations
6. Juan Manuel Cantú, Center for Border Research and Promotion of Human Rights (CEFRODHAC, Spanish acronym)

It is important to point out that, during the Seminar, we also had the participation of: the legal defense team of the Tlachinollan Mountain Human Rights Center, members of the Guerrero Network of Human Rights Organizations, the first operator of the Civilian Monitor Fidela Hernández, personnel from the Guerrero Human Rights Commission (CODDEHUM, Spanish acronym), the Guerrero Ministry for Public Security, and the local media. We also had the valuable participation of Kim Krasevac, independent consultant, as well as Nancy Truitt from the Tinker Foundation.

## 2.4. National and International Experts

### **Barbara Attard**

Office of the Independent Police Auditor, City of San Jose

Barbara Attard obtained a Master's degree in Public Administration from the University of San Francisco, and is currently and independent auditor for the San Jose police, chosen for the job by the Mayor and the Citizen's Counsel in January of 2005. Before this commission, she headed the Police Review Commission (PRC) in Berkeley, one of the first monitoring agencies in the United States, for seven years. She started her career in civilian monitoring in the San Francisco Office for Citizen Complaints (occ) in 1983, as one of the first investigators hired by the recently formed agency. She is the former president of NACOLE, and has been on its Board for six years, having served previously as secretary and VP of the organization.

She has remained active in international and national civilian monitoring associations for over twenty years. She has promoted the use of mediation processes in cases of inadequate police conduct, and is the author of the article "Praise for Mediation". During her time at occ, she developed a "System of Early Warning" to detect and counsel San Francisco police officers whose complaints files could indicate problematic behavior patterns.

## **Eduardo I. Díaz**

National Association for Civilian Oversight of Law Enforcement,  
Miami Dade County's Independent Review Panel (IRP)

International Network for Independent Oversight of Policing (INIOP)

Eduardo I. Díaz obtained a PhD in Psychology at the University of Ohio in 1979, and has held many clinical and administrative posts in civil service for 24 years. He has worked with the Civilian Monitor for Law Enforcement for ten years as Executive Director of the Independent Review Panel (IRP) for Miami-Dade County. This organization receives citizen complaints related to county departments or personnel. His department is in charge of coming up with corrective actions and improving processes. Before that, he was the Coordinator of Program Evaluation and Crime Prevention for the Department for Judicial System Support (DJSS) and the Head of the Crime and Delinquency Prevention Department of the Department of Justice Assistant (DJA), where he ran multiple programs directed at special groups in Miami-Dade County. Since 1997, he has belonged to NACOLE and was elected to the Board during the 2002 annual meeting. He has participated in international activities since 1996, and is a member of the organizing group of the new International Network for Independent Oversight of the Police (INIOP). He participates in the Peace Psychology Division of the American Psychological Association (APA), as well as Psychologists for Social Responsibility (PSYSR) and the Alternatives to Violence Project (AVP). He is a strong supporter of accountability methods in restorative justice.

## **Julita Lemgruber**

Centro de Estudos de Segurança e Cidadania (CESEC, Portuguese acronym for Center for Studies in Security and Citizenship), Rio de Janeiro, Brazil

Julita Lemgruber obtained her Master's degree in Sociology at the Instituto Universitario de Pesquisas del estado de Rio de Janeiro (IUPERJ, Portuguese acronym). Between 1983 and 1990, she held several positions in the Penitentiary System of the state of Rio de Janeiro, and was the General Director of the Prison System of that state.

Between 1995 and 1998, she was the Technical Assistant to the Minister of Justice in the state of Rio de Janeiro, as well as a member of the National Counsel on Penal and Penitentiary Policy for the federal government. During those years, she worked in the alternatives to penitentiary area, wrote about the issue and helped modify Brazilian legislation on the subject. Between March 1999 and March 2000, she was the first ombudsperson for the Police in Rio de Janeiro, Brazil. Between 1996 and 2005, Julieta Lemgruber was a member of the Board of the International Association for Penal Reform, and frequently traveled as an aid to organize alternatives to penitentiary programs in different countries. Since April 2000, she has headed the Center for Public Security and Citizenship Studies at the Universidad Candido Mendes. She belongs to the Board of the International Center for Jail Studies and Altus Global Alliance (The Hague, Netherlands).

She is the author of several important books and articles, to name a few: Julita Lemgruber, Leonarda Musumeci and Ignacio Cano, *Quem vigia os vigias (Who Watches Watchers)*. *Um estudo sobre controle externo da polícia no Brasil (A Study of External Control of the Police in Brazil)*, Rio de Janeiro, Editora Record, 2003; Jandira Feghali,

Candido Mendes and Julita Lemgruber (org.), *Reflexões sobre a violência urbana (Reflections on Urban Violence)*, Rio de Janeiro, Mauad, 2006; “As ouvidorias de polícia no Brasil: limites e possibilidades” (“Police Audits in Brazil: Limits and Possibilities”), *Boletín CESEC*, Año 1, n° 3, January 2003.

## **William MacDonald**

Police Complaint Commission, British Columbia

Since 1998, William MacDonald was named the first investigator for the Office for Police Complaints Commissioner (OPCCT). As an Independent Official of the provincial Legislature of British Columbia, the Police Complaints Commissioner provides impartial civilian oversight of the complaints received against the police, and ensures that a full and competent investigation is led on any accusation of inappropriate police conduct. MacDonald plays a quality control role in representing the Police Complaints Commissioner and has supervised more than a thousand complaints of police misconduct since 1998. His job includes recommending external investigations or public hearings when problems are detected in investigations or when a hearing is necessary to keep or restore public trust in complaints processes or the police. He is responsible for most of the hearings ordered by the Police Complaints Commissioner.

Before joining the OPCCT, he worked as a special provincial agent for the Firearms Branch and the Security Programs Division of the Ministry of the General Attorney, where his spotless reputation as an investigator grew due to the important role he had in the historical seizure of more than six tons of automatic weapons, which he discovered in a clandestine firearms manufacturing plant; the discovery had international ramifications, as did his insistence, perhaps an

omen of his future role in the Office of Police Complaints Commissioner, on opening an investigation into police corruption and firearms dealing within a police department.

### **Marcos Pablo Moloeznik**

Universidad de Guadalajara, Mexico

He obtained a Master's degree in Public Policy at the INAP-Spain, and another in National Defense from the Escuela de Defensa Nacional (National Defense School) in Argentina, as well as a PhD in Law from the Universidad de Alcalá de Henares, Spain. In addition, he has taken three update courses at the Center for Hemispheric Defense Studies, National Defense University, Washington, D.C.

He is currently a professor and investigator at the Universidad de Guadalajara, Mexico, the communicator of International Humanitarian Law (Red Cross International Committee), and teaches update courses and diplomas in Public and National Security. His more recent investigations and contributions are centered on the process of militarization in Mexican public security, security as public policy and security and human rights in the state of Jalisco.

He has been guest lecturer at the Universities of Buenos Aires and Rosario (Argentina), Cologne and Berlin (Germany), and Warsaw (Poland), and is recognized as a Level 1 National Investigator by the National System of Investigators (SNI, Spanish acronym) belonging to the National Counsel for Science and Technology (CONACYT, Spanish acronym), Mexico.

## **Sue Quinn**

### *International Consultant in Civilian Oversight*

Sue Quinn has worked for the California Penal and Judicial System since the sixties. Since 1992, she has worked in the nascent field of civilian oversight of police activities. Between 1992 and 1997, she was the Executive Officer (1995-1997) and special investigator (1992-1995) for the Citizen Law Enforcement Review Board (CLERB) in San Diego, a model independent investigative monitoring board that opened its doors to citizen complaints in 1992.

Between 1997 and 2005, she was the president, financial director and a general member of NACOLE. She is the author of the following articles, all of which can be found on NACOLE's website ([www.nacole.org](http://www.nacole.org)): "Varieties of Oversight", "Mediation", "Investigative Guidelines", "Board Training" and "Links/Resources".

She contributed to the publication, in 2006, of the American Bar Association for Civilian Law Enforcement Oversight, edited by Justina Cintron Perino (American Bar Association, Section on State and Local Government Law, ([www.abanet.org](http://www.abanet.org))).

## **Carlos Silva**

Investigator for the institute for Legal Research, Universidad Nacional Autónoma de México y and the Institute for Security and Democracy (Insyde)

He has a bachelor's degree in Sociology from the Universidad de la República (Montevideo, Uruguay); a Master's in Social Sciences from the Latin American Social Sciences Faculty (FLACSO, Spanish acronym) in México, and is a PhD in Social Sciences candidate, specialized in Sociology, at El Colegio de México (2000-2003). He has ample experience in research of political culture and legal culture, human rights, citizen participation, public security and police organizations.

He has specialized in police behavior patterns, police-community relations, police abuse, police culture and organizations, performance indicators and accountability. Besides working as a consultant for Insyde, he works in the area of Applied Research of the National University's Institute of Legal Research.

## **María Eugenia Suárez de Garay**

Universidad de Guadalajara, Mexico

She has a PhD in Social and Cultural Anthropology from the Universidad Autónoma de Barcelona, Spain. Her doctoral dissertation was published in 2006 under the title *Los policías: una averiguación antropológica* (*The police: An Anthropological Investigation*), by the Universidad de Guadalajara, Mexico and the Western Institute of Technological and Superior Education (ITESO, Spanish acronym), Mexico. Since 1997, she has been dedicated to police research, specifically issues related to police culture. She is currently working on

a research project titled “Processes of Conversion: The Experiences of Former Police Officers in Prison”. She has consulted on several projects for the Department of Planning and Strategic Operations of the General Direction of Public Security in the Municipality of Tlaquepaque in the state of Jalisco, Mexico. She has also participated in training and formation processes for operative elements of the Tlaquepaque Municipal Police, the Jalisco state Preventive Police, the Municipal police of Culiacán in the state of Sinaloa, the Ministerial Police in the state of Coahuila and the national Public Security Academy, among others.

She is currently a consultant for the international organization National Strategy information Center based in Washington D. C., for the educational project on strengthening the rule of law and the promotion of a culture of legality in the Culiacán, Mexicali and Hermosillo Municipal Police departments and the Sinaloa and Nuevo Leon State Police departments, as well as the State Investigations Agency of Nuevo Leon (all different Mexican police agencies).

## **Tommy Tshabalala**

Independent Complaints Directorate, South Africa

Since 2005, Tshabalala has been the general manager of the Independent Complaints Directorate (ICD) in South Africa. He was the head of Investigations from 2002 to 2005. He established the ICD Anti-Corruption Command, the ICD Ethics and Integrity Unit and the ICD Mpumalanga Provincial Office.

He worked as the Secretary for the African Police Civilian Oversight Forum (APCOF), the coalition of African Civilian Oversight Organizations. Among other functions, he is in charge of developing

Labor Protocols for the South African Police Service, the ICD and the Municipal Police Services. In addition, he is in charge of developing Regulated Operative Procedures for the uniform execution of ICD mandates, and provides training and technical counseling to some recently established civilian oversight organisms on the African continent. Tshabalala was the Assistant Director of Legal Counseling Services at the ICD (1999-2000). He was also a legal counselor for the South African Police Service between 1996 and 1999, and a police officer with the same agency from 1993 to 1996.

## Schedule for the Seminar

### Thursday, August 30, 2007

#### Inaugural Session

- Abel Barrera, Tlachinollan Mountain Center for Human Rights
- Kristina Pirker, Fundar Center for Analysis and Research
- Ernesto López Portillo, Institute for Security and Democracy, Insyde
- Heriberto Salinas Altés, Guerrero State Public Security Minister
- Eduardo Murueta, Guerrero State Attorney General
- Edmundo Román Pinzón, Guerrero State Judicial Power
- Ramiro Solorio Almazán, Guerrero State Legislative Power
- Amerigo Incalcaterra, Representative for the United Nations High Commissioner on Human Rights in Mexico
- Juan Alarcón, Guerrero State Commission for the Defense of Human Rights

#### Analysis of the Local Environment

- Juan Angulo, El Sur newspaper
- Abel Barrera, Fundar Center for Analysis and Research

#### Conference: Identification of Challenges the Monitor Faces

##### “Police, Transparency, Human Rights and Civilian Oversight”

- Juan Salgado, Fundar Center for Analysis and Research

#### Presentation of International Experiences and presentation of Mexican Experts

##### 1. Panel on International Experiences

Moderated by: Ernesto López Portillo, Insyde

- Sue Quinn, independent consultant, United States
- Eduardo Díaz, Independent Review Panel, United States
- Tommy Tshabalala, Independent Complaints Directorate, South Africa

##### 2. Panel on International Experiences

Moderated by: Juan Salgado, Fundar Center for Analysis and Research

- William MacDonald, Office of the Police Complaint Commissioner, Canada
- Barbara Attard, Independent Police Auditor, United States
- Julita Lemgruber, Center for Security and Citizenship Studies, Brazil

## **Friday August 31, 2007**

### **Civilian Monitor of the Police and Security Forces in the Guerrero Mountain Region**

- Gino Costa, international consultant
- Antia Mendoza, Insyde
- Jorge Sánchez, independent consultant

### **Monitor: Operative Phases**

- Gino Costa, international consultant
- Antia Mendoza, Insyde
- Jorge Sánchez, independent consultant

### **International Experts' Feedback on the Monitor**

Moderated by: Ernesto López Portillo, Insyde

- Effective Policing in Democratic Societies  
Sue Quinn, independent consultant, United States
- International Civilian Oversight of Law Enforcement  
Eduardo Díaz, Independent Review Panel, United States
- Independent Complaints Directorate  
Tommy Tshablala, Independent Complaints Directorate, South Africa

### **Comments for the Monitor**

Moderated by: Juan Salgado, Fundar Center for Analysis and Research

- Police Complaint Commission, British Columbia William MacDonald, Office of the Police Complaint Commissioner, Canada
- Office of the Independent Police Auditor, City of San Jose  
Barbara Attard, Independent Police Auditor, United States
- Civilian Oversight in Brazil
- Julita Lemgruber, Center for Security and Citizenship Studies, Brazil

### **Comments for the Monitor from National Experts**

Moderated by: Mario Patrón, Tlachinollan Mountain Human Rights Center

- Ma. Eugenia Suárez de Garay, Universidad de Guadalajara
- Marcos Pablo Moloeznik, Universidad de Guadalajara
- Carlos Silva, Center for Legal Research, Universidad Autónoma de México – Insyde

### **Synthesis of the Issues Highlighted by the Experts**

- Ernesto López Portillo, Insyde
- Juan Salgado, Fundar Center for Analysis and Research
- Mario Patrón, Tlachinollan Mountain Human Rights Center

**Saturday September 1st, 2007****Work Groups:**

Monitor's Command and Strategies

- Gino Costa, international consultant
- Ernesto López Portillo, Insyde

**Diagnosis and Feedback**

- Antia Mendoza, Insyde

**Attention of Complaints**

- Jorge Sánchez, independent consultant

**General Discussion of Work Groups****Closing ceremony**



## 3. DEVELOPMENT OF THE SEMINAR

### 3.1. Inauguration

The inaugural session of the event (August 30 2007, 10:00 a.m.) included the participation of representatives for the three powers of government in the state of Guerrero, the representative of the United Nations High Commissioner for Human Rights Office in Mexico, the president of the State Commission for Human Rights (CODEHUM, Spanish acronym), and of representatives of the three civil society organizations in charge of setting up the Monitor.

