



Hallazgos 2023

Follow-up and evaluation
of criminal justice in **Mexico**



México Evalúa



FRIEDRICH NAUMANN
FOUNDATION For Freedom.

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Presentation

MARIANA CAMPOS | DIRECTOR, MÉXICO EVALÚA

Mexico is currently going through the reform of a key element of the justice system: the Judicial Branch, at both federal and state levels. Those who support this measure argue that it will eliminate corruption, democratize the system, and reflect the will of the people expressed in the voting booths. Despite these promises, **the reform approved does not consider such fundamental topics as access to justice and the protection of people's rights.** In this context, evidence suggests that the **right to the administration of justice will not improve with this reform**, but that the **initiative is driven by political interests that, by focusing solely on the Judiciary, ignore a broader, more systematic vision.**

This omission is particularly concerning in the setting of the Criminal Justice System (CJS), where the courts have proven to be key actors in guaranteeing fundamental rights. Through our research projects –such as the “Observatory of the Quality of Justice: Judicial Hearings and Resolutions”– **we have identified judges as the figures who really enhance the quality of justice** by demanding that police and prosecutors provide solid evidence that protects both victims and defendants. This essential role is compromised, however, by the reform that, by replacing judicial personnel on a massive scale and disparaging accumulated experience without strengthening the judicial career, threatens to impede

the advances achieved to date. During the past six-year presidential term, the task of articulating policies of security, justice, and human rights was ignored, and institutional efforts were fragmented. **Thus, we must reflect on the real impacts, not only of judicial reform, but also of other reforms** that affect the administration of justice, such as broadening the use of mandatory pretrial detention. For these reasons, **I call on President Claudia Sheinbaum to take this opportunity** to ensure that public policies in matters of security, including the National Guard, align with the policies of justice and respect for human rights.

Another extremely important aspect of this context is **the possible reform that would put the National System of Transparency at risk** by affecting both the National Institute of Transparency (INAI) and local organs. **Transparency plays an essential role in the rapprochement of justice and the citizenry.** Traditionally, few institutions have practiced the custom of publishing their information proactively, but legal recourse and pressures exerted by committed actors have obliged them to divulge information that is key for understanding how the justice system functions. **I invite all institutions to continue publishing proactively the variables and data we request**, so we can gain a clear vision of what really occurs in criminal justice.

These efforts to achieve transparency must not be weakened, but strengthened, and progressively centered on generating information focused on people:

their experiences, needs, and expectations. This is a medium- and long-term process that **México Evalúa** has fomented for the past eleven years through the series of *Hallazgos* reports, and one that the institutions themselves should continue.

Hallazgos 2023 is the most complete and exhaustive evaluation of Mexico's Criminal Justice System, for it reflects the advances and pending challenges after over a decade of continuous study. From the first edition to the most recent one, this assessment has maintained, and reinforced, its methodological rigor, allowing us to analyze the CJS from a systemic perspective. This focus not only offers an integral vision but also provides Mexican society and governments with valuable tools for decision-making.

Hallazgos 2023 constitutes one of México Evalúa's contributions to the institutions of the Mexican State. The purpose is to orient the implementation of public policies designed to improve the quality of criminal justice in a system that continues to present significant shortcomings. These deficiencies –amply demonstrated in the results of our work– are manifested in vices and serious consequences for people's rights.

I also wish to emphasize that over these eleven years we have observed changes fostered by committed people with a transforming vision. Here I would mention, especially, the state of **Querétaro, whose long-term perspective and institutionalization process** has shown positive tendencies in several of the indicators evaluated, including those related to impunity and the minimal use of mandatory pretrial detention.

With its interinstitutional attention to gender violence in the criminal, civil, and domestic spheres, and innovative policies in the administration of justice applied to cases of drug-dealing, the state of **Coahuila has come to perceive how the system can operate effectively as a whole and be responsive to society's demands.** **Nuevo León**, meanwhile, has emerged as the first state to institutionalize a prioritization policy for attention to victims.

In addition, San Luis Potosí and Zacatecas have established collaborative links between society and the authorities to jointly design and implement solutions. Both states provide clear examples of how institutional apertures and collaboration can help align governmental decisions with the true demands of society.

At *México Evalúa*, we are committed to continuing our work on this exhaustive evaluation because **we are convinced that the keystone of the rule of law is a credible Criminal Justice System that is close to the people.**

I wish to express our **special gratitude to the public institutions that allowed us access to their information for this study:** the Judiciary, Attorney General's Office, Public Defenders' Offices, institutions of public security, departments of government, Units of Cautionary Measures, Commissions for Attention to Victims, organs of alternative justice, expert and forensic services, Coordinating Organs, and the units responsible for the penitentiary system at the federal and state levels. I also acknowledge the governments of **Baja California, Campeche, Coahuila, Guanajuato, Hidalgo, Mexico, Jalisco, Michoacán, Morelos, Nuevo León, Querétaro, San Luis Potosí, Tamaulipas, Yucatán, and Zacatecas** for their interest in, and dedication to, optimizing the production, quality, and public availability of information.

This report would not have been possible, without the valuable support of the **United States Agency for International Development (USAID)** and the **Friedrich Naumann Foundation for Freedom.**

Finally, on behalf of *México Evalúa*, I thank those **civil and academic organizations, journalists, and members of the private sector**, at the national and local levels, that have decided to unite their demands, proposals, and efforts to strengthen the quality and effectiveness of criminal justice through Networks of Justice.



Introduction

Hallazgos is now the longest-lived, systematic evaluation of criminal justice in Mexico, an exercise that is necessary to achieve the objectives and aspirations proposed in the reform of criminal processes in our country. In *México Evalúa's* view, these tools, follow-up, and continuous assessment must consider all the distinct actors involved, including the operative authorities and institutions of criminal justice that face challenges every day, as well as the people who turn to these institutions, from distinct contexts and with diverse needs, in search of help, attention, and justice.

Therefore, we offer our results as a source of information to nourish decision-making, introduce adjustments and corrections, permit the monitoring of judicial exercises, support the protection of the rights of parties, and evaluate the performance of institutions. Likewise, the proposals and recommendations presented herein seek to orient the public agenda and serve as inputs that will help bring justice closer to the people. As the construction of the analysis and indicators shows,

Hallazgos has always set out to provide information that reflects precisely the situation that people face when they seek justice and strive to exercise and defend their rights during criminal processes. This process entails a period of stabilization to reach a level where the majority of institutions can generate information broken down by person, type of crime, and the response received.

The starting point for *Hallazgos* is the premise that all exercises that evaluate public policies in the sphere of criminal justice require at least two sets of indicators: a) results that offer a strategic, systematic view oriented toward identifying the state of the question; and b) follow-up, that permits associating results with their causes and conditions at the procedural and institutional levels. We call upon those who perform evaluations to adopt a systemic focus in their analyses since the results of the indicators applied may be associated with more than one cause, perhaps within the competence of the institution studied or that of a different one. For this reason, both the analysis and the means of solution adopted must consider not only the contribution of each institution to the indicator but also the specific stage of the criminal process.

CHAPTER 1

Theoretical framework

1.1 Premises and aspirations of the evaluation

In the setting of the 11th anniversary of the *Hallazgos* series and a national context that includes a constitutional reform of Mexico's justice system, we must note that important issues and debts of criminal justice cannot be addressed, much less fully resolved, without an integral reading of the operations of justice. Year after year, *México Evalúa* has sustained that access to, and the guarantee of, criminal justice entails a process that is often complex and onerous for the people who form part of it, for victims of crime, and for those charged with crimes. But institutions are the bodies entrusted with the responsibility to provide adequate attention from the moment that an arrest or accusation is made until a resolution is dictated, to recognize and repair the damage that victims suffer, and to achieve the reinsertion of offenders. Hence, all stages of the criminal process are of equal importance because they agglutinate decisions and decisive actions for cases while also attending to the diverse demands and needs of the persons involved in a conflict.

One lesson we have learned over these eleven years devoted to analyzing the operation of criminal justice refers, precisely, to **the lack of a vision that harmoniously articulates the work of Attorney General's Offices (AGO), courts, Public Defenders' Offices, Victims' Commissions, and the institutions responsible for prisons**, among other actors. It is

equally important to note that efforts to perfect our regulatory framework cannot cease to offer **adequate accompaniment at the operations level through the allocation of resources**. Promoting isolated responses or ones that do not consider the diverse institutions and domains of government will only bring results that are deficient and distant from people's true needs.

As we noted in the previous edition, after publication of the constitutional reform sixteen years ago and a heterogeneous implementation process across the country, the primordial interest that motivates our evaluation is to analyze the types and characteristics of results, the types and times of the responses given, the proactivity and effectiveness of the system in response to criminal phenomena, and the efficiency and economy of results, among other aspects. Our interest does not center on adjectival and procedural elements of institutions but, rather, on the degree to which their efforts respond efficaciously to the demands and expectations of citizens.

Our goal is for the **Criminal Justice System to confront directly the need to transit from a focus on institutions to a people-centered vision**. This change responds not only to the growing criticism of a rigid, punitive system, but also to the evidence that a more humane focus can produce better results in terms of social reintegration, reducing recidivism, and victim satisfaction. The horizon that this change should strive to attain is one where criminal justice not only punishes, but also transforms; that is, a people-centered justice



that privileges repairing damages, effective rehabilitation of people who commit crimes, and their reintegration into the community.

This approach promotes a society that is safer and more just, one where the causes of criminality are addressed from their roots, and victims find the true meaning of justice and restitution.¹ To this end, and as part of our evaluation, we analyze the utilization of alternative and restorative justice, the development of rehabilitation policies focused on exploring the causes of criminal behavior,² and the active participation of victims in the process.

Another premise that guides our work is safeguarding the presumption of innocence. **Privileging freedom during criminal processes and in their forms of resolution is not only an ethical imperative, but also a pragmatic focus** that promotes a more just and functional society. Freedom is an essential human right recognized in numerous international treaties and in Mexico's Constitution. Allowing freedom during criminal processes ensures respect for human dignity and prevents abuses of power and violations of people's rights. This is fundamental to maintaining the legitimacy of the justice system and public trust. In this regard, our evaluation analyzes the use and effectiveness of alternatives to pretrial detention; that is, the utilization of distinct cautionary measures. In addition, since prison is a measure of *ultima ratio*, it is necessary to verify that existing policies favor freedom, education, work training, and continuous post-release support, all of which have proven effective in reducing recidivism and promoting safer, more cohesive communities.³

Among the central elements for confronting the growing and increasingly complex phenomena of criminality, prioritization policies in criminal prosecution have emerged as essential tools for improving the efficiency and effectiveness of the justice system. **Prioritization allows the authorities to concentrate resources on crimes that have greater social impact and are more difficult to investigate and prosecute.** Focalizing, moreover, seeks to reduce impunity by sending clear messages that the behaviors that are most harmful for society will not be tolerated.

As the reader will see in the following sections, at México Evalúa we attempt to map the distinct efforts oriented toward prioritization in both Attorney General's Offices (AGO) and the courts while also –though in a distinct

manner– in Victims Commissions and Public Defenders' Offices. It is precisely the latter two bodies that, despite scarce resources, strive to ensure that attention is provided to the people with most urgent needs, due either to the type of crime they confront or their characteristics in the perspective of intersectionality.

The reader will also note that *Hallazgos* places special emphasis on the possibility of fast, expeditious responses. The importance of fast responses in criminal processes is founded upon diverse aspects that have significant implications for both people and the rule of law. First, this involves the central principle of the right to a fair trial, **which stipulates that people accused of a crime must be tried equitably and within a reasonable time. Excessive delays in processes not only erode trust in the justice system but may also constitute a denial of justice *per se*** that affects victims and defendants equally.

It is also necessary to keep in mind that the right to a fair trial is closely related to the right to the presumption of innocence. This is important because in places like Mexico, delays in processes can result in prolonged pretrial detentions that violate the rights of the accused and affect their dignity and quality of life. Long detentions become, in and of themselves, a form of anticipated punishment that negatively impacts victims who also have the right to fast, efficacious justice. Delays prolong their suffering and impede them from learning the truth and obtaining the restitution they need in order to move on, leaving them in a state of uncertainty and vulnerability.

We must always be aware that fast, expeditious responses do not consist exclusively in imposing a sanction on the person who committed the crime, but entail clarifying the facts and repairing the damage that victims suffered, elements that constitute fundamental pillars of criminal justice. Clarifying the facts demands investigation and the presentation of all pertinent evidence to ensure that processes are based on a precise, complete representation of the events that occurred. On the one hand, this allows victims to obtain the truth about what happened, which may have a positive impact on the restitution process; on the other, it clarifies the facts and presents evidence that favors the accused's right to an adequate defense. Therefore, clarifying the facts and ensuring access to the truth guarantee the legality, legitimacy, and fairness of criminal justice processes.

¹ Sherman, Lawrence & Strang, Heather, *Restorative Justice: Evidence Brief*, 2007.

² Lipsey, Mark & Cullen, Francis, *The Effectiveness of Correctional Rehabilitation: A Review*, 2007.

³ Visser, Christy & Travis, Jeremy, *Transitions from Prison to Community: Understanding Individual Pathways*, *Annual Review of Sociology* 29, 2003.



CHAPTER 2

The current state of criminal justice in Mexico

Having presented some of the principal aspirations and standards that criminal justice should guarantee as the State's tool for resolving conflicts, protecting people, and developing stronger, more resilient communities, we now examine some elements that characterize criminal justice today. Criminal justice in Mexico confronts a series of challenges that have affected its capacity to efficiently fulfill its function of administering justice, protecting human rights, and maintaining social order.

One of the most persistent and pressing issues is impunity, manifested in the system's inability to adequately investigate, process, address, and sanction crimes. The impact of impunity is devastating. Not only

does it undermine the credibility of the justice system, but it also leaves victims of crimes unprotected, bereft of access to justice, and with no possibility to obtain restitution. When crimes are not clarified, or when innocent people are imprisoned, victims are also denied their right to the truth, while in cases where individuals are held in pretrial detention, impunity becomes visualized as a violation of their rights and freedoms.

Corruption is another crucial challenge that affects every level of criminal justice, from the police to judges and prison personnel. Corruption in criminal justice is manifested as bribery, manipulation of evidence, collusion with criminals, the distortions of processes, and imbalances between the parties. In all these ways it contributes to perpetuating impunity.



Corruption also impedes the possibility of acceding to justice because, first, the suspicion that justice can be bought or manipulated means that many victims see no sense in requesting help from the authorities through institutional channels. Second, people charged with a crime often accept some form of anticipated punishment when they learn that they are facing imprisonment.

Access to justice in Mexico is also unequal due to significant barriers that affect the most vulnerable sectors of society: low-income people, Indigenous populations, women, people in mobility, and members of the LGBTQ+ community, among other groups. The inequality of many of these social sectors materializes in the impossibility of receiving effective legal assistance, confronting prejudices or unequal treatment by the authorities, or lacking the means necessary to use all the legal pathways available.

These elements are also related to the levels of trust in State institutions and the legitimacy of the entire system, as we will show below.

2.1 Outcomes

As mentioned above, at *México Evalúa* we are convinced of the need to shift the focus of attention to aspects that are deemed to be of the highest priority and those that should, minimally, be at the center of any evaluation of criminal justice. We analyze separately (i) the indicators that explain the expected results (*i.e.*, what criminal justice must offer to be deemed effective, efficient, and high-quality); and (ii) those that refer to operations at the level of processes, institutions, and specific rubrics.

To present a balance of the results of criminal justice, we thus analyze two dimensions: *efficacy* and *effectiveness*.⁴

Efficacy is understood as the expected effects or impacts of the optimal functioning of criminal justice in relation to the rule of law and the construction of a process of pacification.

Effectiveness is proposed as the capacity of an institutional network to exploit its resources and generate solutions that respond to the expectations of justice.

2.1.1 Efficacy

The relation between an effective criminal Justice System and improvements in citizens' perceptions is crucial for the stability and development of a society. A system of criminal justice that operates efficiently, transparently, and equitably not only fulfills its objectives of protecting citizens and guaranteeing the application of the law, but also generates trust, reduces the unreported crimes, and strengthens the legitimacy of institutions. We consider that the indicators of results in the dimension of efficacy reflect these elements. We are aware that they will not necessarily be responsive to changes in the everyday life of institutions, but while instrumenting efforts and communicating them to society –in the medium and long term– they should respond by marking a change in their tendency.

Furthermore, we firmly believe that some of these components must be analyzed in depth among the social causes that contextualize the responses of institutions, together with the current incidence of criminality, among other elements. In this framework, some aspects of this analysis may also appear in the section on social causes in this publication.

Citizens' trust

The level of trust that citizens have in their institutions of justice is a crucial indicator of the state of health of these systems, and an essential resource for any democratic system. When citizens trust the institutions of justice, they are better-disposed to cooperate with them, report crimes, and participate in judicial processes. Trust results from consistency in the application of the law, transparency in the processes of justice, and the capacity of institutions to respond efficiently to the needs and demands of society. In addition, trust may be associated with the capacity of institutions to resolve conflicts fairly and efficiently. In this sense, the legitimacy of the institutions of justice is closely linked to the trust they generate among citizens.

The legitimacy of the institutions of justice refers to society's acceptance and recognition of their authority to resolve conflicts and administer justice. It rests equally on the legal and normative framework and on the perceptions of justice and equity that institutions project. Trust thus acts as a bridge between State institutions and society to facilitate conflict resolution

⁴ In future editions we will attempt to incorporate the dimensions of gender equality and social inclusion (GESI). For more information on this focus consult: <https://www.cverefereceguide.org/en/gender-equality-and-social-inclusion-gesi>



through formal, legal channels. When citizens trust their institutions they are more inclined to respect and obey their decisions and, hence, to help strengthen that very legitimacy.

Citizens' trust and institutional legitimacy are essential elements for the effective functioning of Mexico's Criminal Justice System. Strengthening these aspects requires an integral focus that includes improving efficiency and transparency, implementing fair, equitable processes, and fomenting a bidirectional relation with citizens. Only by constructing trust and legitimacy will it be possible to advance toward a CJS that truly serves all citizens.

Measuring citizens' trust and its evolution should serve to spur State institutions to construct conditions and processes conceived to increase this indicator, not only through strategies of communication –to date, usually unidirectional– but, and above all, by means of mechanisms that effectively promote mutual listening, understanding, recognizing, dialoguing, building, and accompanying the agendas and demands that arise from society.

Determining the level of citizens' trust in the CJS requires identifying the perceptions they have toward specific authorities: state police, investigative police, AGOs, and judges. For this reason, since the first *Hallazgos* report we have conducted follow-up on tendencies in citizens' perceptions of institutions through a tracking process that sets out from the premise that levels of trust can change over time and show distinct degrees in the different states of the Republic as a function of citizens' evaluations of their authorities.

A breakdown of the information between the people who have "a lot of" confidence in federal institutions and those who do not, reveals marked differences in the levels of trust between, for example the Navy and Army, on the one hand, and the National Guard, on the other. The percentages of people who said they had "a lot of" or "some" trust in the Navy and Army are similar, as 47.5% of the population manifested "a lot of" trust in the Navy compared to 42.5% that had "some" trust. In the case of the Army, 41.5% stated that they had "a lot of" trust, while 45.6% reported having "some" trust. However, there was a marked difference for the National Guard, as only 30% of respondents manifested having "a lot of" trust and 50.8% stated having "some" trust.

For the state police, AGO, and judges, the results for "some" trust were 49.4, 47.1, and 45.5%, respectively, while those for "a lot of" trust reached only 9, 11, and 13.5% in the results of the same survey.

Table 1. Trust in authorities by type of institution

Population that identified the authorities by level of trust
Data represents the national average, 2023

| Institution | A lot of trust | Some trust | Some distrust | A lot of distrust |
|--|----------------|------------|---------------|-------------------|
| Navy | 47.5 | 42.5 | 5.2 | 2.7 |
| Army | 41.5 | 45.6 | 7.8 | 4 |
| National Guard | 30 | 50.8 | 11.3 | 6.3 |
| Federal Attorney General's Office (FGR) | 14.1 | 50.1 | 20.3 | 13.2 |
| Judges | 13.5 | 45.7 | 22.6 | 16.5 |
| Ministerial, judicial, or investigation police | 13.4 | 45.7 | 21.5 | 17.4 |
| State police | 9 | 49.4 | 24.2 | 16.1 |
| State Attorney General's Offices | 11 | 47.1 | 23.7 | 16.6 |
| Municipal preventive police | 7.6 | 48 | 25.9 | 17.6 |
| Traffic police | 6.3 | 40.8 | 29.7 | 22.3 |

Source: Elaborated by the authors based on data from the 2023 ENVIPE, INEGI.

Citizens' trust analyzed by the institutions of the justice sector (police, prosecutors, judges, National Guard, Army, among others) reveals that federal institutions –potentially more distant from people's everyday lives– garner higher trust among citizens. In 2023, the Navy, Army, and National Guard registered the highest percentages of the number of people surveyed who manifested having "a lot of" trust in them, at 47.5, 41.5, and 30%, respectively. This is a natural tendency since people more easily associate possible experiences of corruption or poor performance with the authorities closest to them.

As we see in the results of Mexico's annual National Survey of Victimization and Perception of Public Security (*Encuesta Nacional de Victimización y Percepción sobre Seguridad Pública*, ENVIPE) conducted by the National Institute of Statistics and Geography (*Instituto Nacional de Estadística y Geografía*, INEGI), there is an upward tendency in the percentage of people who manifested having trust in state institutions. For example, from 2022 to 2023 the level of trust in the state police rose from 56.2 to 58.4%, in state AGO from 55.9 to 58.1%, and in judges –at a lower proportion– from 58.3 to 59.1%.



Table 2. Trust in authorities by type of institution and sex of respondents

Population that identified the authorities by level of trust
Data represents the national average, 2023

| Authority | A lot of trust | | Some trust | | Some distrust | | A lot of distrust | |
|--|----------------|------|------------|------|---------------|------|-------------------|------|
| | M | W | M | W | M | W | M | W |
| Navy | 55.1 | 39.9 | 36.7 | 48.4 | 4.3 | 6.2 | 2.4 | 2.9 |
| Army | 48.9 | 34.7 | 40.9 | 50.1 | 6.3 | 9.2 | 3.3 | 4.7 |
| National Guard | 33.9 | 26.1 | 48.7 | 52.9 | 10.1 | 12.4 | 6 | 6.6 |
| Federal Attorney General's Office (FGR) | 16.2 | 11.3 | 48.5 | 52.3 | 19.8 | 20.9 | 13.2 | 13.1 |
| Judges | 15.2 | 12.6 | 43.4 | 48.6 | 22.3 | 21 | 17.4 | 15.5 |
| Ministerial, judicial, or investigation police | 14 | 11.7 | 43.5 | 48 | 21.9 | 23 | 18.8 | 15.5 |
| State Attorney General's Offices | 12.2 | 7.9 | 45.2 | 51.7 | 23.8 | 24.5 | 17.4 | 14.6 |
| State police | 10 | 9.7 | 47.3 | 49.3 | 23.9 | 23.5 | 17.6 | 15.8 |
| Municipal preventive police | 8.2 | 7.1 | 46.6 | 49.5 | 26.1 | 25.8 | 18.6 | 16.6 |
| Traffic police | 7.2 | 5.3 | 39.1 | 42.5 | 29.2 | 30.2 | 23.6 | 20.9 |

Source: Elaborated by the authors based on data from the 2023 ENVIPE, INEGI.

However, when the data are broken down by sex, marked differences emerge in these levels. The percentage of people who reported having “a lot of” trust in the Navy, Army, and National Guard decreased considerably in women’s responses, as they manifested having less trust than men: 39.92% of women trusted highly in the Navy, compared to 55% of men; 34.69% of women trusted highly in the Army, compared to 48.86% of men; while only 26.12% of women trusted highly in the National Guard, compared to 33.89% of men.

Perception of corruption in justice institutions

Just as trust in the institutions of justice plays a key role in people’s willingness to report crimes and seek legal assistance, perceptions of corruption are another determining variable for the legitimacy of these institutions. For society in general, corruption –defined as acts, processes, or people disposed to receiving benefits in return for privileged, more agile, or differentiated treatment– means unequal and unjust access to a public good or service, and the possibility that their rights will not be respected or may be violated by an authority.

Corruption is, of course, a significant problem in every sector of public life, but in criminal justice it takes on other dimensions, for its effects may have a severe, even devastating, impact on access to justice, on repairing the damage that victims suffer, and on the adequate defense of persons charged.

Perceptions of corruption may also have profound implications for society. When citizens perceive institutions as corrupt, the negative consequences generated can have effects at both the individual and collective levels. Perceptions of corruption and the belief that the people who operate institutions are involved in corrupt practices may keep people from using institutional channels to resolve conflicts, thus fomenting feelings of greater social frustration.

Moreover, perceptions of corruption undermine the premise that all individuals and entities are subjects of law, for they suggest that the legal system can be manipulated by those with power and influence. This weakens the country’s legal and administrative structures and can broaden the gaps of inequality among different population sectors with distinct conditions that generate greater exclusion.

When the criminal process is corrupted systematically (that is, when the rules of graft are taken for granted in all areas), not only is access to justice denied and the cost of a service that the State is obliged to provide free of charge increased, but a central support of public life is eroded and the legitimacy of the government undermined.

From 2022 to 2023 perceptions of corruption improved slightly for almost all the institutions of the CJS. The percentage of the population that perceived the state police as corrupt fell from 64.6 to 62.8%, for state AGO from 64.7 to 62.8%, and for judges from 67.3 to

Table 3. Corruption perception towards authorities

Percentage of the population that identified the authority and considered it corrupt
Data represents the national average, 2023

| Authority | Sex | |
|--|------|------|
| | M | W |
| Traffic police | 74.3 | 73.5 |
| Municipal preventive police | 65.6 | 63.8 |
| State police | 63.2 | 62.4 |
| National Guard | 28.4 | 31.4 |
| Ministerial, judicial, or investigation police | 58.1 | 57.4 |
| State Attorney General's Offices | 61.8 | 63.9 |
| Federal Attorney General's Office (FGR) | 55.6 | 58.4 |
| Army | 23.1 | 27 |
| Navy | 17.7 | 21.7 |
| Judges | 64.5 | 67.6 |

Fuente: Elaboración propia con base en datos de la Envepe 2023, Inegi.

66%. Perceptions of corruption in federal institutions, in contrast, remained unchanged.

Non-reported crimes

The CJS is responsible for processing and resolving all crimes brought to its attention, whether through reports or the onset of a grievance based on criminal acts. For victims in both cases, the mechanism through which a crime is reported to the authorities constitutes the doorway to the system, so measuring the frequency of reporting is one way to evaluate access to justice.

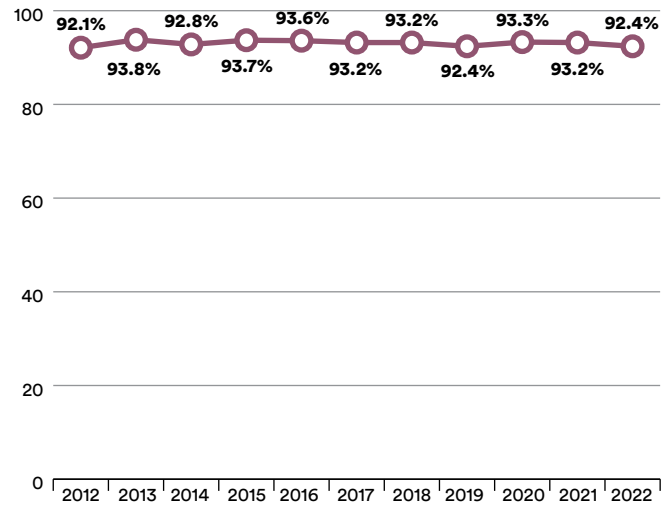
The performance and intervention of the personnel of AGO and the police who investigate crimes depend, in most cases, on this "citizen stimulus", so when this mechanism is restricted, becomes saturated with requirements, or comes to be associated with attention that revictimizes those who approach the system, the denial of justice to victims becomes a reality.

Records of citizens' reports in Mexico tend to remit to the incidence of criminality, but to obtain a more precise image of the level of trust and approaches by citizens, our analysis focuses on the percentage of unreported crimes or "dark figure of crime", understood as all those crimes that are never brought to the attention of the authorities, those that are reported but, for distinct

Graph 1. Evolution unreported crimes

National unreported crimes, 2012-2022

The unreported crimes refer to the percentage of all criminal acts that are not reported state AGOs or that are not subject to preliminary investigations and hence do not appear in official statistics



Source: Elaborated by the authors based on data from the 2023 ENVIPE, INEGI.

reasons, do not lead to the opening of an investigation or are not processed by Attorney Generals' offices. In this sense, a higher percentage of reports by citizens implies a gradual reduction of unreported crimes.

Unfortunately, **unreported crimes in Mexico – the percentage of crimes not reported– has not decreased by even one percentage point over the last decade**, a finding clearly indicative of the low level of trust among citizens, accompanied by low expectations of results.

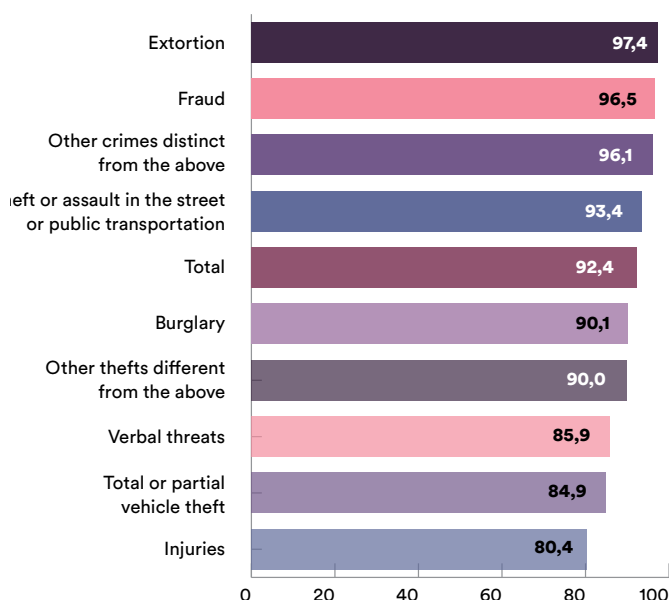
The reasons why victims fail to report crimes are analyzed in detail in the section on Social causes (further below), but here we can note that the main reasons why people manifest disinterest in turning to institutions to report crimes are attributable to the authorities: long, tedious processes, inadequate treatment of victims (including revictimization), and minimal expectations of obtaining a resolution or benefit from the process.



In this regard, while several states have made efforts to facilitate the reporting of crimes through virtual media and/or to streamline the process through more expeditious mechanisms, the truth is that few AGO have adopted models of attention that center on the people who report crimes and have the capacity to adapt processes to their needs and expectations. **Models of attention to victims of crime, moreover, should permit their participation in all stages of the process in a way that allows follow-up on cases through accessible mechanisms or electronic media, reduces the costs and obstacles involved in accessing services, and fosters their active, decisive participation in processes.**

Achieving this requires additional preconditions, such as integrating one sole file throughout the criminal process, creating an interoperable system that gathers all the inputs from every participating institution,

Graph 2. Unreported crimes by type of crime, 2022
 Percentaje de all criminal acts that are not reported state AGOs or that are not subject to preliminary investigations and hence do not appear in official statistics, by type of crime



Source: Elaborated by the authors based on data from the 2023 ENVIPE, INEGI.

and developing an administrative model that ensures certainty in the attention and channeling that each case should receive.

Likewise, it is necessary to analyze unreported crimes to anticipate two key elements. The first has to do with the nature of criminal phenomena and the conditions that reduce the probability that people will report crimes in, for example, cases of extortion, which has a non-reporting rate of 97.4%, or fraud, with an index of 96.5%. A detailed study must lead to the elaboration of strategies by AGO and the institutions of public security that foment proactive work to prevent and/or contain these behaviors, even in the absence of formal accusations. In both cases, for instance, disarticulating criminal structures and criminal markets could significantly contribute to reducing these crimes.

The second element that must emerge refers to identifying those behaviors for which it is possible to reduce unreported crimes in the short term, utilizing mechanisms that simplify reporting crimes and performing follow-up, while also offering victims attention and the real possibility of a specific resolution. This would be especially applicable, for example, in cases of crimes against patrimony like theft.

2.1.2 Effectiveness

Impunity in criminal justice

Throughout the *Hallazgos* series we have sought to present and strengthen an index that shows the level of effective response of the institutions of justice to the cases they receive. This involves measuring *direct impunity*; that is, impunity that implies **a lack of attention, investigation, and/or resolution of the cases brought to the authorities**, whether due to the failure to reach a restitution agreement, because they did not lead to an anticipated outcome, or because no sentence was issued.

At *México Evalúa* we feel it is essential to reflect profoundly on the crimes that the authorities should investigate and prosecute, on the phenomena that clamor for privileged attention for victims and/or society, and on those where prevention and containment require the application of criminal intelligence.

Although justice will always confront restrictions and impediments, and can never be the only solution for all types of conflict –some of which can be closed by means distinct from those of the criminal system– regarding



the cases that enter its field of action it is necessary to conduct a conscientious analysis of impacts and implications to ensure that institutions make efficient use of their resources and prioritize the cases that can affect important legal protected interests, increase the vulnerability of victims, impact society, and/or generate violence, among other elements.

Examining the degree of direct impunity of the CJS provides an indicator of institutional effectiveness –or incapacity– to deal with criminal conflict; that is, to give conclusive responses to phenomena that impact society and, hence, foment conditions of compliance with legality. In addition, studies of impunity can shed light on the sociopolitical use of the criminal system when analyzed at the level of criminality or criminal phenomena, by measuring the sensitivity and responses offered, or the indifference and lack of attention shown.

For this discussion, we believe it is necessary to state two premises:

1. *Justice cannot be understood as equivalent to punishment.*

We have striven to transcend this punitive perspective and shift toward one where **justice is understood on the basis of truth and the restitution of damage**. Therefore, as a function of each type of criminal conflict, our Index of General Impunity foresees diverse possible resolutions and marks a clear difference from other measurements which consider sentences as the only form of justice.

2. *Prosecutors and courts must establish differentiated strategies and responses to the conflicts they process.*

The nature of the accusatory criminal Justice System includes the possibility to seek forms of attention and resolution that accord with the type of case. In this sense, it privileges a *restorative focus that does not erode the system* but, in fact, allows the resources for investigation and litigation to be applied to certain types of cases, especially those of greatest impact and importance. In this approach, only those cases that are deemed important, due to their nature or conditions, would be bound over

for trial. This would place the AGO as the principal figures that establish the criteria for channeling cases and determining the form of attention they will receive, while the courts would do the same for the cases that come before them.

An approach to impunity

At *México Evalúa* we have also taken up the task of generating an indicator that constitutes an approach to registering the effectiveness with which the institutions that procure and administer justice respond to the commission of crimes and how they process and, in some cases, resolve them. It is important to clarify that this measurement encompasses the degree of response exclusively for the cases that were brought to the authorities; hence, its scope does not include unreported crimes.

As a reference, we take the system for measuring impunity created by the International Commission against Impunity in Guatemala (CICIG), an instrument that seems appropriate since the accusatory criminal system permits distinct outcomes and/or responses to disputes, so it does not measure only the sentences issued through criminal action but also favorable cases in which the parties reach a settlement, the offended party pardons the offender, and other types of responses. It thus constructs an adequate index for measuring impunity in Mexico's accusatory CJS as well, considering the diverse outcomes, determinations, and ways to satisfactorily close cases set out in the National Code of Criminal Procedures (*Código Nacional de Procedimientos criminales*, NCPP).

To construct this index, in the first year of calculations (2018) our main sources of information were the National Censuses of the Procurement and Administration of State Justice (*Censos Nacionales de Procuración e Impartición de Justicia Estatales*) for the state level, and data gathered by the competent authorities for the federal level. However, in light of the changes implemented in the state level censuses (documented in previous editions) it was necessary to employ another source of information for this level in the ensuing years (2019, 2020, 2021 and 2022). We chose the data provided by the Model of Evaluation and Follow-up (*Modelo de Evaluación y Seguimiento*, MES), administered by the State Department (*Secretaría de Gobernación*). For the



federal level, we continue to work with the information gathered in the aforementioned national censuses.^{5, 6}

Returning to the index of impunity for the common (state) jurisdiction, while the information available during that period made comparisons possible, we detected diverse situations that led us to reconsider the source of information we would use. The first issue concerned the logic of the construction of the information in the MES, for that model offers a panorama of the work that the states carried out in the calendar year but does not reflect the totality of the cases processed by AGO and courts during that time. Those reports consider the information only on the cases received and initiated in that year, with their follow-up, omitting the work that AGO performed throughout the year to process and resolve cases held over from previous years.

Another consideration relates to the information provided by the courts in the form of sentences, conditional suspension of criminal process, and other forms of closing cases at judicial seats. In this regard, since the MES is a source that receives information from prosecutors, the data that correspond to judicial seats may be limited or not up to date.

After evaluating these elements, the formula for our indicator remained unchanged through 2022. However, for the year 2023 we modified our approach, opting to

construct it based on information provided directly by the authorities. The universe of cases analyzed was taken from the information that AGO provide in the National Census of the Procurement of Justice (*Censo Nacional de Procuración de Justicia*, conducted by the INEGI), while the data on the resolution of cases is from information relayed directly to *México Evalúa* by AGO and the courts. This means that we can guarantee that the cases considered include all those that are still active, either because they were opened in the year of study (here, 2023) or because they were still active since they had not been resolved by the beginning of that year. This change allowed us to consider the whole universe of cases that were active in the CJS during the study year and the diverse resolutions they received, whether at a prosecutorial or judicial seat.

For those who consult this index, it is important to note that it evaluates the cases that fall under the jurisdiction of the adversarial accusatory system with its rules and principles. It does not consider cases that, though still open, pertain to Preliminary Investigations or Judicial Files that correspond to the mixed inquisitive system. For the period covered, we would clarify that we considered the cases that were opened, active, or current at the beginning of 2023, as well as the resolutions reached between January 1st and December 31st, 2023. The antiquity of the cases examined thus depends, in each state, on the date upon which the adversarial system began its operations and the unresolved cases that existed at that moment.

Chart 1. Formula, variables, and principal metadata

| Impunity Index Formula | | | |
|--|--|---|------------|
| Impunity = $\frac{1 - \text{Alternative dispute resolution mechanisms} + \text{Early termination proceedings} + \text{Judgments}}{\text{Referred cases} - \text{dismissed cases}}$ | | | |
| Interpretation | A higher percentage indicates greater impunity, for it means that the system failed to provide an effective response or resolution to a larger number of cases. The calculation refers to “direct impunity”, understood as the capacity to respond effectively to the criminal acts that the authorities handle and process. It is computed under the logic of the accusatory system, so it includes as “satisfactory responses” not only judgments through trial, but also other possible outcomes established in the CJS (i.e., alternative and early termination proceedings). The process also excludes –or dismisses– from the universe of cases under analysis, those where there is no jurisdiction because the event(s) did not constitute a criminal act or fell outside the jurisdiction of the authority. | | |
| Justice system | Adversarial accusatorial system. Does not include the mixed inquisitorial system or the justice system for minors. | | |
| State jurisdiction: sources of information | Model of Evaluation and Follow-up (Dept. of State), National Census on State Procurement (INEGI), Information provided to <i>México Evalúa</i> by the AGO and High Courts of Justice through requests for access to information. | | |
| Federal jurisdiction: sources of information | National Census on the Procurement of Federal Justice (INEGI) and National Census on the Administration of Federal Justice (INEGI) | | |
| State jurisdiction: geographic coverage | National and by state | State jurisdiction: temporal coverage | Year 2023. |
| Federal jurisdiction: geographic coverage | National | Federal jurisdiction: temporal coverage | Year 2022. |

⁵ Despite formal requests for data year after year, the federal Attorney General’s Office has denied its responsibility to provide transparent information on the exercise of its functions, or to publish proactive information or open data. Thus, we continue to base our calculation of impunity at the federal level on information from the INEGI.

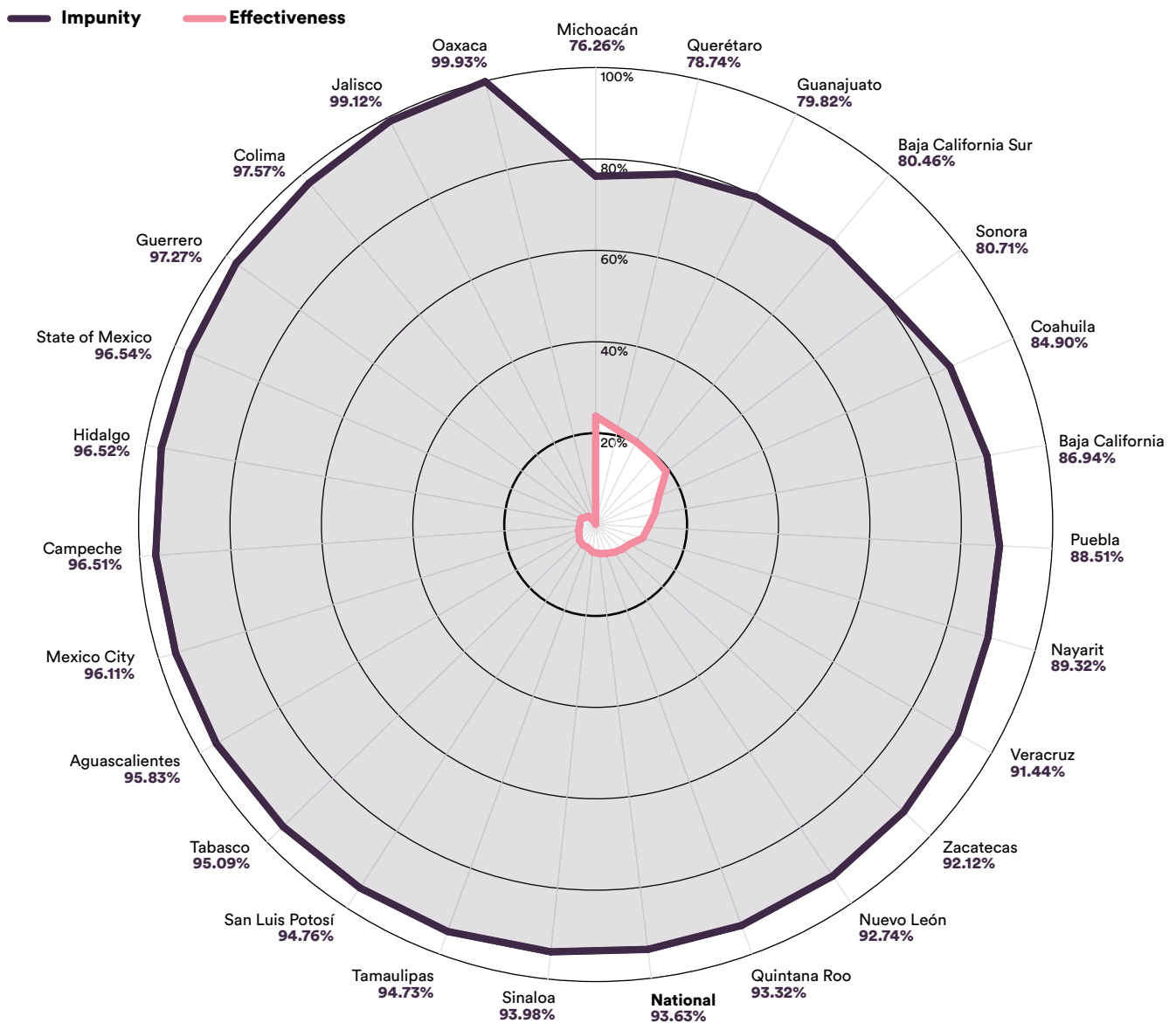
⁶ The principal limitation for this consideration at the federal level is that the latest data available are one year behind. For this reason, in this edition we present the data on federal impunity that corresponds to the year 2022.

This change means that it is not possible to compare the 2023 version of *Hallazgos* with the results from 2019, 2020, 2021, or 2022, due to broad methodological differences. The consequences, as the reader will observe below, are (i) that the national average for impunity calculated for 2023 is relatively lower than in previous years; and (ii) the order of the states in this rubric shows changes from the earlier measurements.

State level impunity

The national average for the index of impunity for the state jurisdiction was 93.63%, 2.7 percentage points below the figure for 2022 (96.3%). The states with the lowest levels of impunity were Michoacán (76.26%), Querétaro (78.74%), Guanajuato (79.82%), Baja California Sur (80.46%), and Sonora (80.71%). Several

Graph 3. General Impunity Index, state jurisdiction, 2023



National mean



Source: Elaborated based on data reported in the MES, the 2023 CNPJE, and requests for access to information.
Note: Excludes calculations for the states from which no data were obtained through transparency, no information was available at the prosecutorial and/or judicial seat, or where the proportions reported were deemed.



of these –Querétaro, Baja California Sur, Guanajuato, Sonora– also had the lowest levels in the 2022 report.

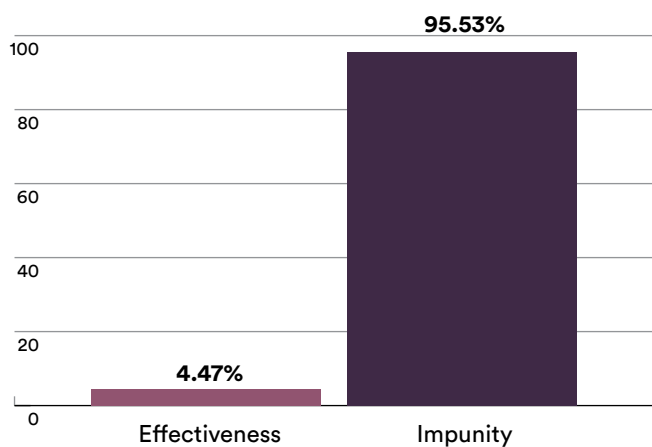
The results for seventeen states exceeded 90%. The highest levels were for Oaxaca (99.93%), Jalisco (99.12%), Colima (97.57%), and Guerrero (97.27%).

This calculation excludes six states because we deemed the information gathered to be too inconsistent or incomplete to perform reliable measurements.

These findings allow us to identify the states that are reducing congestion in their operations, or that are employing the diverse outcomes available to respond more effectively to the cases heard. Our aim is to assess the system’s capacity to respond to those cases, but a much more disaggregated, qualitative analysis is required if we wish to elucidate the adequacy of the responses given in these cases, if the mechanisms stipulated in the system are being used correctly, and if prioritization tools are being applied. It is necessary to analyze this situation as a function of public policies, policies of criminology, administrative models, and the practices that could explain the changes seen.

Graph 4. General Impunity Index, federal jurisdiction, 2022

Index of impunity, federal level, 2022



Source: Elaborated by the authors with information from the Censos Nacionales de la Procuración y Administración de Justicia Federales.

Impunity in the federal jurisdiction

The Federal Index of Impunity for 2022, the most recent year for which data are available, showed a slight reduction from the previous year. The national average was 95.5%, lower than the figure for 2021, which was 96.1%, reflecting a decrease of 0.6 percentage points.

In contrast to the observations for specific states and specific crimes from 2018 to date, the levels of impunity at the federal level have remained virtually constant.

State level Impunity Index for specific crimes

To avoid simplistic and/or broad solutions or offering only *ad hoc* reflections on the delinquency that the criminal system confronts and on its capacity to respond, it is essential to have measures of impunity by type of crime or criminal phenomenon.

We have maintained this conviction (and intention) since we began to measure impunity, but the quality of information broken down by type of crime had not allowed us to construct calculations with that scope.⁷ This reflected the reality that each crime analyzed presented particularities for its possible and effective forms of conclusion from the perspective of the accusatory criminal system and with the understanding of justice that escapes from punitive reductionisms.

Ultimately, this analysis made it possible to identify practices that are succeeding in decongesting the system, or those that may be perverting the uses of justice. Specifically, our goals are to frame the tendencies and policies –explicit or implicit– that are applied to distinct phenomena at both prosecutorial and judicial seats, and to orient discussions around their pertinence and legitimacy.

To facilitate the understanding of these measurements, Table 5 presents the outcomes that are stipulated for, and applicable to, each type of crime analyzed, according to the National Code of criminal Procedures.

⁷ Since the information gathered from AGO and courts is associated with investigative files and criminal causes differentiated by type of crime, it is possible to determine the universe of cases that were opened in the study year and the proportion of cases that had a final effective resolution. Some states did not provide information with this level of disaggregation, but others did. This way of registering the information permits traceability analyses of cases and allows a better understanding of the totality of cases that exist in the institutions. For this reason, each index presents a different number of states according to the ones that provided sufficient information to make calculations.



Table 5. Forms of closing cases established in the NCPP, by type of crime

| | Alternative solutions | | Forms of anticipated termination | Forms of concluding investigations | | | |
|----------------------|--|--|--|--|--|---|---|
| | Restitution agreement (art. 186 NCPP) | Conditional suspension of process | Summary proceedings (art. 201 NCPP) | Abstention from investigating (art. 253 NCPP) | Temporarily archived (art. 254 NCPP) | No criminal action taken because a cause of dismissal was updated (arts. 255, 327, NCPP) | Exercise of prosecutorial discretion (art. 256 NCPP) |
| Intentional homicide | Not applicable because this is an intentional crime committed with violence (art. 187 NCPP). | Not applicable because the arithmetic mean of the prison sentence exceeds five years (art. 192). | Proceeds in all crimes as long as the requirements established in article 201 of the NCPP are fulfilled. | Only proceeds if the AGO determines that the criminal action or criminal responsibility of the accused has been extinguished. In all cases, this determination must be well-founded and motivated. | The law allows the AGO to archive the case if no elements exist to establish lines of investigation; does not require authorization from a superior officer. | No criminal action can be determined in any case if a cause for dismissal is updated.* To apply this, the AGO requires authorization by a superior officer. | Applicable only if the accused provides accurate, essential, information for the effective prosecution of a more serious crime. |
| Femicide | Not applicable because this is an intentional crime committed with violence (art. 187 NCPP). | Not applicable because the arithmetic mean of the prison sentence exceeds five years (art. 192). | Proceeds in all crimes as long as the requirements established in article 201 of the NCPP are fulfilled. | Only proceeds if the AGO determines that the criminal action or criminal responsibility of the accused has been extinguished. In all cases, this determination must be well-founded and motivated. | The law allows the AGO to archive the case if no elements exist to establish lines of investigation; does not require authorization from a superior officer. | No criminal action can be determined in any case if a cause for dismissal is updated.* To apply this, the AGO requires authorization by a superior officer. | Applicable only if the accused provides accurate, essential, information for the effective prosecution of a more serious crime. |
| Forced disappearance | Not applicable because this is an intentional crime committed with violence (art. 187 NCPP). | Not applicable because the arithmetic mean of the prison sentence exceeds five years (art. 192). | Proceeds in all crimes as long as the requirements established in article 201 of the NCPP are fulfilled. | Only proceeds if the AGO determines that the criminal action or criminal responsibility of the accused has been extinguished. In all cases, this determination must be well-founded and motivated. | The General Law in Matters of Forced disappearance prohibits AGO from determining temporary archiving in these cases. | No criminal action can be determined in any case if a cause for dismissal is updated.* To apply this, the AGO requires authorization by a superior officer. | Applicable only if the accused provides accurate, essential, information for the effective prosecution of a more serious crime. |
| Kidnapping | Not applicable because it is an intentional crime committed with violence (art. 187 NCPP). | Not applicable because the arithmetic mean of the prison sentence exceeds five years (art. 192). | Proceeds in all crimes as long as the requirements established in article 201 of the NCPP are fulfilled. | Only proceeds if the AGO determines that the criminal action or criminal responsibility of the accused has been extinguished. In all cases, this determination must be well-founded and motivated. | The General Law for the Prevention and Sanctioning of Kidnappings prohibits AGO from determining temporary archiving in these cases. | No criminal action can be determined in any case if a cause for dismissal is updated.* To apply this, the AGO requires authorization by a superior officer. | Applicable only if the accused provides accurate, essential, information for the effective prosecution of a more serious crime. |
| Extortion | In general, this crime is classified as serious and is prosecuted ex officio in the states (not due to a complaint), and the federal jurisdiction, so victim compensation agreements are inapplicable. | Only proceeds if, according to how the crime was committed, the arithmetic mean of the prison sentence does not exceed five years (art. 192 NCPP). | Proceeds in all crimes as long as the requirements established in article 201 of the NCPP are fulfilled. | Only proceeds if the AGO determines that the criminal action or criminal responsibility of the accused has been extinguished. In all cases, this determination must be well-founded and motivated. | The law allows the AGO to archive the case if no elements exist to establish lines of investigation; does not require authorization from a superior officer. | No criminal action can be determined in any case if a cause for dismissal is updated.* To apply this, the AGO requires authorization by a superior officer. | Applicable only if the accused provides accurate, essential, information for the effective prosecution of a more serious crime. |



| | Alternative solutions | | Forms of anticipated termination | Forms of concluding investigations | | | |
|--------------------------|--|--|--|--|--|---|---|
| | Restitution agreement (art. 186 NCPP) | Conditional suspension of process | Summary proceedings (art. 201 NCPP) | Abstention from investigating (art. 253 NCPP) | Temporarily archived (art. 254 NCPP) | No criminal action taken because a cause of dismissal was updated (arts. 255, 327, NCPP) | Exercise of prosecutorial discretion (art. 256 NCPP) |
| Burglary | Only proceeds if the crime is committed without physical or moral violence for the victim (art. 187.f.III NCPP). | Only proceeds if the arithmetic mean of the prison sentence does not exceed five years, determined by how the crime was committed, the amount stolen, and the type of object(s) taken. For example, in the federal jurisdiction, this alternative solution only proceeds if the amount stolen does not exceed 500 times the minimum wage. | Proceeds in all crimes as long as the requirements established in article 201 of the NCPP are fulfilled. | Only proceeds if the AGO determines that the criminal action or criminal responsibility of the accused has been extinguished. In all cases, this determination must be well-founded and motivated. | The law allows the AGO to archive the case if no elements exist to establish lines of investigation; does not require authorization from a superior officer. | No criminal action can be determined in any case if a cause for dismissal is updated.* To apply this, the AGO requires authorization by a superior officer. | Applicable only if the accused provides accurate, essential, information for the effective prosecution of a more serious crime. |
| Rape and aggravated rape | Not applicable because it is an intentional crime committed with violence (art. 187 NCPP). | Not applicable because the arithmetic mean of the prison sentence exceeds five years (art. 192). | Proceeds in all crimes as long as the requirements established in article 201 of the NCPP are fulfilled. | Only proceeds if the AGO determines that the criminal action or criminal responsibility of the accused has been extinguished. In all cases, this determination must be well-founded and motivated. | The law allows the AGO to archive the case if no elements exist to establish lines of investigation; does not require authorization from a superior officer. | No criminal action can be determined in any case if a cause for dismissal is updated.* To apply this, the AGO requires authorization by a superior officer. | Applicable only if the accused provides accurate, essential, information for the effective prosecution of a more serious crime. |
| Domestic violence | Not applicable because it is expressly prohibited by law (art. 187 NCPP). | Only proceeds if, according to how the crime was committed, the arithmetic mean of the prison sentence does not exceed five years (art. 192 NCPP). | Proceeds in all crimes as long as the requirements established in article 201 of the NCPP are fulfilled. | Only proceeds if the AGO determines that the criminal action or criminal responsibility of the accused has been extinguished. In all cases, this determination must be well-founded and motivated. | The law allows the AGO to archive the case if no elements exist to establish lines of investigation; does not require authorization from a superior officer. | No criminal action can be determined in any case if a cause for dismissal is updated.* To apply this, the AGO requires authorization by a superior officer. | Not applicable because it is expressly prohibited by law (art. 187 NCPP). |
| Drug-dealing | Not applicable because it is an intentional crime prosecuted ex officio (art. 187 NCPP). | Only proceeds if, according to how the crime was committed, the arithmetic mean of the prison sentence does not exceed five years (art. 192 NCPP). For drug-dealing, this alternative solution only proceeds in cases of simple possession (art. 477, General Law of Health) and possession for the purpose of selling or supplying (art. 477, General Law of Health). | Proceeds in all crimes as long as the requirements established in article 201 of the NCPP are fulfilled. | Only proceeds if the AGO determines that the criminal action or criminal responsibility of the accused has been extinguished. In all cases, this determination must be well-founded and motivated. | The law allows the AGO to archive the case if no elements exist to establish lines of investigation; does not require authorization from a superior officer. | No criminal action can be determined in any case if a cause for dismissal is updated.* To apply this, the AGO requires authorization by a superior officer. | Applicable only if the accused provides accurate, essential, information for the effective prosecution of a more serious crime. |

*Causes of dismissal are that the crime was not committed; the act does not constitute a crime; the accused is exempt from criminal responsibility; criminal action has been extinguished, for example, because the statute of limitations has run out; death of the accused; among others.

Source: Elaborated by the authors with information from the National Code of Criminal Procedures (NCCP).



1. Index of Impunity for intentional homicide, 2023

The average national impunity for intentional homicides in 2023 reached 96.86%, while in 2022 it was 95.7%. The states with lower impunity for this crime were Yucatan (65.52%), Querétaro (71.43%), and Baja California Sur (78.95%), while those with higher levels are Colima, Durango, and Jalisco, with values of 100%. We observed that the states with lower impunity achieved their levels by presenting comparatively fewer cases and channeling them mainly through summary proceedings that closed with convictions.

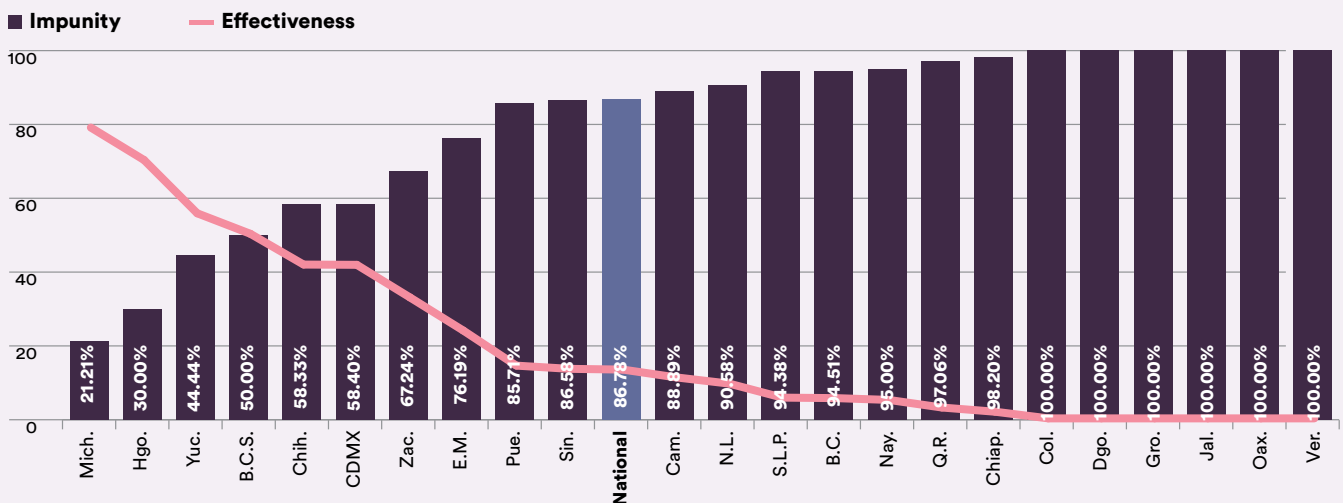


Source: Elaborated by the authors based on data reported on the MES, CNPJE 2023, and requests for access to information.

Note: We excluded from these calculations the states that did not supply data in a transparent manner or for which no information was available at the prosecutorial and/or judicial seats, as well as those where the proportions reported were deemed inconsistent.

2. Index of Impunity for femicide, 2023

The Index of Impunity for femicide for 2023 was 86.78%, lower than the 88.6% reported in 2022. The states with lower impunity for this crime were Michoacán (21.21%), Hidalgo (30%), Yucatan (44.44%), and Baja California Sur (50%), while those with zero cases resolved were Veracruz, Oaxaca, Jalisco, Guerrero, Durango, and Colima. We observed that the states with lower impunity achieved their levels by channeling cases through oral trials or summary proceedings that ended with convictions, with some cases closing through the conditional suspension of process.



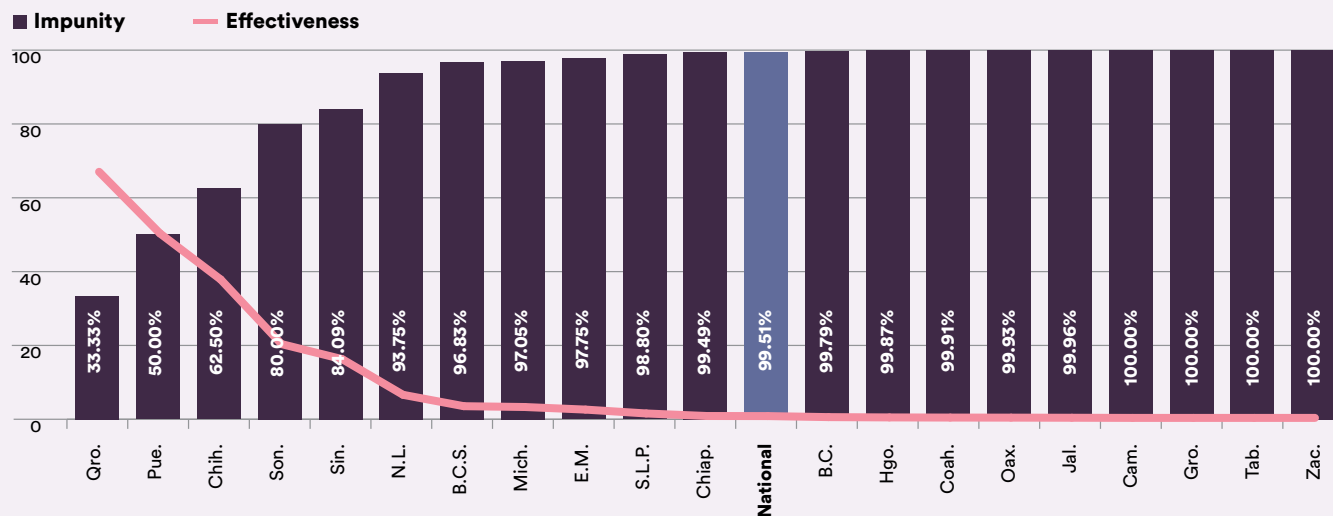
Source: Elaborated by the authors based on data reported on the MES, CNPJE 2023, and requests for access to information.

Note: We excluded from these calculations the states that did not supply data in a transparent manner or for which no information was available at the prosecutorial and/or judicial seats, as well as those where the proportions reported were deemed inconsistent.



3. Index of Impunity for forced disappearance, 2023

The average national impunity for forced disappearance for 2023 reached 99.51%, a figure higher than in 2022, (96.5%). The states with the lowest levels of impunity were Querétaro (33.33%), Puebla (50%), and Chihuahua (62.5%), while virtually no other state reported cases resolved effectively.

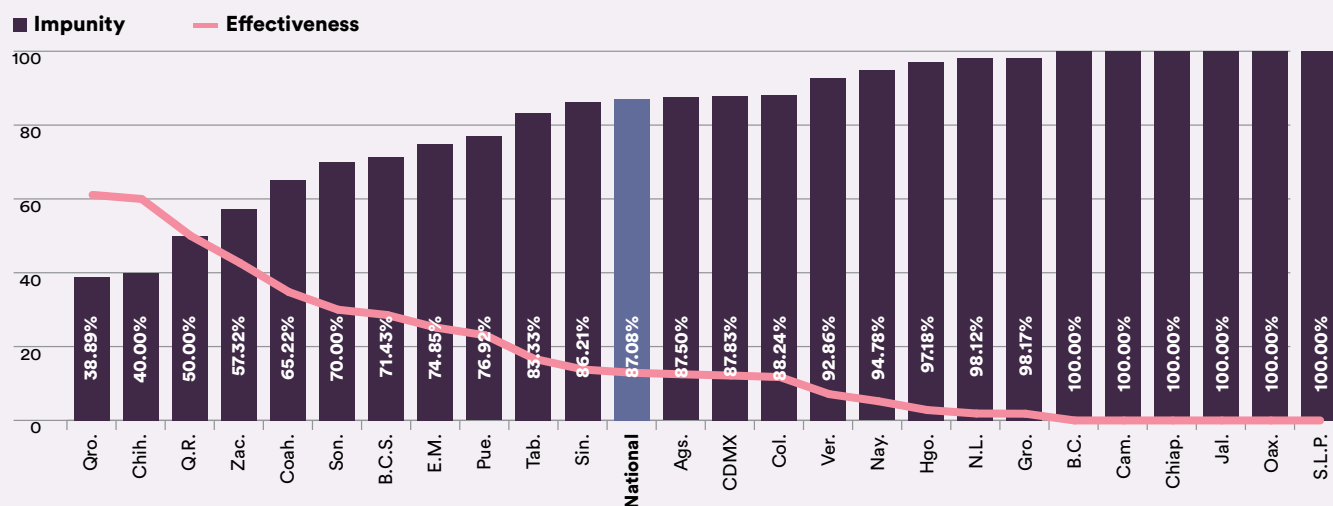


Source: Elaborated by the authors based on data reported on the MES, CNPJE 2023, and requests for access to information.

Note: We excluded from these calculations the states that did not supply data in a transparent manner or for which no information was available at the prosecutorial and/or judicial seats, as well as those where the proportions reported were deemed inconsistent.

4. Index of Impunity for kidnapping, 2023

The average national impunity for kidnapping in 2023 was 87.08%, a figure higher than the one recorded in 2022 (82.8%). The states with lower impunity for kidnapping were Querétaro (38.89%), Chihuahua (40%), Zacatecas (57.32%), and Coahuila (65.22%), while Baja California, Campeche, Chiapas, Jalisco, Oaxaca, and San Luis Potosí did not report any effective resolutions of cases. The states with lower impunity achieved their levels by channeling cases through oral trials or summary proceedings that ended with convictions.

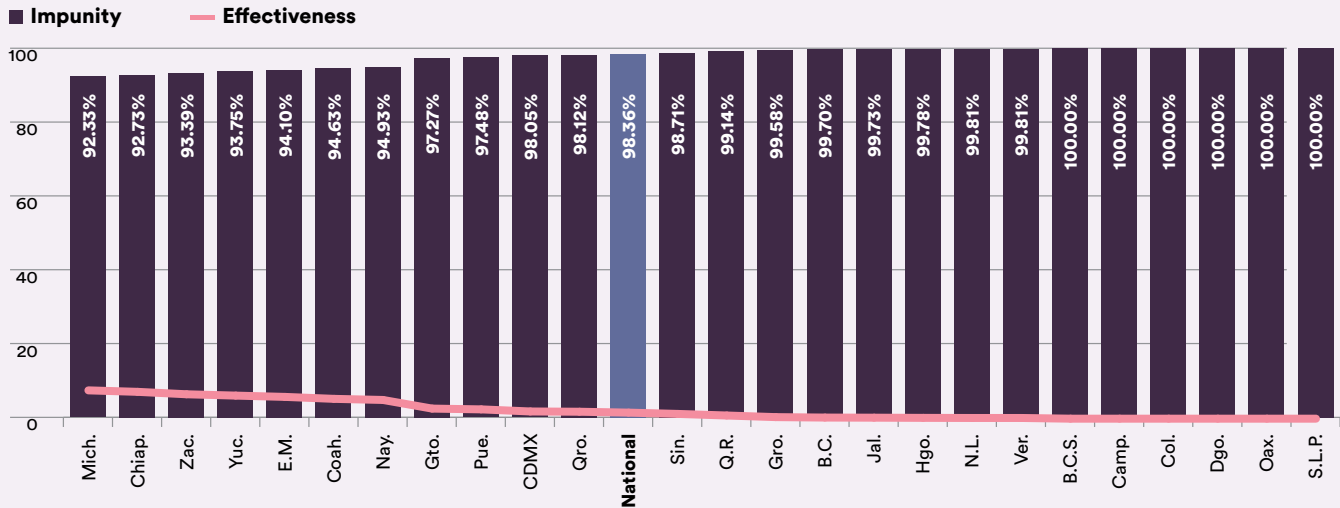


Source: Elaborated by the authors based on data reported on the MES, CNPJE 2023, and requests for access to information.

Note: We excluded from these calculations the states that did not supply data in a transparent manner or for which no information was available at the prosecutorial and/or judicial seats, as well as those where the proportions reported were deemed inconsistent.

5. Index of Impunity for extortion, 2023

The average national impunity for extortion in 2023 was 98.36%, a figure higher than the one registered in 2022 (96.4%). For this crime, all states reported levels above 90%. The states with the lowest levels of impunity were Michoacán, Chiapas, Zacatecas, and Yucatán, while six –San Luis Potosí, Oaxaca, Durango, Colima, Campeche, and Baja California Sur– reported no resolutions of cases.

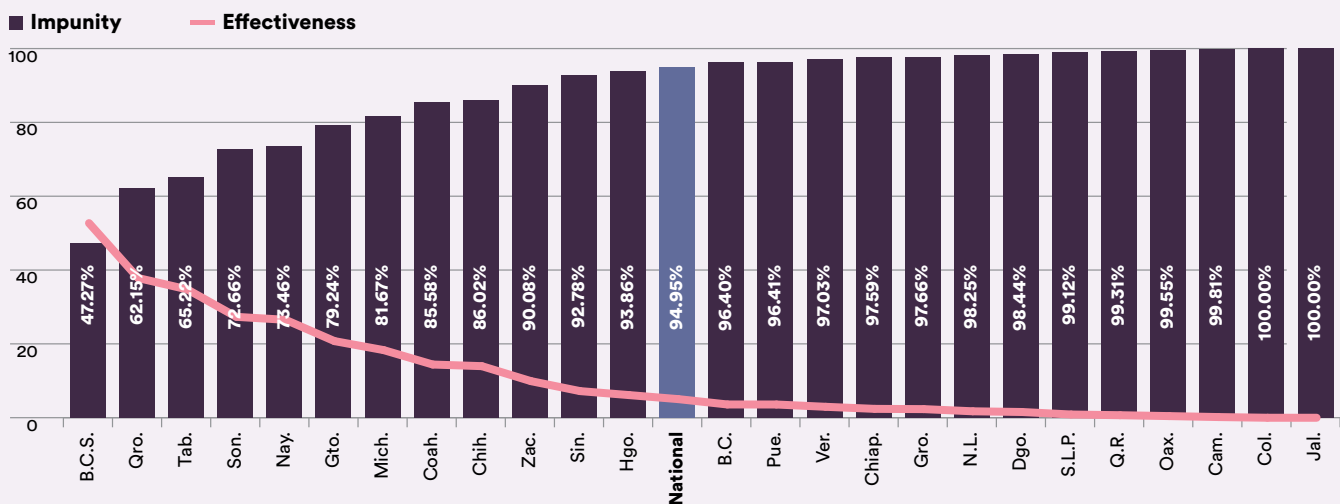


Source: Elaborated by the authors based on data reported on the MES, CNPJE 2023, and requests for access to information.

Note: We excluded from these calculations the states that did not supply data in a transparent manner or for which no information was available at the prosecutorial and/or judicial seats, as well as those where the proportions reported were deemed inconsistent.

6. Index of Impunity for rape, 2023

The average national impunity for rape in 2023 reached 94.5%, a figure higher than the 93.8% registered in 2022. The states with lower impunity for this crime were Baja California Sur (47.27%), Querétaro (62.15%), Tabasco (65.22%), Sonora (74.66%), and Nayarit (73.46%), while Colima and Jalisco had the highest levels at 100%. The main forms of resolution were through oral trials or summary proceedings that ended with convictions, though some cases were resolved through the conditional suspension of process.



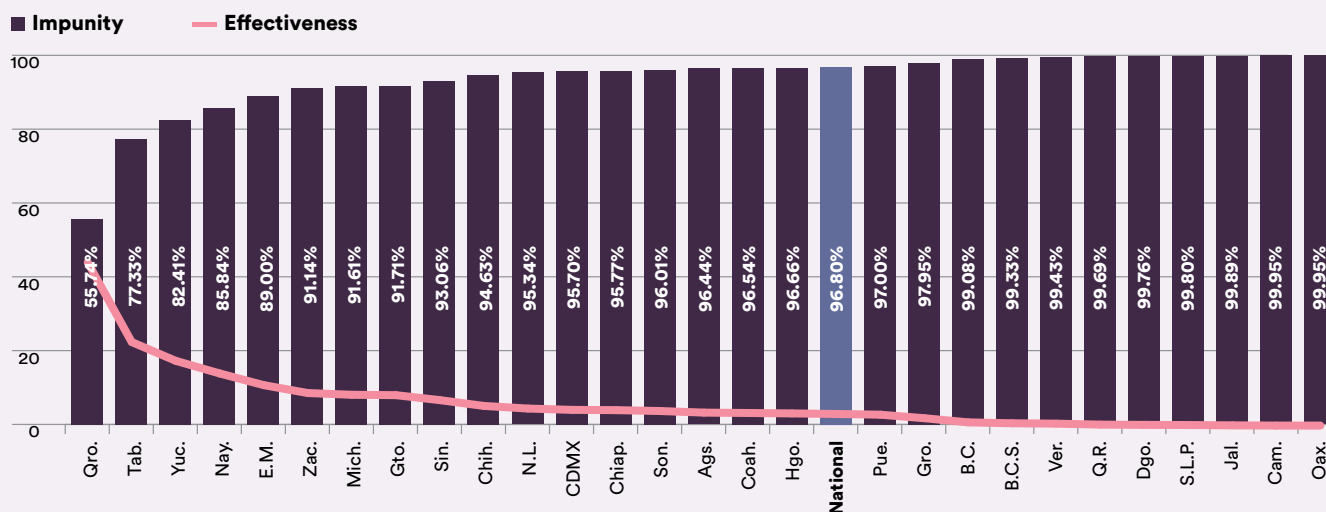
Source: Elaborated by the authors based on data reported on the MES, CNPJE 2023, and requests for access to information.

Note: We excluded from these calculations the states that did not supply data in a transparent manner or for which no information was available at the prosecutorial and/or judicial seats, as well as those where the proportions reported were deemed inconsistent.



7. Index of Impunity for domestic violence, 2023

The average national impunity for domestic violence in 2023 was 96.8%, a figure slightly lower than the one for 2022 (98.6%). The states that registered the lowest levels were Querétaro (55.74%), Tabasco (77.33%), Yucatán (82.41%), and Nayarit (85.84%). Observations show that most cases were resolved through summary proceedings that ended with convictions, or the conditional suspension of process.

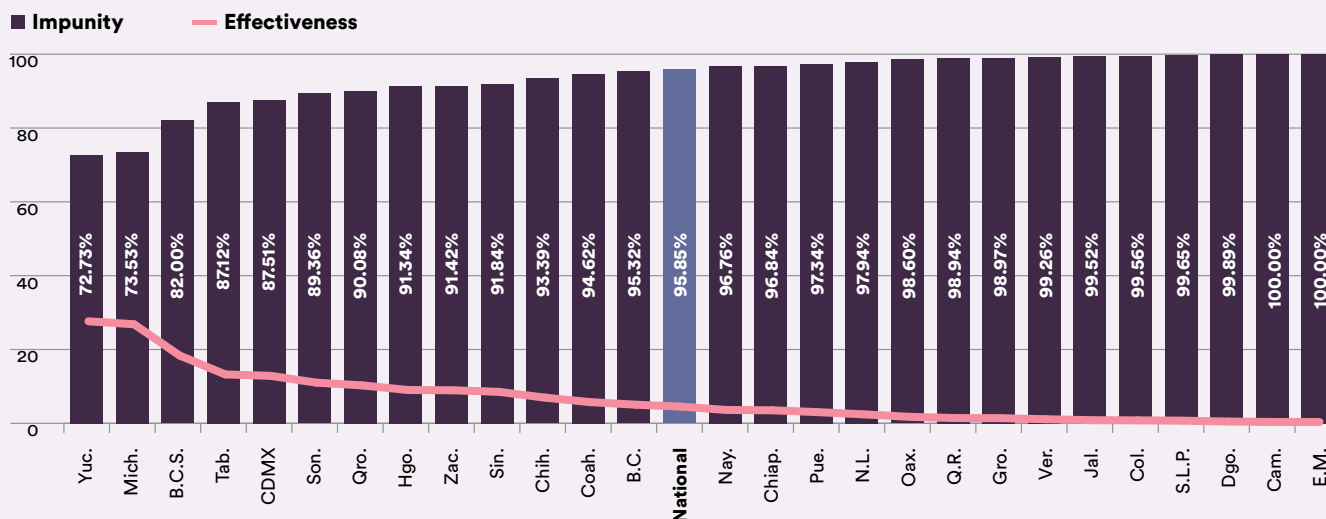


Source: Elaborated by the authors based on data reported on the MES, CNPJE 2023, and requests for access to information.

Note: We excluded from these calculations the states that did not supply data in a transparent manner or for which no information was available at the prosecutorial and/or judicial seats, as well as those where the proportions reported were deemed inconsistent.

8. Index of Impunity for sexual abuse, 2023

The average national impunity for sexual abuse in 2023 reached 95.85%, a figure slightly lower than the level recorded in 2022 (96.1%). The states that presented the lowest levels were Yucatán (72.73%), Michoacán (73.53%), and Baja California Sur (82%). The State of Mexico and Campeche did not register resolutions of any cases in this period. The states with lower impunity achieved their levels by channeling cases through summary proceedings that ended with convictions.

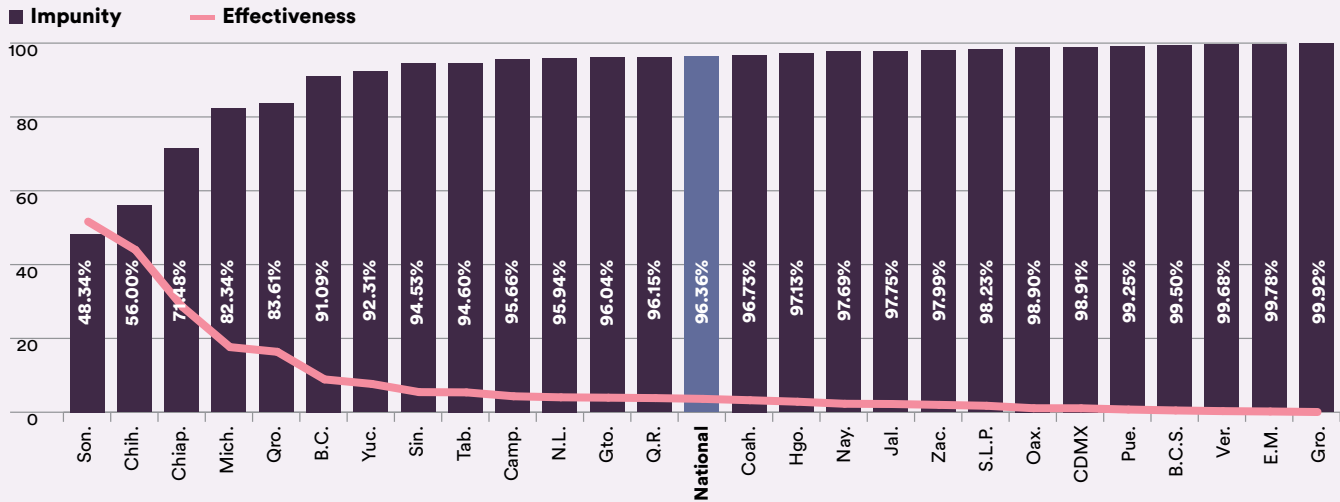


Source: Elaborated by the authors based on data reported on the MES, CNPJE 2023, and requests for access to information.

Note: We excluded from these calculations the states that did not supply data in a transparent manner or for which no information was available at the prosecutorial and/or judicial seats, as well as those where the proportions reported were deemed inconsistent.

9. Index of Impunity for dispossession, 2023

The average national impunity for cases of dispossession in 2023 was 96.36%, a figure higher than the one for the year 2022 (95.1%). The states with lower impunity for this crime were Sonora (48.34%), Chihuahua (56%), and Chiapas (71.48%).

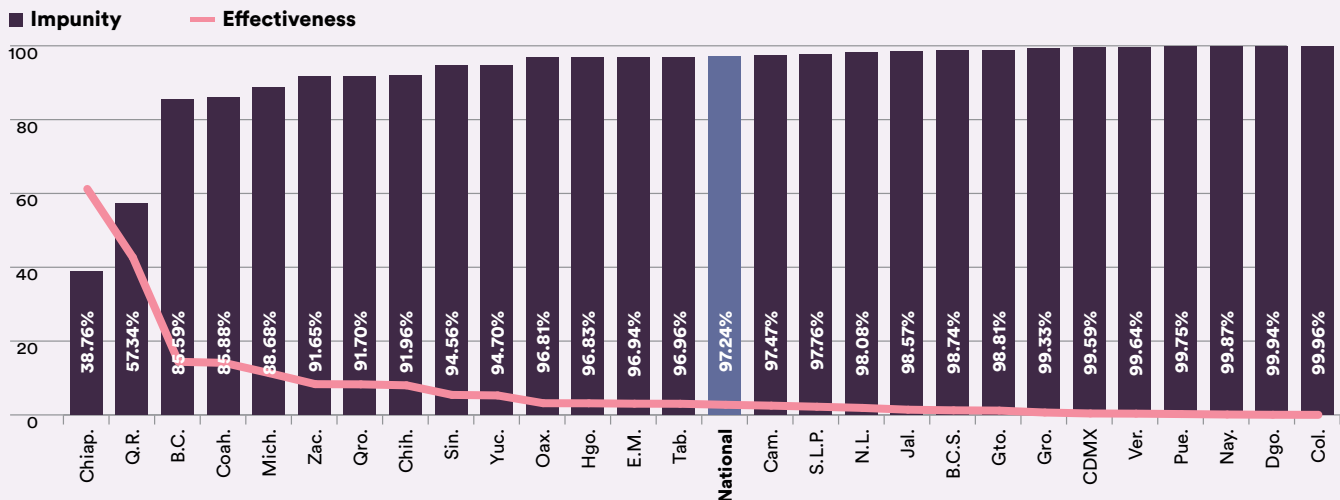


Source: Elaborated by the authors based on data reported on the MES, CNPJE 2023, and requests for access to information.

