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Police Impunity in Mexico:
Creating Openings for Justice in a New Democracy

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Senior Honors Thesis

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ABSTRACT

In this project, I investigate why police impunity has persisted in Mexico, and why the application of justice, when it does occur, happens unequally. Mexico has undergone a democratic transition with a specific focus on increasing accountability in the judiciary. These persistent trends of police impunity and unequal application of justice are especially puzzling in the face of these recent shifts. Existing literature argues that the institutional changes that occur as a result of democratization should yield changes that further the individual rights of citizens. A majority of the scholarly work regarding police impunity and justice in Mexico focuses on larger trends, and does not account for the gaps in which citizen rights are not protected. Additionally, there is a gap in the literature regarding the why outcomes for police accountability, in the few cases in which they occur, vary widely.

I argue that the application of justice depends on the involvement of an NGO, the creation of a strong and salient framing by the NGO, and the ability of the framing to work within gaps in the political opportunity structure. I examine the three cases of the women of Atenco, Jacinta Francisco Marcial, and Alberta Alcántara and Teresa González. These cases involve women who were wrongfully arrested and abused by police. Despite the initial similarities in these cases, the outcomes and the application of justice vary widely. My analysis of these cases is supported by two weeks of fieldwork I completed in Mexico City during January 2016, as well as research on existing literature, conversations with representatives from NGOs, and news articles and pictures.

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CHAPTER 1: INTRODUCTION

PUZZLE

To a certain degree, police impunity in Mexico is an accepted as a way of life. Small bribes and corrupt officials are present and expected all across Mexico (Azaola 2008). As a low level member of the municipal police in Mexico City told me, “[Police impunity] is not something that is hidden...the people live with it day to day” (Mexico City Policeman, interviewed on 25 January, 2016, translated by author). However, crimes committed by Mexican police are not confined to small-scale bribery. There are countless instances in which citizens in Mexico are arrested, detained and illegally tortured by police. In the majority of these cases, the police go unpunished.

The failure to hold police accountable is puzzling on two levels. Primarily, at a national level, Mexico has experienced a shift towards democratization that has yielded changes in many state institutions. As I will explore below, this continuity of police violence and police impunity contradicts the expected outcome of democratization of Mexican institutions. Additionally, in the few cases in which justice occurs for victims of police violence, there is an unequal application of justice.

I examine two main questions in this project. First, why has police impunity persisted despite democratization and subsequent shifts in the judiciary? Second, in the small niche of cases in which police violations are punished, why are the outcomes of justice unequally distributed?

Democratization and Continued Police Violations

Understanding the nature of the democratic transition in Mexico is difficult. As Lawson examines in his 2000 essay, Mexico has experienced a “patchwork pattern of democracy,” in which certain aspects of the society are more democratic than others (Lawson 2000, 275). The Mexican judiciary has faced significant issues related to democratization. A series of reforms have been passed in 1994 and most recently in 2008 (Lawson 2000, 284). These most recent reforms have focused on reducing corruption, making the judicial system more efficient, and increasing the ease with which a victim can file charges against an alleged perpetrator. With democratization, the judiciary has experienced significant shifts and reforms. However, despite this focus on the democratization of the judiciary, the problem of police impunity remains constant. The police forces in Mexico violate the law and the rights of citizens in Mexico, and they are not held accountable for these violations, which I classify as illegal, institutional violations. The violations committed by the police are considered illegal if they include the excessive use of force, are not primarily for public safety, and violate laws regarding citizen rights and officer conduct. According to Bittner 1990, a “...characteristic of almost all police tasks is the officer’s legitimate capacity to use violence to carry out the lawful directives of public officials or to maintain civic order” (Bittner 1990 in Carmichael et al). When officers act outside of these bounds to complete a task, they are doing so in a manner that breaks the law and is therefore illegal.

There are two means by which violations by the police can be classified as institutionalized. The first places the actions of the police in a larger comparison with the actions of other police. Is the violation that the officer commits something that other

officers commit on a regular basis? Do these actions receive punishment or they viewed as an informally accepted means by which the job of policing can be completed?

Addressing these elements and aspects of police actions demonstrates the connection to routinization. Routinization of an institutional practice is “regularized patterns of interactions that are known, practiced, and regularly accepted” (O’Donnell 1994, 60). Therefore, in applying this theory to that of the informal institution of the police, the informal practices and institution of the police qualify as routinized if the practice and type of police violations occur in multiple geographic areas, and are similar across the different locations. The second aspect of institutionalized violations relates less to the actions and punishment of the officers, and more to the symbolic or larger meaning associated with their use of violence. These violations are completed with the larger purpose of supporting and demonstrating the power of the police force and the larger organization or leadership of the police bureaucracy. The widespread presence of illegal, institutionalized violence has been persistent, despite the continued shifts in democratization of the judiciary.¹ With the advent of democratic reforms, one would expect that police impunity would decrease. Why has police violence against Mexican citizens persisted unpunished with the democratization of the Mexican judiciary?