It is important to point out that the plurality of the people participating in this session demonstrated the interest that the three state powers have in supporting the development of the Monitor. Besides, the presence of the CODEHUM and the UN High Commissioner's Office is a signal of backing in terms of accompaniment, visibility, political positioning and counseling.

Abel Barrera, director of Tlachinollan, was the first speaker. He started by emphasizing the importance of the collaboration between the three civil organizations for this initiative, and then emphasized the importance of connecting the Monitor's work to the search for integrated justice for the indigenous peoples of the Guerrero Mountain region. He also pointed out the main problems linked with the actions of the police in the region from an access to justice perspective, and related the main violations of human rights to the social conditions of the Mountain region inhabitants.

The head of Tlachinollan also pointed out the need to consider the historic memory of the local population, which has been the victim

of systematic police abuse, and stated that only a deep reform of the police institutions active in the region could make up for this memory. On the other hand,

**HE IDENTIFIED THE MAIN PROBLEMS OF THE LOCAL POLICE, INCLUDING THOSE RELATED TO THE LEGITIMACY OF NON-INDIGENOUS AUTHORITIES IN A PLURI-CULTURAL REGION, CORRUPTION, THE LACK OF CREDIBILITY OF THE JUSTICE SYSTEM AND SYSTEMATIC VIOLENCE OF THE POLICE.**

He ended with a series of reflections on democratic life, the role of citizens in public security and the need to “knit from the bottom up” in order to achieve a sustainable change.

Then, Kristina Pirker, Associated Director of Fundar, emphasized the collaboration process, over several years, between the three organizations behind the Monitor. The creation of the Monitor is an important learning opportunity for Fundar, since this organization seeks to move towards substantive democracy through different tools that strengthen the capabilities of citizens to demand and evaluate the government’s accountability methods.

Pirker emphasized Fundar’s experience in research applied to public security issues, and how this experience can contribute to the development capabilities in the local team in charge of the Monitor. She then identified the Monitor as Fundar’s most ambitious project in this area, since it is developed in a conflictive social environment, made harsher still by the different characteristics of the Mountain region of Guerrero: extreme poverty, drug trafficking, multiculturalism. Furthermore, she pointed out the challenges that the operative team must overcome in order to become close to the indigenous population, gain its trust and effectively respond to their problems. Finally, she pointed out the need to generate more dialogue between civil society and the state government.

Then Eduardo Murueta, the State General Attorney, spoke, and pointed out the government's intention to collaborate with the Monitor and hear about the international experiences discussed at the event in order to motivate change in matters of police formation. As concrete examples, he said he was interested in proposals for courses that could be taught to the staff at the Public Ministry and the Ministerial Police, especially on human rights.

The Attorney General pointed out that the director of Tlachinollan, Abel Barrera's diagnosis, is not valid, because the police no longer represses or "disappears" people. According to him, the human rights violations perpetrated by police corporations in Guerrero that are currently before the State Human Rights Commission are different from those in the past. Finally, he pointed out the challenges in rebuilding the relation between the police and society in order to reach a balance between security and human rights in an environment of such high delinquent activity as Guerrero.

When his turn came, Román Pinzón, president of the Superior Court of the state of Guerrero, pointed out the importance of the national and international experiences to be discussed at the event for the transformation of the institutions of Guerrero. He stated that the citizens cannot clearly tell the difference between government actions and the public policies that motivate them, because they conceive justice as a whole concept, which makes it important to consider the perspective of society in the government's work. Finally, he emphasized the need to defend the human rights of both civilian victims and police officers, and to improve the training of the state police agencies.

Then,  
**THE STATE REPRESENTATIVE, RAMIRO SOLORIO, POINTED OUT THAT, IN GUERRERO, POLICE ABUSE HAPPENS ON A DAILY BASIS, AND THAT THE DIFFERENT POLICE MONITORING EXPERIENCES COMING TOGETHER AT THIS EVENT WOULD AID IN CONDUCTING BETTER SUPERVISION IN ABUSE CASES.**

On the other hand, he emphasized the fact that the Monitor project starting in the Mountain region of Guerrero has the added value of being backed by civil organizations that do not receive state funding. This independence must be supported by the state's Congress by showing confidence in the work of all three organizations.

Representative Solorio also stated that there are two different versions on police abuse in Guerrero. On one hand, the government denies the recurrences of practices such as torture among its officers and agents in charge of law enforcement and the execution of sentences. On the other hand, those who have experienced these practices or seen them present a whole different vision of the problem. The representative considers that the Mountain region is a good place to start oversight work, because it is one of the places in Guerrero where the disparities are more evident, but he pointed out that it will be necessary to take this initiative to other regions of the state, and recover its technical characteristics in order to replicate them. Thus, it is important to document every step the Monitor takes.

Following the representative, Amerigo Incalcaterra, who represents the UN High Commissioner for Human Rights Office in Mexico, spoke of the United Nation's vision of security as one of the pillars of transformation, citing Koffi Anan, former General Secretary of the UN. Incalcaterra linked security to the concepts of development and human rights, and indicated the United Nation's work to make these pillars a reality. Incalcaterra finds terrible the fact that efficiency in

public security policies and respect of human rights are usually considered opposing elements by Mexican officers. Fighting emerging challenges like terrorism and organized crime should not undermine the trust between citizens and authorities, or result in the loss of liberties.

The High Commissioner's representative emphasized the importance of citizen participation in public security, especially to seek transparency in its management. He stated that the function of the police in a democratic environment must be backed by training, investigation and accountability processes. In his opinion, it is important for the Monitor to be set up in Guerrero, because, while the state still suffers from severe human rights violations, the local government is open and willing to collaborate to change the situation. Finally, he described the process for elaborating the Diagnosis of the Human Rights Situation in Guerrero, which included the participation of government, civilian and academic actors.

Juan Alarcón, president of the State Human Rights Commission, emphasized the commission's commitment to supporting the Monitor, because it considers this type of exercises in citizen participation essential to the consolidation of democracy. In addition, he highlighted the importance of the Monitor's ability to generate truthful information on the relation between citizens and police officers, which is not currently available for the state.

After recognizing some advances in Guerrero, such as the creation of the Commission and the development of civil society organizations, Alarcón pointed out the challenges that the Monitor faces due to the vices in the actions of several police corporations in the state, and the situation of poverty, migration and violence that characterizes the Mountain region.

Inclosing the inaugural session, Ernesto López Portillo, president of Insyde, stated that the Seminar represents a hope-filled launching

point for collaboration between civil society and the government. Even though both parts read into the insecurity problem differently, there is a shared idea of where we must go. He emphasized, as areas of opportunity, the state government's good will and the chance the Seminar provides to learn from international experiences.

López Portillo also pointed out that the Seminar is fundamental in Mexico, because it represents a new democratic mechanism for civilian oversight of the police. There is a lot of history with civilian police oversight in the world, but the time has come for Mexicans to build their own history, and share it. He then emphasized some of the operational challenges that must be discussed at the Seminar, such as defining the Monitor's Terms of Reference, and other issues that need to be determined after two years of continuous work by the founding organizations.

Finally, López Portillo stated that the Seminar also seeks to analyze the possibilities for introducing balance in the relation between the police and society. In other words, getting the police to understand society better, get closer to it in a more democratic fashion, and vice versa.

### 3.2. Analysis of the Local Environment

In the second conference, Juan Angulo and Abel Barrera analyzed the most important challenges the Monitor faces in the Mountain region. Both specialists are from Guerrero and have ample experience in research of social issues.

#### **Juan Angulo, Reporter for El Sur**

Juan Angulo's presentation concentrated on the historic role of the Mexican elites and, particularly, the Guerrero elites, in providing

citizens with the means for a decent life. He emphasized the poverty situation in Guerrero as a trigger for insecurity and social violence. He pointed out that Guerrero, and especially the Mountain region, hold some of the lowest positions, nationally, in terms of human development indicators: mortality in childbirth, illiteracy, health, and nutrition. There are highly marginalized municipalities in the Mountain region, with development levels equivalent to the poorest countries in Africa.

Angulo recounted the historical contributions of the state of Guerrero to the nation, and stated his indignation over the poverty and marginalization situation that can currently be seen in the state. The attempts to change the situation “from the bottom up” have been cruelly repressed by a ruthless oligarchy that follows production model based on the plundering of indigenous and peasant communities.

He then referred to the patterns of repression by Guerrero’s state authorities. He remembered the student movements of the sixties, repressed by the army under the command of Mario Augusto Acosta Chaparro, who also had authority over the police.

According to Angulo,

**THE SEQUELS OF THE ACTIONS TO FACE AND REPRESS THE GUERRILLA HAVE GENERATED SOCIAL DECOMPOSITION AND A SITUATION OF INSECURITY THAT PREVAIL IN GUERRERO TODAY. HE POINTED OUT THAT SEVERAL OF THE POLICE OFFICERS OF THE PAST CONTINUE TO WORK WITH IMPUNITY IN THE LOCAL SECURITY FORCES.**

They have not changed their repressive tactics, or undergone profound personnel reengineering or renovations.

Another important aspect Angulo brought up is the weakness of the state’s institutions. The judicial power is not independent and there is no freedom of speech, despite the government’s shift to the left. He

considers that independent media continues to be systematically harassed in Guerrero. Meanwhile, lack of criticism and hailing of the government's activities are rewarded with public funds.

### **Abel Barrera, President of Tlachinollan**

According to Abel Barrera, it is important to locate the Monitor's office in Tlalpa, because this city is the political, cultural and religious center of the indigenous peoples in Guerrero's Mountain region. It is also the headquarters for the security institutions that operate there. He spoke of the lack of recognition of the indigenous culture in Guerrero, and the problems this has caused in the attainment and administration of justice.

Barrera spoke with length of the economic roots of the social problems of the region, and explained that the low productivity of local crops has led the population to plant illegal substances (mainly marijuana and poppies). In addition, 60 percent of the local population is forced to migrate to other states of the country (as is the case of day laborers) or to the United States. Hunger and severe economic problems are a fundamental cause of the violation of the human rights of these people.

**HE PROPOSED THAT THE DIFFERENT LEVELS OF GOVERNMENT INVEST IN THE POOR TO FIGHT DRUG TRAFFICKING AND PLANTING, BECAUSE, UP TO THIS DAY, THEY HAVE ONLY INVESTED IN WEAPONS AND THAT, IN PRACTICAL TERMS, MEANS LAUNCHING A WAR AGAINST THE POOR.**

For example, the *ejidos* and communities that have to give up their land so the government can install military bases alter their lifestyle and resent the intrusion.

Since 1994, the cases of torture have been on the rise, and elements of the army have participated in several. Despite the fact that the

National Human Rights Commission recommends the investigation of these crimes, this has not been done. Both the occupation of communal lands and the installation of evermore intense and invasive military checkpoints systematically upset the indigenous population. The army's operations have criminalized the indigenous people's lives, cultures and work, and have increased social polarization in the region.

**THE INDIGENOUS POPULATION FACES MANY DIFFICULTIES IN ACCESSING JUSTICE.**

For example, in many cases, people must travel seven or more hours to reach a Public Attorney's office. Illiteracy, little knowledge of Spanish, unfamiliarity with legal mechanisms, and the lack of economic resources, which leads them to seek lenders, place the indigenous population at a severe disadvantage.

**TO THIS EXTREMELY VULNERABLE SITUATION, PROBLEMS SUCH AS DISCRIMINATION, STIGMA, MISTREATMENT, LOW QUALITY OF ATTENTION BY CIVIL SERVANTS AND ABUSE BY ROGUE LAWYERS ARE ADDED**

Despite all these difficulties, there are a great deal of indigenous people who seek justice, but the results are negligible. They generally return to their communities empty-handed, which has had severe consequences, because revenge (taking justice into their own hands) has grown in the Mountain region as a mechanism for restitution of the victims.

Barrera continued on the subject of the condition of local police officers in the Mountain region.

**A LOCAL OFFICER HAS TO "DE-ETNIFY" IN ORDER TO DO HIS JOB, WHILE INDIGENOUS PEOPLE MUST DENY THEIR IDENTITY AND TRADITIONS IN ORDER TO HAVE ACCESS TO JUSTICE.**

Thus, the officers who come from the region become agents against their own people.

In terms of gender, the president of Tlachinollan emphasized the greater problems with regard to illiteracy and poverty suffered by the women of the region. Besides, he highlighted the systematic violence against them. Women have no right to participate in community assemblies, many times they are not allowed to become officers, and they have only recently begun to practice as rural schoolteachers. On its side, the minor population is also the victim of severe human rights violations. Children have to work in the fields from age three, and thus, become peons at an early age. Landowners, as well as those who own manufacturing businesses, incur in these abuses while the state authorities look the other way.

To end his conference, Barrera spoke of community police institutions. He explained that the problems of access to justice in the region led the community assemblies to develop a pluri-ethnic system for access to justice, based on the indigenous communities' regulation systems, and following indigenous traditions. Officers from *policía comunitaria* are named during assemblies. The position of *policía comunitaria* forces is more dignified than that of the regular municipal police, because it has ample legitimacy and social recognition. The officers of the *policía comunitaria* do not receive a salary, and they follow the decisions of the regional assemblies.