Note: We excluded from these calculations the states that did not supply data in a transparent manner or for which no information was available at the prosecutorial and/or judicial seats, as well as those where the proportions reported were deemed inconsistent.

10. Index of Impunity for fraud, 2023

The average national impunity for cases of fraud in 2023 was 97.24%, a figure higher than the one recorded in 2022 (96.8%). The states with lower impunity were Chiapas (38.76%), Quintana Roo (57.34%), Baja California (85.59%), and Coahuila (85.88%).



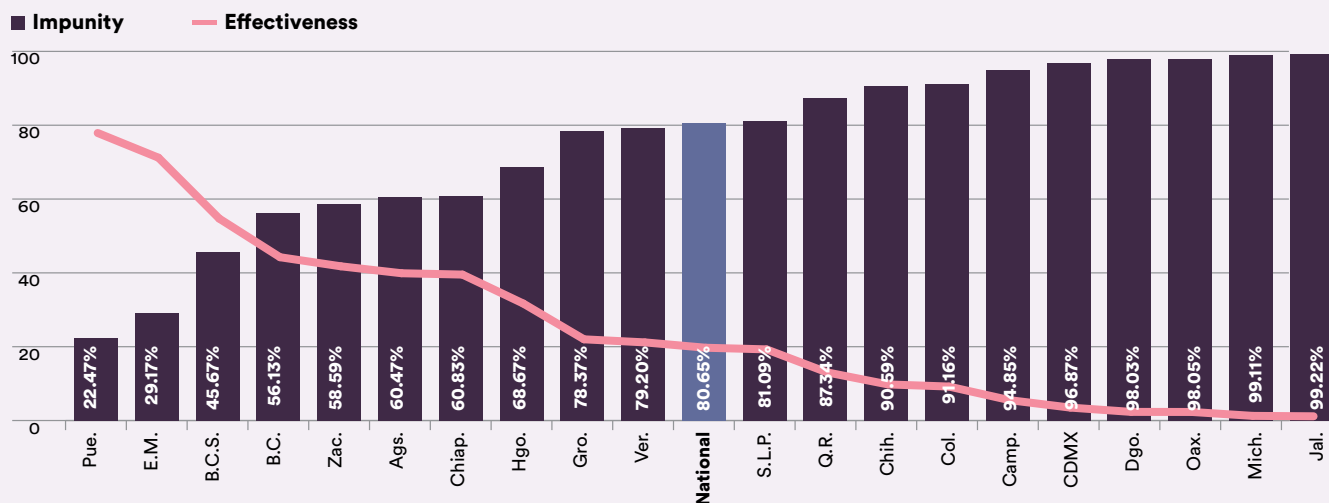
Source: Elaborated by the authors based on data reported on the MES, CNPJE 2023, and requests for access to information.

Note: We excluded from these calculations the states that did not supply data in a transparent manner or for which no information was available at the prosecutorial and/or judicial seats, as well as those where the proportions reported were deemed inconsistent.



11. Index of Impunity for burglary, 2023

The average national impunity for burglary in 2023 was 80.65%. This is the first time we measured this crime as we disaggregated the information on distinct types of theft. The states with lower impunity for burglary were Puebla (22.47%), the State of Mexico (29.17%), and Baja California Sur (45.67%), while those with the highest levels were Jalisco (99.22%), and Michoacán (99.11%). The main outcomes are prosecutorial discretion, followed by the conditional suspension of process and summary proceedings in some cases.

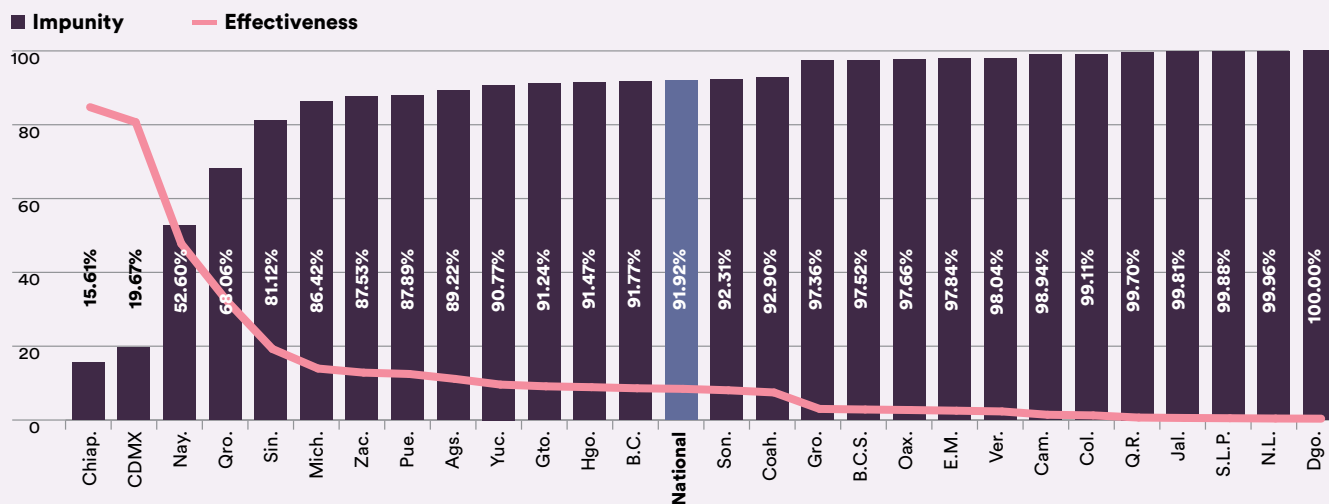


Source: Elaborated by the authors based on data reported on the MES, CNPJE 2023, and requests for access to information.

Note: We excluded from these calculations the states that did not supply data in a transparent manner or for which no information was available at the prosecutorial and/or judicial seats, as well as those where the proportions reported were deemed inconsistent.

12. Index of Impunity for drug-dealing, 2023

The average national impunity for drug-dealing in 2023 reached 91.92%, a figure lower than the one recorded in 2022 (94.1%). The states with lower impunity are Chiapas (15.61%), Mexico City (CDMX, 19.67%), Nayarit (52.60%), and Querétaro (68.06%); Durango reached 100%.



Source: Elaborated by the authors based on data reported on the MES, CNPJE 2023, and requests for access to information.

Note: We excluded from these calculations the states that did not supply data in a transparent manner or for which no information was available at the prosecutorial and/or judicial seats, as well as those where the proportions reported were deemed inconsistent.

It is important to observe that the states with lower impunity achieved their levels by channeling cases through summary proceedings that ended with convictions or through the conditional suspension of process and the application of prosecutorial discretion. The main form of resolution consisted of convictions reached through summary proceedings. Prosecutorial discretion and other outcomes were not sufficiently prioritized. On this aspect, we would emphasize the need to modify the punitive focus applied in these cases and privilege a focus on restitution and public health.

Appealed judgments

The Interamerican System of Human Rights **establishes the right to effective legal protection. This demands that ideal and effective legal mechanisms be provided to protect people's individual and collective rights. However, these mechanisms often fail to function adequately, due either to the limited capacity for action by victims' groups or collectives affected by violations, bureaucratic delays in judicial proceedings, or because access to those resources may be expensive in terms of money or time.**⁸

Likewise, it has been **established that during judicial processes all people have the right to a minimum guarantee to appeal judgments to a judge or a higher court.**

*158. The Court considers that the right to appeal a decision is a primordial guarantee that must be respected in the framework of due legal process, so that an adverse sentence can be reviewed by a distinct judge or tribunal of higher organic hierarchy. The right to interpose an appeal against the decision must be guaranteed before the sentence can acquire the condition of a res judicata. The aim is to protect the right to defense by granting the possibility to interpose a resource during the process to prevent a decision adopted with vices or one that contains errors that cause undue damage to the interests of a person from becoming a res judicata (...)*⁹

Given this, at *México Evalúa* we deem it essential to identify how these resources are exercised and determine their effectiveness. In this regard, we identified **that 30.94% of trial court judgements were appealed**, a high level of impugnations of decisions made by the organs of justice. We were also able to verify that some states stand out for the high level of appeals of the sentences dictated in first hearings: Guerrero (89.36%), Campeche (81.58%), and Colima (80.70%).

In addition, we found that of the appeals admitted, in 20.05% the original judgment was modified, while 14.47% of judgments were overturned at this second hearing. This leads us to infer that in **at least one-third of judgments some error, element, or consideration was identified that was not analyzed adequately by the court of the first hearing.** Likewise, in 5 of every 100 cases the resolution reached was to repeat the process. These cases show a certain respect for the guarantee of the right to effective legal protection through the resource of appeal.

When these figures are analyzed by type of crime, certain offenses have especially high percentages of sentences that are modified or revoked: human trafficking, forced disappearance, extortion, femicide, kidnapping, cruelty to animals, harassment, and domestic violence, among others. This leads to the supposition that the resource of appeal currently represents a greater guarantee of legal protection of our rights. Considering that it significantly broadens access to justice, it is necessary to place a magnifying glass on the barriers to entry that this measure presents and on the costs it entails for the parties involved, so as to guarantee this right free of discrimination and with conditions that allow its use. We must also analyze the causes of appeals and of the modification and revocation of sentences, as this could suggest the need to repeat processes or review the alignment of arbitrary criteria and/or decisions taken by the courts. This should reduce costs for the parties in terms of both money and time.

⁸ Interamerican Human Rights Commission; see: <https://www.cidh.oas.org/countryrep/accesodesc07sp/Accesodesci-ii.sp.htm>

⁹ On this topic, the Interamerican Court clearly signals the contents of the right to appeal, as we see in the case of Herrera Ulloa vs. Costa Rica; see: https://www.corteidh.or.cr/ver_ficha_tecnica.cfm?nId_Ficha=209&lang=es



Table 6. Percentage of judgments that were appealed, by state, 2023

Percentage data on cases appealed in the Higher Courts of Justice, 2023

| State | Judgments issued | Appeals filed | Percentage |
|---------------------|------------------|---------------|---------------|
| National | 16,738 | 5,178 | 30.94% |
| Aguascalientes | 230 | 136 | 59.13% |
| Baja California | 1,882 | 284 | 15.09% |
| Baja California Sur | 208 | 76 | 36.54% |
| Campeche | 76 | 62 | 81.58% |
| Coahuila | 1,130 | 56 | 4.96% |
| Colima | 57 | 46 | 80.7% |
| State of Mexico | 2,587 | 1,492 | 57.67% |
| Guanajuato | 2,004 | 315 | 15.72% |
| Guerrero | 188 | 168 | 89.36% |
| Hidalgo | 748 | 359 | 47.99% |
| Jalisco | 823 | 26 | 3.16% |
| Nayarit | 846 | 25 | 2.96% |
| Nuevo León | 3,084 | 709 | 22.99% |
| Puebla | 171 | 114 | 66.67% |
| Querétaro | 843 | 89 | 10.56% |
| San Luis Potosí | 225 | 52 | 23.11% |
| Sinaloa | 465 | 72 | 15.48% |
| Tamaulipas | 494 | 256 | 51.82% |
| Yucatán | 236 | 36 | 15.25% |

Note: States with percentages above 100% are not included but were incorporated when calculating the national total.

Source: Elaborated by the authors based on data obtained through requests for information.

Table 7. Resolution of admitted appeals, by state, 2023

Percentage data on resolution of admitted appeals in the Higher Courts of Justice, 2023

| State | Absolute Appellate court judgment | Percentage (%) | | | |
|---------------------|--------------------------------------|----------------|--------------|--------------|------------|
| | | Affirmed | Modified | Reversed | Remanded |
| National | 12,379 | 59.99 | 20.06 | 14.47 | 5.5 |
| Aguascalientes | 256 | 71.6 | 15.56 | 7.78 | 5.1 |
| Baja California | 418 | 68.66 | 9.45 | 13.82 | 8.1 |
| Baja California Sur | 208 | 71.83 | 7.04 | 13.62 | 7.5 |
| Campeche | 286 | 65.86 | 17.24 | 14.48 | 2.4 |
| Chiapas | 524 | 74.05 | 12.34 | 11.43 | 2.2 |
| Chihuahua | 286 | 59.39 | 9.9 | 22.53 | 8.2 |
| Coahuila | 14 | 85.71 | 7.14 | 7.14 | 0 |
| Colima | 94 | 60.2 | 15.31 | 19.39 | 5.1 |
| Durango | 103 | 70.87 | 6.8 | 20.39 | 1.9 |
| State of Mexico | 2,156 | 46.35 | 35.81 | 9.52 | 8.3 |
| Guanajuato | 1,150 | 69.48 | 9.57 | 17.3 | 3.6 |
| Guerrero | 417 | 70.37 | 10.68 | 13.07 | 5.9 |
| Hidalgo | 878 | 74.03 | 15.26 | 8.09 | 2.6 |
| Jalisco | 672 | 54.65 | 18.03 | 21.24 | 6.1 |
| Michoacán | 801 | 71.19 | 10.24 | 15 | 3.6 |
| Nayarit | 129 | 70.23 | 9.92 | 16.79 | 3 |
| Nuevo León | 1,511 | 67.99 | 18.97 | 13.04 | 0 |
| Puebla | 118 | 68.85 | 12.3 | 13.93 | 4.9 |
| Querétaro | 210 | 76.15 | 7.8 | 8.26 | 7.8 |
| Quintana Roo | 301 | 63.58 | 12.14 | 22.68 | 1.6 |
| San Luis Potosí | 216 | 60.27 | 10.5 | 20.09 | 9.1 |
| Sinaloa | 122 | 69.53 | 7.03 | 10.94 | 12.5 |
| Sonora | 476 | 61.6 | 23.61 | 12.94 | 0.9 |
| Tamaulipas | 487 | 65.3 | 12.53 | 17.04 | 5.1 |
| Veracruz | 432 | 59.04 | 14.04 | 17.31 | 9.6 |
| Yucatán | 114 | 62.93 | 12.07 | 21.55 | 3.5 |

Source: Elaborated by the authors based on data obtained through requests of information.



Table 8. Resolution of admitted appeals, by type of crime, 2023
Percentage data on type of appellate court judgments, by time of crime involved, 2023

| Crime | Absolute All sentences in 2nd hearings | Percentage (%) | | | |
|--------------------------|---|----------------|----------|----------|----------|
| | | Affirmed | Modified | Reversed | Remanded |
| Breach of trust | 124 | 67.97 | 14.06 | 16.41 | 1.56 |
| Sexual abuse | 761 | 54.64 | 24.56 | 14.04 | 6.77 |
| Harassment | 40 | 70 | 5 | 25 | 0 |
| Disappearance of persons | 122 | 55.65 | 26.61 | 9.68 | 8.06 |
| Dispossession | 454 | 69.06 | 9.37 | 16.78 | 4.79 |
| Extortion | 299 | 55.91 | 28.43 | 11.18 | 4.47 |
| Fraud | 648 | 70.14 | 7.39 | 19.16 | 3.32 |
| Femicide | 451 | 58.57 | 28.63 | 6.72 | 6.07 |
| Homicide | 2,466 | 61.72 | 21.88 | 10.65 | 5.75 |
| Stalking | 6 | 100 | 0 | 0 | 0 |
| Injuries | 772 | 64.25 | 19.38 | 12.75 | 3.62 |
| Cruelty to animals | 13 | 61.54 | 0 | 38.46 | 0 |
| Drug-dealing | 145 | 71.62 | 6.76 | 18.24 | 3.38 |
| Theft | 2,289 | 55.5 | 30.15 | 10.13 | 4.23 |
| Kidnapping | 752 | 59.24 | 23.42 | 9.62 | 7.72 |
| Human trafficking | 63 | 45.45 | 40.91 | 4.55 | 9.09 |
| Rape | 1,474 | 57.34 | 25.03 | 11.58 | 6.05 |
| Gender violence | 30 | 73.33 | 10 | 10 | 6.67 |
| Domestic violence | 1,031 | 66.51 | 10.41 | 19.32 | 3.75 |

Source: Elaborated by the authors based on data obtained through requests of information.

2.2 Follow-up (outputs)

2.2.1 Approach to crime report

What is reported and what is not?

Based on the data for unreported crimes, analyzed in the section on Citizens' trust, we can see the totality and the types of crimes that people confront, though they may never be converted into a report that triggers the criminal process. We also have data on what is called the "incidence of criminality", provided by the Executive Secretariat of the National Public Security System (*Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública*) and the INEGI. This index is deemed

equivalent to the cases brought before the justice system through reports to AGO. But to obtain a better estimate of the number and types of crimes committed in the country we must consider both corpuses: unreported crimes and the cases that enter the system.

Thus, for example, the ENVIPE indicates that the crimes committed in order of frequency are extortion, fraud, assaults (in public, burglaries, and total or partial vehicle theft), while those that enter the system and are considered in the "incidence of criminality" are domestic violence, injuries, theft, and drug-dealing. This shows that the types of crimes reported most frequently, according to the victimization survey, and those that are effectively reported to the authorities do not necessarily coincide; hence, it is important to clarify that a gap exists in the information between the crimes committed and those reported to AGO.

Without this documentation, it is impossible to design adequate policies and undertake effective actions to combat, for example, the crime of extortion which, the ENVIPE indicates, has a victimization rate of 5,056 for every 100,000 inhabitants. Another illustrative example is domestic violence, a crime for which policies for reporting and attending to victims have been designed (with greater or lesser response quality in different states). In this rubric, observations show that cases are being reported to AGO, but the challenge this crime presents consists in providing integral, timely attention to victims to ensure that they have measures of protection, that their cases are adequately channeled, and that they receive the information necessary to proceed through the corresponding criminal path; that is, family or civil court.

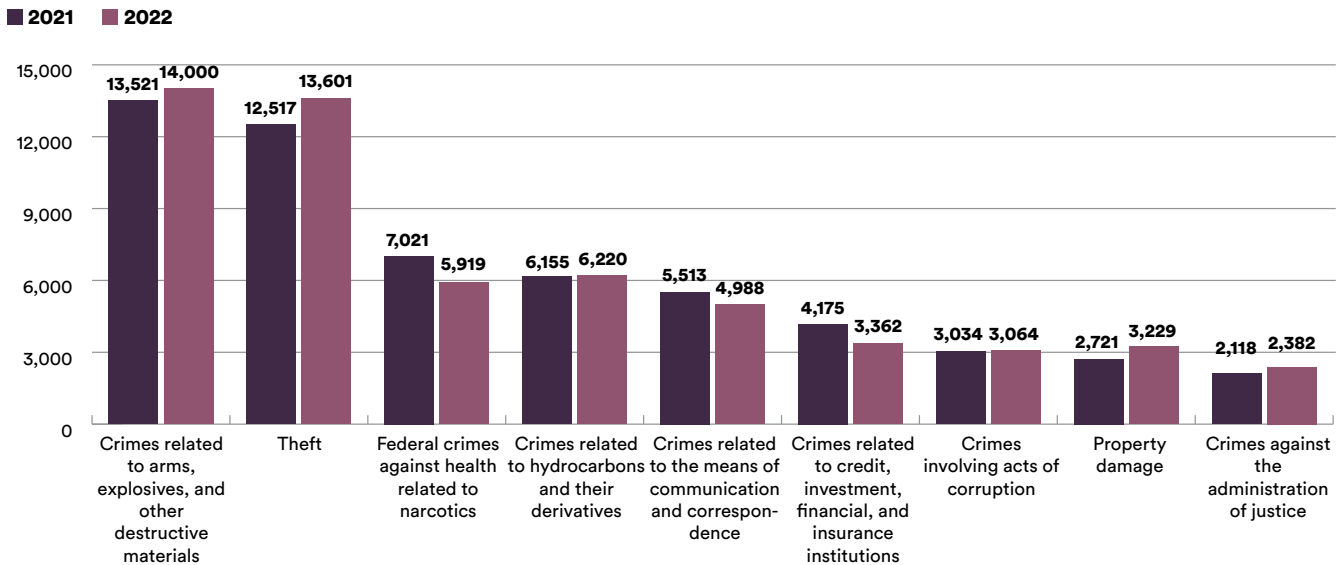
It is important to open the channels for reporting and to disseminate news about crimes among citizens by all possible means, since the more information they receive, the better we can approach the real dimensions of the crimes committed in Mexico and improve the attention they receive.

Concerning crimes of federal jurisdiction, we found that in 2022 a total of 77,652 cases were registered in open investigative files. In percentage terms, these can be summarized as follows: crimes against health (7.6%), preceded by crimes involving weapons (18.5%) and theft (17.5%), followed by theft of hydrocarbons (8%). The crimes related to acts of corruption represented only 3.9%, according to figures from the 2023 National Census of the Procurator of Federal Justice (*Censo Nacional de Procuración de Justicia Federal 2023*) which presents updated data for 2022.



Graph 5. Crimes reported by the Federal AGO (FGR)

At the national level in 2022, 77,693 crimes were officially reported by FGR (41 under the Traditional System, 77,652 under the Accusatory Penal System). Crimes related to arms, explosives, and other kinds of destructive materials made up 18.5% of the national total.



Source: Elaborated by the authors with data from the 2023 Censo Nacional de Procuración de Justicia Estatal 2023.

Principal challenges in handling cases

Based on requests for information where we asked the AGO staff about the model or mechanism they employ when receiving reports, we obtained responses that mentioned digital means, forms of coordination with other authorities –especially the police and the emergency phone line, 911– forms of processing through Units of Early Attention or their equivalent, the option to register reports anonymously, and states that have mechanisms for pre-reporting or ratification.

On the existence of digital reporting, whether through the websites of AGO or apps, 18 offices stated they had some mechanism of this kind: Aguascalientes, Baja California, Chihuahua, CDMX, Colima, the State of Mexico, Guanajuato, Guerrero, Hidalgo, Nuevo León, Oaxaca, Puebla, Querétaro, Quintana Roo, San Luis Potosí, Tabasco, Veracruz, and Jalisco. It is important to note that digital reporting facilitates citizens' access to the justice system, but an efficient technological system must not only allow people to register their reports in

a simplified way but also to follow up on their cases. If not, while they can serve as a channel that provides more information on the crimes committed in a locality and contribute to the development of intelligence strategies, they will lack mechanisms to guarantee timely and adequate attention to, and resolution of, criminal causes.

Only six states responded spontaneously that they have some form of coordination or interaction with other authorities for receiving reports: Aguascalientes, Coahuila, Hidalgo, Nuevo León, Querétaro, and Zacatecas. The possibility of coordination, especially with the police, also amplifies the means of registering reports in the justice system. In fact, it is believed that the most effective way of opening the channels of entry into the system –and, simultaneously, providing better information on the incidence of criminality– is to incentivize coordination between AGO and police. If police forces were (i) to include among their principal missions that of receiving reports of crimes; and (ii) had the capacity to analyze the reports and crimes brought to their attention, then as the authorities



with the most immediate contact with citizens due to their territorial deployment they would become a key source of investigations that would allow AGO to articulate and prosecute cases, leading to reduced levels of impunity.

Regarding the responses of these on their reception mechanisms, 13 stated having some kind of administrative system, such as Units of Early Attention or a similar body: Coahuila, Colima, the State of Mexico, Guanajuato, Michoacán, Querétaro, Quintana Roo, San Luis Potosí, Sinaloa, Sonora, Tamaulipas, Veracruz, and Zacatecas. They mentioned traditional channels for receiving reports; that is, by means of in-person reception in AGO.

While the form of reception through Units of Early Attention must be maintained in AGO as an additional window for receiving information, it is necessary to improve the treatment, times, and quality of the services these institutions provide. One recommendation would be to analyze if, in addition to innovations in the traditional systems of handling the reception of reports, it is possible to modify incorporation mechanisms to broaden the coverage of the reception service through means like digital reporting and coordination with police who receive reports. Opening the reception channels – even for crimes like extortion that currently tend not to be reported although they severely impact people’s tranquility and daily life– could better contextualize the incidence of criminality and help design more effective public policies for reducing impunity. This would, of course, mean widening the doorway to the procedural pipeline.

2.2.2 Procedural pipeline

As in past editions, after presenting the results, we analyze them from the processual angle through what we call the “procedural pipeline”. This approach helps identify how cases flow and the points where congestion occurs. The analysis of the principal nodes of the process allows us to identify where blockages appear, determine the use of diverse options or figures that the accusatory system admits, and verify how processes are closed.

The source of information utilized in this section is the Model of Evaluation and Follow-up (*Modelo de Evaluación y Seguimiento*, MES)¹⁰ of the Consolidation

of the Criminal Justice System from the Support Unit for the CJS (*Unidad de Apoyo al Sistema de Justicia*) of the Department of State. We recurred to this source to do follow-up on the flow of cases through the procedural pipeline, as it allowed us to standardize the data from all states (except those, like Nayarit, that did not respond to the Department of State [SEGOB]) and then elaborate a national panorama.

Efficiency of the criminal process

Based on the percentage of unreported crimes calculated for 2023 (92.4%), which represents crimes not reported and those for which no investigative file was opened, the MES states that, nationally, 2,382,155 reports and grievances were received. Of those, 2,167,227 (90.77%) led to the opening of an investigation file; that is, 9 out of every 10.

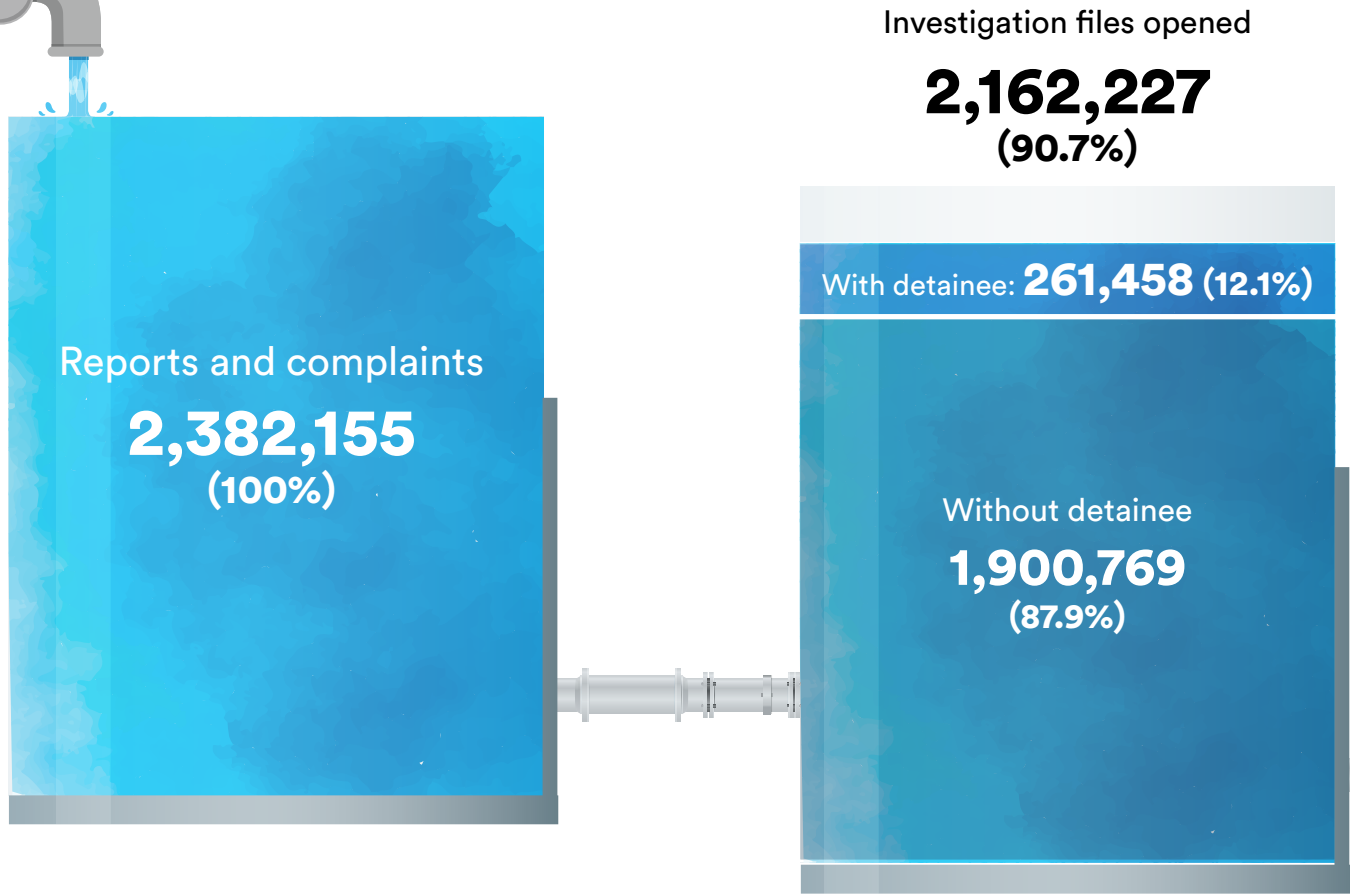
We found that only Sinaloa, Oaxaca, San Luis Potosí, Jalisco, Sonora, Nuevo León, Chiapas, and Tlaxcala were below the national average in terms of the gap between cases not reported and those that led to the opening of an investigative file. For these states, we recommend analyzing why so few reports lead to AGO taking action.

Reports on the total number of investigative files at the national level indicate that most (1,900,769) began without a detainee, compared to just 261,458 cases in which investigations began with the presentation of one or more detainee(s). This gives a national average of just 12.09% of cases registered in AGO based on the arrest of suspects, while the vast majority (87.9%) began without an arrest.

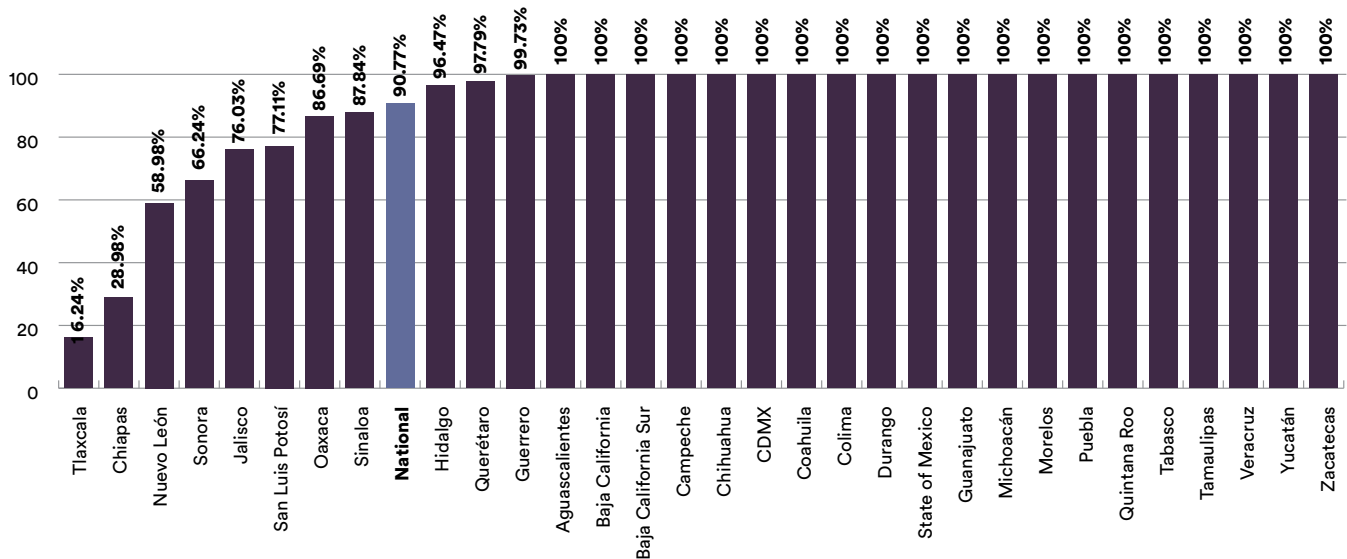
The states that reported the lowest number of cases without arrests were Coahuila (59.58%), Yucatan (68.5%), Tlaxcala (74.9%), Colima and Chihuahua (78.9%), Sonora (79.2%), and Chiapas and San Luis Potosí (80%). The cases of Coahuila and Yucatan, especially, could indicate that an important number of cases in AGO began with arrests *in flagrante*. Thus, it is necessary to analyze their results in greater detail with respect to, for example, the legality of the arrests, the results of flagrancy, and the processual figures applied when individuals are detained.

Regarding the states where most criminal causes began without a detainee, we found an important number where over 95% of cases began with only a report or complaint (*i.e.*, no arrest): Baja California Sur and Zacatecas

¹⁰ <https://mes.segob.gob.mx/>



Graph 6. Percentage of Investigation files opened, by state, 2023
Percentage data on Investigation files opened with respect to all complaints, reports, and other criminal notifications brought to state AGOs, 2023

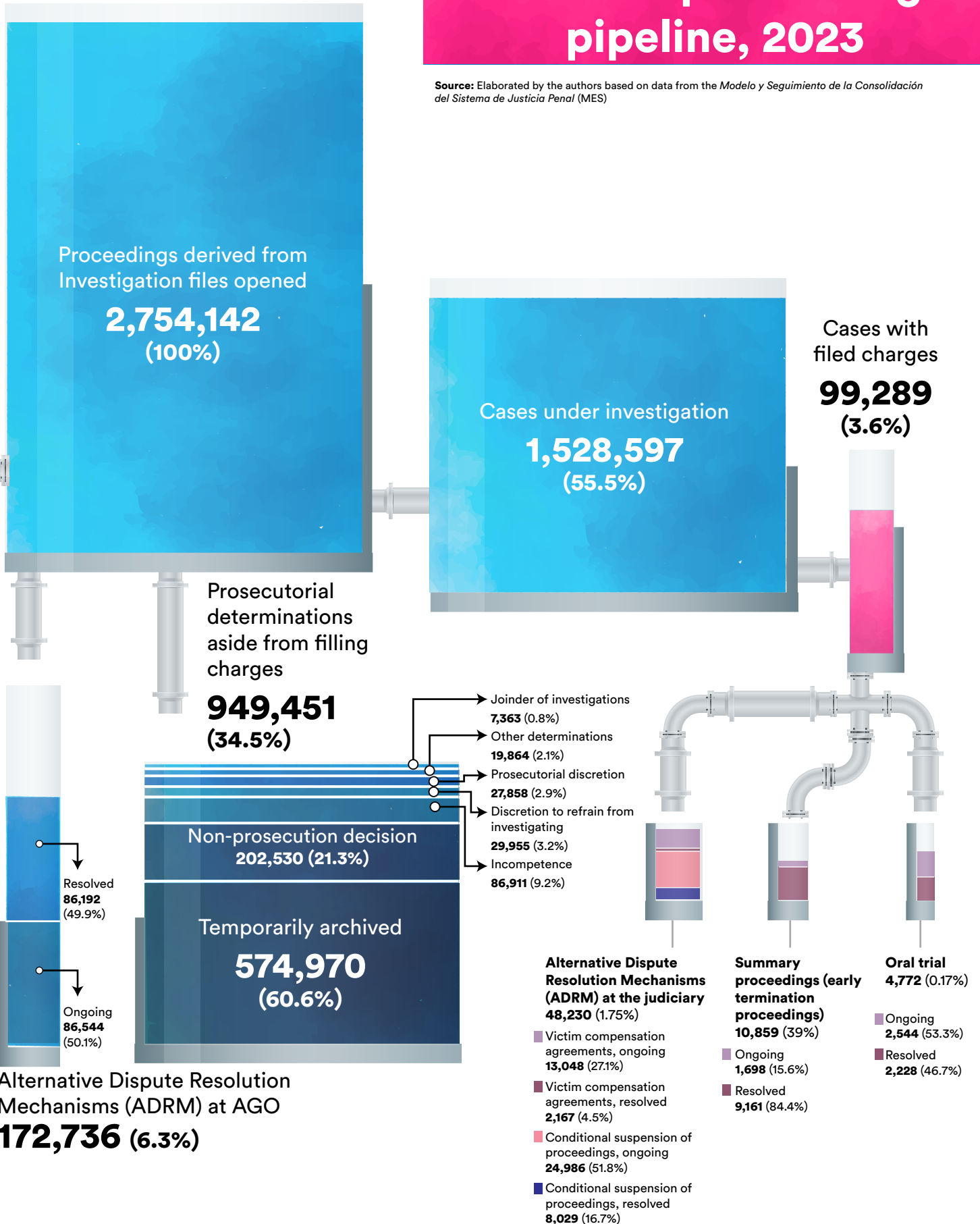


Source: Elaborated by the authors based on data from the Modelo y Seguimiento de la Consolidación del Sistema de Justicia Penal (MES).



Criminal proceedings pipeline, 2023

Source: Elaborated by the authors based on data from the *Modelo y Seguimiento de la Consolidación del Sistema de Justicia Penal (MES)*

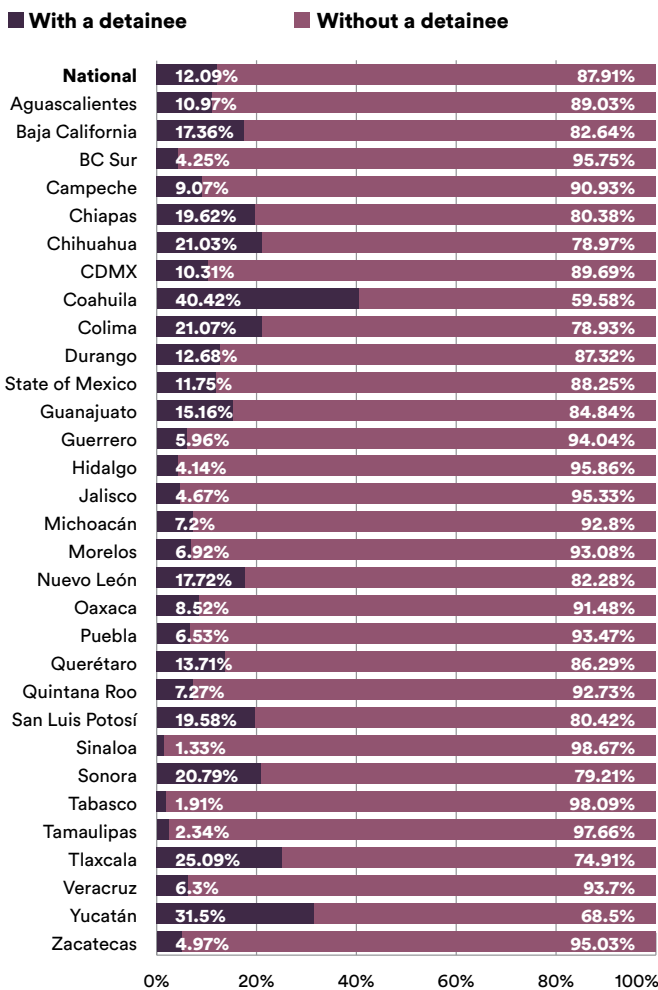




(95%), Jalisco (95.3%), Hidalgo (95.9%), Tamaulipas (97.7%), Tabasco (98%), and Sinaloa (98.7%). For these states it is necessary to perform follow-up to determine what happens with the investigations –whether arrest warrants were issued, or the cases were archived– and the effectiveness of the measures that made it possible to continue the process when no one was detained *in flagrante*.

Graph 7. Proportion of Investigation files opened with and without a detainee, 2023

Percentage data on Investigation files opened with or without a detainee, by state, 2023



Source: Elaborated by the authors based on data from the *Modelo y Seguimiento de la Consolidación del Sistema de Justicia Penal* (MES).

When a report or complaint is received and an investigative file open, cases can be broken down into several processes according to the complexity of events and the probable responsible parties involved. According to the MES, at the national level in 2023, 2,754,142 processes derived from investigative files. Of those, 34.47% (949,451) were determined by Prosecutors' or AGO, 6.27% (172,736) were channeled through Alternative Dispute Resolution Mechanisms, 55% (1,528,597) were still under investigation, 3.6% (99,289) were bound over to trial, and only 0.17% (4,772) were in some phase of an oral trial.

Determinations in Attorney General's Office

Upon breaking down the 34.1% of diverse determinations by Prosecutors' or AGO, we found that 60.5% (574,970) are provisionally archived, 21.3% (202,530) were cases where it was determined not to proceed with criminal action, 9.1% (86,911) were judged to fall outside the court's jurisdiction, and in 3.1% (29,955) the Prosecutors' Office abstained from investigating. Prosecutorial discretion was applied in only 2.9% (27,828), while accumulation was determined in 0.77% (7,363). Finally, in 19,864 cases (2.09%) the Prosecutor's or Attorney General's Office proposed a distinct form of closing the case.

Cases provisionally archived

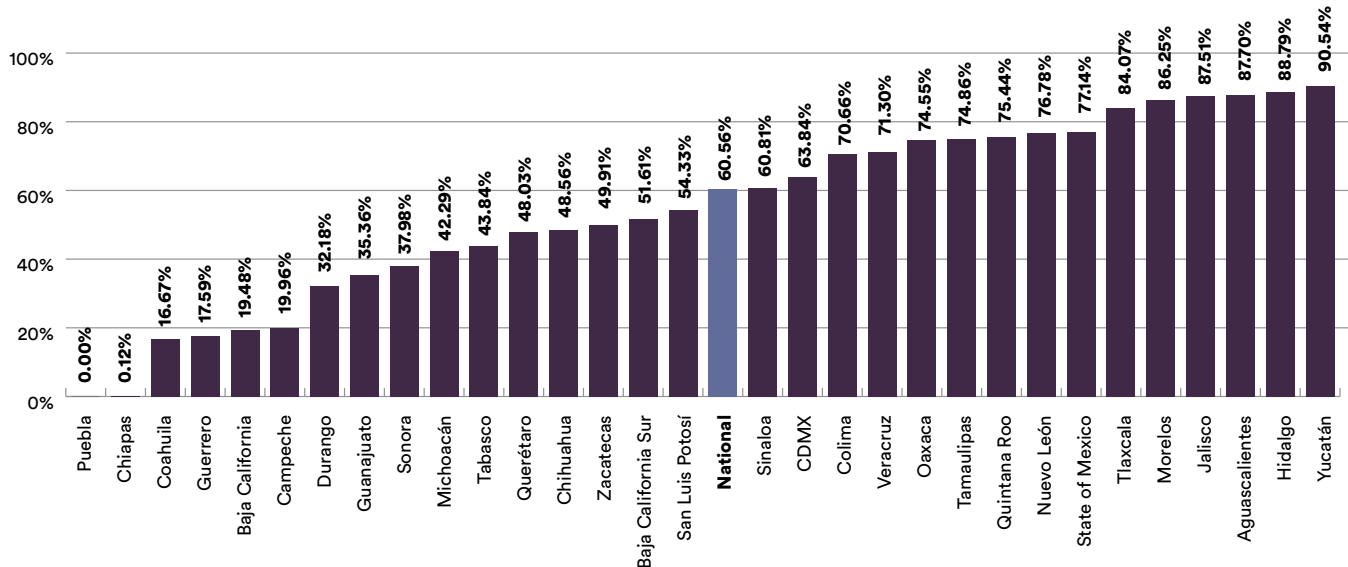
Since over 60% of the processes initiated in AGO are archived, it is important to determine the later result of these cases, especially in the states that utilize this procedural measure most often. The states with the largest loads of archived cases es were Yucatan (90.54%), Hidalgo (88.70%), Aguascalientes (87.7%), Jalisco (87.51%), Morelos (86.25%), and Tlaxcala (84.07%).

According to Article 254 of the NCPP, AGO have the faculty to temporarily archive investigations that, in the initial phase, lack sufficient data or elements to commence lines of investigation and begin inquiries to clarify the facts.

In principle, this action is temporary, which means that the AGO should continue investigating until elements are found that permit reactivating the case by recovering it from the archive. In practice, however, once a cause is catalogued as "archived" it is rarely recovered. Over time, this accumulation of causes (over 60% of the workload in AGO) remain as unsolved cases for which, naturally, no effective response is given.

Graph 8. Percentage of Investigation files temporarily archived, by state, 2023

Percentage with respect to all prosecutorial determinations in 2023



Source: Elaborated by the authors based on data from the *Modelo y Seguimiento de la Consolidación del Sistema de Justicia Penal* (MES).

This does not mean there are no cases where the decision to archive them temporarily is not fully justified. It is probable that, in reality, most of these causes do not have sufficient elements to continue the criminal process. Nonetheless, it is possible to inquire into, and proceed to analyze, the types of cases and causes that most often end up provisionally archived. An analysis of this kind could lead to proposals for actions that lead to establishing patterns of criminality and, perhaps, the re-opening of numerous cases. Of course, it may be, for example, that some of those pending cases can be resolved through victim compensation agreements. In this sense, analyzing those archives could provide the basis for constructing policies for AGO that provide responses to some cases that have gone unpunished.

Decision not to pursue criminal charges

The prosecutorial decision on the “non-exercise of criminal action”, which occupies second place in the determinations of AGO at 21.3% of all criminal

cases, does not generate an effective response to the individuals who report crimes. For this reason, these decisions could be examined to see if it is possible to generate some other type of response by the institutions of the CJS.

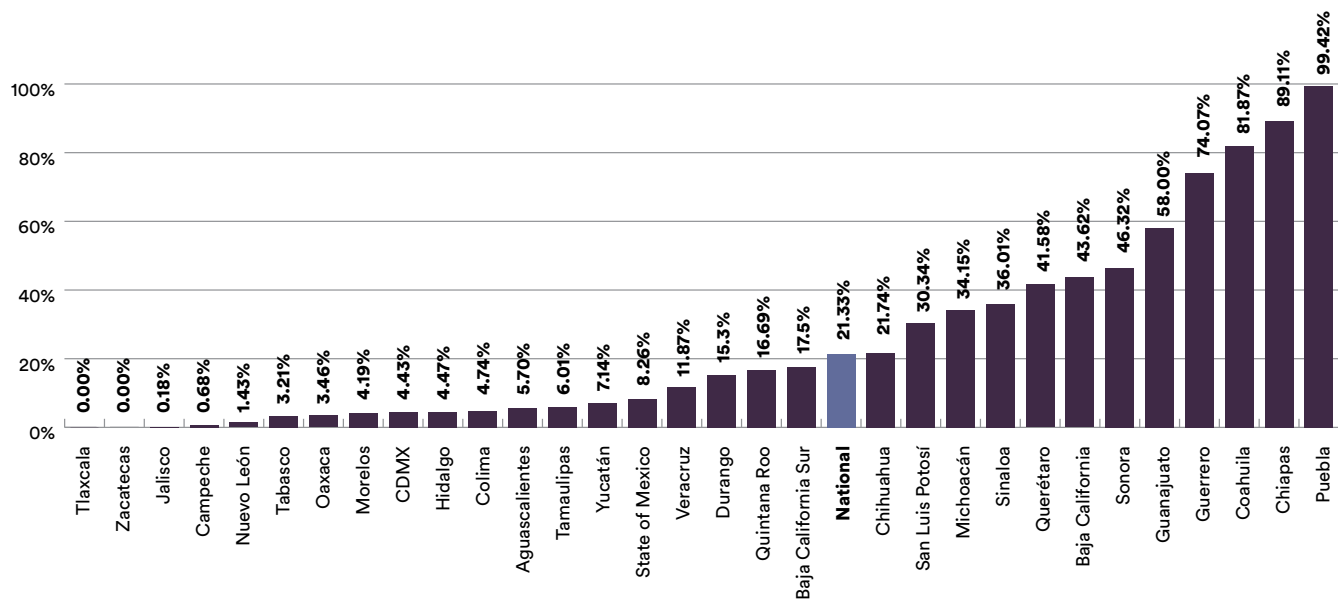
According to Articles 255 and 327 of the NCPP, the causes that lead to the “no exercise of criminal action” are the same ones that result in dismissals; that is, no crime was committed; the alleged delinquent act does not constitute a crime; the accused person’s innocence is clearly established; the accused person is exempt from criminal responsibility; the investigation was terminated because the Prosecutor’s or Attorney General’s Office determined that there were insufficient elements to sustain the accusation; the statute of limitations had run out¹¹; a later law or reform derogated the crime for which the process had begun; the crime had been subjected to a criminal process in which a firm sentence had been dictated for the person charged; or the death of the person charged.

¹¹ In Mexico, the statute of limitations may expire because the time to prosecute a crime has expired, because of forgiveness by the offended party or for other reasons that extinguish the possibility of sanctioning a crime.



Graph 9. Percentage of Investigation files with a non-prosecution decision, by state, 2023

Percentage with respect to all prosecutorial determinations in 2023



Source: Elaborated by the authors based on data from the *Modelo y Seguimiento de la Consolidación del Sistema de Justicia Penal (MES)*.

Although under these conditions neither investigations nor the criminal process can proceed, analyzing the types of cases where it is determined not to exercise criminal action, and following up on the channeling of the people who reported the crimes and the victims who could potentially be attended by other institutions, would open an opportunity to generate policies to coordinate efforts that could mitigate perceptions of impunity in the CJS.

We propose this analysis, above all, for the states that exceed the national average of 21.33% of cases where AGO determined not to exercise criminal action: Puebla (99.42%), Chiapas (89.11%), Coahuila (81.87%), Guerrero (74.07%), and Guanajuato (58%), among others.

At the opposite extreme, we find states which reported (on the MES) that very few cases fall into this category: Tlaxcala and Zacatecas (zero cases), Campeche (0.68%), Jalisco (0.18%), Nuevo León (1.43%), Tabasco (3.21%), Oaxaca (3.46%), Morelos (4.19%), and CDMX (4.43%). For these states, it would be interesting to determine (i) if there are established policies designed to prevent an increase in the number of cases in which criminal action is not exercised; and (ii) their nature to verify if those are good, replicable practices.

Prosecutorial discretion

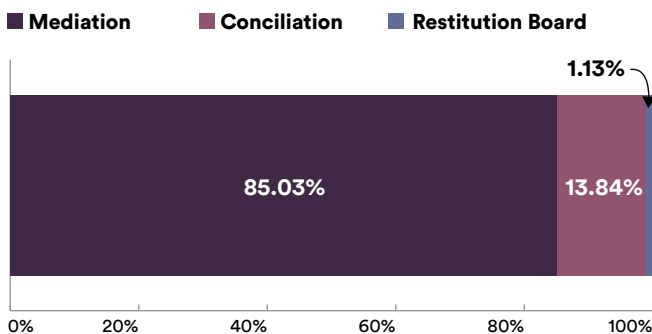
Another determination that AGO can apply is prosecutorial discretion, when deciding not to prosecute in specific cases for reasons of public interest or efficiency. Regarding this outcome, we observed a low rate of utilization in virtually all offices nationwide, except for Baja California and the State of Mexico, which reported 13,752 and 10,996 cases, respectively. These two states represent 88.8% of all the cases of prosecutorial discretion registered. This legal figure allows AGO to dispense with criminal action because the damage to the victim has been restituted or because the effects of the criminal acts are largely irrelevant. Prosecutorial discretion may be a way of closing cases that provides a certain level of quality in terms of effectiveness, since it assumes that the damage that the victim(s) suffered has been repaired and that the acts do not have severe consequences. Thus, we recommend analyzing the policies for applying prosecutorial discretion in the states of Baja California and Mexico to verify if they constitute good practices and, in that case, disseminate their use.

Alternative Dispute Resolution Mechanisms

Another rubric of institutional responses to cases with open investigative files at a prosecutorial seat consists in Alternative Dispute Resolution Mechanisms. In total, at the national level, only 6.3% of cases (172,736) were channeled through this pathway, although this form of closing criminal processes focuses on repairing the social tissue. Reports for 2023 reveal that 50.1% of these cases (86,544) are in vias of resolution, while the other 49.9% (86,192) were resolved through mediation, conciliation, or a Restitution Board.

The National Law of Alternative Dispute Resolution Mechanisms in criminal Matters (*Ley Nacional de Mecanismos Alternativos de Solución de Controversias en Materia Penal*) states that the objective of these outcomes is to “foment, through dialogue, the resolution of controversies that arise among members of society due to reports or complaints that refer to a crime, through procedures based on orality, processual economy, and confidentiality.” Hence, they are considered a way of closing criminal processes that is of higher quality than resolutions by AGO because they entail dialogue among the parties and accords that satisfy all sides, with no need to exhaust the criminal process up to sentencing. This route saves time and outlays of the institutional resources that criminal processes require.

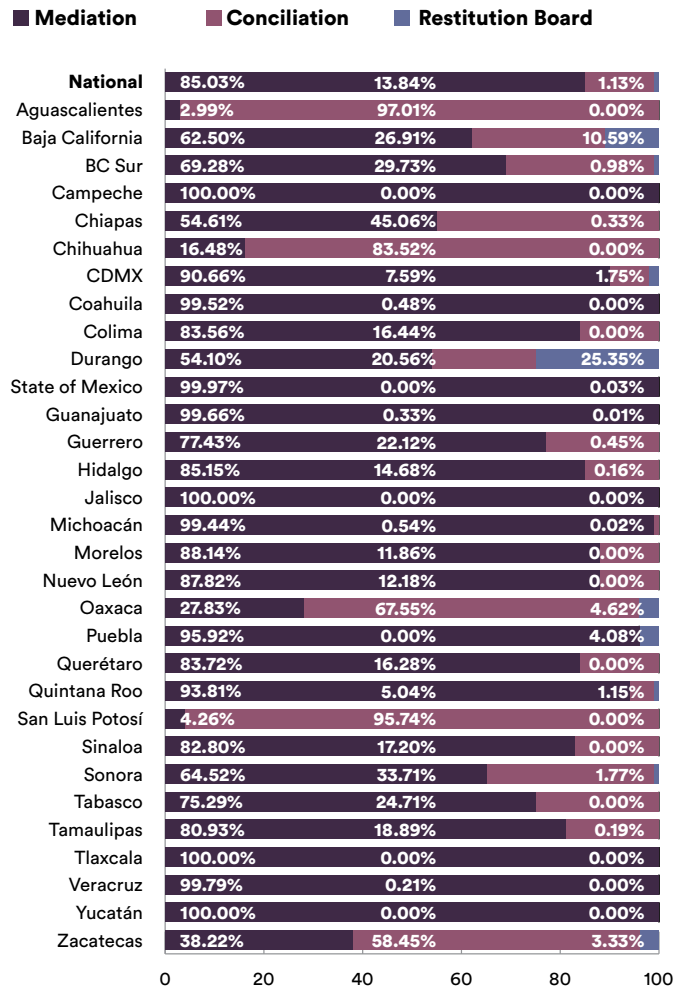
Graph 10. Percentage distribution of resolutions by type of Alternative Dispute Resolution Mechanism (ADRM), 2023
Percentage data for the national level



Source: Elaborated by the authors based on data from the *Modelo y Seguimiento de la Consolidación del Sistema de Justicia Penal* (MES).

These outcomes are primarily people-centered, so we recommend fomenting their application, as long as compliance of the accords reached by the parties is monitored and ensured. Without this assurance, the credibility of these mechanisms is placed at risk and perceptions of impunity will intensify. In addition, we must consider that, by law, only certain crimes of low social impact and damage to persons can be resolved through ADRM. Cases that severely injure persons must be conducted through the procedural pipeline, ideally until they are brought to trial and a sentence is handed down.

Graph 11. Percentage distribution of resolutions by type of Alternative Dispute Resolution Mechanism (ADRM), 2023
Percentage data by state



Source: Elaborated by the authors based on data from the *Modelo y Seguimiento de la Consolidación del Sistema de Justicia Penal* (MES).



Regarding the corpus of resolved cases, findings show that the mechanism most often utilized is mediation, at 85.03%, followed by conciliation with 13.84%, while the Restitution Board was the measure least often applied, in only 1.13% of cases.

Mediation

Mediation is the voluntary mechanism through which the parties to a conflict, in free exercise of their autonomy, seek, construct, and propose options to definitively resolve the dispute. Here, the function of the facilitator is to foster mutual communication and comprehension between the parties. In Guanajuato, this mechanism was utilized very frequently, in 15,460 cases. Jalisco occupies a distant second place in the national comparison with 6,525 mediations in 2023. In contrast, some states hardly ever apply mediation; for example, Tlaxcala, which reported only six cases, Aguascalientes with 14, and San Luis Potosí with 23.

Conciliation

Concerning conciliation, we must keep in mind that it is a voluntary mechanism in which the parties involved in a criminal conflict propose options to resolve the matter. In this case, the facilitator also fosters communication but, based on objective criteria, also presents diverse options of resolution. In 2023, conciliation was used mainly in the states of Chiapas (2,185 cases), Sonora (1,311), Zacatecas (1,089), and Baja California (953). In contrast, we found that some AGO have policies that inhibit the use of conciliation; for example, Campeche, the State of Mexico, Jalisco, Puebla, Tlaxcala, and Veracruz, which did not register any cases resolved through conciliation.

Restitution Board

Finally, the Restitution Board is the mechanism through which the victim, the accused and, in some cases, the community affected, attempt to construct and propose options to resolve a controversy with the aim of reaching agreements that respond to individual and collective needs and responsibilities in an effort

to achieve community reintegration that benefits the victim or offended party and the accused by repairing the social tissue. This procedure is the one least often utilized nationally. The states that led in 2023 were Baja California (375 cases), Puebla (192), Durango (164), Sonora (69), Zacatecas (62), and Oaxaca (47).

According to these figures, despite the advantages that ADRM offer they are not currently utilized on a large scale to resolve criminal conflicts in ways that prove satisfactory to citizens. For this reason, we propose inquiring into the obstacles to the wider application of these mechanisms and, in the cases that were resolved, verifying the successful experiences in relation to follow-up on, and compliance with, the victim compensation agreements reached.

The case of Tlaxcala is especially concerning because the starting point for analysis there was a corpus of 23,908 reported crimes, of which the Attorney General's Office opened investigative files in only 16.2% (3,882) and has resolved only six cases through ADRM, while 351 (98.3%) are still in process. This means that of all crimes reported to the justice system in that state, very few were closed or resolved through a means that proves effective for the people involved. Instead, the vast majority of determinations by prosecutors consisted in archiving cases –84% (417)– while the majority of cases (67%, 2,630) are still under investigation; that is, with no determination, alternative solution, or movement toward trial. These cases exist in a kind of limbo of impunity. We recommend reviewing the policies of criminal prosecution in the Attorney General's Office of Tlaxcala and the strength of the organ or unit in charge of the ADRM, since these could constitute a tool for effective solutions that would reduce impunity in the state.

Filed charges in courts and Attorney General's Office's backlog

In 2023, AGO filed 99,289 charges to state courts, representing 3.61% of all cases under investigation. They also reported that 55.50% (equivalent to 1,528,597 cases) were currently under investigation, without any prosecutorial determination.

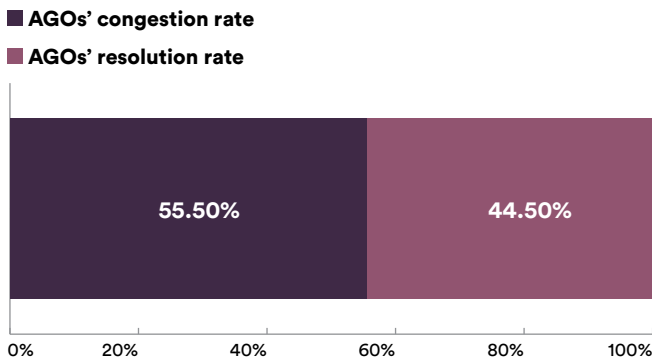
Table 9. Important indicators of the criminal

| State | Percentage of prosecutorial determinations | Percentage of cases temporarily archived | Percentage of cases sent to an ADRM | Percentage of cases with filed charges | AGO backlog rate | AGO resolution rate |
|----------|--|--|-------------------------------------|--|------------------|---------------------|
| National | 34.47% | 60.56% | 6.27% | 3.61% | 55.50% | 44.50% |

Source: Elaborated by the authors based on data from the *Modelo y Seguimiento de la Consolidación del Sistema de Justicia Penal* (MES).

Graph 12. AGOs' congestion rate vs. resolution rate, 2023

The congestion rate is the percentage of files under investigation with respect to all proceedings derived from those files. The sum of the files resolved plus those under investigation gives the total number of total cases



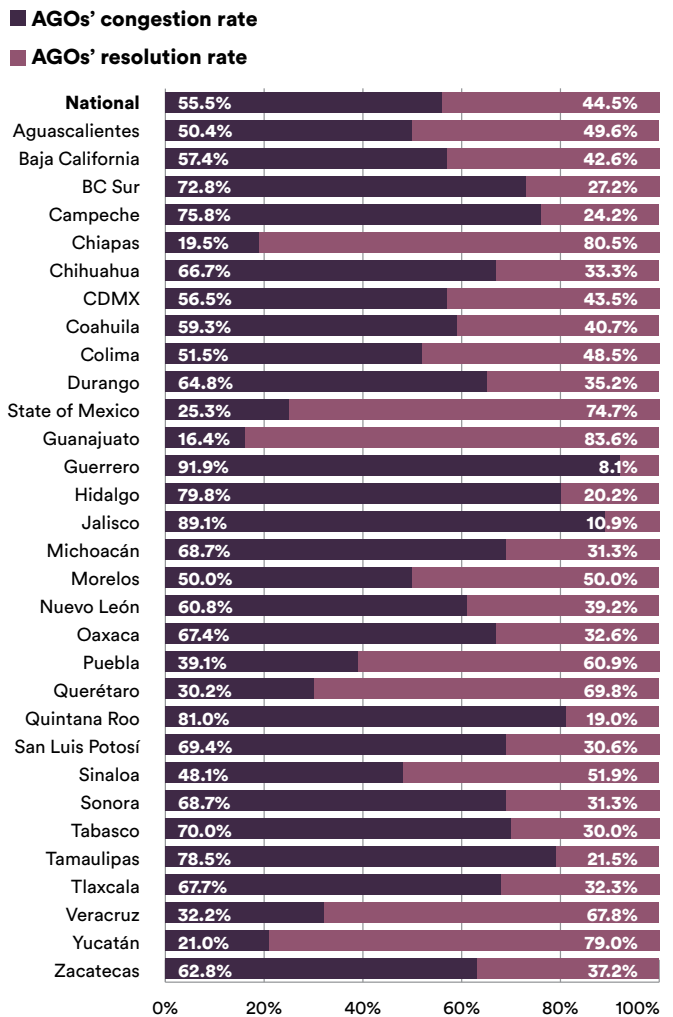
Source: Elaborated by the authors based on data from the *Modelo y Seguimiento de la Consolidación del Sistema de Justicia Penal* (MES).

Therefore, the accumulated results of the procedural pipelines that depend primarily on the performance of AGO generated a congestion rate of 55.5% and a resolution rate of 44.5% for the investigative files initiated in 2023. While these data reveal a reduction of 13 percentage points in the proportion of cases that did not receive a response, they still indicate that over half of all cases registered in those offices did not receive a response that was effective for the parties involved, and that only in 3.61% of the cases charges were formally filed by prosecutors.

Setting out from the fundamental conception that the CJS is a public service whose mission is to attend to people's needs, but adding that we have identified that many cases are archived at judicial seats, first temporarily, then definitively and, therefore, end with no exercise of criminal action or follow-up on victims and witnesses, plus the fact that few disputes are resolved through alternative outcomes (mediation, conciliation, Restitution Board) despite efforts to promote understanding between the parties in cases of low complexity and low social damage, we can only conclude that the system is not achieving the institutional objectives of procuring justice in most cases received in AGO.

Graph 13. AGOs' congestion rate vs. resolution rate, 2023

The congestion rate is the percentage of files under investigation with respect to all proceedings derived from those files. The sum of the files resolved plus those under investigation gives the total number of total cases



Note: Nayarit is excluded from this visualization due to the absence of information on this rubric in the MES.

Source: Elaborated by the authors based on data from the *Modelo y Seguimiento de la Consolidación del Sistema de Justicia Penal* (MES).



In this sense, the following table shows AGO backlog, a more severe issue in Guerrero (91.9%), Jalisco (89.1%), Quintana Roo (81.04%), Hidalgo (79.8%), Tamaulipas (78.5%), Campeche (75.77%), and Baja California Sur (72.76%). In these cases, we recommend reviewing the results obtained during the phase of investigation and conducting a thorough analysis of the application of outcomes at judicial seats in order to offer effective results to the people who approach the institution in search of justice.

The national federal backlog shows a similar behavior to that of the state jurisdiction with a level of 54.95% and a resolution rate of 45.05%. Of all 77,652 reports received in 2022, federal offices declared that 34,983 files were

in process. For the closed cases, we found a high use of prosecutorial resolutions like no exercise of criminal action (64.1%), followed by cases temporarily archived (3.9%), and out of jurisdiction (9.4%). In contrast, we verified minimal use of victim compensation agreements (1.5%) and prosecutorial discretion (0.3%).

As a recommendation for all AGO nationwide it is essential to undertake detailed analyses of the nodes where congestion occurs and of the quality of the responses offered at those points of the criminal process. This will help design and implement internal policies in these offices and improve articulation with other institutions so that the CJS can give people effective responses.

Table 10. Important indicators of the procedural pipeline

| State | Percentage of prosecutorial determinations | Percentage of cases temporarily archived | Percentage of cases sent to an ADRM | Percentage of cases with filed charges | AGO backlog rate | AGO resolution rate |
|---------------------|--|--|-------------------------------------|--|------------------|---------------------|
| National | 34.47 | 60.56 | 6.27 | 6.56 | 55.5 | 44.5 |
| Aguascalientes | 39.05 | 87.70 | 5.40 | 5.07 | 50.44 | 49.56 |
| Baja California | 29.30 | 19.48 | 7.86 | 5.43 | 57.39 | 42.61 |
| Baja California Sur | 18.91 | 51.61 | 6.80 | 1.47 | 72.76 | 27.24 |
| Campeche | 18.70 | 19.96 | 4.18 | 1.35 | 75.77 | 24.23 |
| Chiapas | 31.34 | 0.12 | 37.53 | 11.67 | 19.46 | 80.54 |
| Chihuahua | 21.87 | 48.56 | 4.38 | 6.38 | 66.67 | 33.33 |
| CDMX | 39.11 | 63.84 | 0.64 | 3.68 | 56.52 | 43.48 |
| Coahuila | 13.07 | 16.67 | 15.09 | 12.51 | 59.29 | 40.71 |
| Colima | 40.53 | 70.66 | 6.61 | 1.27 | 51.52 | 48.48 |
| Durango | 19.19 | 32.18 | 6.30 | 9.31 | 64.81 | 35.19 |
| State of Mexico | 71.99 | 77.14 | 0.85 | 1.88 | 25.26 | 74.74 |
| Guanajuato | 68.45 | 35.36 | 12.26 | 2.35 | 16.36 | 83.64 |
| Guerrero | 3.30 | 17.59 | 3.02 | 1.63 | 91.93 | 8.07 |
| Hidalgo | 11.68 | 88.79 | 8.12 | 0.28 | 79.85 | 20.15 |
| Jalisco | 6.47 | 87.51 | 2.65 | 1.61 | 89.11 | 10.89 |
| Michoacán | 15.34 | 42.29 | 14.47 | 1.39 | 68.74 | 31.26 |
| Morelos | 42.56 | 86.25 | 5.65 | 1.71 | 50.05 | 49.95 |
| Nuevo León | 22.97 | 76.78 | 10.49 | 5.65 | 60.8 | 39.2 |
| Oaxaca | 23.03 | 74.55 | 7.52 | 2.01 | 67.44 | 32.56 |
| Puebla | 40.96 | 0.00 | 16.11 | 3.59 | 39.12 | 60.88 |
| Querétaro | 60.04 | 48.03 | 6.41 | 3.29 | 30.24 | 69.76 |
| Quintana Roo | 12.56 | 75.44 | 4.34 | 2.05 | 81.04 | 18.96 |
| San Luis Potosí | 22.45 | 54.33 | 4.18 | 3.95 | 69.42 | 30.58 |
| Sinaloa | 35.73 | 60.81 | 8.92 | 7.26 | 48.09 | 51.91 |
| Sonora | 2.63 | 37.98 | 13.97 | 14.13 | 68.7 | 31.3 |
| Tabasco | 13.23 | 43.84 | 13.82 | 2.95 | 69.99 | 30.01 |
| Tamaulipas | 11.19 | 74.86 | 9.15 | 1.14 | 78.52 | 21.48 |
| Tlaxcala | 12.78 | 84.07 | 9.20 | 9.87 | 67.75 | 32.25 |
| Veracruz | 54.14 | 71.30 | 9.50 | 3.82 | 32.23 | 67.77 |
| Yucatán | 42.82 | 90.54 | 27.30 | 6.76 | 20.99 | 79.01 |
| Zacatecas | 22.63 | 49.91 | 10.67 | 3.62 | 62.82 | 37.18 |

Source: Elaborated by the authors based on data from the *Modelo y Seguimiento de la Consolidación del Sistema de Justicia Penal* (MES).

Cases handled by the judiciary

For 2023, of the 99,289 charges filed in court, 10,859 (10.94%) were handled through summary proceedings. Of those, 1,698 (15.64%) are still in process, while 9,161 (84.36%) have been resolved.

A total of 48,230 processes (48.58%) were channeled to alternative solutions at the judicial seat, representing almost half of all cases that were bound over to trial. The distribution of those solutions is varied: 27.05% are in process before the Specialized Organ in Alternative Dispute Resolution Mechanisms (*Órgano Especializado en Mecanismos Alternativos de Solución de Controversias*, OEMASC), while 4.49% have been resolved through this means. The status of 51.81% is conditional suspension of process, while 16.65% completed conditional suspension and were closed.

With respect to oral trials, 4,772 procedures (4.81% of the total) are either in process or have been processed by this pathway. Of these, 2,544 (53.31%) are still in process, while 2,228 (46.69%) have been resolved.

Summary proceedings

Of the 10,859 cases channeled through this route, 84.4% were resolved, so only 1,698 (15.6%) are in process. These data permit the inference that once the proposal for summary proceedings is accepted cases are resolved quickly. The advantage of summary proceedings is that they imply resolution through sentencing, which in most tends to be condemnatory. The states that utilize this figure most often are CDMX (2,286), Sonora (1,649), Nuevo León (1,209), Jalisco (1,016), and the State of Mexico (972). Although these states lead in absolute terms for using this procedure, the proportion of cases resolved by this means is still low: only 0.6% in CDMX, 0.57% in Nuevo León, 0.28% in Jalisco, and 0.27% in the State of Mexico.

Regarding negotiations between the Attorney General's Office and the accused in summary proceedings, it is important to study in detail the profile of the sentences handed down, learn the terms of punishment, verify the types of crimes resolved in this way, determine the conditions of acceptance of the proceedings by victims and the restitution of damage they receive, and identify the internal policies of these Offices for processing these causes.

The NCPP (art. 201) establishes that the supervising judge must verify the conditions for admitting summary proceedings, and that Attorney Generals are obliged

to accept the accords that Prosecutors' or State AGO determine (art. 202). In practice, however, agreements or policies inside the AGO tend to establish that the only person who can authorize these proceedings is the Director of the institution, a condition that could generate nodes of congestion or discourage the use of this measure. Therefore, it would be advisable to conduct a thorough analysis of summary proceedings and, if applicable, promote their utilization as an effective prosecution policy in AGO.

ADRM at the judiciary

Turning to victim compensation agreements celebrated once cases have been bound over for trial, only Chihuahua applies this alternative outcome on a large scale, as it had 10,638 cases (of a national total of 15,215) currently in process or resolved through such agreements. This means that 69.91% of these cases occurred there, a rate that reveals a state policy based on systematic agreements between the courts and the State Attorney General's office that prioritize the utilization of mediation, conciliation, and Restitution Boards with judicial verification or authorization.

Of all ADRM cases at the judicial seat in Chihuahua, 98.74% (10,504) are currently in process without agreements, so only a small proportion have been resolved through victim compensation agreements that stipulate immediate compliance, or with accords that stipulate deferred compliance and, hence, are moving in that direction. For Chihuahua, it is important to investigate the difficulties that the criminal system confronts as it strives to reach agreements in these cases and close them in this way. If the causes of delays in arriving at resolutions include follow-up on, and compliance with, the accords, then it becomes necessary to analyze the nature of these delays and verify the quality of the responses that the parties obtain; that is, determine that –although it may take time to close cases– the solutions reached are normally satisfactory for the parties because their terms have been fulfilled.

Conditional suspension of criminal proceedings

Conditional suspension as a form of anticipated termination of processes can be considered a quality solution, as long as the conditions imposed in each case are pertinent and timely follow-up on compliance is performed. This requires an institutional structure and efficient procedures for monitoring the conditions and correcting them when incompliance occurs in order to immediately reactivate the course of the criminal process and channel the case toward an oral trial.



Specifically for cases of violence against women, girls, boys, and adolescents, where solutions through ADRM agreements are not legally admissible due to the conditions of vulnerability of the victims and the disequilibrium that could arise when forging accords, conditional suspension has the potential to aid in reaching solutions that do not require exhausting the criminal process in oral trials. Given the scale of domestic violence in Mexico, conditional suspension seems to present a window of opportunity to reach fair, effective solutions, though we must reiterate that for this to occur the conditions imposed must be specific to the case and follow-up must be rigorous. If these conditions are not met, then this form of resolution is not recommended for cases of this kind.

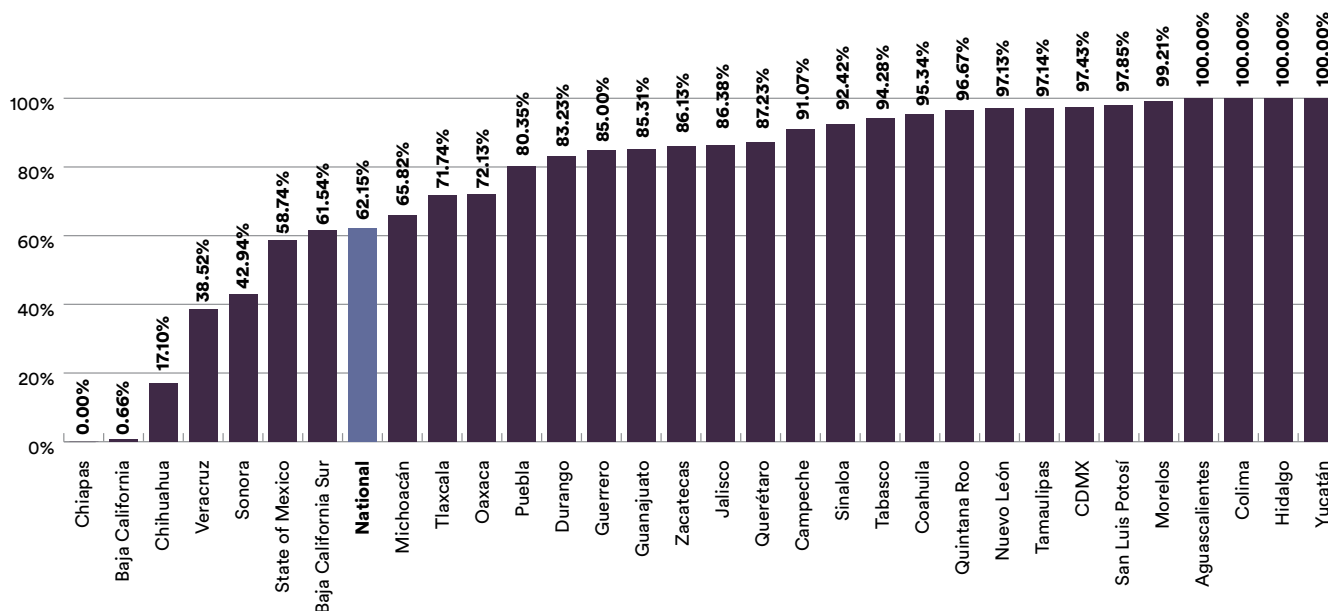
At the national level, the MES reported 24,986 procedures in process via conditional suspension, representing 51.81% of all cases resolved by alternative outcomes. This shows that conditional suspension is the form of anticipated termination most often utilized at judicial seats. The states that led in using this legal figure were Yucatan, Hidalgo, Colima, and Aguascalientes, all at 100%.

Our recommendations for the courts that recurrently utilize conditional suspension are to analyze the results obtained in terms of people's satisfaction, define the types of cases that are channeled through this figure, determine its effectiveness in relation to follow-up and compliance of the conditions imposed, and identify the reasons why most of these causes are still in process. If results show that suspensions typically require an extended period to be resolved due to the time required to comply with the conditions, but that these are satisfactory for the parties, then the justification of temporal extensions would be reduced, as long as the end result is of quality.

Here, Chihuahua stands out as a state with a high absolute number of conditional suspensions (2,194 cases), though in the broad panorama of cases bound over to trial this represents only 20.62%. This proportion appears to be related to the priority that this judicial seat gives to the ADRM, as we analyzed in the previous section.

Graph 14. Percentage of cases ongoing a conditional suspension of proceedings, by state, 2023

Percentage with respect to all cases under a conditional suspension of proceedings, 2023



Source: Elaborated by the authors based on data from the *Modelo y Seguimiento de la Consolidación del Sistema de Justicia Penal* (MES).

Oral trials

At the national level, in 2023, 4,772 cases were reported to be in process or resolved through oral trials, equivalent to 0.17% of all cases that entered the CJS. Of these, 2,544 (53.31%) are in process and 2,228 (46.69%) were resolved. The states with the highest number of oral trials (in process or resolved) were CDMX (992 cases), Nuevo León (730), the State of Mexico (677), Morelos (504), Jalisco (385), Yucatan (362) Tamaulipas (314), Oaxaca (165), and Veracruz (164). The ones with the highest ratio of 'oral trials resolved' to 'oral trials in process' were Tamaulipas at 100% (no cases in process) and CDMX at 56.4%, equivalent to 559 oral trials.

In contrast, the states with fewer than 10 cases of oral trials per year are Hidalgo (0), San Luis Potosí (2), Sinaloa and Baja California Sur (3 each), Campeche and Guerrero (4 each), Guanajuato (5), and Baja California (8).

The accusatory criminal system assumes that only those cases not resolved by an alternative outcome or anticipated termination of process and, therefore, considered most harmful for the community, must be resolved through oral trials. Those cases require that the prosecuting and defense attorneys present arguments and evidence and may entail an appearance in court by the offended party. Although this is the logic of the system, in practice the types of cases that are channeled through, and resolved in, oral trials must be examined and the relation of the incidence of criminality in each state must be determined.

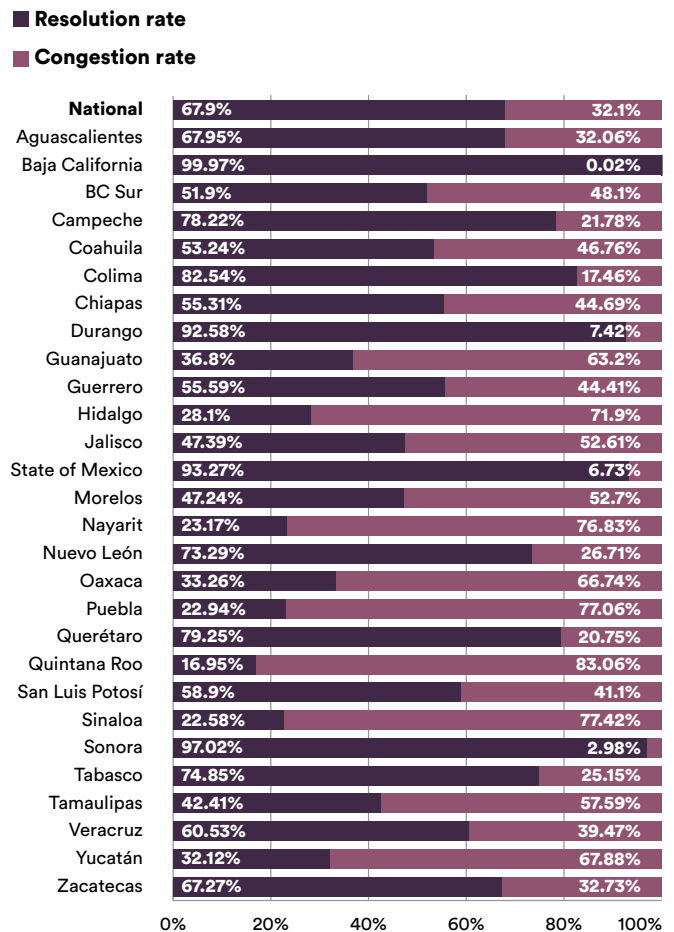
2.2.3 Judicial backlog

For the case of the higher courts of justice we also found a reduction in the rate of congestion from 2022 to 2023. While the index at the national level in 2022 was 47%, and the rate of resolutions was 53%, in 2023, the former decreased to 32.1%, while the latter increased to 67.9%. For 2023, the states where these courts had the highest resolution rates were Baja California (99%), Sonora (97%), the State of Mexico (93%) and Durango (92%), while those with the highest rates of judicial congestion were Sinaloa and Puebla (77%), Nayarit (76%), and Hidalgo (71%).

