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## Surveillance, territory and the Rule of Law in Mexico City

## Vigilância, território e o Estado de Direito na Cidade do México

*Alfonso Valenzuela-Aguilera*

Professor of Urban Planning at the State University of Morelos, Morelos, Mexico.

E-mail: [aval@uaem.mx](mailto:aval@uaem.mx)

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### 1. Introduction: insecurity and the role of policing the city

This article will ask the question of who is the beneficiary of high crime rates in the city; we will examine the situation in Mexico City, observing how crime is framed as an issue of order, and finally assess recent trends to track

and control the population. In Mexico, crime and insecurity became a major concern for citizens in the early nineties, when crime rates rose substantially following the collapse of the economy a few months after president Ernesto Zedillo took office in 1994. The economic crisis, deteriorating living conditions, the police authority's lack of legitimacy and the submission of the judicial system to the ruling class permitted the advancement of this group's political agenda. In a courageous book, Naomi Klein describes the aftermath of major economic collapses as moments of shock where people stand still in order to survive. After

**ABSTRACT:** The rule of law in Mexico City has been an elusive political goal since an adequate framework has not been enforced with sufficient legitimacy. However, the official discourse has presented a false dilemma between maximum security undermining civil rights and minimal intervention that fosters crime. The present article argues that the lack of respect for legal means by the authorities has produced citizen disrespect for civic codes. In order to address this situation, the legal framework, social regulation mechanisms and ethical principles in society must undergo major adjustments. Social solidarity and the creation of "spaces of trust" among citizens may entail interweaving social control of space, surveillance and the rule of law to lead the way towards social integration and civic participation in the immediate future.

**Keywords:** Rule of Law; Control; Public Policy.

the “errors of December” in 1994, citizens were in such a vulnerable state (losing cars, mortgages, properties and savings), for which solidarity was out of the question for a sinking population. The reduction of social services, the withering of social control patterns and a decreasing investment in community welfare paved the way for social unrest and the increase of crime and delinquency. Also, the increasing number of mothers joining the labor force introduced unsupervised children as a natural consequence of this shift. The social environment, dysfunctional families and the loss of a sense of a responsible community contributed to lowering the age of offenders and increased the levels of violent crime in the city.

The present essay argues that the quest for security has been used to gain control over territory as well as over people. In this endeavor, the government of Mexico City has not acted substantially differently from the federal strategy to combat drugs while taking hold of the territory. In addition, the approach to addressing public policy has been authoritarian with little consensus or even consultation with the general public about plans and procedures. An ineffective police force and an inadequate judicial system have been incapable of containing the rapid rise of criminality. However, the question of who benefits from crime in Mexico City is still the bottom line question.

According to official data, the State of Mexico almost doubled its share of violent crime, comprising homicides and injuries, compared to the Federal District. However, the Federal District accounted for a higher percentage of property crime, and/or theft than the State of Mexico. Police departments are controlled by the Secretary of Public Safety who reports directly to the governor (in the case of the State of Mexico), or to the mayor in the case of the Federal District. In a city of more than 22 million people, police forces in the metropolitan area are comprised of more than 100,000 officials. Moreover, there are an unknown number of federal

agents, investigative police from the *Ministerio Publico* as well as private police corps.

In a recent article responding to selected critiques, George L. Kelling (2001: 122) refers to the validation of policymakers all over the United States that disorder and fear are sequentially linked to serious crime and urban decay. In his defense, he argues that the critique of his work comes from liberals lacking “intellectual forthrightness nor, I would add, honesty.” According to Kelling, liberals simply walked away from disorder, fear of crime and its impact on neighborhoods and communities. Therefore, the “soft” approach to crime is associated with taking neighborhoods’ priorities seriously, addressing “disorderly people and situations”, a proactive approach. In his view, Bratton’s NYPD “stop & frisk” strategies could be framed as problem-solving methods. On the contrary, a community-policing model would be labeled as intrusive and “inherently more aggressive” than traditional police. Even acknowledging that New York experienced a significant decline in crime rates during Guiliani’s tenure, it is also reasonable to question the extent of crime displacement, nationwide crime reduction trends and changes in patterns of drug-use.

Interestingly, Kelling does not take issue with the use of “extra-legal” means by the police, since they are not either “illegal” practices and instead, he argues, raises complex issues about which neighborhoods are concerned. What is probably missing in the picture is that even when prostitution, panhandling and juvenile delinquency are community concerns, it does not imply that the solution is merely taking them out of sight. However, Kelling draws his line from Broken Windows co-author James Q. Wilson, who endorses tougher public policies, greater use of incarceration or selective incapacitation. Also, Kelling acknowledges the possibility of the Broken Windows theory that “extremists of one ilk or another [may] rely on it to justify harsh police or other governmental actions against problem populations”. The core argument Kelling presents is that the so-called root causes

of crime (poverty, racism, social injustice and family breakdown) exist in their own right and should be addressed. However, he stresses that “crime prevention should not be held hostage to solving these problems”.