Unequal Application of Justice

While the larger trend of not bringing justice against police perpetrators is puzzling, so too is the unequal manner in which justice is applied to the few cases where

¹ For more information on statistics of police violence against citizens, and the persistence of human rights violations by Mexican police see Azaola 2008 and Sabet 2012.

police are held accountable. Cases involving police violations that are brought to trial can have varying outcomes, despite clear similarities of the cases. This differentiated outcome in the few cases that do come to trial is puzzling due to similarities in the cases, and the fact that all of the cases go through the same process.

SIGNIFICANCE OF CITIZENSHIP RIGHTS

In this section, I demonstrate why understanding citizenship rights following the Mexican transition to democracy is important. I identify the gaps in the existing literature about democratization, and specifically about the Mexican transition to democracy. Additionally, I build off of existing literature to demonstrate the role of citizenship rights in Mexico's developing democracy. Citizenship rights in the context of this paper refer to the right of citizens to be protected and to receive justice when state actors, specifically the police, violate their rights. As Brinks states, "the right to be free from arbitrary police violence," or to receive justice when police violations do occur, "...has its roots...in the idea that, in a democracy, *everyone* is entitled to respectful treatment and due process of law" (Brinks 2008, 4). As I explore below, the concepts of citizenship rights and protecting the rights of citizens are intrinsically linked with strengthening the development of democracy in Mexico. In this analysis, I build off of Deborah Yashar's approach to understanding and studying democratization at the level of the citizens and their rights as opposed to the trend of focusing on the democratization of institutions (Yashar 1999).

Much of the existing literature about Mexico and other nations transitioning to democracy focuses on whether or not a country can be classified as a democracy, and

how various institutions in the country continue to demonstrate authoritarian trends. For example, Guillermo O'Donnell's 1994 piece introduces the idea of a "delegative democracies" and explores how democracies in differing stages of development can be classified (O'Donnell 1994, 56). O'Donnell, like many other authors, focuses on the process by which a nation can become a full democracy. However, he does not offer analysis on how citizenship and citizenship rights are impacted in this grey area of a delegative democracy, which lies somewhere between an authoritarian regime and a true representative democracy.

This gap in the literature with regards to understanding citizenship rights during the shifting transition to democracy is also present in works specific to Mexico and the Mexican transition. Magaloni's 2005 chapter about the demise of the PRI and the development of Mexican democracy focuses on the democratic transition of various institutions in the Mexican government. For example, Magaloni traces "... the authoritarian nature of electoral institutions and... the party's massive electoral support [and] explores how each of these pillars of the PRI regime was transformed, eventually leading to the establishment of democracy" (Magaloni 2005, 121). Her work excludes analysis as to how this transition affected citizenship rights. Some works acknowledge the gaps in the Mexican transitions and how non-democratic practices have pervaded despite the transition of larger institutions. For example, Cornelius' 2000 article examines how power struggles between the core and the periphery have yielded "potentially adverse consequences for the completion of Mexico's transition to democracy" (Cornelius 2000, 117). Cornelius acknowledges the limits of the Mexican transition and

the specific factors that create gaps in democracy. However, similar to the work of Magaloni, he does not fully address how these gaps impact citizenship rights.

This project acknowledges the limits of the Mexican transition to democracy and fills an gap in the existing literature by narrowing in on the ways in which citizenship rights are protected and violated in this semi-democratic state. I focus on the specific gaps where democratization has been unsuccessful: in the prosecution of the police for crimes against the citizenry. This approach is supported by Yashar's 1999 article about how democratic consolidation in Latin America is theorized. Yashar challenges the existing literature on democratic consolidation, stating that this literature "slights analysis of ways in which these new [democratic] institutions interact with, engender and/or constrain (emerging) social forces. [This literature] tends to assume the relevant actors and how they will respond" (Yashar 1999, 100). Additionally, Yashar argues: "By analyzing government institutions alone, these studies... gloss over the ways in which other independent variables, such as...social forces... can impinge on the capacity to consolidate different aspects of democracy" (Yashar 1999, 99). In this article, Yashar argues that the trend towards studying democratic transitions through a focus on the institutions yields a gap in the literature. Much of the literature on democratization, as Yashar identifies, does not examine the gaps and spaces in which democracy fails, or how this failure affects the rights of citizens.

Addressing limits in and violations to citizenship rights is an important step in moving towards a more democratized Mexico. As Oxhorn argues in his 2011 book, "The inequalities reflected in the capacity of different actors to influence state policies in their favor at the expense of the majority need to be counterbalanced by a strong, inclusive

civil society” (Oxhorn 2011, 228-229). An increase in the ability to civil society to utilize their right to protest and to hold the government accountable will ultimately push back against the actors and sectors of Mexican society that are not fully democratized. This notion of the importance of citizenship rights, and the ability of the citizenry to practice these rights to further promote the democratization of Mexico, is further supported by Brinks’ 2008 book. Brinks argues that a democratic society must not only build the legal system and staff the institutions, but also “must endeavor to affirmatively reendow rights bearers with the secondary, extrajudicial “legal” resources they need in order to engage the system and make an effective claim of right against the resistance of those who will oppose their claims” (Brinks 2008, 6). According to Brinks, shifts in the institutions that allow for citizenship rights to be fully practiced and protected represent a “change...entrenched social patterns” that will allow for the “ideal of universal democratic citizenship” (Brinks 2008, 35). As this literature demonstrates, the practice and support of citizenship rights in a society like Mexico will further the democratization process, even in the gaps and “authoritarian enclaves” where democratization has not occurred (Lawson 2000).