For the case of judicial congestion, it is important to note, as in previous editions, that this may be associated with diverse factors that can be traced to the areas of responsibility of the courts, the models of judicial administration that control the scheduling and duration

Graph 15. Judicial congestion rate vs. resolution rate, state jurisdiction, 2023

Percentage data of criminal cases handled by the Higher Courts of Justice involving adults charged in 2023



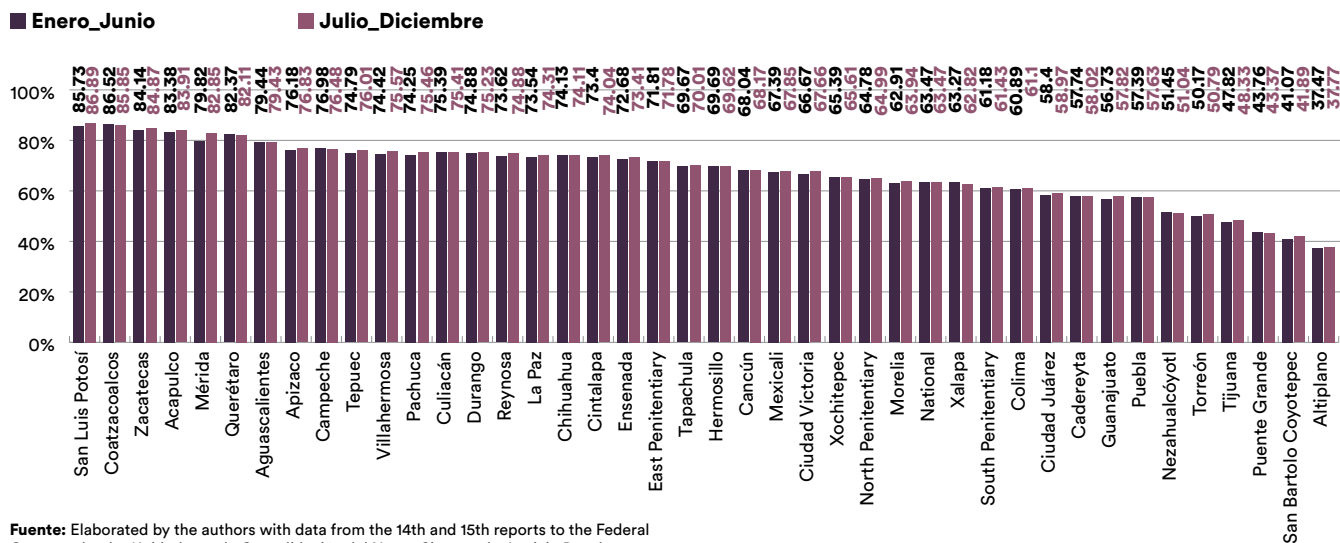
Source: Elaborated by the authors based on data from the *Modelo y Seguimiento de la Consolidación del Sistema de Justicia Penal* (MES).

of hearings, the timely termination of hearings, and/or the availability of courtrooms, among others. But congestion may also reflect factors not directly related to the courts, such as the attendance of operators at hearings and requests for extensions by the prosecution or defense attorney, among others, so the causes of the high congestion rates in some states must be analyzed to establish *ad hoc* strategies that address the problem.



Graph 16. Judicial resolution rate at the federal level

Percentage data for the resolution rate in Federal Centers of Criminal Justice, both semesters, 2023



Fuente: Elaborated by the authors with data from the 14th and 15th reports to the Federal Congress by the *Unidad para la Consolidación del Nuevo Sistema de Justicia Penal 2023*.

At the federal level, we observed an average resolution rate higher than in the state jurisdiction: 63.47%. This can be explained, in part, by judicial administration, the control of hearings, and aspects that may lie outside the jurisdiction of the courts.

2.2.4 Judicial management

The factors that the Judiciary takes as a reference for calculating judicial congestion are the number of hearings held, scheduled, and deferred. In absolute terms, between 2021 and 2023 the number of hearings scheduled increased markedly, as the national total rose from 573,894 to 719,286, 25% more in just two years. It is important to consider that in 2021 the country was emerging from the COVID-19 sanitary contingency, a circumstance that may have reduced the workloads of the Judiciary, so the figure registered two years later could reflect the stabilization of a tendency toward a more moderate increase in the scheduling of hearings.

The states that reported higher numbers of hearings for 2023 are CDMX (115,104) and the State of Mexico (108,510), which together represent 31% of all hearings held nationwide. The scheduling and holding of hearings constitute major challenges in these cases because they must be carried out in administrative systems that manage high volumes of cases in numerous tribunals. The states that follow are Guanajuato (67,946 hearings),

Table 11. Scheduled court hearings, state jurisdiction, by year

| State | 2021 | 2022 | 2023 |
|---------------------|----------------|----------------|----------------|
| National | 573,894 | 656,736 | 719,286 |
| Aguascalientes | 10,455 | 12,341 | 12,293 |
| Baja California | 32,336 | 48,724 | 51,791 |
| Baja California Sur | 5,500 | 5,147 | 5,248 |
| Campeche | 4,872 | 8,218 | 5,855 |
| Chiapas | 5,888 | 7,303 | 8,026 |
| CDMX | 107,165 | 113,015 | 115,104 |
| Coahuila | 35,452 | 43,547 | 44,166 |
| Colima | 3,088 | 3,105 | 3,307 |
| Durango | 4,513 | 4,277 | 4,270 |
| Guanajuato | 58,117 | 64,877 | 67,946 |
| Guerrero | 9,727 | 9,322 | 4,981 |
| Jalisco | 5,191 | 5,841 | 6,191 |
| State of Mexico | 107,930 | 111,948 | 108,510 |
| Michoacán | 23,358 | 15,636 | 18,834 |
| Hidalgo | ND | 14,630 | 31,153 |
| Nayarit | 10,657 | 14,747 | 20,808 |
| Oaxaca | 17,201 | 18,823 | 17,893 |
| Puebla | 24,185 | 22,007 | 331,82 |
| Querétaro | 5,257 | 6,878 | 7,751 |
| Quintana Roo | 5,594 | 7,351 | 9,267 |
| San Luis Potosí | 6,767 | 6,755 | 12,975 |
| Sinaloa | 9,357 | 12,046 | 14,088 |
| Sonora | 22,280 | 28,677 | 30,138 |
| Tabasco | 14,178 | 17,016 | 18,666 |
| Tamaulipas | 13,847 | 14,666 | 16,919 |
| Tlaxcala | 2,079 | 3,379 | 3,931 |
| Veracruz | 9,557 | 13,583 | 20,285 |
| Yucatán | 2,087 | 3,159 | 5,273 |
| Zacatecas | 17,256 | 19,718 | 20,435 |

No information available for Hidalgo for 2021.

Source: Elaborated by the authors based on requests for access to information.

Baja California (51,791), Coahuila (44,166), Puebla (33,182), and Hidalgo (31,153) (an exceptional case because for the past year it reported over double the number of hearings from the previous year). The states with the fewest scheduled hearings were Colima (3,307), Guerrero (4,981) (a marked decrease from 2022 when it reported 9,322), and Tlaxcala (3,931).

The following table displays the variation in the number of hearings scheduled compared to the previous year. We assume that the high increase of 38% in the number from 2021 to 2022 was due, in part, to the return to public spaces after the COVID pandemic. From 2022 to 2023, the national percentage decreased considerably, to 8%. In 2023, only states like Hidalgo (113%), San Luis Potosí (92%), Yucatan (67%), and Puebla (51%) had increases in the scheduling of hearings that doubled their figures for 2022. In contrast, some states presented substantial decreases in the scheduling of hearings: Guerrero (-47%), Campeche (-29%), and Oaxaca (-5%).

Of course, the fact that a hearing was scheduled does not mean it was held, so we must determine how many hearings were deferred, as that figure reflects congestion or delays in the workload of the courts. To construct this indicator, data were obtained through requests for information. Unfortunately, not all the states provided the data requested. In cases where no response was received, we assumed that the courts did not register these data, so we recommend that the courts follow up systematically not only on the hearings scheduled, but also on the ones that are deferred.

Since one way of measuring the efficiency and congestion of judicial work is based on hearings, we recommend that all administrative organs collect information, for example, on the total number of hearings by stage of development, the number of hearings according to the crimes processed, duration by type of hearing, deferred hearings, and the causes of deferrals, among other details. This information would facilitate decision-making and help establish policies –both internal and with other actors (e.g., if deferrals are found to be due to the action of the prosecuting or defense attorney)– that increase the efficiency of hearings. We must keep in mind that the most valuable resource of the criminal courts is the time that judges devote to hearings, so it is urgent to find solutions that optimize time management.

The states that register information on deferrals include Guerrero, which had a considerable increase in the number of deferrals of 19 percentage points that placed it as the state with the highest rate: 58.14%. Guerrero

Table 12. Percentage annual variation of deferred court hearings

Percentage values for the years 2021 to 2023, state jurisdiction

| Entidad | 2021-2022 | 2022-2023 |
|---------------------|---------------|-------------|
| National | 37.64% | 8.5% |
| Aguascalientes | 18.04% | -0.39% |
| Baja California | 50.68% | 6.29% |
| Baja California Sur | -6.42% | 1.96% |
| Campeche | 68.68% | -28.75% |
| Coahuila | 22.83% | 1.42% |
| Colima | 0.55% | 6.51% |
| Chiapas | 24.03% | 9.9% |
| CDMX | 5.46% | 1.85% |
| Durango | -5.23% | -0.16% |
| Guanajuato | 11.63% | 4.73% |
| Guerrero | -4.16% | -46.57% |
| Hidalgo | | 112.94% |
| Jalisco | 12.52% | 5.99% |
| State of Mexico | 3.72% | -3.07% |
| Michoacán | -33.06% | 20.45% |
| Nayarit | 38.38% | 41.1% |
| Oaxaca | 9.43% | -4.94% |
| Puebla | -9.01% | 50.78% |
| Querétaro | 30.84% | 12.69% |
| Quintana Roo | 31.41% | 26.06% |
| San Luis Potosí | -0.18% | 92.08% |
| Sinaloa | 28.74% | 16.95% |
| Sonora | 28.71% | 5.09% |
| Tabasco | 20.02% | 9.7% |
| Tamaulipas | 5.91% | 15.36% |
| Tlaxcala | 62.53% | 16.34% |
| Veracruz | 42.13% | 49.34% |
| Yucatán | 51.37% | 66.92% |
| Zacatecas | 14.27% | 3.64% |

No information available for Hidalgo for 2021.

Source: Elaborated by the authors based on requests for access to information.

was followed by Tabasco (56.9%), Durango (54.7%), and Veracruz (45.2%). Campeche appeared as the state with the largest reduction of deferred hearings (-28.75%), a finding that may reflect the application of administrative measures specifically designed to achieve that objective.

At the federal jurisdiction, for 2023 we also observed relatively high levels of hearings held. In this rubric, Guanajuato, Tijuana, Puente Grande, and Ciudad Juárez stood out as the Federal Centers of criminal Justice with the highest number, while Durango, Cintalapa, and Los Mochis had the fewest hearings.



Graph 17. Percentage of deferred court hearings, by state

Percentage values for the years 2021-2023, state jurisdiction

■ 0 a 19.9 ■ 20 a 39.9 ■ 40 a 59.9 ■ 60 and over

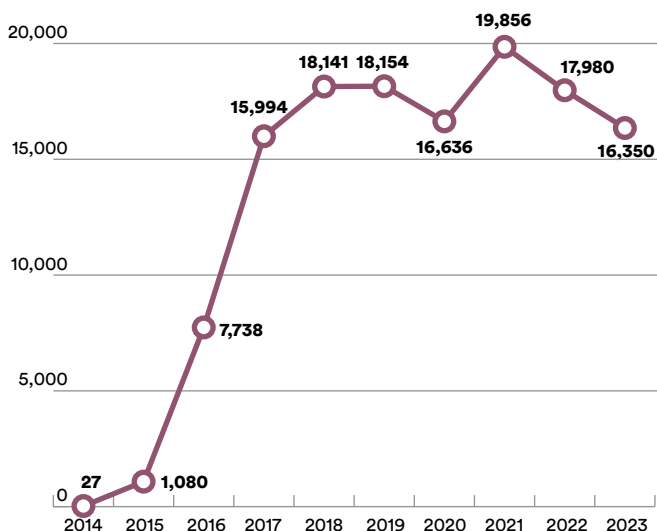
| State | 2021 | 2022 | 2023 |
|---------------------|--------------|--------------|--------------|
| National | 20.74 | 17.62 | 18.91 |
| Aguascalientes | 31.26 | 32.44 | 32.88 |
| Baja California | 25.83 | 25.38 | 24.58 |
| Baja California Sur | 48.6 | 41.01 | 42.53 |
| Campeche | 34.46 | 22.54 | 15.7 |
| Coahuila | 29.67 | 29.34 | 30.64 |
| Colima | 13.44 | 14.85 | 15.48 |
| Chiapas | 37.19 | 40.9 | 37.93 |
| CDMX | 7.14 | 7.34 | 7.76 |
| Durango | 55.42 | 60.58 | 54.71 |
| Guanajuato | 19.46 | 21.16 | 23.78 |
| Guerrero | 64.03 | 39.2 | 58.14 |
| Hidalgo | | 48.96 | 39.2 |
| Jalisco | 34.68 | 34.99 | 37.31 |
| Michoacán | 21.36 | 21.62 | 15.34 |
| Nayarit | 18.7 | 18.84 | 21.61 |
| Oaxaca | 3.32 | 4.53 | 4.61 |
| Puebla | 35.06 | 37.1 | 30.93 |
| Querétaro | 14.32 | 12.39 | 18.68 |
| San Luis Potosí | 46.95 | 46.63 | 34.83 |
| Sinaloa | 12.71 | 11.08 | 12.29 |
| Sonora | 5.97 | 4.14 | 5.78 |
| Tabasco | 44.11 | 40.31 | 56.95 |
| Tamaulipas | 40.64 | 41.48 | 36.41 |
| Tlaxcala | 64.12 | 52.80 | 35.18 |
| Veracruz | 32.44 | 31.51 | 45.21 |
| Yucatán | 19.41 | 31.34 | 30.63 |
| Zacatecas | 0.14 | 0.10 | 0.12 |

Source: Elaborated by the authors with data obtained from requests for public information.

To contextualize the hearings held at the federal level it is also important to emphasize that from 2021 to today there is a downward tendency among AGO in the Republic in binding cases over to trial. As the following graph shows, this figure decreased from 19,856 in 2021 to 16,350 in 2023.

Graph 18. Total criminal cases registered per year by federal courts, federal jurisdiction, 2014-2023

Data on criminal cases handled by federal courts (Federal Centers of Criminal Justice), 2014-2023



Note: The data for 2014 only cover November-December.

Source: Elaborated by the authors with data from the 14th and 15th reports to the Federal Congress by the *Unidad para la Consolidación del Nuevo Sistema de Justicia Penal del CJF*, 2024.

2.2.5 Conclusions and policy recommendations

This review of the procedural flow in AGO and the courts allows us to identify that certain points of congestion persist in both institutions, and that there is a lack of in-depth analyses of the multiple solutions that the accusatory system offers from a focus on results in terms of quality for the people involved. We further observed the need to construct systematic criminal policies and ensure that they are incorporated into the prosecution policies of AGO and the Judiciary.

In this regard, we have recommendations for key points of the judicial procedures analyzed in this section:



- In the states where the difference between the number of cases reported and the number of investigative files opened exceeds the national average, we suggest analyzing the causes of these differences to facilitate the presentation of reports and follow-up on cases at judicial seats.
- In the cases of Coahuila and Yucatan, which reported a significant number of investigative files opened based on arrests *in flagrante*, the legality of those detentions must be analyzed, together with the procedural figures applied in cases with a detainee.
- In states where most criminal causes were initiated without a detainee (such as Baja California Sur, Zacatecas, Jalisco, Hidalgo, Tamaulipas, Tabasco, and Sinaloa) we suggest performing follow-up on the results of investigations: were arrest warrants issued and carried out?; how many cases were archived?; and how effective were the measures that made it possible to continue the process when no person was detained *in flagrante*?
- We strongly recommend analyzing the corpus of cases that represent 60% of all processes initiated in AGO that are archived, and determining the later results of those causes to design policies oriented toward ensuring that archived cases do not go unpunished and offering the individuals involved some type of response to their criminal conflicts.
- We recommend analyzing the policies for applying prosecutorial discretion in the states of Baja California and Mexico to verify that they constitute good practices and, if this is the case, disseminate them in other states.
- We recommend promoting the application of ADRM at both prosecutorial and judicial seats, since they are people-centered but insist on compliance of the agreements reached by the parties.
- We recommend analyzing the congestion of cases in AGO to design policies that address the quality of the responses at the points where stagnation occurs.
- Regarding summary proceedings, we suggest analyzing the terms under which sentences are negotiated, the type of crimes resolved through this route, the conditions of acceptance of this procedure by victims, the restitution of damage that victims receive, and the internal policies of AGO for processing them.
- Conditional suspension could be analyzed in relation to the results for the parties involved, the type of cases channeled through this route, the effectiveness of follow-up and compliance of the conditions imposed, and the reasons why most cases of conditional suspension are still in process.
- An analysis of the states that channel cases to oral trials could reveal the type of causes that proceed to this type of judgment, the quality of litigation at hearings, and the result of the sentences handed down. Of course, investigations of this kind must be conducted considering the context of the incidence of criminality and the institutional strength of the entire justice system in each state.
- For the Judiciary, we recommend collecting detailed information on hearings that includes the total number of hearings by stage, the number of hearings by crime processed, duration by type of hearing, deferred hearings, duration of deferrals between hearings, and the causes of deferrals. These data would make it possible to analyze how to schedule and celebrate hearings as efficiently as possible.



CHAPTER 3

Justice analyzed from specific aspects

In this chapter, we analyze criminal justice through six distinct perspectives that stand out due to their impact on the protection and guarantee of the rights of victims and persons processed. First, we present a review of the effective responses that the institutions of justice offer in relation to the types of cases that are taken to trial and their forms of conclusion, as this influences the right to access to justice by the parties. We then address the use of cautionary measures in the criminal process, an element closely related to the right to personal freedom and the presumption of innocence. There, special attention is paid to pretrial detention and its prolongation. Third, we examine the average duration of criminal processes by type of resolution and crime, considering the constitutional stipulation that persons charged must be tried within one year. Following that, we review data on the channeling of cases through alternative justice, especially the approval of victim compensation agreements and noncompliance with them. The fifth topic deals with the substantive personnel of the Executive Commissions for Attention to Victims (ECAV) (*Comisiones Ejecutivas de Atención a Víctimas*) and the Public Defenders' Offices, their workloads, and the results achieved for the people they represent. Finally, we explore the final phase of the criminal process; that is, the execution of criminal sanctions. There, we analyze the juridical status of the population deprived of freedom in penitentiaries, their living conditions, the security and custodial personnel, and the jurisdictional personnel specialized in criminal execution.

3.1 Effective response

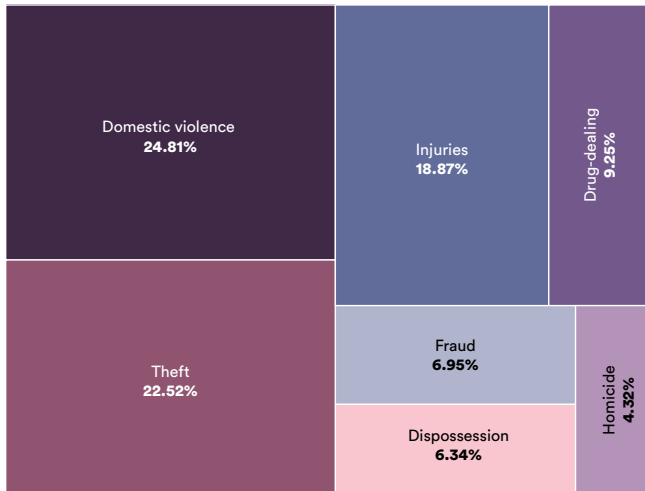
The objectives of the criminal process include clarifying the facts of cases, protecting the innocent, procuring that the guilty do not go unpunished, and repairing the damage that victims of crime suffer. To the degree to which these goals are met, the criminal process contributes to guaranteeing access to justice by resolving the conflicts that arise when crimes are committed. There is a broad array of procedural routes to attend to conflicts, according to the characteristics of the case, and they can be used to benefit the people involved. In this context, the logic of the process is to take only high priority, high-impact cases to trial, leaving all others to be resolved through more expeditious pathways.

The criminal process is flexible, so the authorities can decide not to prosecute crimes under certain circumstances or to proceed via alternative or anticipated outcomes instead of oral trials, options that offer an array of more efficient channels for resolving conflicts. On the one hand, AGO, the authority entrusted with investigating and prosecuting crimes, can abstain from doing so in certain cases if the damage caused is repaired or restitution is guaranteed. For intentional crimes and those committed against patrimony without violence, the victims and accused can sign a restitution agreement to end the process. On the other hand, for crimes with a mean arithmetic prison sentence not greater than five years, the person charged can have the process suspended by formally promising to comply with

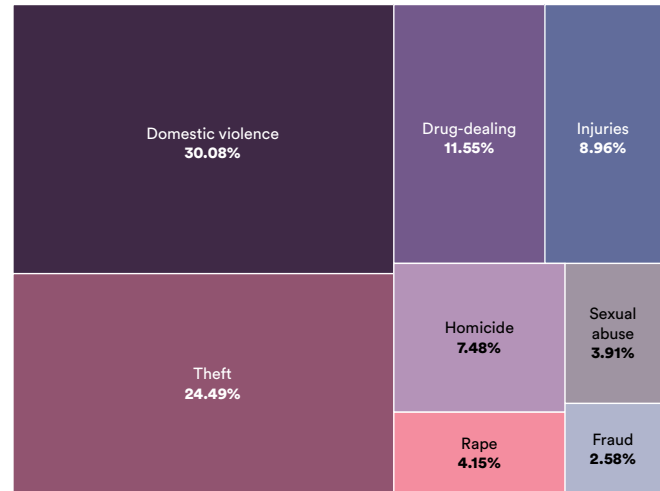
Graph 19. Percentage distribution of charges filed in court by type of crime, state jurisdiction, 2023

Percentage data on the crimes most often bound over to trial in 2023

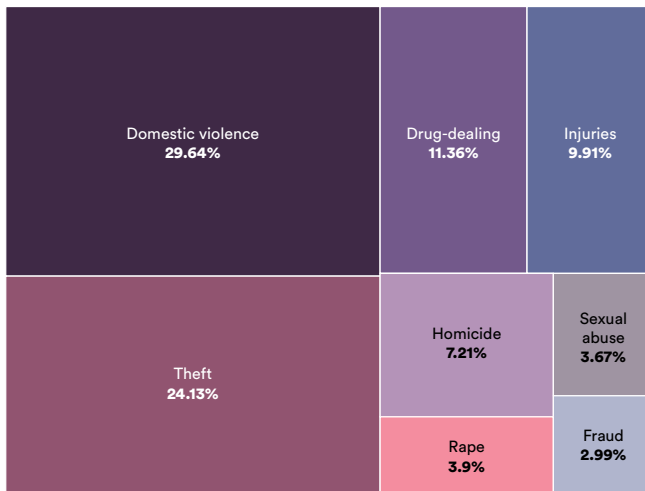
Women



Men



Total



Note: For ease of viewing, only crimes with values greater than 2% are shown.

Source: Elaborated by the authors with data obtained from requests for public information.

the conditions for repairing the damage and accepting certain other impositions. Finally, summary proceedings allow AGO to offer reduced sentences if the accused admits her/his responsibility and renounces the right to an oral trial.

Since the 2017 edition of *Hallazgos, México Evalúa* has incorporated a key indicator for calculating the number

of cases that are resolved effectively or positively by the authorities *versus* those that remain unpunished. The estimate for this indicator –the Index of Impunity– for 2023 reached 93.63% of all cases brought to the authorities. In this section, we analyze in detail the effective responses attained in each stage of the criminal process with respect to all cases processed by the authorities.

Charges filed in court

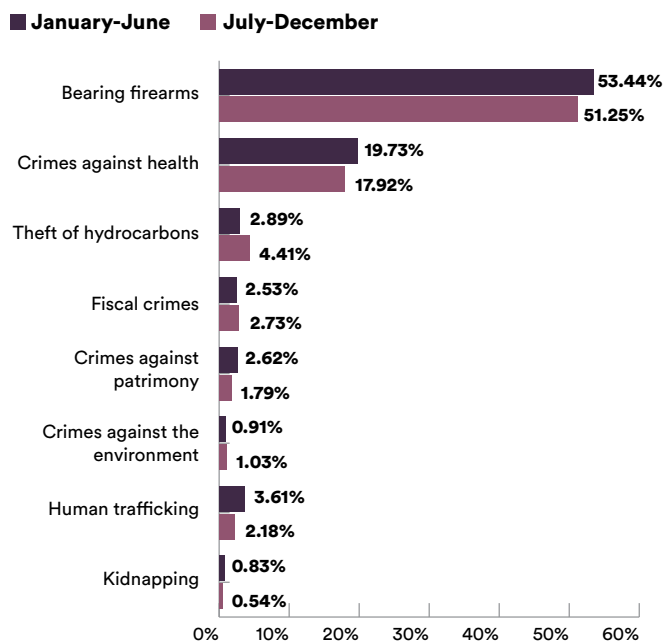
It is especially important to identify the types of criminal acts most often prosecuted in the courts by Attorney Generals' and AGO. As in previous years, in the state jurisdiction the crimes of domestic violence, theft, drug-dealing, and injuries continued to represent over 70% of the cases in which AGO opened criminal processes against a person accused. This situation is closely related to the way in which the incidence of criminality was distributed during the study period and to the investigations that began when arrests *in flagrante* were made. In contrast, the crimes of homicide and rape represented only 7.21 and 3.9% of cases, respectively.



In the federal jurisdiction, a high percentage of cases bound over to the Federal Centers of criminal Justice by the Federal Attorney General's Office (FGR) involved the crimes of bearing firearms and possessing cartridges reserved for the exclusive use of the army (51.25%), followed by the diverse modalities of crimes against health (17.92%). Third place was held by the crime of theft of hydrocarbons (4.47%), while human trafficking was fourth (2.18%). These types of cases prosecuted by the FGR are commonly associated with detentions *in flagrante* by the institutions of public security, but this indicates a role that is more reactive than strategic when it comes to prosecuting crime. In contrast, fiscal crimes represented only 2.73% of all cases tried, and kidnapping reached only 0.54%. The cases of organized crime, intentional homicide, forced disappearance, and others of great importance in the country, did not reach 1% of the cases bound over to trial.

Graph 20. Percentage of charges filed in court, by type of crime, federal jurisdiction, 2023

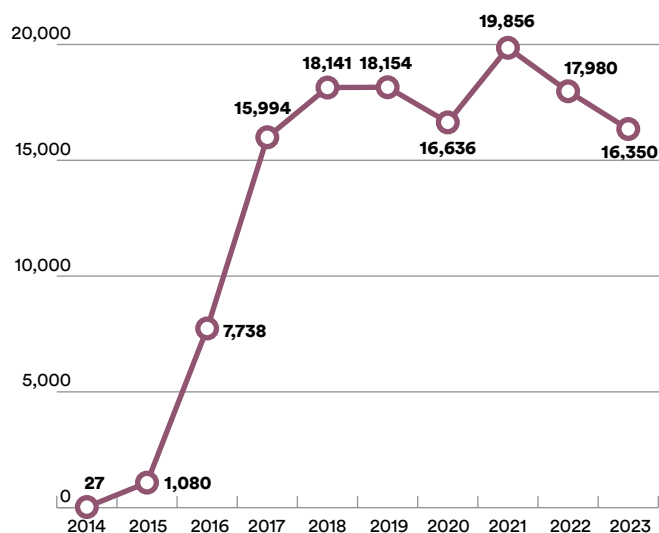
Percentage data on the crimes most often brought to trial, January-June and July-December, 2023



Source: Elaborated by the authors with data from the 14th and 15th reports to the Federal Congress by the *Unidad para la Consolidación del Nuevo Sistema de Justicia Penal del CJF*, 2024.

Graph 21. Total criminal cases registered per year by federal courts, federal jurisdiction, 2014-2023

Data on the cases registered in Federal Centers of Criminal Justice, 2014-2023



Note: The data for 2014 only cover November-December.

Source: Elaborated by the authors with data from the 14th and 15th reports to the Federal Congress by the *Unidad para la Consolidación del Nuevo Sistema de Justicia Penal del CJF*, 2024.

It is important to point out that nationally there has been a downward tendency in the number of cases prosecuted by the FGR since 2021. In the past year, the FGR prosecuted a total of 16,350 cases, only 82.34% of the number from 2021. This volume is comparable to figures for 2017 and indicates a stagnation or deterioration of the capacity to prosecute crime in this institution.

Charges admitted in court

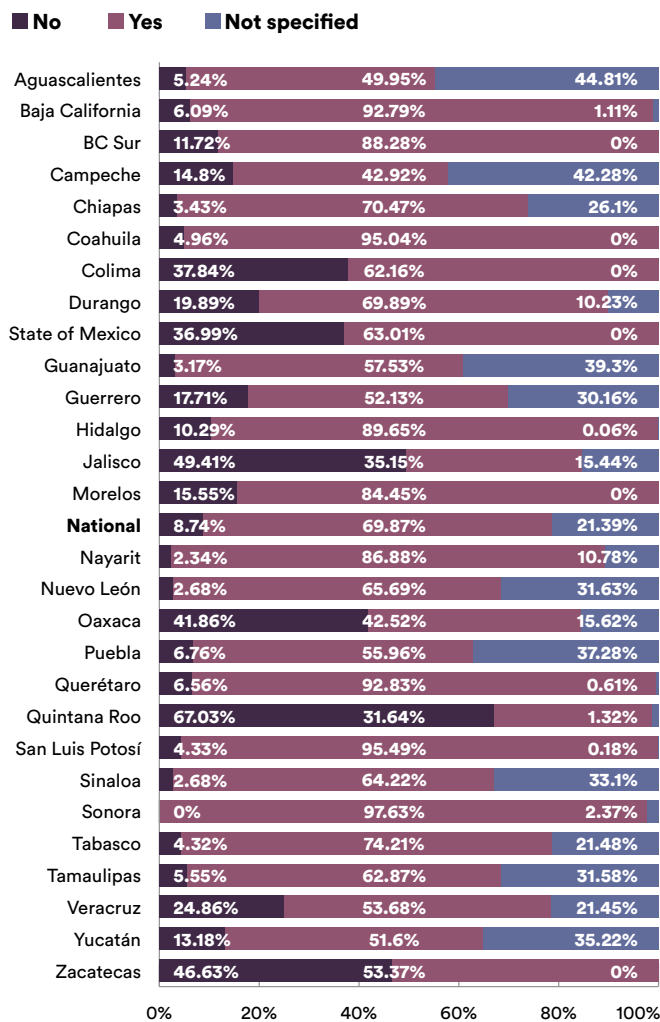
When trying cases, AGOs must present the charges against the accused at an initial hearing before the supervising judge. Their petition must adequately sustain that the crime did, indeed, occur, and that the person accused committed it, though the standard of proof at this stage is low.

In the state jurisdiction, only 8.74% of the cases pursued by AGO *did not* result in the opening of a criminal process against the person under investigation. Given the low standard of proof for causes to be bound over to trial,

for Quintana Roo (67.03%), Jalisco (49.41%), Zacatecas (46.63%), and Oaxaca (41.86%) it is necessary to undertake an in-depth review of the performance of the AGO during the initial phase of integrating investigations and the criteria they apply to determine the exercise of criminal action. This presents areas of opportunity for these states.

Graph 22. Rate of charges admitted in court, state jurisdiction, 2023

Percentage data on adults charged in 2023

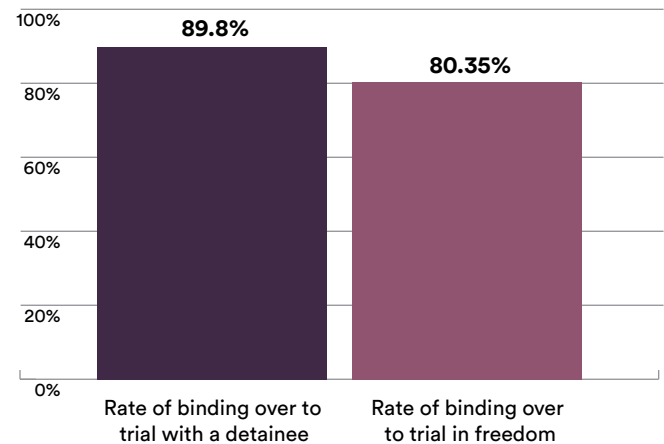


Source: Elaborated by the authors based on data obtained through requests of access to public information.

The index of cases bound over to trial provides differentiated results at the federal level. Based on information reported by the Council of the Federal Judicature (*Consejo de la Judicatura Federal*), the percentage of causes bound over to trial in cases with a detainee, typically *in flagrante*, in 2023 was 89.8%. In contrast, in cases without a detainee, where the FGR had no time restrictions on conducting a solid initial investigation of the case, prosecutors showed poorer performance. In 2023, the percentage of causes *not* bound over to trial was 80.35%, which means that almost two out of every 10 cases prosecuted by the FGR were not bound over.

Graph 23. Rate of charges admitted in court, federal jurisdiction, 2023

Percentage data on adults charged in 2023



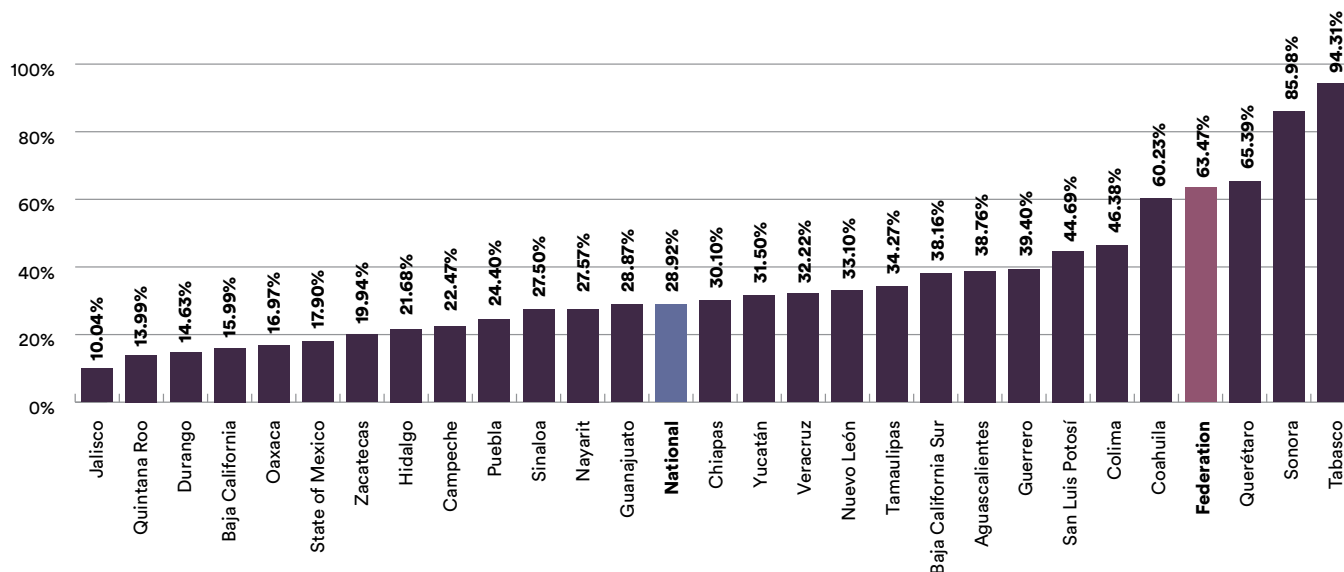
Source: Elaborated by the authors with data from the 14th and 15th reports to the Federal Congress by the *Unidad para la Consolidación del Nuevo Sistema de Justicia Penal del CJF*, 2024.

Type of resolution of the cases admitted by court

Turning to the criminal causes that were tried in state Judiciaries in 2023, a significant proportion were still classified as "in process" at year's end. As we mentioned in the section on *Follow-up*, the index of judicial resolutions at the state level for criminal causes initiated in 2023 was 67.9%. However, when we consider the total universe of criminal causes processed, or that continued in process in 2023, regardless of the year in which they began, this index reaches only 28.92% nationally, a finding which implies that only around one out of every three causes reached some kind of resolution or conclusion in that year.



Graph 24. **Judicial rate resolution, state and federal jurisdictions, 2023**
Percentage of criminal cases closed with respect to all cases in the year



Note: This index considers all criminal cases in process in 2023, regardless of the year in which they were opened.

Source: Elaborated by the authors with data from the 14th and 15th reports to the Federal Congress by the *Unidad para la Consolidación del Nuevo Sistema de Justicia Penal del CJF*, 2024.

The percentage of cases that remained unresolved at year's end is associated, in part, with the unnecessary prolongation of criminal processes. As we identified in the section on *Follow-up (outputs)*, the unjustified and reiterated deferrals of hearings is a common practice, above all in the intermediate stage of the process. Deferrals of hearings tend to be associated with the insufficiency of substantive personnel, such as prosecutors, legal advisers, and public defenders, to opportunely attend hearings, coupled with poor preparation by the parties, a lack of knowledge of cases and, though to a lesser degree, the installed capacity of the courts.

For the criminal causes that were resolved, the most common forms of closure were alternative and anticipated outcomes. At the state level, only 11.46% of cases concluded with a sentence handed down at an **oral trial**. In contrast, **conditional suspension of process** was the most frequent form of conclusion (34.33%), followed by **summary proceedings** (19.94%), and **victim compensation agreements** (13.69%). Thus, a

clear area of opportunity for AGO consists in identifying and resolving, in a timely fashion, the proportion of cases that are resolved through victim compensation agreements at the judicial seat, since attention during the initial investigation can help depressurize the criminal process and push it forward. Therefore, priority should be given to identifying the causes that lead to the prosecution of these cases and the mechanisms required to resolve them at the prosecutorial seat.

Finally, while nationally 19.94% of cases were resolved through the anticipated outcome of **summary proceedings**, this proportion was much higher in some states: Chiapas (30.10%), Baja California (60.15%), Guerrero (36.50%), Sonora (33.0%), and Yucatán (28.95%). In these cases, as we emphasized earlier, it is necessary to evaluate the guidelines under which prosecutors offer this anticipated outcome and to ensure its adequate application.¹² For example, these guidelines generally demand that prosecutors conduct scientific investigations, "with legal and evidentiary sufficiency", but fulfilling this condition is difficult.

¹² México Evalúa, *Hallazgos 2021*, October 2022, pp. 49-52; see: <https://www.mexicoevalua.org/hallazgos-2021-evaluacion-of-the-sistema-de-justicia-criminal-en-mexico/>

Table 13. Type of resolution of criminal cases before courts, state jurisdiction, 2023

Percentage data on criminal cases processed by the Higher Courts of Justice involving adults in 2023

| State | Prosecutorial discretion | Victim compensation agreement | Conditional suspension of proceedings | Summary proceedings | Acquittal in oral trial | Conviction in oral trial | Evasion of the action of justice | Dismissal due to statute of limitations | Dismissal due to pardon by the victim | Other dismissals |
|---------------------|--------------------------|-------------------------------|---------------------------------------|---------------------|-------------------------|--------------------------|----------------------------------|---|---------------------------------------|------------------|
| National | 0.05% | 13.69% | 34.33% | 19.94% | 2.66% | 8.80% | 3.07% | 0.88% | 2.61% | 13.97% |
| Aguascalientes | 0.51% | 9.77% | 51.98% | 23.4% | 0% | 0% | 3.05% | 0% | 4.68% | 6.61% |
| Baja California Sur | 0% | 17.39% | 23.08% | 26.25% | 2.01% | 6.52% | 1.17% | 0.17% | 16.89% | 6.52% |
| Baja California | 0% | 7.34% | 14.66% | 60.15% | 1.84% | 5.4% | 0% | 0% | 0% | 10.61% |
| Campeche | 0% | 14.12% | 36.08% | 17.65% | 6.67% | 9.8% | 0% | 0.39% | 1.57% | 13.73% |
| Chiapas | 0% | 2.83% | 5.26% | 62.35% | 5.26% | 15.38% | 0% | 0% | 0.4% | 8.5% |
| Coahuila | 0% | 11.6% | 50.85% | 18.14% | 0.25% | 0.92% | 16.98% | 0.19% | 0% | 1.07% |
| Colima | 0% | 3.55% | 7.98% | 12.2% | 0% | 0.44% | 4.21% | 0% | 0.89% | 70.73% |
| Durango | 0% | 23.17% | 42.68% | 9.76% | 0% | 3.66% | 2.44% | 0% | 1.22% | 17.07% |
| State of Mexico | 0% | 6.46% | 10.25% | ND | 16.22% | 56.75% | 0% | 0% | 0% | 10.33% |
| Guanajuato | 0.3% | 7.76% | 44.05% | 16.75% | 1.92% | 3.64% | 0.01% | 4.73% | 6.42% | 14.42% |
| Guerrero | 0.21% | 22.36% | 12.87% | 36.5% | 1.27% | 2.32% | 0.21% | 1.69% | 16.03% | 6.54% |
| Hidalgo | 0% | 14.32% | 25.02% | 14.2% | 4.13% | 11.68% | 0% | 0% | 0% | 30.65% |
| Jalisco | 0% | 9.78% | 66.3% | 6.52% | 0.72% | 1.81% | 1.81% | 0% | 3.26% | 9.78% |
| Morelos | 0% | 15.65% | 26.38% | 16.64% | 8.14% | 12.97% | 11.81% | 0% | 0% | 8.41% |
| Nayarit | 0% | 7.84% | 23.87% | 29.4% | 0.14% | 1.29% | 22.75% | 0% | 0% | 14.7% |
| Nuevo León | 0.09% | 4.52% | 47.61% | 18.17% | 0% | 22.4% | 0% | 0.69% | 0% | 6.51% |
| Oaxaca | 0% | 23.4% | 22.7% | 12.06% | 4.26% | 4.26% | 0% | 2.84% | 2.84% | 27.66% |
| Puebla | 0% | 29.25% | 31.25% | 2.61% | 1.02% | 2.5% | 14.38% | 0.11% | 0.49% | 18.39% |
| Querétaro | 0.41% | 3.67% | 57.55% | 26.68% | 0.48% | 2.47% | 2.34% | 2.16% | 1.58% | 2.64% |
| Quintana Roo | 0% | 24.63% | 47.77% | 13.65% | 0% | 0.89% | 0% | 2.67% | 4.75% | 5.64% |
| San Luis Potosí | 0% | 4.57% | 58.86% | 11.85% | 2.52% | 7.74% | 0.56% | 0.09% | 0.65% | 13.15% |
| Sinaloa | 0% | 8.6% | 58.99% | 18.84% | 0.53% | 3.19% | 0% | 0.87% | 6.86% | 2.13% |
| Sonora | 0% | 10.22% | 23.03% | 33% | 3.02% | 13.99% | 0% | 0% | 0% | 16.75% |
| Tabasco | 0% | 3.31% | 43.86% | 12.87% | 2.66% | 10.2% | 3.64% | 7.21% | 0.65% | 15.59% |
| Tamaulipas | 0% | 11.55% | 37.11% | 14.24% | 6.39% | 18.55% | 0% | 0% | 0% | 12.16% |
| Veracruz | 0% | 31.62% | 24% | 8.19% | 0.86% | 13.43% | 0.67% | 0.76% | 2.86% | 17.62% |
| Yucatán | 0% | 21.36% | 10.68% | 28.95% | 4.18% | 11.61% | 0% | 0% | 0% | 23.22% |
| Zacatecas | 0% | 32.72% | 56.53% | 7.22% | 0% | 2.61% | 0% | 0% | 0.92% | 0% |

Source: Elaborated by the authors based on data obtained through requests of access to public information.

In this vein, we also identified that when negotiating the application of summary proceedings, AGO offer the maximum sentence reduction, even for crimes committed with violence and those where the person charged fails to supply information that could prevent the commission of other crimes, even though this

condition is stipulated in existing guidelines. Finally, given the virtually null participation of victims in criminal processes, it is unlikely that they will be informed of the parameters applied to determine the reduction of the sentence or of the sentence that could be obtained through an oral trial.



Table 14. Type of resolution of criminal cases before courts, federal jurisdiction, 2023

Percentage data on the criminal cases processed in Federal Centers of Penal Justice involving adults in 2023

| Seat | Prosecutorial discretion | Victim compensation agreement | Conditional suspension of proceedings | Sentence in summary proceedings | Acquittal in oral trial | Conviction in oral trial | Dismissal |
|--|--------------------------|-------------------------------|---------------------------------------|---------------------------------|-------------------------|--------------------------|--------------|
| Federation | 2.80% | 1.30% | 11.10% | 79.30% | 2% | 2.80% | 0.80% |
| Federal Center of Criminal Justice, Aguascalientes | 0 | 0 | 5.6 | 80.6 | 5.6 | 8.3 | 0 |
| Federal Center of Criminal Justice, Baja California Sur | 2.8 | 5.6 | 18.3 | 63.4 | 1.4 | 5.6 | 2.8 |
| Federal Center of Criminal Justice, Baja California | 0.6 | 0.1 | 7.8 | 87.7 | 0.6 | 2.3 | 0.9 |
| Federal Center of Criminal Justice, Campeche | 0 | 0 | 15.3 | 70.6 | 4.7 | 7.1 | 2.4 |
| Federal Center of Criminal Justice, Chiapas | 0.8 | 1.6 | 14.1 | 77.3 | 1.6 | 3.9 | 0.8 |
| Federal Center of Criminal Justice, Chihuahua | 0.8 | 0.1 | 16.3 | 76.2 | 1.1 | 3.9 | 1.6 |
| Federal Center of Criminal Justice, CDMX, North Penitentiary | 1.8 | 1.4 | 17.1 | 76.5 | 2.3 | 0.9 | 0 |
| Federal Center of Criminal Justice, CDMX, East Penitentiary | 1.7 | 0.9 | 15.7 | 79.9 | 0.9 | 0.4 | 0.4 |
| Federal Center of Criminal Justice, CDMX, South Penitentiary | 0 | 0 | 8.2 | 86.1 | 2.4 | 3.4 | 0 |
| Federal Center of Criminal Justice, Coahuila | 0 | 0 | 3.1 | 93.8 | 0 | 3.1 | 0 |
| Federal Center of Criminal Justice, Colima | 0 | 1.7 | 14.9 | 78.5 | 0.8 | 2.5 | 1.7 |
| Federal Center of Criminal Justice, Durango | 18.5 | 3.7 | 22.2 | 44.4 | 7.4 | 0 | 3.7 |
| Federal Center of Criminal Justice, State of Mexico | 0 | 1.1 | 18.5 | 72.9 | 3.2 | 3.9 | 0.4 |
| Federal Center of Criminal Justice, Guanajuato | 0 | 0 | 9 | 81.2 | 4.3 | 4.3 | 1.2 |
| Federal Center of Criminal Justice, Guerrero | 15.5 | 1.6 | 17.1 | 64.2 | 0 | 1.6 | 0 |
| Federal Center of Criminal Justice, Hidalgo | 1.4 | 11.6 | 10.2 | 69.9 | 1.4 | 3.2 | 2.3 |
| Federal Center of Criminal Justice, Jalisco | 2.1 | 1.4 | 6.1 | 87.8 | 1.2 | 1.2 | 0.2 |
| Federal Center of Criminal Justice, Michoacán | 3.8 | 1 | 4.8 | 84.8 | 1.9 | 3.8 | 0 |
| Federal Center of Criminal Justice, Morelos | 0 | 0.7 | 8.6 | 89.3 | 1.4 | 0 | 0 |
| Federal Center of Criminal Justice, Nayarit | 0 | 0 | 3.8 | 84.6 | 11.5 | 0 | 0 |
| Federal Center of Criminal Justice, Nuevo León | 0 | 0 | 0 | 96.4 | 3.6 | 0 | 0 |
| Federal Center of Criminal Justice, Oaxaca | 0 | 0 | 5.7 | 93 | 1.3 | 0 | 0 |
| Federal Center of Criminal Justice, Puebla | 2.5 | 2.8 | 2.5 | 90.1 | 0.6 | 1.1 | 0.3 |
| Federal Center of Criminal Justice, Querétaro | 0 | 0.5 | 1.1 | 97.4 | 1.1 | 0 | 0 |
| Federal Center of Criminal Justice, Quintana Roo | 19.9 | 0.7 | 4.3 | 65.2 | 7.8 | 2.1 | 0 |
| Federal Center of Criminal Justice, San Luis Potosí | 0 | 0 | 8.3 | 86.9 | 1.2 | 2.4 | 1.2 |
| Federal Center of Criminal Justice, Sinaloa | 11 | 1.2 | 9.4 | 74.5 | 2 | 1.6 | 0.4 |
| Federal Center of Criminal Justice, Sonora | 3.1 | 0.6 | 6.7 | 82.5 | 2.8 | 2.8 | 1.5 |
| Federal Center of Criminal Justice, Tabasco | 1.7 | 5.1 | 20.3 | 62.7 | 1.7 | 8.5 | 0 |
| Federal Center of Criminal Justice, Tamaulipas | 0 | 1.4 | 20.7 | 67.6 | 5 | 5.4 | 0 |
| Federal Center of Criminal Justice, Tlaxcala | 6.8 | 1.9 | 8.7 | 60.2 | 6.8 | 15.5 | 0 |
| Federal Center of Criminal Justice, Veracruz | 5.3 | 1.1 | 16.1 | 72 | 1.9 | 1.4 | 2.2 |
| Federal Center of Criminal Justice, Yucatán | 30.2 | 3.5 | 29.1 | 30.2 | 2.3 | 3.5 | 1.2 |
| Federal Center of Criminal Justice, Zacatecas | 0 | 3.1 | 4.3 | 86.5 | 0.6 | 5.5 | 0 |

Source: Elaborated by the authors based on data obtained through requests of access to public information.

Another priority is to review the incentives that persons charged confront in each case and their circumstances, above all for those held under pretrial detention, since these cases represent the highest proportion of summary proceedings determined. Documentation shows that detainees are pressured, often by their own defense attorneys, to accept responsibility to avoid a trial and a more severe sanction.¹³ All these factors converge in decisions to accept a summary procedure instead of the alternative of an oral trial where the defense could present evidence to challenge the prosecutorial accusation.

Dismissals also constitute a high percentage of cases. Including the possibility of a pardon on the part of the victim or offended party (2.761%), because the statute of limitations has run out (0.88%), and other assumptions (13.97%). We found that 17.46% of criminal causes concluded with dismissals. Though the percentage of the application of the statute of limitations is low at the national level, the cases of Tabasco (7.21%) and Guanajuato (4.73%) require detailed analyses of the performance of the Attorney Generals' offices because this omission led to dismissals.

Finally, the information provided by the courts allows us to estimate that in 2023 3.07% of all criminal causes were suspended due to **evasion of the action of justice** by the person processed; that is, when the offender fled. The states that stand out in this rubric were Nayarit (22.75%), Coahuila (16.98%), Puebla (14.38%), and Morelos (11.81%). Based on these cases, we identified situations where the cautionary measure imposed by the supervising judge was inadequate. The detailed review of these causes allowed us to identify some factors that determine this outcome; for example, that no assessment of procedural risk was conducted by an UMECA, or shortages of personnel entrusted with supervising cautionary measures in freedom.

For the federal jurisdiction, the vast majority of criminal cases processed in 2023 closed with a **judgment through a summary proceeding**, as this represented

79.3% of cases. This percentage is not mirrored in the state jurisdiction, so the federal sphere was the one that most often applied this anticipated outcome. The second most frequent form of resolution used was **conditional suspension of process**, but in only 11.1% of criminal causes. This reflects the fact that most of the crimes prosecuted do not admit this alternative outcome.

In third place we found **oral trials**, but they represent only 4.8% of cases. What stands out in this regard is a high proportion of **acquittals**, which totaled 41.66% of all sentences issued. This finding reveals that, foreseeing deficient results by prosecutors in oral trials, in most cases the FGR negotiated a reduced sentence in return for the guarantee of a conviction.

Analysis by type of crime

Turning to the form of closing criminal causes by type of crime in the states, we found –as in previous editions– that conditional suspension of process was the outcome most often applied for crimes that involve a gender component –gender violence, domestic violence, sexual harassment, and sexual abuse– as well as drug-dealing and cruelty to animals. In contrast, crimes like dispossession, fraud, and breach of trust most often concluded with victim compensation agreements. Oral trials were held mainly to process high-impact cases, including homicide, femicide, forced disappearance, human trafficking, kidnapping, and extortion, while summary proceedings occurred most frequently in cases of breach of trust, dispossession, fraud, injuries, and drug-dealing.

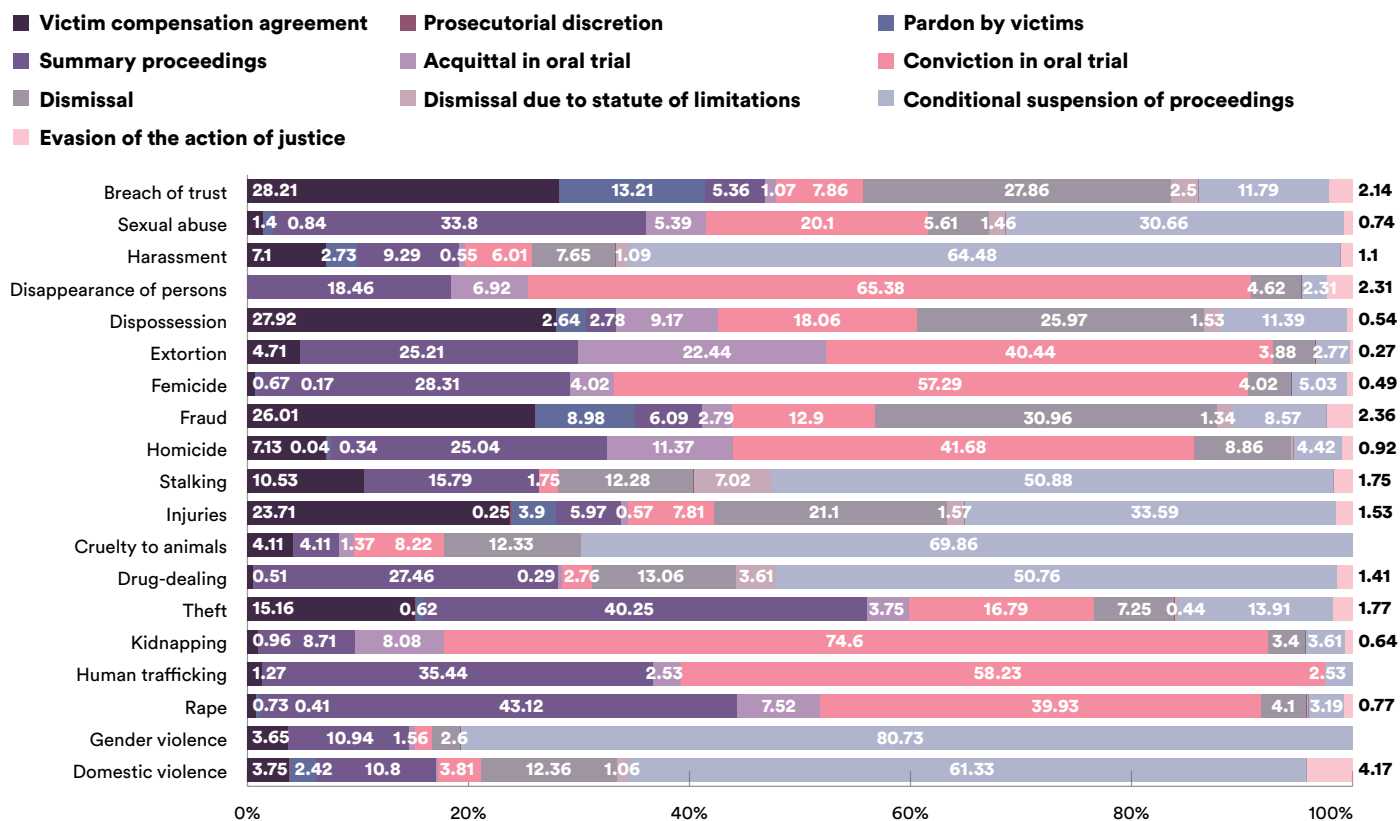
Finally, the form of concluding cases most closely related to deficient performance by AGO is acquittals, as this outcome occurred in a significant proportion of the crimes of extortion, homicide, dispossession, kidnapping, rape, and forced disappearance. Here, special attention must be paid to the performance of Attorney Generals' and AGO during the stage of complementary investigation, the presentation of evidence at intermediate hearings, and their ensuing appraisal at the hearing of the oral trial.

¹³ United Nations, *Grupo de Trabajo sobre Detención Arbitraria: Observaciones Preliminares de su visita a México (18 al 29 de septiembre de 2023)*, 2023, p. 6, <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/country-visit/20230929-mexico-preliminary-findings-es.pdf>



Graph 25. Type of resolution of criminal cases before courts by type of crime, state jurisdiction, 2023

Percentage data on criminal cases processed involving adults charged in 2023



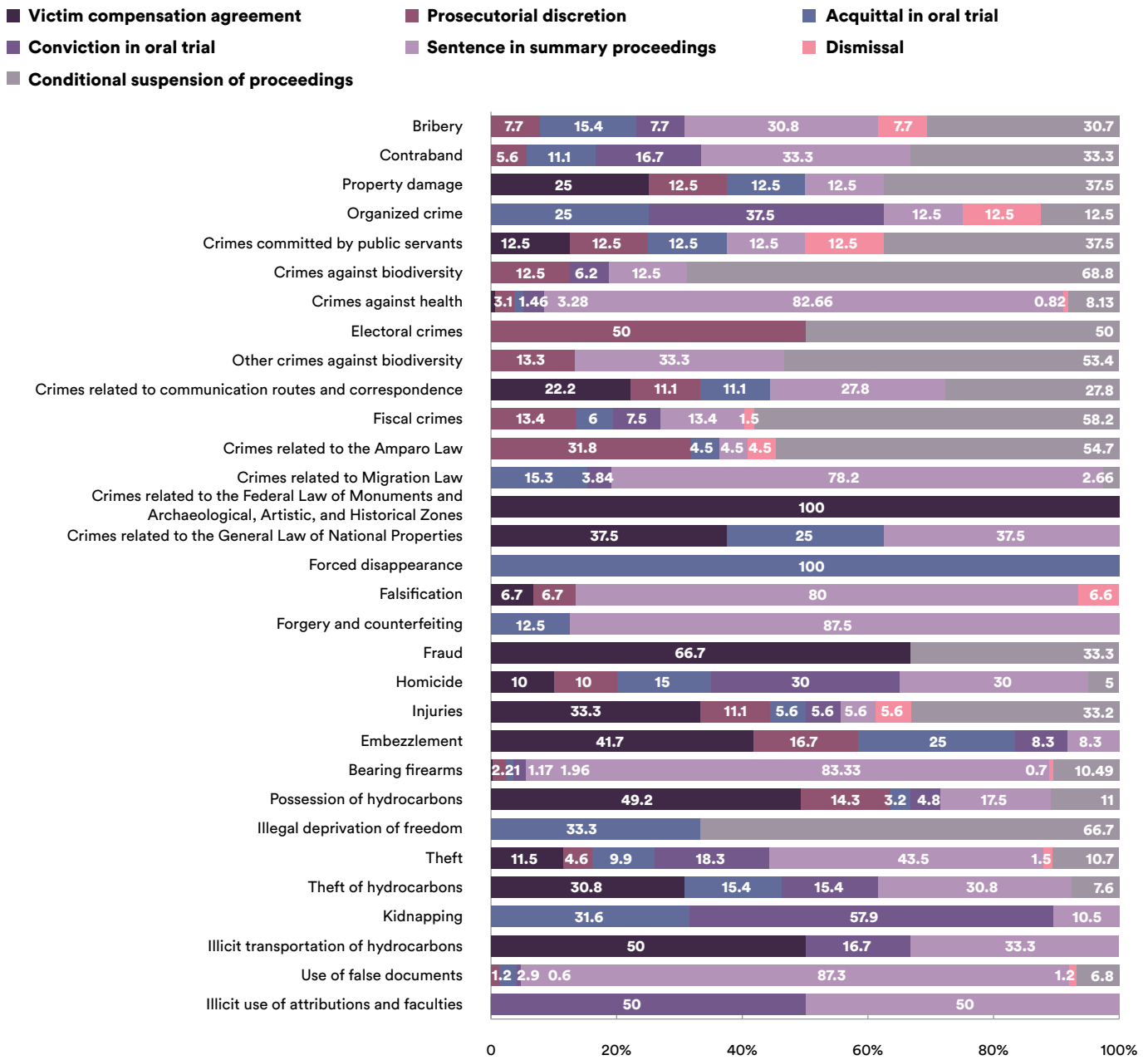
Source: Elaborated by the authors based on data obtained through requests of access to public information.

Turning to the federal jurisdiction, we verified that summary proceedings were the form of closing cases most often utilized for crimes related to the laws governing weapons, health, human trafficking, and the use of forged documents. Conditional suspension of process was employed mainly in cases of crimes against the environment, fiscal and electoral crimes, and illegal deprivation of freedom.

Finally, the use of oral trials was associated most often with cases of organized crime, disappearance –forced and by private individuals– homicide, human trafficking, embezzlement, and kidnapping. The crimes with the highest proportion of acquittals were disappearances, illegal deprivation of freedom, kidnapping, embezzlement, and organized crime.

Graph 26. Type of resolution of criminal cases before courts by type of crime, federal jurisdiction, 2023

Percentage data on criminal cases involving adults charged in Federal Centers of Penal Justice, 2023



Source: Elaborated by the authors based on data obtained through requests of access to public information.



3.2 Pretrial release and pretrial detention

The constitutional reform of 2008 in matters of security and justice¹⁴ introduced a criminal process of the accusatory and oral type. The intention was to eliminate the inquisitorial features of the traditional process.¹⁵ This new model replaced the “order for pretrial detention” with the concept of “binding over to trial”, which allows most people charged with a crime to continue their process in conditions of freedom. Under this logic, cautionary measures are only imposed on people being processed if their freedom represents a risk; namely, the probability that they might evade the action of justice, violate the progress of the investigation, or affect the integrity of the victim(s), witness(es), or community.¹⁶

However, the reform inserted two figures that are remnants of the authoritarian side of the inquisitorial criminal process and, hence, contradict the logic just described. These measures are house arrest, imposed in cases of organized crime, and the mandatory (automatic) modality of pretrial detention (MPD), which is applied for a catalogue of crimes that has grown over time. This was a result of the eminently political nature of the legislative debate and the painful crisis of security and violence that the State has sought to combat by depriving persons of their freedom although they have not been sentenced. Thus, in 2008 the Federal Congress approved a model of justice and security that coexists with norms that transgress fundamental rights. The effect of these figures is that the text of the Constitution loses part of its substantive meaning and specific weight as a source of protection of people’s freedom.¹⁷ This is another clear example, among several current ones, of fallacies of democracy, which supposes that the ultimate truth lies in what the majority decides.¹⁸

Recently, in cases brought against Mexico, the Interamerican Court of Human Rights (ICHR) found that both of the aforementioned figures are contrary to the American Convention on Human Rights because they violate personal freedom and the presumption of innocence.¹⁹ In its decisions, the ICHR ordered the Mexican State to, first, expunge the figure of house arrest from its juridical order and, second, adjust the terms of mandatory pretrial detention to bring them into line with international standards.²⁰

Those sentences have had some impact on Mexico’s juridical order through the Federal Judiciary, but the Executive and Legislative branches of government remain negligent, even reactionary, toward them. In December 2023, federal courts emitted jurisprudence on the imposition of MPD²¹ by establishing –based on the sentences issued by the ICHR and the principle of *pro persona*– that the concept “*ex officio*” [mandatory] is not a synonym of “automaticity”, so there is no explicit obligation on judges to automatically decree this measure but, rather, only to order debate on the imposition of this cautionary measure without requiring a petition from either party. Hence, judges should determine each case by analyzing which cautionary measure to impose according to the criteria of necessity, suitability, and proportionality (proportionality test) with freedom of jurisdiction.

At the close of this edition of *Hallazgos*, the Supreme Court of Justice of the Nation (SCJN) was still ensconced in discussions to elaborate its response to the ICHR’s sentences. The context is the so-called Dossier 2/2023, entrusted to judge Jorge Pardo. This discussion was framed by a communication sent to the SCJN by all 32 state governors, who requested that MPD not be modified as this “would directly impact the security and governability of the country”. They further adduced that the courts could collapse if they had to analyze all the

¹⁴ *Diario Oficial de la Federación*, “Decreto por el que se reforman y adicionan diversas disposiciones de la Constitución Política de los Estados Unidos Mexicanos”, 18 June 2008; https://www.diputados.gob.mx/LeyesBiblio/ref/dof/CPEUM_ref_180_18jun08_ima.pdf

¹⁵ Characterized by an opaque, written, formalist process without the presence of the judge, where the preliminary investigation presented pre-constituted proof that was rarely refuted, and where judges had attributions that allowed them to rectify the prosecutor’s deficiencies.

¹⁶ As established in Article 19 of the current version of the Constitution.

¹⁷ Barberis, Mauro, “Neoconstitucionalismo, Democracia e Imperialismo del Moral”, *Jurídica*, Mexico, *Anuario del Departamento de Derecho*, Universidad Iberoamericana, no. 3, Year 2001, p. 326.

¹⁸ Vázquez Gómez-Bisogno, Francisco, “El distanciamiento entre el mundo clásico y la modernidad. A propósito de las derrotas del paradigma moderno”, *Dikaion*, Colombia, vol. 2, no. 2, 2012, p. 507.

¹⁹ As resolved by the Interamerican Court of Human Rights in the case of *Tzompaxtle Tecpile et al. vs. Mexico*, sentence issued 7 November 2022, and *García Rodríguez et al. vs. Mexico*; sentence issued 25 January 2023.

²⁰ The Inter American standard demands that this be fulfilled by establishing its objective and the procedural risks that its application seeks to prevent, ensuring that the need to apply it is pondered in comparison to other measures that are less harmful to the rights of persons processed, and eliminating its application for crimes of a certain degree of severity, as this impedes the cautionary measure from being compared to the circumstances of the concrete case.

²¹ These jurisprudential criteria are: IX.P. J/8 P (11a.), digital registration 2027768; IX.P. J/5 P (11a.) digital registration 2027766; IX.P. J/12 P (11a.) digital registration: 2027765; IX.P. J/13 P (11a.) digital registration 2027764; IX.P. J/11P (11a.) digital registration 2027763; IX.P. J/3 P (11a.) digital registration 2027762; IX.P. J/4 P (11a.) digital registration 2027761; IX.P. J/6 P (11a.) digital registration 2027760; IX.P. J/7 P (11a.) digital registration 2027759; IX.P. J/2 P (11a.) digital registration 2027756; IX.P. J/9 P (11a.) digital registration 2027755, and IX.P. J/10 P (11a.) digital registration 2027754.

requests for modifications of the cautionary measures applied to people currently held under MPD.²²

The arguments in that petition have been replicated by the Federal Executive on numerous occasions,²³ though they are based on an outdated, positivist vision of human rights typical of the 19th century when they were not taken seriously as inherent aspects of human dignity and were not granted an absolute character. The fragility of human rights under this vision is clear, as their validity and efficacy are only recognized if they are contained in a current juridical norm, and simply modifying that norm suffices to make them disappear.²⁴

In February 2024, the Federal Executive presented, among many other initiatives, one that proposed a constitutional reform that would further broaden the crimes for which MPD is applicable, as it considers this a “juridical tool” that increases the *effectiveness* of combatting and preventing those crimes.²⁵ This argumentation once again ignores the logic of the accusatory criminal process, the constitutional principles that govern the imposition of cautionary measures, and the human rights to personal freedom and the presumption of innocence. The measure is seen more as an instrument of anticipated punishment. Finally, the supposed causal nexus between imposing MPD and reducing incidences of criminality or preventing crime totally lacks supporting evidence.

As we have argued previously, the imposition of a cautionary measure must prioritize respect for the personal freedom of the individual processed. This means that pretrial detention –an exceptional measure– must only be imposed if other cautionary measures in freedom prove insufficient to achieve the goals of (i) ensuring that the accused person will appear during the process; (ii) protecting victims and witnesses; and (iii) guaranteeing the development of the investigation.²⁶

In this section, we present a review of data on the use of cautionary measures, both those exercised in freedom and pretrial detention, in its two modalities: mandatory and justified. Our analysis begins with the performance of the Supervisory Units of Cautionary Measures and Conditional Suspension of Process (*Unidades*

de Supervisión a Medidas Cautelares y Suspensión Condicional del Proceso, UMECAs), the bodies entrusted with conducting assessments of procedural risk and monitoring the individuals who are processed in freedom.

Supervision of cautionary measures in freedom

Two transcendental elements of the initial hearing include the debate on the cautionary measure to be imposed on the individual under investigation, and the resolution of the measure chosen. To issue this determination, the supervising judge must consider the petitions, arguments, and evidence presented by both the prosecution and defense. To ensure that this debate centers on relevant, verified information, it is essential that a specialized area has conducted a prior risk assessment²⁷ to determine the level of risk that persons charged represent for the victim or witnesses, for the success of the investigation, and/or for their attendance during the process.

The UMECAs perform this function, but in addition to assessing procedural risk, they conduct continuous supervision of compliance with the conditions of the cautionary measures applied on people who follow their process in freedom, and with the conditions derived from the conditional suspension of process. Despite the importance of this role, the substantive personnel of the UMECAs that assess risks varies greatly among the states, resulting in exorbitant workloads in, for example, Baja California, Nuevo León, Yucatán, and Durango.

Often, the same personnel responsible for risk assessments are also in charge of supervising cautionary measures in freedom and the conditional suspension of process. To a great degree, this conditions the capacity of the UMECAs to assess each person processed and present their reports at the initial hearing in a timely manner. Nationally in the state jurisdiction for 2023, each risk assessor carried out, on average, 196 assessments of the procedural risk of people accused of some crime, while in the federal jurisdiction, the substantive personnel of the UMECAs assigned to the National Guard conducted a total of 120,835 assessments, a workload of 196 cases per evaluator. In both the federal and state jurisdictions, the same personnel do risk assessments and supervise the cases of cautionary measures in freedom.

²² Lastiri, Diana, “Los 32 gobernadores del país defienden la prisión preventiva oficiosa ante la SCJN”, *Proceso*, 6 May 2024; <https://www.proceso.com.mx/nacional/2024/5/6/los-32-gobernadores-del-pais-defienden-la-prision-preventiva-oficiosa-ante-la-scn-328500.html>

²³ Gobierno de México, “Llama Gabinete de Seguridad a SCJN a respetar la Constitución y no vulnerar la paz y seguridad del país”, *Prensa*, 16 April 2024; <https://www.gob.mx/segob/prensa/llama-gabinete-de-seguridad-a-scn-a-respetar-la-constitucion-y-no-vulnerar-la-paz-y-seguridad-del-pais?idiom=es>

²⁴ Rodolfo, Luis Vigo, “Derechos humanos y actividad jurisdiccional interpretativa: advertencias y exigencias”, *Dikaion* 31, 2 (2022), e3121, p. 9.

²⁵ Cámara de Diputados, *Iniciativa del Ejecutivo Federal con Proyecto de decreto por el que se reforma el artículo 19 de la Constitución Política de los Estados Unidos Mexicanos, en materia penal*, *Gaceta Parlamentaria*, 5 February 2024; <https://gaceta.diputados.gob.mx/PDF/65/2024/feb/20240205-5.pdf#page=2>

²⁶ Article 19 of the Constitution and article 167 of the National Code of Criminal Procedures.

²⁷ Article 164 of the current National Code of Criminal Procedures.



Table 15. Staff that conducts risk assessments in the UMECAs, state and federal levels, and their workloads, 2023

| State | All risk assessments | All risk | Average number of assessments conducted per assessor |
|---------------------|----------------------|------------|--|
| National | 120,835 | 615 | 196 |
| Federation | 5,438 | 182 | 30 |
| Aguascalientes | 187 | 13 | 14 |
| Baja California | 2,082 | 4 | 521 |
| Baja California Sur | 509 | 15 | 34 |
| Chiapas | 303 | 4 | 76 |
| Colima | 3,480 | 12 | 290 |
| Chihuahua | 2,252 | 24 | 94 |
| Durango | 2,788 | 6 | 465 |
| Guanajuato | 1,298 | 32 | 41 |
| Guerrero | 596 | 44 | 14 |
| Hidalgo | 3,770 | 39 | 97 |
| Jalisco | 10,157 | 38 | 267 |
| State of Mexico | 26,383 | 82 | 322 |
| Michoacán | 4,135 | 41 | 101 |
| Morelos | 1,295 | 2 | 648 |
| Nayarit | 2,264 | 6 | 377 |
| Nuevo León | 18,926 | 39 | 485 |
| Oaxaca | 4,168 | 34 | 123 |
| Puebla | 7,262 | 35 | 207 |
| Querétaro | 173 | 11 | 16 |
| Quintana Roo | 4,396 | 12 | 366 |
| San Luis Potosí | 3,725 | 17 | 219 |
| Sinaloa | 321 | 6 | 54 |
| Sonora | 9,701 | 32 | 303 |
| Tabasco | 1,591 | 13 | 122 |
| Tamaulipas | 1,380 | 23 | 60 |
| Veracruz | 5,341 | 26 | 205 |
| Yucatán | 2,352 | 5 | 470 |

Source: Elaborated by the authors based on data obtained through requests of access to public information.

Regarding the relation between the risk assessments conducted and the individuals that AGO bound over to trial in 2023, we found inconsistencies in the data for seven states, as the number of evaluations registered vastly exceeded the number of the latter. This may reflect acts by AGO that mechanically, or indiscriminately, send requests to the UMECAs, instead of limiting them to the cases that are actually being tried. This generates a tremendous amount of work for the UMECAs that will never be utilized in criminal processes. In contrast, in the cases where we found a low percentage of assessments of persons charged we can infer that the UMECAs could not satisfy the demand due to personnel

Table 16. Risk assessments conducted by the UMECAs as a percentage of persons charged, state and federal levels, 2023

| State | Risk assessments conducted in the year | Persons charged in the year | Percentage of persons charged for whom risk assessments were conducted |
|---------------------|--|-----------------------------|--|
| National | 98,078 | 127,416 | 76.97% |
| Federation | 5,438 | 23,203 | 23.44% |
| Aguascalientes | 187 | 2,897 | 6.45% |
| Baja California | 2,082 | 10,715 | 19.43% |
| Baja California Sur | 509 | 960 | 53.02% |
| Chiapas | 303 | 1,551 | 19.54% |
| Guanajuato | 1,298 | 9,572 | 13.56% |
| Guerrero | 596 | 1,920 | 31.04% |
| Hidalgo | 3,770 | 5,151 | 73.19% |
| State of Mexico | 26,383 | 16,258 | 162.28% |
| Nayarit | 2,264 | 7,220 | 31.36% |
| Nuevo León | 18,926 | 27,710 | 68.30% |
| Oaxaca | 4,168 | 1,006 | 414.31% |
| Puebla | 7,262 | 9,254 | 78.47% |
| Querétaro | 173 | 3,231 | 5.35% |
| Quintana Roo | 4,396 | 2,459 | 178.77% |
| San Luis Potosí | 3,725 | 2,381 | 156.45% |
| Sinaloa | 321 | 3,519 | 9.12% |
| Sonora | 9,701 | 4,036 | 240.36% |
| Tabasco | 1,591 | 1,451 | 109.65% |
| Tamaulipas | 1,380 | 1,645 | 83.89% |
| Veracruz | 5,341 | 6,274 | 85.13% |
| Yucatán | 2,352 | 764 | 307.85% |
| Zacatecas | 1,350 | 7,442 | 18.14% |

Source: Elaborated by the authors based on data obtained through requests of access to public information.

shortages or because the AGO failed to solicit their services opportunistically.

For the state jurisdiction, we estimate that risk assessments were performed for 76.97% of people charged. Sinaloa, Querétaro, Zacatecas, and Aguascalientes presented the lowest percentages, so there is a high priority to strengthen their UMECAs and improve coordination with AGO there. In the federal jurisdiction, this proportion was only 23.44% of all persons accused, which means that **the vast majority of debates on imposing cautionary measures at this level are held without this valuable instrument, though it is fundamental for the continuity of the process, the success of investigations, and the security of victims.**

In their labors of supervising cautionary measures in freedom, the UMECAs also confronted significant challenges in terms of workload, with evident disparity among the states. Baja California had the largest workload, as each assessor had to monitor 720 persons processed in freedom. At the other extreme, Michoacán, Colima, and Chiapas averaged only around 20 persons per assessor. In the federal jurisdiction, each assessor handled only 45 individuals, barely 31.68% of the workload of the UMECAs in the state jurisdiction.

On the topic of compliance with cautionary measures in freedom in the states, the UMECAs reported that

Table 17. Supervisory personnel of the UMECAs, state and federal levels, and their workloads, 2023

| State | All supervisory personnel in the UMECAs | All persons held under cautionary measures of freedom supervised in the year | Workload per supervisor |
|---------------------|---|--|-------------------------|
| National | 858 | 121,571 | 142 |
| Federation | 182 | 8,116 | 45 |
| Aguascalientes | 6 | 3,144 | 524 |
| Baja California | 21 | 15,113 | 720 |
| Baja California Sur | 33 | 1,150 | 35 |
| Chiapas | 14 | 253 | 18 |
| Colima | 12 | 246 | 20 |
| Chihuahua | 59 | 5,990 | 102 |
| Durango | 17 | 2,916 | 172 |
| Guanajuato | 32 | 7,162 | 224 |
| Guerrero | 45 | 1,129 | 25 |
| Hidalgo | 47 | 2,141 | 46 |
| Jalisco | 39 | 4,358 | 112 |
| State of Mexico | 59 | 12,472 | 211 |
| Michoacán | 44 | 847 | 19 |
| Morelos | 9 | 1,350 | 150 |
| Nayarit | 31 | 8,102 | 261 |
| Nuevo León | 87 | 22,835 | 262 |
| Oaxaca | 43 | 2,605 | 61 |
| Puebla | 37 | 4,932 | 133 |
| Querétaro | 35 | 1,401 | 40 |
| Quintana Roo | 7 | 1,045 | 149 |
| San Luis Potosí | 22 | 3,326 | 151 |
| Sinaloa | 42 | 1,674 | 40 |
| Sonora | 42 | 10,343 | 246 |
| Tabasco | 17 | 2,287 | 135 |
| Tamaulipas | 26 | 975 | 38 |
| Veracruz | 27 | 2,369 | 88 |
| Yucatán | 5 | 1,406 | 281 |

Source: Elaborated by the authors based on data obtained through requests of access to public information.

16.83% of the persons processed failed to comply with at least one of the conditions imposed. The states with the highest percentages of noncompliance were Morelos, Colima, Nayarit, and Nuevo León. For the federal jurisdiction, this percentage was only 2.51% of all persons supervised.

Table 18. Percentage of defendants under petrial release that violated a cautionary measure and evaded the action of justice, state and federal levels, 2023

| State | All persons supervised | Percentage of persons supervised who violated a cautionary measure | Percentage of persons supervised who evaded the action of justice |
|---------------------|------------------------|--|---|
| National | 121,819 | 16.83% | 6.90% |
| Federation | 8,116 | 2.51% | 0.42% |
| Aguascalientes | 3,144 | 16.32% | 0.00% |
| Baja California | 15,113 | 11.83% | 6.65% |
| Baja California Sur | 1,150 | 8.52% | 2.09% |
| Chiapas | 253 | 2.77% | 0.00% |
| Colima | 246 | 36.18% | 11.38% |
| Chihuahua | 5,990 | 19.17% | 7.06% |
| Durango | 2,916 | 5.49% | 15.33% |
| Guanajuato | 7,162 | 10.00% | 4.69% |
| Guerrero | 1,129 | 14.44% | 1.77% |
| Hidalgo | 2,141 | 1.31% | 0.05% |
| Jalisco | 4,358 | 11.24% | ND |
| State of Mexico | 12,472 | 5.67% | 2.91% |
| Morelos | 1,350 | 45.48% | 12.96% |
| Nayarit | 8,102 | 32.78% | 9.02% |
| Nuevo León | 22,835 | 27.48% | 16.04% |
| Oaxaca | 2,605 | 13.90% | 0.73% |
| Puebla | 4,932 | 7.56% | 0.95% |
| Querétaro | 1,401 | 9.71% | 0.00% |
| Quintana Roo | 1,045 | 10.53% | 0.86% |
| San Luis Potosí | 3,326 | 7.10% | ND |
| Sinaloa | 1,674 | 17.56% | 0.54% |
| Sonora | 10,343 | 25.00% | 3.07% |
| Tabasco | 2,287 | 17.32% | 2.14% |
| Tamaulipas | 975 | 10.46% | 4.00% |
| Veracruz | 2,369 | 0.93% | 0.21% |
| Yucatán | 1,406 | 14.44% | 5.12% |
| Zacatecas | 1,095 | 21.19% | 8.13% |

Source: Elaborated by the authors based on data obtained through requests of access to public information.

NI: No information available.