The question then concerns the priority and urgency that each of these issues has for society. Are order and control the means to attain a better quality of life for everyone? According to Kelling, the assumption that crime has root causes never stood up to rigorous analysis and pushing the notion to the limit we get to a syllogism: “Crime is caused by poverty, racism and social injustice; police can do nothing about these problems; ergo, police can do little, if anything, about crime”.

For African-American, Latino and other minority communities, the significance of police arrests as a method of “debriefing” and apprehending serious offenders may be radically different to the white middle-class suburban population. To the former, systematic arrests for suspicious appearance would not be granted “as a means to reduce citizens’ fear of crime and prevent crime by restoring order, empowering citizens and maintaining neighborhood/community standards”. Kelling sustained his thesis on urban decay as a precondition to insecurity and justified police order which, according to him, were “by their very nature, highly discretionary”. However, Kelling felt the need to comment further on police interventions in “Fixing Broken Windows” (1986) and “Broken Windows and Police Discretion” (1999) in order to guide and regulate police intervention.

Redefined by Kelling as the “bastard child of a Broken Windows theory”, a zero tolerance framework has been identified, on the one hand, as a key to improving the quality of life in the city, a proactive orientation by the police based in accountability. On the other hand, it has been associated with police brutality, human rights violations and social cleansing. However, the original message permeated policymaking and later the concept of “zero tolerance” was marketed and exported to other countries. In 2002, Mexico City left-wing mayor Andres Manuel Lopez Obrador hired the Guiliani Group as a consultant on security issues.

However, Lopez Obrador was convinced that social and economic shortages were at the base of delinquency and simultaneously proposed welfare programs to address them. Granting a contract of consultancy to a former conservative New York mayor shows the way in which political agendas dictate public security issues, instead of long term strategies for public welfare. Even when Giuliani's 4.3 million dollar fee was paid by private industrialists with vested interests in upgrading the historic center of the capital, the recommendations had a substantial impact on further legislation as well as on the general approach to crime for years to come. Nevertheless, the implementation of such recommendations was far from easy to follow since a wider understanding of the problem was needed to deal with such a complex and territorialized problem. After the controversial Giuliani report for Mexico City, the Secretary of Public Safety highlighted that in essence, zero tolerance was not that much about intolerance, but about trust. The recommendations were portrayed as neutral tools to enhance the quality of life, dismissing further controversy on the issue. As Secretary Joel Ortega explained: "the term can generate negative reactions in those who do not understand what it means", therefore excluding any alternative security policies. At the time, public officials enhanced the quality of life features of the initiative rather than the alleged ruthless intolerance, police brutality and disregard for civil liberties. By linking crime control with disorder in Mexico City, central issues such as corruption and impunity are overlooked and socioeconomic factors such as poverty, education and social cohesion are disregarded. Nonetheless, Giuliani stressed in a BBC interview: "There are certain differences between New York and Mexico City but I am not convinced that those differences are relevant to reducing crime". Interestingly, Marcelo Ebrard Casaubon, the Secretary of Public Security at the time, asked a New York-based non-governmental organization, Lawyers Committee for Human Rights, to comment on the recommendations made by the consultancy led by former New York mayor Rudolph Giuliani. In the assessment, the NGO saluted the proposed modernization of operations and strategies even as

it warned that the recommendations did not constitute a strategic plan. Moreover, “the report betrays a relatively limited vision of community participation and the importance of public information, elements that are likely to be of crucial importance in winning the uphill battle to sow public confidence”. The assessment also highlights that “the approach by [Rudolph] Giuliani is not the only option available, is subject to significant debate and, given its controversial nature, it is necessary to explore alternatives as well as measure carefully the possible impact of such approaches in Mexico.” For instance, Mexico City has hundreds of thousands of *franeleros* and *limpia parabrisas* (parking space keepers and squeegee men) reflecting the massive informal economic sector in the city, as opposed to New York’s couple of hundred of this category of worker. Therefore, the proposed action against them would necessitate a different approach. Moreover, the implementation of an information system such as COMPSAT raises serious issues about reliable information gathering, coordinated between the Federal District and the State of Mexico, the deficient and incomplete data on crime, and the low rate of reported crime (less than 20%). In Mexico, law enforcement is widely discredited while police officers are often under-qualified, lacking incentives and involved in networks of corruption, impunity and abuse of power. Facing a generalized lack of public trust towards the police, certain sectors endorsed the replacement of 3,000 officers by military personnel in 1997. The militarization of the police forces was based on the assumption that only the army could restore discipline and order to the system. However, the catch was that a militarized regime responds to authoritarian sectors of society, to whom social control is better served by coercive means than by negotiation. Mexico City’s police force has traditionally based its strategies on raids or sudden operations, often triggered by an imperative call to action after a scandalous event has produced public indignation. The rationale behind these operations has been that they are the only possible way to achieve results when networks of corruption and complicity exist at every level of the structure.