With this thesis, I focus on the citizenship right of freedom from police violence and legal support. Although democratization in Mexico is present in certain aspects of society, this development has not extended to include prosecution of police who violate the rights of citizens. I strive to understand why this gap in democratization exists in Mexico by looking at this history of this trend and the few cases in which victims of police violence do achieve justice.

DEPENDENT VARIABLE

The dependent variable is the following: the degree of justice received by a citizen who has been the victim an illegal, institutional violation by the police. The dimensions of justice to be examined in these cases are restitution of victim's rights, accountability for the perpetrator, and reparations for the victim. Restitution focuses on the victim and involves freeing a victim from prison. Accountability for the perpetrator involves bringing the police to trial. Reparation is money paid by the state to the victim in recognition of injustice committed by the state.

Restitution of victim's rights is the first dimension of justice and focuses on the immediate safety, well being, and freedom of the victim. The main aspect of this dimension in cases of police violations against citizens is freedom from unlawful imprisonment. This dimension must be addressed and granted before the other two dimensions can be explored.

The second dimension of justice, accountability for the perpetrator, is when the police are brought to trial in response to alleged crimes committed against the citizen. I classify being brought to trial as the point in the initial investigation where the police are arraigned and formally charged. This point requires the following three situations to occur: 1. The Ministerio Publico (public prosecutor or MP) must decide whether to pursue the case in court or to dismiss the charges at the point of the corroboration of facts. 2. If the accused policeman is not arrested following the opening of the investigation and the criminal proceedings, the judge must approve the petition to arrest the accused 3. The judge must set a trial date for the first hearing. At this point, the accused policeman has been formally entered into the criminal justice system. The judge

and the MP have both agreed that the case is legitimate, and the accused has been arrested and subjected to preliminary criminal proceedings. A case without at least the abovementioned three factors will not count as an instance of accountability for the police.

Accountability for the perpetrator focuses on the initial trial proceedings as opposed to the outcome of the trial. The decision to focus on the early point in the criminal trial proceedings as the dependent variable is a result of the following three factors. First, it is difficult to quantify whether a punishment is a valid response to a crime, or whether the policeman is held accountable for his crime based on his punishment. Additionally, there are changes in the Mexican legal system due to the recent 2008 criminal procedure reforms, and these changes have not been uniformly adopted around the country. Finally, arraignment of the police demonstrates willingness of the judge and the MP to move forward with a case *even though* the defendant is a policeman.

Reparation for the victim is the third and least important dimension of justice. This step is not always present, but involves the state or culpable institution paying indemnity to the victim after the crime and the trial have occurred. With this step, the state recognizes that it violated the rights of citizens, generally with illegal imprisonment. The payment of reparations involves the state admitting guilt, or at least that violations of civil rights occurred, without necessarily punishing involved parties.

CASE SELECTION

In order to examine accountability for police violations and gaps in the democratization of the Mexican judiciary, I use the cases of the women of Atenco, Jacinta Francisco Marcia, and Alberta Alcántara and Teresa González. First, I offer details about the cases and examine the logic of this selection. I focus on specific aspects of the cases and rule out alternative arguments. Next, I place these cases in the larger universe of cases. Finally, I examine the important role of NGOs and why NGO involvement is an important prerequisite for receiving multiple dimensions of justice.

The women of Atenco are a group of 45 women who were arrested in San Salvador de Atenco in 2006 for protesting in support of neighbors in Tlateloco. Of the 47 women, 26 reported being sexually assaulted by the police while in police custody. The women were then transported to a local prison and illegally detained without access to legal counsel (Centro PRODH et al. 2015). In contrast, Jacinta Francisco Marcial is an indigenous woman who was arrested for kidnapping federal agents. She was illegally arrested several months after the alleged kidnapping, and she was also charged with illegal protest. Jacinta was imprisoned for 3 years before she was released. Alberta and Teresa were arrested with Jacinta and charged with the same crimes. However, they were imprisoned longer than she was (Centro PRODH. “Cronología del Proceso de Jacinta Francisco Marcial Ante el Tribunal Federal de Justicia Fiscal y Administrativa”).

With these three cases, I adopt a model of most similar systems case comparison. In these cases, many aspects of the case are similar, but the outcome in terms of gained dimensions of justice differ. The similar dimensions of the cases are outlined below in

Table 1. The cases are similar in terms of the gender of the victims, their innocence of the crime they were accused of, and the fact that the perpetrators are federal police.