On a more positive note, in the vast majority of cases noncompliance did not result in evasions of the action of justice by the people supervised. As Table 18 shows for the state jurisdiction, only 6.90% of the people under cautionary measures in freedom fled from the action of justice in the year of study, thus failing to appear during their criminal processes. Here, the states of Nuevo León, Durango, Morelos, and Colima stood out with figures considerably above the national average. The priority in these cases is to identify the characteristics of the people accused and review how the debate on the imposition of the cautionary measure developed. In the federal jurisdiction, in contrast, this percentage was only 0.42% of all people supervised, a very favorable result surely related to the workload handled by the National Guard, which is notably lower than in the state jurisdiction.

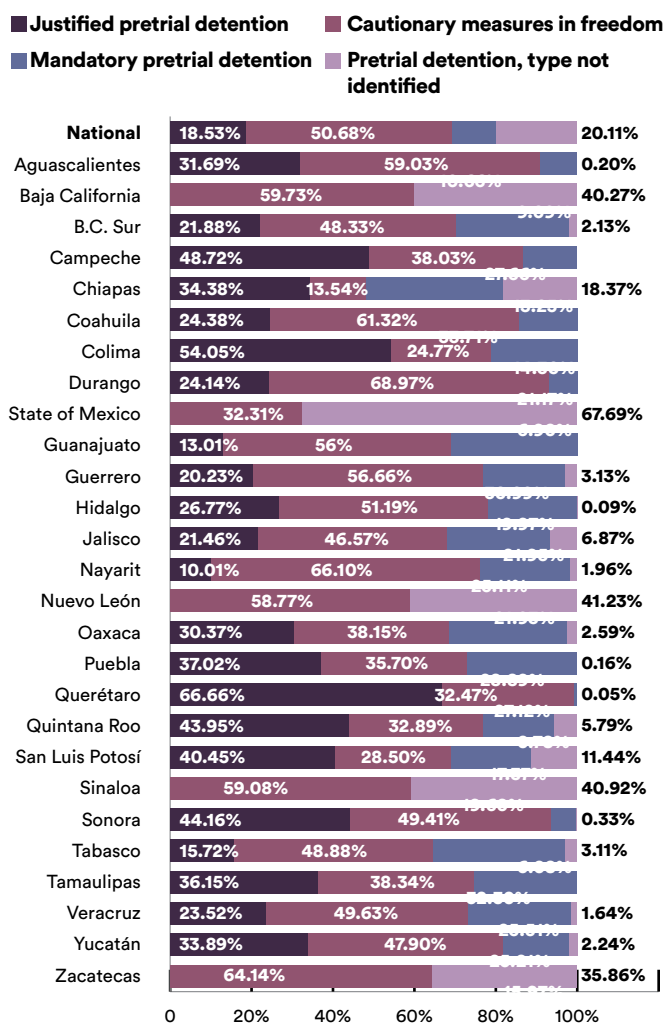
Distribution of the cautionary measures imposed

We now shift our analysis to how the cautionary measures in freedom are utilized in relation to the most restrictive measure imposed on personal freedom; that is, pretrial detention in its two modalities, mandatory and justified. Nationally, 50.68% of all persons accused of some crime in 2023 were held under cautionary measures in freedom, a difference of 7.58% with respect to the figure of 43.1% registered in 2022. This is another positive result. The remaining 49.32% had pretrial detention imposed as the cautionary measure: 10.66 and 18.53%, respectively, in the mandatory and justified modalities. For the other 20.11% –the highest percentage– we were unable to determine the modality imposed. While it may seem that MPD was imposed in a much lower proportion than in 2022 (35.0%), in a significant number of cases the type of pretrial detention was not identified by state Judiciaries, a fact that impedes elaborating a precise analysis of the behavior fostered by the imposition of this measure during the year. In no cases did the states of Baja California, Mexico, Nuevo León, Sinaloa, and Zacatecas indicate the type of pretrial detention imposed. This contrasts to Querétaro and Colima, which led the way in showing how debates on the imposition of cautionary measures should develop, for in almost all cases there the justified modality was imposed.

It has not gone unnoticed that recently –since the sentences issued by the ICHR and the jurisprudential criteria summarized above– Attorney Generals' offices and supervising judges have begun to solicit and impose the justified modality of pretrial detention, but only in

Graph 27. Type of cautionary measure imposed on defendants under pretrial release, state jurisdiction, 2023

Percentage of criminal cases involving adults bound over to trial, state jurisdiction



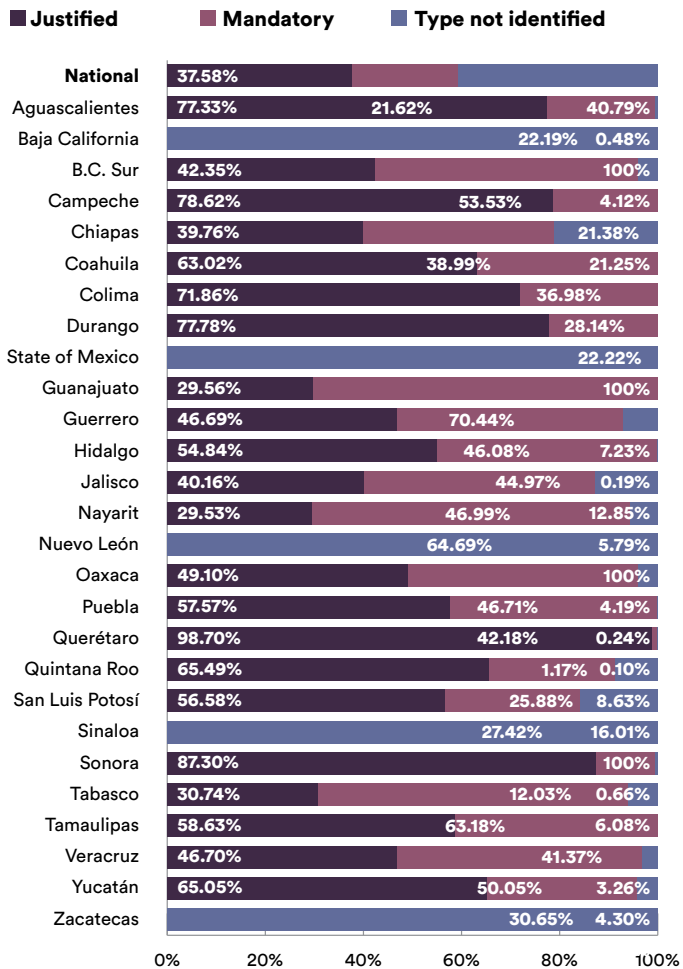
Source: Elaborated by the authors based on data obtained through requests of access to public information.

an attempt to ensure that the measure is not revoked via *amparo*, even though the justification for imposing the measure is deficient.²⁸ Given this, we expect that in the future the proportion of justified pretrial detentions

²⁸ Instituto de Justicia Procesal criminal, "¿Qué ha cambiado con la prisión preventiva oficiosa con el caso de García Rodríguez y Otro vs. México?", Serie de conversatorios, 28 September 2023, <https://www.facebook.com/share/v/EFWaxicX4cnad2c7/>

Graph 28. Type of pretrial detention imposed on defendants, state jurisdiction, 2023

Percentage data on penal cases involving adults held under pretrial detention, 2023



Source: Elaborated by the authors based on data obtained through requests of access to public information.

will steadily gain ground compared to the MPD modality. To the degree that actions are taken to guarantee the timely elaboration of risk assessments by the UMECAs, it will become possible to nourish debates on the role of cautionary measures at initial hearings, and defense attorneys will have weighty arguments to ensure –in a sustained manner– that the cautionary measures imposed correspond to the circumstances of the case. However, if the system continues to have low numbers of risk assessments, it is doubtful that pretrial detention will

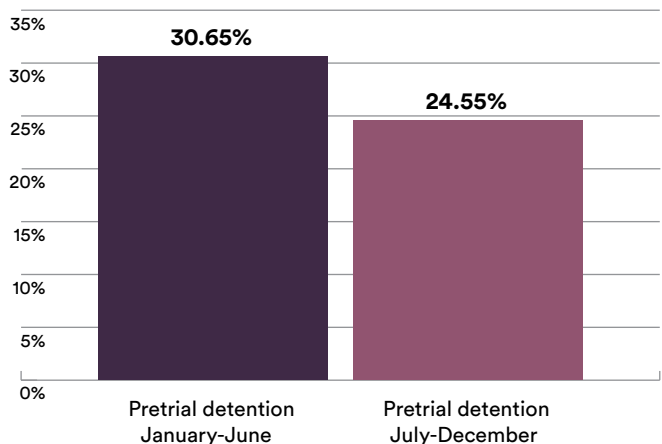
be imposed based on verified information. Most likely, it will be dictated indiscriminately as a consequence of a prosecutorial policy that evaluates its success in terms of the imposition of pretrial detention.

At the federal level, pretrial detention was imposed in a minority of cases, only on three of every 10 persons charged in 2023. This represents a significant advance for the people held under some measure of restricted freedom compared to 2022 (55.1%). The data further show that pretrial detention was imposed in a lower proportion as the year progressed, perhaps an indication of the impact of the assimilation of the sentences emitted by the ICHR on the resolutions of supervising judges.

Upon analyzing the type of pretrial detention imposed, MPD was declared in the vast majority of cases, on almost 77% of the people held under this measure. This is strongly associated with the types of crime that are prosecuted most frequently by the Federal Attorney General’s Office; namely, bearing firearms for the exclusive use of the Army, crimes against health, and crimes in matters of hydrocarbons, all of which are included in the categories of crimes stipulated in Article 19 of the Constitution.

Graph 29. Type of cautionary measure imposed on defendants, federal jurisdiction, 2023

Percentage data on the imposition of pretrial detention as a cautionary measure, by semester, 2023

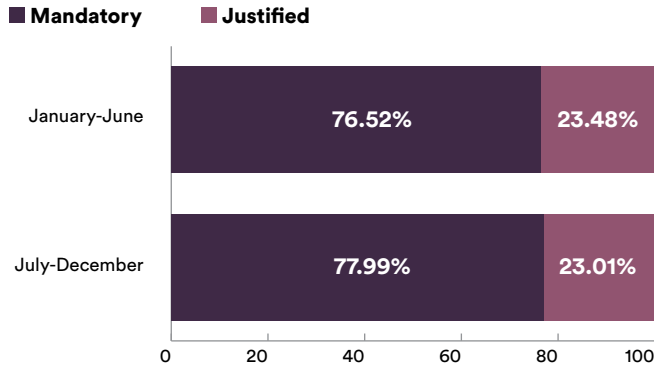


Source: Elaborated by the authors with data from the 14th and 15th reports to the Congress of the Unión by the Unidad para la Consolidación del Nuevo Sistema de Justicia Penal del CJF, 2024.



Graph 30. Type of pretrial detention imposed on defendants, federal jurisdiction, 2023

Percentage data on the type of pretrial detention imposed, federal jurisdiction, 2023



Source: Elaborated by the authors based on data reported in the 14th and 15th reports to the Federal Congress by the *Unidad para la Consolidación del Nuevo Sistema de Justicia Penal del CJF*, 2024.

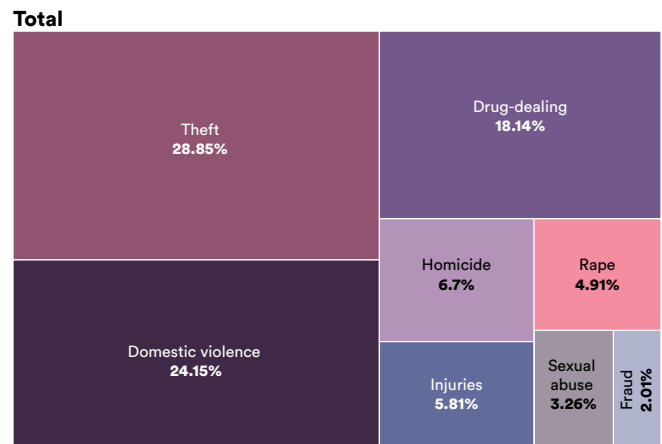
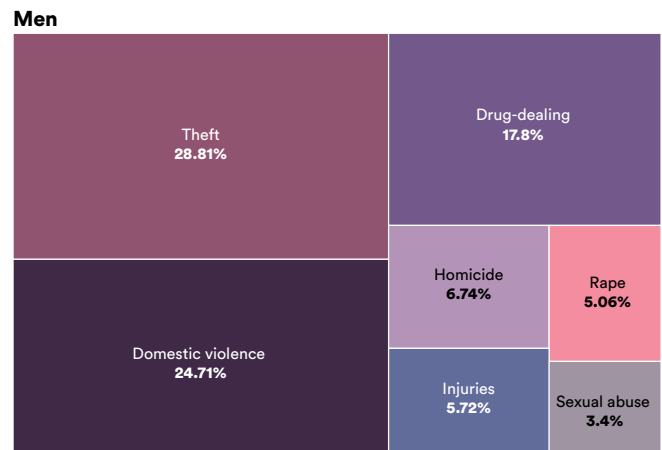
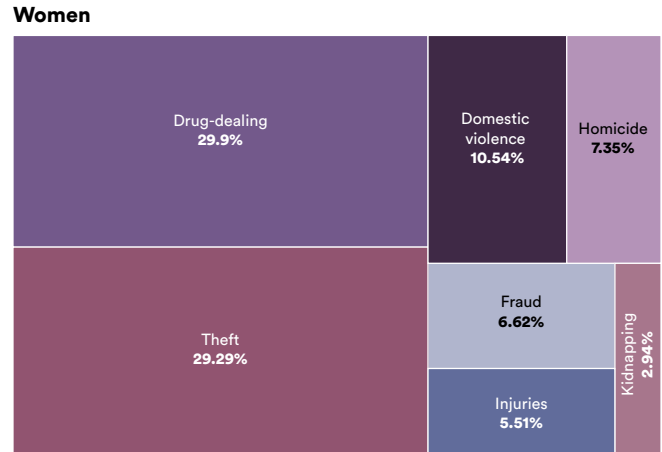
Types of crimes for which pretrial detention is imposed

We now present data on the types of crimes for which pretrial detention is imposed in the mandatory and justified modalities, exclusively for the state jurisdiction, since information for the period analyzed from the federal level is not available. In the previous edition of this report, the crime of theft represented most of the cases where pretrial detention was imposed in one of its two modalities. This result was repeated in 2023. Note that theft is the crime for which MPD was imposed most often, at 37.88%. This is a crime against patrimony that when committed with violence results in automatic imprisonment for the person(s) accused.

Domestic violence was the second-most common crime for which the justified modality was imposed, while for the mandatory modality homicide occupied this position. One aspect that stood out in 2023 was that the crime of domestic violence decreased considerably in terms of the proportion of all crimes for which justified pretrial detention was imposed, while drug-dealing increased.

Graph 31. Types of crimes for which mandatory pretrial detention was justified, state jurisdiction, 2023

Percentages of criminal causes processed in 2023.

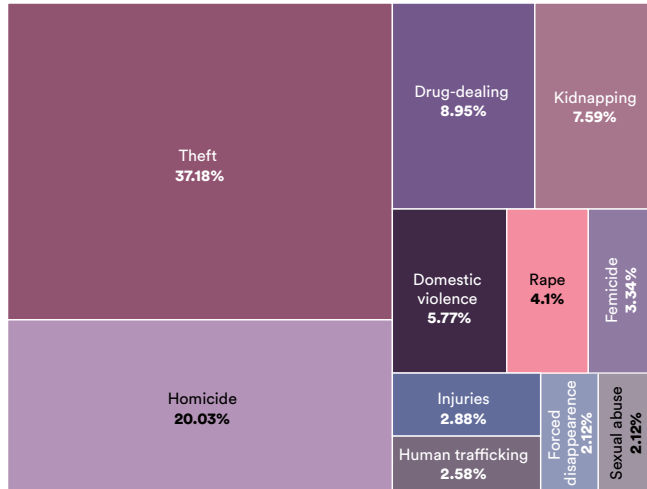


Note: To facilitate visualization only crimes with values above 2% are shown. Source: Elaborated by the authors based on data obtained through requests for access to information.

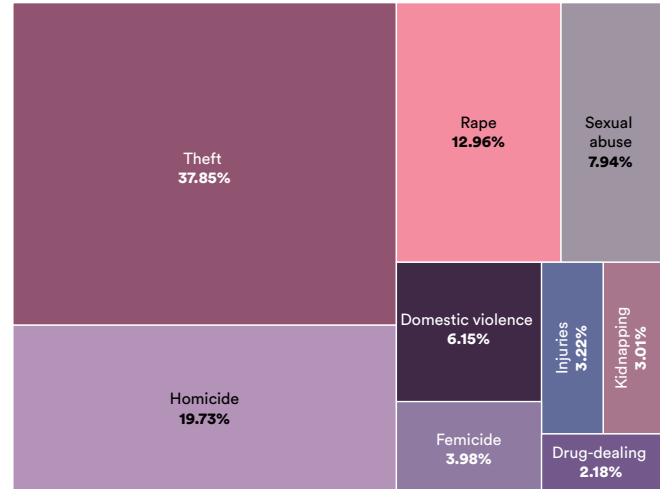
Graph 32. Types of crimes for which mandatory pretrial detention was imposed, state jurisdiction, 2023

Percentages of criminal causes processed in 2023

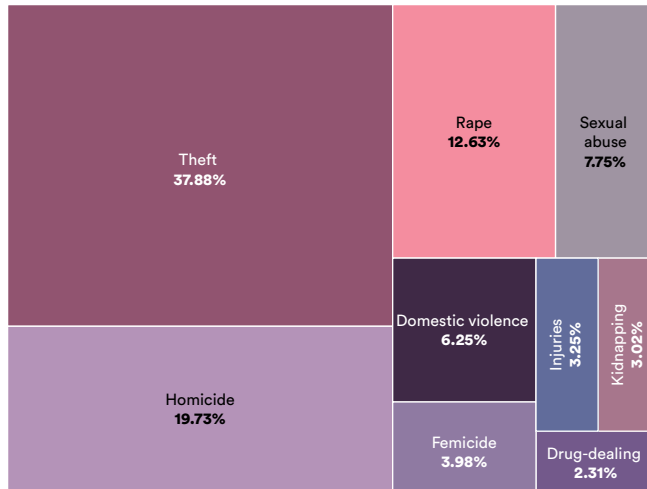
Women



Men



Total



Note: To facilitate visualization only crimes with values above 2% are shown.

Source: Elaborated by the authors based on data obtained through requests for access to information.

Forms of closing criminal processes by type of cautionary measure imposed

Since the type of crime for which criminal causes are initiated largely conditions the cautionary measure imposed on the person processed, this is also reflected in the forms of closing cases. While overall the principal form of concluding criminal causes was conditional suspension of process, this was no longer the case when we considered only the persons held under pretrial detention.

For persons under MPD, the most common outcome was summary proceedings, as four of every 10 cases concluded with this anticipated outcome. Conditional suspension of process represented only 23.97%, followed closely by oral trials at 23%. In contrast, for the persons under justified pretrial detention, conditional suspension of process maintained its position as the outcome with the highest percentage (43.35%), just above summary proceedings (42.29%). For this category, oral trials represented only a minimal percentage of 6.61%.



Table 19. Forms of concluding criminal cases involving adults charged, state jurisdiction, by type of pretrial detention
Percentage data on penal cases processed by the High Courts of Justice, 2023

| State | Mandatory pretrial detention | | | | | Justified pretrial detention | | | | |
|---------------------|-------------------------------|---------------------------------------|--------------------------|--------------------------|---------------------|-------------------------------|---------------------------------------|--------------------------|--------------------------|---------------------|
| | Victim compensation agreement | Conditional suspension of proceedings | Prosecutorial discretion | Conviction in oral trial | Summary proceedings | Victim compensation agreement | Conditional suspension of proceedings | Prosecutorial discretion | Conviction in oral trial | Summary proceedings |
| National | 9.28 | 23.97 | 0.02 | 23.00 | 43.72 | 7.72 | 43.45 | 0.02 | 6.61 | 42.29 |
| Aguascalientes | 4.44 | 53.33 | 0.00 | 0.00 | 42.22 | 7.50 | 53.93 | 0.00 | 0.00 | 38.57 |
| Baja California Sur | 4.03 | 3.36 | 0.00 | 19.46 | 73.15 | 17.14 | 11.43 | 0.00 | 5.71 | 65.71 |
| Campeche | 0.00 | 45.45 | 0.00 | 42.42 | 12.12 | 8.89 | 24.44 | 0.00 | 11.11 | 55.56 |
| Chiapas | 0.90 | 0.90 | 0.00 | 22.52 | 75.68 | 0.00 | 1.32 | 0.00 | 26.32 | 72.37 |
| Coahuila | 20.50 | 33.28 | 0.00 | 3.82 | 42.40 | 11.78 | 44.21 | 0.00 | 0.93 | 43.08 |
| Colima | 28.57 | 7.14 | 0.00 | 0.00 | 64.29 | 2.13 | 23.40 | 0.00 | 2.13 | 72.34 |
| Durango | 20.00 | 0.00 | 0.00 | 20.00 | 60.00 | 20.00 | 40.00 | 0.00 | 10.00 | 30.00 |
| Guanajuato | 5.98 | 25.59 | 0.00 | 20.44 | 47.92 | 0.93 | 51.86 | 0.00 | 7.81 | 39.41 |
| Guerrero | 7.50 | 2.50 | 0.00 | 15.00 | 75.00 | 2.44 | 24.39 | 0.00 | 7.32 | 65.85 |
| Hidalgo | 6.79 | 9.34 | 0.00 | 39.70 | 44.16 | 16.47 | 36.08 | 0.00 | 14.12 | 33.33 |
| Jalisco | 12.00 | 20.00 | 0.00 | 24.00 | 44.00 | 50.00 | 37.50 | 0.00 | 0.00 | 12.50 |
| Nayarit | 9.34 | 17.90 | 0.00 | 0.39 | 72.37 | 2.86 | 15.24 | 0.00 | 1.90 | 80.00 |
| Oaxaca | 0.00 | 11.11 | 0.00 | 22.22 | 66.67 | 0.00 | 40.00 | 0.00 | 20.00 | 40.00 |
| Puebla | 15.57 | 53.03 | 0.00 | 19.79 | 11.61 | 19.86 | 71.26 | 0.00 | 3.74 | 5.14 |
| Querétaro | 4.76 | 38.10 | 0.00 | 23.81 | 33.33 | 3.70 | 43.81 | 0.00 | 3.54 | 48.87 |
| Quintana Roo | 10.64 | 25.53 | 0.00 | 4.26 | 59.57 | 8.47 | 71.19 | 0.00 | 0.00 | 20.34 |
| San Luis Potosí | 5.08 | 29.30 | 0.00 | 32.42 | 33.20 | 5.44 | 77.82 | 0.00 | 4.18 | 12.55 |
| Sonora | 2.99 | 0.75 | 0.00 | 41.04 | 55.22 | 4.66 | 23.32 | 0.00 | 16.98 | 55.04 |
| Tabasco | 0.00 | 11.92 | 0.00 | 45.38 | 42.69 | 6.35 | 30.16 | 0.00 | 12.70 | 50.79 |
| Tamaulipas | 0.35 | 3.47 | 0.00 | 62.85 | 33.33 | 3.53 | 26.47 | 0.00 | 30.59 | 39.41 |
| Veracruz | 2.10 | 26.57 | 0.00 | 51.05 | 20.28 | 9.09 | 60.61 | 0.00 | 12.12 | 18.18 |
| Yucatán | 6.92 | 9.23 | 0.00 | 36.92 | 46.92 | 12.66 | 16.46 | 0.00 | 5.06 | 65.82 |

Source: Elaborated by the authors based on data obtained through requests for access to information.

Pretrial detention that exceeds the constitutional time limit

Despite the constitutional stipulation that no person can be held under pretrial detention for a period longer than two years, we were able to verify that at the state level in 2023 at least 4,742 people were detained under this measure for periods greater than 730 days from the beginning of their processes. In most of these cases we could not identify the type of pretrial detention imposed because of the format that the Judiciary uses to report the information. Nonetheless, regarding the cases for which this information was available, 68.94% of the persons with over two years of pretrial detention were in the mandatory modality, suggesting that criminal

processes tend to be prolonged more often for people under MPD, affecting them especially severely.

The states with more cases were Nuevo León, Baja California, Guanajuato, Coahuila, and Nayarit. As we underscored in the 2022 edition, First Tribunal of the SCJN issued case law which established that pretrial detention, in both modalities, must be reviewed after two years, and that based on the review the supervising judge will determine if this condition is to be ended or extended in light of the following factors: 1) the complexity of the case; 2) the accused's activity during the process; and 3) the conduct of the authorities. Additionally, various Courts of Appeals have recently issued case law in which they argue that, after two

Table 20. Defendants under pretrial detention for over two years
Percentage data on criminal cases processed, state jurisdiction, to 2023

| State | Men | | | | Women | | | | Not specified | | | | Total |
|---------------------|------------|------------|------------------------|--------------|-----------|-----------|------------------------|-------------|---------------|-----------|------------------------|---------------------|--------------|
| | Justified | Mandatory | Modality not specified | Total men | Justified | Mandatory | Modality not specified | Total women | Justified | Mandatory | Modality not specified | Total not specified | |
| National | 430 | 958 | 3,016 | 4,404 | 36 | 64 | 201 | 301 | 7 | 28 | 2 | 37 | 4,742 |
| Baja California Sur | 1 | 24 | 0 | 25 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 26 |
| Baja California | 0 | 0 | 1,375 | 1,375 | 0 | 0 | 76 | 76 | 0 | 0 | 0 | 0 | 1,451 |
| Chiapas | 0 | 32 | 1 | 33 | 0 | 5 | 0 | 5 | 0 | 0 | 0 | 0 | 38 |
| Coahuila | 92 | 136 | 0 | 228 | 7 | 10 | 0 | 17 | 0 | 0 | 0 | 0 | 245 |
| Durango | 0 | 1 | 1 | 2 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 3 |
| Guanajuato | 100 | 294 | 0 | 394 | 6 | 13 | 0 | 19 | 7 | 28 | 0 | 35 | 448 |
| Guerrero | 7 | 17 | 0 | 24 | 1 | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 26 |
| Hidalgo | 27 | 85 | 0 | 112 | 3 | 13 | 0 | 16 | 0 | 0 | 0 | 0 | 128 |
| Nayarit | 77 | 88 | 50 | 215 | 10 | 5 | 3 | 18 | 0 | 0 | 0 | 0 | 233 |
| Nuevo León | 0 | 0 | 1,481 | 1,481 | 0 | 0 | 115 | 115 | 0 | 0 | 2 | 2 | 1,598 |
| Oaxaca | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Querétaro | 31 | 3 | 0 | 34 | 8 | 0 | 0 | 8 | 0 | 0 | 0 | 0 | 42 |
| Quintana Roo | 3 | 8 | 0 | 11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 11 |
| San Luis Potosí | 14 | 168 | 0 | 182 | 0 | 9 | 0 | 9 | 0 | 0 | 0 | 0 | 191 |
| Sinaloa | 0 | 0 | 106 | 106 | 0 | 0 | 7 | 7 | 0 | 0 | 0 | 0 | 113 |
| Sonora | 51 | 13 | 0 | 64 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 64 |
| Tabasco | 2 | 23 | 0 | 25 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 26 |
| Veracruz | 10 | 51 | 1 | 62 | 0 | 3 | 0 | 3 | 0 | 0 | 0 | 0 | 65 |
| Yucatán | 15 | 14 | 0 | 29 | 0 | 3 | 0 | 3 | 0 | 0 | 0 | 0 | 32 |
| Zacatecas | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |

Source: Elaborated by the authors based on data obtained through requests for access to information.

years of pretrial detention, the judge who hears the criminal cause must officially review the imposition of the measure. In reference to these criteria, state courts must call for the periodic review of the cases that have exceeded the constitutional rule and evaluate the measure individually.

3.3 Length of criminal proceedings

The substance of the right to an effective judicial defense translates into access to an effective means of resolving a conflict in a competent court that is obligated to issue resolutions expeditiously, completely, impartially within a reasonable timeframe. For the criminal justice, the Constitution demands that this term not exceed four

months for crimes that carry a maximum prison sentence not greater than two years, and one year in cases with longer sentences, unless the defense requests additional time.

Federal courts have not yet established precedents or jurisprudence on the implications of exceeding the maximum period stipulated in the Constitution. This implies that it is not a violation that is frequently asserted by victims and persons charged. Only one isolated thesis has been emitted on the reasonableness of the term to be judged, and it cites the criteria developed previously by the ICHR in its jurisprudence. The parameters elaborated by that court to determine the reasonableness of the term consider: 1) the complexity of the case; 2) the activity of the interested party during



the process; 3) the conduct of the judicial authorities;²⁹ and 4) the affectation generated in the juridical situation of the person involved. This isolated thesis establishes, as well, that failure to comply with the maximum period (one year) does not automatically mean that the cause will be annulled, but that the reasons for the delay must be verified (e.g., if it is due to a defense strategy or some other postponement not attributable to the court that hears the case). This thesis further maintains that if the delay is unjustified, the public servants involved can only be prosecuted in relation to their administrative responsibility.

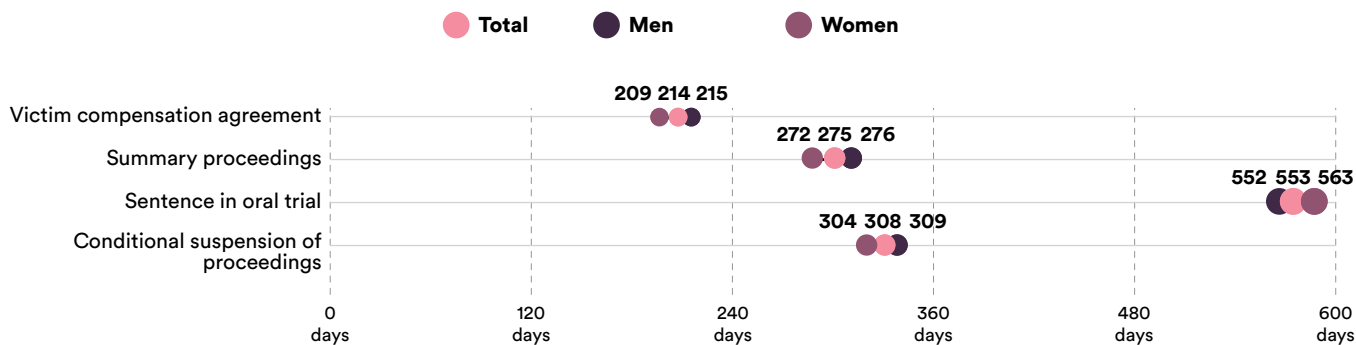
This means that there are no efficacious mechanisms or incentives to guarantee that processes will conclude within the term stipulated in the Constitution; hence, in what follows, we present data on the mean duration of criminal processes by type of crime and type of conclusion.

3.3.1 Median case resolution time in criminal cases by type of resolution and type of crime

The mean duration of a criminal process is determined by the type of outcome or conclusion reached for the case. Closing processes through alternative outcomes, like victim compensation agreements or the conditional suspension of process, tends to require less time. In terms of duration, these two means are followed by summary proceedings; that is, an anticipated outcome. Due to the nature of oral trials, the criminal causes heard take the longest time to close so they must complete all stages of the process. In 2023, victim compensation agreements still offered the fastest outcome for criminal processes (214 days), followed closely by summary proceedings (275). The latter outcome improved closing times by a month compared to conditional suspension of process (308).

Graph 33. Median case resolution time by type of conclusion, state jurisdiction, 2023

Aggregate data on criminal cases closed in 2023



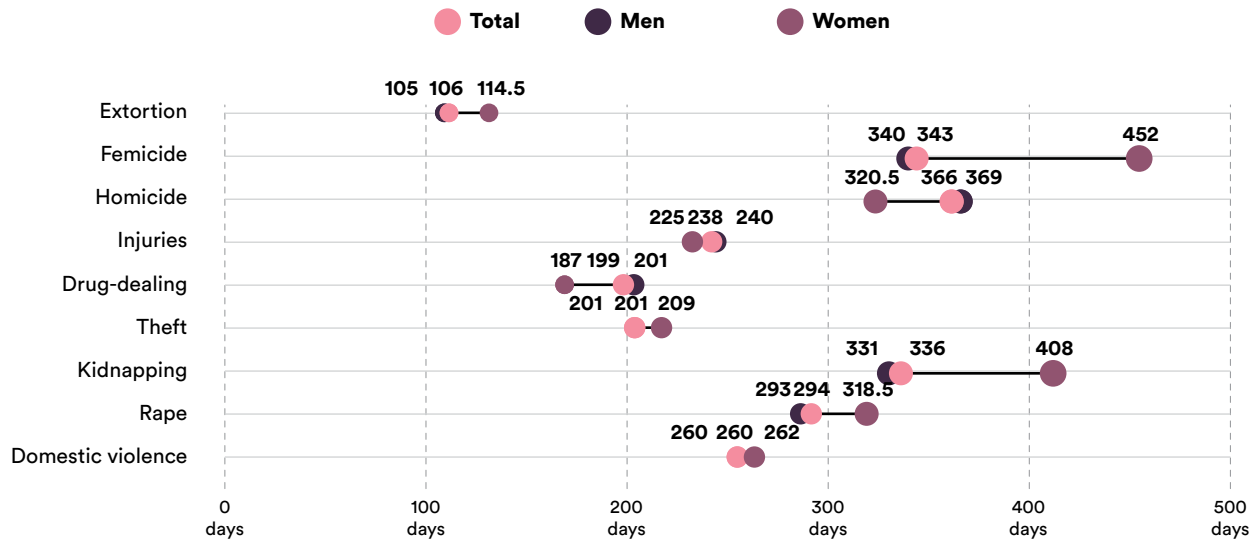
Note: Calculations do not consider processes with a duration greater than 27 years (10,000 days) because they may present inconsistencies.

Source: Elaborated by the authors based on data obtained through requests for access to information.

²⁹ PRISIÓN PREVENTIVA. CUANDO EXCEDE EL PLAZO CONSTITUCIONAL DE DOS AÑOS, LA JUSTIFICACIÓN DE SU PROLONGACIÓN DEBE REVISARSE OFICIOSAMENTE POR EL JUEZ DE LA CAUSA, AUN CUANDO SE TRATE DEL SISTEMA PENAL MIXTO, PARA CUYA TRAMITACIÓN DEBE APLICARSE EL CÓDIGO NACIONAL DE PROCEDIMIENTOS PENALES. Tesis: I.4o.P.7 P (11a.). *Gaceta del Semanario Judicial de la Federación*. Libro 19, November 2022, Tomo IV, p. 3749, <https://sjf2.scjn.gob.mx/detalle/tesis/2025434>, and PRISIÓN PREVENTIVA. SU REVISIÓN ES DE OFICIO A LOS DOS AÑOS DE SU IMPOSICIÓN, EN TÉRMINOS DEL ARTÍCULO 20, APARTADO B, FRACCIÓN IX, DE LA CONSTITUCIÓN GENERAL. Tesis: XVIII.3o.P.A.1 P (11a.). *Semanario Judicial de la Federación*, <https://sjf2.scjn.gob.mx/detalle/tesis/2026858>

Graph 34. Median case resolution time by type of crime, regardless of the type of resolution, state jurisdiction, 2023

Aggregate data on penal cases closed in 2023



Note: Calculations do not consider processes with a duration greater than 27 years (10,000 days) because they may present inconsistencies.
Source: Elaborated by the authors based on data obtained through requests for access to information.

We further identified that the crimes which lead to complex investigations and those deemed to be of high impact (homicide, extortion, kidnapping) regularly involve longer processes. In contrast, the crimes tried most frequently – theft, injuries, drug-dealing, domestic violence – tend to conclude within 200 days. This may be related, to a large degree, to the fact that high-impact crimes are not susceptible to the application of alternative outcomes and tend to be resolved through sentencing in oral trials or summary proceedings.

This implies, in turn, that high-impact crimes demand lower investments of effort on the part of the institutions, though their efforts must be sustained over the time required to complete the process. In contrast, crimes of common delinquency require the most intensive institutional efforts in two stages: complementary and intermediate investigation.

The average duration for cases of drug-dealing was 199 days, while criminal processes in cases of theft ran for 201 days, and for domestic violence, 260. For homicides, the criminal process took an average of 366 days, for femicide 342, and for kidnapping 336. As we will show in

greater detail below, there were significant differences in the duration of the processes for women for the crimes of femicide and kidnapping, as they lasted longer than cases involving men.

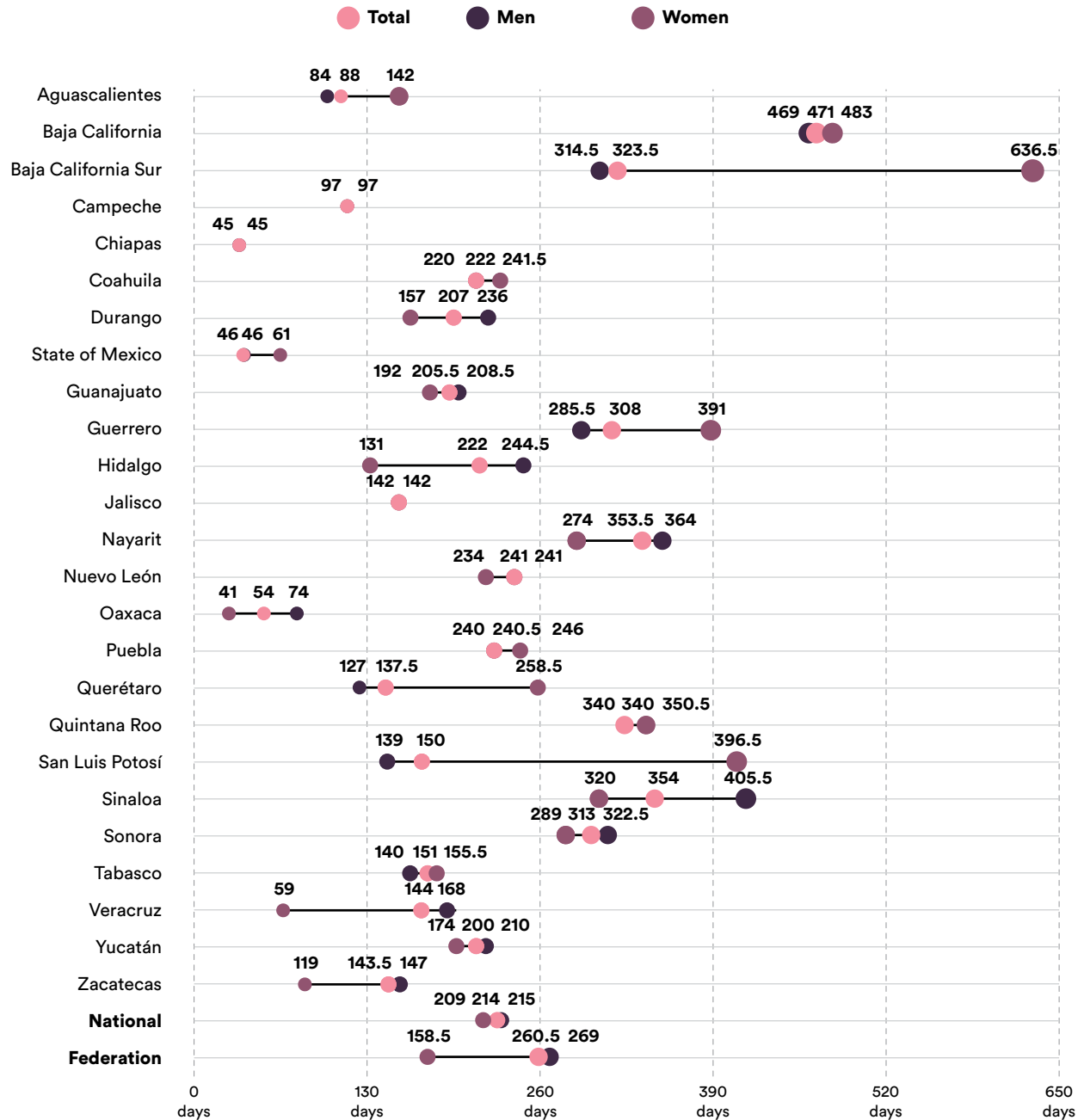
Victim Compensation Agreement

Once charges are filed in a court, victim compensation agreements are among the least utilized forms of closing criminal processes, with a frequency comparable to that of oral trials. These accords between victim(s) and accused represented only 13.69% of all criminal causes closed in 2023. Though this is not a high proportion, these cases complied with the requirements of being heard and resolved more opportunely in AGO, thus easing saturation in the courts. In this sense, they present a clear area of opportunity for criminal policy more widely.

As the graph shows, **the mean duration of criminal processes resolved through victim compensation agreements was 214 days, so it represents the form of closure with the utmost speed.** However, while it offers the fastest outcome, cases still require seven months to reach final settlements.



Graph 35. Median case resolution time for victim compensation agreements, federal and state jurisdictions, 2023



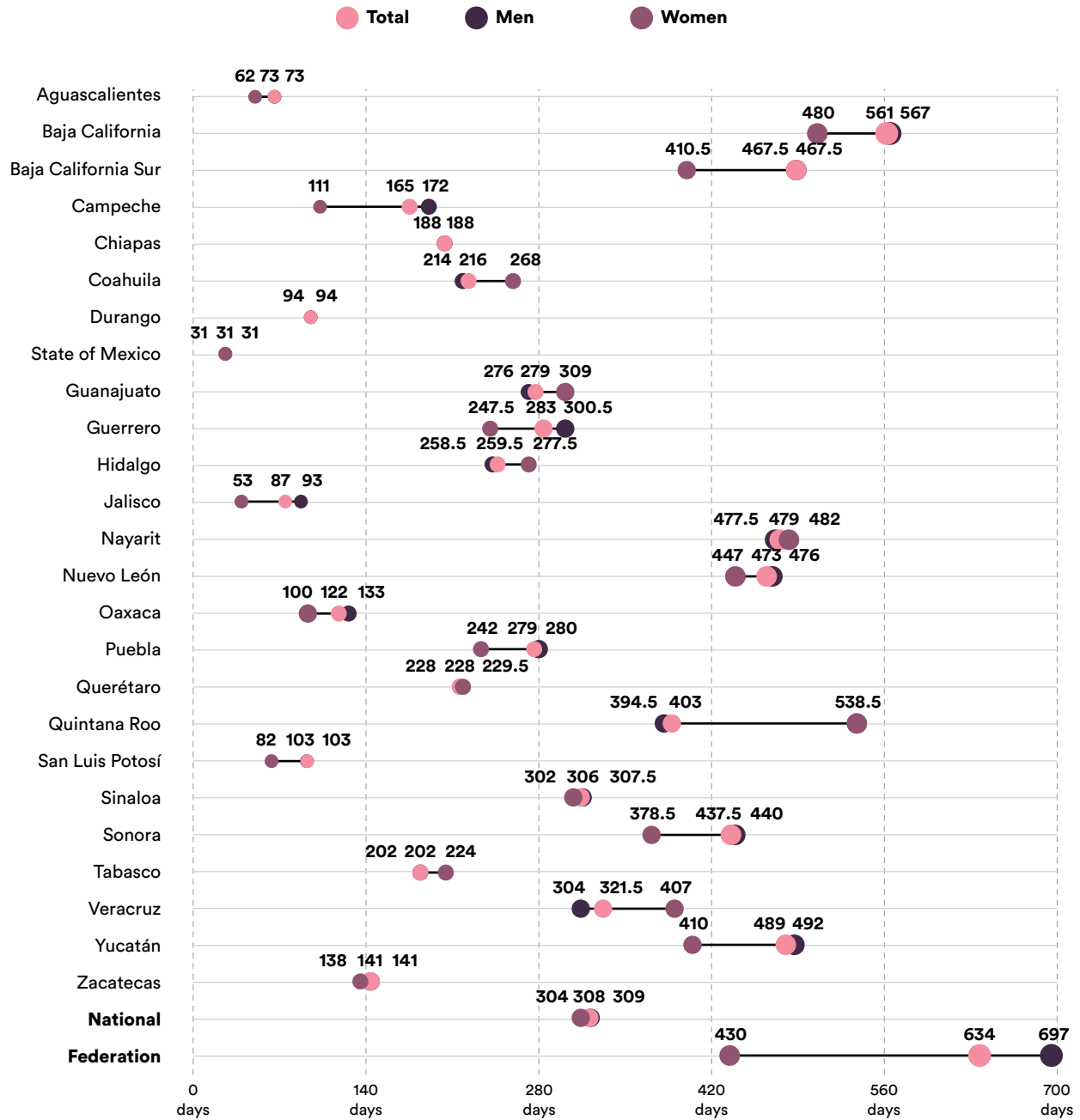
Note: Calculations do not consider processes with a duration greater than 27 years (10,000 days) because they may present inconsistencies.
Source: Elaborated by the authors based on data obtained through requests for access to information.

Conditional suspension of process

This option was the most common way of closing criminal processes in 2023, as it represented 34.33% of all resolutions, almost 10 points above the figure for 2022 and 14 points higher than for cases resolved

through summary proceedings. **The mean duration of the cases resolved under this figure was 308 days**, approximately 100 more than the duration of causes concluded through victim compensation agreements, and 30 more than those closed through summary proceedings.

Graph 36. Median case resolution time for conditional suspension of proceedings, federal and state jurisdictions, 2023



Note: Calculations do not consider processes with a duration greater than 27 years (10,000 days) because they may present inconsistencies.
Source: Elaborated by the authors based on data obtained through requests for access to information.

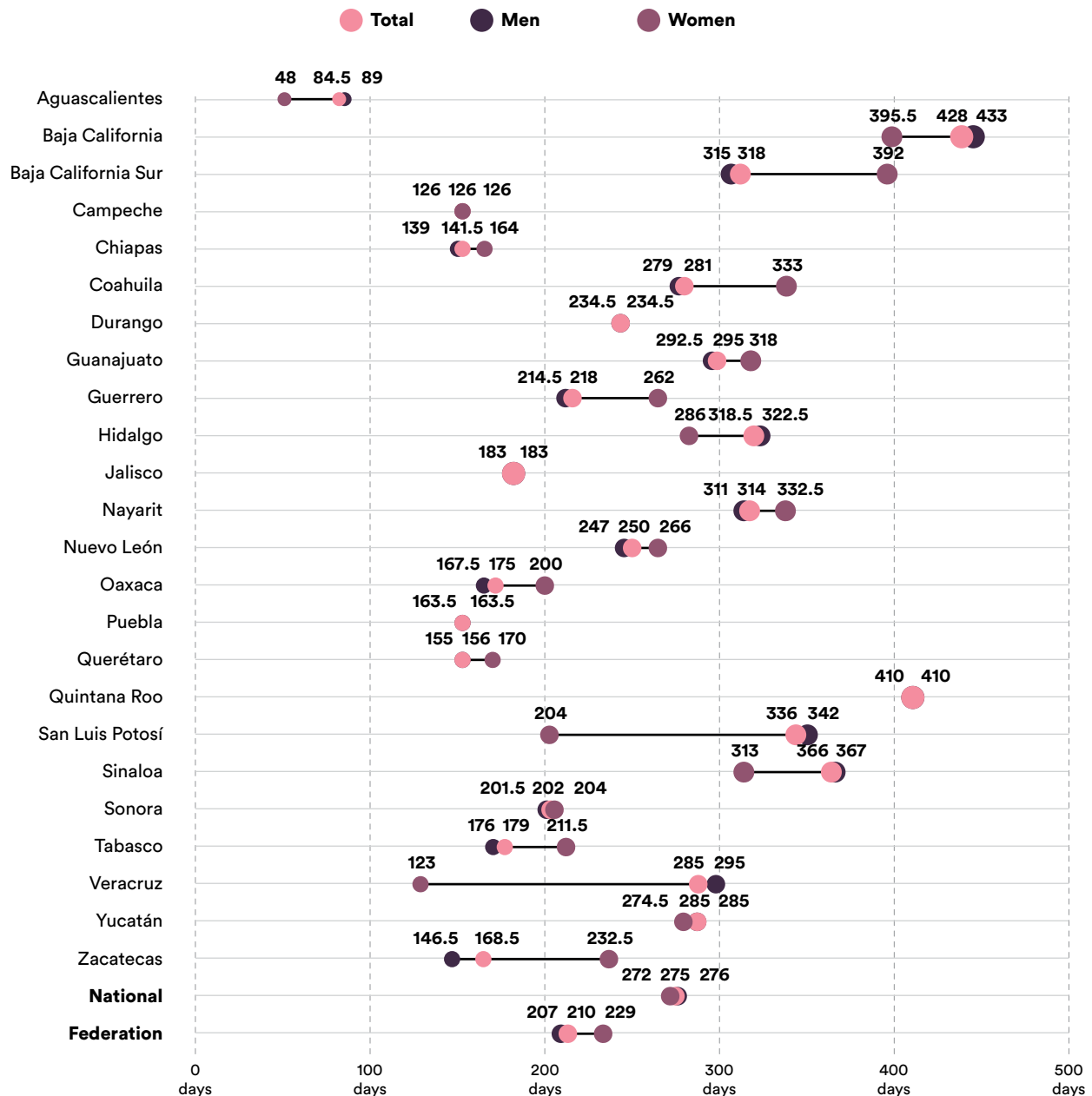


Summary proceedings

The criminal causes closed through summary proceedings represented 19.94% of all causes resolved in 2023, placing this anticipated outcome as the second most common form, below only conditional suspension of process. The mean duration for achieving this outcome

was 275 days, equal to half of the mean duration for cases heard in oral trials (553), as we show in the following section. These data also indicate a sustained increase in the duration of these processes compared to 2021 –154 and 137 days for men and women, respectively– and 2022: 191 and 232 days for men and women, respectively.

Graph 37. Median case resolution time for summary proceedings, federal and state jurisdictions, 2023



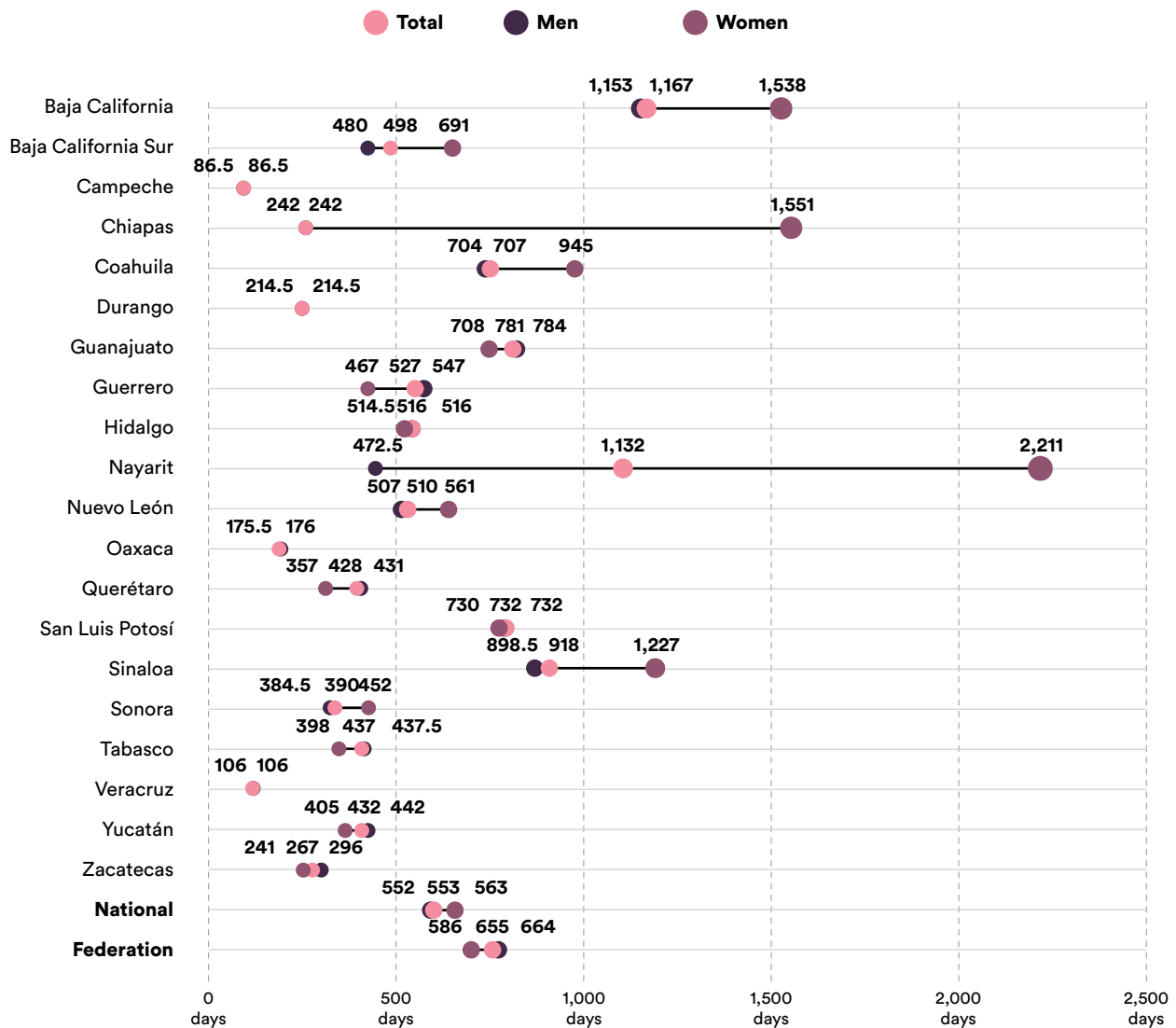
Note: Calculations do not consider processes with a duration greater than 27 years (10,000 days) as they may present inconsistencies.
Source: Elaborated by the authors based on data obtained through requests for access to information.

Judgments through trial

The oral trial is the least utilized way to close criminal causes nationally, as only 11.46% of the cases prosecuted in 2023 in the state jurisdiction concluded in this way. Nationally, these processes lasted around 553 days, an interval over six months longer than the maximum time stipulated (one year) for cases to be heard and resolved. This duration is considerably greater than the figures for 2021: 358 and 369 days for men and women, respectively. However, in that year the country's

Judiciaries were still dealing with the restrictions imposed during the COVID-19 sanitary contingency. In the federal jurisdiction, duration increased by over 100 days to a mean of 664 days, almost two years. This prolongation of criminal processes reflects the high percentage of hearings that are deferred, a topic addressed earlier (see section 2.2.3 Judicial congestion). Deferrals impact, especially, cases heard in oral trials, since this route involves more hearings and the presentation of evidence in the intermediate stage and tends to present the greatest difficulties in moving cases forward.

Graph 38. Median case resolution time for oral trials



Note: Calculations do not consider processes with a duration greater than 27 years (10,000 days) as they may present inconsistencies.

Source: Elaborated by the authors based on data obtained through requests for access to information.



For the state jurisdiction at the national level, the mean duration of the processes that concluded through oral trials increased by only 10 days for women compared to men. In states like Nayarit, Chiapas, and Baja California, however, this gap widened. The states with the lowest durations were Campeche, Veracruz, and Oaxaca, while Nayarit, Baja California, and Sinaloa registered the longest periods, as their times approached, and sometimes exceeded, three years.

Median case resolution time under pretrial detention

In the 2021 and 2022 editions of *Hallazgos* we presented data on the mean duration of criminal processes in relation to the type of cautionary measure imposed on the people processed. **Data for both years showed that the criminal causes for persons held under MPD had the longest duration.** Nationally in 2023, 49.32% of all accused persons followed their process under the cautionary measure of pretrial detention, 10.66% mandatory, 18.53% justified. In 20.11% of these causes we were unable to identify the modality applied.

The effect of MPD on the duration of criminal processes is clear, as the mean is 306 days, in contrast to 213 for the justified modality. This gap widens markedly for women, as their criminal processes take 333 days under MPD, and 217 under the justified modality, a difference of almost four months. As we have argued previously,

this shows that criminal justice is more permissive with time when the permanence of the person charged is guaranteed by reclusion, though this clearly affects women to a greater degree.

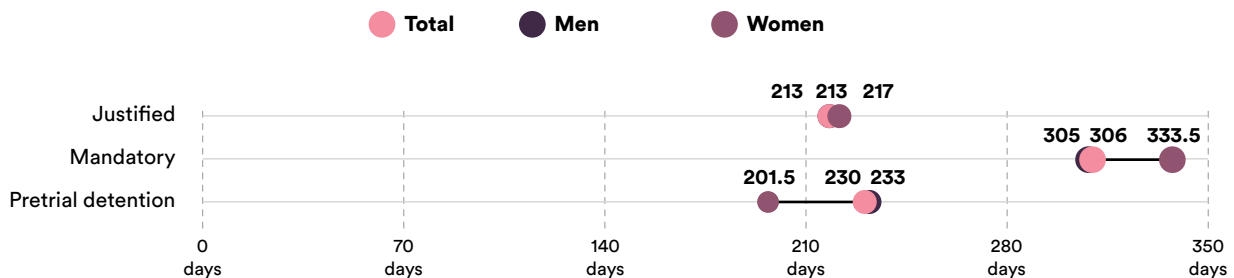
3.4 Alternative justice

Estimates suggest that 35% of the cases reported to AGO satisfy the requirements to be handled through Alternative Dispute Resolution Mechanisms and resolved by victim compensation agreements.³⁰ Comparing this percentage to those for the cases that AGO channeled to areas specialized in ADRM, and to the restitution accords forged during the year, clearly reveals that the ADRM are still underutilized.

Cases attended through Alternative Dispute Resolution Mechanisms

As our diagram of the procedural pipeline for 2023 shows, of the 2,776,527 procedures that led to the opening of investigative files in that year, AGO channeled only 6.22% (172,736 causes) to the area specialized in ADRM; however, less than half (86,192) had been resolved successfully through victim compensation agreements by the end of the year. These cases constitute a very small proportion of all the investigative files initiated in 2023, thus serving as an indicator of the low capacity of AGO to channel and process cases immediately through ADRM.

Graph 39. Median case resolution time for cases involving defendants under pretrial detention



Note: Calculations do not consider processes with a duration greater than 27 years (10,000 days) as they may present inconsistencies.

Source: Elaborated by the authors based on data obtained through requests for access to information.

³⁰ Zepeda Leucona, Guillermo, "Mediación penal, descongestión y reconstrucción del tejido social". *Estudios Jaliscienses*, 2023, p. 27.

This may be associated, on the one hand, with the fact that few of these offices operate with administrative models that include a unit for early or immediate attention where specialized personnel could identify and channel cases from the moment reports are received. In the states where units of this kind exist, it might be pertinent to (i) review the criteria applied for the early determination of cases;

and (ii) consider how those criteria could be modified to increase the number of cases routed to ADRM. When causes are not channeled immediately they go, first, to units of investigation, and only then may be turned over to the area specialized in ADRM. This procedure causes revictimization, unnecessary prolongation of processes, and an inefficient use of resources.³¹

Table 21. Cases handled through an ADRM and victim compensation agreements reached, state jurisdiction, 2023

| State | AGOs | | | | | | Courts | | |
|---------------------|--|-----------------------------|--|--------------|--|--------------|--|---|--------------|
| | Investigation files opened during 2023 | Backlog from previous years | Cases handled by areas specialized in ADRM during the year | | Acuerdos reparatorios aprobados durante el año | | Criminal cases resolved through victim compensation agreements | | |
| | | | Absolute | Percentage | Absolute | Percentage | Criminal cases handled during the year | Victim compensation agreements approved | Percentage |
| National | 2,174,831 | 1,991,088 | 267,330 | 6.42% | 140,102 | 3.36% | 166,500 | 6,890 | 4.14% |
| Aguascalientes | 40,596 | 33,664 | 7,678 | 10.34% | 2,339 | 3.15% | 2,076 | 87 | 4.19% |
| Baja California | 147,385 | 71,282 | 13,397 | 6.13% | 10,533 | 4.82% | 18,622 | 324 | 1.74% |
| Baja California Sur | 22,890 | 3,638 | 4,992 | 18.82% | 2,756 | 10.39% | 1,490 | 104 | 6.98% |
| Campeche | 21,962 | 17,878 | 2,689 | 6.75% | 1,078 | 2.71% | 1,002 | 33 | 3.29% |
| Chiapas | 13,273 | 3,083 | 6,194 | 37.87% | 5,944 | 36.34% | 748 | 2 | 0.27% |
| Chihuahua | 73,966 | 56,724 | 13,059 | 9.99% | 9,716 | 7.43% | ND | 901 | ND |
| CDMX | 242,392 | 208,728 | 7,540 | 1.67% | 2,316 | 0.51% | ND | 689 | ND |
| Coahuila | 59,720 | 84,092 | 8,599 | 5.98% | 4,022 | 2.80% | 6,946 | 683 | 9.83% |
| Colima | 31,011 | 18,423 | 2,452 | 4.96% | 1,573 | 3.18% | 572 | 16 | 2.80% |
| Durango | 22,205 | 16,127 | ND | ND | ND | ND | 478 | 14 | 2.93% |
| State of Mexico | 360,092 | 146,749 | 7,532 | 1.49% | 3,070 | 0.61% | 19,454 | 252 | 1.30% |
| Guanajuato | 141,751 | 65,088 | 39,112 | 18.91% | 20,646 | 9.98% | 26,182 | 29 | 0.11% |
| Guerrero | 26,178 | 58,259 | 2,261 | 2.68% | 1,827 | 2.16% | 1,035 | 103 | 9.95% |
| Hidalgo | 54,496 | 154,466 | 8,015 | 3.84% | 4,191 | 2.01% | 8,742 | 364 | 4.16% |
| Jalisco* | 131,694 | 413,498 | 18,965 | 3.48% | 2,642 | 0.48% | 2,464 | 215 | 8.73% |
| Michoacán | 48,858 | 22,353 | 15,704 | 22.05% | 9,018 | 12.66% | ND | 257 | 4.01% |
| Morelos | 46,258 | 31,456 | ND | ND | ND | ND | 3,282 | 175 | 5.33% |
| Nayarit | 12,605 | 2,039 | 356 | 2.43% | 306 | 2.09% | 6,405 | 218 | 3.40% |
| Nuevo León | 102,882 | 199,326 | 22,961 | 7.60% | 8,300 | 2.75% | 30,812 | 439 | 1.42% |
| Oaxaca | 43,655 | 38,786 | 7,644 | 9.27% | 2,573 | 3.12% | 711 | 32 | 4.50% |
| Puebla | 77,244 | 65,527 | 8,871 | 6.21% | 6,052 | 4.24% | 7,825 | 830 | 10.61% |
| Queretaro | 60,891 | 11,907 | 7,989 | 10.97% | 7,034 | 9.66% | 4,408 | 100 | 2.27% |
| Quintana Roo | 52,006 | 44,056 | 5,062 | 5.27% | 3,008 | 3.13% | 2,151 | 79 | 3.67% |
| San Luis Potosí | 60,760 | 41,229 | 8,765 | 8.59% | 2,674 | 2.62% | 2,256 | 49 | 2.17% |
| Sinaloa | 31,109 | 58,673 | 4,064 | 4.53% | 3,291 | 3.67% | 6,254 | 178 | 2.85% |
| Sonora | 42,808 | ND | 10,370 | ND | 5,996 | ND | 949 | 122 | 12.86% |
| Tabasco | 40,789 | 24,474 | 4,450 | 6.82% | 1,591 | 2.44% | 1,583 | 33 | 2.08% |
| Tamaulipas | 41,629 | 30,566 | 8,047 | 11.15% | 2,882 | 3.99% | 2,813 | 120 | 4.27% |
| Tlaxcala | 3,882 | 3,929 | ND | ND | ND | ND | ND | ND | ND |
| Veracruz | 88,896 | 27,286 | 13,275 | 11.43% | 8,852 | 7.62% | 2,756 | 293 | 23.02% |
| Yucatan | 4,283 | 2,062 | 1,785 | 28.13% | 2,604 | 41.04% | 1,273 | 96 | 2.99% |
| Zacatecas | 26,665 | 35,720 | 5,502 | 8.82% | 3,268 | 5.24% | 3,211 | 53 | 1.65% |

Fuente: Elaborated by the authors based on requests for access to information, data from the *Modelo de Evaluación y Seguimiento de la Consolidación del Sistema de Justicia Penal (MES)*, SEGOB, and data from the *2023 Censo Nacional de Procuración de Justicia Estatal*, INEGI.

* The data on the judicial seat in Jalisco do not include those from Judicial District 1.

³¹ 35 Ibid, p. 28.



The percentage of cases processed through ADRM remains to be analyzed, not only in relation to the investigative files opened during the year, but also to the total universe of cases that AGO were processing in 2023; that is, both those that entered in that year and those still in process from previous years. Upon analyzing this corpus, the percentage of cases channeled to ADRM is virtually the same: 6.40% (266,630). Of these, just over half were resolved through an ADRM, a figure that translates into 140,139 victim compensation agreements approved by AGO in 2023, only 3.36% of all cases investigated

In more positive results, 10 states channeled at least 10% of the cases in process to the area specialized in ADRM. Chiapas, Yucatán, Michoacán, Guanajuato, Baja California Sur, Tamaulipas, and Querétaro stand out, while in terms of the number of victim compensation agreements celebrated during the year, Yucatán, Chiapas, Michoacán, and Baja California Sur had the highest proportions. In contrast, at the judicial seat only 4.14% of the criminal causes processed in the year involved negotiating some kind of restitution agreement. Veracruz, Sonora, Puebla, Guerrero, and Coahuila were the states that most often applied this means to resolve causes.

While it is certain that each state confronts specific forms of criminality and criminal phenomena, the largest share of the incidence of criminality is associated with crimes that can be resolved through ADRM. However, the data show a marked discrepancy in the use of these mechanisms to process criminal conflicts. We would reiterate the hypothesis that the states which present a more pronounced underutilization have a large area of opportunity to strengthen their existing administrative models and adequately socialize the advantages of ADRM among their citizens.

Type of mechanism applied

As has been verified over time, mediation is the type of ADRM most often used, as it was applied in 76.08% of the victim compensation agreements reached in the year. It is followed by conciliation, but at only 20.35%. The feature that distinguishes between these two mechanisms is the level of participation of the facilitator; that is, the substantive personnel in the specialized areas of ADRM entrusted with fostering the participation of the parties. In cases of mediation, the facilitator's role is limited to promoting communication and understanding between victim and accused, but the participants themselves are expected to propose and construct solutions. In conciliation, in contrast, the facilitator can present alternative solutions for criminal

conflicts. In this rubric, the cases of Oaxaca, Chihuahua, San Luis Potosí, and Chiapas stand out. Because they reported a relatively high usage of conciliation, they can be characterized as having much more active areas specialized in ADRM.

Finally, the means called Restitution Board is, by far, the mechanism least often employed, with only 1.80% of cases. This can be explained largely because it is used as a function of the number of people involved in a conflict and the affectation that an entire community has suffered.

Table 22. Percentage distribution of type of ADRM used for reaching victim compensation agreements at AGO, 2023

| State | Mediation | Conciliation | Restitution Board | Restorative justice circle | Other |
|-----------------|---------------|---------------|-------------------|----------------------------|--------------|
| National | 76.15% | 20.55% | 1.80% | 0.04% | 1.45% |
| Aguascalientes | 0.00% | 100.00% | 0.00% | 0.00% | 0.00% |
| Baja California | 37.05% | 29.91% | 14.21% | 0.00% | 18.83% |
| BC Sur | 76.52% | 21.48% | 1.27% | 0.00% | 0.73% |
| Campeche | 100.00% | 0.00% | 0.00% | 0.00% | 0.00% |
| Chiapas | 54.42% | 44.83% | 0.37% | 0.00% | 0.00% |
| Chihuahua | 27.91% | 72.00% | 0.08% | 0.00% | 0.00% |
| CDMX | 92.62% | 5.79% | 0.86% | 0.00% | 0.73% |
| Coahuila | 99.58% | 0.42% | 0.00% | 0.00% | 0.00% |
| Colima | 80.36% | 19.64% | 0.00% | 0.00% | 0.00% |
| State of Mexico | 100.00% | 0.00% | 0.00% | 0.00% | 0.00% |
| Guanajuato | 99.67% | 0.33% | 0.00% | 0.00% | 0.00% |
| Guerrero | 60.59% | 37.44% | 1.97% | 0.00% | 0.00% |
| Hidalgo | 85.71% | 13.93% | 0.36% | 0.00% | 0.00% |
| Jalisco | 95.53% | 4.47% | 0.00% | 0.00% | 0.00% |
| Michoacán | 98.68% | 1.32% | 0.00% | 0.00% | 0.00% |
| Nayarit | 99.67% | 0.33% | 0.00% | 0.00% | 0.00% |
| Nuevo León | 84.18% | 15.82% | 0.00% | 0.00% | 0.00% |
| Oaxaca | 21.57% | 75.28% | 3.15% | 0.00% | 0.00% |
| Puebla | 94.89% | 0.18% | 4.92% | 0.00% | 0.00% |
| Querétaro | 86.89% | 13.11% | 0.00% | 0.00% | 0.00% |
| Quintana Roo | 92.55% | 6.65% | 0.53% | 0.17% | 0.10% |
| San Luis Potosí | 50.93% | 49.07% | 0.00% | 0.00% | 0.00% |
| Sinaloa | 81.37% | 18.63% | 0.00% | 0.00% | 0.00% |
| Sonora | 66.48% | 29.89% | 2.64% | 0.95% | 0.05% |
| Tabasco | 82.46% | 17.54% | 0.00% | 0.00% | 0.00% |
| Tamaulipas | 81.82% | 18.04% | 0.14% | 0.00% | 0.00% |
| Veracruz | 100.00% | 0.00% | 0.00% | 0.00% | 0.00% |
| Yucatan | 85.02% | 7.68% | 7.30% | 0.00% | 0.00% |
| Zacatecas | 37.45% | 58.41% | 4.13% | 0.00% | 0.00% |

Source: Elaborated by the authors based on data obtained through requests for access to information.

Noncompliance of victim compensation agreements

Of all the victim compensation agreements celebrated in the year, in compliance occurred in only 5.17%. This represents a significant advance from the level of noncompliance in 2021, which reached 15.6% of all such agreements.³² This low percentage suggests that these agreements constitute a route of resolution that has proven to guarantee access to justice for victims and to resolve cases. It would be pertinent, however, to identify the triggers or patterns that lie behind in compliance with victim compensation agreements in the states that presented the highest percentages: Sonora, CDMX, Tamaulipas, and Campeche.

3.5 Human rights protection

The central objective of *Hallazgos* is to place the guarantees of, and respect for, the human rights of victims and accused in the center of the evaluation of criminal justice, for they constitute the fundamental principles of this system. At *México Evalúa*, we consider that criminal justice is not exhausted by simply complying with procedural rules and the formalities of due process, but that it must act to satisfy the rights and needs of all people involved in a conflict. Given the criminal nature of the behaviors investigated, and the existing procedural rules, criminal justice has transcendental consequences for both victims and persons processed, so it is essential that the performance of the authorities of justice be guided by the rights and safeguards established in national and international law.³³

As we mentioned in earlier editions, placing the protection of rights in the center of public policies of justice demands prioritizing institutional resources and efforts in relation to people. This principle inevitably requires strengthening the areas of attention to victims in AGO, Commissions for Attention to Victims, and Public Defenders' Offices, especially given the pronounced asymmetry that exists between the resources and personnel of those institutions and those of Departments of Public Security, AGO, and the Judiciary. Although the former institutions share a mandate to represent both victims and accused technically and free of charge, their substantive staff is sorely insufficient to satisfy demand.

Table 23. Percentage of victim compensation agreements violated at AGO, state jurisdiction, 2023

| State | Victim compensation agreements approved in the year | Victim compensation agreements violated in the year | Percentage |
|-----------------|---|---|--------------|
| National | 133,195 | 6,889 | 5.17% |
| Aguascalientes | 2,339 | 117 | 5.00% |
| Baja California | 10,533 | 783 | 7.43% |
| BC Sur | 2,756 | 159 | 5.77% |
| Campeche | 1,078 | 88 | 8.16% |
| Chiapas | 5,944 | 156 | 2.62% |
| Chihuahua | 9,716 | 587 | 6.04% |
| CDMX | 2,316 | 233 | 10.06% |
| Coahuila | 4,022 | 180 | 4.48% |
| Colima | 1,573 | 23 | 1.46% |
| State of Mexico | 3,070 | 171 | 5.57% |
| Guanajuato | 20,646 | 455 | 2.20% |
| Guerrero | 1,827 | 104 | 5.69% |
| Hidalgo | 4,191 | 251 | 5.99% |
| Michoacán | 9,018 | 149 | 1.65% |
| Nayarit | 306 | 4 | 1.31% |
| Nuevo León | 8,300 | 418 | 5.04% |
| Oaxaca | 2,573 | 115 | 4.47% |
| Puebla | 6,052 | 451 | 7.45% |
| Queretaro | 7,034 | 232 | 3.30% |
| Quintana Roo | 3,008 | 266 | 8.84% |
| Sinaloa | 3,291 | 66 | 2.01% |
| Sonora | 5,996 | 820 | 13.68% |
| Tamaulipas | 2,882 | 264 | 9.16% |
| Veracruz | 8,852 | 430 | 4.86% |
| Yucatan | 2,604 | 86 | 3.30% |
| Zacatecas | 3,268 | 281 | 8.60% |

Source: Elaborated by the authors based on data obtained through requests for access to information.

This disparity has left legal counsel and defense in a permanent state of institutional and procedural weakness compared to the other institutions named.

Added to this, in practice, prosecutors and judges have limited their role to verifying that a defense attorney or other legal counsel is present during the proceedings and hearings they conduct, simply as formal requirements that validate their actions.³⁴ It is also common for

³² *Hallazgos* 2021, p. 111.

³³ Of particular importance are articles 1, 16, 17, and 20 of the Federal Constitution and the general laws in matters of victims, torture, and enforced disappearances. In international law, the International Covenant on Civil and Political Rights, the American Convention on Human Rights and both Human Rights Declarations (the Universal and the American) recognize the specific rights of persons accused. Regarding victims, their specific rights are recognized in the Declaration of Basic Principles of Justice for Victims of Crimes and Abuse of Power, adopted in 1985, and the International Convention for the Protection of All People from Enforced Disappearances.

³⁴ *México Evalúa, Calidad de la Justicia 2023, Observatorios de audiencias y resoluciones judiciales: Estado de México y Baja California*, Mexico, 2024, pp. 12, 25, and 29.



hearings to be deferred or suspended due to the absence of these figures, or because they are not prepared to present arguments. The result is that their participation, like that of Prosecutors' or Attorney Generals' Office, is not evaluated by the quality of their performance and the contributions they make to the legal process in terms of clarifying the facts and ensuring that damages are repaired, but simply as a formality.

This is important because legal counsel and public defenders function, on the one hand, as institutions, but on the other as guarantors of the rights of victims and persons charged. Therefore, they should operate under equal circumstances with AGO in all matters related to assisting the people involved, investigating the crime, and producing evidence. This requires specialized personnel, technical capacities, and budgetary sufficiency to provide quality legal defense, strengthen and accompany accusations, and even identify and compensate for their deficiencies.

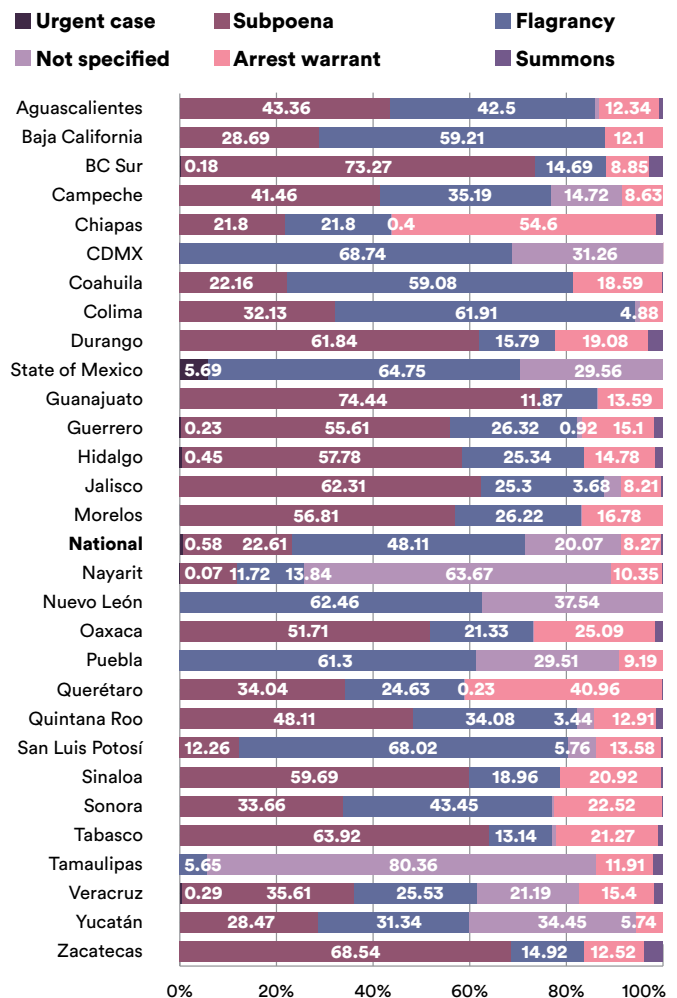
In the following section, we present a series of key indicators that help dimensionalize the level of protection of the rights of victims and the accused in criminal processes, and the personnel and workloads that Commissions for Attention to Victims and Public Defenders' Offices confront.

Illegal detentions

Without doubt, the time that transpires from when a person is arrested to the moment she/he is presented before a judge at a hearing is the stage of the process when detainees are most susceptible to violations of their rights. Though arrests without a judicial warrant are only permitted for *in flagrante* cases, the constitutional definition of this figure is broad, for arrests are deemed legal not only at the moment a crime is committed, but also during its immediate aftermath. It is this second assumption that has been widened in the code of criminal process and that international bodies have declared inconsistent with human rights.³⁵ Moreover, there is no clear restriction on the time that can elapse between the arrest and the moment the accused is presented in the Prosecutors' Office, so people arrested are left in an even more vulnerable condition before the arresting authority or first responder. Despite these broad areas of discretionality, data on the circumstances under which arrests are made reveals that judicial authorities determined that a significant proportion of arrests are, in fact, illegal.

Graph 40. Form of bringing the defendant to court, state jurisdiction, 2023

Percentage data on criminal cases processed by the Higher Courts of Justice involving adults charged in 2023

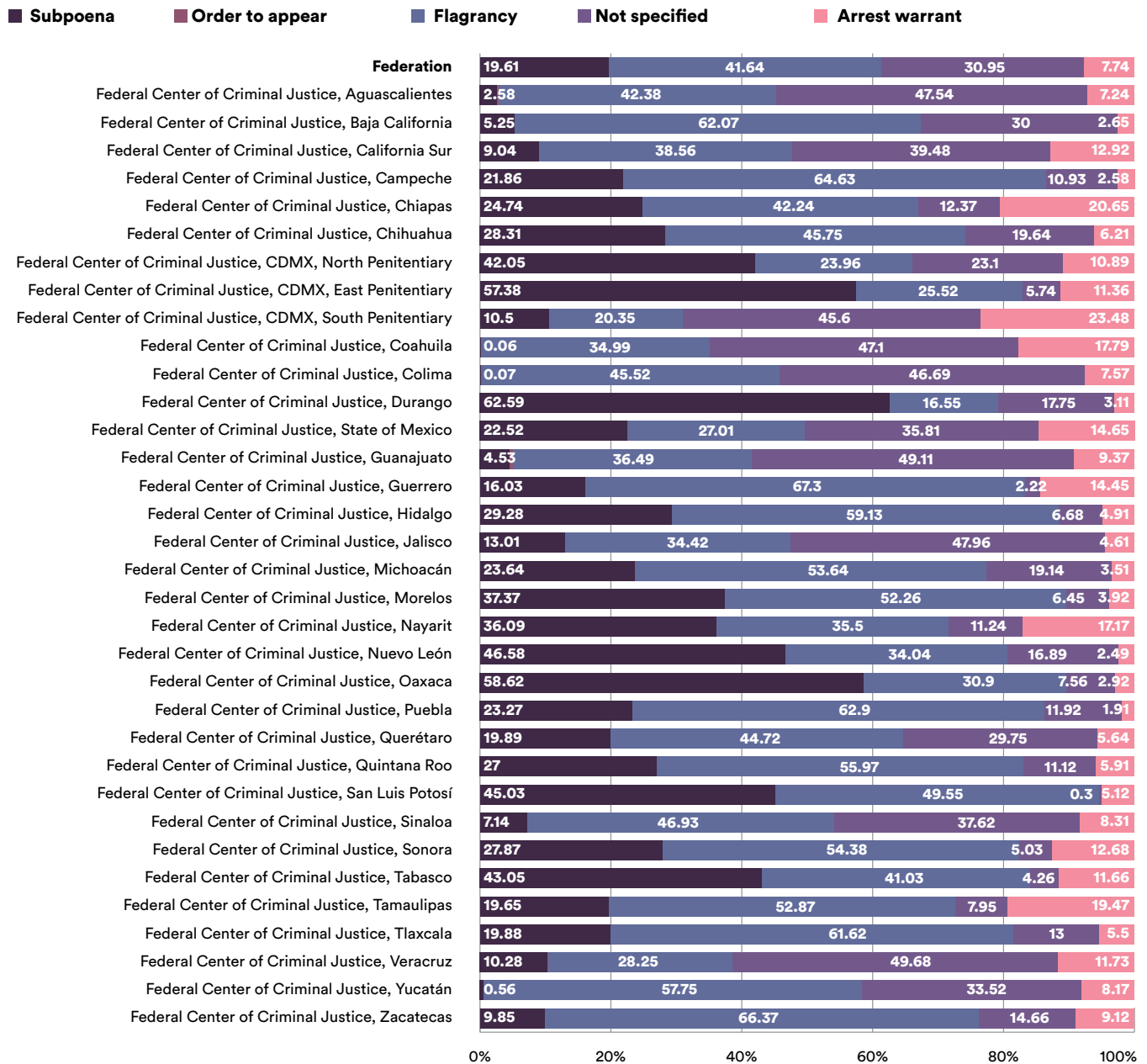


Source: Elaborated by the authors based on data obtained through requests for access to information.