According to Wacquant, the adoption of security policies such as zero tolerance and broken windows stresses the coercive approach to crime and responds to ongoing structural transformation of the State. Depending on one's ideology, the provision of security has been framed as the sole responsibility of the government in addressing the root causes of delinquency. Conversely, crime has also been traced to individual responsibility with no consideration for the role of context: the asymmetry of power and wealth, employment, or the withering of basic social services. An industry of punishment has been created as a result of delegating public functions to the private sector.

Mexico is undergoing radical transformations in its recent history and a punitive police regime has emerged after the contested elections of 2006. The open announcement by President Felipe Calderon that major budget cuts would be applied to social expenditures while a considerable amount of the budget would be allocated to the security forces (army, marine, federal police and the Attorney General's office) was received with no surprise by political analysts and the general public. Calderon militarized the country under the banner of the "war on drugs" which has served to mobilize the army all over the country in a flashy display of force and control of the territory. Even when a similar drug war strategy was proven ineffective by and large in Colombia (Plan Colombia), Calderon has undertaken special operations (raids, stop & frisk, etc.) in the principal drug turfs in the country (Tijuana, Tamaulipas, Culiacan, Guerrero, etc.) Even when tangible results of the operations have been meager, a continuous military presence across the country has served as a sign that actions have been taken to crack down on drug trafficking. Apart from the international media attention, the operations have served to oil the military machine in case the government may need to change the targets at some point. However, a major concern for Mayor Marcelo Ebrard's voters was that he started to follow similar patterns of policing the territory, even as he professed a progressive political welfare agenda. Ebrard has not been shy

about using raid operations, coercion, surveillance and incarceration to get hold of the capital's territory. A proactive strategy to retake the city's neighborhoods resembling Giuliani's set of recommendations comes to mind: undertaking raids against alleged drug dealing turfs as well as informal vendors and enacting the Civic Culture Act, all of which have raised questions and concerns about the authoritarianism behind the actions. Moreover, in the first year of office, Ebrard increased by 4,000 the number of police officers patrolling the city and this year he is determined to install 8,000 CCTV cameras citywide in order to be "the most surveilled city on earth". However, the challenge is largely political since the strategies are facing many pitfalls: the Federal District is only the smaller half of Mexico City's population, there is no effective coordination between both political entities. More crucially, security in Mexico has much more to do with precarious living conditions, corruption and impunity than with community intervention in the social construction of a secure city.

While Secretary of Public Security during the administration of Andres Manuel Lopez Obrador, Marcelo Ebrard had not only Rudolph Giuliani's input but he also had the advice of Italian Mafia buster Leoluca Orlando from Palermo, consciousness-building Antanas Mockus, and hard-core coercive Enrique Peñalosa, both former mayors of Bogotá. Drawing from their success stories, Ebrard gained inspiration to design his own security policies that crystallized when he was elected mayor in 2006. However, during Lopez Obrador's tenure, the penal code was modified in order to more thoroughly enforce the Rule of Law. The City's Human Rights ombudsman, Emilio Alvarez Icaza, questioned the extended sentences and criminalization of new felonies. Alvarez Icaza warned then that increasing the penalties and sentences, limiting paroled liberation and lowering the penal age were not bound to solve insecurity by themselves. The ombudsman also raised his concern about the 300% increase in inmates between 1997 and 2002, as well as the lack of alternatives to incarceration. The period is relevant in the sense

that from 1997, for the first time in history, there was an elected left-wing mayor followed by a co-partisan. Moreover, the incarceration rate is relevant since according to the Azaola and Bergman study on Mexican prisons, the majority of inmates were not the most dangerous criminals but the poorest. Administrative procedures were often flawed, while the justice system was perceived as ineffective, corrupt and unreliable. Therefore, major offenders were out of jail, while inmates suffered all kinds of mistreatment in prison and the roots of the problem were far from being addressed.

## **2. The Civic Culture Act and the Question of Human Rights**

The Human Rights Commission of the Federal District (CDHDF) claims public security as a fundamental human right. As such, the commission stressed the right to live without fear and indicted recent attempts by the Civic Culture Act to frame the need to “sacrifice” human rights in order to be able to guarantee public security. As the human rights ombudsman contends: “The [Civic Culture] Act is bound to criminalize in-between conduct which –without being necessarily considered illicit- are presumed to lead or turn into criminal acts”. Apparently, the preemptive attacks launched during the Iraq war and conceived of by the Bush administration have globalized the notion of “foreknowledge”. As in science fiction films such as “Minority Report” (2002), individuals were arrested when a series of indicators revealed that the person was about to commit a crime in the near future. Using the same rationale as Wilson L. Kelling’s Broken Windows, minor offenses are almost destined to turn into major crimes. Therefore, “suspicious” individuals such as panhandlers, moles, juveniles, prostitutes, etc. are not considered part of a vulnerable sector of the population but a dangerous group, which may escalate their endeavors in unforeseen ways. The application of this criterion by left-wing governments leaves little hope for the emergence of a social approach to structural socioeconomic problems.