TABLE 1- Dimensions of Case Similarities

Case	Gender of Victim	Nature of Victim crime	Nature of Police crime
<i>Women of Atenco</i>	Female	Disturbing the peace, illegal protest (baseless accusation)	Sexual assault, illegal arrest and detainment
<i>Jacinta Francisco Marcial</i>	Female	Political organization, kidnapping federal agent (baseless accusation)	Illegal arrest and detainment
<i>Alberta Alcántara and Teresa González</i>	Female	Political organization, kidnapping federal agent (baseless accusation)	Illegal arrest and detainment

Information for this table comes from Centro PRODH et al. 2015 and Centro PRODH.

“Cronología del Proceso de Jacinta Francisco Marcial Ante el Tribunal Federal de Justicia y Administrativa”.

However, as Table 2 below shows, the case of the women of Atenco yielded more significant outcomes of justice in terms of immediate restitution of victim’s rights and accountability for the police. Jacinta received elements of justice, and Alberta and Teresa barely achieved the first dimension of justice. Despite this abovementioned similarities in the cases, the outcomes of justice in all three cases clearly differed.

TABLE 2- Differences in Case Outcomes

Element of Justice Outcome	Women of Atenco	Jacinta Francisco Marcial	Alberta and Teresa
<i>Restitution of Victim Rights</i>	Yes	Yes- but after 3 years of imprisonment	Partial- after 3 years and 7 months of imprisonment
<i>Accountability for Perpetrator</i>	Partial- some (but not all) police officers were brought to trial before 2009, since then the process has stalled	No	No
<i>Reparation to Victim</i>	No	Partial- mandated but not yet paid	No

Information for this table comes from Centro PRODH et al. 2015 and Centro PRODH.

“Cronología del Proceso de Jacinta Francisco Marcial Ante el Tribunal Federal de Justicia y Administrativa”.

With this specific case selection, I can control for arguments stating that the gender of the victim is the primary factor in determining the outcome of justice. In all cases the victims were women, but the outcomes of dimensions of justice differed. Additionally, all the women were innocent of the crimes they were accused of and yet they still received differing outcomes of dimensions of justice. Therefore, I control for the argument that the innocence of the victim yields more dimensions of justice. Finally, as the perpetrators in both cases are federal police, I can control for the argument that the outcome of justice depends primarily on the identity of the perpetrators.

These cases are landmark cases in terms of bringing justice to victims. However, it is important to note that, I am examining a very small subset within the larger universe of cases. Police violence against citizens goes largely unreported, and most instances of

police violations are not officially reported or noted (Azaola 2008). Within the small number of cases that are reported, very few result in at least two dimensions of justice for the victims. Through examining the cases of the women of Atenco and Jacinta, I focus on this small subset of cases in which the victims receive restitution of their rights and either accountability for the police or reparations from the state. The outcome of success in these cases is largely dependent on the work of NGOs, who create a frame, mobilize the citizenry, and work within the political opportunity structure to bring dimensions of justice to the victims.

In contrast to the cases of the women of Atenco and Jacinta, the case of Alberta and Teresa is a negative case in which outcomes of success do not occur. Alberta and Teresa did not receive the first dimension of justice, which is restoration of victims' rights, until several months after Jacinta did. The PGR (federal attorney general's office) dropped the case against Jacinta in September of 2009. However, even after Jacinta was released, Alberta and Teresa were re-sentenced to jail, and they were not freed until April 2010. Furthermore, Jacinta was awarded reparation by the state, but Alberta and Teresa were not, even though all three women were arrested together for the same crime and imprisoned together for three years. According to a representative from an NGO who worked closely with Jacinta, the main reason why Alberta and Teresa were kept in prison after Jacinta had been released was because Alberta and Teresa did not have an NGO supporting their case (Unnamed representative from an NGO, interview over Skype on March 8, 2016). This divergence in outcomes, and the reason why Alberta and Teresa are a negative case of limited success in this study, stems from the fact that Alberta and Teresa did not use an NGO to support their case. The absence of an NGO in the cases of

Alberta and Teresa, and the subsequent outcome of their case, clearly demonstrates the importance of NGOs in achieving multiple dimensions of justice for the victims, a variable that will be examined in depth below

ARGUMENT

I attempt to address the problem of why some cases of police violence against citizens yield multiple dimensions of justice, while others have a less successful outcome with fewer or no dimensions of justice. To explain this phenomenon, I focus on three variables: NGOs, framing, and the political opportunity structure. I argue that victims of police violence will achieve more significant dimensions of justice if the NGO supporting the case creates a strong and salient frame, and if there is an opening in the political opportunity structure that makes the framing relevant. Below, I introduce and define the three main variables to be examined in this argument.

NGOs

The first variable is the necessary condition of an NGO accepting the case of the victim of police violence. An NGO can accept a case by agreeing to work with victims and their families. This variable consists of local NGOs or NGOs within Mexico. After the NGO adopts the case and creates a frame, other NGOs, especially international NGOs, can begin to be involved in the case. This variable must be present in order for a frame to be created and to have an opportunity to impact the government through an opening in the political opportunity structure.