In the beginning, the *policía comunitaria* force remanded the people it detained to the Public Attorney, but, after having seen the operational vices in that institution, they began to develop their own law enforcement system, based on their ancestral traditions, and recovering the historical concept of community justice. According to Barrera, the example of the *policía comunitaria* in the Mountain region of Guerrero proves that dignity and justice are still valid roads. Some of these local police organisms have an exemplary performance record and are able to guarantee the free and pluri-cultural nature of justice.

### 3.3. Identification of the Monitor's Challenges

#### Police, Transparency, Human Rights and Civilian Oversight

**Juan Salgado, Associate investigator at Fundar, Center for Analysis and Research**

Juan Salgado brought a presentation in which he identified the challenges that the Monitor will face, from the perspective of civilian oversight of the police and respect of the rule of law. During the first part of his presentation, Salgado discussed the difference between the paradigms of public security and citizen security. He started with a reflection on the repressive, as opposed to preventive, nature of the public security policies in the Mountain region of Guerrero.

Then he spoke about the types of police reform that can be undertaken by the different powers of the federal government. In terms of the judicial branch, he pointed out the menial participation that it has shown in the generation of legal precedence and norms of conduct that guide police performance. Unlike other countries, Mexico's Supreme Court has barely started to deal with severe cases of police abuse, such as Atenco and Oaxaca. However, what it has done has been based on its investigative powers, which only lead to non-binding recommendations, instead cases that would set legal precedence.

**IN OTHER COUNTRIES, THE JUDICIAL BRANCH HAS BEEN A KEY ACTOR TOWARDS SOCIAL REFORM, AND THIS IS A ROAD MEXICO MUST EXPLORE BOTH FEDERALLY AND IN STATE COURTS.**

In terms of police reforms stemming from the executive branch, Salgado described the efforts of the federation to unify federal police forces and professionalize them, which neglected the development of

state and municipal police forces. Besides this, he pointed out the police reform efforts made by the legislative branch of power, mainly the passing of secondary laws on firearms, organized crime, national security, and the pending discussion on the justice system reform. He emphasized the approval of a new Public Security Law in Guerrero, and its potential. Later, Salgado referred to the problem of militarization in Guerrero, and the risks it implies for the community's social fabric.

During the second part of his presentation, Salgado concentrated on police oversight and the added value that it can have in the Mountain region of Guerrero. He pointed out that human rights organizations are in charge of case documentation, but police monitors can go a step further, seeking the underlying causes of violations, and recommending changes to public policy, as well as actions to influence the police and those who make the decisions and, in the case of the Monitor in Guerrero, they even take charge of litigation.

Finally, Salgado identified the minimal thematic guidelines for the Monitor's operation:

- a) Generation and dissemination of statistics.
- b) Budget analysis.
- c) Supervision of internal controls.
- d) Defense in citizen and police cases.
- e) Political and social influence to provide visibility to cases of police abuse.

### 3.4. Presentation of International Experiences and Presentation of Mexican Experts

The Monitor is the newest addition to a series of actions directed towards the supervision of police work around the world. During the Seminar, several national and international experts on civilian oversight of the police collaborated, bringing their experience in different regions with different political and institutional systems and different environments in terms of security and police violence to the table. In this section, we will recount the experiences in police oversight of international experts in the area, the models they usually adhere to, their theoretical foundation, their advantages and weaknesses, and the problems, risks and opportunities they face.

#### Police Effectiveness in Democratic Societies

Sue Quinn, San Diego

In Latin America, especially the Mountain region of Guerrero, one fundamental principle can be sustained:

**POLICE WORK IS EFFECTIVE IF IT PROMOTES A SENSE OF COMMUNITY. IN OTHER WORDS, POLICE WORK IS LEGITIMATE AND EFFECTIVE ONLY WHEN IT SERVES TO PROMOTE SECURITY THROUGH ACTIONS THAT THE COMMUNITY ITSELF PERCEIVES AND RECOGNIZES AS FAIR, FIRM AND CONSISTENCE.**

This is the idea behind having a Monitor. It ensures that the police oversees the community and, meanwhile, that the community supervises the Monitor. This way, security can be obtained through truly effective police work, which is respectful of human rights.

This leads to accountability. “Accountability” is a concept that must be applied to all instances of the government in democratic societies, which certainly includes the police. According to Merrick Bobb, founder of the Police Assessment Resource Center (PARC) and an expert in police reform, police agencies are responsible, and must be held accountable, for the way they react to crime and disorder, for their compliance with the law, and especially for their treatment of citizens. Providing security, on these terms, is the duty of any democratic government. In order to achieve this, the police must act independently and with integrity, have the necessary resources to do so, and be held to high performance standards.

In terms of accountability, these general guidelines, which must lead the actions of the police, are common to any democracy. A noticeable difference between the United States and Latin America, however, is that civilian supervision of the police in that country is done from inside the government in most cases, although this does not imply that it is a part of police institutions. In other words, different combinations of internal and external police oversight can be found in the United States, but always stemming from a public institution. Thus, the idea of a civilian Monitor for the police (external control mechanism in every sense) seems quite uncommon from an American point of view.

In any case, The United States’ experience has taught us that a combination of external and internal oversight is necessary in terms of *accountability*. According to Paul Chevigny, an American lawyer and an expert in the respect of individual guarantees, this is the most effective way to ensure that the police respect human rights. Both supervision modes have their problems:

**EXTERNAL MONITORS CAN GENERATE RESISTANCE FROM POLICE INSTITUTIONS, SO THEY USUALLY HAVE SCANT RESOURCES ASSIGNED TO THEM, WHILE INTERNAL SUPERVISION CAN BE SOCIALIZED AND ACQUIRE THE VICIES OF THE INSTITUTIONS IT BELONGS TO.**

The idea behind ensuring a combination of both modalities is that they act as counterweights for each other, so they can reach the most objective result possible.

In the case of the Guerrero Monitor, its first activities must be oriented towards the obtaining of resources to enable its operation. A certain resistance and difficulties that will require careful analysis to adequately assign scant resources must be foreseen. This means that the available resources must be considered in terms of the priority areas for action, within which change is feasible with the elements available. The Monitor must also identify all the local actors, the people who will benefit of its success and be adversely affected by its failure. In the environment that has been presented at this event, it is clear that the police would be the main subject of oversight. What does not seem clear is if these elements now that they, too, are an important factor for the functioning of the Monitor, because they will greatly benefit from it.

In order to guarantee that the Monitor functions correctly, it must make sure that it has adequate accountability mechanisms. For example, it must be empowered, be legitimate, act independently in monetary terms, for example, and it must be careful about the possibility of being intervened by criminal associations. In dealing with the absence of a legal mandate, the Monitor needs to be particularly prudent. In this sense, it is useful to remember that there are two types of corruption: the one that stems from money and the one that stems from good intentions; in other words, it must accept to move outside of the legal schemes to reach its goals.

## International Experiences of Civilian Police Oversight

Eduardo Díaz, Miami-Dade, NACOLE, INIOP

There are some schemes in the state of Guerrero that are close to the Monitor, and must be examined. In particular, it is useful to speak of the International Network for the Independent Oversight of Policing (INIOP), a recently formed international network, made up of independent oversight organisms around the world.

According to the

**SCHEME OF CIVILIAN OVERSIGHT THAT HAS BEEN DEVELOPED AT THE INIOP, THE CLIENTS ARE NOT THE PEOPLE WHO COME IN WITH COMPLAINTS, BUT THE WHOLE COMMUNITY THAT MUST BENEFIT FROM THE ORGANISM, ESPECIALLY THE PEOPLE WHO ARE NOT ADEQUATELY REPRESENTED.**

In order to achieve this, there is a process in several stages, a form of mediation in which the complainant submits a case to consideration and allows the police to conduct an internal investigation. If the complainant is not satisfied, there is a face-to-face confrontation, which can lead to agreements and results. If this does not work, the multi-stage process continues. The important thing is that the complainant knows that someone is listening and helping.

**THE FUNDAMENTAL FACTOR, FROM THIS PERSPECTIVE, IS INDEPENDENCE. THIS GIVES THE AGENCY CREDIBILITY WITH THE POPULATION AND ITS INSTITUTIONS. FOR THIS REASON, IT IS IMPORTANT TO HAVE INDIVIDUALS THAT HAVE AMPLE SOCIAL LEGITIMACY WORKING IN THESE OVERSIGHT ORGANISMS.**

Transparency is also of the utmost importance. In the case of the Miami-Dade County Independent Review Panel (a government agency that operates independently, with public funding), for example, all reports and recommendations are posted on the Internet, to ensure public access. Another important function is to provide counseling for conflict resolution. Improving the relationship between the police and society requires being careful to avoid creating a relationship of contradiction or animosity with police institutions.

From the beginning, the organism's objective must be clearly stated: to obtain peace and security with justice. This includes the defense of human rights from an *accountability* perspective, as a long-term process. It also implies being conscious of the differences, respecting and valuing diversity. Its mission must be to reduce negative conflicts and to promote positive conflicts, defined as the confrontation of injustices without recurring to violence. The main tool is solid moral authority. Because of this, political will must constantly be courted, and alliances must be built and maintained.

In Miami, for example, we have developed and taught workshops on alternatives to violence, in which half of the participants are police officers and the other half, people critical of the police. After three days of exercises that allow all of them to walk in the others' shoes, attitudes change. We have also undertaken interventions, consultations with community groups, training in non-violent techniques and introduction to basic restoration justice as opposed to retribution workshops.<sup>1</sup> This way, we always work closely with the police and try to breach the gaps that separate them from society.

Police institutions tend to respond well to this type of approach, and they are even receptive to participating in these efforts. An

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<sup>1</sup>Restorative justice seeks the restoration of the peace above punishment, so it concentrates on damage repair. From this perspective, this system promotes that the involved parties participate in the indemnization process, and the authority takes the role of facilitator. See: <http://www.restorativejustice.org>.

example of this is the success of the Altus Global Alliance, a global alliance of NGOs dedicated to the improvement of police work from a multicultural and human rights perspective that places special emphasis on supervision of police *accountability*.

In the case of the United States, there have been important advances in matters of *accountability*. However, this process has its ups and downs. In California, for example, a recent reversal by the Court limited the possibilities of making matters of good police functioning public. The problem is that, in order to overturn this decision, diverse legislative actions that are hard to achieve are necessary. In view of this difficulty, a practical focus must prevail. In the case of Miami, for example, “racial profiling” is already forbidden. Instead of spending funds to prove this is a problem –which many civil rights defense organizations are dedicated to–, we have decided that it is better to spend on preparation.

To summarize, it is necessary to be skillful in handling the legal system and, overall, to be proactive.

**INSTEAD OF ESTABLISHING PURELY REACTIVE OVERSIGHT SCHEMES, ORIENTED EXCLUSIVELY TOWARDS SOLVING SPECIFIC COMPLAINTS, EFFORTS MUST BE MADE SO THAT THE POLICE AVOID THE SITUATIONS THAT GENERATE THESE COMPLAINTS.**

## **The Independent Complaints Directorate for the Police in South Africa**

**Tommy Tshabalala, Independent Complaints Directorate, South Africa**

Since the approval of the interim constitution in South Africa, the need to create an organism dedicated to investigating complaints of police brutality and misconduct was foreseen. With this in mind, the independent Complaints Body was created, and later substituted by the Independent Complaints Directorate (ICD), an independent government organism within the police that oversees police performance and follows up on bad police practices. Its mission is to provide, through oversight, adequate, respectful of human rights police conduct.

In 1997, this institution started to work in four of the nation's provinces. The years later, it had expanded all over the country and its budget, assigned through independent vote at congress, had gone from one million dollars to thirteen million. The ICD needs to depend only limitedly on the police in order to function. However, it had to face strong resistance from police institutions since it was created, especially due to the confrontational attitude on both sides. In time, the relationship between the ICD and these institutions has been polished and become normal.

The ICD has important legal faculties to oversee police work. It can, for example, investigate any case of death in police custody, in order to establish if there was any violence or misconduct. The ICD carries out its investigations independently. It has the power to arrest suspects, request any document and, besides that, to summon witnesses. In this way, its attributions are similar to those of the police. The idea behind these procedures is that to allow the police to carry out the investigation of cases that can place a shadow of a doubt

on their performance reduces the possibility of oversight precisely in the most crucial points.

The ICD focus is primarily reactive. Its investigators are on call 24 hours and must be notified in case of any death in custody. Upon arrival, the investigator has the obligation to secure the scene and completely take over the investigation. However, there is also a more proactive unit, oriented towards problem prevention, which acts on the patterns identified through investigations. It works based on the recommendations oriented towards policy creation.

It adds the organization of seminars and workshops, to promote cooperation in members of the police force. For example, they teach courses on prevention of the principal causes of death during custody, which include suicide. These courses are presented to the police as tools for their own protection, and have been well received. As a result, these types of death have considerably diminished. Another example are the workshops oriented towards adequate use of force, which are taught from a point of view that is sensitive to the social environment in which criminality happens; in other words, the role of poverty in crime is recognized as a phenomenon.

**IT IS COMMON FOR POLICE OFFICERS TO FEEL INSECURE AND FRUSTRATED WHEN FACING UNRELENTING CRIMINALITY AND, THUS, TEND TO USE EXCESSIVE FORCE TO FIGHT IT. THE ICD, THEN, TRIES TO PROVIDE THE POLICE WITH A BETTER UNDERSTANDING OF THE SITUATION, AND TOOLS TO USE LESS FORCE DURING ARRESTS.**

**WITH REGARDS TO ATTENTION TO COMPLAINTS, THE ICD WORKS IN A PECULIAR WAY. WHEN IT STARTED, IT SERVED AS A SPECIES OF MEDIATOR. THIS STRATEGY WAS ABANDONED, ALTHOUGH IT SHOULD BE RECONSIDERED THROUGH, FOR EXAMPLE, THE IDEA OF RESTORATIVE JUSTICE.**

Currently, the ICD's work is limited to the oversight of bad police performance, identifying the cases that can be effectively catalogued as such. In other words, what cases to investigate? This is a complex task in itself. The main problem is the volume of complaints that need to be considered. It is, thus, an intensive job both for the amount of work and resources needed. It is not easy to perform this task effectively. To begin with, it is indispensable for the complainant to know what to expect from the institution so, in case continuing the investigation is rejected, the causes can be explained clearly, justifiably and explicitly. This is fundamental, because it is the key to maintaining the credibility of the institution and, thus, its social legitimacy.