Police in Mexico have a long history of corruption, abuse of power, impunity and insensitivity to the population's needs. Therefore, discretionary actions by the police as proposed by Kelling and recommended by Giuliani would result in a privileged place for practices of corruption. Moreover, empirical data (Smith, 1998) suggests that sanctions and tighter enforcement of the law by themselves often result in the relocation of criminal activities or a shift within the criminal activities. Concurrent with the Civic Culture Act, around 70 civil courts were created to attend to minor offenses in an "efficient, consensual and expeditious manner". However, the Act does not guarantee the civic judges independence, since they rely on the Federal District Head of Government both for appointment or removal.

The city governmental authorities have unilaterally defined insecurity as a matter of "establishing minimal behavioral rules to guarantee respect for the people as well as for public and private goods". Therefore, law enforcement turns into a moral stance, in which criminal behavior is seen as a failure of an individual's self-restraint, independent from the social milieu. Another moral edge is stressed by Joel Ortega (reappointed Public Security Secretary): "With the Civic Culture Act, citizens have to visualize the collective benefit in order to be willing to change their individual conduct as well as surmount resistance created by bad habits and vicious practices". The Act was therefore envisioned by Ortega not as a matter of conflict among divergent interest groups, but instead calling on "co-responsibility, solidarity, honesty, equity, tolerance and identity". However, the means and instruments to achieve such values have not been explicit or specific enough, especially regarding the way in which they would translate into concrete actions by the police department. Another harsh critique to the Act is that it has been interpreted as equally conferring rights and duties on fellow citizens, abdicating one of the major functions of the state, which is providing security to the people. Moreover, the Act punishes whomever attempts to disturb one's

“neighbors’ peace of mind”, or for an act against the urban environment. Such ambiguity is subject to all kinds of interpretation, whether it is used for political ends or to control any potential dissident activities of the people. Interestingly, a survey conducted by the Human Rights Commission of the Federal District on complaints against public officials of the Attorney General’s office (Procuraduría General de Justicia del Distrito Federal, PGJDF) concludes that: “The vast majority of complaints related to the ill-timed execution of penal actions, whether because criminal corrupted the officials or because they belonged to the preventive police or the *Procuraduría* itself”. The report also stressed that in many cases public officials at the PGJDF threatened victims by accusing them of being involved in the criminal act in order to discourage any further prosecution. Another recurrent narrative deals with the distortion of facts, manipulating hard-evidence, (whether by seeding, fabricating or destroying evidence) as well as procedural “errors”. Regarding issues of mistreatment, the PGJDF was indicted for discretionary practices leading to widespread impunity, such as: failing to inform the detainee of the reasons for detention, keeping a detainee for several hours before turning them over to the *Ministerio Público*, or presenting multiple obstacles to accessing the preliminary inquiry. Institutional modernization has also had an effect on the general operation of justice in Mexico. The PGJDF has been the subject of efficiency control standards to assess its performance. This translated into quotas for detainees, prosecuted and condemned, regardless if the procedures were followed in a standardized fashion. Moreover, the use of an inquisitorial prosecution furthers a tradition of authoritarianism and instead an accusatorial approach has been suggested to guarantee the *Ministerio Público*’s autonomy to play its crucial role in the quest for transparency.

The Civic Culture Act recalls elements from Guilianí’s zero tolerance, Enrique Peñalosa’s environmental quality and Antanas Mockus’ civic culture initiative. However, the blend lacks some of the central tenets of the mentors. For

instance, in the case of Antanas Mockus, his charismatic personality proved crucial in inspiring a voluntary compliance with the rule of law, to achieve the “pedagogical balance” of his highly symbolic interventions as well as a change of attitude towards the value of life. Moreover, Mockus put forward a civic culture program based on a voluntary respect for the norm, pacific and spontaneous as well as self-regulatory. Even when changes made at the institutional level of the security structure were significant, changes in citizens’ attitudes towards their responsibility for maintaining the environmental quality of the city were crucial. In the case of Bogotá, it is important to acknowledge that the reduction of crime and violent deaths was preceded by other interventions such as gun control, curfews for alcohol sales, capacitating police in human rights, improving wages and living conditions of police officers as well as a crackdown on corruption within the police department.

### **3. Civic responses to insecurity and further social transformations**

Just before dawn on November 23rd, 2004, three policemen were lynched and burned alive by more than 300 outraged dwellers of San Juan Ixtayopan, on the outskirts of Mexico City, while its city authority was incapable of effectively intervening to save their lives. This terrible episode unveils further questions about the security structure of Mexico City, the fractured rapport between the community and the police, the lack of legitimacy and authority, and the pervasive power of the media, which, by the way, transmitted the executions in real-time.