Centro PRODH, an NGO based in Mexico City, picked up the case of the women of Atenco. This NGO began working with the women as soon as they were arrested, and continues to be involved in ongoing protests today. Following the involvement of Centro PRODH, other international NGOs became involved in the case as well. For example, Amnesty International has supported the women of Atenco through monetary donations and a letter writing campaign.

When Jacinta Francisco Marcial was arrested, Alberta Alcántara and Teresa González were also arrested with her. Therefore, I examine the role of NGOs in these two cases together. A local NGO in Queretaro, the home state of the women, brought the case to the attention of the NGO Centro PRODH in Mexico City (Unnamed representative from an NGO, interview over Skype on March 8, 2016). Centro PRODH agreed to take the case and to represent the women at trial.

The families of Alberta and Teresa decided not to accept the offer from Centro PRODH, and the defense and support of Alberta and Teresa came mostly from local lawyers and public defenders. Alberta and Teresa did not have an NGO creating a frame and supporting mobilization for their cause. They were unable to use gaps within the political opportunity structure to make their case more relevant. Therefore, the framing and political opportunity structure variables do not apply to this case. Working with an NGO to create framing is a necessary condition for achieving multiple dimensions of justice. In order for a frame to be created and effectively used in the existing political structure, an NGO must be involved with the victims of police violence.

Framing

The second variable is how well the NGOs create a frame that completes the three core tasks of framing (Snow & Benford 1988). The concept of the three core tasks of framing is explored in Snow and Benford's 1988 essay. The authors state

“There are three core framing tasks: (1) a diagnosis of some event or aspect of social life as problematic and in need of alteration; (2) a proposed solution to the diagnosed problem that specifies what needs to be done; and (3) a call to arms or rationale for engaging in ameliorative or corrective action” (Snow & Benford 1988, 199)

These three framing tasks- diagnostic, prognostic, and motivational- create consensus on what the problem is and move people to mobilize in response to the problem (Benford & Snow 2000, 615). In the cases of the women of Atenco and Jacinta Francisco Marcial, NGOs deliberately created a framing to support mobilization and to bring the police officers to trial. Within each frame, I examine the extent to which Snow and Benford's three core tasks of framing are present and successful. According to these works, the mobilization effort will be more strongly supported if the three core framing tasks are better developed (Benford & Snow 2000; Snow & Benford 1988).

I argue that the NGOs in the case of the women of Atenco were more successful at completing the three core tasks of framing. With the support of Centro PRODH, the women of Atenco clearly achieved the three core framing tasks. The problem of police corruption and state culpability was clearly diagnosed; a solution of punishing the state and state actors was offered; and the frame was expanded and amplified to include other victims of state violence. The presence of these core framing tasks therefore created a

more salient frame that Centro PRODH used to influence the government through gaps in the political opportunity structure.

In contrast, the case of Jacinta Francisco Marcial had a less salient frame that did not complete that three core framing tasks as well as the women of Atenco did. A diagnosis of Jacinta's imprisonment as the issue to be addressed was the initial focus of the framing. While this framing was necessary at the time, due to the fact that Jacinta was still in prison, this framing did not successfully diagnose the larger issue of police violations. Furthermore, once the prognosis of freeing Jacinta was achieved, the NGOs were unable to shift the frame to a different prognosis focused on punishing the police. Finally, the framing was not as successful in motivating widespread mobilization because the NGOs did not expand or amplify the frame. Unlike the framing of the women of Atenco, which drew in other victims of state and sexual violence, the framing of Jacinta focused on the specific abuses committed against her. Other groups and individuals were not drawn in to mobilize, as the case of Jacinta was not framed as being *about them*.

Political Opportunity Structure Openings and Shifts

Finally, the third variable focuses on whether nuances of the case and the framing can yield specific openings for the victims' story to be relevant. I examine political opportunity structure through the analysis presented by Meyer and Minkoff in their 2004 piece. The authors focus on "distinguishing between general openness in the polity and openness to particular constituencies, that is, issue-specific opportunities" (Meyer & Minkoff 2004, 1458). I argue that the political opportunity structure responds to these "issue specific opportunities," which can shift depending on the state actors involved, and

the legitimacy of the accusations leveled against these state actors (Meyer & Minkoff 2004, 1458). For the purposes of this project, political opportunity structure is more focused on specific opportunities present in each case, rather than widespread openness or restriction of the political system.

The women of Atenco had a strong frame, and this frame was used by NGOs to exploit an opening in the political opportunity structure until this opening shifted closed in 2009. This frame clearly targeted the state as the larger agent responsible for the crimes committed against the women of Atenco. The victims and the NGOs named the police who arrested the women and Enrique Peña Nieto, the governor of the State of Mexico at the time, as culpable for the crime. Much of the framing targeted these specific actors, with the focus of gaining the second dimension of justice: accountability for the state and the police. This targeting was an example of an issue specific opportunity as described above; there was an opening because an important and visible member of the government, the governor, was implicated in the event (Meyer & Minkoff 2004).