³⁵ United Nations, *Grupo de Trabajo sobre Detención Arbitraria: Observaciones Preliminares de su visita a México* (18-29 September 2023), 2023, p. 5, <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/country-visit/20230929-mexico-preliminary-findings-es.pdf>

Graph 41. Form of bringing the defendant to court, federal level, 2023

Percentage data on criminal cases processed in Federal Centers of Criminal Justice involving adults charged in 2023.



Source: Elaborated by the authors based on data obtained through requests for access to information.



Preliminary observations of the second official visit of the United Nation's Working Group on Arbitrary Detentions in Mexico (September 2023) underscored two key issues: first, that the participation of military forces in labors of public security is closely related to the increase in violence and torture of detainees, arbitrary arrests, forced disappearances, and homicides;³⁶ and second, that while the National Registry of Detentions (*Registro Nacional de Detenciones*, ratified in 2019 and binding on all authorities) represents an advance in preventing arbitrary arrests, it does not list the arrests made by authorities like the Army, Navy, and military personnel assigned to the National Guard.³⁷

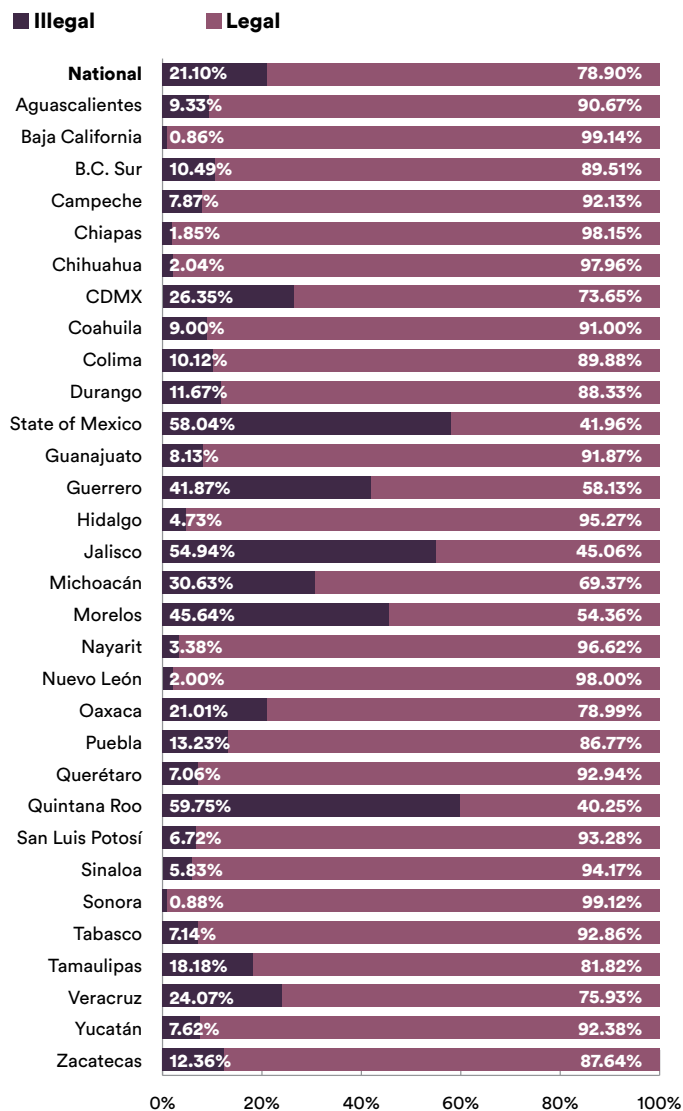
Of the 2,162,227 investigative files opened in 2023, 12.09% involved the arrest of a person *in flagrante*; that is, 261,458 cases. Although this proportion is low, those investigative files reflect the types of cases most often tried in court. Hence, we estimate that for 2023 at least 48.11% of all criminal causes opened included one *in flagrante* arrest. A similar proportion was identified at the federal level, where 41.6% of the causes opened in the year were marked by a detention of this kind.

Both figures indicate that the dependence of AGO on flagrancy for binding cases over to trial has been maintained and reflect the reactive role of the Justice Prosecution in response to crime that characterizes justice in Mexico. Another finding that stands out, at both the federal and state levels, is that in an important proportion of cases the courts do not identify how the person under investigation was brought to process. It is, then, highly likely that these figures underrepresent the number of cases that began in flagrancy, especially in Tamaulipas, Nayarit, and Nuevo León. In the state jurisdiction, meanwhile, the second most common way of binding cases over to trial was through summonses (22.61%), while third place was held by arrest warrants (8.27%).

When the detainee attends the initial hearing before a judge, the first act of judicial control in the criminal process consists, precisely, in examining the legality of the arrest. In 2023, judges considered 21.10% of detentions in the state jurisdiction illegal; that is, one of every five. This is a concerning decrease compared to 2022, when illegal arrests represented just 10.5%. The states with a greater area of opportunity in this regard are Quintana Roo, the State of Mexico, Jalisco, Morelos, and Guerrero. Illegal detentions reveal not only

Graph 42. Results of judicial control of the legality of detentions, state level, 2023

Percentage data on criminal cases involving detention *in flagrante* or urgent cases, 2023



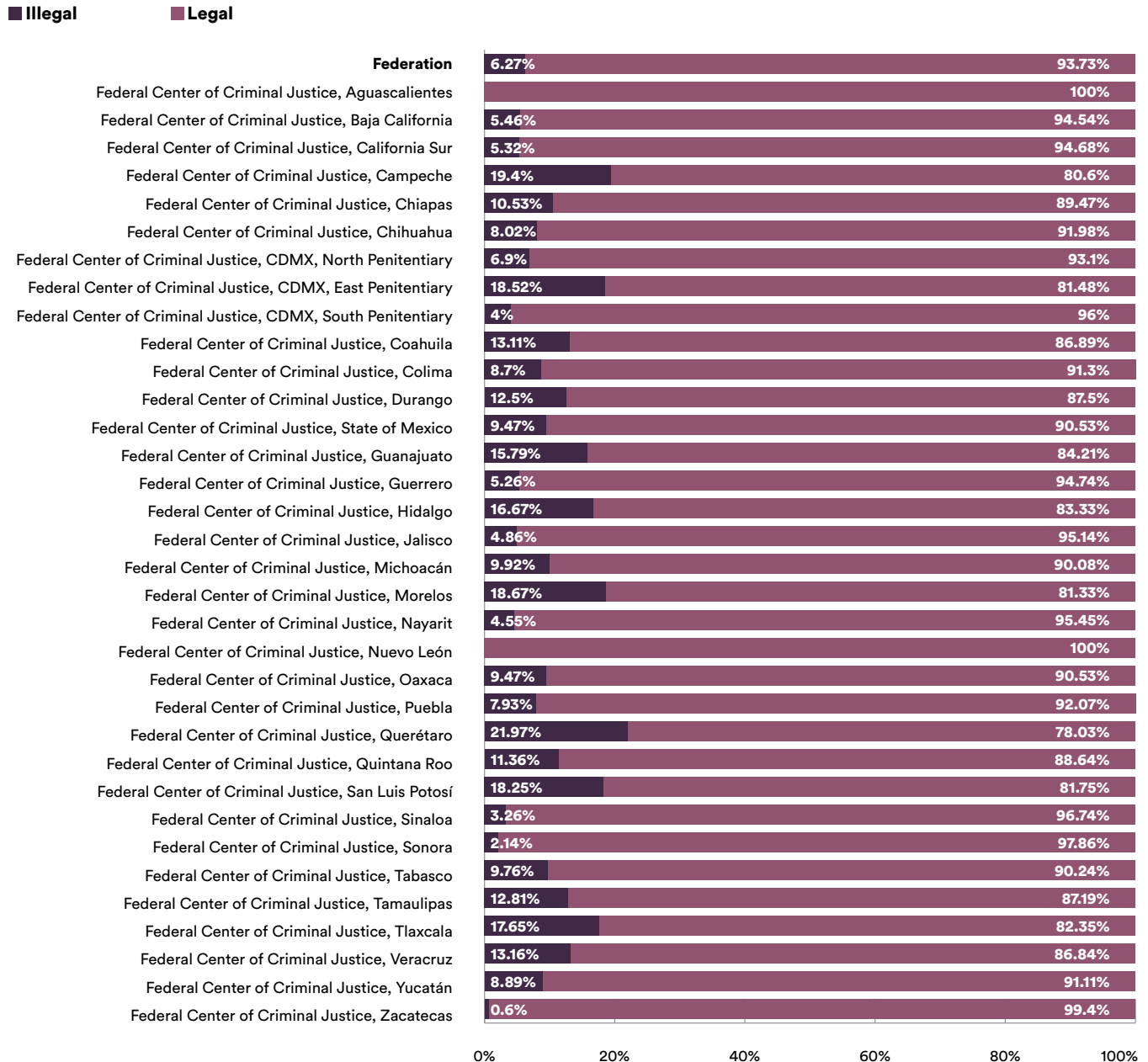
Source: Elaborated by the authors based on data obtained through requests for access to information.

³⁶ *Ibid*, p.4.

³⁷ *Ibid*, p.2.

Graph 43. Results of judicial control of the legality of detentions, federal level, 2023

Percentage data on criminal cases involving detention *in flagranti* or urgent cases, 2023.



Source: Elaborated by the authors based on data obtained through requests for access to information.



the irregular actions of police and first responders, and violations of the rights of detainees, but also invalidate any means of proof that may have been obtained pursuant to the act. This seriously affects investigations and, consequently, the victim's right to access to justice.

In the federal jurisdiction, in contrast, we identified an improvement in this indicator compared to 2022, as only 6.27% of the arrests related to federal crimes were judged illegal. The vast majority of detentions, 93.73%, were executed legally, a level similar to that of 2021. The states with the highest levels of illegal arrests in the federal jurisdiction were Querétaro, Morelos, CDMX, and Campeche.

Access to justice for victims

As decentralized organisms of public administration, the Commissions for Attention to Victims (ECAV) have the duty to counsel, accompany, and represent victims throughout the criminal process. They must verify that victims have received all information relevant to their case and any medical and psychological attention they may require. Access to free legal advice is a key right of victims, as it prepares them to participate actively in the process from the initial investigation onward and to intervene in hearings, present petitions, strengthen the accusation filed by the AGO, and even debate and refute the arguments and evidence presented by the defense.

Despite this transcendent role, we have observed that such legal orientation is usually absent from the various hearings held during the criminal process. In the few cases where it was present, records show a high rotation of the personnel who provided advice, null participation, or advice limited to reiterating at every opportunity exactly what the AGO said.³⁸ Without doubt, this reflects the shortage of personnel in the ECAV and the enormous number of victims who seek their support.

In 2023, each legal adviser at the state level attended some 342 cases, 12.8% more than in 2022, and represented an estimated 258 victims, an increase of 12.2% from that year. This reiterates the upward trend in the workload of these legal advisers since 2019 in terms of both the number of cases attended and victims represented. We have also verified, for the past three years, that victims of human rights violations make up only a very small proportion of all representations. If we

consider that at least one of the 2.16 million investigative files opened that year involved a victim or offended party, then the number of victims attended by the ECAV is minimal at best.

As occurs with other operators in the justice system, workloads vary greatly among states. This led us to ask what policy –if any– the executive powers follow when assigning resources to the ECAV. The states with the heaviest workloads per operator were Aguascalientes, Campeche, Durango, and Baja California. In contrast, Sonora and Tabasco reported not having any victims represented during the year.

Cases like Hidalgo, Tabasco, Chiapas, and Nayarit provide evidence of huge challenges in terms of insufficient personnel, since none reported having more than five legal advisers. Furthermore, in no case does the total number of legal advisers per state show any relation to the incidence of criminality or the demand for their services.

At the federal level, the number of cases handled by each legal adviser is lower than in the states. This may well be related to the fact that the types of crimes that make up the largest share of the index of criminality are not associated with a specific victim; for example, crimes for bearing arms or explosives, theft of hydrocarbons, crimes against health, and fiscal and financial crimes. However, in terms of representation, each federal legal adviser represented 335 victims during the year, almost 30% more than in the states.

A key datum for identifying the involvement of victims in criminal processes is the percentage that gathers and presents evidence during the intermediate stage, whether to substantiate the criminal act and the responsibility of the person who committed it, or to quantify the restitution of damage. Although this evidentiary production is a direct obligation and attribution of AGO, their performance continues to result in acquittals due to insufficient evidence, the lack of means of proof to accredit the restitution of damage and, in general, investigations of poor technical and scientific quality.

As the data show, only 4.87% of the victims represented by ECAV offered some means of proof during the year. Veracruz, Coahuila, Sinaloa, and Zacatecas were the

³⁸ México Evalúa, *Calidad de la Justicia 2023, Observatorios de audiencias y resoluciones judiciales: Estado de México y Baja California*, Mexico, 2024, pp. 12, 16, 23.

Table 24. Substantive personnel of the Executive Commissions of Attention to Victims (ECAV) and their workloads, federal and state jurisdictions, 2023

Average workloads of legal advisers in criminal matters assigned to the ECAV, 2023

| State | Number of legal advisers | Cases attended per legal adviser | Victims represented per legal adviser | | | Victims of human rights violations represented per legal adviser | | |
|---------------------|--------------------------|----------------------------------|---------------------------------------|------------|------------|--|-----------|----------|
| | | | Total | Men | Women | Total | Men | Women |
| National | 939 | 342 | 258 | 87 | 124 | 9 | 3 | 5 |
| Federation | 87 | 279 | 335 | 166 | 133 | 24 | 17 | 8 |
| Aguascalientes | 24 | 203 | 889 | 434 | 455 | NI | NI | NI |
| Baja California | 24 | 633 | 572 | 233 | 339 | 65 | 24 | 40 |
| Baja California Sur | 32 | 523 | 467 | NI | NI | 0 | 0 | 0 |
| Campeche | 16 | 1,095 | 672 | 302 | 370 | 1 | 0 | 0 |
| CDMX | 24 | 194 | 215 | 106 | 109 | 1 | 0 | 0 |
| Chiapas | 2 | 35 | 28 | 11 | 18 | 14 | 10 | 4 |
| Chihuahua | 49 | 106 | 108 | 33 | 75 | 0 | 0 | 0 |
| Coahuila | 18 | 206 | 161 | 68 | 93 | 0 | 0 | 0 |
| Colima | 20 | 0 | 422 | 157 | 265 | 0 | 0 | 0 |
| Durango | 18 | 588 | 587 | 236 | 350 | 0 | 0 | 0 |
| State of Mexico | 119 | 228 | 228 | 0 | 0 | 0 | 0 | 0 |
| Guanajuato | 34 | 205 | 155 | 134 | 21 | 0 | 0 | 0 |
| Guerrero | 26 | 391 | 251 | 117 | 134 | 55 | 24 | 32 |
| Hidalgo | 1 | 33 | 1 | 0 | 1 | 0 | 0 | 0 |
| Michoacán | 74 | 291 | 460 | 185 | 275 | 14 | 4 | 10 |
| Morelos | 18 | 51 | 51 | 15 | 36 | 8 | 2 | 6 |
| Nayarit | 5 | 175 | 299 | 39 | 260 | 1 | 1 | 1 |
| Nuevo León | 56 | 1,740 | 211 | 70 | 141 | 0 | 0 | 0 |
| Puebla | 19 | 324 | 287 | 69 | 218 | 0 | 0 | 0 |
| Querétaro | 40 | 566 | 376 | 150 | 227 | 0 | 0 | 0 |
| Quintana Roo | 52 | 148 | 148 | 27 | 70 | 0 | 0 | 0 |
| San Luis Potosí | 39 | 210 | 210 | 89 | 121 | 0 | 0 | 0 |
| Sinaloa | 9 | 570 | 233 | 49 | 184 | 0 | 0 | 0 |
| Sonora | 10 | 48 | 0 | 0 | 0 | 0 | 0 | 0 |
| Tabasco | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Tlaxcala | 27 | 235 | 391 | 152 | 240 | 0 | 0 | 0 |
| Veracruz | 57 | 269 | 179 | 69 | 110 | 28 | 12 | 17 |
| Yucatán | 17 | 191 | 118 | 38 | 80 | 0 | 0 | 0 |
| Zacatecas | 25 | 72 | 71 | 33 | 38 | 5 | 3 | 3 |

Boxes marked **NI** indicate that no values were available in the requests and information received. Values rounded off to the nearest whole number.

Source: Elaborated by the authors based on data obtained through requests for access to information.



states with better results. In comparison, the federal ECAV surpassed the state jurisdiction with 6.44% of victims represented. These low proportions are strongly linked not only to the overwhelming workload of the legal advisers in both jurisdictions, but also to the lack of personnel specialized in investigating crime in these bodies who could facilitate the presentation of evidence. This absence is critical and a direct violation of the General Law of Victims which stipulates, in Article 66,

that legal orientation must have the expert personnel and technical professionals in diverse disciplines that the defense of victims' rights requires.

Another indicator associated with the effective participation of victims in criminal processes is the percentage of those who are constituted as collaborators in the accusation presented by the AGO, also during the stage of complementary investigation.

Table 25. Victims represented by the ECAV who presented evidence in their criminal processes, state and federal jurisdictions, 2023

Percentage of victims represented by the ECAV who presented evidence to complement the accusation by the Prosecutors' Office, by state, 2023

| State | All victims who presented evidence | | | |
|-------------------|------------------------------------|--------------|--------------|--------------|
| | Absolute | Total (%) | Men (%) | Women (%) |
| National | 11,858 | 4.87% | 2.56% | 3.09% |
| Federation | 1,874 | 6.44% | 9.55% | 3.92% |
| Aguascalientes | 2 | 0.01% | 0% | 0.02% |
| Baja California | 184 | 1.34% | 1.58% | 1.18% |
| CDMX | 85 | 1.65% | 0% | 3.25% |
| Chiapas | 1 | 1.75% | 4.55% | 0% |
| Coahuila | 269 | 9.28% | 8.59% | 9.79% |
| Durango | 12 | 0.11% | 0.02% | 0.17% |
| Guerrero | 350 | 5.37% | 5.7% | 5.08% |
| Michoacán | 222 | 0.65% | 0.57% | 0.71% |
| Nayarit | 7 | 0.47% | 0% | 0.54% |
| Nuevo León | 59 | 0.5% | 0.31% | 0.6% |
| Puebla | 214 | 3.92% | 7.46% | 2.8% |
| Querétaro | 864 | 5.74% | 6.65% | 5.14% |
| San Luis Potosí | 109 | 1.33% | 0.78% | 1.27% |
| Sinaloa | 183 | 8.73% | 14.45% | 7.2% |
| Tlaxcala | 165 | 1.56% | 1.46% | 1.62% |
| Veracruz | 2,876 | 28.14% | 23.45% | 31.06% |
| Zacatecas | 134 | 7.54% | 7.43% | 7.63% |

Note: Campeche, Chihuahua, Colima, Guanajuato, Hidalgo, Morelos, Quintana Roo, and Yucatán reported that no victim represented gave evidence. No data available for Baja California Sur, the State of Mexico, Jalisco, Sonora, Tabasco, and Tamaulipas.

Source: Elaborated by the authors based on data obtained through requests for access to information.

Table 26. Victims represented by the ECAV who declared as co-accusers in their criminal cases

Percentage of victims represented by the ECAV who declared as co-accusers, by state, 2023

| State | All victims who declared as co-accusers | | Sex | |
|-------------------|---|--------------|--------------|--------------|
| | Absolute | Total (%) | Men (%) | Women (%) |
| National | 15,668 | 6.44% | 4.95% | 4.68% |
| Federation | 2,112 | 7.25% | 9.84% | 5.17% |
| Aguascalientes | 2 | 0.01% | 0% | 0.02% |
| Baja California | 320 | 2.33% | 2.99% | 1.88% |
| Campeche | 300 | 2.79% | 2.48% | 3.04% |
| CDMX | 85 | 1.65% | 0% | 3.25% |
| Coahuila | 1,123 | 38.75% | 44.24% | 34.75% |
| Durango | 12 | 0.11% | 0% | 0.19% |
| Guanajuato | 69 | 1.31% | 0.64% | 5.63% |
| Guerrero | 740 | 11.35% | 10.64% | 11.98% |
| Michoacán | 1,141 | 3.35% | 3.98% | 2.93% |
| Nayarit | 7 | 0.47% | 0% | 0.54% |
| Nuevo León | 61 | 0.52% | 0.33% | 0.61% |
| Puebla | 709 | 13% | 24.45% | 9.37% |
| Querétaro | 864 | 5.74% | 6.65% | 5.14% |
| San Luis Potosí | 349 | 4.26% | 4.91% | 3.79% |
| Tlaxcala | 165 | 1.56% | 1.46% | 1.62% |
| Veracruz | 3,304 | 32.32% | 31.08% | 33.1% |
| Zacatecas | 269 | 15.13% | 14.99% | 15.25% |

Note: Campeche, Chihuahua, Colima, Guanajuato, Hidalgo, Morelos, Quintana Roo, and Yucatán reported that no victim represented gave evidence. No data available for Baja California Sur, the State of Mexico, Jalisco, Sonora, Tabasco, and Tamaulipas.

Source: Elaborated by the authors based on data obtained through requests for access to information.

Collaboration entails the formal intervention of victims to aid in prosecuting the crime in accordance with the formalities stipulated by law for those offices. In the state jurisdiction, only 6.44% of the victims represented by ECAV formally collaborated in the prosecutorial accusation, a percentage greater than that of the victims who only offered means of proof. Here, Coahuila, Puebla, Veracruz, and Zacatecas had the highest percentages. The federal level achieved only a slightly better figure of 7.25%.

The final measure of the justice offered to victims is access to the integral restitution of damage. Only 4.06% of the victims represented by ECAV obtained such reparation during the year, a percentage lower than that of the victims who effectively participated in the process and presented evidence or proof while collaborating in the accusation. This suggests that collaboration and presenting evidence ensures or improves the probability that the restitution offered will compensate the damage suffered. In contrast, the vast majority of victims who did not participate actively in the process, thereby leaving the AGO as the only source of probative evidence, had not obtained restitution by the close of the year. The states with better results were Coahuila, Veracruz, Querétaro, and CDMX, while those that have a greater area of opportunity are Quintana Roo, Aguascalientes, and San Luis Potosí.

At the federal level, only 0.57% of all victims represented obtained restitution. This figure reveals a clear gap compared to the state jurisdiction and urgently demands efforts to identify the causes that lie behind the virtually null access to justice for victims in the federal jurisdiction. As a preliminary observation, we infer that this is not associated with the duration of processes since, as we pointed out above, the mean duration of criminal causes is comparable in the two jurisdictions. It may, however, be strongly related to the performance of the Federal Attorney General's Office in prosecuting crimes, the limitations of which may not be compensated by the collaborative efforts of the federal ECAV.

The General Law of Victims, created in 2013, granted the federal ECAV the faculty to create and manage the National Registry of Victims (*Registro Nacional de Víctimas*, RENAVI) and established that access to that instrument must be effective, fast, and differentiated, so that victims can receive the aid, assistance, and attention foreseen in that law, as well as integral restitution of damages. This free registry is fundamental because the recognition of the status of victims it records allows

Table 27. Victims represented by the ECAV who received restitution of damages

Percentage of victims represented by the ECAV who received restitution of damages

| State | All victims who received restitution of damages | | Sex | |
|-------------------|---|--------------|--------------|--------------|
| | Absolute | Total (%) | Men (%) | Women (%) |
| National | 9,863 | 4.06% | 4.05% | 4.41% |
| Federation | 165 | 0.57% | 0.96% | 0.31% |
| Aguascalientes | 3 | 0.01% | 0.01% | 0.02% |
| Baja California | 263 | 1.92% | 2.6% | 1.45% |
| CDMX | 711 | 13.77% | 8.94% | 18.48% |
| Chihuahua | 23 | 0.43% | 0.31% | 0.49% |
| Coahuila | 1,568 | 54.11% | 57.07% | 51.94% |
| Durango | 686 | 6.5% | 7.05% | 6.13% |
| Michoacán | 974 | 2.86% | 2.57% | 3.06% |
| Morelos | 60 | 6.49% | 7.43% | 6.11% |
| Nayarit | 7 | 0.47% | 0.52% | 0.46% |
| Nuevo León | 133 | 1.13% | 1.25% | 1.07% |
| Puebla | 263 | 4.82% | 8.53% | 3.65% |
| Querétaro | 1,469 | 9.76% | 10.32% | 9.39% |
| Quintana Roo | 3 | 0.04% | 0% | 0.08% |
| San Luis Potosí | 5 | 0.06% | 0.06% | 0.06% |
| Tlaxcala | 651 | 6.16% | 7.05% | 5.6% |
| Veracruz | 1,615 | 15.8% | 12.14% | 18.08% |
| Yucatán | 319 | 15.85% | 0% | 0% |

Note: We do not have information broken down by sex for Yucatán.

Campeche, Chiapas, Colima, Guanajuato, Guerrero, Sinaloa, and Zacatecas reported that no victims represented received restitution of damages.

No data available for Baja California Sur, the State of Mexico, Jalisco, Sonora, Tabasco, and Tamaulipas.

Source: Elaborated by the authors based on data obtained through requests for access to information.

them to obtain assistance, resources of support, the integral reparation of damage, and compensation. These resources allow victims to attend to their immediate needs for hospitalization, psychological attention, transport, medicines, and funeral costs, among others. The RENAVI includes victims registered by both the federal ECAV and state authorities.

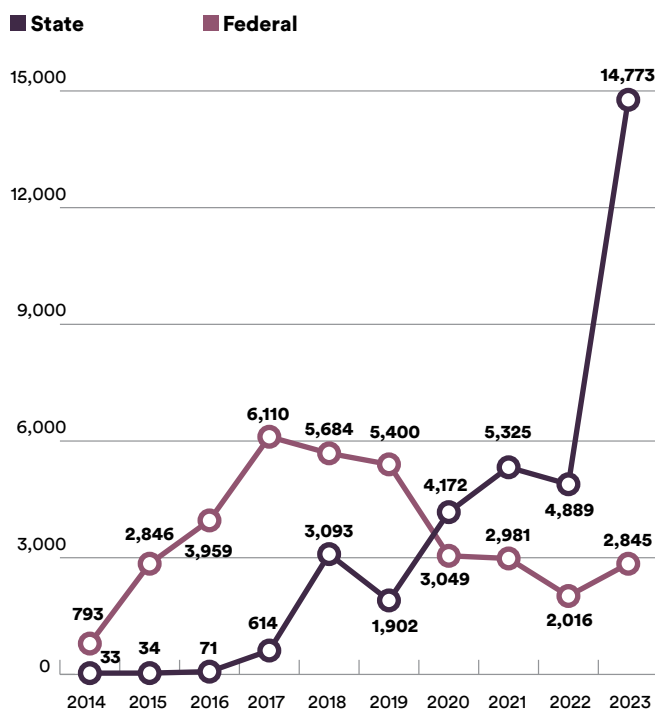
To be registered in the RENAVI victims only need to provide identification, a description of the victimizing acts and the damage suffered, and information on the authorities who have knowledge of those facts. If



the information is evaluated positively, the victim is incorporated into the RENAVI. As the accompanying graph shows, the victims registered in the RENAVI represent only a minimal proportion of the total universe of victims of crime, even in relation to all the victims represented by the ECAV during the year. In the 2014-2023 period, which spans the totality of RENAVI's operations, only 34,906 victims have been registered in the states, while 35,863 were listed in the federal jurisdiction.

Graph 44. Victims listed on the National Registry of Victims, 2014-2023

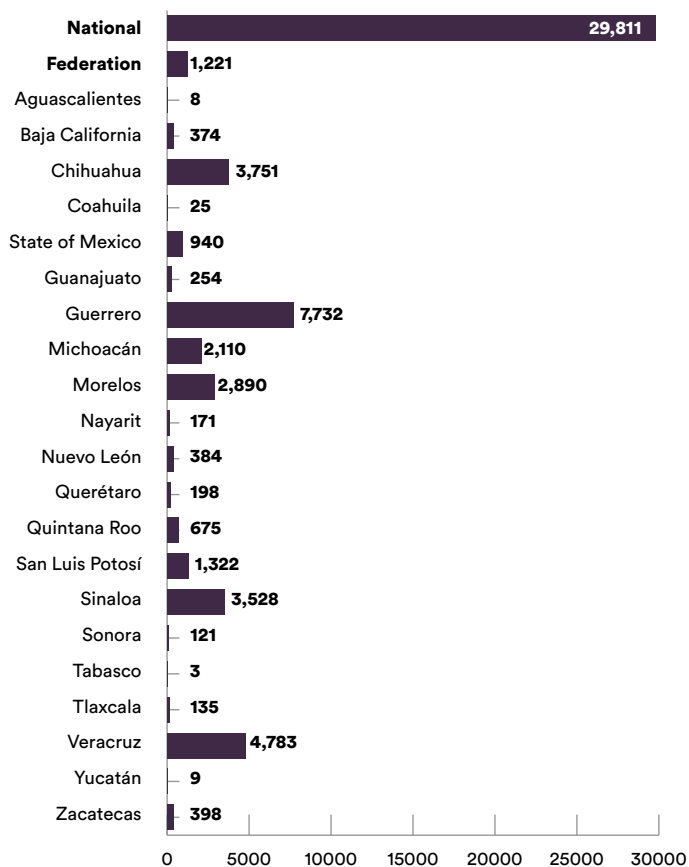
All victims listed annually on the National Registry of Victims, state and federal jurisdictions, 2014-2023



Source: Elaborated by the authors based on data from the *Registro Nacional de Víctimas*.

The behavior of victims registered is markedly disparate between the state and federal levels. In the former, the data seem to indicate that, over time, the benefits of registering have been socialized in a better way among victims, and that these people turn more and more frequently to the instrument in the states. In contrast, the number of victims registered in the federal jurisdiction has shown a clear downward tendency since 2018.

Graph 45. Victims who received support from the Fund for Support, Assistance, and Integral Reparation (FAARI), state and federal levels, 2023



Note: Baja California Sur, Campeche, CDMX, Chiapas, Colima, Durango, Hidalgo, and Puebla reported "0".

No data available for the remaining states.

Source: Elaborated by the authors based on data obtained through requests for access to information.

Finally, the victims who received support in 2023 in the form of state and federal funds, assistance, and integral restitution was 31,023. Of these, 29,811 (96.09%) were aided in the states, and 1,221 (3.91%) in the federal jurisdiction. On the positive side, most of the victims registered in the states (85.40%) obtained resources from the fund during the year, while exactly the opposite occurred in the federal jurisdiction, as only 3.40% of victims registered in the RENAUI received resources. It is important to note that the victims who received benefits from the states were concentrated in Guerrero, Veracruz, Chihuahua, Sinaloa, Morelos, and Michoacán, so these cases need to be analyzed to identify the strategies that victims followed, accompanied by the authorities, to accede to these funds in higher measure and more satisfactorily.

Access to a public defender

Having an adequate defense that includes technical support is a human right of all people processed, one clearly recognized in the Federal Constitution. This right is not exhausted by the formality of designating defense counsel but requires certain safeguards in its exercise, including immediate access to information on the charges, timely access to the records of the investigation, and sufficient time to prepare the defense and receive means of proof, among others. The accused also has the right to freely choose –from the moment of the arrest– the person who will defend her/him; if they cannot, or opt not to, a public defender will be appointed.

Access to a public defender is the keystone right of all persons processed, since it allows those who cannot pay for, or maintain, a private defense attorney to be represented by a professional lawyer and receive technical support free of charge during the process. As we have estimated in previous editions, most people processed ask to be assigned a public defender to represent them. This service is usually provided by the Public Defenders' Offices that form part of the state public administration. In some states, and sometimes at the federal level as well, these offices are ascribed to the Judiciary.

Determining the quality of the services of representation that public defenders provide lies beyond the scope of this section but was an object of analysis in our report "Quality of Justice 2023" (*Calidad de la Justicia 2023*), where we observed and evaluated the performance of defense attorneys in the various hearings held during criminal process. There, we identified that public defenders often showed technical shortcomings and

a lack of knowledge of procedural rules and litigation techniques. Despite this, judges did not remove those lawyers from their positions. In the present report, we asked the Public Defenders' Offices to report on the number of cases in which the lawyers who provided representation were removed from their positions due to technical incapacity, but only Chiapas and Guerrero admitted doing so in 2023, on one and three occasions, respectively.

Table 28. Substantive personnel assigned to the public defense office, 2023

| State | Public defenders in criminal matters | Expert personnel | Personnel specialized in criminal investigation |
|---------------------|--------------------------------------|------------------|---|
| National | 2,536 | 31 | 27 |
| Federation | 680 | 59 | NI |
| Aguascalientes | 33 | 2 | NI |
| Baja California | 118 | NI | NI |
| Baja California Sur | 35 | 0 | 0 |
| Campeche | 32 | 0 | 0 |
| Coahuila | 56 | NI | NI |
| Colima | 16 | NI | NI |
| Chiapas | 46 | NI | NI |
| Chihuahua | 130 | 1 | 0 |
| CDMX | 400 | 9 | 0 |
| Durango | 53 | NI | NI |
| Guanajuato | 184 | 4 | 21 |
| Guerrero | 67 | 0 | 0 |
| Hidalgo | 79 | 3 | 0 |
| Jalisco | 28 | NI | NI |
| State of Mexico | 208 | 11 | 0 |
| Michoacán | 89 | 0 | 0 |
| Morelos | 42 | 1 | 0 |
| Nayarit | 29 | NI | NI |
| Nuevo León | 118 | NI | NI |
| Oaxaca | 81 | NI | NI |
| Puebla | 46 | NI | NI |
| Querétaro | 44 | 0 | 4 |
| Quintana Roo | 48 | NI | NI |
| San Luis Potosí | 66 | 0 | 2 |
| Sinaloa | 79 | 0 | 0 |
| Sonora | 53 | NI | NI |
| Tabasco | 83 | 0 | 0 |
| Tamaulipas | 98 | NI | NI |
| Tlaxcala | 7 | 0 | 0 |
| Veracruz | 46 | NI | NI |
| Yucatán | 59 | 0 | 0 |
| Zacatecas | 63 | 0 | 0 |

Note: NI indicates that no values were reported by the state. Values for the number of public defenders are from the *Censo de Impartición de Justicia 2023* and the *Censo Nacional de Gobiernos Estatales 2023*; The information on expert and specialized personnel was obtained through requests of information.

Source: Elaborated by the authors with data from requests of information and the aforementioned censuses.



Table 29. Substantive personnel of public defense office and their workloads, 2023

| State | Public attorneys in criminal matters | Average number of cases managed per attorney | Average number of persons represented per attorney | | |
|-------------------|--------------------------------------|--|--|------------|-----------|
| | | | Total | Men | Women |
| National | 2,536 | 246 | 174 | 153 | 22 |
| Federation | 680 | 39 | 61 | 56 | 5 |
| Aguascalientes | 33 | 402 | 58 | 51 | 7 |
| Baja California | 118 | 518 | 311 | 280 | 31 |
| BC Sur | 35 | 67 | 0 | NI | NI |
| Campeche | 32 | 11 | 17 | 15 | 2 |
| Coahuila | 56 | 205 | 205 | 205 | 0 |
| Colima | 16 | 39 | 5 | 4 | 1 |
| Chiapas | 46 | 72 | 82 | 76 | 6 |
| Chihuahua | 130 | 411 | 411 | 373 | 38 |
| CDMX | 400 | 394 | 131 | 107 | 24 |
| Guanajuato | 184 | 237 | 164 | 139 | 25 |
| Guerrero | 67 | 94 | 24 | 21 | 3 |
| Hidalgo | 79 | 65 | 89 | 73 | 16 |
| Jalisco | 28 | 246 | 564 | 503 | 60 |
| State of Mexico | 208 | 350 | 350 | 312 | 39 |
| Michoacán | 89 | 113 | 99 | 84 | 15 |
| Morelos | 42 | 110 | 84 | 76 | 8 |
| Nayarit | 29 | 879 | 879 | 815 | 64 |
| Nuevo León | 118 | 207 | 207 | 180 | 27 |
| Oaxaca | 81 | 42 | 55 | 30 | 25 |
| Puebla | 46 | 218 | 218 | 197 | 21 |
| Querétaro | 44 | 382 | 425 | 378 | 47 |
| Quintana Roo | 48 | 143 | 143 | 134 | 9 |
| San Luis Potosí | 66 | 196 | 147 | 142 | 5 |
| Sinaloa | 79 | 247 | 90 | 80 | 11 |
| Sonora | 53 | 449 | 264 | 245 | 19 |
| Tabasco | 83 | 184 | 75 | 53 | 23 |
| Tamaulipas | 98 | 22 | 27 | 22 | 5 |
| Tlaxcala | 7 | 173 | 152 | 143 | 9 |
| Veracruz | 46 | 133 | 133 | 113 | 20 |
| Yucatán | 59 | 16 | 15 | 14 | 1 |
| Zacatecas | 63 | 31 | 77 | 30 | 48 |

Note: The number of public defenders is for 2022; all other figures are for 2023. NI indicates that no values were received in the requests of information.

Source: Elaborated by the authors with data from requests of information, the *Censo Nacional de Procuración de Justicia Estatal 2023*, and the *Censo Nacional de Gobiernos Estatales 2023*.

A technical defense is also conditioned by the attorney's capacity to present means of proof that refute the prosecutor's accusation. This ability is closely related to the resources and expert investigative and forensic personnel that Public Defenders' Offices have at their disposal, but this is extremely limited in the states. At the end of 2023, only three offices stated

Table 30. Rate of admitted and dismissed charges for defendants represented by a public defender, 2023

| State | Women | | Men | |
|-----------------|-------------|----------------|--------------|----------------|
| | Bound over | Not bound over | Bound over | Not bound over |
| National | 83.7 | 16.3 | 88.78 | 11.22 |
| Aguascalientes | 84.97 | 15.03 | 93.95 | 6.05 |
| Baja California | 94.02 | 5.98 | 94.07 | 5.93 |
| Campeche | 77.78 | 22.22 | 84.1 | 15.9 |
| CDMX | 94.66 | 5.34 | 91.01 | 8.99 |
| Chiapas | 97.25 | 2.75 | 97.33 | 2.67 |
| Chihuahua | 78.4 | 21.6 | 85.15 | 14.85 |
| Colima | 95.77 | 4.23 | 92.4 | 7.6 |
| State of Mexico | 88.4 | 11.6 | 93.47 | 6.53 |
| Guanajuato | 92.08 | 7.92 | 94.97 | 5.03 |
| Guerrero | 78.57 | 21.43 | 92.04 | 7.96 |
| Hidalgo | 93.76 | 6.24 | 92.09 | 7.91 |
| Jalisco | 100 | 0 | 82.1 | 17.9 |
| Michoacán | 74.84 | 25.16 | 83.14 | 16.86 |
| Morelos | 78.26 | 21.74 | 90.63 | 9.37 |
| Nayarit | 93.1 | 6.9 | 92.84 | 7.16 |
| Oaxaca | 11.55 | 88.45 | 9.85 | 90.15 |
| Puebla | 87.76 | 12.24 | 92.79 | 7.21 |
| Querétaro | 91.35 | 8.65 | 95.7 | 4.3 |
| Quintana Roo | 73.47 | 26.53 | 85.08 | 14.92 |
| San Luis Potosí | 92.38 | 7.62 | 89.99 | 10.01 |
| Sinaloa | 88.41 | 11.59 | 94.99 | 5.01 |
| Sonora | 97.84 | 2.16 | 99.4 | 0.6 |
| Tabasco | 35.59 | 64.41 | 55.54 | 44.46 |
| Tamaulipas | 79.1 | 20.9 | 88.68 | 11.32 |
| Tlaxcala | 84.21 | 15.79 | 91.13 | 8.87 |
| Veracruz | 86.55 | 13.45 | 95.41 | 4.59 |
| Yucatán | 82.93 | 17.07 | 92.51 | 7.49 |
| Zacatecas | 88.24 | 11.76 | 80.36 | 19.64 |

Source: Elaborated by the authors based on data obtained through requests for access to information.

having personnel specialized in criminal investigation: Guanajuato, Querétaro, and San Luis Potosí, while seven (Aguascalientes, Chihuahua, CDMX, Guanajuato, Hidalgo, the State of Mexico, and Morelos) indicated that they had forensic personnel.

Nationally, the Federal Institute of Public Defenders' Offices (*Instituto Federal de Defensoría Pública*) recognized that it did not have investigative personnel, but did have 59 experts, the largest number nationwide. These data show that most states even lack the minimal conditions for offering evidence that could strengthen defense strategies.

Table 31. Type of cautionary measure imposed on defemnants represented by a public defender, 2023
 Percentages of the type of cautionary measure imposed on persons represented by a public defender, by sex, 2023

| State | Women | | | Men | | |
|-----------------|---------------------|------------------------------|------------------------------|---------------------|------------------------------|------------------------------|
| | Measures in freedom | Justified pretrial detention | Mandatory pretrial detention | Measures in freedom | Justified pretrial detention | Mandatory pretrial detention |
| National | 57.61% | 21.9% | 20.49% | 50.4% | 22.56% | 27.03% |
| Baja California | 52.69% | 26% | 21.31% | 52.73% | 26% | 21.27% |
| Campeche | 82.05% | 5.13% | 12.82% | 46.15% | 33.33% | 20.51% |
| CDMX | 37% | 31.5% | 31.5% | 42.7% | 28.65% | 28.65% |
| Chiapas | 14.44% | 41.11% | 44.44% | 15.06% | 37.95% | 46.99% |
| Coahuila | 62.12% | 27.48% | 10.39% | 67.08% | 18.99% | 13.94% |
| Colima | 26.88% | 50.54% | 22.58% | 18.95% | 48.07% | 32.98% |
| State of Mexico | 0% | 0% | 100% | 0% | 0% | 100% |
| Guanajuato | 81.55% | 8.33% | 10.12% | 61.69% | 16.96% | 21.36% |
| Guerrero | 75% | 10.9% | 14.1% | 65.72% | 9.45% | 24.83% |
| Hidalgo | 74.74% | 8.42% | 16.84% | 66.57% | 8.78% | 24.65% |
| Jalisco | NI | NI | NI | 87.2% | 2.78% | 10.02% |
| Michoacán | 60.51% | 12.42% | 27.07% | 48.86% | 9.25% | 41.88% |
| Morelos | 22.06% | 35.29% | 42.65% | 42.62% | 26.41% | 30.96% |
| Nayarit | 63.64% | 18.18% | 18.18% | 54.08% | 22.96% | 22.96% |
| Oaxaca | 38.73% | 30.79% | 30.48% | 40.41% | 32.61% | 26.98% |
| Puebla | 37.66% | 33.77% | 28.57% | 52.03% | 3.88% | 44.09% |
| Querétaro | 27.75% | 63.35% | 8.9% | 24.9% | 58.59% | 16.51% |
| Quintana Roo | 19.28% | 39.76% | 40.96% | 19.98% | 36.25% | 43.77% |
| San Luis Potosí | 57.95% | 37.12% | 4.92% | 19.09% | 49.73% | 31.18% |
| Sinaloa | 79.28% | 10.36% | 10.36% | 36.62% | 31.69% | 31.69% |
| Sonora | 78.68% | 20.83% | 0.49% | 70.78% | 28.06% | 1.15% |
| Tabasco | 62.82% | 31.2% | 5.98% | 29.92% | 20.12% | 49.97% |
| Tamaulipas | 57.53% | 19.18% | 23.29% | 40.28% | 30.03% | 29.69% |
| Tlaxcala | 34.15% | 36.59% | 29.27% | 24.04% | 30.93% | 45.03% |
| Yucatán | 66.67% | 16.67% | 16.67% | 36.32% | 35.87% | 27.81% |
| Zacatecas | 54.39% | 10.53% | 35.09% | 14.52% | 11.29% | 74.19% |

Note: NI indicates that no data are available. No data available from the states not listed.

Source: Elaborated by the authors based on data obtained through requests for access to information.

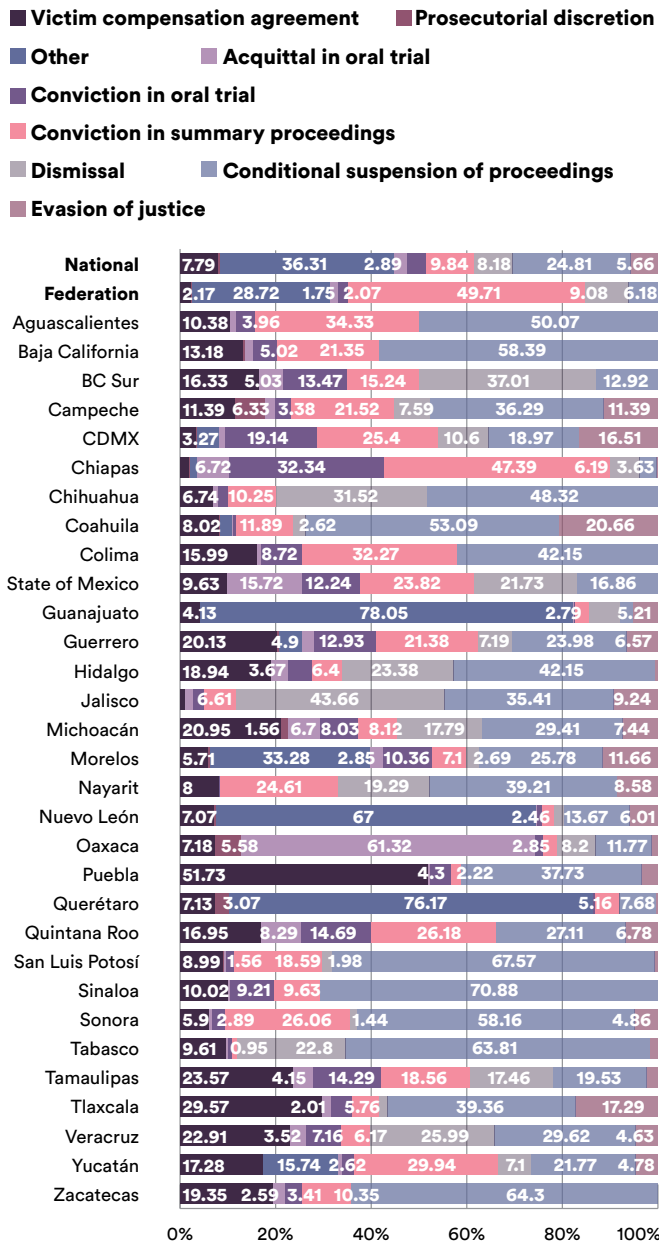
As occurs in the legal orientation that the ECAV offers their victims, the workload that Public Defenders' Offices face is considerable, though somewhat less overwhelming since they have almost three times more staff. Once again, the workload of public defenders is disparate among states, a fact which reveals that the allocation of positions and resources does not proceed as a function of the cases brought to trial by Prosecutors' and AGO. In the state jurisdiction in 2023, each public defender attended an average of 246 cases and represented 174 persons charged, the vast majority of them men (87.93%). The offices that presented the most severe imbalances between their substantive staff

and workload were Nayarit, Baja California, Sonora, Chihuahua, and CDMX.

In the federal jurisdiction, the workload is distributed much more equitably, as the almost 27,000 cases handled in the year were exhausted by 680 public defenders, representing a workload of 38 cases per attorney, one of the lowest averages compared to the state jurisdiction. Each federal defense attorney represented 61 persons processed, a figure that is only 35.05% of the average workload in the state jurisdiction. Here again, most of the persons represented nationally were men (91.80%).



Graph 46. Forms of resolution of criminal cases involving defendants represented by a public defender, 2023
 Percentage distribution of the forms of closing penal cases involving persons represented by a public defender, 2023



Source: Elaborated by the authors based on data obtained through requests for access to information.

Overall, the cases of people represented by Public Defenders' Offices generated a higher percentage of causes not bound over to trial. The figure estimated for this rubric in 2023 was 8.74%, below the calculation provided by those bodies. In this case, 11.22% of the men represented were not bound over, while the percentage of women was 16.30%. The states where these offices were more effective in defending the rights of the accused were Oaxaca, Tabasco, Zacatecas, and Jalisco. This finding may also be associated with poor performance by prosecuting attorneys at hearings.

Regarding the type of cautionary measure imposed on accused persons represented by a public defender in 2023, in 50.40 and 57.61% of cases involving men and women, respectively, this was a measure in freedom, so pretrial detention was decreed for less than half of the persons represented by these attorneys. For the people who were placed in pretrial detention, the mandatory modality was imposed more often on men (27.03%) than women (20.49%).

Finally, the way in which the criminal processes of persons represented by public defenders concluded mirrors, in general, the pattern we identified for all criminal causes processed in the year, regardless of the type of defense, in the section, Effective response. We found that the principal way of closing cases was by conditional suspension of process (24.81%), followed by sentences in summary proceedings (9.84%), victim compensation agreements (7.79%), and sentences in oral trials (6.86%). Other findings that stand out are the high percentage of cases that were dismissed (8.18%) and those where the person represented evaded the action of justice (5.66%).

3.6 Incarcerated individuals

The current National Law of criminal Execution (*Ley Nacional de Ejecución criminal*) was published in June 2016, under the pressure of the looming expiration of the transitory period stipulated in the 2008 Constitutional reform that introduced a penitentiary system organized "on the basis of work, work training, education, health, and sports (...) to achieve the reinsertion of [inmates] into society and [reduce] recidivism..." The main objective was to implement an integral system of social reinsertion. Penitentiary authorities were granted a four-year period to train, equip, and adapt their institutions and organizational structure. Although eight years have



passed since the law was published, the data available reveal a persistent gap between the letter of the law and the reality that incarcerated individuals experience in penitentiaries.

Penitentiaries: capacity and conditions

Capacity

The number of penitentiaries in the states increased by one institution from the close of 2022, so there are now 271 centers, 13 in CDMX and 258 in the other states. At the federal level, the number of centers remained unchanged at 14. In total, there are 285 penitentiaries in the country.

Regarding capacity, the recurrent problem of overcrowding persists in state penitentiaries (CERESOS). In terms of the spaces available at each CERESO, 49.44% present overcrowding, a condition that affects 134 centers. As we verified at the end of 2022, by the end of 2023 17 states continued to show considerable overcrowding that clearly impacts the quality of life of incarcerated individuals. Once again, the State of Mexico had the highest index (145.28%), followed by Nayarit (126.26%), Morelos (88.76%), and Durango (76.99%), the same states that have held these positions in recent years. At the other end of the scale, Colima, Yucatán, and Campeche had the highest proportions of spaces available. Considering the proportion of persons held under MPD discussed in the previous section, *Processes in freedom*, abandoning it, and its indiscriminate use, would be definitive actions to depressurize these centers.

Table 32. Capacity of the penitentiaries of state administration

| State | Number of penitentiaries | Spaces | Population | Absolute overcrowding | Relative overcrowding | Review of relative overcrowding |
|---------------------|--------------------------|----------------|----------------|-----------------------|-----------------------|---------------------------------|
| National | 271 | 191,736 | 211,054 | 19,318 | 16.73% | 10.08 |
| Aguascalientes | 3 | 1,808 | 2,048 | 240 | 13.27% | 13.27 |
| Baja California | 5 | 16,065 | 13,306 | -2,759 | -17.17% | -17.17 |
| Baja California Sur | 4 | 1,909 | 1,238 | -671 | -35.15% | -35.15 |
| Campeche | 2 | 1,782 | 998 | -784 | -44.00% | -44.00 |
| Chiapas | 15 | 4,610 | 5,438 | 828 | 17.96% | 17.96 |
| Chihuahua | 9 | 7,386 | 8,805 | 1,419 | 19.21% | 19.21 |
| CDMX | 13 | 28,969 | 25,457 | -3,512 | -12.12% | -12.12 |
| Coahuila | 7 | 3,240 | 4,353 | 1,113 | 34.35% | 34.35 |
| Colima | 4 | 3,573 | 1,229 | -2,344 | -65.6% | -65.60 |
| Durango | 3 | 2,295 | 4,062 | 1,767 | 76.99% | 76.99 |
| State of Mexico | 23 | 14,327 | 35,141 | 20,814 | 145.28% | 145.28 |
| Guanajuato | 11 | 6,043 | 6,445 | 402 | 6.65% | 6.65 |
| Guerrero | 12 | 3,827 | 3,973 | 146 | 3.82% | 3.81 |
| Hidalgo | 12 | 3,478 | 5,043 | 1,565 | 45.00% | 45.00 |
| Jalisco | 12 | 13,667 | 13,309 | -358 | -2.62% | -2.62 |
| Michoacán | 11 | 8,233 | 6,579 | -1,654 | -20.09% | -20.09 |
| Morelos | 5 | 2,047 | 3,864 | 1,817 | 88.76% | 88.76 |
| Nayarit | 3 | 1,173 | 2,654 | 1,481 | 126.26% | 126.26 |
| Nuevo León | 4 | 9,663 | 10,116 | 453 | 4.69% | 4.69 |
| Oaxaca | 9 | 4,072 | 3,827 | -245 | -6.02% | -6.02 |
| Puebla | 23 | 6,717 | 7,603 | 886 | 13.19% | 13.19 |
| Querétaro | 4 | 3,463 | 3,025 | -438 | -12.65% | -12.65 |
| Quintana Roo | 4 | 2,695 | 3,666 | 971 | 36.03% | 36.03 |
| San Luis Potosí | 5 | 3,230 | 3,021 | -209 | -6.47% | -6.47 |
| Sinaloa | 4 | 6,732 | 4,095 | -2,637 | -39.17% | -39.17 |
| Sonora | 13 | 7,988 | 10,764 | 2,776 | 34.75% | 34.75 |
| Tabasco | 8 | 3,146 | 4,083 | 937 | 29.78% | 29.78 |
| Tamaulipas | 7 | 6,158 | 3,995 | -2,163 | -35.13% | -35.13 |
| Tlaxcala | 2 | 1,060 | 1,032 | -28 | -2.64% | -2.64 |
| Veracruz | 17 | 6,946 | 7,846 | 900 | 12.96% | 12.96 |
| Yucatán | 4 | 3,019 | 1,724 | -1,295 | -42.90% | -42.89 |
| Zacatecas | 13 | 2,415 | 2,315 | -100 | -4.14% | -4.14 |

Source: Elaborated by the authors based on data from the *Cuaderno Mensual de Información Estadística Penitenciaria Nacional 2023*.


Table 33. Capacity of penitentiaries of federal administration

| Penitentiary | Number of centers | Spaces | Population | Absolute overcrowding | Relative overcrowding |
|--|-------------------|--------|------------|-----------------------|-----------------------|
| CEFEREPSI | 1 | 460 | 129 | -331 | -71.96% |
| CEFERESO No. 1 Altiplano | 1 | 844 | 570 | -274 | -32.46% |
| CEFERESO No. 11 CPS Sonora | 1 | 2,520 | 2,064 | -456 | -18.10% |
| CEFERESO No. 12 CPS Guanajuato | 1 | 2,520 | 1,920 | -600 | -23.81% |
| CEFERESO No. 13 CPS Oaxaca | 1 | 2,520 | 2,347 | -173 | -6.87% |
| CEFERESO No. 14 CPS Durango | 1 | 2,520 | 2,233 | -287 | -11.39% |
| CEFERESO No. 15 CPS Chiapas | 1 | 2,520 | 2,116 | -404 | -16.03% |
| CEFERESO No. 16 CPS for women, Morelos | 1 | 2,528 | 1,201 | -1,327 | -52.49% |
| CEFERESO No. 17 CPS Michoacán | 1 | 2,520 | 1,350 | -1,170 | -46.43% |
| CEFERESO No. 4 CPS Northwest | 1 | 2,670 | 2,310 | -360 | -13.48% |
| CEFERESO No. 5 CPS East | 1 | 3,078 | 1,782 | -1,296 | -42.11% |
| CEFERESO No. 7 CPS North-Northwest | 1 | 480 | 125 | -355 | -73.96% |
| CEFERESO No. 8 CPS North-West | 1 | 812 | 649 | -163 | -20.07% |
| Centro Penitenciario Federal 18 CPS Coahuila | 1 | 2,528 | 2,056 | -472 | -18.67% |

Source: Elaborated by the authors based on data from the *Cuaderno Mensual de Información Estadística Penitenciaria Nacional 2023*.

In contrast, in a pattern that has been maintained in recent years, no federal penitentiary (CEFERESO) presented overcrowding. The CEFERESOS with the lowest proportion of spaces available were No. 3 (Oaxaca), No. 4 (Northeast), and No. 5 (Chiapas).

Conditions in penitentiaries

In this section we take up the results of the National Diagnosis of Penitentiary Supervision (*Diagnóstico Nacional de Supervisión Penitenciaria*) elaborated annually by the National Human Rights Commission.³⁹ The objective of this diagnosis is to evaluate the conditions that exist in state and federal penitentiaries based on five rubrics:

- Aspects that guarantee the integrity of people deprived of freedom:** attention and distribution of the population, overcrowding, prevention of, and attention to, violations of human rights, and supervision of the center's functioning by the warden.
- Aspects that guarantee dignified imprisonment:** alimentation, material conditions and hygiene of the kitchen and/or eating areas, infirmary, installations for communicating with the exterior, workshops and/or areas for sports, and the existence and capacity of the installations required for the center's overall functioning.
- Conditions of governability:** persons deprived of freedom who perform authority functions (self-government/co-government), illicit activities, charges (extortion and/or bribery), training of penitentiary personnel, norms (regulations, manuals, guidelines, and applicable dispositions and their dissemination and updating), and procedures for imposing disciplinary sanctions.
- Social reinsertion of convicted individuals:** sports, work, and training activities, integration of technical-judicial files, integration and functioning of technical committees, organization, and registration for the fulfilment of activities plans, separation of persons being processed from those already convicted, and links of incarcerated individuals with society.
- Groups of people deprived of freedom with specific needs:** attention to women and/or minors who live with them, and attention to persons with HIV/AIDS.

³⁹ Comisión Nacional de Derechos Humanos, *Diagnóstico Nacional de Supervisión Penitenciaria 2023*, Mexico, 2024, available at: https://www.cndh.org.mx/sites/default/files/documentos/2024-06/DNSP_2023.pdf



At the state level, this diagnosis reflects that only 10 penitentiaries have shown sustained advances in the scores obtained over the past three years, those in Baja California Sur, Durango, Guanajuato, Hidalgo, the State of Mexico, Michoacán, Morelos, Nuevo León, Querétaro, and Sonora. Most of the others show only slight advances accompanied by significant setbacks. Querétaro remains the only state that has attained a satisfactory score, a fact that clearly reveals the incorporation of its penitentiary system into the policy of Interinstitutional Coordination to Consolidate criminal Justice (*Coordinación Interinstitucional para Consolidar la Justicia criminal, COSMOS*).

The following are the most common, recurrent problems in state penitentiaries. They maintained virtually the same levels of evolution as in 2022:

- Inadequate classification of the incarcerated individuals (92.0% of the centers evaluated) and deficient separation between people held while in process and inmates sentenced (86.0%).
- Deficient material and hygienic conditions in the installations (83.0%).
- Insufficient security and custodial personnel (80.3%).
- Insufficient channels for registering grievances due to human rights violations (72.7%).
- Insufficient programs to prevent addictions and for voluntary disintoxication (65.9%).
- Insufficiency or inexistence of installations required for the overall functioning of the center (56.1%).
- Insufficiency or inexistence of sports activities (40.2%), health services (56.4%), and work activities and training (54.5%).

Added to this, in 10.22% of the penitentiaries evaluated the incarcerated individuals conducted activities that pertain to the penitentiary authorities; that is, actions of self- or co-government.

Here again, the federal CEFERESOS were better evaluated than the state penitentiaries, as they all achieved satisfactory scores in 2023. The most common areas of opportunity at the federal level are:

Table 34. Scores assigned to state penitentiaries on the National Diagnosis of Penitentiary Supervision

■ 8.0 a 10 ■ 6.0 a 7.9 ■ 0 a 5.9

| State | Score assigned by the NHRC | | |
|---------------------|----------------------------|------|------|
| | 2021 | 2022 | 2023 |
| Aguascalientes | 6.6 | 5.4 | 5.52 |
| Baja California | 5.9 | 6.9 | 5.9 |
| Baja California Sur | 6.9 | 6.9 | 7.28 |
| Campeche | 5.9 | 6.2 | 6.13 |
| Coahuila | 6.5 | 6.9 | 6.31 |
| Colima | 6.9 | 5.5 | 7.34 |
| Chiapas | 6 | 5.6 | 6.01 |
| Chihuahua | 7.8 | 7.1 | 6.41 |
| CDMX | 7.3 | 6.9 | 6.86 |
| Durango | 6 | 7.1 | 7.45 |
| Guanajuato | 6.8 | 6.9 | 7.33 |
| Guerrero | 5.1 | 4.9 | 5.18 |
| Hidalgo | 4.5 | 4.6 | 5.7 |
| Jalisco | 7 | 6.4 | 6.9 |
| State of Mexico | 6.4 | 6.7 | 6.86 |
| Michoacán | 6.1 | 6.6 | 6.81 |
| Morelos | 7 | 7.1 | 7.38 |
| Nayarit | 5.2 | 5.9 | 5.6 |
| Nuevo León | 6.6 | 6.9 | 7.68 |
| Oaxaca | 5.7 | 5.4 | 6.02 |
| Puebla | 5.2 | 5 | 5.35 |
| Querétaro | 7.7 | 8.2 | 8.61 |
| Quintana Roo | 6 | 7.2 | 4.84 |
| San Luis Potosí | 6.7 | 6.1 | 5.61 |
| Sinaloa | 5.5 | 6.2 | 5.85 |
| Sonora | 5.5 | 5.9 | 6.31 |
| Tabasco | 4.2 | 5.3 | 4.27 |
| Tamaulipas | 5.7 | 4.3 | 6.03 |
| Tlaxcala | 7.6 | 7.2 | 6.37 |
| Veracruz | 6.4 | 6.3 | 6.33 |
| Yucatán | 6.9 | 7.6 | 7.54 |
| Zacatecas | 5.1 | 4.7 | 5.03 |

Source: Elaborated by the authors based on information from the *Diagnóstico Nacional de Supervisión Penitenciaria 2022* by the *Comisión Nacional de los Derechos Humanos* (NHRC).

- Insufficient security and custodial personnel (50.0%).
- Deficient attention for older adults (35.7%).
- Insufficiency or inexistence of work activities and work training (85.7%).



Table 35. Scores assigned to federal penitentiaries on the National Diagnosis of Penitentiary Supervision

■ 8.0 a 10 ■ 6.0 a 7.9 ■ 0 a 5.9

| Federal penitentiary | Score assigned by the NHRC | | |
|------------------------------------|----------------------------|------|------|
| | 2021 | 2022 | 2023 |
| Cefereso No. 1 State of Mexico | 7.2 | 7.4 | 8.61 |
| Cefereso No. 4 Nayarit | 8 | 8.1 | 8.11 |
| Cefereso No. 5 Veracruz | 7.9 | 7.5 | 8.06 |
| Cefereso No. 7 Durango | 6.8 | 7.6 | 8.12 |
| Cefereso No. 8 Sinaloa | 8.1 | 8.1 | 8.91 |
| Cefereso No. 11, CPS Sonora | 6.7 | 7.4 | 8.25 |
| Cefereso No. 12, CPS Guanajuato | 8.1 | 7.9 | 8.12 |
| Cefereso No. 13, CPS Oaxaca | 7.5 | 7.6 | 8.44 |
| Cefereso No. 14, CPS Durango | 7.3 | 6.9 | 8.37 |
| Cefereso No.15, CPS Chiapas | 7.6 | 6.8 | 8.5 |
| Cefereso No. 16 for Women, Morelos | 8.5 | 7.1 | 8.05 |
| Cefereso No. 17, CPS Michoacán | 7.7 | 7.1 | 8.16 |
| Cefereso No. 18, CPS Coahuila | 7.2 | 6.9 | 8.28 |
| Ceferepsi, Morelos | 7.6 | 8.1 | 8.8 |

Source: Elaborated by the authors based on information from the *Diagnóstico Nacional de Supervisión Penitenciaria 2022* by the *Comisión Nacional de los Derechos Humanos*.

- Insufficient channels for registering grievances due to human rights violations (14.3%).
- Insufficiency or inexistence of educational, work, and training activities (7.1%)

Pretiral detainees and convicted persons

This section describes the legal status of the incarcerated individuals at the federal and state penitentiaries, and the jurisdiction under which they are held (state or federal). The legal status refers to whether they are (i) deprived of freedom under the cautionary measure of pretrial detention while their cases are being processed; or (ii) have been convicted and sentenced. At the end of 2023, 231,906 people were deprived of freedom in penitentiaries, a population that shows an upward tendency since 2019. The vast majority of these are men (94.33%).

Table 36. Incarcerated population by legal status, 2012-2023

| Year | All incarcerated individuals | All pretrial detainees | All convicted individuals | Proportion of pretrial detainees regarding all incarcerated individuals |
|------|------------------------------|------------------------|---------------------------|---|
| 2023 | 231,906 | 87,812 | 144,094 | 38 |
| 2022 | 228,530 | 91,821 | 136,709 | 40 |
| 2021 | 222,369 | 92,574 | 129,795 | 42 |
| 2020 | 214,231 | 89,130 | 125,101 | 42 |
| 2019 | 200,936 | 75,287 | 125,649 | 37 |
| 2018 | 197,988 | 75,030 | 122,958 | 38 |
| 2017 | 204,617 | 78,919 | 125,698 | 39 |
| 2016 | 217,868 | 82,579 | 135,289 | 38 |
| 2015 | 247,488 | 102,740 | 144,748 | 42 |
| 2014 | 255,638 | 107,295 | 148,343 | 42 |
| 2013 | 246,334 | 103,589 | 142,745 | 42 |
| 2012 | 239,089 | 98,414 | 140,675 | 41 |

Source: Elaborated by the authors based on data from the *Cuaderno Mensual de Información Estadística Penitenciaria Nacional 2023*.

Of the total incarcerated population in state and federal penitentiaries, 37.87% (87,812 individuals) are held in pretrial detention; the other 144,094 (62.13%) have been convicted. Thus, at the end of 2023, almost four of every 10 people were deprived of freedom pending trial. Upon analyzing the behavior of these data over the past 12 years, it becomes clear that the implementation of the adversarial criminal process, in 2016, brought about a significant drop in the number of people held under pretrial detention. This effect, however, lasted only a few years, for from 2020 to 2023 we see a gradual increase in the use of this measure, which now nears the levels recorded prior to the implementation of the reform.

When we consider this population by sex, the data show that in these 12 years the proportion of women held under pretrial detention remained above that of men, with a difference that approached 10 percentage points throughout the period. In consequence, the population of men sentenced showed a higher proportion than that of women. At the end of 2023, 37.28% of the men deprived of freedom (81,551) were under pretrial detention, while the other 62.72% had been sentenced. In contrast, 47.64% of the women imprisoned were under pretrial detention, the other 52.36% had been sentenced.



**Table 37. Percentage of pretrial detainees
2012-2023 period**

| Año | All incarcerated individuals | | All pretrial detainees | | | | All convicted individuals | | | |
|------|------------------------------|--------|------------------------|------------|-------|------------|---------------------------|------------|-------|------------|
| | Men | Women | Men | Percentage | Women | Percentage | Men | Percentage | Women | Percentage |
| 2023 | 218,765 | 13,141 | 81,551 | 37.28% | 6,261 | 47.64% | 137,214 | 62.72% | 6,880 | 52.36% |
| 2022 | 215,719 | 12,811 | 85,521 | 39.64% | 6,300 | 49.18% | 130,198 | 60.36% | 6,511 | 50.82% |
| 2021 | 209,889 | 12,480 | 86,005 | 40.98% | 6,569 | 52.64% | 123,884 | 59.02% | 5,911 | 47.36% |
| 2020 | 202,392 | 11,839 | 83,073 | 41.05% | 6,057 | 51.16% | 119,319 | 58.95% | 5,782 | 48.84% |
| 2019 | 190,478 | 10,458 | 70,559 | 37.04% | 4,728 | 45.21% | 119,919 | 62.96% | 5,730 | 54.79% |
| 2018 | 187,772 | 10,216 | 70,465 | 37.53% | 4,565 | 44.68% | 117,307 | 62.47% | 5,651 | 55.32% |
| 2017 | 194,023 | 10,594 | 73,898 | 38.09% | 5,021 | 47.39% | 120,125 | 61.91% | 5,573 | 52.61% |
| 2016 | 206,670 | 11,198 | 77,163 | 37.34% | 5,416 | 48.37% | 129,507 | 62.66% | 5,782 | 51.63% |
| 2015 | 234,441 | 13,047 | 95,980 | 40.94% | 6,760 | 51.81% | 138,461 | 59.06% | 6,287 | 48.19% |
| 2014 | 242,438 | 13,200 | 100,334 | 41.39% | 6,961 | 52.73% | 142,104 | 58.61% | 6,239 | 47.27% |
| 2013 | 233,973 | 12,361 | 97,022 | 41.47% | 6,567 | 53.13% | 136,951 | 58.53% | 5,794 | 46.87% |
| 2012 | 227,678 | 11,411 | 92,604 | 40.67% | 5,810 | 50.92% | 135,074 | 59.33% | 5,601 | 49.08% |

Source: Elaborated by the authors based on data from the *Cuaderno Mensual de Información Estadística Penitenciaria Nacional 2023*.

**Tabla 38. Incarcerated population by type of jurisdiction,
legal status, and sex, 2023**

| Type of jurisdiction | Incarcerated population | | | | Pretrial detainees | | | | | Convicted individuals | | | | |
|----------------------|-------------------------|--------|---------|--------|--------------------|--------|--------|-------|--------|-----------------------|---------|--------|-------|--------|
| | Total | % | Men | Women | % | Men | % | Women | % | % | Men | % | Women | % |
| State | 202,308 | 87.24% | 191,150 | 11,158 | 37.18% | 70,050 | 36.65% | 5,172 | 46.35% | 62.82% | 121,100 | 63.35% | 5,986 | 53.65% |
| Federal | 29,598 | 12.76% | 27,615 | 1,983 | 42.54% | 11,501 | 41.65% | 1,089 | 54.92% | 57.46% | 16,114 | 58.35% | 894 | 45.08% |

Source: Elaborated by the authors based on data from the *Cuaderno Mensual de Información Estadística Penitenciaria Nacional* corresponding to December 2023.

An analysis by type of jurisdiction under which the incarcerated individuals are held reveals that the common level accounts for the vast majority, with 87.24% of the total, even though it processes only 12.76% of all cases. Regarding the legal status of the incarcerated individuals, the state jurisdiction presents a lower proportion of people in pretrial detention than the federal jurisdiction. These figures indicate a more frequent use of pretrial detention federally. In the state jurisdiction, 37.18% of the incarcerated individuals are in pretrial detention, while the percentage for the federal jurisdiction reaches 42.54% of the total. This difference is more grievous for women, for not only is a higher proportion of women than men held in pretrial detention, but this increases markedly in the federal jurisdiction, with 54.92% under pretrial detention; **that is, over half of the women deprived of freedom at the federal level have not been sentenced.**

Finally, upon analyzing the juridical status of the incarcerated individuals by state where these people are held, we identified a pronounced variation. On the one hand, in seven states under 30% of the penitentiary population was in pretrial detention, while on the other, the figures for six states ranged from 30 to 50%. Nine states were found to have percentages above 50%, with the highest figure being 69.38%. Here, the cases of Tlaxcala, San Luis Potosí, Quintana Roo, and Veracruz stand out, as practically seven of every 10 people deprived of freedom had not been sentenced. In contrast, Campeche, the State of Mexico, CDMX, and Querétaro had the lowest proportions of persons in pretrial detention.



Table 39. Incarcerated population by legal status and state, 2023

| State | All pretrial detainees | All convicted individuals | Proportion of pretrial detainees regarding all incarcerated individuals |
|---------------------|------------------------|---------------------------|---|
| National | 87,812 | 144,094 | 37.87% |
| Aguascalientes | 647 | 1,401 | 31.59% |
| Baja California | 6,542 | 6,764 | 49.17% |
| Baja California Sur | 498 | 740 | 40.23% |
| Campeche | 214 | 784 | 21.44% |
| Chiapas | 2,538 | 2,900 | 46.67% |
| Chihuahua | 3,041 | 5,764 | 34.54% |
| CDMX | 6,441 | 19,016 | 25.30% |
| Coahuila | 2,098 | 2,255 | 48.20% |
| Colima | 428 | 801 | 34.83% |
| Durango | 1,586 | 2,476 | 39.04% |
| Guanajuato | 2,538 | 3,907 | 39.38% |
| Guerrero | 1,442 | 2,531 | 36.29% |
| Hidalgo | 1,709 | 3,334 | 33.89% |
| Jalisco | 7,416 | 5,893 | 55.72% |
| State of Mexico | 8,366 | 26,775 | 23.81% |
| Michoacán | 3,350 | 3,229 | 50.92% |
| Morelos | 1,165 | 2,699 | 30.15% |
| Nayarit | 1,339 | 1,315 | 50.45% |
| Nuevo León | 4,098 | 6,018 | 40.51% |
| Oaxaca | 1,982 | 1,845 | 51.79% |
| Puebla | 4,269 | 3,334 | 56.15% |
| Querétaro | 839 | 2,186 | 27.74% |
| Quintana Roo | 2,387 | 1,279 | 65.11% |
| San Luis Potosí | 2,034 | 987 | 67.33% |
| Sinaloa | 1,362 | 2,733 | 33.26% |
| Sonora | 3,729 | 7,035 | 34.64% |
| Tabasco | 1,178 | 2,905 | 28.85% |
| Tamaulipas | 1,159 | 2,836 | 29.01% |
| Tlaxcala | 716 | 316 | 69.38% |
| Veracruz | 5,053 | 2,793 | 64.40% |
| Yucatán | 579 | 1,145 | 33.58% |
| Zacatecas | 683 | 1,632 | 29.50% |

Fuente: Elaborated by the authors based on requests of access to information, and the *Cuaderno Mensual de Información Estadística Penitenciaria Nacional* corresponding to December 2023.

Penitentiary personnel

The penitentiary authorities are entrusted with safeguarding life and maintaining the order and safety of the incarcerated individuals, visitors, and the staff of their institutions. They also have an obligation to respect, at all times, the human rights of all these groups. For these attributions to be carried out adequately, a balance must exist between the substantive number of security and

Table 40. Incarcerated individuals per custody officer, to December 2023

| State | Incarcerated individuals, state and federal jurisdictions | Custody officers in state penitentiaries | Number of incarcerated individuals per custody officer |
|---------------------|---|--|--|
| National | 211,054 | 22,798 | 9 |
| Aguascalientes | 2,048 | 303 | 7 |
| Baja California | 13,306 | 1098 | 12 |
| Baja California Sur | 1,238 | 245 | 5 |
| Campeche | 998 | 118 | 8 |
| Chiapas | 5,438 | 786 | 7 |
| Chihuahua | 8,805 | 1017 | 9 |
| CDMX | 25,457 | 2875 | 9 |
| Coahuila | 4,353 | 245 | 18 |
| Colima | 1,229 | 247 | 5 |
| Durango | 4,062 | 390 | 10 |
| Guanajuato | 6,445 | 1458 | 4 |
| Guerrero | 3,973 | 479 | 8 |
| Hidalgo | 5,043 | 241 | 21 |
| Jalisco | 13,309 | 1222 | 11 |
| State of Mexico | 35,141 | 2888 | 12 |
| Michoacán | 6,579 | 1436 | 5 |
| Morelos | 3,864 | 468 | 8 |
| Nayarit | 2,654 | 235 | 11 |
| Nuevo León | 10,116 | 957 | 11 |
| Oaxaca | 3,827 | 388 | 10 |
| Puebla | 7,603 | 1385 | 5 |
| Querétaro | 3,025 | 456 | 7 |
| Quintana Roo | 3,666 | 144 | 25 |
| San Luis Potosí | 3,021 | 431 | 7 |
| Sinaloa | 4,095 | 339 | 12 |
| Sonora | 10,764 | 543 | 20 |
| Tabasco | 4,083 | 711 | 6 |
| Tamaulipas | 3,995 | 484 | 8 |
| Tlaxcala | 1,032 | 117 | 9 |
| Veracruz | 7,846 | 518 | 15 |
| Yucatán | 1,724 | 211 | 8 |
| Zacatecas | 2,315 | 323 | 7 |

Source: Elaborated by the authors based on the *Censo Nacional del Sistema Penitenciario Estatal* (2024) and the *Cuaderno Mensual de Información Estadística Penitenciaria Nacional*, December, 2023.

custodial staff and the total incarcerated population. This balance conditions the quality with which the physical integrity of the incarcerated population is supervised and safeguarded. Below, we examine, precisely, the ratio between the penitentiary population in federal and state centers and the custodial personnel available in those prisons by state.



At the end of 2023, the CERESOS held a total of 211,054 incarcerated individuals, an increase of only 0.72% from the previous year. **Meanwhile, the total custodial and vigilance personnel ascended to 22,798, also a slight increase (3.1%) from 2022.** One aspect that stands out here is that in this period states like CDMX, Morelos, Oaxaca, San Luis Potosí, Sonora, and Zacatecas showed significant reductions in their custodial personnel, though these were compensated in the national data by increases in Puebla, Coahuila, Aguascalientes, and Sinaloa. On average, **nationally there were nine incarcerated individuals per custodian at the end of 2023, indicating a favorable reduction of 22.22% from 2022.** Significantly, two states –Quintana Roo and Hidalgo– continue to exceed the CNDH’s recommendation that the maximum number of inmates per custodian is 20.

We were unable to determine the size of the custodial and/or supervisory staff in federal penitentiaries at the close of the year because this information is classified as “confidential”, as occurred in previous years.

Judges Overseeing Convictions

The judges in charge of overseeing convictions, *juces de ejecución penal*, are specialized judicial authorities entrusted with guaranteeing the rights of incarcerated individuals –regardless of their juridical status– reviewing grievances regarding the conditions in penitentiaries, ensuring the execution of sentences, resolving incidents reported regarding payment of restitution, and determining what pre-release benefits, if any, apply, among other transcendental attributions. Considering the incarcerated population in state penitentiaries at the end of 2023 and the number of these type of judges at that moment, we estimate that there was one judge for every 996 incarcerated individuals.

This figure remained practically unchanged from 2022, when we estimated 1,017 incarcerated individuals per judge. It reflects marginal increases in the personnel specialized in criminal execution in some states, though this barely compensated for the growth of penitentiary populations from 2022 to 2023. An important finding for Puebla, San Luis Potosí, and Zacatecas is that sentencing judges there also perform jurisdictional functions such as controlling guarantees and prosecuting cases; that is, they are not assigned exclusively to the stage of criminal execution. In general, we noted a very slow increase in this specialized profile and, although there is no shared standard among the states for the optimal number of judges required, current personnel is still

Table 41. Incarcerated individuals in state penitentiaries per judge specialized in overseeing convictions, to December 2023

| State | Incarcerated individuals in state penitentiaries | Judges specialized in overseeing convictions | Number of incarcerated individuals per judge |
|---------------------|--|--|--|
| National | 198,115 | 199 | 996 |
| Aguascalientes | 2,048 | 2 | 1,024 |
| Baja California | 13,306 | 7 | 1,901 |
| Baja California Sur | 1,238 | 2 | 619 |
| Campeche | 998 | 3 | 333 |
| Chiapas | 5,438 | 4 | 1,360 |
| Chihuahua | 8,805 | 17 | 518 |
| CDMX | 25,457 | 38 | 670 |
| Coahuila | 4,353 | 3 | 1,451 |
| Colima | 1,229 | 1 | 1,229 |
| Durango | 4,062 | 3 | 1,354 |
| Guanajuato | 6,445 | 9 | 716 |
| Guerrero | 3,973 | 4 | 993 |
| Hidalgo | 5,043 | 6 | 841 |
| Jalisco | 13,309 | 6 | 2,218 |
| State of Mexico | 35,141 | 25 | 1,406 |
| Michoacán | 6,579 | 7 | 940 |
| Morelos | 3,864 | 2 | 1,932 |
| Nayarit | 2,654 | 4 | 664 |
| Nuevo León | 10,116 | 5 | 2,023 |
| Oaxaca | 3,827 | 9 | 425 |
| Puebla* | 7,603 | 23 | 331 |
| Querétaro | 3,025 | 6 | 504 |
| Quintana Roo | 3,666 | 6 | 611 |
| San Luis Potosí* | 3,021 | 21 | 144 |
| Sinaloa | 4,095 | 4 | 1,024 |
| Sonora | 10,764 | 1 | 10,764 |
| Tabasco | 4,083 | 5 | 817 |
| Tamaulipas | 3,995 | 5 | 799 |
| Tlaxcala | 1,032 | 1 | 1,032 |
| Veracruz | 7,846 | 11 | 713 |
| Yucatán | 1,724 | 3 | 575 |
| Zacatecas* | 2,315 | 37 | 63 |

*Puebla, San Luis Potosí, and Zacatecas were excluded from the calculations of national data because they reported that judges perform other jurisdictional functions, such as control and trials, so they do not have judges dedicated exclusively to imposing sanctions.