The mobilization of a quarter of a million people on June 24th, 2004 to protest the increase of crime and the failure of the authorities to deal with it shows the urgency with which civil society has prioritized the issue, as well as its significance to consolidation of the struggling Mexican democracy. The recent endorsement of the “Civic Culture Act”, which takes after the Giuliani Report recommendations to curb crime by attacking minor incivilities (vandalism,

panhandling, street-jobs, etc.), raises questions about the fair judgments that a corrupt police organization may convey. In this respect, the Human Rights Commission of the Federal District acknowledges the right to security and the right to live without fear for every citizen. However, the commission is keen on pointing to the false dilemma, where, in order to attain security, other human rights ought to be sacrificed. The Civic Culture Act will only criminalize poverty since it permits the arrest of any suspicious individual on a “preventive” detention basis.

The bottom line is that the policies are based on the assumption that people should behave and control themselves, regardless of their social or economic environment, absolving any responsibility that society as a whole may have. Also, various parts of this Act are open to misinterpretations regarding the “disturbance of other neighbor’s tranquility” or “actions against the urban environment of the city”, which may lead to repressive (although legal) procedures.

At the macro-level, the rise in crime is explained by the institutional demise of the state, economic transformation with safety nets, and by the acute impact of high unemployment among young people. These changes have had a devastating effect on lower income populations. However, as accumulated research has demonstrated, unemployment and socio-economic status have only an indirect effect on delinquency. Family structure is also strongly related to future delinquent behavior. Growing up in poverty among larger cohorts with diminished social resources and in a context of dwindling guardianship and other social control mechanisms has increased the likelihood of young people engaging in delinquency. Although no individual level data is available to measure the exact magnitude of such effects, the impact of these social changes on the coming of age of new economically deprived cohorts is noticeable. The aggregate data presented here suggest that such deep and sudden changes in the social fabric have a profound impact on traditional patterns of control and result in the eruption of

crime. The findings in this article also support Sampson's argument (leaving aside the racial aspect of his study) about the indirect effect of significant changes in female occupational status. These major transformations in the structure of labor markets directly affect family and community by changing macro-level patterns of guardianship. The lowering of the age of criminality in Mexico suggests that juvenile delinquency and unprecedented levels of violence are related to family disruption and the breakdown of the community.

This article indicates that Mexico is in the midst of major structural social transformations. The widespread incorporation of women into the work force and the scarcity of jobs for young people of both sexes are changing traditional family organization and communities and transforming patterns of control and child rearing practices. Family disruption has been a good predictor of juvenile violence and delinquency, and the data indicates that such disruption is increasing due to dramatic shifts in the labor market. Such major social and cultural transformations have generated the conditions associated with higher criminality. Finally, the transformations that have bred higher criminality were not accompanied by the professionalization of police forces and other criminal justice institutions. On the contrary, the poorly developed organizations, their corruption, and the low standard of rule abidance and effective administration have only exacerbated the problems. Not only did the police not contain crime, they have probably contributed to more criminal activity. Deterrence completely failed. When institutions that work to detect and punish or prevent and contain crime perform badly or even very badly, there is a further lowering of the already subjectively perceived low costs of crime among offenders.

#### **4. Urban crime and the Rule of Law**

The Rule of Law is based upon fundamental principles that support a legal framework of human conduct. In Latin American cities, struggling democracies

have not yet been able to permeate the institutions of security. A long history of the State's disrespect for civil rights and a deep disbelief in the justice system seems to prevail, despite recent efforts by progressive Mayors in Bogotá, São Paulo and Mexico City. The police force as an institution in charge of providing protection and assistance to the community has been largely discredited in the region. In Sao Paulo, an extended history of authoritarianism inherited from dictatorships (the last ending in 1985), had the police accustomed to acting outside the boundaries of legality. However, elected mayors such as Mario Covas endorsed the establishment of control on police violence and corruption, as well as making police abide by democratic principles. However, resistance came from the police in the form of blockages, strikes and the boycotting of proposals in the National Assembly and served to deter institutional changes. Police organizations in Sao Paulo have often been credited for engaging in extra-legal execution of crime suspects, accounting for 10% of deaths, equivalent to more than 700 civilians a year. Nonetheless, this behavior is supported by the population which perpetuates violent schemes for addressing crime. The media has also played a part in the perception of crime and criminals, accounting for at least a third of air time in news programming. In Sao Paulo, a few years ago, the kidnapping of one of the most famous Brazilian entertainers was transmitted live as well as the negotiation process leading to his liberation. In Mexico City, the lynching of three police officers was broadcast in real-time, illustrating citizen aversion to police as well as the incompetence of the organization to rescue their peers alive. Another key issue in enforcing the Rule of Law has been the contrast between privileges and the abuse of force. As treatment depends on who the subject is, a deep disbelief in the fairness of the justice system and its unbiased functioning prevails in society.