In general terms, the ICD's results have been positive, although there is still a lot left to do. For example, the death toll in custody has been reduced, but not as much as the Directorate would like. Today, we cannot only distinguish the effect of bad police practices on deaths related to police misconduct; we have managed to considerably moderate their incidence.

It is important to point out some challenges for the future of the ICD. First of all, it is necessary to act on the faculties, resources and authorities the organism lacks in order to produce proactive investigations in the matter of police performance. This would allow the ICD to generate more global evaluations of police practices and better answers for the complaints received. There are also, still, some problems related to technical capacities. For example, the need to depend on forensic investigators linked to the police limits the possibility to investigate deaths in which there is the suspicion of police misconduct, in addition to the problem of independence, in issues like the physical location of the ICD, which shares offices with the police.

Finally, there is a severe problem with the volume of complaints, for many more than can be investigated are received, and many are not matters that the ICD can solve. In this sense, it is necessary to

strengthen its investigative faculties, polish the process of recommendation, and encourage cooperation with organized civil society in order to restore the citizens' trust in authorities. Thus way, they would enable the general public to go to the police before the ICD, which would, then, be able to concentrate solely on the investigation of misconduct.

### **Commission for Complaints against the Police in British Columbia, Canada**

#### **William MacDonald, Police Complaint Commission, British Columbia**

Canada is a very large, plural and diverse country. It has ten provinces, three territories and 22 agencies dedicated to police oversight. It also has a national police force and several municipal police departments. In other words, each community and region has its own idea on the way the police should be overseen and held accountable for its actions, which answers, in part, the specific culture and politics of each region.

For example, in the case of Alberta, the Edmonton Police Force is monitored by an external civilian body, which has de faculties to receive complaints and, if necessary, discipline the chief of police. In Calgary there is a similar system, but the chief always has the last say there. Recently, a law was passed in which, in the case of controversies in the application of this system, people can go a specially formed commission.

In Canada there have also been cases in which police actions have reflected a violent and excluding racism towards the native population. In Saskatchewan, for example, the situation was severe. The population of this territory is made up of mostly (around 60 percent) aboriginal people, but the political make-up does not adequately

represent this proportion. It was common, then, for mostly white police officers to deal with natives reported as troublesome by driving them out of town and making them walk back. As a result, injuries and deaths while returning on foot were common, especially during the winter. Faced with this situation, the territory has created a multi-ethnic police oversight team, which has had relative success in fighting this type of practices.

In any case, it may be useful to review the differences between the Canadian supervision schemes and their peculiar histories. In Manitoba, the monitor has investigative faculties and the power to summon a public hearing, which can end in disciplinary measures. In Ontario, a special investigations unit was established, which works as an internal oversight unit. Complementary to this organism, there is an external civilian overseer. In the beginning, this overseer was in direct, aggressive opposition to police authorities which, in turn, made its job difficult by any means possible: they were denied access to locations, excluded from cases, evidence was destroyed or modified, etc. Facing this situation, a change was produced: former officers who had outranked the current authorities were integrated into the external monitor. In order to avoid conflicts of interest, these former officers were not allowed to work on investigations involving the departments they had belonged to. This body was also given its own labs and forensics staff. The problem was that, in the process, this body became dependent on the prosecution, which kept it too close to the police. In consequence, a new, independent civilian organism was created, under the assumption that the police should never be the only ones investigating their own actions.

In the case of British Columbia, there is a special commissioner within the police department, dedicated exclusively to investigating complaints. It is a tough job, especially with respect to the rest of the police institution, for it requires their cooperation and, at the same

time, must guarantee objectivity and independence in order to be useful and legitimate to society. This is not an easy balance to achieve.

**IN MORE GENERAL TERMS, ALL OVERSIGHT ORGANISM, INTERNAL OR EXTERNAL, WITH OR WITHOUT LEGAL MANDATE, MUST BE SURE THAT THE PUBLIC IT SERVES CONSIDERS IT A SUFFICIENTLY INDEPENDENT ENTITY TO TRUST IT.**

At the same time, it is necessary to encourage a good relationship with the police, which requires a very careful selection of the complaints that will be tended to, or even, the cases that will be taken to court (a powerful strategy, which must be reserved for the most difficult cases it is adequate for). For example, in the case of internal control organisms, the fact that incentives tend to propitiate soft institutional solutions to problems must be foreseen. This implies that, in British Columbia at least, we must seek different options for this discipline. This experience leaves us with a general lesson: one of the main virtues of a police monitor is to now how to pick his battles.

**Barbara Attard, Independent Police Auditor's Office in San Jose, California**

Nowadays, at least four general models of oversight of police work can be identified: investigative, commission, ombudsperson and auditor. In the United States, the oldest models, which date back some 35 years, are in Kansas and Chicago. However, the debate over the most adequate model is far from over, because the particular characteristics of each monitor are determined by very specific political negotiation processes.

In the case of San Jose, the model adopted by the city is the auditor, which was established through the City Council. This

organism receives complaints about police performance, which are turned over, for their investigation, to the Internal Affairs unit of the police. This process is closely supervised by the Auditor's Office, especially in cases of excessive use of force, usually through interviews. All the complaints are filed and categorized in a database. Then, the Office identifies tendencies and issues specific public policy recommendations.

One of the functions of the Auditor's Office is to design and implement different programs directed at the community (public outreach programs). It edits, for example, brochures in three languages (English, Spanish and Vietnamese), directed especially towards youth.

**THE MESSAGE IS THE FOLLOWING: "YOU HAVE RIGHTS THAT MUST NOT BE VIOLATED; IN CASE THIS HAPPENS, COMPLAIN."**

The workers at this office also have the faculty to assist to shooting scenes, reviewing investigations and suggesting changes to public policy, tactics, or procedures.

The system, as was to be expected, is not problem free. It is common for example, for the unit of Internal Affairs to catalogue complaints as ongoing investigations, in which the suspected officer's name is not released. This is a way for the police to hide the facts and evade the rules, which is why the Auditor's Office must be sly in its actions. In any case, the San Jose community has a low number of police officers per capita and a low rate of complaints, a tendency influenced by the "black number" that feeds the fears immigrants harbor of going to the authorities.

On the other hand, San Francisco has an investigative model, with a trajectory that should be mentioned. This stems from the complaints of use of force by the police after a disturbance that originated following a football game. In the face of these facts, there was a vote and a deep investigation of the events was ordered, to be

conducted by a civilian organization, independent from the internal affairs unit. As a result, an external oversight organization was set up and, to this date, it has the faculty to receive complaints (always confidential), investigate and prosecute.

The case of Berkeley is different: there is a review committee that, with 34 years since its formation, is one of the oldest in the country. It works in the following way: the City Counsel names a commissioner, who has a budget and a specialized team; for each particular case, this commission decides if the events qualify as misconduct, and the disciplinary consequences that must stem from the decision.

From experience with these different monitors, some conclusions necessary for monitors, despite their different models, to work successfully, must be extracted. First,

**THE ORGANISM MUST STAY INDEPENDENT FROM “INTEREST GROUPS”, WHICH INCLUDES ELECTED OFFICIALS.**

In second place,

**IT MUST HAVE SUFFICIENT FUNDS AND STAFF TO DO ITS DUTIES.**

Thirdly,

**IT MUST MAKE SURE THAT ALL THEIR WORK IS MADE AS PUBLIC AS POSSIBLE, AND WITH AMPLE PUBLICITY, TO MAINTAIN AND ENCOURAGE SOCIAL LEGITIMACY AND TRANSPARENCY.**

Finally,

**IT MUST WORK WITH ENOUGH POLITICAL SKILL TO INFLUENCE POLICE PRACTICE BY ENSURING POLICE COOPERATION. THIS IS PARTICULARLY IMPORTANT IN THE CASE OF THE GUERRERO MONITOR PROJECT, BECAUSE THERE WILL BE NO LEGAL MANDATE THAT CAN FORCE POLICE INSTITUTIONS TO COOPERATE.**

## **The Civilian Police Monitor in Brazil**

**Julita Lemgruber, Centro de Estudos de Segurança e Cidadania (CESEC, Portuguese acronym for the Center for Security and Citizenship Studies), Rio de Janeiro, Brazil**

The violence problem in Brazil is quite severe. The most recent statistics refer to an approximate of 50,000 homicides a year, which comes to 26.1 homicides for every hundred thousand inhabitants. Rio de Janeiro is even more violent than the rest of the country: 6,000 homicides a year in the city alone, 40 homicides for every hundred thousand inhabitants. As for deaths attributed to the police, there were 1,063 cases in Rio de Janeiro in 2006. All of them were considered “acts of resistance,” despite the fact that many of them were caused by more than six shots to the body, head or back. In other words, many of them would be better catalogued as “executions.”

On the other hand, police deaths in the region during 2006 were only 29 for on-duty officers and 117 for off-duty officers. In contrast, the number of missing officers is quite high: 4,562 according to police records, in 2006 alone.

To sum up, the police brutality problem in Rio de Janeiro is similar to the one in the Mountain region of Guerrero described by the people of Tlachinollan. The causes are diverse and multiple. Among others, we can cite scarcity of democratic values, resistance of police institutions to have their actions supervised from the outside, an idea of police security that is too close to a war against crime, and a severe lack of trustworthy information. In an environment like this one, violations of human rights cannot help but flourish.

On several occasions, attempts were made to establish external supervision mechanisms that could halt the escalation of violence. However, these could never adequately do what they were meant to do.

In response, the figure of ombudsperson was created and given legal mandate by state legislations. Currently, the position of ombudsperson is assigned by the government, using a list of possible candidates proposed by members of organized civil society. Receiving complaints is one of its responsibilities, but the ombudsperson does not investigate them, that is the responsibility of the unit of internal affairs of the police.

In any case, there are a great variety of ombudsperson models around the world. In Ireland, for example, the ombudsperson has extraordinary legal powers: the position is allowed to investigate, arrest officers and conduct searches. However, things are different in Brazil. The ombudsperson is subordinated to the good will of the police because, despite, having legal mandate, he or she cannot force cooperation. The position does not have the faculties to order members of police corporations to testify, and depends completely on Internal Affairs to investigate, its disciplinary powers are limited to making recommendations. It is not a powerful oversight mechanism, but one that, within its type, leaves much to be desired.

To make matters worse, the information the ombudsperson's office has is very limited. The Rio de Janeiro police do not have written records on the distribution and use of firearms, for example. As a result, the task of supervising and overseeing is hindered, and becomes exclusively reactive. It cannot take on prevention activities or have access to institutional practices.

The moral of the story is not very encouraging.

**IN CONTEXTS OF INTENSE AND METHODIC POLICE BRUTALITY, ALLOWED BY ACTORS WITHIN THE JUSTICE SYSTEM AND ROOTED INSIDE THE INSTITUTIONS, EXTERNAL MONITORING IS USUALLY EXTREMELY DIFFICULT AND DOES NOT HAVE TOO MANY RESULTS.**

Besides, in the case of Brazil, ombudsperson have a legal mandate to back them and, nonetheless, the problems are great. This is not, in any way, a call to passive resignation, but a warning about the size of the challenge ahead.

**I HAVE NO DOUBT THAT OVERSIGHT IS AN IRREPLACEABLE REQUISITE FOR THE DEVELOPMENT OF DEMOCRATIC POLICE INSTITUTIONS THAT RESPECT HUMAN RIGHTS.**



## 4. SYNTHESIS AND EXPERT'S PROPOSALS

### 4.1. Presentation of the document

The Monitor's institutional design is in the process of being reformulated to incorporate the advice of the experts that assisted to the event, and add other components that are the product of a review by other specialists.

The presentation of the document that sets the theoretical and practical foundation for the civilian Monitor was made during the second day of the Seminar by the investigators who participated in its institutional design: Antia Mendoza, investigator for Insyde; Gino Costa, independent consultant and collaborator of Insyde, and Jorge Sánchez, independent human rights consultant. In the following section, we present the main components of the document.

## I. Monitor's Charter and Objectives

The Monitor was presented as a very ambitious proposal, with a charter involving long-term vision. Its objective is to help stop human rights abuse and contribute to democratic police reform. In this sense, the Monitor will participate in the gradual transformation of police and security forces as institutions that protect the guarantees and rights of the citizens they serve.

To achieve the successful instrumentation and performance of the Monitor, a plan that functions as a guideline to lead and evaluate its performance is needed. It is also important to consider that the Monitor does not have any legal mandate to grant it powers to consolidate its functions. To make up for this condition, there must be clear definitions and annual work plans to facilitate the proportional use of its attributions and resources, in order to give life to the institution.

## II. Mission

To contribute, with active citizen participation, to the professional, efficient and democratic performance of the security forces that operate in the Mountain region of Guerrero, within a frame of unrestricted respect to human rights, through the supervision of their actions.

### III. Vision

To become, in the Mountain region of Guerrero:

1. *The most important instance of human rights protection facing security forces.* We propose two methods: defense after citizen complaint and the faculty to investigate any situation, without a complaint being made, subject to the criteria of the Monitor. The systematic conditions of violence and abuse in the Mountain region of Guerrero justify this faculty.
2. *The most trustworthy, objective and professional mechanism for the oversight of police work.* This will be achieved through the documentation and systematization, first, of a process of knowledge acquisition on the security forces of the area, their characteristics, deficiencies and strengths, among other things; secondly, of the complaints received, so that patterns and underlying causes can be identified. Tlachinollan has been very successful in the defense and documentation of police abuse cases.
3. *The most respected source of recommendations and counseling in citizen security and democratic police reform policy.* The combination of strategies will allow the elaboration of recommendations to implement changes, be it through training, pointing out needs or gradual institutional reform. Insyde and Fundar provide the Monitor with the tools to analyze and create recommendations.

The Monitor must become the entity with the most ample and the deepest knowledge on the security forces that operate in the Mountain region of Guerrero.

With this purpose in mind, the Monitor must develop an institutional capacity, which will allow it to analyze and follow up on the work of security forces, including attention to complaints.

Concretely, this will force the Monitor to progressively develop the necessary capabilities to acquire knowledge about the elements of doctrine, the regulatory framework, the selection, training and preparation, career, organization, deployment, equipment and control systems of said forces, in order to accumulate knowledge that is almost inexistent in civil society, and quite poor among the forces themselves and the government. This follow up and analysis task will legitimize the Monitor not only as a defense institution, but as the instance referred to when speaking of security forces and public policy instrumented in the Guerrero Mountain region.