However, in 2009, the political opportunity structure shifted such that this framing was no longer salient, following the ruling by the Supreme Court of Mexico that the state was not culpable for ordering the abuses (Amnesty International 2009). While several police were lightly punished following this development, the state and Peña Nieto were able to refer to the legal outcome that stated they were not guilty of or responsible for any of the crimes of Atenco. Even though the framing was strong and initially successful, the state closed the issue-specific opportunity following the legal ruling that the state was not culpable. Therefore, the political opportunity structure shifted such that

the framing, which targeted specific actors and the state as guilty, was no longer influential.

In contrast, Jacinta Francisco Marcial did not have an initial issue-specific opportunity in the political opportunity structure. As discussed above, the framing of the case of Jacinta was less salient than that of the women of Atenco, and did not complete the three core framing tasks as successfully. In this framing, no specific actors were marked as directly culpable for the crime because much of the focus was on Jacinta as the victim. Even if specific actors had been named, the case of Jacinta did not involve high state officials like the case of the women of Atenco did. While the women of Atenco experienced a specific event that changed and closed the political opportunity structure, Jacinta's case never had the initial opening due to the nature of the frame and the actors involved in her crime.

Table 3 below clearly identifies the three main variables and how these variables map on to the cases to be examined.

TABLE 3- Application of Independent Variables to Cases

Variables to be examined		Women of Atenco	Jacinta Francisco Marcial	Alberta and Teresa
<i>Does NGO accept case and make a frame</i>		Yes	Yes	No
Are Core Framing Tasks Completed?	<i>Diagnostic</i>	Yes	Yes	Not applicable
	<i>Prognostic</i>	Yes	Partial- not as successfully as the case of Atenco	Not applicable
	<i>Motivational</i>	Yes	Partial	Not applicable
<i>Is There An Opening in the Political Opportunity Structure?</i>		Partial- until 2009 case	No	Not applicable

Information for this table comes from Centro PRODH et al. 2015 and Centro PRODH.

“Cronología del Proceso de Jacinta Francisco Marcial Ante el Tribunal Federal de Justicia y Administrativa”.

DATA COLLECTION

Data for this project is based on in-person interviews, existing literature on police violence and prosecution in Mexico, press and media images and stories, and sources about the cases supplied by NGOs. The interviews were collected during the last two weeks of January 2016 in Mexico City. The questions asked in my interviews varied depending on the subjects. My primary goal in these interviews was to gain an understanding of how the Mexican judiciary functions in practice. I focused on the specific instances in which the legal code of Mexico gave way to informal practices or trends in the judiciary. I spoke with 9 individuals including bureaucrats, a policeman, a professor, representatives from two different NGOs, and several lawyers. I also spoke

with several contacts from Mexico via Skype once I returned to the United States. For the safety of the interviewees, I have kept their identities private.

These interviews served several valuable purposes. Primarily, I gained a deeper understanding of the Mexican legal system and how it functions in reality. I interviewed lawyers native to Mexico and licensed to practice law there who are involved in criminal and civil law. These lawyers offered their unique perspectives on how the judicial system functions, the areas in which it should change, and the extent to which the 2008 reform has been successfully applied to courts in Mexico City and nationally. I met with a member of an NGO who was formerly employed by the federal police to help implement the new reforms. She provided information about the specific channels through which a case should go, and how 2008 reforms changed this process.

I also met with several representatives in the government, who gave me their nuanced perceptions on the role of the government in assuring citizen safety and reporting police violations. One of these bureaucrats works for the PGJ, the attorney general's office for Mexico City, and the other works for the PGR, the federal attorney general's office for all of Mexico. These conversations gave me a perspective of the federal and local bureaucratic responses to police impunity.

One representative from an NGO worked closely with Jacinta Francisco Marcial, and provided important information about her case. Similar to my conversations with the lawyers, he offered me a perspective of the realities of the judiciary in Mexico, especially as related to civil rights cases and instances of police violations. This source also connected me to primary source material, print stories, and photographs from various

NGOs and media outlets. These sources were vital to understanding and analyzing the framing created by the NGOs for each case.

It is important to note the limits of data collection associated with this specific topic. Primarily, the issue of police prosecution is a politically sensitive topic about which certain members of Mexican society are unwilling to speak. Police violence against citizens is largely unpunished, and speaking against state actors can be dangerous. Additionally, my project examines a small niche of an outcome that occurs. Therefore, data and information about this negative outcome is difficult to find. Furthermore, I am examining a trend of impunity, or crimes committed by police against citizens that *are not initially prosecuted*. It is difficult to measure and obtain quantitative data regarding police abuse and the percentage of police violations that are not prosecuted or reported. Due to these limits of data collection, my qualitative data gathered from scholarly works, interviews, and primary source material supports a theoretical analysis of the problem of police impunity in Mexico.

PREVIEW OF THESIS

In this section, I identify the following chapters of this project, and demonstrate how these chapters support the argument stated above.