Nevertheless, Mário Covas, former mayor and later elected governor of Sao Paulo (1995-2001), undertook the task to document, punish and prevent police abuses. Covas had replicated at the state level President Fernando Henrique

Cardoso's National Plan for Human Rights enacted in 1997, and as a result, a Police Ombudsman Office was created. At the end of Covas' administration the office was responsible for the prosecution and punishment of more than 2,800 police officers. The assessment undertaken by the referred office tried to unveil the "cultural lethal police action" as the cause of the extreme use of force (Ouvidoira, 2001). Ouvidoira also reported the police intention to kill rather than subdue subjects (86% of those shot were in the back or in the head), and suspects were mostly blacks, young and poor (although more than half with no criminal records). Another later trend in security issues has been the creation of private security firms along with the proliferation of clandestine security services. For instance, Mexico City registered 50% more private than regular police, while in Sao Paolo, 88% of police killings between 1999 and 2001 were slain in off-duty hours, while working as private guards (Ouvidoira, 2001). In Sao Paolo, as in Mexico City, police are often associated with criminal gangs, kidnapping organizations and drug business. Moreover, both share a similar background, lifestyle and values. Therefore, in cities where the Rule of Law is inconsistent and ineffective, people start taking action into their own hands. As Helio Luz, former Police Chief of Rio de Janeiro, elaborates on crime and inequality: "The police is an institution designed to be violent and corrupt...yet people still wonder. Why do I say that? Because the police was created to serve the State and the Elite. I enforce the Law to protect and serve the Status Quo, just like that. How do you keep two million favelados under control? Engaging in repressive practices? Of course, how else? This is a political police. This is an unjust society. We are here to protect this unjust society." (Lund y Moreira Salles, 1999).

## 5. Social control of space and territorial strategies

During the 1990s, two progressive Mayors in Bogotá addressed security issues, values and quality of life with a certain amount of success. First, Antanas

Mockus' approach was to educate citizens and recover civil values as a general framework for relating to each other. A philosopher and mathematician, Mockus undertook the city of Bogotá as a social experiment in which to try his theories involving symbolic actions, humor, metaphors and their pedagogical return. His policies were informed by Jürgen Habermas' communicational theory where dialogue creates social capital, as well as the Nobel-prize winning economist Douglass North's work on the tension between formal and informal rules. Mockus stressed the power of knowledge in society, on the rule of law to regain basic forms of conviviality, as well as sensitizing people through humor, art and creativity to accept change in behavior. Among his groundbreaking initiatives was a 50,000 person campaign in which the people would receive a symbolic "vaccination" against violence. Mockus also embraced community police schemes, creating more than 7,000 local security fronts which peacefully surveilled their neighborhoods. A campaign of voluntary disarmament indirectly accounted for the homicide rate to drop 26% as well as the perception that citizens needed a gun to protect themselves. Other strategies involved hiring 400 mimes for traffic calming and distributing 350,000 thumbs-up and thumbs-down cards to citizens. The cards were used to approve or disapprove of a fellow citizen's behavior in a civilized and friendly manner. Mockus also took a moral stand for the sacredness of life as the "main right and duty of citizens", and to many people's surprise, the homicide rates fell from 80 to 22 per 100,000 as one of his major achievements. The following elected mayor, Enrique Peñalosa, centered his policies around upgrading marginal neighborhoods as well as improving the quality of life in the city. Peñalosa based his policies on paradigm shifts, a new urban vision and the change of priorities in public expenditure.

However, Peñalosa engaged in hard-line policies, including taking back sectors of the city allegedly occupied by street-vendors and criminal organizations. Also, a wide-ranging strategy of acquiring public spaces was undertaken involving

three major pedestrian projects: the 20 Has. Tercer Milenio park (for which 600 buildings were demolished), the Juan Amarillo-Molinos-Cordoba linear park and the Alameda del *Porvenir* park, built around suburban low-income settlements. Peñalosa was inspired by former New York Mayor R. Giuliani and Wilson and Kelling's "Broken Windows" approach (1982). Peñalosa endorsed the rationale of ordered spaces as the expression of concerned citizens for their environment as well as the pedagogical value of community work. He also argued that after his administration, citizens came to develop a sense of belonging, pride and love for the city, changing their habitual apathy and despair for the future.