Source: Elaborated by the authors based on requests of access to information, and the *Cuaderno Mensual de Información Estadística Penitenciaria Nacional*, December, 2023.

clearly limited, above all when we consider the states with the worst ratios between judges and incarcerated individuals: Sonora, Jalisco, Nuevo León, Morelos, and Baja California.



CHAPTER 4

A gender focus on criminal justice

Introduction

Analyzing criminal justice from a gender perspective constitutes a crucial focus for addressing and correcting the historical and structural inequalities that have long plagued legal systems worldwide. In this chapter, we set out to examine how gender, understood as “a primary form of significant power relations” and “a social category imposed on a sexed body” –according to the definition in Joan W. Scott.⁴⁰ influences the administration of justice and people’s experience in the criminal system.

Adopting a gender perspective at the judicial level entails recognizing that, apparently neutral, laws and institutions are, in fact, impregnated with masculine conceptions that can perpetuate the subordination and inequality of women. As Lucía Núñez⁴¹ points out, the use of criminal law can have serious consequences for the freedom of women on both the symbolic and practical planes. In this

chapter, we examine how gender, as a basic category of power relations, impacts the administration of justice and the experiences of people, particularly women, in Mexico’s criminal system.

To begin, it is crucial to distinguish between gender violence and violence against women. The former refers to acts of violence perpetrated against any individual due to her/his sexual orientation or identity, sex or gender, while the General Law of Women’s Access to a Life Free of Violence (*Ley General de Acceso de las Mujeres a una Vida Libre de Violencia*) defines violence against women as “any action or omission based on gender that causes psychological, physical, patrimonial, economic, or sexual damage or suffering, or death in both the private and public spheres”. This distinction is fundamental for understanding the specific nature of the challenges that women confront in the CJS.

⁴⁰ Joan W. Scott. “El género: una categoría útil para el análisis”, *Op. Cit. Revista del Centro de Investigaciones Históricas* (upr.edu).

⁴¹ Lucía Núñez. *El género en la ley criminal: crítica feminista de la ilusión punitiva*, 2021.

The historical evolution of the legal recognition of violence against women in Mexico reveals both advances achieved and challenges that remain. Up to the decade of 1990, certain acts of violence in the private domain were not even considered crimes. Domestic violence was recognized, finally, in laws passed in the late 90s, though femicide was not typified in criminal codes until 2012. While significant, this progress underscores the relative novelty of legal protection against specific forms of gender violence.

In Mexico, the need to incorporate the gender perspective into criminal justice has become evident because *machista* violence continues to be the principal problem that women confront. Suffice to say that 3,432 women were murdered in 2023. It was not until 2012 that efforts were undertaken to typify femicides, but still today –over 10 years later– there is no clear definition of what AGO should classify as femicide, or of the role of the gender perspective in criminal investigations.

Gender violence and violence against women

As mentioned above, the distinction between gender violence and violence against women is fundamental for understanding the specific challenges that women

confront in the CJS and the policies adopted to attend to these kinds of violence. This differentiation is not just conceptual, for it has practical implications for how cases are registered, investigated, and processed. Data on the incidences of criminality and victimization allow us to visualize the magnitude and characteristics of the violence that disproportionately affects women in Mexico.

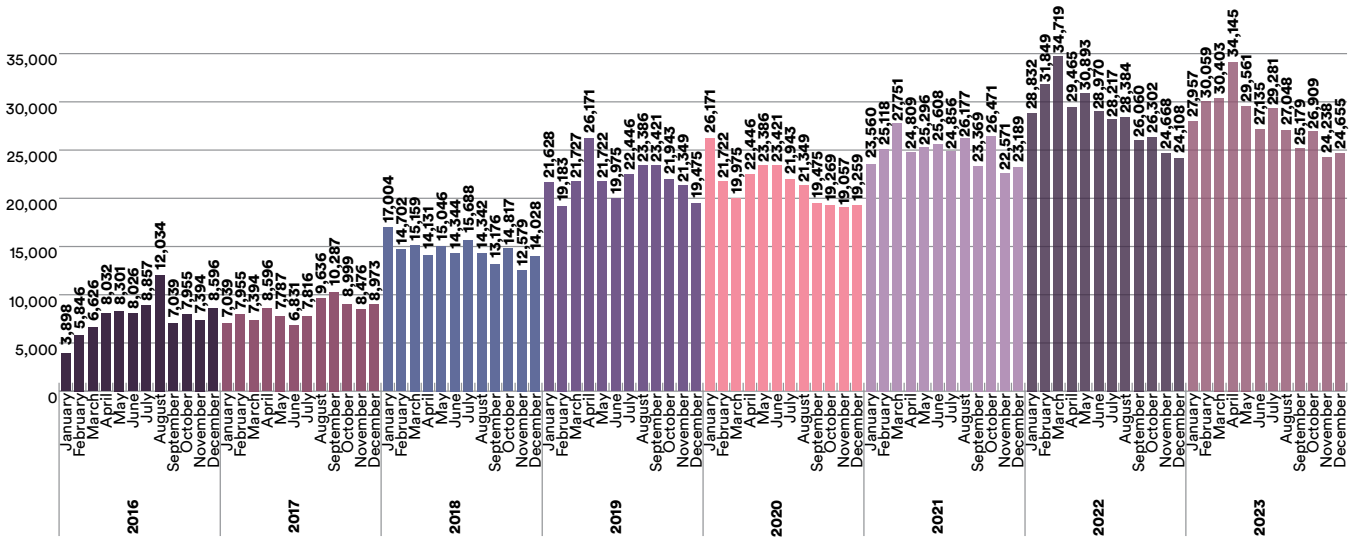
Below, we analyze the incidence of criminality where the principal victim is a woman and compare victimization between women and men.

Crime rate and victimization

Emergency calls

The number of emergency calls related to incidents of violence against women increased from 2016 to 2023; indeed, monthly averages have grown constantly. While in 2016 the mean was 7,000 calls per month, in 2023 that number was nearly 28,000, signaling an increase of 300% in just seven years. These calls span a broad spectrum of violences that include rape, sexual abuse, sexual harassment, and stalking, violence against women, partner violence, and domestic violence.

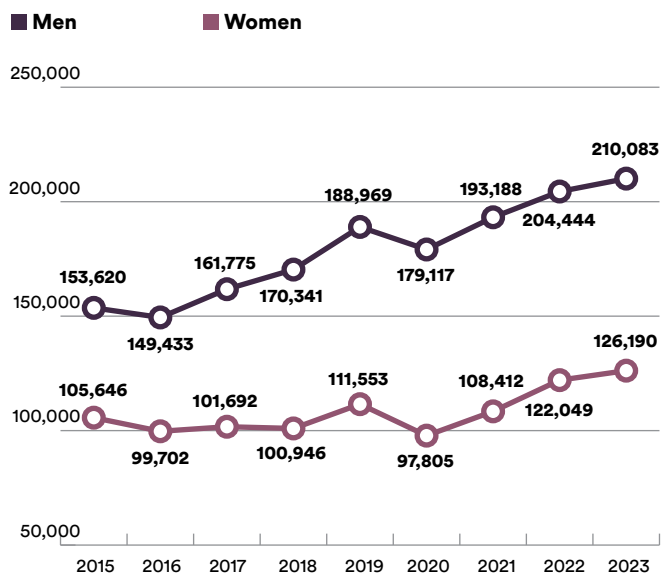
Graph 47. Emergency calls related to incidents of violence against women



Note: Violence against women is included in the *Catálogo Nacional de Incidentes de Emergencia*, defined as "All violent acts that result in, or could result in, physical, sexual, or psychological damage or suffering for women, and threats of such acts, coercion, or arbitrary deprivation of freedom, whether in public or private life".
Source: Elaborated by the authors with data from the SESNSP-CNI and information reported by the *Centros de Atención a Llamadas de Emergencia (CALLE)* in all 32 states.

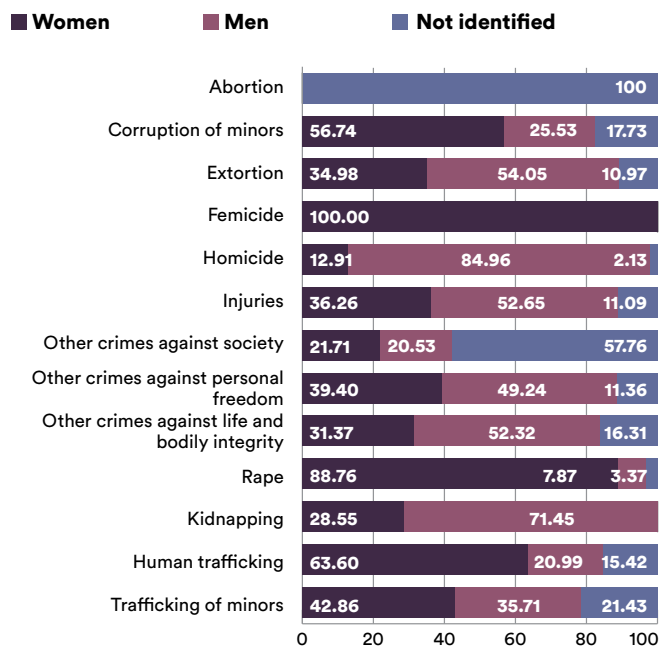


Graph 48. Victims of crime by sex and year



Source: Elaborated by the authors with data from the SESNSP, to June 2024.

Graph 49. Crimes by type of victim, 2023



Source: Elaborated by the authors with data from the SESNSP, to June 2024.

Victimization

The incidence of criminality in Mexico reveals unsettling patterns in victimization by sex. In our analysis of the number of victims, we observed a generalized increase for both men and women. In 2023, men represented most of the victims with 55.5% of the total (210,083 cases), while women were affected in 33.3% (126,190). In the remaining 11.3% (42,876), the victim’s sex was not identified. This distribution reflects a considerable disparity in the incidence of criminality between the sexes.

Our analysis of victims’ data also showed that there are crimes with a marked prevalence of women, even though there are more male victims. In addition to femicide, where 100% of victims are women, rape shows a high prevalence of women victims at 88.76%. Likewise, human trafficking and corruption of minors are crimes in which over 50% of victims are women, with 63.60 and 56.74%, respectively.

The crimes in which the principal victim is a man are homicide (84.96%) –though we must emphasize that the ways in which men and women are murdered are totally different– and kidnapping (71.45%).

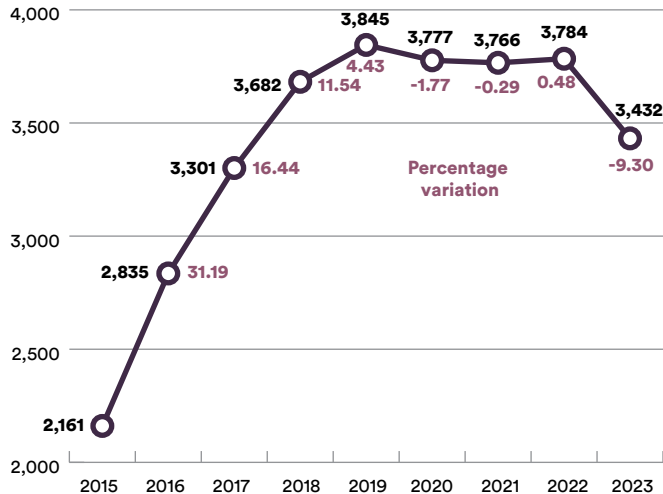
One special case is that of abortion, where 100% of cases were classified as “Not identified”, a finding that could reflect complexities in data collection or in the legal and social nature of this crime in Mexico.

Violent deaths

The aforementioned General Law of Women’s Access to a Life Free of Violence considers violent femicide the most extreme form of gender violence against women.⁴² Femicide is understood as the murder of women simply because they are women, though the classification of femicides faces significant challenges due to the opacity of the criteria applied by AGO to determine which cases should be classified as femicide and which ones should be categorized as intentional homicide. To obtain a more precise approximation of the phenomenon of lethal violence against women it is essential to consider the broader category of “violent deaths”, which includes intentional homicide and femicide.

⁴² Article 21, Ley General de Acceso de las Mujeres a una Vida Libre de Violencia (diputados.gob.mx)

Graph 50. Violent deaths of women by year



Source: Elaborated by the authors with data from the SESNSP, to June 2024.

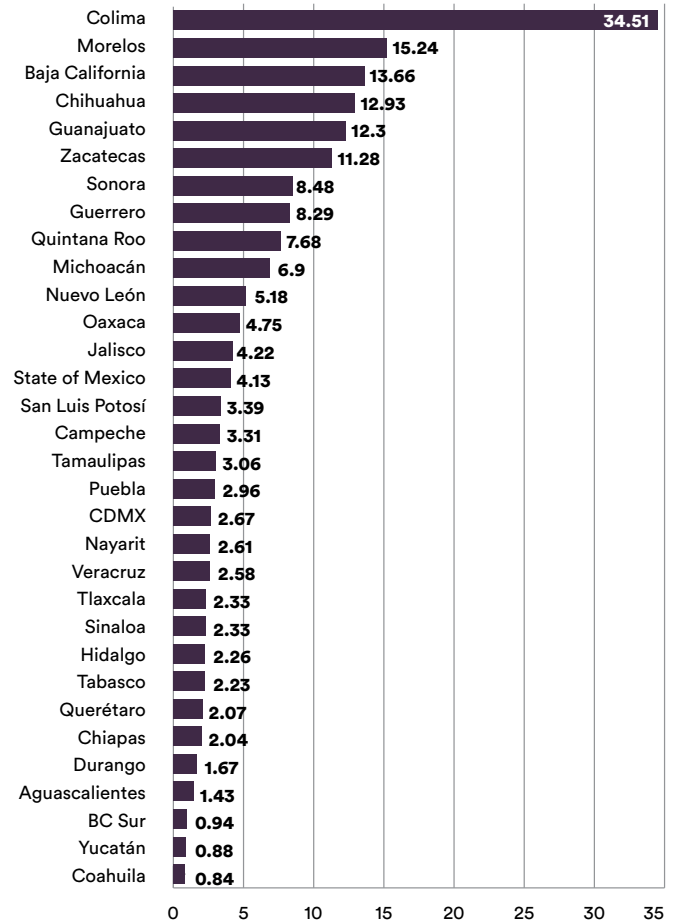
An analysis of the tendencies in violent deaths from 2015 to 2023 shows an increase of 58.8% in just eight years. Since 2019, a slight reduction in the number of cases of violent deaths is apparent, but the figures are still alarming. The persistence of high levels of lethal violence against women, despite the implementation of gender alerts and other measures, raises serious doubts about the effectiveness of the policies and strategies adopted to date. The lack of any significant, sustained reduction suggests that the actions taken so far have been insufficient to address the profound causes of this violence.

In 2023, Colima had the highest index, as it registered 34.51 deaths for every 100,000 women, an increase of over 800% from 2022. Other states –Baja California, Chihuahua, Guanajuato, Morelos– also presented significantly high rates that ranged from 12 to 15 deaths for every 100,000 women. In contrast, some states showed relative improvement, with significant reductions in their indices of violent deaths. Baja California Sur, Yucatán, Coahuila, and Nayarit presented the most notable decreases, which were as high as 89%.

Domestic violence

With respect to domestic violence, the existing data do not allow us to disaggregate men and women, though we know that the principal victims in these crimes tend to be the latter. Figures recorded since 2015 show an upward tendency. The number of cases registered per month has increased significantly, passing from around 7,000–8,000

Graph 51. Violent deaths of women by state, 2023
Rate per 100,000 women



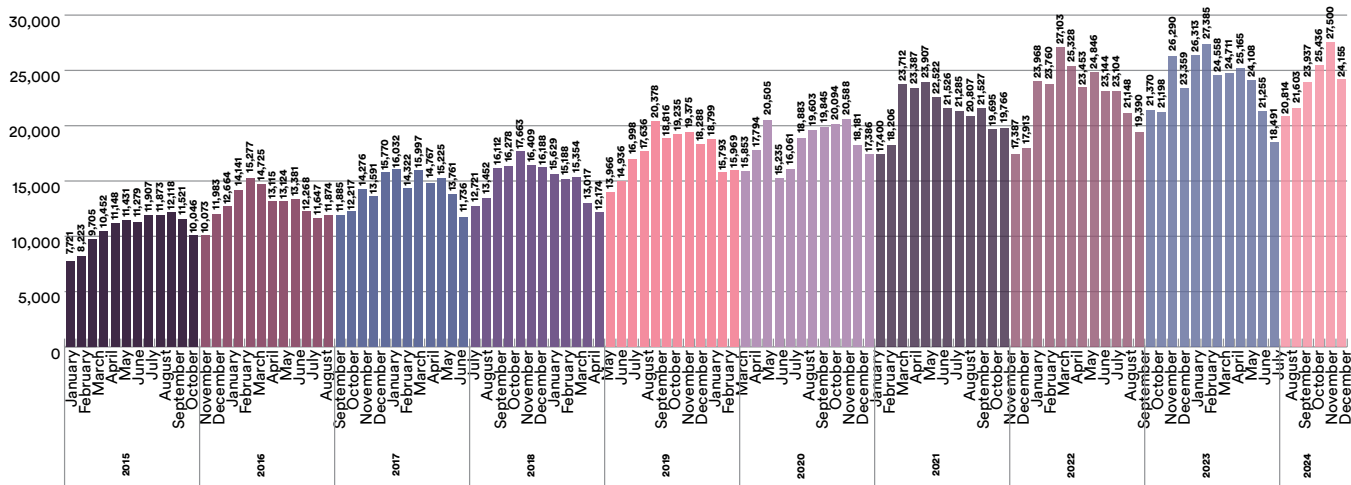
Source: Elaborated by the authors with data on victims, state jurisdiction, reported by the SESNSP, to June 2024. For the population indices, we utilized CONAPO's projections for 2020-2070 at the halfway point of 2023.

in early 2015 to over 20,000 in recent years. Since 2021, after the COVID-19 pandemic, we have observed a more pronounced increase in the number of cases of domestic violence, and this ascendant trajectory continued into 2023. The month with most reports was June, with 27,385 incidents. In general, 2023 maintained high levels of reports with over 20,000 accusations in most months.

Our analysis of the monthly evolution of crimes of domestic violence found that June and July tended to show increases in the number of cases reported, while the final months of the year –November, December– revealed relative reductions, though this finding may reflect decreases in the activities of the reporting systems for this crime.



Graph 52. Presumed crimes of domestic violence



Note: Figures include crimes committed against both men and women.

Source: Elaborated by the authors with data from the SESNSP.

Gender-Based Violence Against Women Alert

The Gender-Based Violence Against Women Alert is a protection mechanism established by law. It is declared when crimes of the state jurisdiction affect the lives, freedom, integrity, and security of women in a certain territory, or when generalized, systematic conditions of violence against women exist.

With respect to the index of criminality, data from the Executive Secretariat of the National Public Security System (*Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública*) show an upward tendency in most of the crimes where the principal victims are women, especially since 2018.

In the latest update, we observed⁴³ that Alerts for Gender Violence against Women (AGVW) have been declared in 24 states. This is particularly disturbing because it means that only eight have not made declarations of this kind.

This panorama becomes even more alarming when we consider that the first alert was declared almost a decade ago, on July 3rd, 2015, in the State of Mexico. Far from observing a reduction in gender violence since that time, this problem seems to be escalating, as evidenced by the growing number of

alerts declared in the ensuing years, most recently in August 2021.

Most of the alerts have been declared due to violent femicides, though there are notable exceptions. In addition to the alerts declared due to femicides, Veracruz and Guerrero have sounded this alarm due to “unequal institutional response”, while the State of Mexico received a second alert due specifically to the numerous cases of disappearances of women. It is important to emphasize that the case of CDMX is unique because the alert there was “self-declared” on November 25th, 2019.

The proliferation of these alerts over time raises serious doubts about the effectiveness of this mechanism because declaring an AGVW is designed to draw attention to the seriousness of the problem and mobilize resources to effectively combat it. Hence, the fact that the number of alerts has multiplied instead of decreasing suggests that its principal objective of preventing and eradicating violence against women is not being achieved.

Moreover, the reality that most states have not yet developed strategic action programs, either at the state or municipal level, adds another layer of concern, for it could indicate a lack of effective follow-up on, or the absence of any real implementation of, the measures necessary to combat gender violence.

⁴³ Gobierno de México, *Alertas por violencia de género declaradas por violencia femicide* https://www.gob.mx/cms/uploads/attachment/file/831585/AGVW_DECLARADAS_FINAL_12.06.23.pdf



Table 42. States and municipalities with active Gender-Based Violence Against Women Alerts

| State | Municipalities | Date declared | Declared due to | Other |
|------------------------|--|---------------|------------------|---|
| State of Mexico | Ecatepec de Morelos, Nezahualcóyotl, Tlalnepantla de Baz, Toluca de Lerdo, Chalco, Chimalhuacán, Naucalpan de Juárez, Tultitlán, Ixtapaluca, Valle de Chalco, Cuautitlán Izcalli. | 31/07/2015 | State Department | Due to violent femicides. State program for strategic actions, 2023 Strategic State Program for Attention to the Alert for Gender Violence due to Disappearances of Girls, Adolescents, and Women. 28 March 2023. Municipal program for strategic actions, Projects for Municipal Programs for Strategic Actions, under review. |
| Morelos | Cuautla, Cuernavaca, Emiliano Zapata, Jiutepec, Puente de Ixtla, Temixco, Xochitepec, Yautepec. | 10/08/2015 | State Department | Due to violent femicides. State program for strategic actions: to be developed. Municipal program for strategic actions: to be developed. |
| Michoacán | Morelia, Uruapan, Lázaro Cárdenas, Zamora, Apatzingán, Zitácuaro, Los Reyes, Pátzcuaro, Tacámbaro, Hidalgo, Huétamo, La Piedad, Sahuayo, Maravatío. | 27/06/2016 | State Department | Due to violent femicides. State program for strategic actions: to be developed. Municipal program for strategic actions: to be developed. |
| Chiapas | Comitán de Domínguez, Chiapa de Corzo, San Cristóbal de las Casas, Tapachula, Tonalá, Tuxtla Gutiérrez, Villaflores. Specific measures were established for the region of the Altos de Chiapas, which includes the municipalities of Aldama, Amatenango del Valle, Chalchihuitán, Chamula, Shanal, Chenalhó, Huixtán, Larráinzar, Mitontic, Oxchuc, Pantelhó, San Cristóbal de las Casas, San Juan Cancuc, Santiago El Pinar, Tenejapa, Teopisca, and Zinacantán. | 18/11/2016 | State Department | Due to violent femicides. State program for strategic actions: to be developed. Municipal program for strategic actions: to be developed. |
| Nuevo León | Apodaca, Cadereyta Jiménez, Guadalupe, Juárez, Monterrey. | 18/11/2016 | State Department | Due to violent femicides. State program for strategic actions: to be developed. Municipal program for strategic actions: to be developed. |
| Veracruz | Boca del Río, Coatzacoalcos, Córdoba, Las Choapas, Martínez de la Torre, Minatitlán, Orizaba, Poza Rica de Hidalgo, Tuxpan, Veracruz, Xalapa. | 23/11/2016 | State Department | Due to violent femicides. State program for strategic actions: to be developed. Municipal program for strategic actions: to be developed. |
| Sinaloa | Ahome, Culiacán, Guasave, Mazatlán, Navolato. | 31/03/2017 | State Department | Due to violent femicides. State program for strategic actions: to be developed. Municipal program for strategic actions: to be developed. |



| State | Municipalities | Date declared | Declared due to | Other |
|------------------------|--|---------------|------------------|---|
| Colima | Colima, Coquimatlán, Cuahtémoc, Tecomán, Villa de Álvarez. Specific measures were established for Manzanillo. | 20/06/2017 | State Department | Due to violent femicides. State program for strategic actions: to be developed. Municipal program for strategic actions: to be developed. |
| San Luis Potosí | Ciudad Valles, Matehuala, San Luis Potosí, Soledad de Graciano Sánchez, Tamazunchale, Tamuín. | 21/06/2017 | State Department | Due to violent femicides. State program for strategic actions: to be developed. Municipal program for strategic actions: to be developed. |
| Guerrero | Acapulco de Juárez, Ayutla de los Libres, Chilpancingo de los Bravo, Coyuca de Catalán, Iguala de la Independencia, José Azueta, Ometepec, Tlapa de Comonfort. | 22/06/2017 | State Department | Due to violent femicides. State program for strategic actions, State Program for Strategic Actions to Attend the Declaration of the Alert for Gender Violence against Women due to Violent Femicides, 31 August 2022. Municipal program for strategic actions: to be developed. |
| Quintana Roo | Benito Juárez, Cozumel, Solidaridad. Specific actions were established for the municipality of Lázaro Cárdenas, which has an Indigenous population. | 07/07/2017 | State Department | Due to violent femicides. State program for strategic actions: to be developed. Municipal program for strategic actions: to be developed. |
| Nayarit | Acaponeta, Bahía de Banderas, Del Nayar, Ixtlán del Río, Santiago Ixcuintla, Tecuala, Tepic. Specific measures were established for the municipalities with predominantly Indigenous populations: Del Nayar, La Yesca y Huajicori. | 04/08/2017 | State Department | Due to violent femicides. State program for strategic actions: to be developed. Municipal program for strategic actions: to be developed. |
| Veracruz | Unequal institutional response to the Legislative, Executive, and Judicial branches. | 13/12/2017 | State Department | State program for strategic actions: to be developed. |
| Zacatecas | All municipalities in the state (58 municipalities). | 17/08/2018 | State Department | State program for strategic actions: to be developed. Municipal program for strategic actions: to be developed. |
| Oaxaca | Mixtepec, Santa María Apazaco, Santa María Yucuhiti, Huautla de Jiménez, Mazatlán Villa de las Flores, Teotitlán de Flores Magón, Heroica Ciudad de Juchitán de Zaragoza, Matías de Romero Avendaño, Salina Cruz, San Juan Guichicovi, Santo Domingo Tehuantepec, Mahuatlán de Porfirio Díaz, Putla Villa de Guerrero, Ixtlán de Juárez, Santo Domingo Tepuxtepec, Candelaria Loxicha, San Agustín Loxicha, San Pedro Mixtepec, San Pedro Pochutla, Santa María Huatulco, Santa María Tonameca, Santiago Jamiltepec, Santiago Pinotepa Nacional, Santo Domingo de Morelos, Villa de Tututepec de Melchor Ocampo, Oaxaca de Juárez, San Antonio de la Cal, San Bartolo Coyotepec, San Lorenzo Cacaotepec, Santa Lucía del Camino, Tlacolula de Morelos, Villa de Zaachila, Zimatlán de Álvarez, Acatlán de Pérez Figueroa, Loma Bonita, San Juan Bautista Tuxtepec, San Juan Bautista Valle Nacional. | 29/08/2018 | State Department | State program for strategic actions: to be developed. Municipal program for strategic actions: to be developed. |
| Durango | Gómez Palacio, Lerdo, Tlahualilo, Mapimí, Rodeo General Simón Bolívar, Canatlán, Durango, Guadalupe Victoria, Mezquital, Nombre de Dios, Poanas, Pueblo Nuevo, Santiago Papasquiaro, Tamazula, Vicente Guerrero. | 05/11/2018 | State Department | State program for strategic actions: to be developed. Municipal program for strategic actions: to be developed. |



| State | Municipalities | Date declared | Declared due to | Other |
|------------------------|--|---------------|------------------|---|
| Campeche | Calakmul, Calkiní, Campeche, Candelaria, Champoton Escárcega, Hecelchakán, Hopelchén. | 16/11/2018 | State Department | State program for strategic actions: to be developed. |
| | | | | Municipal program for strategic actions: to be developed. |
| Jalisco | The entire state (125 municipalities). Greater attention in: El Salto, Guadalajara, Lagos de Moreno, Mezquitic, Puerto Vallarta, Tlajomulco de Zúñiga, Tlaquepaque, Tonalá, Zapopan, and Zapotlán el Grande. | 20/11/2018 | State Department | State program for strategic actions: to be developed. Municipal program for strategic actions: to be developed. |
| Puebla | Acajete, Acatlán, Acatzingo, Ajalpan, Amozoc, Atempan, Atlíxco, Calpan, Chalchicomuña de Sesma, Chiautla, Chietla, Chignahuapan, Coronango, Cuautlancingo, Cuetzalan del Progreso, Huachinango, Huejotzingo, Huyetamalco, Izúcar de Matamoros, Juan C. Bonilla, Libres, Los Reyes de Juárez, Ocoyucán, Oriental, Palmar de Bravo, Puebla, San Andrés Cholula, San Gabriel Chilac, San Marín Texmelucan, San Pedro Cholula, San Salvador el Seco, Santiago Miahuatlán, Tecali de Herrera, Tecamachalco, Tehuacán, Tepanco de López, Tepatlaxco de Hidalgo, Tepeaca, Tepexi de Rodríguez, Tepeyahualco, Tezihutlán, Tlacotepec de Benito Juárez, Tlaltenango, Tlaola, Tlapanalá, Tlatlauquitepec, Zacatlán, Zaragoza, Zoquitlán. | 08/04/2019 | State Department | State program for strategic actions: to be developed. Municipal program for strategic actions: to be developed. |
| State of Mexico | Toluca de Lerdo, Ecatepec de Morelos, Nezahualcóyotl, Cuautitlán Izcalli, Chimalhuacán, Ixtapaluca, Valle de Chalco Solidaridad | 20/09/2019 | State Department | To disappear. State program for strategic actions, 2023 Strategic State Program for Attention to the Alert for Gender Violence due to Disappearances of Girls, Adolescents, and Women, 28 March 2023. Municipal program for strategic actions, Projects for Municipal Programs for Strategic Actions, under review. |
| CDMX | All boroughs (16 boroughs [<i>alcaldías</i>]). | 25/11/2019 | Self-declared | State program for strategic actions, Program for Strategic Actions to Attend to the Declaration of the Alert for Gender Violence against Women due to unequal institutional response, 14 November 2022. |
| Guerrero | Due to unequal institutional response. | 05/06/2020 | State Department | State program for strategic actions: to be developed. Municipal program for strategic actions: to be developed. |
| Baja California | Ensenada, Mexicali, Playas de Rosarito, San Quintin, Tecate, Tijuana, San Felipe. | 25/06/2021 | State Department | State program for strategic actions: to be developed. Municipal program for strategic actions: to be developed. |
| Chihuahua | Chihuahua, Juárez, Hidalgo del Parral, Guadalupe y Calvo, Cuauhtémoc. | 16/08/2021 | State Department | State program for strategic actions: to be developed. Municipal program for strategic actions: to be developed. |
| Sonora | Cajeme, Empalme, Guaymas, Hermosillo, Nogales, San Luis Río Colorado, and the state of Sonora. | 20/08/2021 | State Department | State program for strategic actions: to be developed. Municipal program for strategic actions: to be developed. |
| Tlaxcala | Todos los municipios de la entidad (60 municipios) | 20/08/2021 | State Department | State program for strategic actions: to be developed. Municipal program for strategic actions: to be developed. |



Nine alerts were not declared: Baja California (2015), CDMX (2017),⁴⁴ Coahuila (2017), Guanajuato (2014), Querétaro (2015), Sonora (2015), Tabasco (2016), Tlaxcala (2016), and Yucatán (2017). Currently, requests for declarations of alerts due to gender violence against women are in process in CDMX (2019), Guanajuato (2022), Nayarit (2021), Nuevo León (2023), Sonora (2019), Puebla (2022), Quintana Roo (2020), Tabasco (2022), and Veracruz (2019).

Institutional response

A gender focus on criminal prosecution policies

Policies related to issues of gender in Mexico's CJS have advanced in recent years to guarantee equality and the protection of women's rights and those of persons of diverse gender. However, it is still necessary to construct tools that facilitate quantitative and qualitative analyses of the conditions of these populations and then define goals and projects that procure protection of their rights. When plans and policies of criminal prosecution were expedited in AGO, practically nationwide in the past six-year period, a clear need emerged to include specific measures to protect the rights of women and the LGBTTTIQ+ community (Lesbians, Gays, Bisexuals, Transvestites, Transgenders, Transexuals, Intersexuals, and Queers).

This effort, to date centered on AGO, should be taken as the starting point for expanding its effects to criminal policies at both the state and national levels. This should also constitute the principal input in the design of programs that are pending development in the states and municipalities related to declarations of alerts for gender violence.

Criminal, judicial, and criminal prosecution policies should all seek to address and correct the structural inequalities that historically have affected victims of gender violence and women who confront the justice system when accused of committing a crime. In this framework, those policies should continue to implement measures like providing specialized training to the operators of justice, creating gender units in institutions and organs specialized in attending to gender violence, and promoting protocols that ensure dignified treatment free of discrimination.

It is also necessary to establish mechanisms that strengthen the prevention and sanctioning of crimes related to gender, such as femicide, by procuring an approach to justice that is more equitable and sensitive to the particularities of each case. Despite certain advances, challenges persist in the effective implementation and supervision of these policies. This demands a continuous commitment toward achieving a truly inclusive justice system that is respectful of human rights.

The gender perspective in the Criminal Justice System

Incorporating the gender perspective into the criminal process is essential to ensure that justice will be equitable and sensitive to the specific realities and needs of women and other genders. This entails that all stages of the criminal process, from investigation to sentencing, are conducted from a deep understanding of how gender inequalities and stereotypes can influence access to justice and the treatment of parties.

Applying this perspective should bring progress in preventing revictimization and guaranteeing that the attention that victims of gender violence receive is adequate and respectful. Another focus is to identify and eliminate biases and discriminatory practices that can affect the impartiality of the process when women and people of other genders are processed. This demands that the Directors of institutions and other operators of justice receive training on gender issues, and that mechanisms be developed to ensure the effective implementation of these principles and promote a criminal system that respects and protects the rights of all people.

Women who are defendants

The information for this section was obtained mainly from responses to requests for information, since publicly available sources do not always break down results by sex or gender. The results of the transversal analysis of the information received through these requests conducted during the elaboration of *Hallazgos 2023*, and specifically for this chapter, were not uniform across all states because some do not gather information by sex. As in previous editions, we recommend that

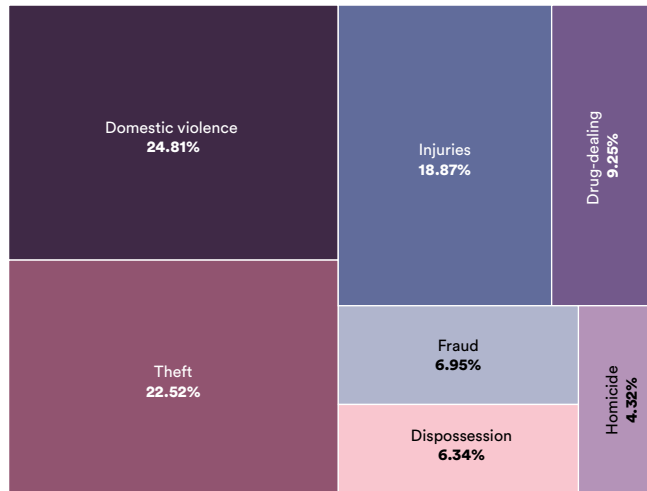
⁴⁴ In the case of CDMX, this was self-declared in November, 2019 <https://www.semujeres.cdmx.gob.mx/alertas/AVG>



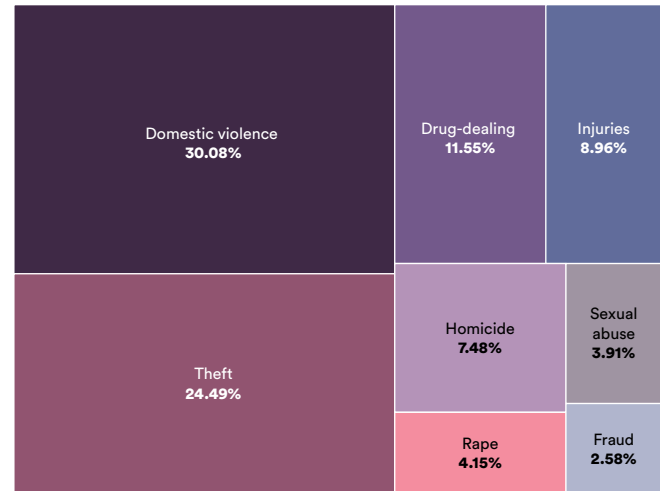
Graph 53. Percentage distribution of filed charges in court by type of crime, state jurisdiction, 2023

Percentage data on the crimes most often brought to trial in 2023

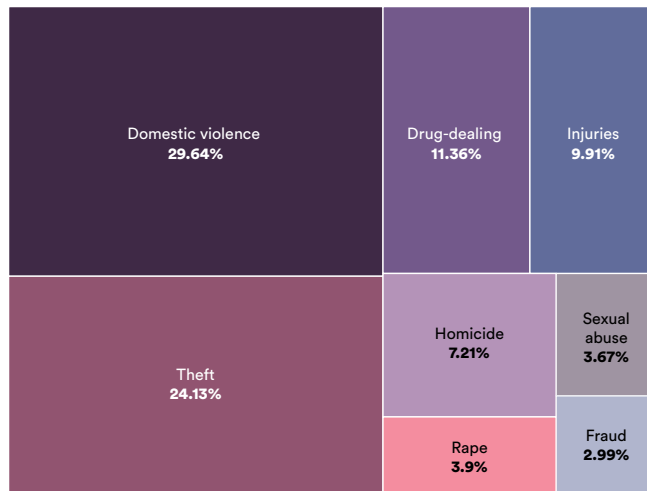
Women



Men



Total



Note: To facilitate reading we include only crimes with values above 2%.

Source: Elaborated by the authors based on requests for access to information.

the crime most frequently brought to trial is domestic violence at 24.8 and 30%, respectively. Second place for both sexes is theft (women 22.5%, men 24.49%). Regarding the crimes of injuries and drug-dealing, the number of criminal processes for men and women is inverted, as the third crime that most often binds women over to trial is injuries (18.87%), while for men it is drug-dealing (11.5%). These data underscore the importance of articulating public policies focused on dealing with the crime of domestic violence since it is the one most often brought to trial in the state jurisdiction.

Regarding cautionary measures we analyzed the situation of pretrial detention from a gender focus, as that is the most restrictive measure imposed on freedom. Unfortunately, we received responses differentiated by sex from only 20 states, the other 12 did not provide the data necessary to analyze the behavior of the imposition of MPD by sex: Baja California, Colima, Chihuahua, CDMX, the State of Mexico, Michoacán, Nayarit, Nuevo León, Sinaloa, Tamaulipas, Tlaxcala, and Zacatecas.

all institutions involved always disaggregate the data and register variables that permit analyses focused on gender. Collecting and analyzing data in this way will facilitate the development of policies that resolve the needs of women and the LGBTTTIQ+ community.

Cautionary measures

Based on the information solicited on cases bound over to trial, we observed that criminal processes most often involve the crimes of domestic violence, theft, drug-dealing, and injuries. For both women and men,

Of the states that responded to our requests, the national average indicates that MPD was imposed more often on men (43.9% of cases) than women (38%). Despite this difference at the national level, six states imposed this measure more frequently on women: Durango (women 100%, men 55.6%); Chiapas (women 61%, men 46.2%);



Table 43. Type of pretrial detention imposed on defendants, by sex

| State | Men | | Women | |
|---------------------|--------------|--------------|--------------|--------------|
| | Mandatory | Justified | Mandatory | Justified |
| National | 49.1% | 50.9% | 40.5% | 59.5% |
| Aguascalientes | 23.9% | 76.1% | 8.3% | 91.7% |
| Baja California Sur | 69.4% | 30.6% | 57.1% | 42.9% |
| Campeche | 26.4% | 73.6% | 50.0% | 50.0% |
| Chiapas | 47.3% | 52.7% | 61.4% | 38.6% |
| Coahuila | 45.8% | 54.2% | 34.2% | 65.8% |
| Durango | 31.8% | 68.2% | 100.0% | 0.0% |
| Guanajuato | 70.8% | 29.1% | 60.9% | 39.1% |
| Guerrero | 53.5% | 46.5% | 48.6% | 51.4% |
| Hidalgo | 55.0% | 45.0% | 50.0% | 50.0% |
| Jalisco | 55.8% | 44.2% | 66.7% | 33.3% |
| Nayarit | 63.8% | 36.2% | 62.5% | 37.5% |
| Oaxaca | 50.0% | 50.0% | 33.3% | 66.7% |
| Puebla | 48.0% | 52.0% | 44.1% | 55.9% |
| Querétaro | 1.6% | 98.4% | 0.0% | 100.0% |
| Quintana Roo | 46.5% | 53.5% | 27.8% | 72.2% |
| San Luis Potosí | 47.2% | 52.8% | 52.3% | 47.7% |
| Sonora | 26.5% | 73.5% | 7.3% | 92.7% |
| Tabasco | 77.7% | 22.3% | 87.5% | 12.5% |
| Veracruz | 55.9% | 44.1% | 50.8% | 49.2% |
| Yucatán | 51.3% | 48.7% | 62.5% | 37.5% |

Source: Elaborated by the authors based on requests of access to information.

Jalisco (women 66.7%, men 56.9%); San Luis Potosí (women 45.2%, men 40.6%); Tabasco (women 88.9%, men 77.5%); and Yucatán (women 62.5%, men 51.3%). In contrast, we found that Aguascalientes, Baja California Sur, Campeche, Coahuila, Quintana Roo, Sonora, and Veracruz imposed MPD in a much higher proportion on men than women. For the first group analyzed we recommend reviewing the reasons why this modality is imposed more often on women.

Since the constitutional limit on pretrial detention is two years, we solicited information from the states on all people held under this cautionary measure who had been in prison for 730 days or more and asked if it had been imposed in the mandatory or justified modality. Once again, only 20 states provided pertinent data that allowed us to identify the sex of the persons accused, the modality imposed, the initial date of the criminal cause, and the status of those people at the close of the year. The details for this table are discussed in the section "Processes in freedom", in this edition.

For the states that provided data, we found that the highest proportion of people held under pretrial detention without sentencing for over two years were men (4,404) and that this cautionary measure was imposed in the mandatory modality in 49.1% of those cases. The corresponding figures for women –the minority– were 301 cases and 40.5%. This indicates that the people who wait the longest for trial are those held under MPD. It is important to note that most Judiciaries omitted information on the type of pretrial detention under which these people were held. In Chiapas, Coahuila, Guanajuato, Hidalgo, Tabasco, San Luis Potosí, Veracruz, and Yucatán the number of women held under MPD is higher than for the justified modality.

We recommend that these institutions review the cases where the maximum constitutional limits have been exceeded, especially in states like Baja California, Nuevo León, Guanajuato, Coahuila, and Nayarit, which maintain more men and women in this cautionary juridical condition.

Regarding the crimes for which MPD was imposed, we determined that the proportion of men and women is similar in relation to homicide (18.32 and 18.93%, respectively) and theft (37.66 and 36.07%), but that rape held third place for men (12.04%), while for women it was drug-dealing (9.09%). Significantly, for both men (5.98%) and women (5.81%) a certain percentage of cases of domestic violence also led to the imposition of MPD, even though this crime does not appear in the constitutional catalogue of crimes that allow this measure. For this reason, it is necessary to analyze how judicial authorities solicit and justify the mandatory imposition of pretrial detention for this crime, or if this situation reflects a concurrence of crimes.

Here, it is relevant to compare the cautionary measures in freedom with respect to pretrial detention, and how these data behave in differentiated ways for men and women. In the national panorama, we found that cautionary measures in freedom are imposed on women under process in 59.5% of cases, compared to 50.9% for men. As we pointed out in the previous analysis, MPD is applied more frequently to men than women.

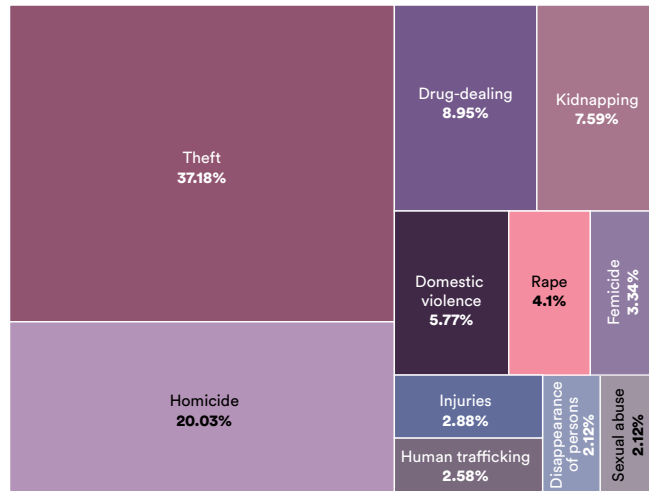
However, we found cases like Chiapas, where measures in freedom are applied to only a minimal percentage of people (14.4 and 15.06% for women and men, respectively). This tendency, which seems to favor a policy that prioritizes justified or mandatory pretrial detention from among the options of measures in



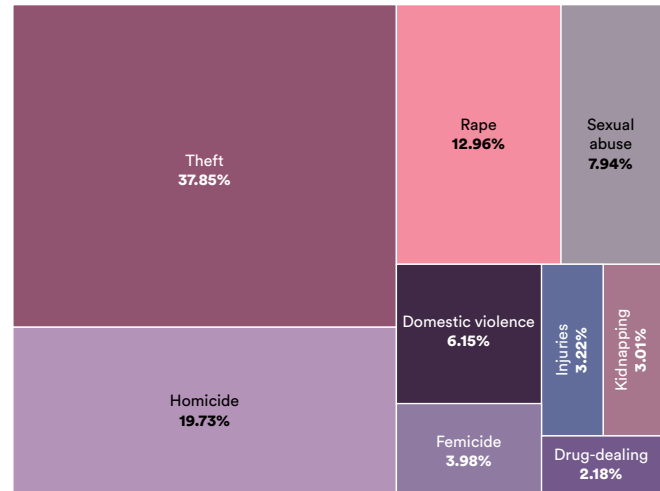
Graph 54. Types of crimes for which mandatory pretrial detention is imposed, state jurisdiction, 2023

Percentage data of criminal causes processed in 2023

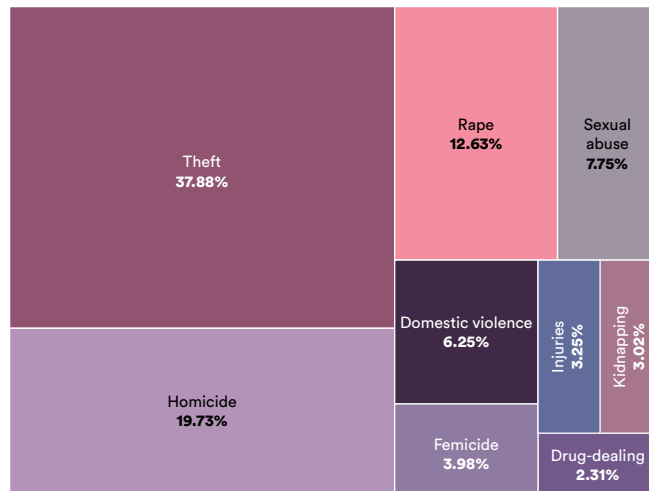
Women



Men



Total



Note: To facilitate reading we include only crimes with values above 2%.

Source: Elaborated by the authors based on requests for access to information.

22.06% of women, but on 42.62% of men, though MPD was applied more often to the former (42.65%) than the latter (30.96%). Clearly, in Morelos the most restrictive cautionary measures are imposed at a higher rate on women, so it is imperative to review the policies in these states (especially Morelos) that are imposed in practice as cautionary measures on women.

Public defense for women

Due to our focus on the rights of women processed by the CJS, we solicited information on the type of defense they receive and data that would allow us to calculate the average number of men and women that are represented by public defenders. The mean number of persons represented by a single public defender at the national level was 174. Of these, 153 were men, and only 22 women. The states that exceeded the national average were Baja California (311), Chihuahua (411), Coahuila (205), the State of Mexico (350), Guanajuato (164), Jalisco (564), Nayarit (879), Nuevo León (207), Puebla (218), Querétaro (425), and Sonora (264). The only case where the Public Defenders' Office attended, on average, more women than men was Zacatecas, with 30 men vs. 48 women.

freedom, was also identified in the following states: Colima (26.88% of women and 18.95% of men subject to cautionary measures in freedom), Querétaro (27.75% of women, 24.9% of men), and Quintana Roo (19.28% of women, 19.98 of men). The state of Morelos stands out because measures in freedom were imposed on only



Table 44. Type of cautionary measure imposed defendants represented by a public defender, 2023

Percentage of the type of cautionary measure imposed on persons represented by a public defender, by sex, 2023

| State | Women | | | Men | | |
|-----------------|---------------------|------------------------------|------------------------------|---------------------|------------------------------|------------------------------|
| | Measures in freedom | Justified pretrial detention | Mandatory pretrial detention | Measures in freedom | Justified pretrial detention | Mandatory pretrial detention |
| National | 57.61 | 21.9 | 20.49 | 50.4 | 22.56 | 27.03 |
| Baja California | 52.69 | 26 | 21.31 | 52.73 | 26 | 21.27 |
| Campeche | 82.05 | 5.13 | 12.82 | 46.15 | 33.33 | 20.51 |
| CDMX | 37 | 31.5 | 31.5 | 42.7 | 28.65 | 28.65 |
| Chiapas | 14.44 | 41.11 | 44.44 | 15.06 | 37.95 | 46.99 |
| Coahuila | 62.12 | 27.48 | 10.39 | 67.08 | 18.99 | 13.94 |
| Colima | 26.88 | 50.54 | 22.58 | 18.95 | 48.07 | 32.98 |
| State of Mexico | 0 | 0 | 100 | 0 | 0 | 100 |
| Guanajuato | 81.55 | 8.33 | 10.12 | 61.69 | 16.96 | 21.36 |
| Guerrero | 75 | 10.9 | 14.1 | 65.72 | 9.45 | 24.83 |
| Hidalgo | 74.74 | 8.42 | 16.84 | 66.57 | 8.78 | 24.65 |
| Jalisco | NI | NI | NI | 87.2 | 2.78 | 10.02 |
| Michoacán | 60.51 | 12.42 | 27.07 | 48.86 | 9.25 | 41.88 |
| Morelos | 22.06 | 35.29 | 42.65 | 42.62 | 26.41 | 30.96 |
| Nayarit | 63.64 | 18.18 | 18.18 | 54.08 | 22.96 | 22.96 |
| Oaxaca | 38.73 | 30.79 | 30.48 | 40.41 | 32.61 | 26.98 |
| Puebla | 37.66 | 33.77 | 28.57 | 52.03 | 3.88 | 44.09 |
| Querétaro | 27.75 | 63.35 | 8.9 | 24.9 | 58.59 | 16.51 |
| Quintana Roo | 19.28 | 39.76 | 40.96 | 19.98 | 36.25 | 43.77 |
| San Luis Potosí | 57.95 | 37.12 | 4.92 | 19.09 | 49.73 | 31.18 |
| Sinaloa | 79.28 | 10.36 | 10.36 | 36.62 | 31.69 | 31.69 |
| Sonora | 78.68 | 20.83 | 0.49 | 70.78 | 28.06 | 1.15 |
| Tabasco | 62.82 | 31.2 | 5.98 | 29.92 | 20.12 | 49.97 |
| Tamaulipas | 57.53 | 19.18 | 23.29 | 40.28 | 30.03 | 29.69 |
| Tlaxcala | 34.15 | 36.59 | 29.27 | 24.04 | 30.93 | 45.03 |
| Yucatán | 66.67 | 16.67 | 16.67 | 36.32 | 35.87 | 27.81 |
| Zacatecas | 54.39 | 10.53 | 35.09 | 14.52 | 11.29 | 74.19 |

Note: NI indicates that no data are available. We do not have data for the states that do not appear on the list.

Source: Elaborated by the authors based on data obtained through requests of access to information.

Charges admitted or dismissed

Our analysis of the effectiveness of public defenders regarding charges admitted or dismissed by a court resulted in a national rate that was five points higher for men (88.78) than women (83.7). Here, Tabasco and Oaxaca drew our attention. In the former, the index of charges admitted for women represented by public defenders was only 35.59%, compared to 55.54% for men. In Oaxaca, only 11.5 of women and 9.85 of men were indicted when defended by Public Defenders' Offices. These rates suggest a high percentage of effectiveness on the part of those offices, one that is even higher in cases that involve women defendants.

Case resolution

From the focus on the victims of crime who are users of the CJS, we solicited information on how their cases were closed by type of crime, including offenses in which girls and women tend to be the most frequent victims: domestic violence, gender violence, rape, human trafficking, sexual abuse, femicide, and sexual harassment and stalking.

For the crimes of domestic violence (61.33%), gender violence (80.73%), harassment (64.48%) and stalking (50.88%), conditional suspension of process was the most frequent form of closing cases. With respect

Table 45. Substantive personnel of public defense office and their workloads, 2023

| State | Public defenders in criminal matters | Average number of cases managed per attorney | Average number of persons charged represented by each public attorney | | |
|-------------------|--------------------------------------|--|---|------------|-----------|
| | | | Total | Men | Women |
| National | 2,536 | 246 | 174 | 153 | 22 |
| Federation | 680 | 39 | 61 | 56 | 5 |
| Aguascalientes | 33 | 402 | 58 | 51 | 7 |
| Baja California | 118 | 518 | 311 | 280 | 31 |
| BC Sur | 35 | 67 | 0 | ND | ND |
| Campeche | 32 | 11 | 17 | 15 | 2 |
| Coahuila | 56 | 205 | 205 | 205 | 0 |
| Colima | 16 | 39 | 5 | 4 | 1 |
| Chiapas | 46 | 72 | 82 | 76 | 6 |
| Chihuahua | 130 | 411 | 411 | 373 | 38 |
| CDMX | 400 | 394 | 131 | 107 | 24 |
| Guanajuato | 184 | 237 | 164 | 139 | 25 |
| Guerrero | 67 | 94 | 24 | 21 | 3 |
| Hidalgo | 79 | 65 | 89 | 73 | 16 |
| Jalisco | 28 | 246 | 564 | 503 | 60 |
| State of Mexico | 208 | 350 | 350 | 312 | 39 |
| Michoacán | 89 | 113 | 99 | 84 | 15 |
| Morelos | 42 | 110 | 84 | 76 | 8 |
| Nayarit | 29 | 879 | 879 | 815 | 64 |
| Nuevo León | 118 | 207 | 207 | 180 | 27 |
| Oaxaca | 81 | 42 | 55 | 30 | 25 |
| Puebla | 46 | 218 | 218 | 197 | 21 |
| Querétaro | 44 | 382 | 425 | 378 | 47 |
| Quintana Roo | 48 | 143 | 143 | 134 | 9 |
| San Luis Potosí | 66 | 196 | 147 | 142 | 5 |
| Sinaloa | 79 | 247 | 90 | 80 | 11 |
| Sonora | 53 | 449 | 264 | 245 | 19 |
| Tabasco | 83 | 184 | 75 | 53 | 23 |
| Tamaulipas | 98 | 22 | 27 | 22 | 5 |
| Tlaxcala | 7 | 173 | 152 | 143 | 9 |
| Veracruz | 46 | 133 | 133 | 113 | 20 |
| Yucatán | 59 | 16 | 15 | 14 | 1 |
| Zacatecas | 63 | 31 | 77 | 30 | 48 |

Note: The number of public defenders is for the year 2022, all other data are for 2023. NI indicates that no data were received in the requests of information.

Source: Elaborated by the authors with data from requests of information, the *Censo Nacional de Procuración de Justicia Estatal 2023* and the *Censo Nacional de Gobiernos Estatales 2023*.

to these offenses we propose that the institutions inquire deeply, quantitatively, and qualitatively into the conditions imposed on the aggressors and compliance with them and invite them to investigate whether these conditions generate a type of solution that helps mitigate the recidivism or escalation of violence against women, girls, and boys. For example, they should verify (i) if the aggressor is sent for psychological therapy or

Table 46. Rate of admitted and dismissed charges for defendants represented by a public defender, 2023

| State | Women | | Men | |
|-----------------|-------------|----------------|--------------|----------------|
| | Bound over | Not bound over | Bound over | Not bound over |
| National | 83.7 | 16.3 | 88.78 | 11.22 |
| Aguascalientes | 84.97 | 15.03 | 93.95 | 6.05 |
| Baja California | 94.02 | 5.98 | 94.07 | 5.93 |
| Campeche | 77.78 | 22.22 | 84.1 | 15.9 |
| CDMX | 94.66 | 5.34 | 91.01 | 8.99 |
| Chiapas | 97.25 | 2.75 | 97.33 | 2.67 |
| Chihuahua | 78.4 | 21.6 | 85.15 | 14.85 |
| Colima | 95.77 | 4.23 | 92.4 | 7.6 |
| State of Mexico | 88.4 | 11.6 | 93.47 | 6.53 |
| Guanajuato | 92.08 | 7.92 | 94.97 | 5.03 |
| Guerrero | 78.57 | 21.43 | 92.04 | 7.96 |
| Hidalgo | 93.76 | 6.24 | 92.09 | 7.91 |
| Jalisco | 100 | 0 | 82.1 | 17.9 |
| Michoacán | 74.84 | 25.16 | 83.14 | 16.86 |
| Morelos | 78.26 | 21.74 | 90.63 | 9.37 |
| Nayarit | 93.1 | 6.9 | 92.84 | 7.16 |
| Oaxaca | 11.55 | 88.45 | 9.85 | 90.15 |
| Puebla | 87.76 | 12.24 | 92.79 | 7.21 |
| Querétaro | 91.35 | 8.65 | 95.7 | 4.3 |
| Quintana Roo | 73.47 | 26.53 | 85.08 | 14.92 |
| San Luis Potosí | 92.38 | 7.62 | 89.99 | 10.01 |
| Sinaloa | 88.41 | 11.59 | 94.99 | 5.01 |
| Sonora | 97.84 | 2.16 | 99.4 | 0.6 |
| Tabasco | 35.59 | 64.41 | 55.54 | 44.46 |
| Tamaulipas | 79.1 | 20.9 | 88.68 | 11.32 |
| Tlaxcala | 84.21 | 15.79 | 91.13 | 8.87 |
| Veracruz | 86.55 | 13.45 | 95.41 | 4.59 |
| Yucatán | 82.93 | 17.07 | 92.51 | 7.49 |
| Zacatecas | 88.24 | 11.76 | 80.36 | 19.64 |

Source: Elaborated by the authors based on data obtained through requests of access to information.

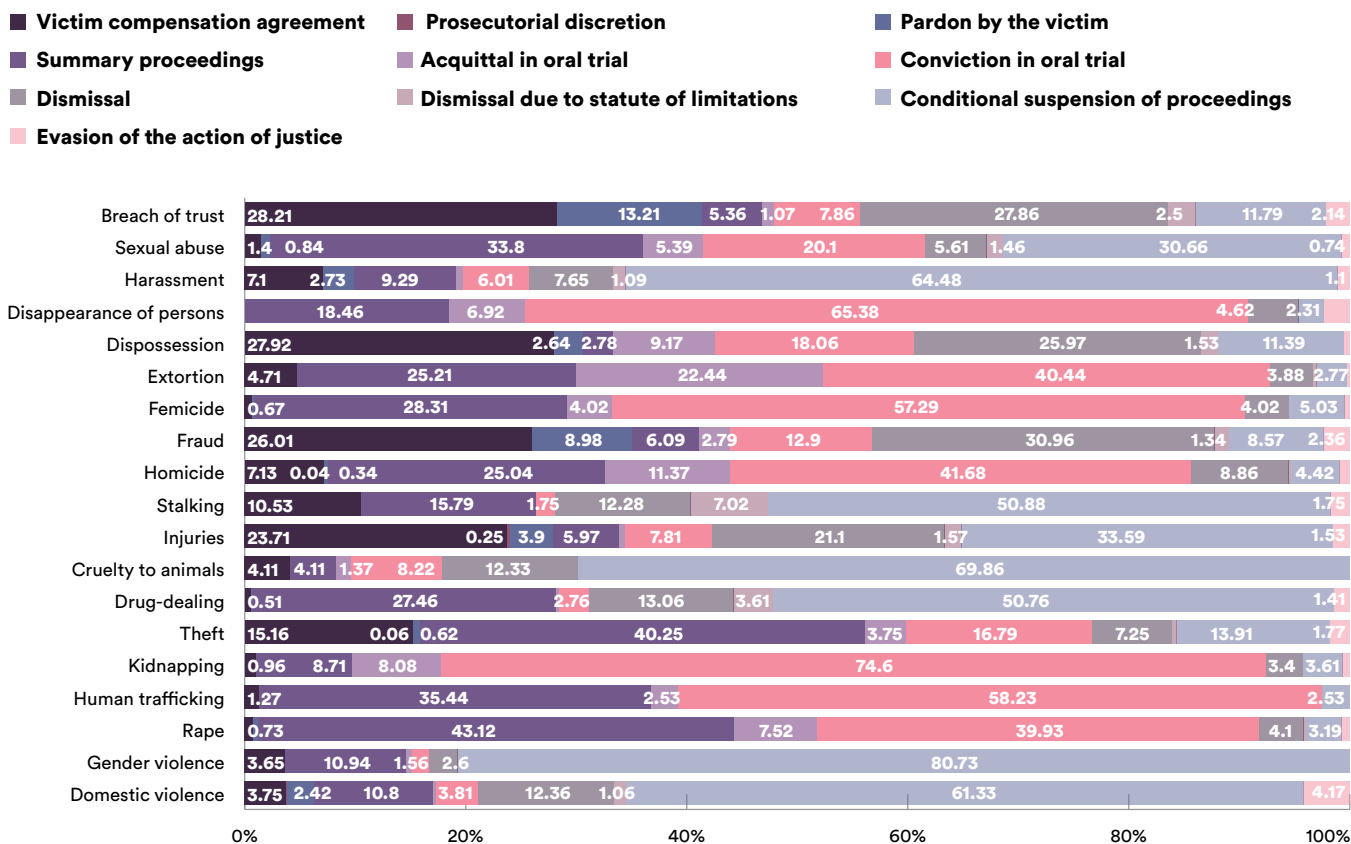
addiction counseling; (ii) if the victims' costs for medical or psychological treatment are covered; and (iii) the impact of the crime on the lives of the people involved, both victim(s) and aggressor(s).

It is important to mention that cases of domestic violence include a significant number of women who abuse their daughters and sons (24.8% of women bound over to trial for this crime). This suggests that it would be worthwhile to conduct an in-depth analysis to identify the proportion of women who commit this offense and ascertain in detail who the victims are in each case and their number.



Graph 55. Type of resolution of criminal cases by type of crime, state jurisdiction, 2023

Percentage data on criminal cases before courts handled in 2023



Source: Elaborated by the authors based on data obtained through requests of access to public information.

In the case of femicide, most cases concluded with convictions through summary proceedings (38.31%) or sentences (50.43%). However, 4.02% closed with conditional suspension of process, which is not usually considered an ideal solution. The forms of closing cases of rape mirror this tendency, in that they were resolved through convictions through summary proceedings (38.85%) or oral trials (43.12%). Finally, cases of human trafficking tended to conclude with summary proceedings (31.65%) or convictions (35.44%).

For these crimes, we recommend inquiring into the details of the sentences dictated in summary proceedings (e.g., average length, time transpired to obtain a resolution, conditions of repairing damages) and in cases resolved through convictions or acquittals in oral trials. This

would allow us to determine the types of evidence presented, the duration of processes, the number of victims, and the proposals for repairing damages. In the specific case of human trafficking, it would be beneficial to analyze sentences to determine if criminal networks or individuals, who may or may not be part of a network, were processed.

For cases of sexual abuse, the responses of the CJS consisted mainly of summary proceedings (33.8%), conditional suspension (30.64%), and convictions in oral trials (14.41%). The features that should be analyzed in detail in these cases are the profiles of the aggressors, the conditions and sanctions imposed, the restitution proposed for victims, and psychological repercussions.



Conclusions

Despite advances and the implementation of mechanisms like the Alerts for Gender Violence (AGVW), violence against women in Mexico is a serious and persistent problem. The increases of 58.8% in the number of violent deaths of women between 2015 and 2023, and 300% in emergency calls related to violence against women from 2016 to 2023 provide clear evidence of the magnitude and increasing severity of this crisis.

Likewise, the declarations of Alerts for Gender Violence in 24 of the nation's 32 states, coupled with the persistence of high levels of violence, suggest that current strategies and policies are not effective in preventing, much less eradicating, violence against women. It is necessary, therefore, to reevaluate and reformulate these policies so that they address the structural causes of this violence directly.

The data on the incidence of criminality reveal clear patterns of victimization differentiated by gender. While men are the principal victims of crimes like homicide and kidnapping, women are disproportionately affected by femicide, rape, human trafficking, and corruption of minors. This emphasizes the need for strategies of prevention and attention styled specifically for each gender and type of crime.

Effectively addressing violence against women requires strengthening institutional coordination, implementing integral models of attention to victims, and improving the training that personnel receive from a gender perspective. It is also crucial to enhance the gathering and analysis of data to better monitor the effectiveness of all policies and interventions. From the phase of investigation to sentencing, passing through public

defense and cautionary measures, there is an obvious need to incorporate a firm gender perspective into all levels of the CJS to guarantee that women have equal access to justice.

Regarding the definition of criminal policies in the states, the criminal prosecution policies of AGO, judicial policies, planning in all institutions, and programs in the three levels of government (including municipalities), we urge all authorities to establish specific goals for attending to women and other genders in a determined effort to articulate policies designed to prevent and punish the crimes of which women are recurrent victims. Together with criminal solutions to sanction aggressors, justice systems have the responsibility, and high priority, to coordinate services that attend to victims.

We reiterate the need for the institutions of the CJS to compile data from a focus on gender and construct indicators that will permit constant monitoring of labor policies for the women and members of the LGBTTTIQ+ community who work there. Likewise, they must gather data on the conditions that women and the LGBTTTIQ+ community face during criminal processes, whether as victims or defendants. In this way, the data and their analysis will make it possible to develop policies that resolve the specific needs of these population sectors.

With respect to the solutions that the accusatory system allows, accompanied by analyses of the crimes of which women are victims, we suggest deepening evaluations of the conditions to which aggressors are subjected, and compliance with the measures, conditions, and sentences imposed. Finally, attention must be paid to determining if those measures, conditions, and sentences contribute to reducing recidivism or to escalating crimes of violence against women, girls, and boys.



CHAPTER 5

Factors associated with the observed criminal justice performance

5.1. Institutional factors

We analyzed the CJS using the System Analysis⁴⁵ methodology, which studies a system in its entirety based on its constituent parts. Thus, we approached the CJS from the perspective of the various institutions that constitute it while also considering its inputs, objectives, and risks.

In general, we posit that the organizations that form part of this system have inputs that vary in amounts and quality and can be exploited to pursue institutional objectives through specialized processes. Finally, the processes that these institutions carry out confront certain risks that can become obstacles to the good functioning of the system and place limitations on its scope in terms of procuring justice.

This perspective on the CJS allows us to describe the organization and contribution of each constituent part

for a concrete purpose while maintaining a certain level of abstraction.

An additional advantage of this methodology is that it helps identify conceptual components that not only appear in each one of the six organizations that make up the CJS, but that can be analyzed in a more aggregated way, at the systemic level, or through a more disaggregated and focalized approach in the case of specific institutions of the system.

Thus, our analysis of the CJS is based on the elements that condition and habilitate the operation of its components. We have identified that these factors are related to five broad institutional objectives that are desirable if the CJS is to operate in an ideal manner. We posit the hypothesis that efforts to achieve these objectives will lead the CJS toward conditions of optimal functioning. The objectives are:

⁴⁵ *Encyclopedia of Operations Research and Management Science*, 3rd Edition, Springer Reference p. 1,523.



- Technical coordination
- Optimizing budgetary resources
- Integral planning
- Recording, processing, and reporting information
- Monitoring and evaluation

Reaching these goals requires inputs that are adequate in both quality and quantity, coupled with standardized processes that focus directly on these aims. The success of the CJS depends not only on the clear design and establishment of objectives, but also on the capacities of its constituent institutions to act within the legal framework to resolve problems that emerge on a daily basis. These inputs are:

- The juridical framework
- Personnel that is sufficient, professional, and well-trained
- Infrastructure and information and communication technologies
- Organic structure and administrative models

Our approach to the CJS is based on this modern perspective. It first examines the inputs through a systemic vision, then analyzes each institutional objective. As part of this focus, we present a ranking of institutional capacities that complements the evaluation of the inputs and objectives of the CJS.

Institutional inputs

Legal framework

The normative framework habilitates the institutions of the CJS, allowing it to fulfill its functions while also establishing its attributions and limits.

If any specific institution experiences normative uncertainty, its capacity to achieve the institutional objectives and contribute as part of the CJS is undermined. We have detected this situation in some institutions of the CJS but over the past year have witnessed its spread to include multiple sectors of the CJS due to the judicial reform proposed by President Andrés Manuel López Obrador. This uncertainty intensified the existing doubts surrounding the assignment and scope of action of the National Guard.

Amendments and reform projects

Mandatory pretrial detention

On February 5th, 2024, the Federal Executive presented a series of constitutional reforms that included modifying Article 19 of the Political Constitution of the United States of Mexico (PCUSM) to broaden the catalogue of crimes that are subject to mandatory pretrial detention. Their number was to increase from six offenses to over 20. The reform also proposed incorporating five new categories of crime: extortion, drug-dealing, illicit activities involving synthetic drugs and their derivatives, fiscal fraud, and the issuing or commercialization of fiscal documents for non-existent or simulated operations.

A second disturbing aspect of this reform is that it distorts the nature of pretrial detention by authorizing it as a form of anticipated punishment, instead of maintaining its original character as an exceptional cautionary measure to be applied only when other means available are insufficient to guarantee that the person charged will not evade legal action during the criminal process and ensure the integrity of the victim(s) and the success of investigations. For each person charged, the AGO must justify the cautionary measure it deems necessary.

When imposed automatically pretrial detention violates the human rights of the accused person(s); specifically, the right to personal freedom and the presumption of innocence. This occurs because MPD impedes evaluating the needs of each case. In addition, the proposed reform conflicts with recent decisions by the Interamerican Court of Human rights (ICHR) that condemned Mexico and insisted that the country adjust its juridical framework to guarantee respect for human rights. Instead of responding to those recommendations, however, the proposed reform seeks to broaden the imposition of mandatory pretrial detention in clear contravention of Interamerican standards of human rights.

Finally, it is important to mention the perverse incentives that mandatory pretrial detention can generate in criminal processes. In previous editions of *Hallazgos* we have demonstrated how this measure tends to subject people to longer criminal processes, especially in cases involving women defendants. The prolongation of processes can exert undue pressure on the persons charged, leading them to admit their guilt in summary proceedings without an oral trial, with the sole objective of closing their processes. This situation gravely compromises the integrity of the justice system, and the rights of people accused.



Militarization

For three six-year presidential periods, Mexico has been undergoing a process of militarization. Far from diminishing, this intensified in the most recent period (2018-2024), as can be seen in the role that the National Guard has been performing. This corporation was created in 2019 as a decentralized organ of the Department of Security and Citizen Protection (*Secretaría de Seguridad y Protección Ciudadana*). However, since 2021, President López Obrador has made several attempts to shift its adscription to the Department of National Defense (SEDENA). The most recent proposal was included in the package of reforms sent to Congress on February 5th, 2024, which was approved and published in the Official Bulletin of the Federation (*Diario Oficial de la Federación*) on September 30th. It granted the National Guard faculties to pursue criminal investigations and modified Article 89 of the Constitution to allow the Army and Navy to participate permanently in labors related to security. Criminal investigation in Mexico is regulated by Article 21 of the Constitution, which assigns this responsibility to the police and AGO, under the direction of the latter. Although the Supreme Court of Justice has recognized the faculty of all police forces to conduct acts of investigation, in practice, their participation has been limited mainly to the functions of first responders. This situation is a legacy of the previous justice system, where investigation was monopolized by AGO, creating an inertia that has proven to be difficult to overcome.

Today, criminal investigation is the weak point of Mexico's CJS, for it has not developed the required capacities in its police forces or succeeded in decentralizing investigations from the AGO. This is reflected in the high levels of impunity that in 2023 reached 93.63%; that is, only six out of every 100 cases received a response, whether in cases of minor offenses or high-impact crimes.

The constitutional reform approved in September 2024 includes the National Guard as a third actor in criminal investigation but fails to attack the roots of the problem of impunity and, moreover, presents various risks for the CJS.

The first risk resides in the fact that the personnel of the National Guard do not have the background, training, or specialization necessary to carry out labors of investigation. Most members of this corps come from the Armed Forces, so they lack the preparation required to adapt to established standards and protect human rights in the context of criminal investigations.

Second, as mentioned earlier, in practice the National Guard is a military organization, and this impedes it from developing a focus on social proximity. Its operational logic is based on military concepts that contrast sharply with a focus on citizen safety and the social proximity necessary to conduct effective investigations.

Third, the vertical, hierarchical logic of the National Guard could complicate coordination with the staff of AGO and with forensic and technical personnel.

Far from helping reduce impunity, incorporating the National Guard into labors of criminal investigation introduces significant distortions and risks. In fact, this measure could impede the country's transition toward a focus on justice that is committed to protecting human rights and seeks to repair damages.

Judicial independence

The reform of the Judiciary ratified in September 2024 also constitutes a threat to judicial independence because it introduces elements that could compromise the impartiality and autonomy of judges in both the federal (magistrates, circuit judges, district judges) and state jurisdictions. Far from reducing impunity, this reform could see it spread.

One particularly disturbing aspect is the politicization of the means of designating judges and other magistrates. Having these appointments determined by popular vote contradicts international recommendations and the principles established by organizations like the Interamerican Human Rights Court and Commission and the United Nations, bodies which insist that the selection of judges must be based on merit, professional capacity, and independence of criteria, not political considerations.

The popular election of judges significantly increases the risk that individuals who lack adequate experience and/or formal training could occupy judicial positions at all levels of the CJS. It could also mean that judges are more susceptible to external pressures and less capable of issuing fair, impartial sentences.

Another critical point of the reform is that it fails to distinguish between the needs of the Federal and State Judiciaries. This lack of differentiation ignores the specific problems that individual states confront, such as political cooptation, corruption, and limited budgets. An effective reform must address these issues separately and specifically.



The reform also seems to ignore the need for a systemic vision of justice, for it focuses primarily on the Judiciary with no adequate consideration of other crucial institutions, such as the police and Attorney Generals' and Public Defenders' Offices. This could generate a more highly politicized judiciary with reduced independence that, as a result, is even less capable of protecting the rights of citizens and maintaining the rule of law.

Technical Norm for the National Statistical System of Criminal Prosecution (SENAP)

On December 6th, 2019, an agreement was reached to create the National Statistical System of Criminal Prosecution (SENAP) (*Sistema Estadístico Nacional de Procuración de Justicia*). Later, on July 8th, 2023, the project to actualize its technical norm was approved so it could be sent for consideration to the Governing Board of the INEGI. The norm was published in the Official Bulletin of the Federation (OBF) on November 10th, 2023.⁴⁶

This norm establishes the rules and procedures for the production, integration, and dissemination of statistical information on criminal prosecution produced and delivered by AGOs. It is obligatory for all AGOs at both the federal and state levels.

The stated objectives of the norm are to improve the quality, availability of, and access to, information on reports of offenses, investigative files, crimes, victims, and persons charged in an effort to improve (i) our understanding of criminal processes; and (ii) decision-making and public policies in this domain. It also stipulates that the SENAP will make it possible to gather statistical data in a uniform and reliable manner from the diverse institutions of the CJS and the country's 32 states.

The transitory articles of this Technical Norm for SENAP establish a series of times and conditions for the gradual implementation of the system. The first article stipulates that the Norm came into effect on the day following its publication in the OBF –November 11th, 2023– and that this date marks the official beginning of its application.

The second transitory article outlines the temporal scope of the information that must be delivered to the SENAP. AGOs must provide information from the

investigative files begun as of January 2021, as well as those currently in progress, opened as of January 18th, 2019.

The third article grants AGOs term of six months from the date the Norm came into effect to gradually adopt the variables and catalogues into their recording systems. This period ended in May 2024.

Articles four and five establish dates for elaborating crucial documents. The INEGI had 90 working days to finalize the Guidelines mentioned in Article 19 and publish those necessary to comply with Article 26. The FGR, through the Agency of Investigation Criminal, had the same time to issue the document on security, while the National Conference on the Criminal Prosecution (*Conferencia Nacional de Procuración de Justicia*) was allowed six months to emit the Technical Annex mentioned in Article 24.

Finally, transitory article six is particularly important for the operativity of the SENAP. It stipulates that the INEGI has a maximum of 12 months from the date the Norm came into effect to begin publishing statistical and geographic products. This raised the expectation that by November 2024 the INEGI would start to disseminate official data based on the SENAP. From that moment, the Units that form part of the SNIEG (National System of Statistical and Geographic Information) in each state would utilize this public data instead of sending requests directly to AGOs.

Sufficient personnel

The personnel of the institutions of the CJS must comply with minimal conditions if institutional objectives are to be achieved, including professionalization, training, and maintaining sufficient staff. The professionalization of public servants has been shown to improve administrative capacities for implementing policies and fulfilling functions.⁴⁷

Although professionalization is considered a key for overcoming systemic problems like corruption, and for improving the procuration and administration of justice, seldom do we find people with Professional Service Careers (PSC) in the institutions of the CJS. The few PSC present operate mainly in entrance levels, a phenomenon that has perpetuated high levels of rotation of personnel.

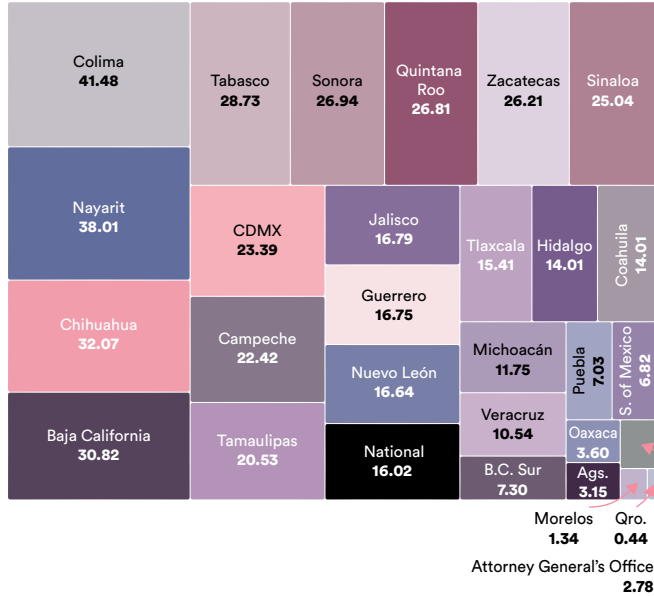
⁴⁶ https://dof.gob.mx/Nota_detalle.php?codigo=5708312&fecha=10/11/2023#gsc.tab=0

⁴⁷ Cejudo, G. and Lugo, D. (2019). "Una burocracia profesional como elemento crucial en la implementación de políticas públicas", *Revista de Administración Pública*, no. 50, Vol. LIV, Note 3. https://inap.mx/wp-content/uploads/2020/09/INAP-RAP_150-2020.pdf

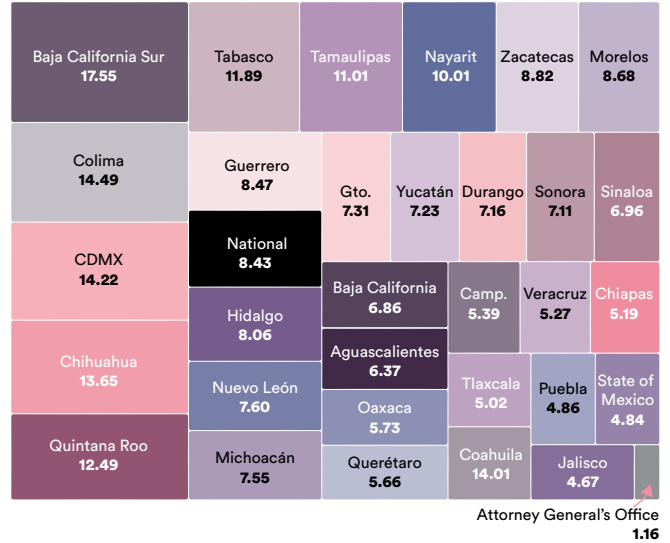


Graph 56. Rates of personnel for every 100,000 inhabitants, 2023

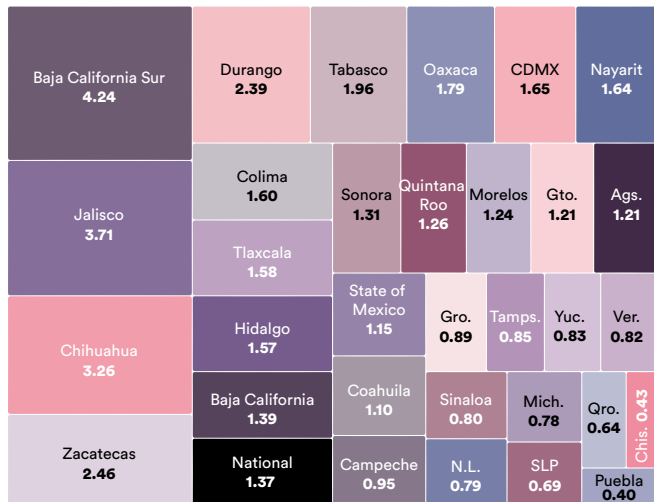
Prosecutorial, investigative, or judicial police



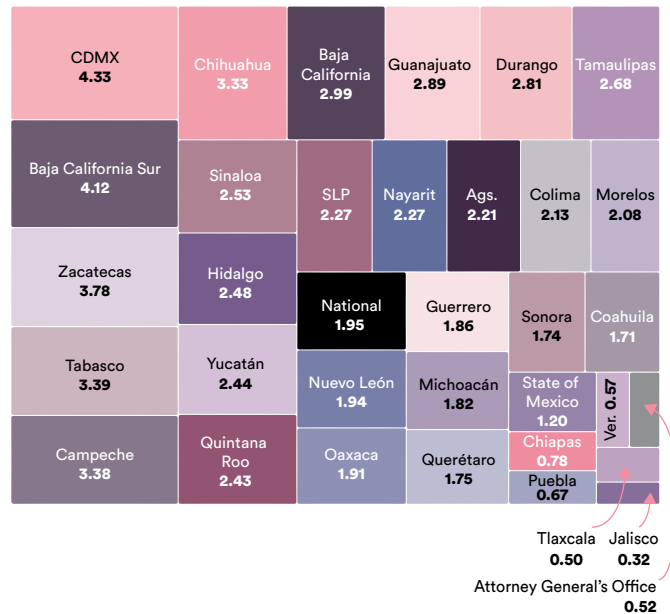
Experts



Judges



Public defenders



The effective implementation of the PSC requires not only well-designed policies, but also bureaucracies that are competent, specialized, and professional. For the CJS, only 19 states reported having a PSC, even though the General Law of the National Public Security System stipulates that justice institutions must have a "prosecutorial service career".⁴⁸

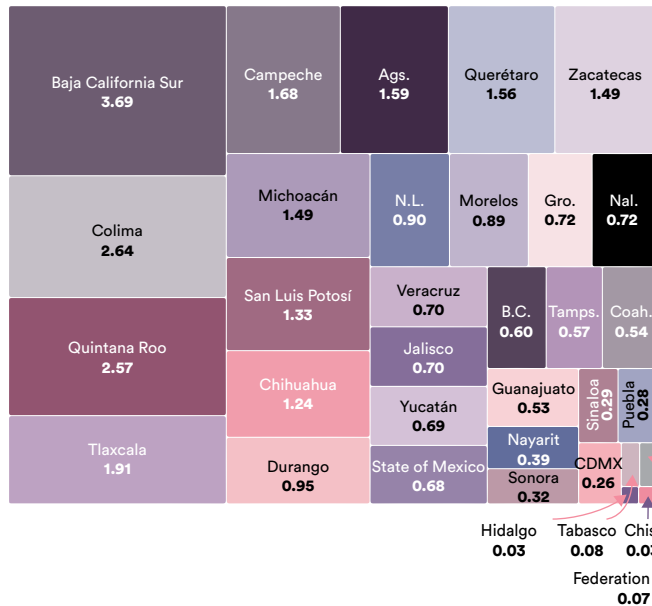
Regarding the index of personnel for every 100,000 inhabitants, we found differences among institutions and states. The agents of AGO (12.95), the investigative police (16.02), and experts (8.43) had, on average, the highest indices, while facilitators (0.63), advisers in the ECAV (0.72), and judges (1.37), all had lower rates. This disparity could generate bottlenecks because certain

⁴⁸ Dussauge, M. (20). "The Challenges of Implementing Merit-Based Personnel Policies in Latin America: Mexico's Civil Service Reform Experience". *Journal of Comparative Policy Analysis* 13, no. 1.