The Monitor will shed attention on the work conditions and well-being of police officers. To argue for the improvement of these conditions is to favor the professionalization of police-work and the adequate preparation and equipment of its elements.

For its labor of analysis and follow up, the Monitor will be able to alternately use different intervention methodologies or instruments, to name a few:

1. Systematization and joint analysis of the individual complaints investigated, in function of the identification of patterns of human rights violations.
2. Use of the methodology and instruments developed by Insyde and Fundar to contribute to the accountability and responsibility in the Mountain region police institution.

3. Construction and adaptation of a protocol for conducting visits to police stations that includes oversight of attention to citizens and the physical and working conditions of the officers, as well as institutional police practices and policies in detention, transparency and accountability processes.
4. Norms that regulate police faculties and functions, as well as legislation on public access to information.
5. Diagnosis that contemplates: public security institutions, political and economic powers, inclusion and exclusion of social groups, and the socio-cultural field. We will also analyze the situation of violence in the region.
6. Instruments to classify and systematize human rights violations.
7. Instruments to systematize and analyze the information compiled from complaints. Specifically, the registry form for the first contact, and police abuse. For this to be possible, a statistical information system (software) is required.
8. Constant training for the transference of knowledge and the acquisition and development of new forms of analysis of police structural, operative and management information correlated to civilian supervision.

## IV. Scope

### With Relation to Functions

All police forces that perform criminal prevention and investigation activities in the Mountain region of Guerrero are within the scope of the Monitor, whether they are municipal, state or federal forces. For follow up, institutional strengthening and participation in the creation of public policy functions, the Monitor will prioritize work with the municipal forces in the area. State police are the second priority, with no distinction between preventive and investigation forces. Federal police are thus the third priority for the Monitor. For its part, armed forces will only be within the scope of the Monitor when they take on public security duties.

The Monitor, because of the above, will have the prerogative to chose which forces to begin their work with, although it is recommended that they start with the Tlalpa municipal police department, which is the city they will have their headquarters in.

The community police<sup>2</sup> will also be within the scope of the Monitor for different reasons. The first is that it has all the practical functions of law enforcement and justice in the Mountain region communities.

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<sup>2</sup>A. Rowland (2005), The "policia comunitaria" was born in 1995 in the Mountain region, due to the scarce presence and ineffective actions of the municipal and state police, as well as the armed forces. The community based its initiative to form a voluntary local police force on its interpretation of articles in the Mexican Constitution that have since been modified, that establish autonomy and self-rule for indigenous regions and communities, as well as agreement 161 of the International Labour Organization (ILO). We follow Rowland criteria on translating directly to English since the term "community police" refers to an specific police structure, so we use the term in Spanish through the text to grab this difference.

Currently, the community police has presence in 63 Na Savi, Me'Phaa and mixed communities in the municipalities of San Luis Acatlán, Malinaltepec, Metlatonoc, Marquelia, Atlamajalcingo del Monte and Copanatoyac.

Despite lacking a constitutional or legal mandate for its functions, it has ample social legitimacy. This has allowed the army to authorize, albeit ambiguously and informally, its use of firearms. To recognize and work with the community police force does not prevent the Monitor from being conscious of the controversy entailed, for public security, in the existence of an armed force with no legal faculties to function.

According to the Tlachinollan Mountain Human Rights Center, the complaints most registered against the community police force are: excessive use of force, breaking and entering and abuse of authority. The community police force is an organization that has accepted counseling from Tlachinollan's defense team in order to prevent abuse and improve their performance.

In this sense, it is possible for the Civilian Monitor to undertake the task of strengthening them in order to increase the effectiveness of the security system, specifically in the area of good practices that will improve the community police's interaction with the citizens and the authorities of the state of Guerrero, and thus guarantee the correct and fair processing of detainees, given the obligation to provide each detainee adequate defense to face the trial process he or she faces.

With regards to the *policía comunitaria*, the participants in the event posed the following questions: Is it convenient to monitor the community police force? Should the Monitor have the prerogative to conduct and investigation?

### **With Regards to Subject**

This refers to violations of human rights by security forces, which consist in no police action before the threat of criminal activity, and in the investigation of criminal facts. In this section, we also include violations of human rights perpetrated by police officers and acts of police corruption and extortion.

### **With Regards to Territory**

The Monitor tends to cases related to facts that occurred particularly in the Mountain region of Guerrero. This does not invalidate the Monitor's competence when investigations of cases that occurred in the Mountain region lead to institutions outside of this area. Thus, for example, it will be competent before the Commission on Human Rights or the Supreme Court of Justice of the state, both situated in Chilpancingo, as well as before the *policía comunitaria*, whose decisions are based in San Luis. The Monitor may even go before the Inter-American System and the United Nations Universal System in cases in which it is competent.

## V. Functions

### **Defense of Rights and Freedoms**

The Monitor expects to go beyond the defense of human rights. Police institutions are given a great responsibility, but not the indispensable working or living conditions necessary to fulfill it. In the cases of Mexico and other countries in this region the police are victims of abandonment or violations by the State. Thus, one of the functions of the Monitor will include protecting police officers from their own institution.

### **Follow up and Analysis of Security Forces' Practices**

This includes, among other things, the doctrine, regulatory framework, selection training and preparation, career, organization and deployment, equipment and control systems of the police forces.

### **Generation of Proposals for Institutional Strengthening**

This includes recommendations and technical counseling and training, as well as the Monitor's participation in the construction of policy. It is fundamental for the Monitor to work in coordination with the three organizations it stemmed from. In the beginning, the Monitor will need to work in conjunction with Tlachinollan, and in this sense, it is necessary for the Monitor's operators to know the reality of the Mountain region through close following of the work Tlachinollan has developed for fifteen years. The articulation of efforts with Fundar and Insyde is also very relevant for the development of other capacities and points of view, through a process of internal training.

## VI. Attributions

1. Receiving and investigating complaints of human rights violations, police inaction or any practice contrary to the legal mandate of the police and security forces.
2. To immediately intervene to end human rights violations.
3. To act upon receiving notice of any act within its competence, even without a complaint.
4. To encourage good practices (facilitate communication between the actors), mediation, conciliation and the mechanisms for peaceful resolution of conflicts.
5. To request information from security forces and the competent authorities.
6. To address said authorities when writing reports, information requests or recommendations.
7. To make reports on individual cases, situations that violate human rights, situations of human rights violations by security forces and the working conditions and wellbeing of security forces public.
8. To promote and the practice of transparency, accountability mechanisms and citizen participation in the management of security forces.
9. To provide technical counseling in the design of public policy on issues of democratic reform and modernization of security forces.
10. To facilitate and promote training activities for police personnel and citizens.
11. To document and analyze the cases the Monitor works on.
12. To perform visitations on the facilities of those institutions responsible for security.

13. To bring to public knowledge the results of its work and use the mass media to spread information on human rights and promote active citizen participation.
14. To develop communication strategies to spread information on the Monitor's activities, as well as human rights and good practices in democratic police work.

## VII. Values

### **Respect for Human Rights**

The Monitor was created to contribute to guaranteeing that security forces respect human rights and citizens' freedoms. This is the ultimate objective of the much needed police reform and modernization, and the goal any democratic public security policy should reach for.

Respect for human rights underlies all the Monitor's activities and is its reason for existence; this includes of course, the rights of police officers, and especially their working conditions and wellbeing.

### **Respect for Cultural Diversity**

The Monitor is opposed to any form or manner of discrimination, and reaffirms the value of cultural diversity. It recognizes the immense relevance of community uses and customs in the areas of security and justice, as long as these do not violate fundamental rights.

### **Search for Restorative Justice**

The Monitor by “broadbase justice” understands not only the sanction in accordance to the law and restitution of the right violated, but reparation of the damages, compensation for harm and the undertaking of actions to guarantee that the act will not be repeated.

### **Integral Vision of Security**

The Monitor understands security as a public service, which the State is forced to provide to all of its citizens. This is not only fulfilled by the police, it also includes the fiscal, judicial and penitentiary areas, as well as social, situational and community prevention.

### **Transparency, accountability and citizen participation**

Security is a public service and all its components must act transparently and periodically be held accountable by society. Only when police forces comply with these characteristics will it be possible to ensure police effectiveness and legitimacy.

### **Dignity of Police Work**

Human rights, police reform and the creation of democratic public security policy are only possible if the rights of police officers are respected, and they are granted dignified working and living conditions.

### **Autonomy, Independence and Integrity**

The Monitor is an autonomous organism, independent of political power, parties, security forces, economic powers and groups involved in illegal actions. As such, it will act with absolute independence and impartiality, for its authority and credibility stem from these two conditions.

### **Permanent Learning**

The fulfillment of the Monitor's functions implies a process of constant learning, which will allow it to design early intervention strategies and form technical recommendations for its institutional strengthening.

## **VIII. Legal Framework: Strategies**

As has been mentioned, one of the problems that the Monitor may face is its lack of a legal mandate, which makes it impossible to force the cooperation of the institutions supervised. In this respect, two clarifications must be made.

First of all, there is a mandate, albeit not a legal one issued by the government, so there is in fact moral authority stemming from the founding organizations, and legitimacy before the population of the Mountain region derived from the Monitor's connection to Tlachinollan.

In second place, as is usually the case with changes, the conditions for the Monitor are far from perfect. This is why a plan of action has been designed, comprising of a set of strategies to make the creation and performance of the Monitor feasible, which must be discussed with experts.

### **Service to the Community**

It is necessary to establish a history of working with and for the citizens of the Mountain region, in order to generate trust and position the Monitor as an instance that can be turned to. We propose that, during the first six months, the people working with the Monitor become familiar with the region, talk to the population and the police forces, and explain their work. In other words, that they establish relationships through direct contact. Without the active participation of society, the Monitor is a weak organism. The road, then, is to defend human rights, constantly seeking the delicate balance between legitimacy before the authorities and before the community.

### **Agreements**

It will be useful for the Monitor to enter into specific cooperation agreements with the police forces it will oversee, as well as all the institutions associated to them. Agreements, for example, in which the municipal authorities of Tlapa state their commitment to cooperation, in order to facilitate the obtaining of the information required to investigate the cases presented to the Monitor. This entails a certain danger, because it can be seen as a condition necessary to

pursue or investigate complaints. In addition, the question arises: Must the institutions with which there is no agreement be left out?

### **Capitalization on Tlachinollan's Experience**

As has been mentioned before, the most important resource the Monitor has is Tlachinollan's experience. We hope that this organization's legitimacy will be repeated in the Monitor as a result of its work and efficiency.

### **Work with the Authorities**

The assistance and participation, at the event, of representatives of the most important institutions in the country in issues of public security and human rights is a good beginning, but work with authorities and police institutions must be constant. It is imperative to convince them that the Monitor will not be anything other than a mirror that will allow for the improvement of security forces, a catalyst for the reform impulses already present within these institutions. This is the great challenge: to convince them that the Monitor is an ally.

### **Active Communication Strategy**

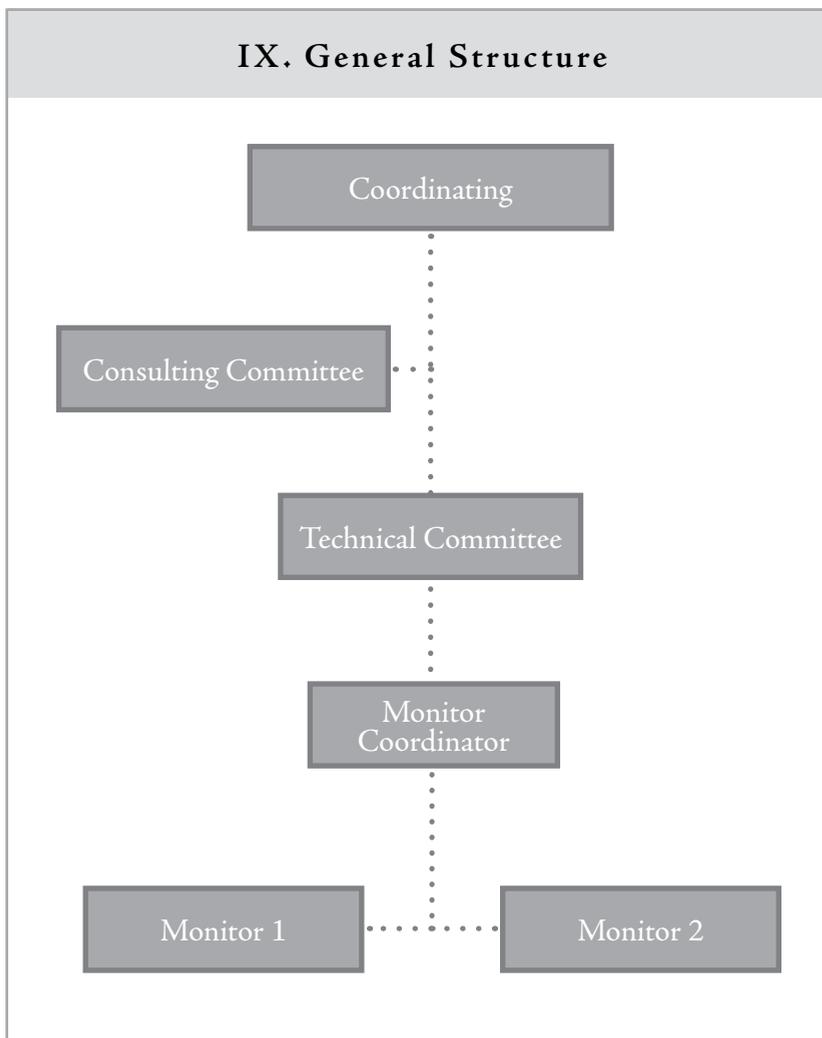
We seek to emulate Tlachinollan's effort to be permanently in contact with the citizens and the authorities. The purpose will be to spread information on the Monitor's work among the different communities, police forces and security organisms.

### **Promoting Contact between the Authorities and the Community**

In this field, we believe that the Monitor must serve as a bridge to rebuild the social fabric, cooperation and co-responsibility in matters of security and peaceful, democratic cohabitation in the Mountain region.