## 6. Surveillance and the "Electronic Eyes of Justice"

The elected Mayor of Mexico City, Marcelo Ebrard, was a former Secretary of Public Security (2002-2004), and quite aware of the crime situation before taking office in December, 2006. During his tenure as Secretary, Ebrard had the Giuliani team conduct an assessment of the crime situation in Mexico City (worth 4 million dollars? in consultation fees). Later, Ebrard selectively used the following recommendations, such as improving police living conditions, to holding the police accountable to the community, cracking down on corruption and improving the legal and judicial systems. Later, as newly elected Mayor in 2006, Ebrard followed the Broken Windows paradigm along with increasing numbers of patrols and police officers. Environmental decay, graffiti and aggressive panhandling were also targeted, and a more proactive response and community policing was introduced. Ebrard was informed by Peñalosa's example in Bogotá and undertook unprecedented actions in high crime areas to crack down on delinquency, and at the same time acquired large areas to develop projects right in the center of the city. Among those interventions (which were later extended to a couple of dozen) was the formerly known as Fortaleza, in the traditional borough of Tepito, which was raided on alleged charges of drug dealing and other illegal activities.

Therefore, police were deployed confiscating items and impounded the real estate for future construction of medical services, nurseries and social services. Another area known as La Ford, famous for being a place for disassembling stolen cars and reselling the parts in a vast illegal market, was dismantled in a similar fashion and the land was expropriated to build a cultural center, a sports complex, and other services for the community. Even when several financial networks related to illegal activities are said to have been pulled apart by the operations, concerns were expressed by the Federal District Commission of Human Rights regarding the procedures as well as the interventions on the basis of presumption of crime.

The largest, and perhaps the most concerning initiative has been the proposal to invest 400 million dollars for surveillance technologies. Installing more than 8,000 CCTV cameras has been proudly announced to be the first step to turn Mexico City into the “Most surveilled city on earth” (a title challenged by other cities like Shenzhen, Chicago and Seoul). The strategy is called *Proyecto C-41*, a surveillance system with CCTV cameras watching infrastructure, public buildings and public spaces. The “electronic eyes” will be connected to a COMPSAT-like system of police intelligence following the already existing private surveillance infrastructure put in place by media tycoon Carlos Slim a few years ago. However, there has not been even minimal concern by the population on whether the systems represent a threat to human rights or to the public sphere. Surveillance has taken closed circuit television systems (CCTV) as key instruments for crime prevention. However, even when crime has not registered a significant change after installing the systems, some evidence exists that it is a valuable device to deter and catch offenders.

City governments have been willing to install CCTV systems but the greatest impact has come from private projects by building owners. These projects survey both private and public spaces, raising concerns over the privatization of the public realm which may eventually dictate how these systems are designed

and used. Surveillance technology consists of devices and systems that can monitor, track and assess the movements of people and their property. Whereas criminal record information is based on hard facts, criminal intelligence is often speculative and difficult to verify. Moreover, a large amount of information of a non-criminal nature is collected about individuals and events during the course of surveillance.

However, there has been an important political shift on the target of surveillance on an international scale. Instead of investigating crime after it happens, police intelligence is increasingly tracking the sort of people they think are most likely to commit crime: certain social classes and ethnicities living in specific areas of the city. This type of preemptive policing is called *data-veillance* and is based on the way in which the military gathers huge quantities of low-grade intelligence for tactical purposes. For instance, new stethoscopic cameras can take hundreds of pictures in seconds and are capable of photographing every single participant in a demonstration.

In an era of mass surveillance an individual can expect to appear on average in 300 databases, considering that in the UK there are more than 5 million cameras, while in the US there are around 30 million countrywide. Information, more than ever, has turned into the key to maintaining power and influence, since the surveillance and tracking of financial transactions, communication activities and geographic movements are increasingly cheaper and efficient to follow.

Therefore, we may then ask what is the nature and use of surveillance? And also, what are the implications for our rights as citizens?

In the groundbreaking report by Sir David Calcutt QC (1990), he defines privacy as: “The right of the individual to be protected against intrusion into his personal life or affairs, or those of his family, by direct physical means or by publication of information”.

CCTV systems have been criticized as largely unmonitored and apparently ineffective in solving crime. According to some experts, people have growing expectations that technology will solve the problem of safety and protection.

Last year, the *Los Angeles Times* reported that Mexico had received funding by the US State Department to acquire a 3 million dollar system to increase the capacity of Mexican intelligence agencies to tap telephonic and electronic communications including cell phones, voice identification and internet. The system, known as *Sistema de Interoención de Comunicaciones*, permits following cell phone conversations and tapping telephones linked to criminal activities. There is strong lobbying to avoid judicial orders to undertake such actions.

Human rights groups such as *Centro de Derechos Humanos Miguel Agustín Pro Juárez* have stressed that the implementation of this system may be part of a strategy of hardening policing and surveillance capabilities to control citizens under the banner of fighting organized crime. However, these kinds of systems are bound to open the doors to internal espionage such as the infamous intelligence systems traditionally used by *juntas* and dictatorships in Latin America.

While presenting *Proyecto Bicentenario's* main bid for acquiring a 8,000 cameras CCTV system last February, Mayor Ebrard remarked that the project was to become the "most relevant transformation in security issues in recent years". As part of the justification of the project, Ebrard pointed out the advantages of being prepared for any kind of eventuality or major emergency crisis, using the hub as an operations center, revealing also the tactical nature of controlling information and communications in a state of emergency.