In chapter two, I offer a historical analysis of police violence and democratization in Mexico. I examine why police impunity has persisted in the 21st century, and why this continued trend is surprising in the context of the democratization of Mexico in the 1990s. Building on existing literature about party control of the Mexican state and the means by which the PRI informally controls state actors, I argue that the PRI has limited

the enforcement of accountability measures. Police in Mexico enjoy impunity, as do other state actors. Additionally, I examine how the democratization of Mexico has not successfully reduced corruption and impunity in the judicial system. This chapter establishes important background information and themes that support the analysis offered in subsequent chapters.

Chapter three examines the case of the women of Atenco. In this chapter, I attempt to explain how strong framing and a gap in the political opportunity structure yielded greater justice. The outcome of more dimensions of justice in the case of Atenco is puzzling because the case is similar in many respects to that of Jacinta Francisco Marcial. The case of the women of Atenco yields the most success for the victims, and the highest level of accountability for the police involved in the violations. I argue that the ability of the NGO to build a salient frame that achieved all three core framing tasks combined with an issue specific opening in the political opportunity structure yielded initial success for the women of Atenco. However, the political opportunity structure changed and shifted, therefore limiting the effectiveness of the frame after 2009. The outcomes of this case sharply contrast with those of Jacinta, Alberta and Teresa.

Chapter four focuses on the case of Jacinta Francisco Marcial, and introduces the smaller case study of the case of Alberta and Teresa. In this chapter, I seek to answer the several questions. How did the difference in the framing between the cases of the women of Atenco and Jacinta impact the outcome of justice for Jacinta? What is the role of the NGO in creating framing for a victim of police violence? How does the absence of an NGO impact the ability of a victim to receive justice? I examine how differences in framing can impact the ability of an NGO to mobilize protesters, and analyze why the

framing of Jacinta's case was less salient than that of the women of Atenco. In this chapter, I argue that the framing of Jacinta's case did not fully achieve the three core framing tasks, and was therefore weaker. The limited salience of this framing was further weakened by the lack of an opening in the political opportunity structure. Additionally, I briefly examine why NGOs are a necessary condition through a comparison of the cases of Jacinta and Alberta and Teresa. This chapter demonstrates how a weak framing that is not salient for achieving accountability for the police can yield other gains of justice, such as reparations.

Finally, in my conclusion, I synthesize the three cases mentioned above and apply the findings of this project to other cases of police impunity in Mexico. While this project deals with three specific cases of police impunity, the findings of this project can be applied to further police accountability in Mexico. I examine sources that would further my analysis and introduce variables and cases for further study.

CHAPTER 2: TRENDS IN POLICE IMPUNITY AND DEMOCRATIZING

SHIFTS

INTRODUCTION

In many instances of police violence against citizens, the police are not held accountable to the existing laws that should restrict police abuse.

In this chapter, I address issues of police accountability in Mexico between 1930 and 1970, and examine why police in Mexico were not held accountable by the judiciary for police violations of citizenship rights. Additionally, I analyze the specific shifts that occurred during democratization, and demonstrate how these changes should have yielded increased protection of citizenship rights. I argue that police violence persisted between 1930 and 1970 due to the role of the PRI, and continued from 1970 to present day due to the ability of the PRI to adapt to democratizing changes. I focus on these past citizenship violations in an effort to better understand how modern day outcomes of justice remain constant with historical trends. I find that, despite increased democratization and accountability in multiple levels of the state, the instances of victims of police crimes being granted multiple dimensions of justice remain relatively low.

In this chapter, I offer a historical analysis of the role of the PRI in Mexico and trends of police violations. I break this chapter into two sections: the era of strong control by the PRI, 1930-1970, and the era of democratization, 1970-modern day. In the first section, I examine the role of the PRI in covering up and allowing for police violations. Second, I trace the process of democratization, and analyze the specific changes that occurred in the judiciary.

CONTROL BY THE PRI, 1930-1976

The time period from 1930 to 1976 is known as the golden age of the Partido Revolucionario Institucional, or the PRI. The PRI is a political party that ruled mostly uncontested during this time period, and grew to control many aspects of Mexican government and society. In order to understand how the PRI's control of society limited citizenship rights, I offer a history of the PRI, the judiciary, and the police in Mexico during this period of PRI control. Additionally, I offer analysis about the means by which the judiciary was supposed to function, and how this process was influenced by the PRI through, centralization, norming of illegal action, and collusion.

HISTORY OF THE PRI

The PRI was first established as the PNR, the Partido Nacional Revolucionario, in 1929 by Plutarco Calles, following the assassination of president elect Álvaro Obregón (Krauze 1997, 428). Calles centralized control through the party to fill the “political vacuum created by Obregón’s death, and...continued to rule behind the scenes as the Jefe Máximo” (Meyer & Sherman 1995, 590-591). The PNR became a means by which Calles, or the leader of the party, could control the decisions and players of Mexican politics.