## 4.2. Structure and organization

The general structure of the Monitor has two dimensions. Firstly, there are committees: the Coordinating Committee, the Consulting Committee and the Technical Committee.



### **Coordinating Committee**

It is the axis that articulates the Monitor's structural actions. It is made up of one director from each of the three participating civil society organizations. It has, in its charge, the conception and instrumentation of the Monitor's strategy and its political agenda with police institutions and local authorities.

### **Consulting Committee**

This committee brings together national and international experts who will have the task to offer technical assistance and guidance for the design, establishment, operation and evaluation of the Monitor, as well as offer their permanent council to the Technical Committee.

### **Technical Committee**

It is integrated by a technical and operational representative from each of the Monitor's three founding organizations. These members will take on activities of liaison and technical operation, which will make the fulfillment of all the Monitor's activities possible. The second dimension of the structure includes the people who will make up the Monitor's office.

### **Monitor's Office**

The office will include the head of the Monitor and at least two operators. Together, they must build the Monitor's operative base, design the initial strategic plan (political, institutional and communication), receive citizen complaints, provide attention to satisfy

the demand of the citizens, establish contact with the local authorities in order to ensure secure working conditions and open opportunities of influence through recommendations, strengthen relationships and communication channels with the community, police institutions and security forces, advocates, legislators and local and state officials. In addition, they must initiate processes of requests of information, document and interpret information, analyze and explain tendencies of abuse and issue internal analysis reports.

### Profile for the Monitor's Coordinator

The position of Monitor Coordinator is fundamental, for he or she will be the public leader, and main representative of the whole project before the community and the authorities. Because of this, a person with the adequate capabilities and experience to fulfill these obligations must be chosen. Some of the practical characteristics needed are set out below:

1. Ample capacity to **build dialogue** and non-confrontational strategies, especially with police commanders.
2. **Experience** with cultural contact, respect for diversity and human rights.
3. Disposition for **fieldwork**, and covering long distances in difficult conditions.
4. Absolute availability for **travel** in areas of difficult and even dangerous access.

One of the coordinator's most important tasks, as legal representative of the institution, is **detailed work on policy**, especially in

difficult or severe cases. The classification of the severity of cases will be done in committee, but the coordinator has the final say. We consider that, if the coordinator is unavailable, the operators must be prepared to act.

### 4.3. Operational processes

#### X. Basic Processes

1. **Attention to complaints.** This is specified in the framework of the attributions conferred upon the Monitor. It includes receiving and investigating complaints of alleged human rights violations, situations of police inaction or police misconduct.
2. **Diagnostic data analysis.** This includes the collection and analysis of specific behavior patterns in the area's security forces, in order to identify isolated aspects and sets of the same that will lead to knowledge about the "informal" mandates and practices used and repeated throughout the region.
3. **Feedback.** We seek to collaborate with the police for the improvement of its practices and interaction with the community. In order to achieve this goal, it is necessary to transcend the critical phase and build proposals on the recommendations issued by the Monitor to police and security corporations.
4. **Participation in creating public policy.** This possibility synthesizes the effectiveness, efficiency and legitimacy of the Monitor; it also provides greater coverage for individuals' rights and freedoms, leading to significant changes in police and security forces' conduction and practices.

## XI. Presentation of the Complaint

### Complainant

The representation of a complainant does not require formalities. We intend to provide quick and adequate attention to the conditions of the Mountain region. It is possible that a third person may have to present the complaint to the Monitor, facilitate the process or serve as a conduct.

### Form

This includes the lifting of complaints in the field, at the time and place necessary, for example by telephone, through satellite telephone, in writing, through the internet, from school classrooms, through teachers. The minimum necessary information on the complainant must be collected, and handled according to confidentiality agreements. This way, the person receiving the complaint will make the complainant feel safe, and help establish a trusting relationship.

### Guidance

At all times, given the extremely violent conditions in the area, it is indispensable to guide and accompany the complainant through the complaint process, and act to avoid that the person presenting the complaint withdraws it due to threats. This way, we plan to generate certainty in the person presenting the complaint, accompany them and respect their decisions, as long as they are always in the best interest of the person.

## Actions

We cannot act based on external concepts. It is necessary to take the complexity of the social context into account: an extremely vulnerable population with cultural and linguistic differences. Due to this, the operators must have the capacity to empathize and knowledge of the environment. Besides, since there is no legal mandate, it is necessary on many occasions to accompany or closely advise the complainant in filing the complaint with the Public Attorney's office, in order for the petition or demand to be legally registered. This said, the Monitor's actions are proposed on two schemes:

1. **Cases of low and medium severity.** These imply an *informal investigation*, in which the possibility for a mediation process in order to reach an agreement between the parties is sought.
2. **Severe cases.** These require a *formal investigation*. Because it is a severe violation, they entail investigation in order to back the complaint.

## Monitor's Internal Management

In order to keep the project running, the Monitor must have:

1. **Training.** The quality of the proactive, analytic, and critical vision of the Monitor's operators must be guaranteed, especially with regards to the coordinator. Thus, it is imperative to have a process to detect needs, derived from a training phase that emphasizes the development of both abilities and capacities.

2. **Systematization of data analysis.** We intend to generate our own system that integrates data systematization instruments from which tendency and institutional pattern analysis can be derived.
3. **Institutionalization.** This will be done with work teams and advocates, as well as fundraising to keep the Monitor running.
4. **Ethical referents.** The Monitor will have a code of conduct related to operative elements and also oriented towards the participation in the creation of public policy on security. Its pillars are: transparency, legality and impartiality.
5. **Support for the staff.** The Monitor is a long-term initiative that needs time to start showing results. Given the situation in the Mountain region, (poverty, hunger, marginalization and violence), it is likely that the Monitor's staff will come into contact with difficult situations. Because of this, they must have some psycho-emotional contention mechanism. Working face to face with complainants, and the intensity of the situations they will be living, require guidance through contention and psychosocial healing therapy, so it is necessary to create an adequate methodology for their specific case.

## 4.4. Evaluation of the Monitor

### XII. Pre-Operative Evaluation

This phase is dedicated to identifying risk factors and projecting indicators.

#### Risks

1. **Lack of a legal mandate.** The formalization of agreements will increase the Monitor's potential for impact social change, which makes it important to stay in constant communication with the local and security forces' authorities. It is possible for this to require the creation of a liaison with the police authorities the Monitor will be working with.
2. **Duplication of human rights defense and some functions of police supervision.** It is fundamental to avoid confusing the roles of organizations like Tlachinollan and the Civilian Monitor. Both are indispensable, given the situation in the Mountain region, but their functions must be identified and defined in order to follow up on both.
3. **The Monitor could be perceived as a threat.** This makes it necessary to enter into constructive dialogue and maintain a positive and respectful approach towards the authorities. This, in turn, will allow the Monitor to build the bases of a relationship with the authorities that it will be in constant contact with.

## Strengths

1. **A Never-Before-Seen Initiative in Mexico.** The installation of the Civilian Monitor will offer the community the opportunity to make complaints about the police, being the first organization specialized in attention to these complaints, and the analysis and performance of the police, as well as the objective of issuing recommendations, feedback and guidance for police and security institutions.
2. **Citizen Participation and Intervention.** There is a growing impulse in the Mountain region towards community organization and participation, as can be seen in the creation of the *policía comunitaria*. The Civilian Monitor will benefit from this citizen participation, it could be supported and encouraged in matters of public security, specifically regarding to the possibility of pointing out bad practices and human rights violations by the police and security forces.
3. **Political Interlocution and Mediation.** The Monitor has the possibility to relate to political power and the mass media both locally and statewide through Tlachinollan's experience.
4. **Agreements.** Since the strategic planning began, relevant contacts and relationships have been established with different authorities and organisms, and collaboration agreements that will enable the Monitor's functions are in the works. Through Tlachinollan's previous knowledge, it is possible to analyze which security institutions to contact in order to establish the first agreements, and on what terms.

5. **Support on three Sides.** The Civilian Monitor is coordinated by the organizations that are highly recognized in their fields of action, and have human and financial resources, as well as the capacity to interact with local, national and international actors.
  - a. **Insyde and Fundar's technical capabilities.** Insyde has a technical and theoretical platform for police supervision, and the possibility to instrument an integrated accountability model for the police during the data analysis phase and for the Monitor during the feedback phase. Fundar has experience in the supervision of police forces' budget cycle stages, especially in planning, approval, resource assignment and use of funds.
  - b. **Tlachinollan's experience and legitimacy.** Its work and experience in the region have given the organization ample legitimacy with the population. Its contacts and knowledge in the defense of human rights, and knowledge of the authorities involved and the balance of power in the region can be transferred to the Monitor.

### XIII. Operative Evaluation

There are two mechanisms to evaluate the functioning of the Civilian Monitor; both are periodical and adjusted for the criteria that define the Monitor's objectives:

1. **Periodic evaluation and supervision.** This refers to the planning and instrumentations of evaluations and supervision of the actions of the Monitor's operatives. This process will begin six months after the Monitor is operating. It includes the compilation of the information generated by the Civilian Monitor's actions, processing and analysis, in order to evaluate its performance based on the Monitor's substantive functions.
2. **Annual external evaluation.** At the end of a twelve month cycle, there must be an evaluation of the project undertaken by an external agency that considers the products obtained and the explicit and implicit benefits resulting in the activities carried out during the first year of operations.

## 4.5. Analysis and feedback

### XIV. Discussions

1. 17 functions were included in the Monitor's responsibilities, including litigation, supervision, collaboration with police forces and analysis of public policy, among others. *This is too much for three people*, which also carries the risk that the community will not perceive the Monitor's work as a real and serious effort. Amplification of the mandate: a **plan of action** is needed, as well as a decision on **how to evaluate the project** in three areas (structure, process and result of the actions).
2. The **mission: to improve police performance**. If too much time is dedicated to defining the situation/severity of the complaint and the satisfaction of the complainant, energy for reaching the goal will be lost. It is necessary to define who the target population is: the complainant, the police or the whole of society.
3. The Monitor's personnel must be conscious of the **resistance** it will find in police institutions, and be prepared for any eventuality.
4. The **term "Monitor"** is a good choice. The title of "coordinator" is too weak for the person who will be the office's image among the community and with the authorities. A title according to the function is required.
5. It is imperative to consider that **legitimacy** is not obtained by teaching workshops in the Mountain region, but through hard work, commitment and interaction.

6. The Monitor's goals must be given hierarchy according to their importance and their **jurisdiction**. The Mountain region is quite large, it is convenient to start with one police force, in Tlalpa, for example.
7. The **structure** is worrying; there are three authority figures for the same organization, which can cause confusion for the operators.
8. The Monitor must seek a **legal mandate**, even if it's only in the municipal area. A legal mandate will protect the Monitor's activities and is fundamental in an environment as complicated as Guerrero's Mountain region.
9. **Attention to complaints** seems to be the main component of the Monitor's work, and because of this, it **should be carefully designed**.
10. Biased language must be avoided. It is not objective or impartial. The Monitor's personnel requires **neutral language**, and to consider police officer's sensibilities. We propose that, instead of cataloguing complaints as human rights violations, the term "**alleged**" be included.
11. **Designating the Monitor** is urgent. There should have already been, at the Chilpancingo event, a person to be the face of the Monitor, and who has moral weight in the community and with authorities.
12. It is necessary to generate processes for the community to **appropriate the Monitor**. For this to happen, there needs to be an effort from the Monitor's team to work closer to the communities. The Monitor is an initiative from the "top" (urban population with university degrees bring a proposal from a technical perspective of what is best for the communities), "down" (indigenous and rural population with a passive role in the initiative, who are perceived as victims). The challenge is to

invert this model and consult the communities about the relevance and functions of the Monitor; this is the only way it can become an empowering instrument.

13. **Unique approximation:** a **supervision agency** must be coherent with the community it caters to. Each region requires unique schemes. The circumstances and details are known by the people in the community, which is why the citizens should be involved in the Monitor's creation process. The first phase must focus on approximation and working closely with the community.
14. **Police institutions.** The structure seems paramilitary and, in this sense, hierarchical. The police chief must be responsible. A good relationship with the chief of police could be very useful, and this can be achieved with patience.
15. The **role of the community** and its **expectations** of the Monitor must be evaluated. It is crucial to define objectives and expectations in order to establish clear standards. If this is not done, credibility will be lost.
16. The Monitor's operators have to contemplate the **particular aspects of police organization**, such as the fact that low wages generate corruption.
17. When analyzing the possibility of receiving and attending complaints about the *policía comunitaria*, its legitimacy and effectiveness must be considered.
18. **Political strategies:** use of **mediation** involving authorities, groups and individuals.
19. The analysis of **individual cases versus tendencies:** the Monitor must evaluate priorities, because it has limited resources.
20. It is convenient for the Monitor to establish a **formal agreement of collaboration** with the **State Commission for the Defense of Human Rights** in order to strengthen its position with police

forces and be able to channel its complaints more effectively. Also, an agreement with the CODEHUM (Spanish acronym for the aforementioned Commission) may be important for issuing cautionary measures to protect complainants.

21. It is imperative to define **judicial processes**: What will be the relationship with the Public Attorney's office? How can the Monitor's work be effective?

## 4.6. Reflections of national experts on the Monitor's institutional design

**María Eugenia Suárez de Garay, Universidad de Guadalajara**

- ✦ Information is a tool for persuasion. It can help convince police forces to change. What information is available? Hard data are very effective in the management of complaints.
- ✦ The design tends more towards retributive justice than restorative justice.
- ✦ It is necessary to incorporate, as one of the Monitor's goals, that society and police institutions are co-producers of security. This alliance can produce positive changes, which could improve moral, support, respect of human rights and effectiveness.
- ✦ The Monitor must help fight the myth that the police can do it alone.
- ✦ The Monitor must be conscious that many Mexican police forces are among the most backward in Latin America. In addition, the corporations are not prepared for a correct use of force.
- ✦ A challenge for the Monitor will be to acquire detailed knowledge of police forces. The stigma of being a police officer and the deficiencies of their performance are the products of a very powerful system. The actors of the future Monitor must not be afraid to approach the police, but act freely and with commitment; they must transcend the marginalization of police officers and stay near the debate and dialogue on the issues they are involved in.
- ✦ One of the Monitor's goals should be to empower citizens and police officers.
- ✦ The encouragement of a culture of denouncement as opposed to a culture of legality could be a problem. It commits us, as civil society, to join the effort to create citizen security and a culture of

legality. It is important to discuss the way to move from traditional, authoritarian, isolated institutions towards democracy, openness and citizen security as a shared responsibility.