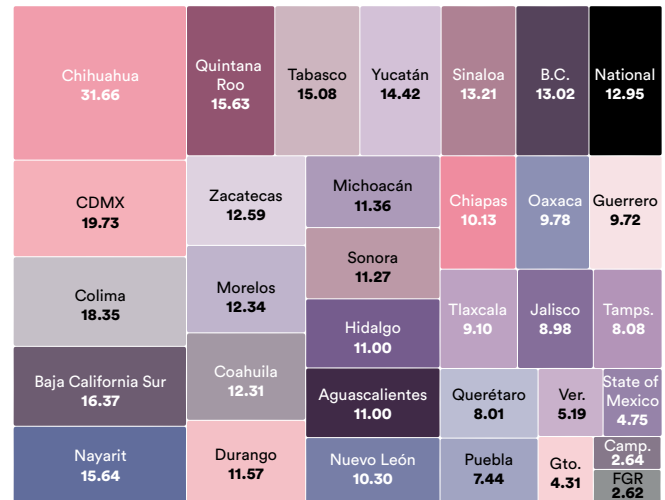


Graph 56. Rates of personnel for every 100,000 inhabitants, 2023 (cont.)

Legal victim advisers



AGO prosecutors



Sources: These data are from diverse official sources and requests of information, with population projections. For the *Commissions for Attention to Victims*, we utilized requests of information (2023). The data on prosecutors and/or agents of AGO, experts, and facilitators were obtained from the *National Census on the Procuration of State and Federal Justice, 2023* (data from 2022). The information on judges is from the *National Census on the Administration of State Justice, 2023* (data from 2022). For the public defenders, we consulted the *National Census on the Administration of Federal and State Justice, 2023* and the *National Census of State Governments, 2023*. Population figures are based on projections by the CONAPO for 2020-2070, utilizing data for half of the year for 2022 and 2023.

stages of the process have less staff than necessary. This means that attention to victims is potentially compromised due to the low index of advisers in the ECAV in many states. This could result in inadequate attention that contravenes one of the central objectives of the accusatory system.

Baja California Sur stands out with indices above the national average in almost all categories, especially for experts and agents of AGO. Colima shows exceptionally high rates for investigative police and experts that may indicate a specific focus on criminal investigation. In contrast, states like Chiapas, Veracruz, and the State of Mexico present consistently low indices in numerous categories.

On the topic of workload, we found significant disparities among both the institutions of the CJS and the 32 states. AGO were found to have particularly high workloads with a national average of 310 investigative files per prosecutor in 2023, a marked increase from 181 in 2022. Some states (e.g., Campeche and Guanajuato) had extraordinarily high workloads, with over 1,500 investigative files per prosecutor.

Criminal judges also had variable workloads. Nationally, the average was 356 criminal causes per judge in 2023, but states like Puebla (1,096), Tabasco (818), and Baja California (739) had workloads significantly above the average.

Regarding the people deprived of freedom in state penitentiaries, Sonora stood out with 10,764 persons per judge specialized in criminal execution, well above the national average of 996. Other states –Jalisco (2,218), Nuevo León (2,023)– also showed notably high workloads.

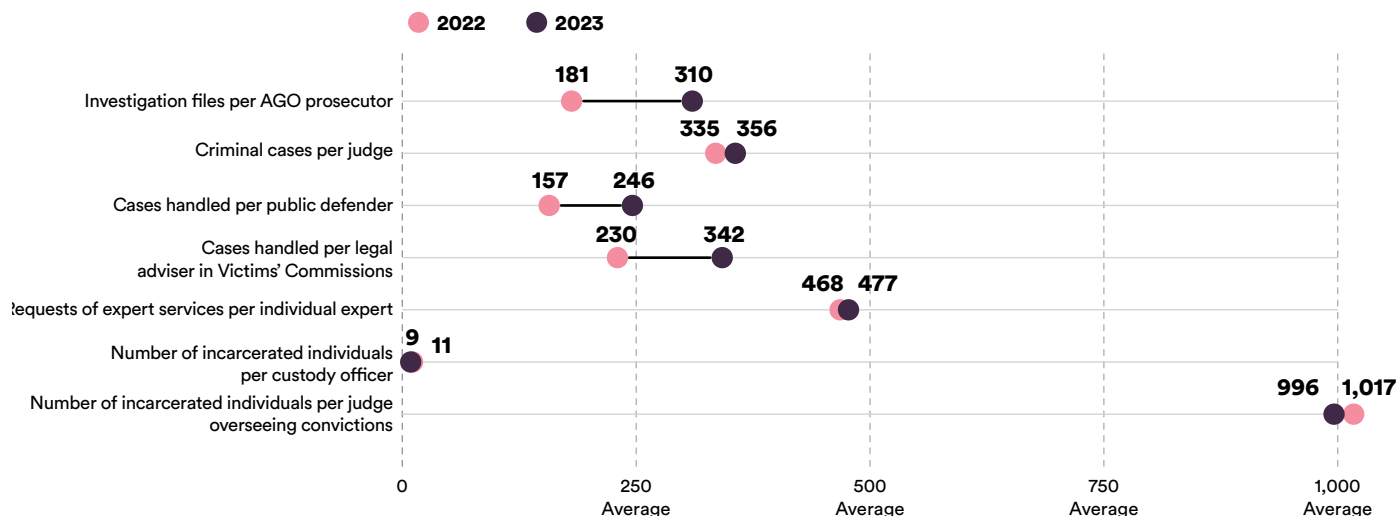
These disparities among, and increases in, workloads can generate unequal access to justice since the quality and efficiency of the service provided may depend more on geographic location than the real needs of citizens. The overload in AGO, the courts, and Public Defenders' Offices can also result in procedural errors, hurried investigations, or inadequate defenses that compromise due process.

The delays and potentially poor quality of services due to overload can contribute to people's perceptions of impunity and erode of public trust in the justice system.



Graph 57. Workloads of the CJS personnel

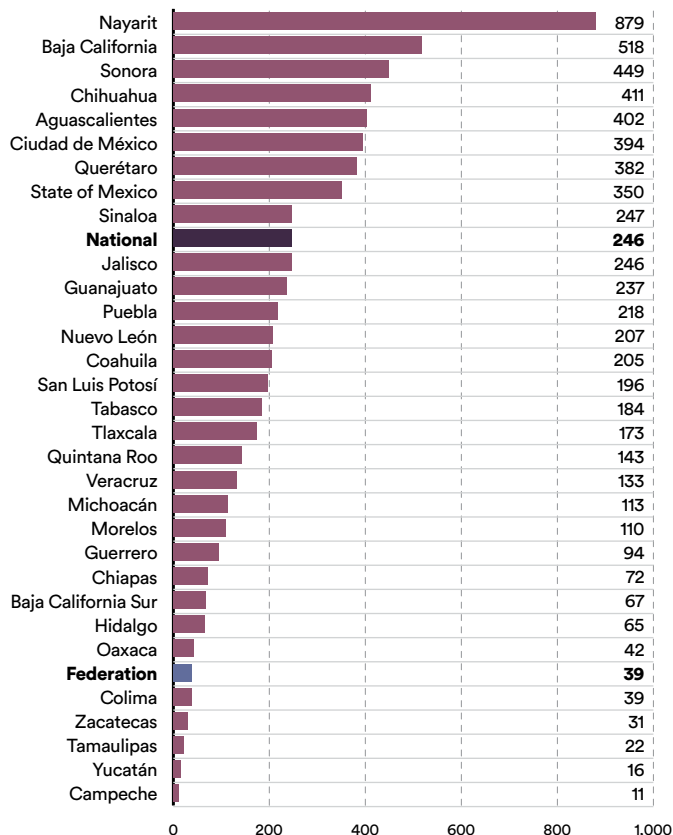
Comparison of average workloads, national level, 2022-2023



Nota: Values rounded off to the nearest whole number to facilitate reading.

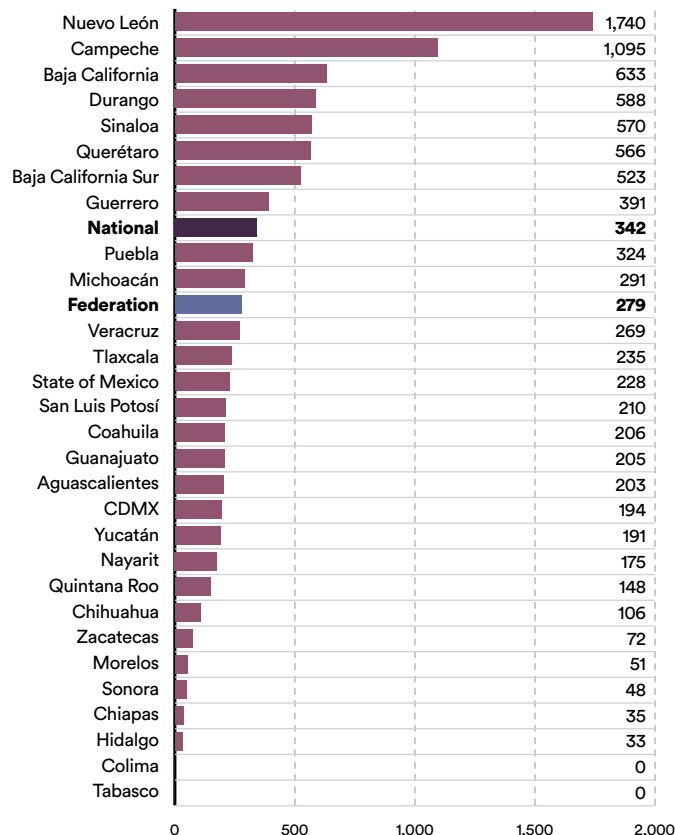
Fuente: Elaborated by the authors based on data obtained through requests of access to information, the *Censo Nacional de Procuración de Justicia 2023*, the *Censo Nacional de Impartición de Justicia 2023*, the *Modelo de Evaluación y Seguimiento de la Consolidación del Sistema de Justicia Penal 2023*, the *Cuaderno Mensual de Información Estadística Penitenciaria Nacional, December 2023*, the *Censo Nacional del Sistema Penitenciario Estatal 2024*, and the *Censo Nacional de Gobiernos Estatales 2023*.

Average number of cases managed per public defender, by state, 2023



Source: Elaborated by the authors based on requests of access to information, the *Censo Nacional de Impartición de Justicia Estatal*, and the *Censo Nacional*

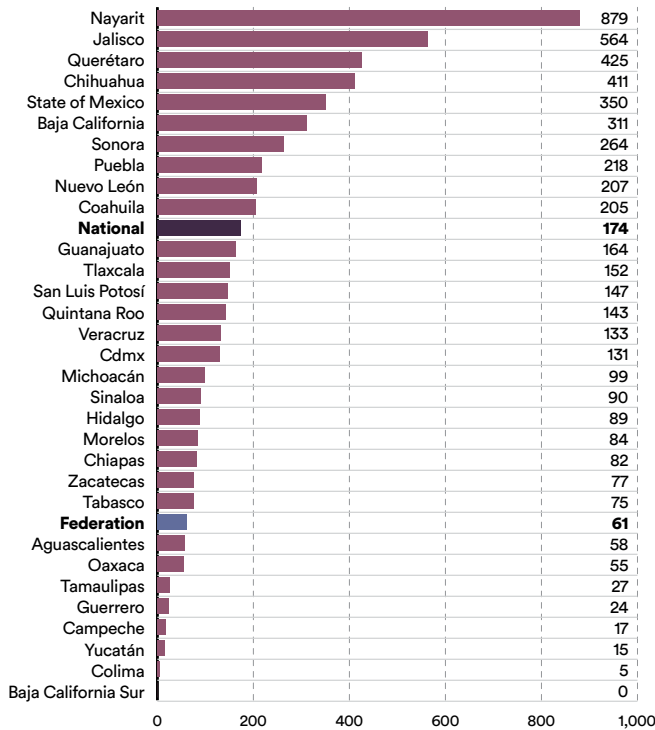
Average number of cases managed per legal adviser in criminal matters, by state, 2023



Source: Elaborated by the authors based on requests of access to information. **Nota:** Values rounded off to the nearest whole number to facilitate reading.

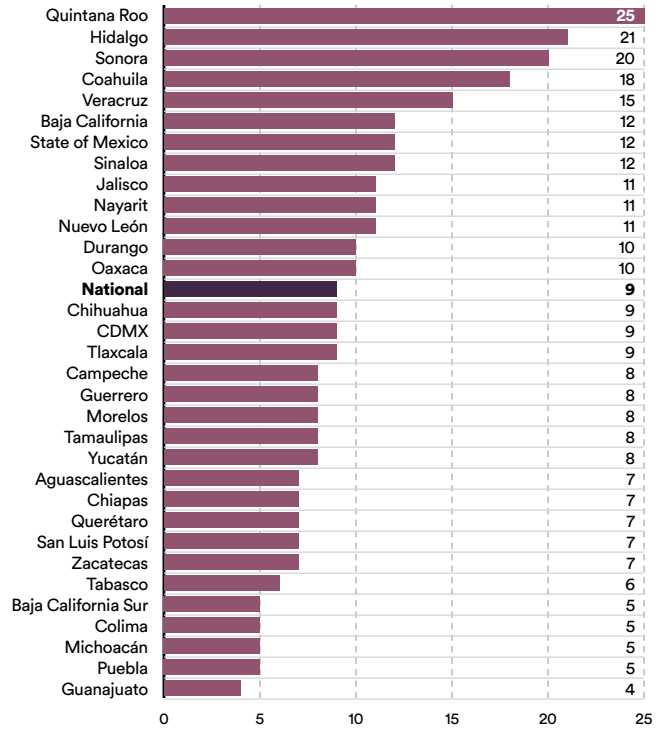


Average number of defendants represented by a public defender by state, 2023



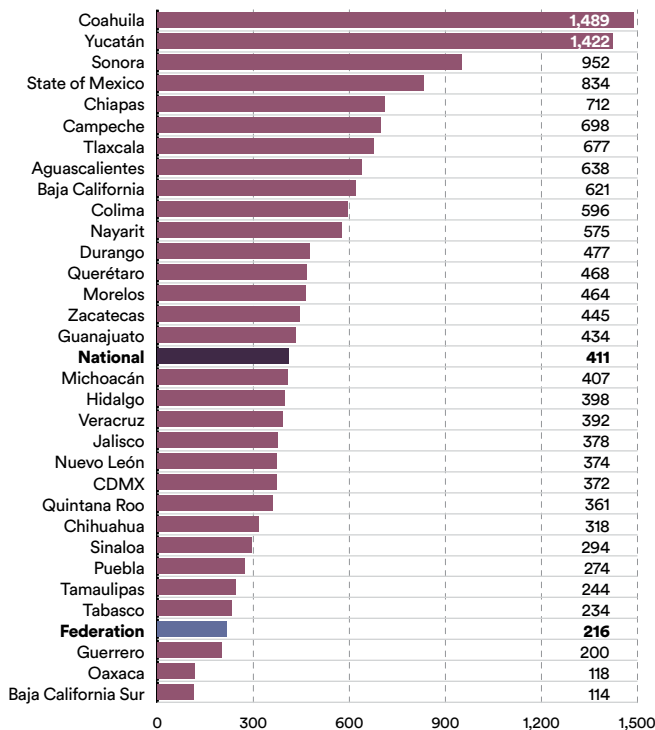
Note: Values rounded off to the nearest whole number to facilitate reading.
Source: Elaborated by the authors based on requests of access to information, the *Censo Nacional de Gobiernos Estatales 2023*, and the *Censo Nacional de Impartición de Justicia 2023*.

Average number of incarcerated individuals per custody officer, 2023



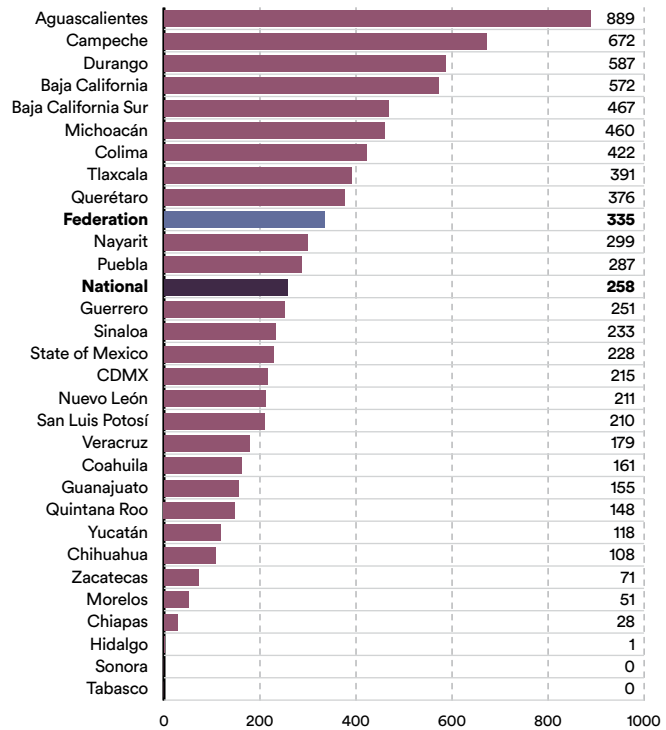
Source: Elaborated by the authors based on the *Censo Nacional del Sistema Penitenciario Estatal (INEGI) 2024*, and the *Cuaderno Mensual de Información Estadística Penitenciaria Nacional*, document December 2023.

Average number of requests for expert services by individual expert, 2023



Note: Values rounded off to the nearest whole number to facilitate reading.
Source: Elaborated by the authors based on data from requests of access to information and the *Censo Nacional de Impartición de Justicia 2023*.

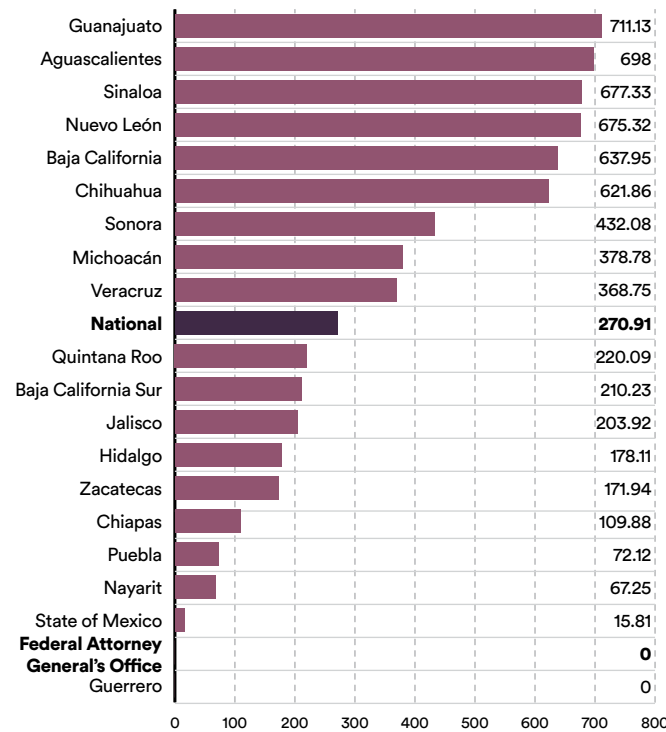
Average number of victims represented by legal adviser in penal matters, 2023



Note: Values rounded off to the nearest whole number to facilitate reading.
Source: Elaborated by the authors based on data from requests of access to information.

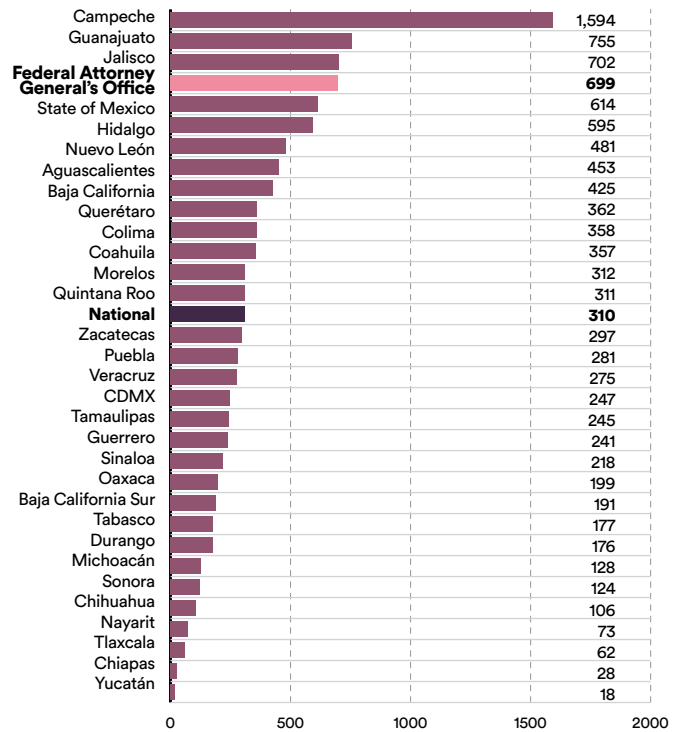


Average number of cases processed per facilitator



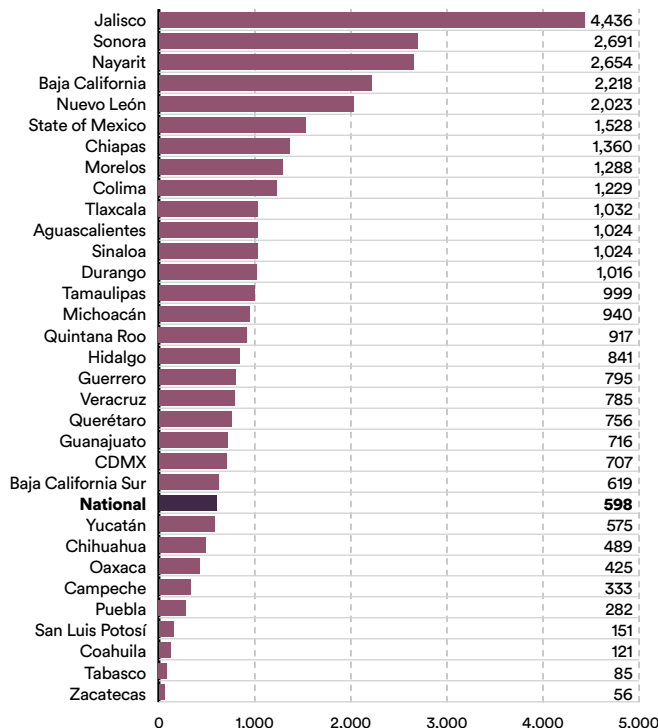
Source: Elaborated by the authors based on requests of information and the *Censo Nacional de Procuración de Justicia Estatal, 2023*.

Average number of Investigation files per AGO prosecutor, 2023



Source: Elaborated by the authors based on requests of access to information, the *Censo de Procuración de Justicia Estatal 2023*, and the MES 2023.

Average number of incarcerated individuals per judge overseeing convictions, to December 2023



Source: Elaborated by the authors based on requests for access to information and the *Censo Nacional de Impartición de Justicia Estatal (INEGI) 2023* for judges specialized in penal execution, and the *Cuaderno Mensual de Información Estadística Penitenciaria Nacional for December 2023*.

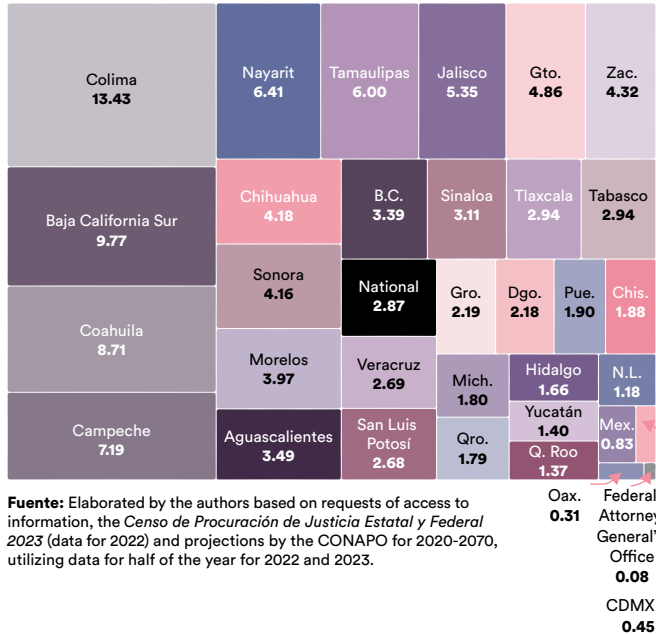
Sources: These data are from diverse official sources and requests for information, with population projections. For the *Comisión Ejecutiva de Atención a Víctimas (ECAV)*, we utilized requests for information (2023). The data on prosecutors and/or agents of Prosecutor's Offices, expert personnel, and facilitators was obtained from the *Censo Nacional de Procuración de Justicia Estatal y Federal 2023* (data for 2022). The information on judges is from the *Censo Nacional de Impartición de Justicia Estatal 2023* (data for 2022). For the personnel of the public defense office, we consulted the *Censo Nacional de Impartición de Justicia Estatal y Federal 2023* and the *Censo Nacional de Gobiernos Estatales 2023*.

Moreover, the overall increase in workloads from one year to the next suggests that this problem is worsening, a reality that could put even more pressure on the CJS in the future if measures are not taken to address these imbalances.

Material resources

Material resources are also essential for the correct functioning of the CJS. While they are not the only determining factor, their availability directly impacts the quality and accessibility of justice because at least a minimal correspondence must exist between institutional objectives and the CJS with respect to the availability of material, human, and financial resources.

Graph 58. Distribution of Prosecutors' and AGO for every 100,000 inhabitants , 2023



Fuente: Elaborated by the authors based on requests of access to information, the *Censo de Procuración de Justicia Estatal y Federal 2023* (data for 2022) and projections by the CONAPO for 2020-2070, utilizing data for half of the year for 2022 and 2023.

The distribution of Prosecutors' and AGO for every 100,000 inhabitants also showed disparities among the states. We analyzed this distribution because these agencies are the doorway to the CJS. The process begins when an incident is reported to an office. For 2023, we observed that the national average for the number of offices for every 100,000 inhabitants was 2.8. As can be seen from previous years, this percentage has remained relatively stable with few changes over time. Oaxaca (0.31) and CDMX (0.45) were the states with the lowest indices, while Colima (13.47) and Baja California Sur (9.88) had the highest number of agencies for every 100,000 inhabitants.

Regarding expert services, a primordial aspect of criminal investigation, we found that these are limited by the technologies and installed capacity available. In this regard, the latest data from the INEGI⁴⁹ for the country indicate that 1,081 autopsy tables, 247 amphitheaters, and 408 laboratories are registered. These resources are necessary to perform forensic investigations during processes of criminal justice.

Once again, our analysis of these resources revealed significant differences among states. Chihuahua stands

Table 47. Installed capacity of expert services, by state, 2022

| State | Autopsy tables | Amphitheaters | Laboratories |
|---------------------|----------------|---------------|--------------|
| Aguascalientes | 4 | 3 | 6 |
| Baja California | 12 | 3 | 23 |
| Baja California Sur | 10 | 7 | 9 |
| Campeche | 15 | 4 | 8 |
| Coahuila | 74 | 12 | 19 |
| Colima | 11 | 4 | 6 |
| Chiapas | 18 | 7 | 38 |
| Chihuahua | 232 | 5 | 26 |
| CDMX | 8 | 1 | 8 |
| Durango | 13 | 3 | 7 |
| Guanajuato | 13 | 2 | 33 |
| Guerrero | 10 | 5 | 15 |
| Hidalgo | 6 | 3 | 6 |
| Jalisco | 48 | 12 | 12 |
| State of Mexico | 43 | 26 | 13 |
| Michoacán | 23 | 10 | 30 |
| Morelos | 11 | 3 | 28 |
| Nayarit | 8 | 4 | 11 |
| Nuevo León | 5 | 3 | 11 |
| Oaxaca | 4 | 1 | 7 |
| Puebla | 39 | 18 | 2 |
| Querétaro | 13 | 4 | 7 |
| Quintana Roo | 11 | 6 | 6 |
| San Luis Potosí | 11 | 5 | 5 |
| Sinaloa | 287 | 5 | 12 |
| Sonora | 11 | 2 | 20 |
| Tabasco | 35 | 21 | 75 |
| Tamaulipas | 17 | 3 | 10 |
| Tlaxcala | 12 | 5 | 6 |
| Veracruz | 51 | 23 | 12 |
| Yucatán | 5 | 1 | 14 |
| Zacatecas | 15 | 9 | 2 |
| National | 1,081 | 222 | 1,004 |
| Federal | 6 | 2 | 517 |

Fuente: Elaborated by the authors with data from the *Censo Nacional de Procuración de Justicia Federal 2023* (data for 2022), the *Censo Nacional de Procuración de Justicia Estatal 2023* (data for 2022), the *Censo Nacional de Gobiernos Estatales 2023* (data for 2022), and the *Censo Nacional de Impartición de Justicia Estatal 2023* (data for 2022), from the INEGI.

out with 52 laboratories and 232 autopsy tables, the largest number of any state. In contrast, Oaxaca and Quintana Roo have only one laboratory each. Despite its high population density, CDMX has only five laboratories and eight autopsy tables. Finally, we must emphasize that the federal government's capacity is also limited, as it has only six autopsy tables, three amphitheaters, and six laboratories.

⁴⁹ *Censo Nacional de Procuración de Justicia Federal 2023, Censo Nacional de Procuración de Justicia Estatal 2023, Censo Nacional de Gobiernos Estatales 2023, and Censo Nacional de Impartición de Justicia Estatal 2023.*



Administrative models and prioritization policies

Administrative models guide the performance of institutions as they allow their substantive personnel to organize work strategically by implementing organizational systems that focus the allocation of resources, help manage workloads, and provide adequate, timely, and differentiated responses in their labors.

The high incidence of criminality and the enormous volume of investigative files opened day-by-day in AGO oblige these institutions to develop and apply prioritization policies accompanied by models for decision-making and operations that facilitate the task of separating high-priority criminal phenomena from the rest of criminal activity. Measures of this kind will help focus resources, manage workloads, and permit responses in the exercise of functions that are satisfactory and differentiated.

In this section, we explore the distinct administrative models and policies for differentiated attention with which AGO and the courts operate, as well as the administrative documents that exist in Public Defenders' Offices and the ECAV. Administrative documents tend to deal with workload distribution, often proposing differentiated attention to the cases and users who occupy their services, but it is evident that the operations of these institutions are still more conjunctural and reactive than propositive and strategic.

Attorney General's Offices

The administrative model that guides, at least formally, the operations of virtually all Attorney Generals' and AGO in the state jurisdiction includes the Standardized Model of Organs Specialized in Alternative Dispute Resolution Mechanisms in criminal Matters and Units of Early Attention (*Modelo Homologado de Órganos Especializados en Mecanismos Alternativos de Solución de Controversias en Materia criminal y de Unidades de Atención Temprana*, hereinafter, "Standardized Model"). This instrument, elaborated by the Executive Secretariat of the National Public Security System (SESNSP), was approved by the National Public Security Council in August 2017. Also called the "Three-story" Model, it sought to establish the minimal bases for the adequate

functioning of the strategic areas of AGO that are responsible for initial contact with the population and victims of crimes, but does not place restrictions on the good practices that individual states may apply. Despite this, most Attorney Generals' and AGO have imitated the model proposed by the SESNSP in its totality. The few variations seen in the states correspond more to iterations of the names of the model's constituent parts than to substantive differences in attributions or the functions they perform.

Although adoption of the Standardized Model appears to be complete, in most cases its implementation has been limited mainly to the central seats of AGO, and only to a much lesser degree in Vice-AGO, regional offices, and representations in other areas of states. For example, at the end of 2023, Michoacán had only one Unit of Immediate Attention, located in the Regional Attorney Generals' Office in Morelia. This means that the staff outside the central seat, or state capital, continues to work with a scheme in which cases are distributed and handled by area; that is, by type of crime. Moreover, few AGO have developed and applied their own protocols for evaluating cases based on the adoption of the Standardized Model. This situation, therefore, presents an important area of opportunity for progress in consolidating the everyday operations of Attorney Generals' and AGO.

In nine cases we were unable to establish with any certainty the type of administrative model applied in the AGO because the information provided was so limited. These states were Aguascalientes, Campeche, Chiapas, Durango, Morelos, Nayarit, Puebla, Tlaxcala, and Veracruz. Most states did, however, report that their organic structure includes, at least, Units of Early or Immediate Attention that are responsible for receiving and channeling cases. Guerrero was the only state to report that it was still working on a document to operationalize the administrative model to be applied in AGO. Finally, Querétaro remains the only state that shows substantive differences from the "Three-story Model". As we have noted in previous editions, this consists in the Model of Differentiated Attention to Demand (*Modelo de Atención Diferenciada de la Demanda*, MADD), which sets out four groups of crimes for which specific needs or demands have been identified.



Table 48. AGOs management models and criminal prosecution policies, state jurisdiction, 2023

| State | Administrative model | Description of the model | Criteria for channeling cases | Criminal prosecution policy | Description of the policy | Mechanism for follow-up and evaluation |
|---------------------|--|---|---|---|--|---|
| Aguascalientes | Type of administrative model applied in AGO not specified | Administrative model documented in the Organizational and Operating Manual of the Office of Early Attention, but this is not open to public access | Criteria foreseen in the Organic Law of AGO and its regulations on specialization and territoriality for distributing cases | No | N/A | N/A |
| Baja California | Model of Attention to the Citizenry | Model composed of Units for Early Attention, Alternative criminal Justice, Massive Processing of Causes, and Investigation | Stipulated in the Procedural Manual of the General Office of Attention to the Citizenry and Alternative criminal Justice; mentions risks to victims, situations of vulnerability, the type of crime reported, its amount, use of firearms, involvement of a public servant, and involvement of a "media" event, among other criteria | Program for the criminal Prosecution of Crime (July 2022) | Program includes the policy "criminal Prosecution of Crime", focused on 29 strategies, mostly for strengthening the capacities of AGO. For priorities of criminal prosecution, it has strategies for the crimes of burglary, theft in businesses, and vehicle theft, corruption of minors, crimes committed with irregular vehicles; homicide, kidnapping, and "other high-impact crimes", disarticulation of criminal organizations dedicated to drug-dealing and high-impact crimes, forced disappearances and missing persons, and crimes against journalists and migrants, among other categories, but does not establish explicit prioritization criteria | Through semester and annual reports on indicators but does not create a specific area. No mechanisms for citizen participation. |
| Baja California Sur | Standardized Model of Organs Specialized in Alternative Dispute Resolution Mechanisms in criminal Matters and Units of Early Attention | Consists of a Unit of Early Attention as the first level; a Unit of Massive Processing of Cases as the second level; and Investigative Units as the third level, with two auxiliary areas: -Organ Specialized in Alternative Dispute Resolution Mechanisms in criminal Matters and Unit for Unknown Perpetrators | In addition to the criteria of the Standardized Model, a Protocol for Evaluating Cases (January 2023) created to determine the importance and complexity of cases, considering if the crime is subject to MPD, how it was committed, the context of commission, the type of person accused, the complexity of the investigation, and if an alternative solution is applicable | Public Policy: Prioritization and Plan for criminal Prosecution (July 2023) | Differentiated plans for criminal prosecution established for regions of the state, for low-impact crimes (fraud, extortion, theft in distinct modalities, etc.), high-impact crimes (femicide, forced disappearance, kidnapping, etc.), and violent gender crimes with explicit prioritization criteria and coordinating actions with public security. A plan for criminal prosecution is established for the actions of the Sub-Prosecutor's office for Alternative Justice (Unit of Early Attention and ADRM), with broad criteria for prioritizing cases and lines of action for specific crimes (rape, injuries, threats, damage, fraud, etc.) | Committee for Continuity and Evaluation of the Plan for criminal Prosecution consists of a president and six members from the Attorney General's Office. Evaluates results each trimester and proposes adjustments. No mechanism for citizen Participation. |



| State | Administrative model | Description of the model | Criteria for channeling cases | Criminal prosecution policy | Description of the policy | Mechanism for follow-up and evaluation |
|-----------|---|---|--|--|---|--|
| Campeche | ND (No data) | ND | ND | No | NA | NA |
| Chiapas | Type of administrative model applied in AGO not specified | ND | Criteria foreseen in the Organic Law of the Attorney General's Office on specialization and territoriality for the distribution of cases | Policy not provided, but indicates that it "is governed through Security Boards and the policies of the Attorney General's Office" | NA | NA |
| Chihuahua | Scheme called "Efficacious Justice" | Attorney Generals, experts, police, and information analysts interact with the goals of preventing, investigating, and combatting crime; coordination meetings are held in the Northern, Northwestern, Central, Western, and Southern zones with operative commanders of Public Security to design, implement, and evaluate strategies and actions | Prioritization strategy governed by assessing three criteria: -subjective (analysis of the specific circumstances of the perpetrator of the crime and the victim); - objective (nature or transcendence of the crime, representativeness, case type, systematics, practices, and patterns); -complementary (probability of success and of capturing the perpetrators, evidentiary limitations, logistics, norms, and other factors that affect the results of investigations) | No | NA | NA |
| CDMX | Model for the Justice Prosecution | Consists of the Model for Early Attention (Units of Attention and Follow-up called "Young People for Justice", Units of Early Attention, Units of Administrative Management of Non-criminal Cases and MASC; Model for Unknown Perpetrators (General Supervision of the Closure of Cases), Investigative Units with Detainees, and Investigative and Litigation Units. | Criteria in the Plan for Criminal Policy, the 2023 Program of criminal Persecution, 21 agreements with the Attorney General's Office, and a "Segmentation Protocol" | 2023 Plan for Criminal Policy and 2023 Program of criminal Persecution | The Plan for Criminal Policy has no prioritization criteria but only reports the success achieved in previous years on the pre-established priorities of criminal prosecution. The Program of criminal Prosecution does not present a diagnosis and only establishes brief strategies for combatting corruption, impunity, dispossession, gender crimes, and the localization of, disappeared persons, that do not include prioritization criteria or indicators and goals of criminal prosecution. Foresees creating a System for Strategic criminal Prosecution with models for processing cases and prioritization, with follow-up and evaluation of the policy. Based on the Prioritization Model, the policy proposes these priority rubrics: highly-injurious violence (intentional homicide), violence against women and girls (femicide, domestic violence, rape), severe human rights violations (torture, extrajudicial execution, forced disappearance, human trafficking), prolific and emerging delinquency (theft in distinct modalities, drug-dealing, fraud), and criminal structures related to illicit markets | No se establecen en el Plan ni en el Programa. La ley orgánica de la Fiscalía establece que el Consejo Ciudadano tiene la facultad de emitir recomendaciones sobre ambos instrumentos (art. 99, fracción I). |



| State | Administrative model | Description of the model | Criteria for channeling cases | Criminal prosecution policy | Description of the policy | Mechanism for follow-up and evaluation |
|-----------------|---|---|---|---|---|--|
| Coahuila | "Three-story" Administrative Model | Consists of the Unit of Early Attention and Decision without a Detainee, Unit of Early Attention and Decision with a Detainee, Unit for Unknown Perpetrator, Unit of Massive Processing of Cases, and Unit of Investigation and Litigation, with a Protocol for Implementing the Model for the Administration and Evaluation of Cases; each Unit has an Operations Manual | The importance of the case and the complexity of its investigation determine the unit to which it corresponds for attention and resolution, considering the following: if it is a crime where MPD is applicable, form and context of the commission of the crime (elements such as the type of victim and person charged, location, repetition, and impact of the behavior), identity of the person charged (known or not), complexity of the investigation (high or low), and applicability of an alternative solution | Plan and Policy of criminal Prosecution (June 2022) | Plans to create a Strategic System for criminal Prosecution with an Administrative Model for Cases, a Prioritization Model, and follow-up and evaluation of the Policy. Based on the Prioritization Model, the Policy proposes thematic priorities: highly-injurious violence (intentional homicide), violence against women and girls (femicide, domestic violence, rape), severe human rights violations (torture, extrajudicial execution, forced disappearance, human trafficking), repeated and emerging delinquency (theft in distinct modalities, drug-dealing, fraud), and criminal structures related to illicit markets | Committee of Follow-up and Evaluation of the Policy of criminal Prosecution that emits plans for criminal prosecution, Plan for the Monitoring and Evaluation of PPP, evaluation of the level of satisfaction of the strategic objectives based on a system of indicators. Plan to invite people from civil society. |
| Colima | Standardized Model of Organs Specialized in Alternative Dispute Resolution Mechanisms in criminal Matters and Units for Early Attention ("Three-story" model) | Consists of the Unit of Early Attention as the first level; the Unit of Massive Processing of Cases as the second level, and Investigative Units as the third level, with two auxiliary areas: Unspecialized Organ in Alternative Dispute Resolution Mechanisms in criminal Matters and Unit for Unknown Perpetrators | Not specified and no supporting documentation provided | No | NA | NA |
| Durango | ND | ND | ND | ND | ND | ND |
| State of Mexico | "Three-story" Model | Attorney General's Office indicates that the model: a) prioritizes trying high-impact crimes; b) turns cases where Alternative Dispute Resolution Mechanisms can be applied over to the Unit of Restorative Justice; c) turns all other cases over to the Unit for Unknown Perpetrators to analyze and identify patterns of criminality, with an Action Protocol for the Modules of Immediate Attention and Restorative Justice, but this is not available for consultation | Criteria foreseen in the Organic Law of the Attorney General's Office on specialization and territoriality for distributing cases | No | NA | NA |
| Guanajuato | Model for Analysis and Early Resolution | Consists of Modules of Primary Attention, Units Specialized in Alternative Dispute Resolution Mechanisms in criminal Matters, and Units Specialized in Investigation | Internal Regulations of the Attorney General's Office and diverse accords that establish the competences of the specialized Attorney General's Office according to type of crime | Attorney General's Office indicates that this exists, but it was not provided | NA | NA |



| State | Administrative model | Description of the model | Criteria for channeling cases | Criminal prosecution policy | Description of the policy | Mechanism for follow-up and evaluation |
|-----------|--|--|---|--|--|--|
| Guerrero | Attorney General's Office reported that it is working on a document that contemplates a specific administrative model | NA (not applicable) | Not specified and no supporting documentation provided | No | NA | NA |
| Hidalgo | Standardized Model of Organs Specialized in Alternative Dispute Resolution Mechanisms in criminal Matters and Units of Early Attention | Consists of a Unit of Early Attention as the first level; Unit of Massive Processing of Cases as the second level, and Units of Investigation as the third level; includes two auxiliary areas: Unspecialized Organ in Alternative Dispute Resolution Mechanisms in criminal Matters and Unit for Unknown Perpetrators | Found in diverse Procedural Manuals | No | NA | NA |
| Jalisco | "Three-story" Administrative model | Agency for Early Attention: receives reports and complaints and channels them to the Units of Investigation, the Office for Alternative Dispute Resolution Mechanisms (ADRM) or other government agencies according to their nature. The Unit of Massive Processing of Cases receives the investigative file; if it finds that the crime was not committed it has the faculty to abstain from investigating but must notify the citizen. Criteria of opportunity are dictated, and efforts are made to achieve an anticipated closing of the process. Unit of Investigation and Litigation orders the required acts of investigation, If the parties do not reach an alternative outcome, the case is sent to trial. | Cases are handled by specialization, attending to the organic organization of the Attorney General's Office, if the report merits investigation to obtain evidence for a possible trial, it is turned over immediately to the Investigative Agencies; if due to its nature the case cannot be sent to trial, it stays in the area of Early Attention and will be archived | No | NA | NA |
| Michoacán | Administrative Model of Cases for the State Attorney General's Office, State of Michoacán (MOG) | Regulates the processes of Immediate Attention, Initial Investigation, Complementary Investigation, Acts of Investigation that require judicial control, Alternative Dispute Resolution Mechanisms, Exercise of criminal Action, Litigation, Preliminary Hearings, Oral Trials, and the process of criminal Execution | Documents mention a Prioritization Model, but it could not be identified or consulted | Plan for the Prosecution of Crimes (August 2019, latest update, August 2021) | Plan with 8 strategic axes, 42 lines of action, and 336 specific actions, the latter largely focused on improving the capacities of the AGO to investigate crime. No clear formulation of priorities of criminal prosecution or prioritization criteria, and no goals or indicators of criminal prosecution exist. | The updated version of the Plan does not contain relevant information. |



| State | Administrative model | Description of the model | Criteria for channeling cases | Criminal prosecution policy | Description of the policy | Mechanism for follow-up and evaluation |
|------------|--|---|--|---|---|--|
| Morelos | ND | ND | ND | ND | ND | ND |
| Nayarit | ND | ND | ND | Citizens' Policy for criminal Prosecution for the state of Nayarit (September 2022) | Not available for consultation | ND |
| Nuevo León | Procedure for Orientation, Accusations, and Informative Parts, based on the Standardized Model of Organs Specialized in Alternative Dispute Resolution Mechanisms in criminal Matters and Units of Early Attention | Consists of Reporting Centers responsible for immediate attention, orientation, reception of accusations, and the use of ADRM; Unit of Investigation, Unit of Massive Processing of Cases, Unit of Investigation and Litigation, and Unit for Unknown Perpetrators | Integrated in 4 agreements issued by the Attorney General's Office to implement the Standardized Model, and indicates that cases are distributed by specialization according to the organic organization of that office | Policy of criminal prosecution (March 2024) | Establishes four priority themes for investigation and criminal prosecution: 1) escalation of violence due to gender; 2) repeated delinquency; 3) violence that generates social perturbation; and 4) severe human rights violations. Plans to create a System for Strategic criminal Prosecution that strengthens the Administrative Model, then issue a Prioritization Model for Cases with a Committee for Follow-up and Evaluation of the criminal Prosecution Policy (COSEP) | The COSEP periodically evaluates the implementation of the policy, but nothing is specifically stipulated for its formation. |
| Oaxaca | Administrative Model of the General AGO, State of Oaxaca | Based on the "Three-story Model", consisting of a Center for Orientation, Accusations, and Immediate Determination (prosecutors specialized in orientation), Center for Alternative Justice, Area of Investigation (prosecutors who investigate, and AGO specialized in Gender and High-Impact Crimes) | Only those established in the Manual of the Administrative Model of the Attorney General's Office of the State of Oaxaca; that is, the criteria for determining if a case is to be processed at the first, second, or third level | No | ND | ND |
| Puebla | No institutionalized administrative model | Guidelines L/02/202 for the Opening, Integration, and Determination of Investigative files in the Attorney General's Office, State of Puebla, establish the procedure for receiving accusations and grievances through Units of Investigation | Not specified, and no supporting documentation provided | No | ND | ND |
| Querétaro | Model of Differentiated Attention to Demand (MADD) | The basis of the classification of needs in MADD revolves around four groups of crimes called demands (needs): Demand 1: crimes against patrimony where the identity of the perpetrator is unknown, mainly theft in all its modalities; Demand 2: crimes susceptible to an agreement between the parties via ADRM; Demand 3: high-impact crimes with MPD contemplated in the Political Constitution of the United States of Mexico and those that require a specialized form of investigation; Demand 4: Crimes that can be resolved through ADRM or, where not possible, are sent to trial | Classification of demands performed by an operator called a "Prosecution Decision Maker" (Fiscal Decisor), whose duty is to identify the juridical or technical needs of the persons involved, then turn the case over to the area for follow-up on the investigative file. The characteristics of the criteria that distinguish each type of demand, and that should be reported to the corresponding specialized unit are contained in the document that structures the administrative model (reserved). | In process of ratification | NA | NA |



| State | Administrative model | Description of the model | Criteria for channeling cases | Criminal prosecution policy | Description of the policy | Mechanism for follow-up and evaluation |
|-----------------|--|---|---|--|--|---|
| Quintana Roo | Standardized Model of Organs Specialized in Alternative Dispute Resolution Mechanisms in criminal Matters and Units of Early Attention | Consists of a Unit of Early Attention as the first level, a Unit of Massive Processing of Cases as the second level, and Units of Investigation as the third level, with two auxiliary areas: the Center for Alternative criminal Justice and the Unit for Unknown Perpetrators | Adopts the criteria of the Standardized Model: analyses of the existence of the crime, the complexity and impact of the investigation, and its resolution and channeling. The Administrative Model of Reports adds criteria for the selection of cases. | Plan of Strategic criminal Prosecution (December 2020) | Establishes prioritization criteria: degree of social impact, affectation of the most important legal protected interests, victim, complexity of the concrete case, and new forms and modalities of criminality. Has a table of high-priority crimes by municipality and lists "crimes of high investigative difficulty": human trafficking, corruption of minors, child sexual tourism, kidnapping, homicide, and forced disappearance | Some indicators of impact proposed are related to the objectives of criminal prosecution, but there is no plan to create an institution for evaluation and follow-up. |
| San Luis Potosí | Standardized Model of Organs Specialized in Alternative Dispute Resolution Mechanisms in criminal Matters and Units of Early Attention | Consists of a Unit of Early Attention and Alternative Justice, a Center for Dispute Resolution Mechanisms in criminal Matters, a Unit of Common Procedures, a Unit for Unknown Perpetrators, and Specialized Units of Investigation | Each unit is based on the Standardized Model but has its own Procedural Manual and a Manual of Protocols for evaluating cases | Plan of criminal prosecution (November 2022) | Plans to create a System of Strategic criminal Prosecution with an Administrative Model for cases, a Prioritization Model, and follow-up and evaluation of the plan. Identifies these priority themes: violence against women and girls, attention to Indigenous people and communities, repeated and emerging delinquency, criminal structures, highly-injurious violence, and severe human rights violations | Responsibility of the Attorney General's Office for criminal Prosecution Policy and Strategic Analysis, with a series of indicators for evaluation. |
| Sinaloa | Standardized Model of Organs Specialized in Alternative Dispute Resolution Mechanisms in criminal Matters and Units of Early Attention | Consists of a Unit of Early Attention as the first level, a Unit of Massive Processing of Cases as the second level, and Units of Investigation as the third level, with two auxiliary areas: a Specialized Organ in Alternative Dispute Resolution Mechanisms in criminal Matters and a Unit for Unknown | The complexity of the investigation and the impact that the commission of the crime has in the state must be analyzed, applying the process of evaluating cases stipulated in the Strategic Plan for criminal Prosecution | Strategic Plan for criminal prosecution 2021-2028 (March 2022) | Methodology based on defining the prioritization criteria and analyzing each crime in relation to them through a Prioritization Matrix. Ten prioritization criteria proposed and classified as: "objective" (severity and importance); "subjective" (victims and perpetrators), and "complementary" (feasibility and viability of the investigation and prosecution of the crime). The objectives, strategies, and actions relate more to strengthening the capacities of the Attorney General's Office than to priorities of criminal prosecution | As stipulated in Article 5 Bis, of the Organic Law of the Attorney General's Office, the Attorney General has an obligation to report results annually to the state Congress. |



| State | Administrative model | Description of the model | Criteria for channeling cases | Criminal prosecution policy | Description of the policy | Mechanism for follow-up and evaluation |
|------------|---|---|--|--|---|--|
| Sonora | Standardized Model of Organs Specialized in Alternative Dispute Resolution Mechanisms in criminal Matters and Units of Early Attention | Consists of a Unit of Early Attention as the first level, a Unit of Massive Processing of Cases as the second level, and Units of Investigation as the third level, with two auxiliary areas: a Specialized Organ in Alternative Dispute Resolution Mechanisms in criminal Matters and a Unit for Unknown Perpetrators | Adopts the criteria of the Standardized Model: analyses of the existence of the crime, the complexity and impact of the investigation, and its resolution and channeling | Citizens' Policy for criminal prosecution (June 2022) | Plans to create a Strategic System of criminal Prosecution based on the "Three-story model", a Prioritization Model, and a Committee for Follow-up and Evaluation of the criminal Prosecution Policy (COSEP). The thematic priorities cited are criminal structures, crimes against patrimony that affect the public interest, violence against women and girls, highly-injurious violence, attention to adolescents in conflict with the law, and severe human rights violations | Responsibility of the COSEP, which must define indicators, assess performance, and propose changes. No indication of a mechanism of citizen participation. |
| Tabasco | Standardized Model of Identification, based on the Standardized Model of Organs Specialized in Alternative Dispute Resolution Mechanisms in criminal Matters and Units of Early Attention | Consists of a Unit of Early Attention as the first level, a Unit of Massive Processing of Cases as the second level, and Units of Investigation as the third level, with two auxiliary areas: a Specialized Organ in Alternative Dispute Resolution Mechanisms in criminal Matters and a Unit for Unknown Perpetrators | Adopts the criteria of the Standardized Model: analyses of the existence of the crime, the complexity and impact of the investigation, and its resolution and channeling | criminal Prosecution Policy of the Attorney General's Office of the State of Tabasco 2019-2024 (April 2019) | ND | ND |
| Tamaulipas | Standardized Model of Identification, based on the Standardized Model of Organs Specialized in Alternative Dispute Resolution Mechanisms in criminal Matters and Units of Early Attention | Consists of a Unit of Early Attention as the first level, a Unit of Massive Processing of Cases as the second level, and Units of Investigation and Litigation as the third level, with two auxiliary areas: a Specialized Organ in Alternative Dispute Resolution Mechanisms in criminal Matters and a Unit for Unknown Perpetrators | Adopts the criteria of the Standardized Model: analyses of the existence of the crime, the complexity and impact of the investigation, and its resolution and channeling, with a protocol for evaluating cases | Plan of criminal Prosecution of the Attorney General's Office of the State of Tamaulipas (October, 2022) ND No | Establishes five objectives for criminal prosecution: 1) increase controls on prosecutorial performance; 2) determine the treatment that each report will receive according to the crime; 3) establish the feasibility of investigating; 4) review the index of criminality and the resulting performance; and 5) determine the traceability of investigations. Establishes that the Attorney General's Office will focus its resources by priority on: intentional homicide, rape, kidnapping, extortion, femicide, and drug-dealing, but fails to establish clear priorities for criminal prosecution and prioritization criteria | Not planned |
| Tlaxcala | ND | ND | ND | | ND | ND |
| Veracruz | The type of administrative model was not identified | ND ND | Criteria foreseen in the Organic Law of the Attorney General's Office on specialization and territoriality for the distribution of cases | | ND | ND |



| State | Administrative model | Description of the model | Criteria for channeling cases | Criminal prosecution policy | Description of the policy | Mechanism for follow-up and evaluation |
|-----------|---|---|---|--|---|--|
| Yucatán | Administrative model for Attention to Accusations based on the Standardized Model of Organs Specialized in Alternative Dispute Resolution Mechanisms in criminal Matters and Units of Early Attention | Consists of the following units: Early Attention, Organ Specialized in ADRM in criminal Matters, Investigation and Litigation for the Massive Processing of Cases, Investigation and Litigation for Unknown Perpetrators, Investigation and Litigation, Control of Prosecutorial Command, and Supervision and Litigation Strategies | The Internal Prosecution Policy for Prioritizing Cases establishes prosecutorial determinations based on the type of crime, its severity, damages (impact), and the type of victim or person charged | Policy of criminal Prosecution of the Attorney General's Office of the State of Yucatán (December, 2022) | Presents these priority rubrics: 1) protecting the lives and integrity of women; 2) security for girls, boys, and adolescents; 3) attention to potentially-injurious violence (homicide, femicide, injuries); 4) prevention of political and emerging delinquency (drug-dealing, theft, fraud); and 5) safeguarding human rights (torture, human trafficking, forced disappearances). Establishes a System of Strategic criminal Prosecution Based on an Administrative Model, a Prioritization Model, and a Committee for Follow-up and Evaluation of the Policy (COSEP) | The COSEP has these obligations: design and publish plans for criminal prosecution, elaborate a monitoring and evaluation plan, and issue periodic reports. On the positive side, it plans to invite, periodically and temporarily, other institutions of justice and civil society. |
| Zacatecas | Administrative model for Attention to Accusations based on the Standardized Model of Organs Specialized in Alternative Dispute Resolution Mechanisms in criminal Matters and Units of Early Attention | Consists of a Module for Early Attention (Unit of Early Attention) as the first level, a Unit of Massive Processing of Cases as the second level, and Units of Investigation as the third level, with two auxiliary areas: Organ Specialized in Alternative Dispute Resolution Mechanisms in criminal Matters and a Unit for Unknown Perpetrators | Adopts the criteria of the Standardized Model: analyses of the existence of the crime, the complexity and impact of the investigation, and its resolution and channeling, with a Module for Early Attention with flow charts, a Protocol for Evaluating Cases, and a Manual for the Unit of the Massive Processing of Cases | Policy of criminal Prosecution of the Attorney General's Office for Justice of the State of Zacatecas (March 2022) | Identifies these priority rubrics: 1) criminal structures related to illicit markets (drug-dealing, extortion, theft, fraud, forced disappearances); 2) violence against women and girls; 3) highly-injurious violence (intentional homicide, femicide, kidnapping); and 4) severe human rights violations (torture and forced disappearances). Establishes a system of Strategic criminal Prosecution with an Administrative Model, a Prioritization Model, and a Committee for Follow-up and Evaluation of the policy (COSEP) | The COSEP is responsible for designing and publishing plans for criminal prosecution, elaborating a monitoring and evaluation plan, and issuing periodic reports. On the positive side, it plans to invite, periodically and temporarily, other institutions of justice and civil society. |

Source: Elaborated by the authors based on requests of access to information.



Concerning the emission of instruments of criminal prosecution, to date only 14 AGO report having some plan or policy. At the federal level, the Strategic Plan for the Justice Prosecution⁵⁰ (*Plan Estratégico de Procuración de Justicia*) should have been issued by the Attorney General in May 2022, and ruled on by the Senate of the Republic, but this has not happened.⁵¹ These instruments of public policy are vital for orienting the scarce resources of AGO as they define the crimes that will be prosecuted through a rational selectivity analysis that prioritizes pursuing offenses based on the social impact they produce and assessments of patterns of criminality.⁵² Despite their great importance, the limited resources and enormous workloads that plague AGO mean that their adoption is recent and slow.

In the instruments available for consultation, we identified these two areas of opportunity: first, that the AGO which have issued plans of criminal prosecution need to pursue their effective implementation by issuing norms and guidelines and making them available to the public; second, some of the policies require explicit criteria for prioritizing cases and must clearly enunciate indicators and goals for criminal prosecution.

In elaborating their policies, the AGO of Coahuila, Nuevo León, San Luis Potosí, Sonora, Yucatán and Zacatecas followed the model that proposes creating a Strategic System of criminal Prosecution made up of three elements: 1) adapt and strengthen the existing administrative model; 2) issue a model to prioritize cases; and 3) install a Committee for Follow-up and Evaluation of the Policy (COSEP). Clearly, these Offices have identified that implementing a Policy of criminal Prosecution (PPP) requires a process of updating or adapting existing administrative models so that its structure and organization respond to the prioritization of criminal prosecution and the monitoring and evaluation of the PPP.⁵³ Since these policies are of quite recent implementation, a pending task is to evaluate their impact on results in each state in the medium and long term.

The Judiciary

Judicial administration involves decisions and procedures related to the distribution of criminal causes, the scheduling of hearings, the activities of administrative personnel, judicial support, and the administration of justice in courts. Therefore, it directly impacts the efficiency with which criminal justice is applied. Although most Judiciaries have instruments of judicial administration, such as regulations, procedural manuals, or informatics systems for recording information, their content does not establish criteria for differentiating the attention given to the requests for hearings they receive. This reveals that a gap exists in the adoption of these models.

We can see that while most Judiciaries indicated that they have an administrative model or procedural manual that regulates the reception, assignation, and handling of requests for hearings, these measures do not include advanced criteria for the differentiated treatment of requests. Most Judiciaries assign requests by alluding to the urgency of the case; that is, if it involves a search warrant or arrest warrant, and if the initial hearing is held with a detainee or is pursuant to the execution of an arrest warrant. Only in exceptional cases do these powers apply other types of criteria, such as the type of crime, the cautionary measure under which the person processed is held, or if either the victim or the person charged belongs to a group in a situation of vulnerability.

Finally, regarding the criteria for assigning cases, the use of random, automated shift systems continues to be the norm, so only in exceptional cases are workloads associated with the complexity of cases and the types of hearing, though one example of this can be seen in the courts in Coahuila that specialize in domestic violence and drug-dealing.

⁵⁰ By law, this programmatic instrument contains the institutional strategy, objectives, goals, and priorities of investigation that ensure efficacious, efficient criminal prosecution.

⁵¹ It is important to emphasize that the Organic Law published in December 2018, which initially regulated the Federal Attorney General's Office, but was repealed in May 2021, demanded issuing a provisional version of the Plan of criminal Prosecution within 90 days from the date on which the law came into effect. Responding to these terms, a provisional plan was issued on March 4, 2019, and on January 7, 2020, the definitive proposal was delivered to the Senate of the Republic, though it was not ruled on during the time that the law was in effect.

⁵² Rodríguez, A. "Persecución criminal estratégica: una propuesta de política criminal", *Análisis Político*, vol. 2, year 3, p. 84. <https://biblioteca.cejamerica.org/bitstream/handle/2015/2996/persecucioncriminalstrategica.pdf?sequence=1&isAllowed=y>

⁵³ Fiscalía General del Estado de Coahuila, *Política de Persecución criminal*, Mexico, 2022, p. 13. https://www.coahuilatrasmite.gob.mx/disp/documentos_disp/POL%C3%8DTICA%20DE%20PERSECUCI%C3%93N%20criminal%20FGECZ.pdf, and Fiscalía General de Justicia del Estado de Zacatecas, *Política de Persecución criminal*, Mexico, 2022, p. 11. https://www.fiscaliazacatecas.gob.mx/wp-content/uploads/2022/06/Anexo_21_Politica-de-Persecucion-criminal.pdf



Table 49. Judicial management models, state jurisdiction, 2023

| State | Policy or model of judicial administration | Criterion for assigning workload | Mechanism for prioritizing cases |
|---------------------|--|---|---|
| Aguascalientes | No institutionalized policy, only generates statistics that permit analyses of efficiency in the administration of justice. | Digital government ledgers where files are received and assigned according to the termination of the number of files or the adscription of each judge. | Does not exist. No distinct treatment is given to complex cases. |
| Baja California | Manual of Administration for the Quality of the Court of Guarantee and Oral Trials of the New System of criminal Justice in Baja California, and internal regulations for judicial administration. These stipulate the attributions, workloads, and procedures related to judicial administration and the administrative services offered. No criteria for differentiated attention to requests for hearings or rescheduling. Has a System of Judicial Administration to optimize processes with Modules for the reception of electronic requests, registering and following up on causes, managing the parties involved in trials, creating agreements, and following up on promotions, registering resolutions, and visualizing hearings. | Workloads are assigned objectively, randomly, usually according to the informatics system, distinguished by type of case. | Does not exist. No distinct treatment is given to complex cases. |
| Baja California Sur | Obligatory System of Judicial Administration that digitally concentrates all documentation received in the module of attention to the public and directs it to the jurisdictional organ. | Assignment and distribution of workloads is random through the system of judicial administration, according to the shifts established previously for judges. Generated automatically, it is inalterable and seeks to be "equitable". | Does not exist. For complex cases, the judicial administration allows judges unlimited access to human and material resources. |
| Campeche | Administrative Model of the Tribunal of Control of the Accusatory criminal Justice System, Oral Trials, and Sentencing Court, governed by the "judge-cause" rule which holds that the same judge must hear a case from the initial hearing to the act that begins the oral trial. Each judge has a work team made up of five judicial aides, one for follow-up on the cause, one for the courtroom, two courtroom auxiliaries, and an aide for follow-up on the cause. Each judge decides the dates of hearings and the number of hearings scheduled per day. | The Administration of the Court of Control assigns an initial number to each entry and records it in the ledger of entries to the court. It is then assigned to a judge according to the order established among the supervising judges and the court administrator. The norm is that each judge receives one cause out of every five that enter. | "Priority attention" given to serious crimes, persons placed at the disposition of the jurisdictional organ, cases where the victims or offended parties are women, according to Axis 5 of the Institutional Development Plan. Indicates that no additional resources are assigned for processing complex cases, but these criteria are not formalized in a document. |
| Chiapas | The Administrative Model is identified with the LOIL System, which allows the General Administration to assign the number of criminal causes and schedule the hearings that the AGO solicits. | Distribution of cases by shifts. | No criteria for prioritizing cases. |
| Chihuahua | Operations are guided by a strategic, tactical administrative model based on good management practices, but no supporting documentation was provided. | New criminal causes are assigned equitably to teams by roll, considering whether the report was received during or outside normal office hours. Open cases are assigned to the team that processes the relevant category of criminal cause. | ND |
| CDMX | Units of Judicial Administration distribute workloads and schedule and assign hearings through an Integral System of criminal Judicial Administration, though "it does not have a document regarding this situation, as it involves automated electronic means". Indicates that the process is established in the Organization and Procedural Manuals of the General Office of Judicial Administration. | Cases are distributed systematically through the Integral System of criminal Judicial Administration, according to the aforementioned Procedural Manuals. The system assigns judicial files consecutively, "randomly and in a balanced manner", as requests for hearings are received. | No prioritization mechanism or protocol to substantiate criminal causes, but the distribution of judicial files deemed "urgent" (controls of detention, means of protection, among others) is determined in this way. |
| Coahuila | The Procedural Manual of the Courts of First Hearings in criminal Matters of the Accusatory System and Oral Trials of the Judicial Power of the State of Coahuila de Zaragoza contains the policy of judicial administration. The assignment of hearings stipulates control criteria to ensure that these are held within the relevant legal period, and there is a system of alerts that guarantees they are scheduled as quickly as possible, according to specific criteria for search warrants, control of arrests, arrest warrants, review of cautionary measures, intermediate hearings, oral trials, and alternative and anticipated outcomes, etc. Scheduling is done by blocks according to the complexity and duration of the distinct hearings and as a function of the number of judges and courtrooms available, so it varies according to daily workloads. | Once received, the solicitude for a hearing is recorded in the Integral Administration System, it is given a consecutive folio number and is classified by importance, complexity, and date of termination, etc. The degree of attention the case requires is determined as follows: with or without a detainee, amparo, or "other requests". Then the System assigns a judge, date, hour, and court "according to the agenda". The agenda is reviewed and validated by the Chief of the Court. | Model of rapid access to justice that permits fast-tracking criminal causes in which the parties have agreed on an alternative outcome or a form of anticipated closing of the criminal procedure. AGO can access a virtual agenda to solicit space in a courtroom and there handle the logistics to convoke all the parties involved. The model eliminates the administrative step where the AGO sends a document to solicit a hearing. As a result, it also eliminates activities generated in the oral criminal court to dictate accords and send notifications. Finally, it provides for differentiated attention through courts specialized in domestic violence against women and others specialized in drug-dealing. |



| State | Policy or model of judicial administration | Criterion for assigning workload | Mechanism for prioritizing cases |
|-----------------|---|--|--|
| Colima | The SIGPE Administrative Model (System of criminal Administration), where requests are received, assigned to each judge, secretary of acts, notifier, and audio/video operator. | Requests for hearings are assigned consecutively to judges according to a roll. Requests that require urgent handling (searches, arrest warrants, initial hearings with a detainee, measures of protection) are assigned to the judge on call. | No system or methodology for prioritizing requests but immediately attends cases identified as urgent in the CNPP. |
| Durango | No institutionalized policy. | Assignment by shift. | No criteria for prioritizing cases. |
| State of Mexico | There is an Integrated Policy System for Judicial Administration in Initial Hearings with a Manual of Processes for the Courts of Control, Sentencing Courts, and criminal Execution Courts. These instruments distinguish between urgent and scheduled hearings. Upon entry, the requests identified as urgent (related to the freedom of persons charged, review of cautionary measures, execution of arrest warrants, anticipated evidence, etc.) must be attended to in a period of 24 hours. | In conjunction with the Administrator, the Supervising Judges elaborate a roll of shifts that alternates between attending to urgent and scheduled hearings. According to the number of judges, the aim is for each one to conduct urgent hearings for one week and then scheduled hearings. This management (SIGEJUPE) also assigns cases "randomly and in a balanced way" automatically and "in exceptional cases manually", according to demand. | According to the urgency of the solicitude. There is a Court of Control Specialized in Searches, Arrest Warrants, and on-line Measures of Protection that resolves requests for arrest warrants in a lapse of 24 hours, search warrants in six hours, and protective measures in eight hours. |
| Guanajuato | Focuses on processes documented in the Quality Administration System to attend to people in an effective manner. Currently, there are systems for criminal Orality, Second criminal Hearings, and criminal Execution. | Has a project for assigning "Causes to a Judge" for the Court of León (the highest workload), so causes are assigned depending on the type of termination. This covers the entire procedure from the opening of the case file to its closing. Judges have state-wide competence, so they can use videoconferences to aid in the presentation of evidence at hearings in any court. This limits the need for them to move from one place to another. | Has variables defined by the stage of oral trials: number and availability of hearing rooms, number and type of witnesses, the applicable law and type of crime involved in the cause, time of pretrial detentions in cases where this measure is imposed, and the dates available by penitentiary in cases of persons processed outside the state. If the case in question is deemed complex, a hearing time longer than the average is reserved. |
| Guerrero | Judicial administration is governed by the Regulations of the Administrative Function of the Courts of the Accusatory criminal Justice System of Guerrero and the Regulations of Access to the Courts of the New criminal Justice System of Guerrero. All requests received are captured in the SIGJO informatics system that automatically generates the folio number, date, and hour. | Cases are assigned automatically through an equitable roll of shifts. There are four shifts: citations, jurisprudence, control of arrests and arrest warrants, and oral trials. Shifts are assigned in an ordered, equitable manner as cases enter the system, to keep judges' workloads as balanced as possible. The shift for oral trials is distributed equitably among judges by type of crime. | No criteria for prioritizing cases. |
| Hidalgo | ND (no data) | ND | ND |
| Jalisco | Carried out according to the Organization and Procedural Manual of the Court of criminal Control, Sentencing, and Execution of the New criminal Justice System. | The model for assigning hearings and offices uses ISJA (Informatics System for Judicial Administration), based on: 1) even- and odd-numbered groups of judges; 2) accumulated workload and that of the day to be assigned; 3) the even-numbered NUC who receive requests for initial hearings are assigned to odd-numbered judges and vice versa. In later hearings they are assigned one-to-one according to the type of hearing; 4) the system's criterion for initial assignment is based on the total load of hearings by judge. | No criteria for prioritizing cases. |
| Michoacán | Operative Administrative Model with three broad processes: attention to the public, judicial procedures, and courtroom process. The model has Procedural and Organizational Manuals and includes personnel training. All processes are conducted in the ISJA system (Integral System of Judicial Administration). | The ISJA system has an algorithm to balance the workload of cases and hearings. The goal is to ensure that all judges in each region end the year with similar workloads. Cases are not assigned consecutively "to prevent corruption". | Cases of greater complexity and social impact are prioritized so they circulate more quickly through the process and are closed as soon as possible. For example, trial days are extended to shorten the processing time for these cases. All time periods stipulated must be respected, but these criteria are not documented. |
| Morelos | No institutionalized policy. | The CAEX system (System for Assigning Causes and Requests) that randomly distributes the cases sent to trial among the supervising judges. Once the cause is generated and assigned, the information is captured in an Agenda so that the date and time of the hearing that corresponds to each cause can be scheduled. | No criteria for prioritizing cases. |



| State | Policy or model of judicial administration | Criterion for assigning workload | Mechanism for prioritizing cases |
|-----------------|---|---|---|
| Nayarit | Regulations and an Organizational Manual for the regional centers of criminal justice of the Judiciary of the State of Nayarit that establishes the bases for their functioning, the organization of their administrative structure, and the guidelines for judicial management. Also uses a system called control of causes, where information is added progressively to each criminal cause from onset to closing. | Based on rolls. | No criteria for prioritizing cases. |
| Nuevo León | Judicial criminal Administrative Model whose objective is to identify, first, the most significant procedures carried out in daily practice. The model is based on a Manual for the Organization and Functioning of Judicial Administration and several general accords: 23/2011, 24/2011, 01/2012, 24/2013, 26/2013, 21/2014, 16/2015, 22/2017, 17/2018, 21/2019, and 13/2021, using a crossed control of processes by units with measurement indicators certified by Norm ISO 9001. | The workload is administered equitably by dividing the functions, which include judges for scheduled hearings (those within the normal working hours of the court), dispatch judges (jueces de despacho) (who agree on the requests that must be resolved in writing and enter in the normal hours of attention), and duty officers (following the shift system established by the Committee of Judges, to resolve urgent requests received outside working hours). | According to the urgency of the solicitude. The most pressing cases are flagged with a red alert on the requests screen. |
| Oaxaca | System of Judicial Administration that consists in an informatics program that systematizes the agenda, reception, and assignment of promotions, agreements, the taping of hearings, the digitalization of accords, and all official notifications and communications. There is also a Procedural Manual for the Courts of Guarantee and Oral trials. | Distribution is done equitably according to the System of Judicial Administration that includes a shift system. | No criteria for prioritizing cases. |
| Puebla | Electronic System of Judicial Control and Administration (SICOPEP v. 1.0). This system contains a database with information on the registration of cases and the stages of the procedure of criminal causes. When a solicitude, note, or promotion is received, it is recorded in an administrative judicial file (criminal cause) and included in government ledgers with a unique identification number that permits tracing and follow-up with other operators of the criminal system. A new version of the system is being developed, called SICOPEP v. 1.0 (Integral System of Control of criminal Orality for the State of Puebla), whose scope is wider than that of the current system. | The workload is divided by judge. Judicial seats with more than one judge use a systematic roll to assign work equitably, programmed by the technology area according to a roll system that cannot be altered. | All causes registered are processed but no special priority is given, but this does not mean that judges do not handle criminal cases deemed urgent under the law. |
| Querétaro | Stipulated in the Manual of Judicial Administration of the Accusatory and Oral criminal System of the Judiciary of the State of Querétaro. In accordance with the Cosmos Administrative Model, five hearings are scheduled per day and judge, not counting those that may be added due to requests for arrest warrants, initial hearings pursuant to the execution of arrest warrants, or the control of arrests. The interval between hearings is one hour, except in complex cases or those that require fast attention, when this lapse can be increased or decreased. | A Unique Informatics System randomly determines the Unit of Administration and judge to which cases are assigned, so Coordinators are not free to apply their own criteria. The system monitors the antecedents of each judge. | For requests for hearings priority is given to criminal causes with a detainee and where summary proceedings or alternative outcomes are requested. When assigning trial dates, the time the person has been deprived of freedom is considered. Arrest warrants are given priority in the daily agenda so they can be executed immediately by a judge in a private hearing. |
| Quintana Roo | Judicial Administration is contemplated in the Organic Law of the Judiciary for the State of Quintana Roo, Article 86 Bis and other related articles. | Distribution is equitable and random through rolls based on the System of Administration of Courts and blocks of hearings that consist in coordinating the integration of hearings of the same type of crime in the agenda of the Judiciary so that the judge and prosecutor can focus on resolving crimes of the same type. | No criteria for prioritizing cases. |
| San Luis Potosí | The Operative Administrative Model is an organizational tool designed to optimize handling procedures in the Centers of criminal Justice based on a policy of ensuring quality in the service provided to the public. It plans an efficient administration that stresses quality in service in fulfillment of international Norm ISO 9000:2015. It identifies several axes of improvement: infrastructure, equipment, information technologies, management, and normativity. The model defines guidelines for the activities to be performed by each official assigned to the Centers of criminal Justice. | Distribution in the initial and intermediate stages is conducted according to the scheduling of hearings in the SIGEJUPE, which is random and equitable. The oral stage is designated randomly by the Judicial Administration of the System, considering the needs of the service and the agenda. | No prioritization criteria were elucidated. |
| Sinaloa | Based on the Regulations for the Organization and Administrative Procedures of the Regional Seats of Accusatorial and Oral criminal Justice of the Judiciary of the State of Sinaloa. | The judicial agenda in the Courts of Control and criminal Sentencing is divided by the type and duration of hearings to schedule as many as possible per day to optimize time. | No prioritization criteria were elucidated. |



| State | Policy or model of judicial administration | Criterion for assigning workload | Mechanism for prioritizing cases |
|------------|--|---|--|
| Sonora | Integral System of Judicial Administration (ISJA). No Procedural Manual or other document. | Criminal causes are registered with the support of the ISJA, which schedules hearings and assigns them to judges equitably and randomly. | No prioritization criteria. |
| Tabasco | There is an administrative model, but it is not contained in an official document. | In the control stage in regions with two judges, causes are divided into even and odd numbers. Where more than two judges work, cases are divided equitably and randomly. For the stage of oral trials, there is a list of judges who are assigned equitably and randomly. The goal is to ensure that all judges hear causes of greater and lesser severity. | No prioritization criteria. |
| Tamaulipas | Based on the Organization Manual and Administration of the Hearing Courts. The Integral Informatics System for criminal Processes of Tamaulipas (SIIPPTAM) is a technological tool that facilitates processes, standardizes activities, increases efficiency and information management, and schedules hearings. | The Chief of the Unit of Administration and/or the Administrator of the Courts distributes hearings equitably in accordance with the availability of courtrooms to set the dates and times of hearings. | Priority is given to those crimes where the cautionary measure of pretrial detention was dictated, and to juridical dispositions that stipulate the immediate presentation of evidence. |
| Tlaxcala | The Manual of Organization and Administrative Procedures has a process for managing hearings. | Through a strict shift system. | No prioritization criteria were elucidated. |
| Veracruz | No current administrative model for receiving, assigning, processing, and closing criminal causes. Indicates that the Regulations of the Offices of Common Parties of the Courts of First Hearings of the Judiciary of the State of Veracruz regulate the entry of cases, and there is a System of Registration of Hearings. | The Judicial Administrator of Causes distributes cases objectively and randomly. | No prioritization criteria were elucidated. |
| Yucatán | Mentions mechanisms for receiving and assigning cases, distributing workloads, and scheduling hearings, but does not clarify if these processes exist in an official document. | The reception and assignment of files and/or archives is performed manually by the supervising judge in shifts (in Excel) for the Courts of First and Second Hearings of the First District. The requests received per day are channeled through the Coordinator of Causes to the judge who is assigned the case for the corresponding process. Scheduling of hearings is carried out through the court's agenda. | Criminal causes where the person(s) charged is/are held under the cautionary measures of pretrial detention or protective measures, and any cause that involves a girl, boy, or adolescent. |
| Zacatecas | Expressly indicates that it does not have an administrative model. Mentions the existence of an Organizational Manual for the Courts of Guarantee and Oral Trials, and that each Court of Control has a management organ with specific functions established in the Organic Law of the Judiciary for the State that conducts the activities necessary to achieve an efficient administration of criminal causes. | Assignment by alphabetical order with respect to the order of the judges, and in chronological order by reception of requests. Some districts have courtrooms annexed to penitentiaries for hearings with persons deprived of freedom. Judges are assigned to different courtrooms each day. A certain amount of time is specified for each hearing. | Longer courtroom time is designated for hearings in the preliminary and intermediate stages. A certain number of days are assigned to present evidence depending on the number of exhibits admitted in the opening act of oral trials. |

Source: Elaborated by the authors based on requests of access to information.