The PNR became the Partido de la Revolución Mexicana, PRM, during the Presidency of Lázaro Cárdenas (Krauz 1997, 479). Cárdenas maintained the principles of centralized control of the Mexican state, and authoritarian control of electoral outcomes. However, Cárdenas also shifted the original focus of the party to include the lower classes and the working sectors of Mexico, and the new PRM was “mass-based and much

more corporatist”(Krauz 1997, 479). Rather than focusing on the upper echelons, the PRM expanded its focus to protect the lower class citizens and to gain their vote. The PRM maintained the practice of “guiding” presidential elections by allowing the outgoing president to choose his successor (Krauz 1997, 479). Although the peasants were now included in the party system, the PRM maintained control over election outcomes in Mexico.

Finally, the PRM became the PRI in 1946 during the presidency of Manuel Avila Camacho (Krauz 1997, 560). This final name change coincided with the institutionalization of PRI control of elections in Mexico. In 1946, a new law was passed that “assigned management of elections and polling places to ...[c]ommittees controlled by the government” (Krauz 1997, 561). This law, and the new structure of the PRI, ensured the electoral success by the PRI until the 1970’s².

Between 1930 and 1975, the PRI demonstrated control of Mexican society through domination of national elections and nominations and strong centralized control in Mexico City. The PRI maintained “a disproportionately large political presence within the Mexican Political System,” and their presence was clear throughout the Mexican government (Rodriguez & Ward 1994, 165). The PRI was the dominant party in the national legislature, and controlled electoral nominations (Chandler 2013, 1; Gillingham 2012, 15). According to Meyer and Sherman, “Party nomination was tantamount to election” (Meyer and Sherman 1995, 648). The PRI was also a dominating presence in “leading corporatist structures” and in Mexican business practices (Centeno 1994, 38).

² While the PRI technically controlled the presidency until 2000, changes in the Mexican government led a decline in the power of the PRI. Beginning in 1970, the PRI began to lose power and influence, and reforms yielded the opening up of the political process for members from other parties. See Magaloni 2005.

The PRI ruled and controlled Mexican national politics from D.F., the capital and the center of government and party power.

Much of the history of the PRI focuses on the role of this party in influencing and controlling the executive branch. In examining the protection of citizenship rights, it is important to focus specifically on the courts, as this branch of the government is the main protector of citizenship rights. Below, I analyze the role and influence of the abovementioned PRI on the supposedly independent judiciary.

HISTORY OF THE JUDICIARY

As the institution of the PRI changed, so too did other government institutions in the Mexican system. The judiciary experienced significant development during this time period. Members of the government, specifically presidents and actors in the executive branch, introduced measures to formalize and modernize this institution. In terms of judicial development, reforms initiated by the PRI in 1929 and 1931 changed procedures regarding judicial discretion and mandatory sentencing laws. These reforms gave individual judges more free reign to rule on cases and to decide punishments (Speckman Guerra 243 in Cornelius and Shirk 2007). Furthermore, the specifics of the criminal court and the procedures and norms of judicial behavior were further clarified in this new legislation (Speckman Guerra 237 in Cornelius and Shirk 2007).

However, the judiciary was still influenced by the executive through the Procuraduría General and the influence of the PRI in Mexican government. The Mexican president directly selected the Procuraduría General, or the attorney general (Schatz et al. 200 in Cornelius and Shirk 2007). Therefore, a PRI president, appointed public

prosecutors, who were significant variable in the judicial system. Even with the abovementioned reforms, the judiciary was still influenced and controlled by the PRI and the executive.

HISTORY OF THE POLICE

In contrast to the changes visible in the judiciary, the police institutions did not experience institutional shifts that fully altered the means by which the police and the citizens interacted. The police institutions in Mexico still dealt with problems related to corruption, abuse of citizens, and lack of institutional organization well into the period of the PRI golden age. According to Daniel Sabet, “Arguably a concerted effort to professionalize Mexican law enforcement did not begin until... the federal administration of Ernesto Zedillo... (1994-2000)” (Sabet 2012, 8).

However, while there were not significant reforms focused on fixing internal corruption in the police forces, the police in Mexico were clearly organized into distinct types of police: the *policía preventiva* and the *policía judicial*. These classifications are still present today in the Mexican policing system (Reames 2003, 3). The *policía preventiva* are the “order-controlling” police who are charged with public safety and “do not investigate crimes”. In contrast, the *policía judicial* are associated with the Procuraduría General (PGR), and investigate crimes at the behest of the PGR (Reames 2003, 3).

POLICE ABUSE OF CITIZENS AND NORMS OF ILLEGAL ABUSE

In conjunction with understanding the larger trends of policing in Mexico, another important aspect of study is examining police and the citizen's interactions, and how police were supposed to be held accountable for abuse against citizens. Therefore, this section examines the rules that should have resulted in punishment against police who violated the civil rights of citizens. Additionally, this section offers analysis examining how accountability measures for the police were actually enforced, and case studies of instances where police were not held accountable for their actions.

While police were not always held accountable for crimes committed against the citizenry, regulations for the police existed. If a citizen experienced abuse by a policeman, there was an established set of procedures to be followed. The laws mandating the functioning of these accountability responses were clearly established, but were not always fully followed. Below, in Table 3, I outline the traditional judicial process that should have happened following a citizen report of abuse by a policeman.