### **Pablo Moloeznik, Universidad de Guadalajara**

- ✦ Dilemma: The Civilian Monitor for human rights or public security. The objective of the Monitor, to professionalize police forces, is relegated to the background. Instead of seeking ways to reform the justice system, there are “crutches” in the form of committees on human rights. All in all, this is better than nothing, but it is not enough.
- ✦ Tlachinollan already works in the defense of human rights. If the Monitor is considered the same way, it doubles, triples and quadruples this organization’s functions. Everyone does the same through attention to complaints.
- ✦ Reactive versus preventive action. In this order of ideas, the Monitor’s preventive function, built through recommendations, is also relegated.
- ✦ Conflict between human rights commissions and the police. The police see human rights commissions as obstacles; their recommendations are considered fruitless wastes of paper. To have these actors as allies might be counterproductive.
- ✦ The army has an important role. What roads might be taken with them, besides receiving complaints, if they are so different?

### Carlos Silva, Instituto de Investigaciones Jurídicas, Insyde

- ♦ Forms of mediation: There is talk of a situation of polarization and violence, but nothing on how to mediate. Tlachinollan's experience has been mentioned, but the characteristics mediation must have and the steps in the process, among other issues, have not been defined.
- ♦ Problem: Insufficient intercultural dimension. One of the weaknesses of the Monitor's proposal, the way it has been presented, is that it does not delve sufficiently into the intercultural dimension of the Mountain region's context and the complexity of its actors. For example, it keeps the individual as its center, an excellent notion, without a doubt, but it leaves the importance of the community for life in the region out of the equation.
- ♦ New schemes. It is also important to see that the lessons learned in the Mountain region are applicable in other parts of the country. The Monitor's work in this area goes beyond training. It is a task of articulation and production of new schemes and adequate methodologies for the specifics of each case.

## 4.7. Work groups

### Group One: Monitor's Mandate and Strategy

#### Selection and Classification of Complaints

During the first stage, it is possible to be selective in complaints, and take severe human rights violations into account: life, due process, torture, and illegal deprivation of freedom. This selection would allow the organism to follow up on cases and push the Attorney General's office to prioritize cases and act on them.

It is important to generate a bond with the community through dialogue, so that the classification of complaints is linked to the most significant everyday problems in the area.

With regards to the classification of complaints, it is important to analyze them. In other words, there must be a preliminary investigation, and follow up and supervision of the process. In order to undertake critical supervision, there must be as much information as possible. Investigation is an important process, for it represents intervention in face of the inefficiencies of the State.

The definition and reach of the process of evidence finding must be refined, contemplating the fact that the flow of information from corporations is probably restricted. For example, what would the standard of evidence be?

In relation to the classification of violations as *severe*, it is hard to judge, at the beginning, the severity of the violation, for this can vary according to the specific circumstance of each case. For example, with varying levels of poverty, there can be different symptoms of severe violation and abuse. It is important to remain open to the auto-definition of what severe can be. After a time and through work with the community, the possibilities of classification become more refined.

## Process of Accompanying a Complaint

- ♦ Strategy: Litigation and civilian supervision are confused, probably due to lack of knowledge about the process and its steps.
- ♦ Priorities: If all complaints that come in from all areas are supervised, there might be no time left for work with police officers due to the lack of resources.

## Work with the Community on Communication and Political Action

Tlachinollan's task is to inform society about the situation in the Mountain region. It must start with work on contacts and use of tools, such as visits to communities, to spread information on the Monitor. There is reference to a policy of communication that includes talking to the people of the Mountain in their own language: methodologies of "*popular education*"<sup>3</sup> and citizen's capacity-building must be considered as an instrument for dissuasion and prevention.

For the people of the community, the Monitor must be seen as a community and social initiative, and not as a foreign concept.

## Work with the Police and Authorities towards Cooperation

In order to interact with the police, the possibilities and opportunities for collaboration must be identified. The task is to build information and analysis that is still non-existent, and connect police work to concrete complaints.

The first step is to work with the Tlapa police, seeking to cooperate first with the preventive police force, then with the investigative police, due to their high impact.

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<sup>3</sup> Methodologies derived from Paulo Freire contributions.

## **Naming of the Monitor and operators**

The most successful supervision projects are usually led by an effective analyst and operator. Naming this person is crucial.

The first step must be to transfer the capacities and knowledge of the Monitor's designers to its leaders. There is a void and an immediate need to name the Monitor.

## **Cooperation with Other Institutions**

There must be a commitment with institutions that empower the Monitor to overcome the lack of a legal mandate.

## **Group Two: Analysis, Diagnosis and Feedback**

### **The Best Mechanisms or Tools for Data Collection**

The dimension of the complaint must be considered, but it is equally important to get the information from the police in order to identify the dynamics of the place the act took place. The collection of information from the police is useful to identify the abuse they incur in, as well as their lack of supervision or training. This task will allow impact on the individual as well as the structural level.

This implies considering situational variables in order to understand patterns of abuse as well as identify the factors of the problem. In other words, the situational variables, such as time, type of problem, place and actors, must be identified.

To analyze tendencies, a database that allows fact justification is needed. It will be important to document the complainant, if it is presented directly or through a third party. This can let the Monitor perceive if the community feels free to present a complaint or not, or the validity

of the information presented. The issue of validity of the information related to a complaint is linked to the integrity of the information included in the database. This is a key factor to justify the issuing of a recommendation.

In information collection processes, it is important to have a map of formal security forces and the *policía comunitaria*, but more information is required of the police. This means obtaining data on how they enter the force, their training, the selection, training and promotion process; in other words, to know the regulatory framework and processes of the corporations. During data collection, obtaining images and qualitative information through testimonials and other sources must be considered. The qualitative and quantitative information about the forces will shed light on their current state and allow a full evaluation.

Data collection on the police must include several areas, such as budget, equipment, level of training, years on the force, etc. Likewise, there must be information about the community police force, in order to understand local policy and the context the Monitor must work in.

It is important to define the object to be systematized in the databases. One object is complain and another the officer; it is important for both to be understood as different entities, and different objects of analysis.

Among the techniques for obtaining information, surveys and interviews can be carried out to collect information, and the criteria to identify the variables of information must be established, which is to say that the objectives must be identified in order to define the variables of information that are relevant.

It is also important, for the database, to describe the objects by age, sex and occupation, and on the other hand, to identify the cause and effect relation. Indicators are built through the analysis of information, and must be related to the entities.

The Monitor must have translators in the Mountain region, to reduce the risk of people neglecting to file a complaint out of fear of not being understood. Travel is an important issue for them, because in many cases they have no means of transportation. Motivation in the community to contribute to the improvement and transparency of the police can be observed.

### **Criteria for Writing Reports for the Police**

First, there must be an inter-institutional agreement with police corporations in order for the reports to have any impact. This first base will help build dialogue, communication and a give-and-take relationship. The patterns or facts that are relevant to the police must be identified in order to provide them with qualitative information they are interested in.

To inform the police of violent crime that is not persecuted, they must be trained to use the logic of citizen security as opposed to the current one of citizen control. The criteria for writing reports must include a vision that goes beyond obtaining hard data and offer information to increase their knowledge.

The reports will offer an idea on how the communities perceive the police. It is important for these reports to show both realities. The indicators must be adapted to the rural model to make sense and reflect reality. Otherwise, they will show the hard data and complaints without offering a contrast of the work.

The goal is to identify valid indicators for the context. Useful information must be generated, and this implies knowledge of the region and the most relevant problems. The criteria must stem from the perception of the problems related to police abuse in the Mountain region.

## **Building a Relationship with the Police**

The entrance strategy consists of opening a constructive dialogue. It must be defined and avoid commitment to something that cannot be done or the Monitor cannot provide. This implies establishing relations with decision-makers within the corporations.

The police are an institution in charge of citizen security, not municipal politicians protection. The people of the Mountain region have a stereotype of police officers, which they fear more than the criminals themselves. The Monitor can help build a relationship of trust towards the authorities.

For the construction of a relationship with the police, the Monitor must know about their training processes, equipment, etc., in order to understand where police actions stem from. The Monitor must know what the police understand by use of force, their weapons and their training. It must identify when police actions are correct, understand their logic in action, to determine when a complaint is legitimate.

The strategy to build a relationship with the police is to take advantage of the fact that the situation of violation of the officers' rights is severe, and identify how to improve said situation. For the moment, the community does not perceive the police as part of the population and citizenship, so work must be done to build mechanisms for them to be seen as part of the community.

## **Group Three: Attention to Complaints**

### **Opinions about the Operative Manual for Complaints**

There are many requirements for the operative procedure for complaints. The population the Monitor will work with is indigenous, and, due to the limitations brought about by poverty and language

barriers, it is hard for them to go to the office to present complaints. Practical needs must be considered. The complaint procedure may seem slow to people, who expect immediate action.

No complaint system should be too complicated, the first phase, particularly, must be simple, in order to decide whether the complaint falls within the Monitor's scope or not, and the officer must be informed. Complaints may be classified according to: misconduct, use of force, abuse of authority, corrupt practices, omission of duty, etc. The complaint reception process must obtain the basic information on the fact during the first interview. When the person cannot read or write, the Monitor must help this person, and it is in the best interest of the Monitor to obtain the most information possible.

The complaint can be investigated at the headquarters, a more passive course of action; however, it is hard for most of the population to travel there. Due to this, the Monitor must have the ability (equipment, forms, tape recorders, etc.) to go to the location to document the complaint, so the people know a person can go to receive it. Going to the location of the fact helps create a sense of trust in the population.

It is possible to, on occasion, reject some complaints, so the Monitor must consider if too much time has passed and if the evidenced is still valid, there are no witnesses or no physical evidence. The Monitor must be capable of collecting information and finding patterns (the same officer, the same scenario, etc.). In this sense, it will seek to systematize complaints, investigate as much as possible and work with police corporations to improve the officers' conduct.

The Monitor must communicate directly with the authorities, for it is an act of respect towards them, director to director, and establishes from the first moment a contact of leader to leader.

The Monitor will establish a code of ethical conduct that can be applied to corporations and officers so that, when the Monitor wishes

to communicate with corporations, it can say that there is a violation of the code agreed upon that can be construed or documented as misconduct by the police. A good relationship with government organisms is important to be able to go to them when standards of good conduct are broken.

Having a code of ethics will allow the Monitor to identify disciplinary problems and issues. This is different from specific human rights violations.

In order to identify cultural variables (gender, ethnicity, context), the team must be trained to understand the particularities of the area and the population, which implies being sensible to specific characteristics. The three people working for the Monitor will be able to identify the same variables. There must be evaluation strategies and criteria.



## 5. LESSONS LEARNED

### 5.1. Lessons

In this section there is a summary of a series of comments made by experts during the Seminar, which are lessons learned by the Monitor.

#### **A Dual Task: Reaction and Prevention**

According to Quinn and Díaz, a potential source of difficulties in the Monitor's design is its dual task, which contemplates reactive measures for human rights violations and the detection and elimination of the tendencies that underlie the violations. In this sense, according to Díaz, it is necessary to differentiate between these areas the Monitor works in, and decide which to prioritize. In the beginning, the urgent tasks might interfere with the approximation to structural problems within police institutions and the task of establishing the Monitor as an institution that commands respect from both authorities and the population.

On the same note, Pablo Moloeznik sees this problem as one of the main issues of the document presented. In his opinion, there is too much weight given to the reception and follow up of complaints, which leads the Monitor to act reactively and not proactively. The preventive function of the Monitor, of which recommendations are the main product, is relegated.

Another element pointed out by Julita Lemgruber is that there are at least 17 priority obligations listed for the Monitor, which include litigation, supervision, work with police forces and the analysis of public policy, among others. If there were unlimited resources available,

this would not be a problem, but with a team of three people, fulfillment of the tasks set out becomes impossible. Faced with this situation, the Monitor runs the risk of not being considered a serious effort by the population. In contrast, Gino Costa states that not having a wide mandate is one of the advantages of not being tied to a government institution. This wide scope does not mean all the functions should be undertaken from the start. The Monitor's mandate is in the long-term, so the objectives can be reached in time. On his side, according to Mario Patrón, a dilemma between reactive and preventive work must not be seen as such, and neither of these tasks must be exclusively prioritized; balance must be sought between reaction and prevention considering the resources available and through attention to technical details.

### **Dilemma: Civilian Oversight for Human Rights or for Public Security**

Another problem related to the one above is mentioned by Moloeznik: the definition of the Monitor's main objective. Is it to monitor public security or human rights violations? In his opinion, the document relegates the professionalization of the police to the background. Instead of seeking ways to reform the judicial system, the Monitor wants to function as a human rights commission. He suggests considering the following elements:

- a. The fact that Tlachinollan already works in defense of human rights and is efficient in its labor, as is the Guerrero Commission for the Defense of Human Rights. If the Monitor is dedicated mainly to the protection of human rights, it doubles or even triples this function. Everyone seems to do the same thing: tend to complaints.

- b. In second place, the fact that human rights defense organizations are usually seen as obstacles by the police, and their recommendations thought of as fruitless waste of paper, must be considered. Alliances with this type of actor might be counterproductive.
- c. Under this scheme, only a culture of denouncement is encouraged, and not a culture of legality, when one should complement the other.

On the same note, Carlos Silva points out that the design dedicates too much space to citizen complaints. Among the Monitor's objectives are: attention to complaints, following up on the justice process, generating knowledge, encouraging dialogue and issuing practical recommendations. However, none of the other objectives are described in detail. Thus, it seems to be formed as a new center for attention to complaints. It is not the feedback process that will make the Monitor a truly preventive organism, except for punishment understood as a prevention tool.

In this sense, Silva suggests using Insyde and Fundar's knowledge to guarantee the fulfillment of the other objectives. Their inclusion is fundamental, because they can provide the tools to evaluate police processes. The construction of the complaint is only one of the possible means of information that can be systematized to identify patterns of police abuse. If this is done, the Monitor can play an important role as an organism in charge of reviewing law enforcement processes, especially given the inefficiency of the state law enforcement agencies.

### **Problems in Attention to Complaints**

According to Díaz, one of the problems in the Monitor's design—related to reception of complaints—is that it does not adequately determine the type of work that each complaint requires. This is a difficult task, but it must be done soon.