Early this year, in a session of the Public Security Council of the Federal District, the Secretary of Public Security Joel Ortega explained that the proposed center would help not only to prevent crime, but also to monitor floods, fires and earthquakes and even "change the living conditions of the population". The main hub will be known as C4i concentrating the command, control, communications,

information and intelligence, while 17 sub centers in each *Delegación*, plus one for the historic center, would work as subsidiary centers of control known as C2.

As Ortega elaborates: “These centers will be able to visualize every single camera assigned, as well as the audio. [Also, they will be linked to] working stations, servers, intelligence, training, call centers, real-time databases, etc.”

Even though the *Proyecto Bicentenario* is targeting schools and recreation centers as the main objective, the infrastructure could also serve various other aims. For instance, the question of who is in charge is straightforward: “[In the case of a crisis] the flow of emergencies’ attention as well as the administration of the crisis would be commanded in this center. Moreover, a higher authority would also be established there, commanded, of course, by the Head of the Federal District’s Government”.

Secretary Ortega expects that the acquisition of intelligence software will enable them to “...detect the invasion of public spaces, vehicular traffic, agglomerations of people obstructing streets, recognition of plates, etc.” Moreover, the system would include intelligent systems for dactylic prints and facial recognition registers. With the approved construction project to build a high-security prison in the Federal District, security policies appear closer to national initiatives to combat organized crime than the ideological divide may have suggested.

## **7. Civic responses to insecurity and further social transformations**

The most common response of governments to rising crime rates has been to strengthen their legal and judicial systems, increasing law enforcement expenditures and toughening penalties. However, the number of offenders prosecuted and incarcerated have made the costs of maintaining the criminal,

justice and correctional systems rise to unprecedented levels. Policing and security may emphasize the deployment and coercion to fight criminal sources of insecurity. Although people may feel that something is being done when tough measures are taken against crime, the approaches do not deal with the long-term consequences for families or help prevent future delinquency. However, those measures have not reduced the number of offences committed, raising questions on alternative ways to spend resources on preventative social actions. Moreover, it is argued that preventive action can be up to ten times more cost effective than traditional control measures, such as incarceration. Crime prevention was largely seen as the responsibility of the police. Only recently these problems were conceived as intrinsically linked to the health of neighborhoods, their quality of life, as well as a wider concern about community safety and urban security. As a result, several police departments across Latin America have undertaken community policing programs instead of aiming to improve their rapport with the community. For instance, problem-oriented policing was introduced as a model of rapid-response approach to incidents usually caused by underlying community issues. Community policing has been reconsidered in recent times and supporters argue that this approach fosters the mobilization of resources in the community bringing along stability in the long term. This latest variation proposes that agents ought to be agents of community tradition and consensus, working with local and grass-roots organizations aiming to help residents take direct provisions for their own security. The community-policing model involves police engaged in a wider range of security activities along with other institutions and in the solution and management of social problems. However, some critics of this model emphasize that the police may become a center for professional advising on security issues, creating an endless demand of security solutions only available from experts in that field. Nevertheless, alternative approaches have been undertaken in which partnerships between local governments, the police and organized communities are established to address crime. Other than the repressive approach to crime, the

city creates security contracts where the state subsidizes a set of initiatives undertaken by the population at risk. Members of the community may also participate in “crime prevention councils” to discuss crime related problems and define or coordinate the corresponding programs. Special programs targeted at socially disadvantaged groups such as probationers, unemployed youth, single mothers, etc. have proved crucial for long-term prevention. However, this approach stresses the importance of key political figures taking responsibility for prioritizing crime prevention strategies as well as keeping them on the political agenda to recover and enhance the quality of life in the city.

#### **Vigilância, território e o Estado de Direito na Cidade do México**

##### **RESUMO:**

O Estado de Direito na Cidade do México tem sido uma meta política inatingível desde que um quadro adequado não foi empreendido com legitimidade suficiente. No entanto, o discurso oficial apresentou um falso dilema entre segurança máxima em processo paulatino de negação dos direitos civis e uma intervenção mínima que acabasse por favorecer o crime. O presente artigo defende que o desrespeito aos meios legais por parte das autoridades tem produzido o desrespeito da cidadania em relação aos códigos civis. A fim de resolver esta situação, o quadro jurídico, os mecanismos de regulação social e os princípios éticos na sociedade devem passar por consideráveis ajustes. A solidariedade social e a criação de "espaços de credibilidade" entre os cidadãos podem implicar no entrelaçamento do controle social da vigilância do espaço, do Estado de Direito na liderança do caminho para a integração social e da participação cidadã no futuro imediato.

**Palavras-Chaves:** Estado de Direito; Controle Social; Políticas Públicas.

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