**THIS DETAILED CATEGORIZATION AND STANDARDIZATION OF PROCEDURES MUST BE DONE AS A TEAM; THE DIFFICULTIES IN THE BALANCE OF POWER AND THE SPECIFICS OF EACH CASE MUST BE CONSIDERED.**

Another aspect to be considered, pointed out by Julita Lemgruber, is the need to articulate protocols for the reception of anonymous complaints. The idea behind this is that fear is an important human motivation and a serious obstacle to the complaint process. She explains that, for this reason, 75% of the complaints in Rio de Janeiro are anonymous, and 50% of these end in a conviction, so phony complaints do not seem to be much of a problem.

### **The Investigation Process**

Eduardo Díaz has some relevant questions on the investigation process, which must be answered to ensure the correct functioning of the Monitor. Particularly, we must answer with entity determines the disposition of an investigation, what the Monitor's responsibility is in the decisions that it reaches, and what type of investigation will be handed to the authorities.

In regards to this, it is necessary to emphasize that the Monitor must not seek to assume the community's or the authorities' responsibilities. On one hand, it must be protected: if the community is co-responsible for decisions, the Monitor will be protected.

**LIKewise, IT IS NECESSARY TO CLARIFY THAT THE MONITOR IS NOT A SUBSTITUTE FOR THE AUTHORITIES, AND CAN NOT TAKE OVER OPEN CRIMINAL INVESTIGATIONS.**

In relation to investigations, the experts agree that the Monitor's operators must be open to the possibility of interviewing victims of

police abuse on location. In fact, the possibility of recording formal interviews is suggested, this would allow to hear the voice or see the face of the complainant, even when he or she is not present. This resource has much more impact than just paper. Besides, as Barbara Attard points out, the use of video recording can be useful in cases when face-to-face interviews are not possible.

## Mediation

Carlos Silva points out that it is necessary to emphasize the forms **MEDIATION TO BE USED, FOR THIS IS FUNDAMENTAL IN A SITUATION OF VIOLENCE AND POLARIZATION, SUCH AS THE ONE IN THE MOUNTAIN REGION.**

It has been said that the operators' capacities for mediation and search for non-violent conflict solution methods, but there is no mention of how to mediate. Tlachinollan's experience has been discussed, but the characteristics of mediation and the steps in the process, among other things, have not been defined.

## Work without a Complaint

According to the experts, the investigation of some types of violations even without a complaint is fundamental. Julita Lemgruber states that this implies the possibility of acting when the source of information is not a complainant. On this issue, Díaz suggests organizing meetings to hear community complaints and document their feelings about specific subject, in order to justify this type of work.

## Bureaucracy and Speed

One issue that concerned several experts about the Monitor's practices was the express search for speed in its reaction through the reduction of paperwork, which the document considers "bureaucratic". For Quinn, for example, to try to reduce times of action through a process with scant structure entails important risks. The costs may not be worth it. Barbara Attard, on her part, emphasized the importance of having information backed by paper. In her opinion, there is no reason for this to make the process slow or bureaucratic, especially if the process is standardized and well defined.

## The Scope of the Investigation Process

For Sue Quinn, it is fundamental for the Monitor to clarify what the investigation process implies and to define its scope according to the means and resources available. In her opinion,

**IT IS NECESSARY TO UNDERSTAND THAT DOCUMENTING ALLEGED ABUSES, PROVING THE EXISTENCE OF HUMAN RIGHTS VIOLATIONS AND DETERMINING IF THE POLICE BROKE THE LAW ARE DIFFERENT THINGS.**

Experience shows that, even when an organism has the power to force the authorities to cooperate, violations are very hard to prove. There are many ways to cover up evidence or make it disappear. In this sense,

**THE DEFINITION AND SCOPE OF THE PROCESS TO OBTAIN EVIDENCE MUST BE REFINED, ESPECIALLY CONSIDERING THAT THE FLOW OF INFORMATION FROM POLICE CORPORATIONS WILL PROBABLY BE LIMITED.**

According to Quinn, one option could be to limit litigation to administrative faults, and leave civil and criminal issues to the authorities.

Mario Patrón redefined the scope of the investigation as one of the Monitor's tasks: the work set out is not strictly investigative, but of minimum documentation, enough to serve as a referent of the violation and the reality behind the description. This process of documentation starts with the interview. The idea is to aid the victim to exercise his or her resources before the proper authorities. If there is no trust in authorities, alliances can be sought.

In reference to litigation, Mario Patrón made it clear that this goes further than guidance. In Mexico, victims are represented by the Public Attorney's office. The task is, then, to ensure that this office does its work correctly.

### **Better Definition of “the Client”**

This is closely related to the dilemma between prevention and reaction, albeit from another point of view. Eduardo Díaz, for example, approaches the problem from the Monitor's explicit mission: to improve the performance of the police. In his opinion, dedicating too much time to defining the severity of a complaint and guaranteeing the complainant's satisfaction waste resources that could be used to reach the organization's goal. Due to this, it is necessary to define the client well: is it the complainant, the police, or the whole of society?

### **Political Strategies, Institutional Alliances**

The experts agree that, due to the Monitor's and the Mountain region's characteristics, it is necessary to expect resistance and prepare for any eventuality. To face these, some concrete political strategies can be

followed. For example,

**SUE QUINN SUGGESTS USING MEDIATION TECHNIQUES THAT HAVE ALREADY BEEN PROVEN TO INVOLVE AUTHORITIES, COMMUNITIES AND INDIVIDUALS IN THE MONITOR'S TASKS.**

Tommy Tshabalala proposes an analysis to identify what type of institutions exist in terms of *accountability*, inside and outside of police forces, and to try to forge alliances with them, as well as the public Attorney's office.

Díaz, for his part, proposes that this analysis be oriented towards deciding what institution to enter into the first agreement with, for this decision is of the utmost importance, in order to keep open future opportunities for cooperation. One possibility already on the table, in this sense, is the institutions already dedicated to the formation of police officers.

One source of problems that must be approached with extreme political caution, according to Attard, is the lack of consensus on the diagnosis of security in Guerrero. One of the issues emphasized in the inaugural session of the Seminar, besides expressions of political good will, were the differences in the description of police performance by the authorities and the members of Tlachinollan. The existence and magnitude of police abuse seems to be an issue in debate, which makes it a subject to be broached carefully.

### **The First Tasks**

The experts suggested some tasks to consider as the ones taken on by the Monitor from the beginning. Sue Quinn, for example, proposed establishing, from the start, a standard classification of complaints and beginning with intense work within the community. On her part, Barbara Attard suggested that the first task should be building bridges with the institutions to be supervised.

## Improvement of the Police

The experts also made some useful recommendations to favor improvement of police forces. Sue Quinn, for example, pointed out that having better equipment and training is important, but even more so are the values and principles of police corporations' commanders, which is an area that must be worked on.

Eduardo Díaz, on his part, proposed

**CONSIDERING THE POSSIBILITY OF RECEIVING ANONYMOUS COMPLAINTS FROM MEMBERS OF POLICE CORPORATIONS, THIS WILL ENCOURAGE OFFICERS TO PARTICIPATE, SOMETHING ALREADY DIFFICULT, DUE TO THE FEAR AND LOYALTY SO COMMON IN THESE INSTITUTIONS.**

## Relationship with the Population

Regarding a relationship with the population, several experts agreed that

**A MAIN OBJECT OF POLICE SUPERVISION MUST BE TO MOBILIZE OF THE CITIZENS IN FAVOR OF SECURITY.**

In this sense, it is necessary for the community to appropriate the Monitor. For this, a profound closeness of the Monitor's team to the communities must be promoted.

As a strategy towards this end, Tommy Tshabalala suggests clearly determining, from the start, the role of the community and its expectations of the Monitor. It is fundamental to define objectives and expectations in the form of easily understandable standards. If this is not done, there is a risk of the population being frustrated in its expectations and the Monitor would lose credibility.

William MacDonald, for his part,  
**PROPOSES ROOTING THE MONITOR IN THE MOUNTAIN  
REGION POPULATION,**  
in order for its performance to be adapted to the community it serves.  
For this reason, a good strategy might be  
**PROMOTING ACTIVE CITIZEN PARTICIPATION IN THE  
CONSTRUCTION OF THE MONITOR FROM THE BEGINNING.**

On the same note, Pablo Moloeznik suggests forming true citizen counsels run by the Civilian Monitor, with carefully selected members that would provide legitimacy; or, in the words of María Eugenia Suárez, that would tie it to the community and guarantee the Monitor's continuity, despite changes in its administration.

### **Relationship with Police Institutions**

As has already been mentioned, the experts consider a good relationship with police forces a vital element for the success of the Monitor. Several of them had suggestions to this end. There was consensus, for example, on the idea of having workshops on alternatives to violence led by the Monitor's team.

Tommy Tshabalala proposed using the fact that police institutions are always seeking their own gain as an advantage. In this sense, he suggested to ask: is there an equal distribution of resources? If not, promoting it could be a way to encourage a good relationship with police institutions.

Barbara Attard, on her part, suggested taking advantage of the institutional characteristics of the region's police forces. If the structure of security forces, according to Tlachinollan's description, seems to be of a paramilitary style, with a strong hierarchy, a good relationship with the chief of each institution seems fundamental, although

difficult to achieve and maintain. For this reason, it must be approached slowly, with care and patience.

For her part, Julita Lemgruber suggests using the data collected by the Monitor as a persuasive tool. In order to convince the police they must change, hard data are more effective than complaints.

In any case, as has already been mentioned, resistance from police institutions must be expected. Barbara Attard states it in the following terms:

**THERE IS A STAGE THE MONITOR MUST GO THROUGH IN WHICH POLICE INSTITUTIONS RESIST ANY SUGGESTION.**

Besides, it will be hard to request officers' cooperation if they perceive it as harmful for their coworkers, the institution they belong to, of themselves. For example,

**IT IS EXTREMELY DIFFICULT FOR AN OFFICER TO ADMIT TO ACTS OF CORRUPTION.**

But seeking cooperation from the authorities is an unavoidable task, one that must be done, despite resistance. Julita Lemgruber's suggestion to promote it little by little is

**TO ENCOURAGE CLOSE WORK BETWEEN THE COMMUNITY AND POLICE OFFICERS, TO DIMINISH ANTAGONISM.**

Organizing periodical visits to police stations in the region is one way to do it, and has been successfully used by the members of Altus.

## **Publicity**

Another wide consensus was the importance of publicity for the Monitor's work. In this sense, the possibility of spreading information through community radio stations was mentioned, as well as fliers,

pamphlets, posters and pastoral networks in the furthest communities of the region.

More concretely, Barbara Attard emphasized the importance of the Monitor's work being known not only by the population, but also in all levels of government. For her part, Julita Lemgruber suggested that the Monitor use the experience and work done around the world on the issue of publicity. For example, the Ouidorias have an excellent handbook on communication strategies, which could be adapted to the context of the Mountain region.

### **Neutralizing Dangers/Risks**

As Barbara Attard pointed out, the Monitor must be careful with the possibility of revenge once a complaint has been made, this could be directed at the complainant or at the Monitors staff. This issue might inhibit the population, who could view the risks of complaining as too high. Due to this, mechanisms to give certainty to all involved must be put in place.

### **Exporting the Monitor's Scheme**

The members of Tlachinollan propose promoting the exportation of the Civilian Monitor's scheme to other parts of the country, in order to create a network of support among similar organizations. From this perspective, it is necessary to see if the lessons learned in the Mountain region are applicable in other parts of the country. The Monitor's task, in this sense, goes beyond training. It is a task of articulation and production of new schemes and adequate methodologies for each specific case.

## 5.2. Conclusions

The national and international experts agree on the importance of the Monitor's work. There is a strong need to develop the capacities of its operators for this innovative experience to become a model for other states to follow. This, eventually, specific recommendations will be issued to police bodies operating in the Guerrero Mountain region, in order to constitute, as an ultimate goal, a mechanism for the prevention of social violence.

There was also consensus on the fact that a diagnosis to identify the differences in the relationships between all the police corporations and the different social, ethnic and cultural groups in the Mountain region must be given priority. In addition, it is fundamental to map ethno-political conflicts in the region in order to avoid any action that could make them worse.

**THE PILLAR FOR THE MONITOR'S WORK IS THE CONCEPT OF PROGRESSIVE ACCOUNTABILITY.**

Work on case documentation must be systematic in order to increasingly promote schemes for the transparency of police management in the region and the state.

**THE MONITOR HAS A PRIVILEGED POSITION TO PROMOTE THE FUNDAMENTAL ASPECTS OF POLICE ACCOUNTABILITY: IMPROVING THE WAY POLICE COMMANDERS RENDERS ACCOUNTS OF THEIR MANAGEMENT AND RESPONSE CAPACITY.**

Because the Monitor's is an independent initiative, its main characteristic must be its moral authority. This way,

**BOTH POLICE OFFICERS AND CITIZENS WILL TRUST AN IMPARTIAL ENTITY ORIENTED TOWARDS THE SOLUTION OF PROBLEMS WITH A HUMAN RIGHTS PERSPECTIVE.**

Based on its moral authority, the Monitor must orient its work from a wide community standpoint, which includes the problems of both the citizens and police officers.

Throughout the Seminar, the foundational documents of the Monitor were reviewed. The critical feedback from national and international experts has contributed to the reformulation of several sections of these documents. In addition, the participation of Tlachinollan's legal team, the *policía comunitaria* from Guerrero's Mountain region and public officials at the event contributed to the identification of new needs and the adaptation of operational concepts and mechanisms to the specifics of the Mountain region and the state of Guerrero.

The Seminar achieved and exceeded its initial objectives. The Monitor's operative team and Fundar, Insyde and Tlachinollan's support teams now have a clearer vision of the added value of the Monitor and the nature of the challenges it faces. National and international experts have agreed to form part of a support network to develop the operational capacities of the Monitor's team and guide its actions.

We would like to thank the Tinker Foundation for its generous economic contribution for the realization of this event, and all the participants for their valuable contributions. Likewise, we recognize the support of the MacArthur Foundation and the Open Society Institute Foundation in sharing, with the three organizations that promote this effort, the challenges that are implied in the cooperative creation of the Civilian Monitor for the police and security forces in Guerrero.



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