State Victims' Commissions

Most of the State Commissions for Attention to Victims reported that they did not have formal administrative models for receiving, assigning, processing, and closing the cases that their legal advisers manage, though some have more structured systems. Querétaro, for example, has a Unique Informatics System (UIS) and operates under the Model of Attention to Victims with an Ecological Focus (MAVE), while Sonora recently approved a Strategic Policy for Attention to Victims (SPAV) that includes an Administrative Model for Cases and an Institutional System for Follow-up, Administration, Automatization,

and Documental Digitalization. Michoacán also described a detailed process for managing cases based on the General Law of Victims, the Law of Attention to Victims of the State of Michoacán, and the Organizational Manual of the ECAV.

Despite the overall absence of formal models, most commissions described some method for distributing their workloads. These varied from assigning cases by rotating shifts or rolls, as in Coahuila, to geographic distribution by judicial district or region, as in Tamaulipas, and specialization by type of crime or stage of the process. Some commissions mentioned



Table 50. Administrative models of the State Victims' Commissions

| State | Administrative model | Workload | Work teams | Continuity in representation | Prioritization of cases |
|---------------------|---|--|--|------------------------------|---|
| Aguascalientes | No | No information | No information | No information | No information |
| Baja California | No | Not specified | Not specified | Not specified | No |
| Baja California Sur | No | Internal system in Excel and government ledgers | Not specified | Not specified | No |
| Campeche | No | Distributed by the courts | By processual stage | Not specified | No |
| Chiapas | No response | No response | No response | No response | No response |
| Chihuahua | No | System of information and assignation by urgency | Specialized areas | Yes | Yes, based on severity and vulnerability |
| Coahuila | No | Shifts linked to established list | Multidisciplinary teams | Not always | Not formal but consider severity and urgency |
| Colima | No | Distribution by internal roll | Teams by case | Yes | No |
| CDMX | No response | No response | No response | No response | No response |
| Durango | No | By specialized centers | By centers and adscription | No | No |
| Guanajuato | Yes | By geographic region | Teams specialized by type of crime | No | Yes, with defined criteria |
| Guerrero | No | By duty officers and shifts | Regional offices | Yes | Not formal |
| Hidalgo | In process | No information | No information | No information | No information |
| Jalisco | Yes | According to a flow chart | Not specified | Not specified | Yes, with differentiated focuses |
| State of Mexico | Yes, Software "Procesos Integral SEAGeD víctimas" | By roles defined in the system | Rolls defined in the system | Not specified | Not specified |
| Michoacán | Yes | Detailed in the administrative model | Specialized groups | Yes | Yes, with defined criteria |
| Morelos | No | Internal government ledger | Not formed | Not specified | Not specified |
| Nayarit | No | No information | No information | No information | No |
| Nuevo León | No | By head offices and work balance | Specialized offices and head offices | No | Yes, with defined criteria |
| Oaxaca | No response | No response | No response | No response | No response |
| Puebla | No | By type of cause and territory | Teams by type of crime and area | Not specified | No information |
| Querétaro | Yes, "Sistema Informático Único (SIU)" and MAVÉ | Through the SIU | Specialized areas | Yes | Yes, with criteria of priority |
| Quintana Roo | No | Designations by roll | Division by processing teams | Yes | No response |
| San Luis Potosí | In process | Divided between integrators and litigators | Integration and litigation teams | No | No |
| Sinaloa | No | By area of attention | Multidisciplinary team | Yes | Yes, with specific guidelines |
| Sonora | Yes, PEAV and institutional system | Not specified | Specialized teams | Yes | Not formal, but consider severity and vulnerability |
| Tabasco | No | By relevant department | By department | No | No |
| Tamaulipas | No | By prosecutorial unit and judicial district | 16 linkages in the state | Yes | Yes, with differentiated focuses |
| Tlaxcala | No | By the coordinator of advisers | Regional models and Houses of Justice | No | Yes, with objective and subjective criteria |
| Veracruz | No | By head offices and judicial districts | Specialized head offices | Yes, in some districts | No |
| Yucatán | No | By roll | No teams exist | Not always | Yes, for severe crimes and minors |
| Zacatecas | No | By specialized areas | 6 areas of specialized legal orientation | No | Not formal but consider vulnerability and risk |

Source: Elaborated by the authors based on requests of access to information.

using informatics systems to register and assign cases, but this does not appear to be a widespread practice. In summary, most states did not clearly specify their methods for distributing work.

The formation of work teams showed broad variability among these commissions, though the information provided in many cases was quite limited. Some

commissions, like the one in Sinaloa, have adopted a multidisciplinary focus that integrates legal advisers with psychologists and social workers. Others, as in San Luis Potosí, have opted to divide their work by the stages of the process, separating the functions of investigation and litigation. We also found that several states –Puebla and Zacatecas, for example– were tending toward specialization by type of crime, with teams devoted to



handling cases that involved forced disappearances and femicides, for instance.

In terms of continuity in representation, most commissions said that their intention is to ensure that the same legal adviser represents the victim throughout the criminal process. However, various states admitted that this is not always possible due to high workloads and limited personnel. This situation could affect the quality of representation and victims' trust in the criminal process.

Prioritization of cases is another aspect where we found considerable variation, as only a few commissions – Querétaro, Nuevo León, Sonora– reported formal protocols for determining the priority of causes. In the cases where prioritization criteria were stated the most common ones were the severity of the crime, the vulnerability of the victim (as in cases involving minors, women, or Indigenous people), the urgency of the actions required, and the case's potential social or community impact. Nuevo León stands out for its Policy of Attention to Victims, which seeks to clarify these criteria for the distinct cases it hears and to give prompt, priority, and effective attention to the ones identified through the policy.

Finally, many responses, like those of Morelos and Tabasco, were vague or incomplete, suggesting a lack of systematization in their management processes. Moreover, various commissions seemed to confuse the concept of "administrative model" with simply having some method of work, however informal. Other states, like Querétaro, Sonora, and Michoacán, showed significant advances in the formalization of their administrative processes, but most appear to operate with informal, potentially inconsistent methods. Another clear finding is a general absence of information on monitoring and evaluation mechanisms, which could indicate a lack of systematic follow-up on the effectiveness of these models and policies.

Public Defenders' Offices

Most Public Defenders' Offices reported that they do not have formal administrative models for receiving, assigning, processing, and closing cases, though a few states with more structured systems stand out. The Federal Public Defenders' Office for example, has several specific protocols for distinct situations and vulnerable groups, such as the "Protocol for attention to persons with disabilities who are users of the services of the IFDP" and the "Action Protocol for the special representation of girls, boys and adolescents". The State

of Mexico mentioned its informatics-based system for managing cases, while Guanajuato described a detailed administrative model specialized by procedural stage. States like CDMX, Coahuila, Hidalgo, Nuevo León, Querétaro, Quintana Roo, San Luis Potosí, and Yucatán, reported some type of administrative model, but did not always specify details.

Although the majority of states lacked formal models for assigning cases, most of the Public Defenders' Offices described some method for distributing workloads. These varied from assignment by rotating shifts or rolls, as in Coahuila, to distribution by geographic area or judicial district or region, as in Tamaulipas. Some, like the office in Baja California Sur, mentioned using internal systems in *Excel* and recording cases in government ledgers, while others, like Chihuahua, assign cases via an information system.

The formation of work teams presents broad variation among Public Defenders' Offices. The one in Morelos reported that their defenders work individually. Others –Guanajuato, for example– form teams specialized by procedural stage or type of crime. There are also cases, like Sinaloa, that mentioned collaboration among public defenders for complex cases. This diversity in the organization of work reflects the distinct capacities and resources of each state, as well as the specific focuses of their respective offices.

On the topic of continuity in representation, there are, once again, marked differences regarding whether the same defense attorney litigates all stages of the criminal process. Some of these offices, like the one in Colima, indicate that the same attorney is maintained throughout the process but others –Nuevo León, for instance– change this figure in different stages of the process. There are also intermediate cases (e.g., Guanajuato) where some continuity is maintained but other lawyers may provide support in specific stages, like oral trials.

Only a few Public Defenders' Offices reported specific, formal protocols for certain causes. Those cases tend to focus on attending to people with disabilities, children, adolescents, people in transit, and the Indigenous. There is a notable lack of standardization among states for providing specialized attention to vulnerable groups or specific crimes.

Also noteworthy is the scarce mention of the use of technology or advanced information systems for managing cases, though the State of Mexico and Querétaro are notable exceptions. With respect to monitoring and evaluation mechanisms, few offices


Table 51. Administrative models of the public defense office

| State | Administrative model | Workload | Work teams | Continuity in representation | Specific protocols |
|---------------------|--------------------------------|---------------------------------------|--|------------------------------|---|
| Federal | Yes, multiple protocols | Not specified | Not specified | No | Yes, for vulnerable groups and specific situations |
| Aguascalientes | No information | No information | No information | No information | No information |
| Baja California | No | "Defensa Net" system | By rolls and regions | No | No |
| Baja California Sur | No, pending publication | Not specified | Individual | Yes | Not their own, use national and international protocols |
| Campeche | No | By procedural state | By procedural stage | No | No |
| Chiapas | No | Not specified | No teams formed | No | No |
| Chihuahua | No | Information system by urgency | By areas and regions | Varies by region | No |
| Coahuila | Yes | Shifts linked to an established list | By stages and type of crime | Not always | Yes |
| Colima | No | Internal roll of distribution | No teams formed | Yes | No |
| CDMX | Yes, administrative manual | By roll and shift | By areas | No | No, only code of behavior |
| Durango | No | Individual control | No teamwork | Yes | No |
| Guanajuato | Yes | By specialization and stage | Specialized by stage | No | Yes, for indigenous cases |
| Guerrero | No | By duty officers and shifts | No teams formed | Yes | Not their own, use those of the Supreme Court |
| Hidalgo | Yes | By judicial circuits | By judicial circuits | Varies by circuit | No |
| Jalisco | No, uses programs from the CJS | Not specified | By work rolls | Yes | No |
| State of Mexico | Yes, informatics system | By stages and specialization | By stages and specialization | No | Yes |
| Michoacán | Yes, partial | By the administrative system | Teams of two defense attorneys | Yes | No |
| Morelos | No | By established rolls | Individual | No | No |
| Nayarit | No | By the office coordinator | By regions and specialization | No | No |
| Nuevo León | Yes | By cause and investigative unit | By specialized units | No | No |
| Oaxaca | No response | No response | No response | No response | No response |
| Puebla | No response | By workload in the tribunal | Individual | No | Not their own, use protocols of civil protection |
| Querétaro | Yes | Through the SIU | By specialized areas | Depends on the model | No |
| Quintana Roo | No | By roll of designations | Teams of two defense attorneys | Yes | No, pending validation |
| San Luis Potosí | Yes | Individual by penal cause | Individual or in teams for oral trials | Varies by stage | No |
| Sinaloa | No | By the impact of the case | Formed according to the case | Yes | No |
| Sonora | No | By adscription to areas | By procedural stage | No | No |
| Tabasco | No response | No response | No response | No response | No response |
| Tamaulipas | No | By shifts in investigative units | By regional offices | Yes | No |
| Tlaxcala | No | By coordinator and shift | Individual | Yes, with sentencing | No |
| Veracruz | No, only a procedural manual | Designated by jurisdiction | Individual with support in complex cases | Yes, with exceptions | No |
| Yucatán | No | Not specified | No teams formed | No | No |
| Zacatecas | No | By duty officers and needs of service | By duty officers | No | Not specified |

Source: Elaborated by the authors based on requests of access to information.

reported their use; for example, Baja California mentioned conducting a continuous review of hearings and case management, Coahuila carries out evaluations every semester under the auspices of the *Visitaduría Judicial General*, and Michoacán audits performance through the *Auditoría Superior de Michoacán*.

Institutional objectives

According to the analysis conducted for *Hallazgos 2023*, institutional objectives not only contributed to the stabilization and performance of individual organizations, but also allowed each institution of the CJS to fulfill its role so the system could procure adequate, timely, and expeditious justice.



Technical coordination

The adequate functioning of the CJS requires significant efforts on the part of distinct institutions to achieve common goals and objectives. In this section, we discuss the elements that make those efforts possible. In this area, Coordinating Organs play a fundamental role in articulating efforts to improve the functioning of the CJS at the state level. Coordination with the states is necessary for (i) dialogue among institutions and the different levels of government; (ii) establishing common objectives and goals; and (iii) performing follow-up. When coordination and dialogue among the various institutions of the CJS are inadequate, their capacity to implement solutions conceived to make justice more accessible and reduce impunity, among other goals, will continue to be limited.

According to the responses to our requests of information, most states reported having an organ dedicated to coordinating or consolidating the CJS.

Despite their importance, the scope of action of Coordinating Organs in most cases is restricted to serving as spaces for communication and follow-up on agreements. They act as links among diverse institutions, but very few perform actions like designing, implementing, or evaluating actions.

One exception to the limited scope of these bodies is Querétaro, where the Commission for the Evaluation of the Operation of the Accusatory criminal Justice System (the aforementioned COSMOS system) has broader faculties and a more consolidated structure than similar organs that allow it to evaluate and do follow-up on the system.

Important aspects of this model include the following: it is backed by a specific law that grants it greater institutional stability; all three powers of the state participate as autonomous organisms; and it has its own informatics system (UIS) which allows interconnection among institutions and systematic administrative indicators with medium- and long-term goals. Moreover, its strategies are incorporated into operating models by institutional level such that each one contributes clearly to the overall objectives of the system and has specific goals for conducting follow-up on its participation.

The case of Guanajuato also stands out as it has a State Commission for the Evaluation and Consolidation of the criminal Justice System (*Comisión Estatal para la Evaluación y Consolidación del Sistema de Justicia criminal*) with faculties to promote legal reforms and generate criteria to align the functioning of institutions.

It has, as well, indicators for evaluating the CJS and sub-commissions specialized in handling distinct aspects of the system. Finally, it reported ongoing work to design a web page to disseminate information on the system.

We did, however, discern several challenges that the Coordinating Organs of the CJS confront in the states, difficulties that are diverse and persistent, and that reflect the complexity involved in implementing and maintaining an effective, coordinated justice system.

One fundamental, recurrent challenge is scarce resources. Many states, like Hidalgo and Tlaxcala, mentioned this as an obstacle to the effective operation of their Coordinating Organs. This problem is not limited to finances for it includes human and technological resources as well. Limited budgets hinder the capacity of these bodies to implement programs, perform exhaustive evaluations, and keep their information systems up to date.

Closely related to scarce resources is the disparity in technological infrastructure. While some states (e.g., Querétaro) have advanced information management systems, others lack even the most basic tools for performing follow-up and data analysis. This technological gap affects the operating efficiency of Coordinating Organs and impedes the establishment of shared, comparable standards among states.

The need to increase training is another recurring theme because many states cited the lack of specialized personnel as a significant obstacle. This is manifested not only in Coordination Organs, but throughout the CJS. The lack of adequately trained staff can generate inconsistent implementation of protocols and procedures that affects the quality and efficacy of the entire system.

Deficient interinstitutional coordination continues to be another important challenge. Although the main goal of these organs is to facilitate coordination, many states reported difficulties in achieving this among the various institutions of the CJS. This may be due to diverse factors: resistance to change, lack of clarity in roles and responsibilities or, simply, the absence of effective mechanisms of communication and collaboration.

The lack of transparency and accountability is another huge challenge. The information that many states provided on the activities and achievements of their Coordinating Organs is vague or incomplete. Insufficient transparency hinders efforts to evaluate the effectiveness of these bodies and limits the possibility to identify, and then replicate, better practices.



Planning

Planning processes in the CJS show great variation among the states in terms of formalization, scope, and sophistication. While some, like Querétaro, Nuevo León, and Coahuila, have more structured, comprehensive planning processes, others appear to have only basic, informal focuses. One common practice we noted consists in aligning processes with state development plans, which suggests an effort to integrate the planning of the justice system with broader state priorities. The use of specific indicators and goals indicates progress, though implementation and follow-up vary widely. The training and professionalization of personnel, and the incorporation of transversal themes –like perspectives on gender and human rights– are recurring elements in the plans of many institutions.

Despite certain advances in planning, once again we observed significant challenges. While many institutions reported having plans, the information on their effective implementation and follow-up was limited, raising doubts about the real efficacy of their planning processes.

Budgetary resources

For a CJS to operate successfully it does not suffice simply to increase budgets; rather, the resources available must be spent rationally, and this requires operations oriented toward results. Unfortunately, the justice sector lacks not only a systemic vision but also clear objectives and goals; thus, the exercises in operative planning necessary to solicit budgetary resources from

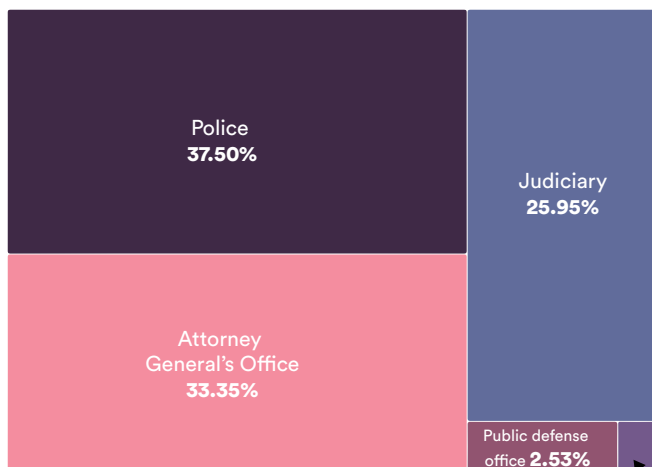
state congresses is disarticulated, a reality that has serious repercussions, such as inefficient dispersals of funds.

In general, we observed a slight upward tendency in the budgets authorized for most institutions of the CJS from 2022 to 2023, but this did not occur in all cases. For example, for the Attorney General's Office of Chihuahua we documented a reduction from the 2022 budget.

Table 52. Percentage variation in the executed budget in 2023 compared to 2022, by institution and state

| State | Police | AGO | Public Defense Office | ECAV | Judiciary |
|-------------------------|--------|-------|-----------------------|--------|-----------|
| National average | 5.51 | 3.69 | 0.72 | 9.14 | 2.47 |
| Aguascalientes | 12.18 | 6.16 | -1.96 | N/D | 7.20 |
| Baja California | 15.22 | 9.94 | 7.42 | N/D | 29.57 |
| Baja California Sur | 12.56 | 13.49 | 16.17 | N/D | 5.75 |
| Campeche | N/D | -3.01 | 0.35 | 0.35 | -0.10 |
| Chiapas | 29.03 | 7.93 | -2.50 | N/D | -0.20 |
| Chihuahua | N/D | 3.90 | 10.62 | 6.36 | -3.27 |
| CDMX | 12.16 | 6.63 | -1.31 | N/D | -5.39 |
| Coahuila | 28.11 | -1.44 | -0.63 | 4.51 | 16.64 |
| Colima | N/D | -1.68 | 19.43 | N/D | -7.11 |
| Durango | N/D | -2.12 | 8.13 | 14.25 | -3.20 |
| State of Mexico | N/D | 18.87 | 2.49 | 9.52 | -3.68 |
| Guanajuato | N/D | 12.59 | -2.49 | 88.77 | 6.08 |
| Guerrero | -57.51 | -5.17 | -15.09 | 10.64 | -1.51 |
| Hidalgo | N/D | -0.56 | 60.06 | N/D | N/D |
| Jalisco | N/D | 1.04 | N/D | N/D | -2.71 |
| Michoacán | 11.13 | 4.11 | -6.25 | -22.87 | -1.02 |
| Morelos | 16.24 | 16.08 | -2.63 | 26.09 | 12.21 |
| Nayarit | -4.26 | 13.11 | 23.02 | -10.45 | 7.46 |
| Nuevo León | 12.37 | 0.26 | -3.39 | N/D | N/D |
| Oaxaca | -1.49 | 2.87 | -1.13 | N/D | -2.32 |
| Puebla | -10.92 | 0.01 | 14.20 | -1.10 | 31.60 |
| Querétaro | -0.50 | 12.13 | 23.00 | 7.19 | 7.24 |
| Quintana Roo | 79.42 | 11.21 | 11.38 | 27.66 | N/D |
| San Luis Potosí | -9.83 | -6.37 | -27.22 | -10.44 | -5.20 |
| Sinaloa | -4.84 | 2.23 | 7.57 | N/D | -0.39 |
| Sonora | -5.51 | 3.80 | 3.29 | 34.70 | 2.43 |
| Tabasco | -9.52 | -2.91 | -2.92 | N/D | -2.88 |
| Tamaulipas | -2.06 | -9.79 | 12.45 | -30.10 | -26.25 |
| Tlaxcala | N/D | 4.05 | N/D | -0.13 | 3.19 |
| Veracruz | -2.76 | 2.06 | 1.09 | 2.93 | -2.26 |
| Yucatán | 2.11 | -3.05 | N/D | 7.68 | 4.88 |
| Zacatecas | N/D | 1.54 | -12.01 | 17.25 | 4.92 |

Graph 59. Percentage of the executed budget by institution, 2023



Fuente: Elaborated by the authors based on data obtained through requests of access to information. For the Attorney Generals' Offices, we used the *Censo Nacional de Procuración de Justicia Estatal 2023*.

Victims' Commissions (ECAV)
0.65%

Note: For the national average, we considered only the states for which we could perform the calculation. Values were deflated to June 2022 based on the National Consumer Price Index (INEGI). **NI** indicates that no data were available.

Source: Elaborated by the authors based on data obtained through requests of access to information. For the Attorney General's Office, we used the *Censo Nacional de Procuración de Justicia Estatal, 2023* and 2022.



Resource allocation among the institutions of the CJS varied significantly among states. Overall, we found that Judiciaries and AGO received the lion's share of budgets, with institutions like the UMECAs and Coordinating Organs being granted a much lower proportion. This could reflect the priorities of the justice system in each state but might also indicate an imbalance that impacts the overall efficacy of systems.

Our analysis of the percentage variation in budgets compared to the previous year revealed, in most cases, increases for the ECAV of 9.14%, followed by the police at 5.51%. Attorney Generals' and Public Defenders' Offices also received increases, but only of 0.06 and 0.72%, respectively, while the Judiciaries received an increase of 2.47%.

Some states stand out for the changes in their budgets. Quintana Roo, for example, showed an extraordinary increase of 79.42% in the budget for the police, the highest of any state. At the other end of the scale, the budget for police in Guerrero decreased drastically by 57.51%.

Public Defenders' Offices showed mixed tendencies, with notable increases in states like Baja California Sur (16.17%) and Nayarit (23.02%), but significant reductions in others, like San Luis Potosí (-27.22%) and Guerrero (-15.09%).

The ratio between the budgets of AGO and police forces (calculated by dividing the former's budget by the latter's) revealed a marked disparity among states. The national average of 14.23 suggests that, overall, AGO received 14.23 pesos for each peso assigned to the police, though we must point out that this average is impacted significantly by atypical, extreme cases. Hence, the best approach to analyzing these data is through the mean, which is 0.85 pesos for AGO for each peso assigned to the police. Guerrero presented the most extreme case with a ratio of 195.30; that is, the Attorney General's Office there received 195.30 pesos for each peso destined to the police. This indicates a possible imbalance between the investigation and prevention of crime. At the other extreme, Yucatán presented a ratio of just 0.14, which suggests that the Attorney General's Office there received only 14 *centavos* per each peso assigned to the police. This case illustrates a substantial prioritization of the police budget over that of the Attorney General's Office.

The ratio between the budgets for Public Defenders' Offices and AGO is generally low, with a national average of 0.06 pesos for the former for each peso assigned to the latter. This indicates that in all states Public Defenders' Offices receive significantly less than AGO, another disparity that likely has serious implications for

Table 53. Ratios of the executed budget in 2023 among institutions, by state

| State | Ratio: AGO /Police | Ratio: Public Defense Office /AGO | Ratio: Victims' Commissions/ Public Defense Office |
|---------------------|--------------------|-----------------------------------|--|
| National average | 14.23 | 0.06 | 7.96 |
| Federal | S/D | S/D | 112.41 |
| Aguascalientes | 0.51 | 0 | S/D |
| Baja California | 0.85 | 0.05 | S/D |
| Baja California Sur | 0.45 | 0.11 | S/D |
| Campeche | S/D | 0.09 | 1 |
| Coahuila | 0.35 | 0.08 | 0.32 |
| Colima | S/D | 0.04 | S/D |
| Chiapas | 0.4 | 0.04 | S/D |
| Chihuahua | S/D | 0.05 | 0.43 |
| CDMX | 0.29 | 0.2 | S/D |
| Durango | S/D | 0.05 | 0.47 |
| Guanajuato | S/D | 0.1 | 0.31 |
| Guerrero | 195.23 | 0 | 26.81 |
| Hidalgo | S/D | 0 | 6.98 |
| Jalisco | S/D | S/D | S/D |
| State of Mexico | S/D | 0.06 | 1.09 |
| Michoacán | 0.42 | 0.09 | 0.51 |
| Morelos | 2.37 | 0.02 | 0.58 |
| Nayarit | 0.69 | 0.06 | 0.23 |
| Nuevo León | 3.8 | 0.09 | S/D |
| Oaxaca | 2.68 | 0.11 | S/D |
| Puebla | 2.9 | 0.03 | 0.57 |
| Querétaro | 1.39 | 0.06 | 0.42 |
| Quintana Roo | 0.42 | 0.03 | 0.99 |
| San Luis Potosí | 0.7 | 0.1 | 0.24 |
| Sinaloa | 91.71 | 0.09 | S/D |
| Sonora | 2.87 | 0.04 | 0.64 |
| Tabasco | 0.42 | 0.05 | S/D |
| Tamaulipas | 1.22 | 0.04 | 0.48 |
| Tlaxcala | S/D | S/D | S/D |
| Veracruz | 3.22 | 0.01 | 4.74 |
| Yucatán | 0.14 | S/D | S/D |
| Zacatecas | S/D | 0.08 | 0.09 |

Note: For the national average, we considered only the states for which we could perform the calculation. **NI** indicates that no data were available.

Source: Elaborated by the authors based on data obtained through requests of access to information. For the Attorney General's Office, we used the *Censo Nacional de Procuración de Justicia Estatal 2022* (INEGI).

the equilibrium of the justice system and citizens' right to an adequate defense.

Some states showed particularly atypical patterns. For example, Sinaloa had an extremely high ratio between AGO and police (91.71), but a relatively low one between Public Defenders' Offices and AGO (0.09), perhaps reflecting that the CJS there is strongly inclined toward prosecuting crime in detriment to defense and prevention.



Rate for every 100,000 people by institution for each state

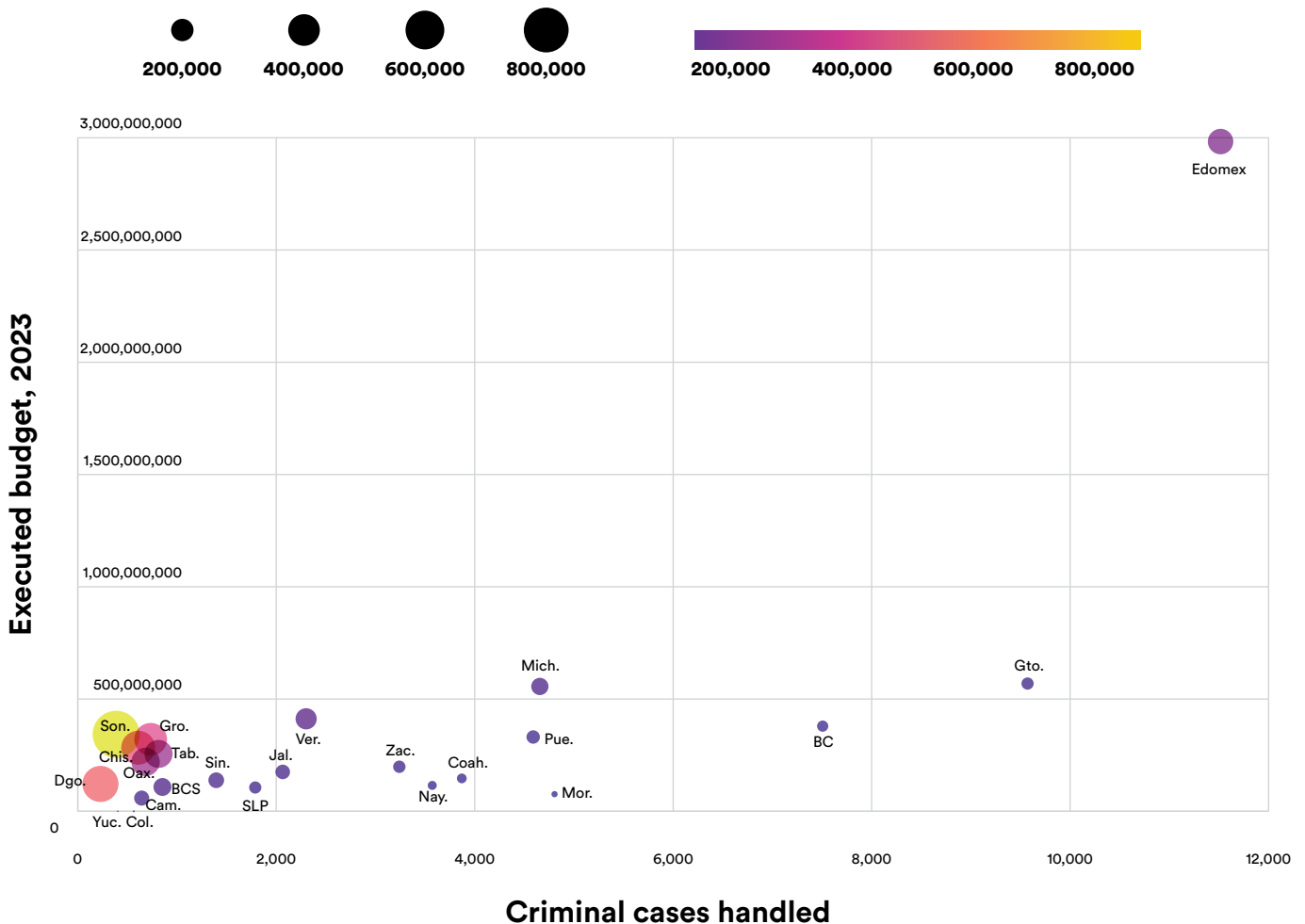
Our analysis of the budget for each institution for every 100,000 people also found significant disparities in per capita outlays among states. This variation is particularly notable in the case of the police, where CDMX invests over 311 million pesos for every 100,000 inhabitants, while Sinaloa disbursed barely 284,000. We also observed important variations among AGO: Chihuahua and CDMX stand out with investments above 75 million pesos for every 100,000 inhabitants, while states like Hidalgo and Campeche invest less than 1.2 million.

In the case of Public Defenders' Offices, most states invest less than 3 million pesos for every 100,000 inhabitants, though there are notable exceptions, like Guanajuato and Baja California Sur. The State Commissions of Attention to Victims are the institutions that receive the lowest rates of investment.

Average costs of the criminal process

This analysis offers an initial view of the efficiency of expenditures in Mexico's CJS by comparing the average costs by activity or service among the states. We must acknowledge, however, that this focus on costs does not, by itself, provide a complete panorama of the real efficiency of expenditures by institution, but is only a valuable starting point for identifying disparities and areas that require deeper exploration.

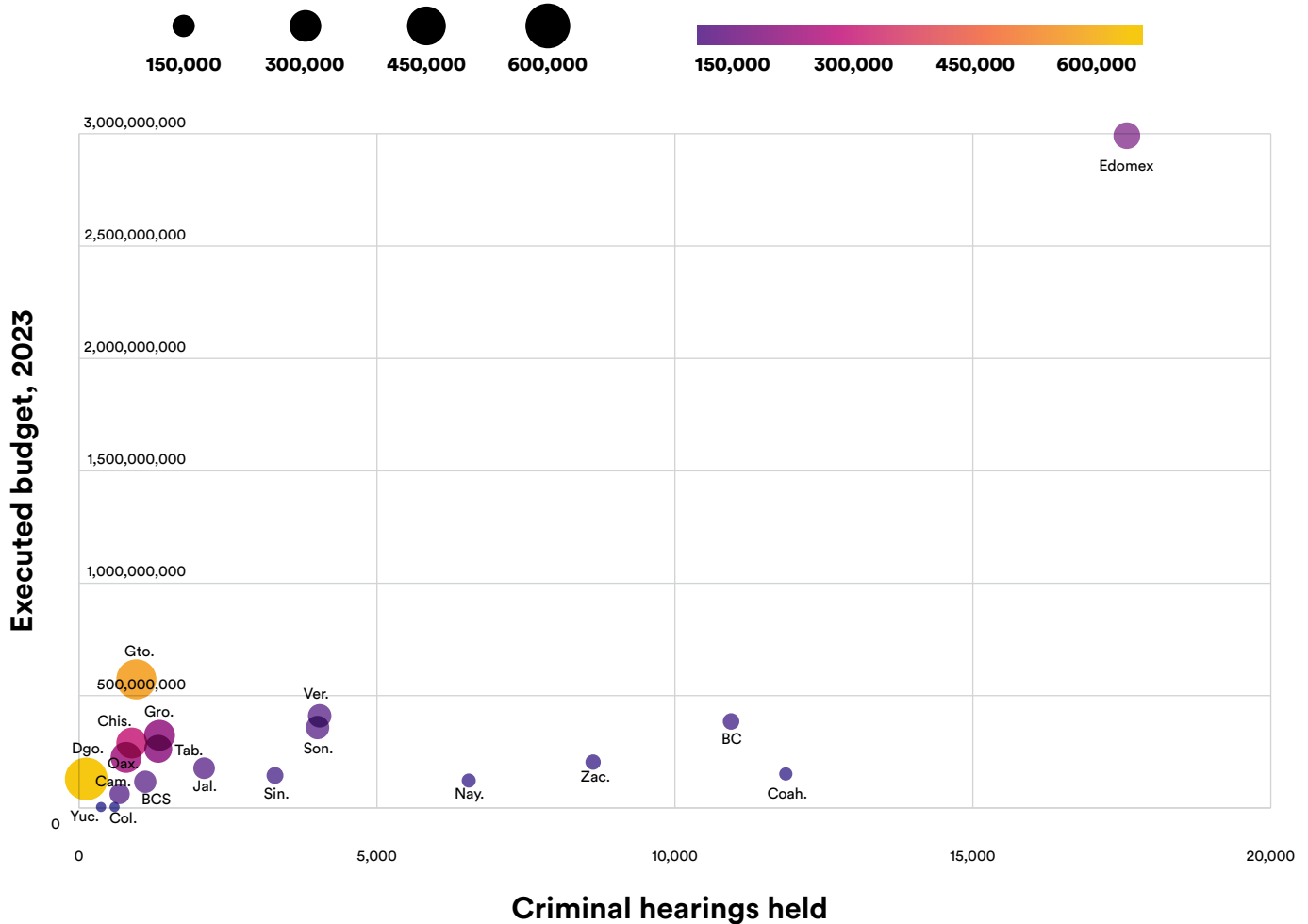
Graph 60. Average cost of criminal cases handled by courts during 2023



Note: Only those states for which we could perform the calculations are shown.
Source: Elaborated by the authors with data from requests of information on budgets and cases registered.



Graph 61. Average cost of criminal hearings held during 2023



Note: Only those states for which we could perform the calculations are shown.

Source: Elaborated by the authors with data from requests of information on budgets and hearings held.

Courts: criminal causes and hearings registered

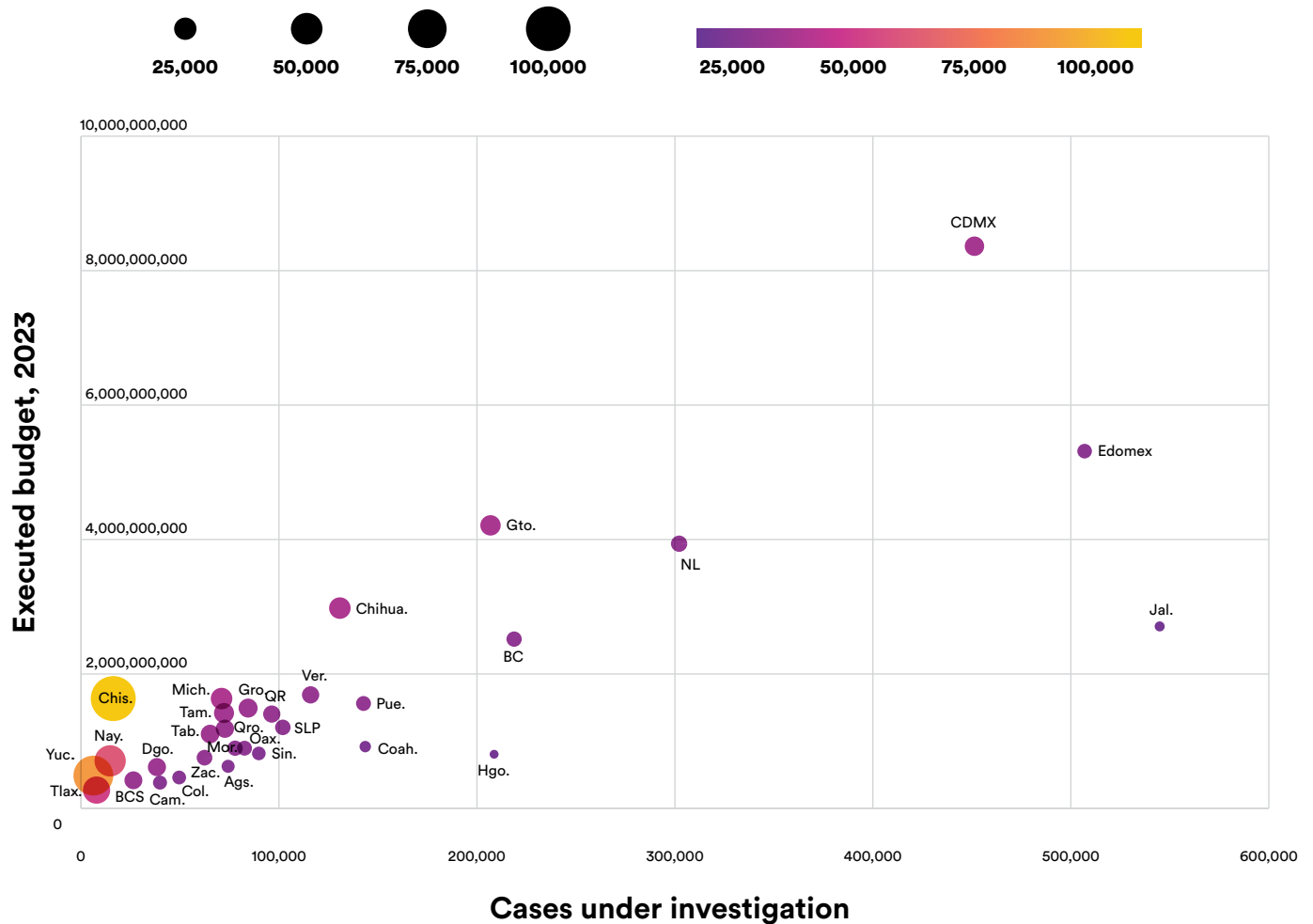
The disparity in the costs per criminal cause and hearing among states is obvious and merits a detailed analysis. In the case of criminal causes, we found that states like Sonora, Chiapas, and Durango had extremely high costs per cause processed, above 450,000 pesos. This contrasts strongly with states like Colima and Yucatán, where the cost reported barely exceeded 1,000 pesos. This enormous gap suggests significant differences in operating efficiency, the complexity of the cases processed, or, perhaps, the allocation and utilization of resources.

Turning to hearings, the panorama is similarly diverse. Once again, Durango stands out with the highest cost per hearing, above 627,000 pesos, followed by Guanajuato at over 599,000 pesos. At the opposite end, Yucatán and Colima reported surprisingly low costs, below 1,200 pesos per hearing. This marked variation raises questions about influencing factors, such as the judicial infrastructure, administrative processes, and the workload of each court.

It is interesting to note that the State of Mexico, which had the highest number of causes registered (11,517) and hearings held (17,548), reported relatively moderate costs compared to other states.



Graph 62. Average cost of crimes under investigation at AGOs during 2023



Note: Only those states for which we could perform the calculations are shown.
Source: Elaborated by the authors with data from requests of information on the Investigation files.

Attorney General's Office: investigative files

The variation in cost per investigative file (IF) among the states is significant. Chiapas had the highest average cost at 99,380 pesos, followed by Yucatán at 77,719 pesos. At the opposite extreme, Hidalgo and Jalisco showed surprisingly low average costs of just 3,878 and 4,963 pesos, respectively, per IF.

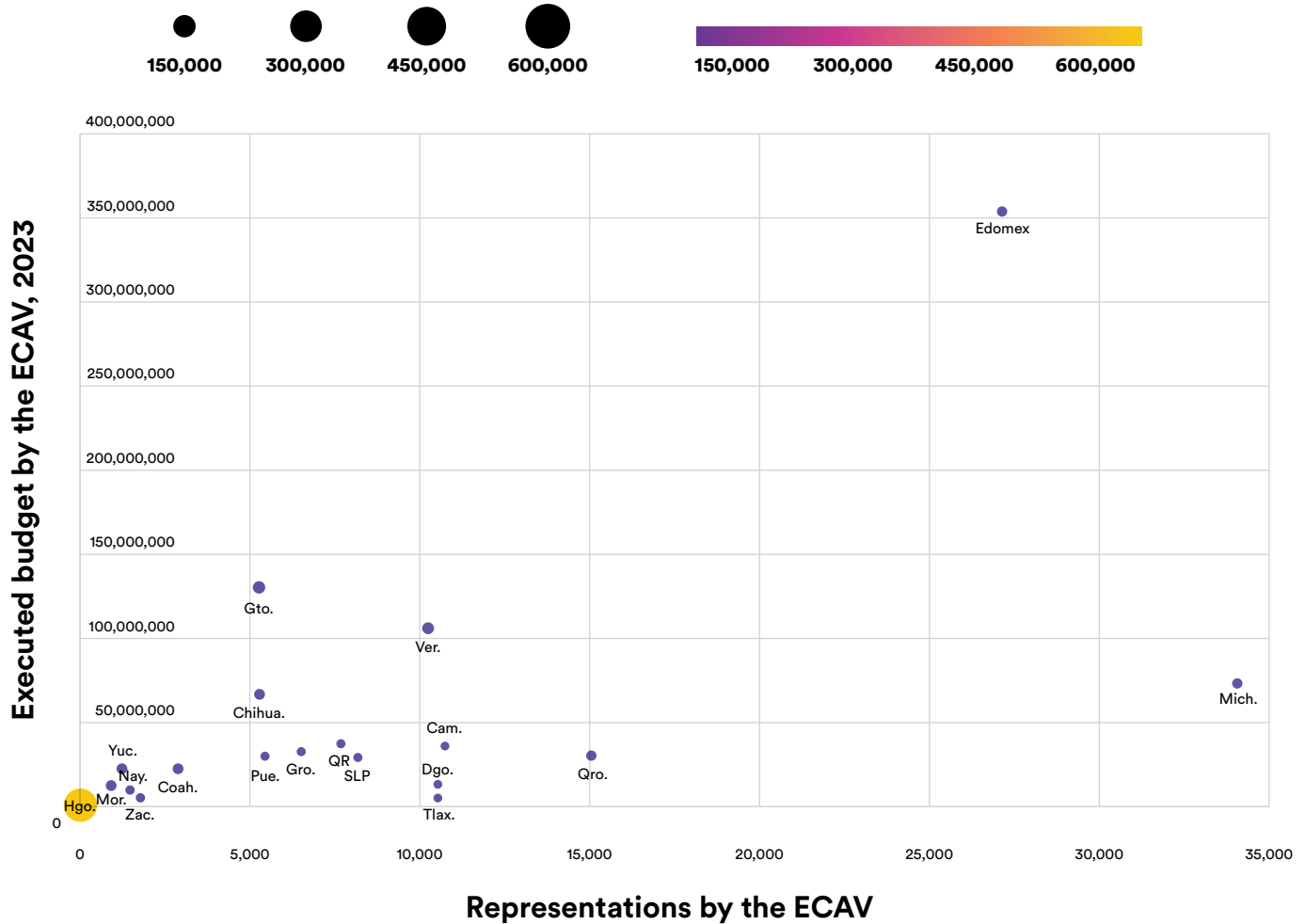
It is important to note that the states with large numbers of IF, like Jalisco (545,192) and the State of Mexico (506,841) maintain relatively moderate costs per IF of 10,491.86 and 4,834.47 pesos, respectively.

CDMX also handles a very high volume (451,120), but at a cost per IF of 16,985.25 pesos. This seems reasonable, considering the complexity and diversity of cases that it likely confronts.

ECAVs and Public Defenders' Offices: representations

For the representation costs of State Victims' Commission, we found that Hidalgo presented an atypical case with an extremely high figure of 783,751.35 pesos per case. This may suggest an error in the data or an exceptionally complex situation. If we exclude

Graph 63. Average cost of representations conducted by the ECAV, 2023



Note: Only those states for which we could perform the calculations are shown.

Source: Elaborated by the authors with data from requests of information for the budget and the data that correspond to the representations of victims by advisers.

this state, then Guanajuato had the highest cost per representation at 24,629.31 pesos, followed by Yucatán at 17,828.45 pesos. At the other end, Tlaxcala had the lowest cost per representation by ECAV at just 470.08 pesos, followed by Durango at 1,263.80. Interestingly, the State of Mexico, which had the highest number of representations (27,158), maintained a moderate cost of 12,957.97 pesos per case.

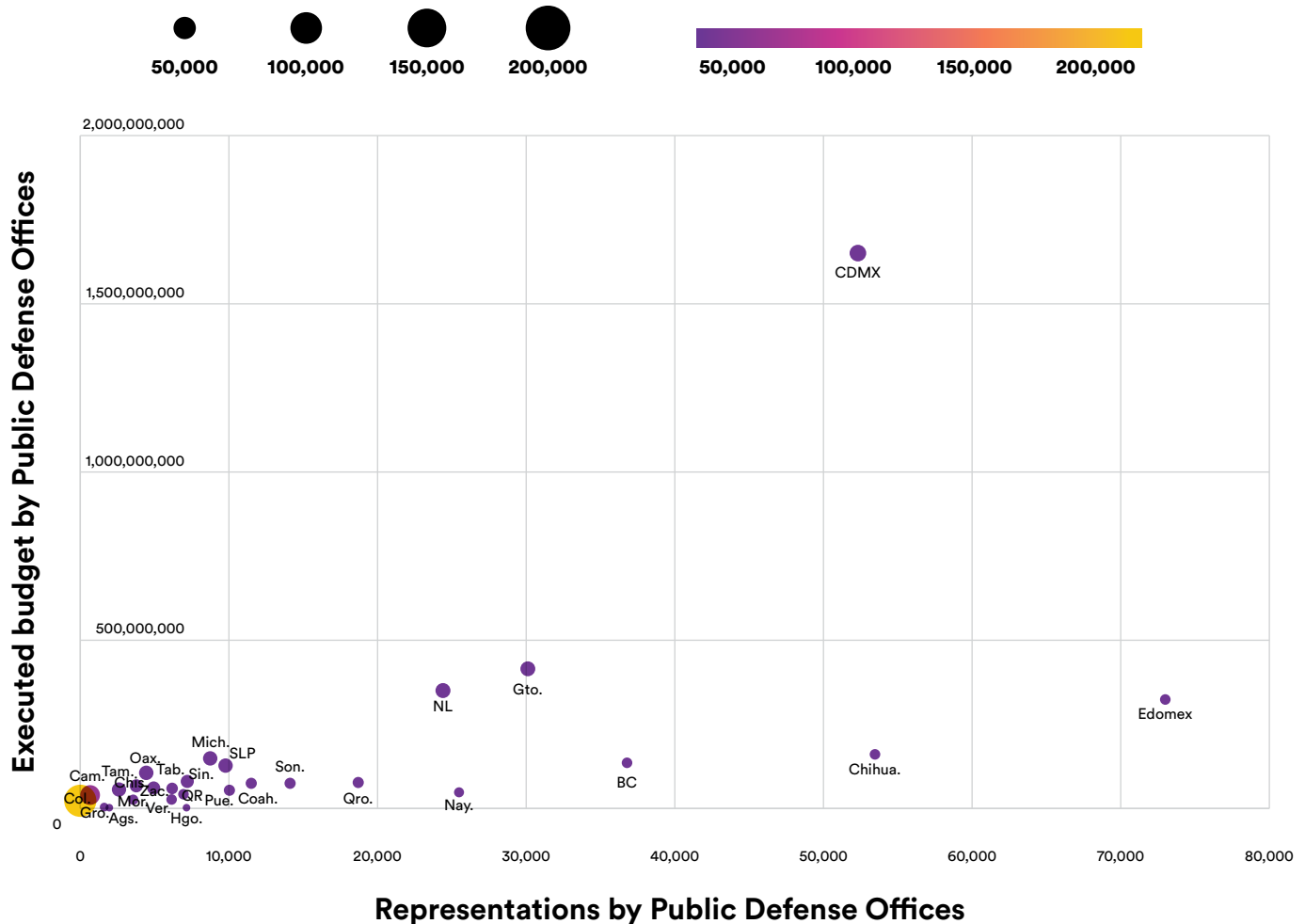
For the representations by Public Defenders' Offices the variation in costs is even more pronounced. Colima stands out with a cost of 227,773.02 pesos per representation, though the number of cases processed there was very

low (83). This could indicate very complex cases or an inefficient distribution of resources. CDMX, with a high number of representations (52,264), had a relatively high cost of 31,556.32 pesos per representation that might reflect the complexity of cases in the nation's capital.

It is noteworthy that some states (e.g., Campeche) showed great cost variation between representations by the ECAV (3,348.71 pesos) and Public Defenders' Offices (66,058.74). This suggests significant differences in the nature of the work or in the allocation of resources between these two institutions.



Graph 64. Average cost of representations by Public Defense Offices, 2023



Note: Only those states for which we could perform the calculations are shown.

Source: Elaborated by the authors with data from requests of information for the budget and the data that correspond to representations by public defense office of persons accused.

Penitentiaries: persons deprived of freedom

Variation in the cost per person deprived of freedom among the states is, once again, significant. Querétaro had the highest: 307,995.06 pesos per person per year. The states with the next highest cost levels were San Luis Potosí (200,481.39), Jalisco (170,979.63) and Aguascalientes (159,661.04). These figures could indicate substantial investments in rehabilitation and the living conditions of inmates or, perhaps, a less efficient administration of resources.

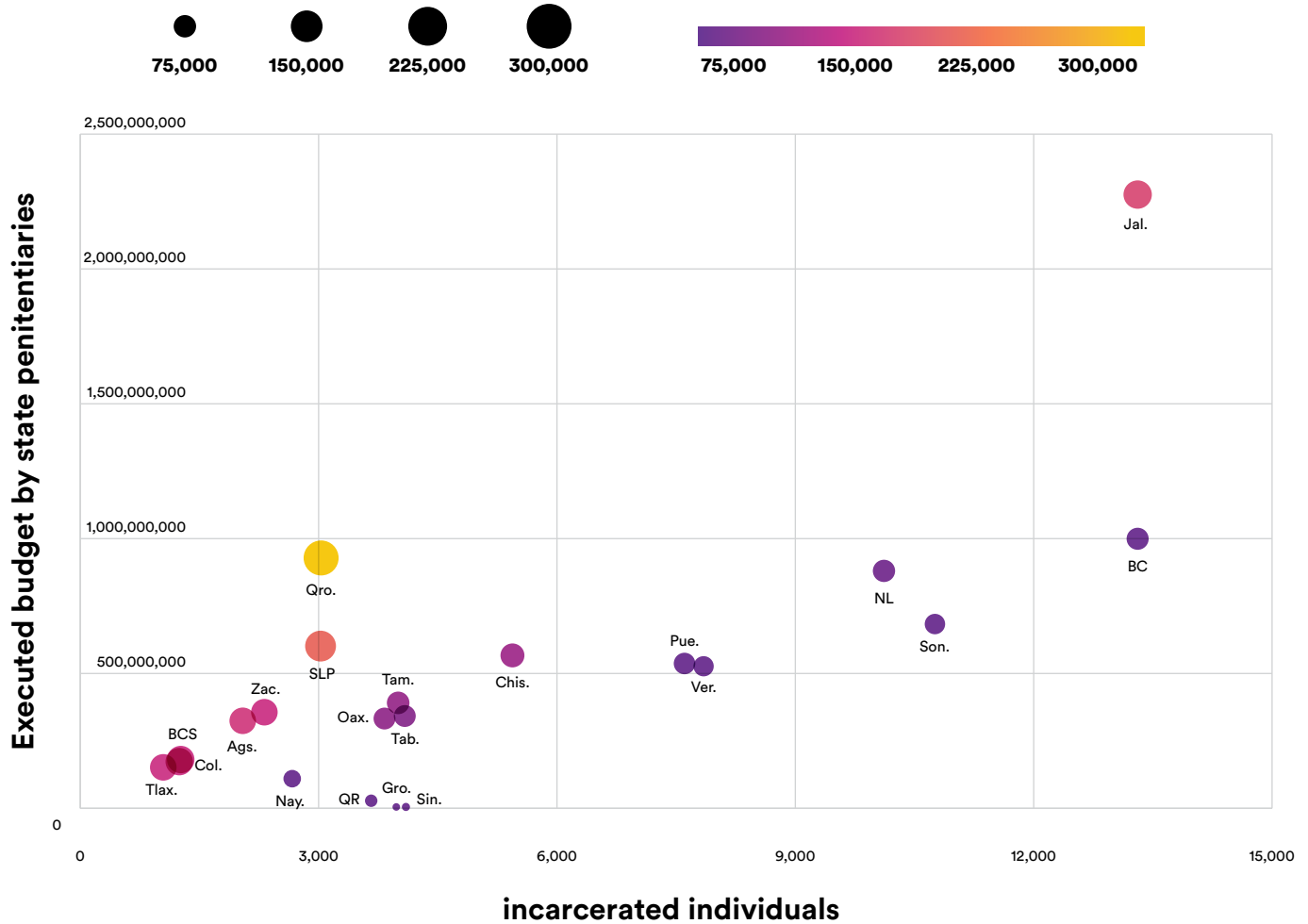
At the opposite end we found that Guerrero and Sinaloa had surprisingly low costs at 1,927.73 and 2,186.81

pesos per person per year, respectively. These values are so low that they suggest errors in the data reported or severe insufficiencies in the resources allotted to the penitentiary system.

The broad disparity in costs among states raises important doubts about equity in the treatment of people deprived of freedom in different areas of the country. States with very low costs may be facing significant challenges to provide adequate living conditions and effective rehabilitation programs.



Graph 65. Average cost of the incarcerated population in state penitentiaries



Note: Only those states for which we could perform the calculations are shown.

Source: Elaborated by the authors with data from requests of information for the budget and persons deprived of freedom.

Contribution Fund for Public Security (CFPS)

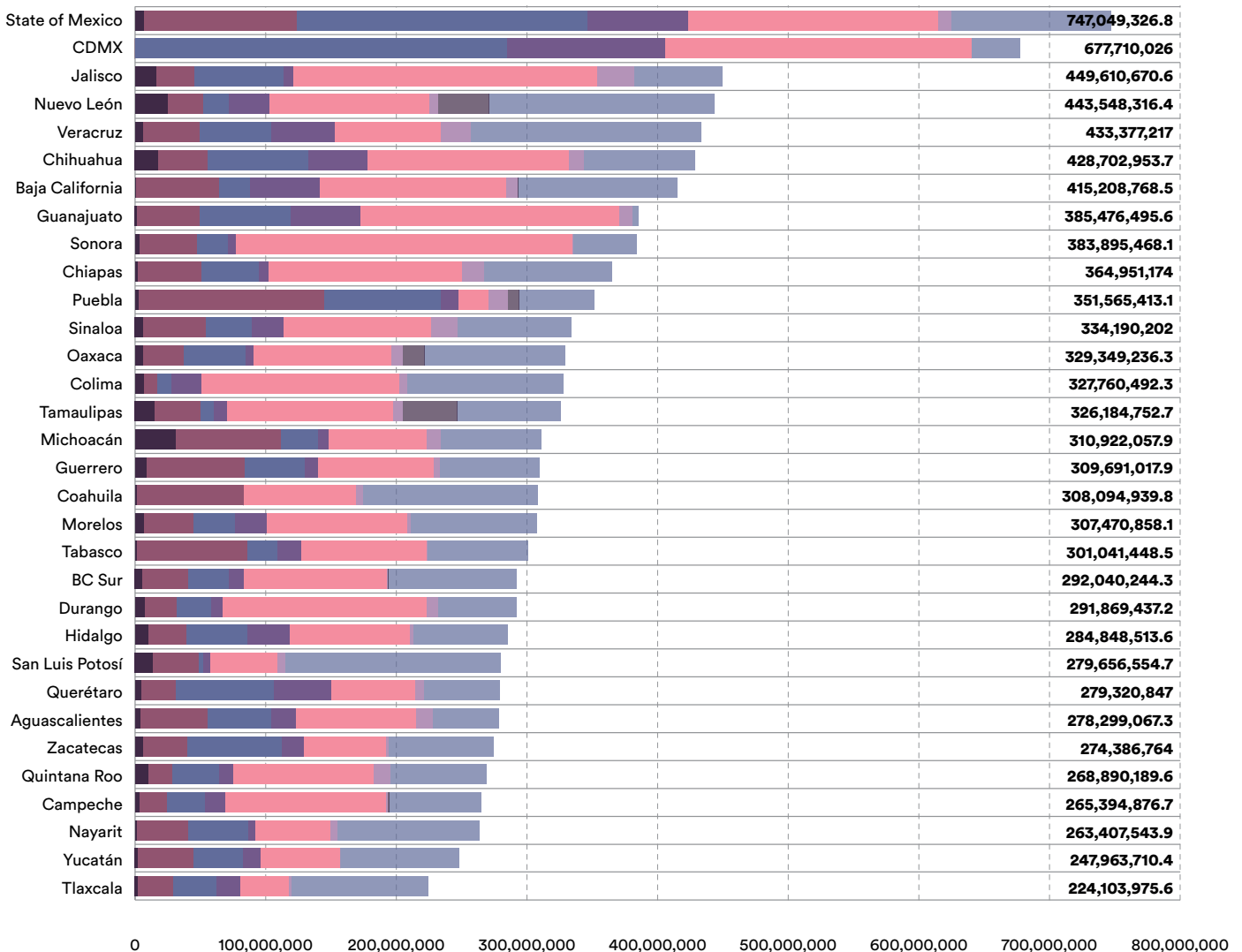
The Contribution Fund for Public Security (CFPS) (*Fondo de Aportaciones para la Seguridad Pública*, FASP for its initials in Spanish) is a crucial instrument for financing the institutions of public security and justice in Mexican states. For 2023, large portions of this fund were applied to public security infrastructure, the procuration and administration of justice, and information systems.

Variation in the amount of contributions is significant both by state and among the various programs that exist. Some states (e.g., Baja California Sur) made substantial contributions to certain rubrics, while others depended more on federal contributions.



Graph 66. Total FASP budget by state and program, 2023

- Attention to, and prevention of, violence against women from a gender perspective
- Certification, training, and professionalization of the police of the Institutions of Public Security in conformity with the National Model of Police and Civic Justice
- Dignification of the personnel of the Institutions of Public Security and the Prosecution of Justice in conformity with the National Models of Police and Civic Justice
- Strengthening of the National Penitentiary System and of the Execution of Measures for Adolescents
- Infrastructure of the Institutions of Public Security and institutions for the prosecution and administration of justice in conformity with the National Models of Police and Civic Justice
- Prevention of violence and crime in conformity with the National Models of Police and Civic Justice
- System of work standards and accountability
- National Information System



Source: Elaborated by the authors with data from the annexes of the FASP. Information obtained through the SESNSP.



Recording, processing, and reporting of information

Informatics systems are vital tools for management, planning, internal control, transparency, and accountability. The features of these systems can condition, facilitate, or impede the operation of the CJS by determining its capacity to interconnect institutions, generate statistics, analyze system parameters, and reduce asymmetries in information.

Ideally, efficient recording and processing of information will facilitate the tasks of the various actors of the CJS by mirroring interinstitutional coordination and harmony. In Mexico, however, each institution usually manages its own data with no connection to others. This has generated fragmentation of information management, though we do observe increasing efforts to achieve interconnections among systems. States like Querétaro, with its Unique Informatics System (UIS), have made significant advances in integrating information among distinct institutions, but degrees of integration still vary considerably from one state to another.

The informatics systems implemented to date tend to share common functionalities: recording cases, following up on processes, generating statistics, and, in some more advanced cases, scheduling hearings. One noteworthy example is Michoacán's ISJA system, which includes sophisticated algorithms designed to balance workloads and the assignation of cases to judges. Nonetheless, achieving complete interoperability among the systems of distinct institutions continues to be a challenge in many states.

Institutional Capacity Index

Our index of capacity was constructed through a systematic process that evaluated –integrally– the performance of three key institutions of the CJS: Coordinating Organs, AGO, and the Judiciary. The main objective was to measure the effectiveness of coordination among these institutions based on the premise that efficacious coordination is fundamental for the success of the CJS.

This process began with an exhaustive compilation of data. Detailed requests of information were sent to the relevant institutions in each state. They were carefully designed to obtain specific information on the functioning of each institution, especially topics like

coordination, planning processes, the processing and reporting of information, budget resources, monitoring and evaluation, human resources, infrastructure, and organic structure and administrative models.

Once the information was gathered, we proceeded to systemize and evaluate it. Each response was analyzed and then assigned a score on a Likert-type scale, a procedure that allowed us to convert qualitative information into quantitative data to facilitate comparing the various states and institutions.

The next step was to conduct a carefully designed analysis. Greater weight was given to the Coordinating Organs, then AGO and, finally, the Judiciary. This examination reflected the critical importance of coordination in the CJS. Unfortunately, the fact that not all states have a specific Coordinating Organ forced us to implement a special approach for the cases where this institution is absent so they would not lose all the scores related to coordination. For this reason, we recognized that AGO and the Judiciary can perform some of the functions of these organs. We did, however, apply a criminality to reflect the absence of an organ devoted specifically to tasks of coordination.

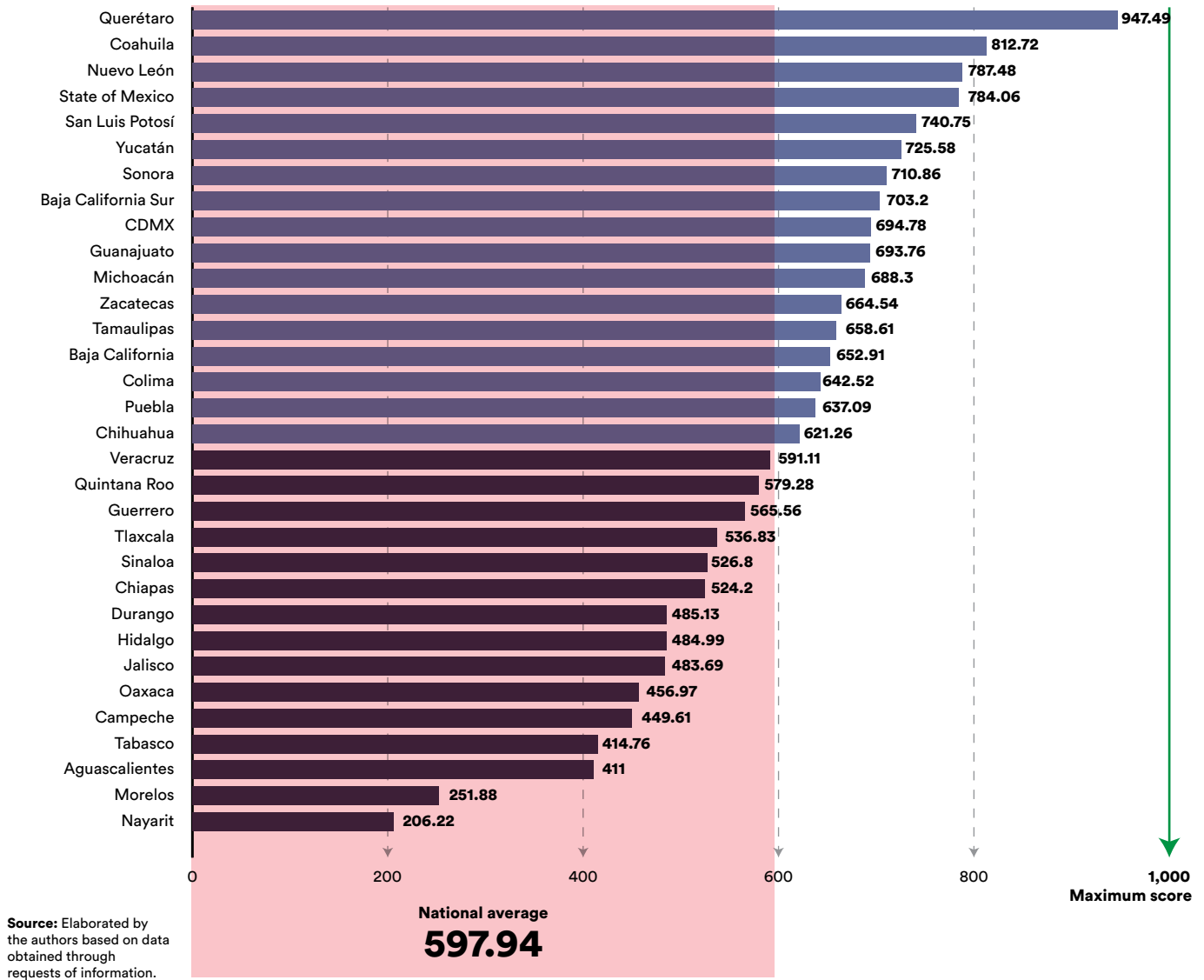
It is important to emphasize that of the 32 states evaluated, 23 (71.8%) provided information on their Coordinating Organ, so the majority have this body or, at least, were able to provide information on it. However, nine (28.1%) did not: Campeche, CDMX, the State of Mexico, Nayarit, Oaxaca, Quintana Roo, San Luis Potosí, Yucatán, and Zacatecas.

In the ranking we elaborated, Querétaro took first place with a score of 947.49. After Querétaro we found a group of states with solid performances, as Coahuila, Nuevo León, and the State of Mexico completed the top four. These states, together with Yucatán, San Luis Potosí, Sonora, and Baja California Sur –with scores of 700-750– showed a robust functioning of their Criminal Justice Systems.

Most states placed in a middle range with scores of 500-700 points. This grouping suggests that a general standard of performance exists but also depicts a broad margin for improvement in many states. The concentration of scores in this middle range could serve as a starting point for establishing goals to achieve realistic improvements in the short and medium terms.



Graph 67. Institutional Capacity Index



5.2 Social factors

The functioning of the CJS is intrinsically linked to the social conditions in which it operates. While social causes do not necessarily represent inherent deficiencies in the system, complex social factors may exist that affect its functioning and public perceptions.

We identified three main areas where social causes significantly impact the CJS:

- **Corruption as a reflection of broader social problems**

Corruption is not simply an operational problem of the CJS but a symptom of other social problems and institutional weaknesses. Understanding corruption from this perspective allows us to address it not only as a problem within the system, but also as a social challenge that requires interventions at multiple levels.



- **Public perception of the CJS as an indicator of social trust**

The reputation of the CJS is closely linked to the trust that citizens have in its institutions, a perception molded not only by the functioning of the system itself, but also by social factors. Improving this perception requires addressing these underlying elements.

- **System saturation**

The high volume of cases that the CJS is asked to process is more than just a problem of capacity, for it reflects the prioritization –or lack thereof– of certain crimes.

Although these social causes present complex challenges for the CJS, there is much that the components of the system can do to address them. It is crucial that the system not only react to these factors but also participate actively in mitigating their impact through intersectoral collaboration, prevention programs, and greater integration with other social institutions.

By shifting to this focus we can see the CJS not as an isolated system that confronts external risks, but as an integral element of the social tissue whose functioning is deeply influenced by –while also influencing– broader social conditions. Dealing with these social causes requires a holistic approach that goes beyond internal reforms of the CJS to involve society as a whole in a search for lasting solutions.

Public perception

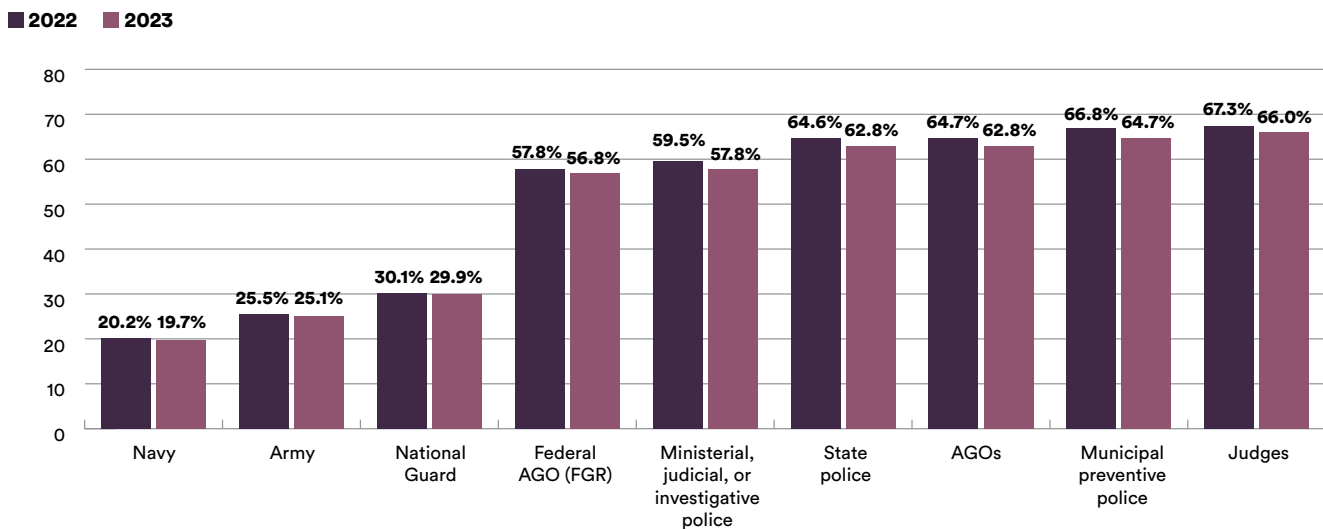
This risk refers to the deficits and difficulties that a system confronts due to changes in public perceptions. For the CJS, the principal causes lying behind this reputational risk are the ineptitude and corruption that citizens perceive in its components. The main deficits or difficulties that the system faces in this regard can be summarized by the fact that people do not accede to the CJS even though they have an urgent need for the administration and prosecution of justice. One clear reflection of this are unreported crimes that, as the reader will recall, includes both crimes that went unreported and those that were denounced but never led to the opening of an investigative file.

In the 2023 ENVIPE, we see that perceptions of corruption decreased for the prosecutorial, judicial, and investigative police, federal and state AGO, state police, municipal preventive police, and judges. In contrast, figures for the Navy did not show a statistically significant change. As in previous years, the Navy, Army, and National Guard had the lowest perceptions of corruption, while the police were the authorities perceived as being most corrupt.

Trust

The trust that the citizenry has in the entire CJS, and in its various authorities individually, plays a fundamental role in increasing the probability that crimes will be reported. The level of citizens' trust in their authorities

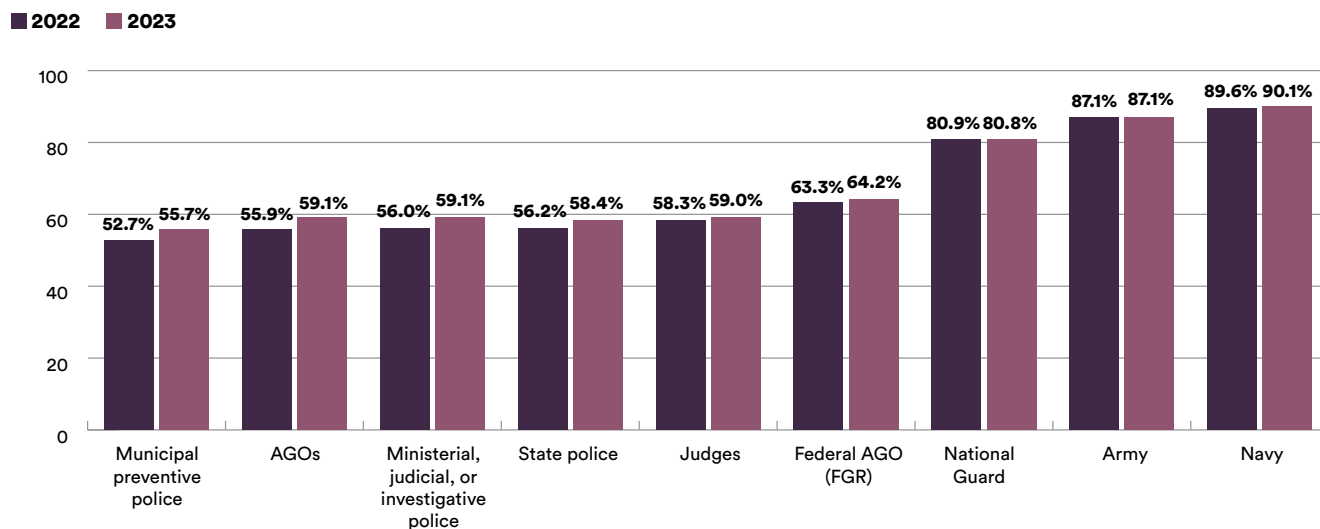
Graph 68. Percentage of perception of corruption in the authorities



Fuente: Elaborated by the authors based on data from the 2023 and 2022 ENVIPE, INEGI.



Gráfica 69. Percentage of perception of trust in the authorities



Fuente: Elaborated by the authors based on data from the 2023 and 2022 ENVIPE, INEGI.

indicates how likely it is –in each person’s estimation– that she/he will find an optimal solution to a problem through the institutions of justice.

According to the latest data from the 2023 ENVIPE, trust in the institutions of the CJS increased for the prosecutorial, judicial, and investigative police, state police, Federal and State AGO, and preventive police, while the figures for the Army, National Guard, Federal Attorney General’s office, and judges showed no statistically significant changes.

Unreported crimes

According to the 2023 ENVIPE, the unreported crimes at the national level for 2022 was 92.4%, indicating that investigative files were opened for only 7.6% of all crimes reported. Meanwhile, only 10.9% of all crimes committed were reported, a figure higher than in 2021 of 10.1%.

The five states with the highest rate of unreported crimes in 2022 were Zacatecas (96%), Guerrero (96.8%), Sinaloa and Tamaulipas (both at 95.1%), and Morelos (94.6%). It is important to mention that in 2021 Zacatecas and Guerrero also appeared among the states with the highest unreported crimes.

Upon analyzing the data for the decade 2012-2022 we found that certain states have maintained consistently high unreported crimes. Guerrero stands out as a particularly serious case, with percentages that often exceeded 95%. The State of Mexico, Tamaulipas, Michoacán, and Sinaloa also figure among the states with persistently elevated unreported crimes, as they sustained percentages above 93% during most of this period. Sinaloa has shown a marked increase in recent years.

Although these states stand out due to their high percentages, the unreported crimes continues to be a generalized problem nationwide as most states had figures above 90% throughout those 10 years. The fact that such a huge proportion of the crimes committed are never heard by the authorities represents a significant challenge for Mexico’s justice system.

The crimes with the highest estimated unreported rate were extortion (97.4%), fraud (96.5%), theft or assault in the street or public transportation (93.4%), burglary (90.1%), theft in distinct forms (90%), verbal threats (85.9%), total or partial vehicular theft (84.9%), and injuries (80.4%).

Table 54. Historical unreported crimes, 2012-2022

| | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2020 | 2022 | |
|-----------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|---|
| National | 92.1% | 93.8% | 92.8% | 93.7% | 93.6% | 93.2% | 93.2% | 92.4% | 93.3% | 93.2% | 92.4% | Dark figure |
| Aguascalientes | 93.2% | 91.2% | 92.9% | 92.0% | 92.7% | 89.4% | 90.0% | 90.8% | 93.3% | 89.5% | 92.2% | |
| Baja California | 84.8% | 89.9% | 90.3% | 89.5% | 92.2% | 89.2% | 89.5% | 91.3% | 89.8% | 91.2% | 87.8% | 100% 95.00% - 99.90% 90.00% - 94.90% 85.00% - 89.90% 80.00% - 84.90% 75.00% - 79.90% |
| BC Sur | 84.5% | 83.6% | 88.4% | 87.6% | 86.8% | 85.7% | 87.3% | 89.3% | 90.9% | 90.7% | 90.3% | |
| Campeche | 85.2% | 92.0% | 89.2% | 90.4% | 90.6% | 89.6% | 88.4% | 91.0% | 91.5% | 90.8% | 87.7% | |
| Coahuila | 91.4% | 91.5% | 89.7% | 91.2% | 91.9% | 93.2% | 92.4% | 92.6% | 92.7% | 93.2% | 91.6% | |
| Colima | 83.5% | 85.7% | 90.3% | 89.9% | 91.2% | 88.3% | 91.9% | 84.5% | 90.7% | 90.4% | 89.2% | |
| Chiapas | 90.4% | 91.8% | 93.1% | 93.0% | 94.3% | 93.8% | 91.5% | 90.2% | 93.2% | 91.5% | 90.5% | |
| Chihuahua | 85.4% | 88.4% | 90.6% | 90.4% | 92.0% | 90.9% | 91.2% | 87.7% | 92.8% | 92.3% | 92.6% | |
| CDMX | 92.0% | 93.3% | 91.6% | 94.7% | 93.8% | 93.4% | 94.0% | 94.0% | 92.6% | 92.2% | 92.6% | |
| Durango | 89.9% | 90.6% | 94.0% | 90.1% | 92.2% | 90.8% | 91.1% | 92.9% | 92.4% | 92.9% | 91.2% | |
| Guanajuato | 94.3% | 94.5% | 93.4% | 93.7% | 91.7% | 92.4% | 94.8% | 90.2% | 90.0% | 94.5% | 91.9% | |
| Guerrero | 95.5% | 96.7% | 95.8% | 97.5% | 98.3% | 96.8% | 98.0% | 96.1% | 97.3% | 96.2% | 96.8% | |
| Hidalgo | 93.1% | 93.5% | 87.2% | 89.7% | 91.6% | 89.0% | 91.7% | 90.4% | 93.7% | 92.3% | 87.5% | |
| Jalisco | 93.8% | 93.3% | 94.8% | 94.2% | 93.2% | 92.7% | 91.8% | 91.2% | 92.9% | 93.0% | 89.5% | |
| State of Mexico | 93.4% | 96.0% | 93.6% | 95.4% | 94.6% | 94.8% | 93.6% | 92.6% | 93.5% | 92.8% | 92.9% | |
| Michoacán | 94.0% | 94.0% | 93.6% | 92.9% | 93.8% | 92.7% | 92.8% | 95.0% | 93.6% | 94.4% | 92.8% | |
| Morelos | 93.0% | 91.7% | 92.7% | 92.6% | 94.2% | 93.3% | 93.9% | 93.2% | 93.4% | 93.0% | 94.6% | |
| Nayarit | 90.0% | 91.5% | 93.0% | 89.3% | 91.7% | 94.6% | 91.6% | 90.0% | 94.0% | 94.0% | 93.8% | |
| Nuevo León | 93.2% | 93.3% | 92.9% | 92.8% | 93.7% | 93.9% | 91.6% | 92.9% | 92.0% | 94.6% | 92.3% | |
| Oaxaca | 92.3% | 94.8% | 93.3% | 94.4% | 94.6% | 91.3% | 95.2% | 95.2% | 92.1% | 94.2% | 93.2% | |
| Puebla | 92.5% | 94.3% | 93.2% | 92.3% | 94.9% | 93.2% | 91.6% | 91.3% | 94.7% | 93.6% | 93.2% | |
| Querétaro | 88.8% | 92.3% | 90.1% | 90.1% | 91.9% | 90.5% | 91.8% | 89.8% | 92.6% | 91.8% | 92.6% | |
| Quintana Roo | 91.2% | 89.9% | 91.1% | 88.5% | 90.1% | 91.7% | 91.3% | 91.1% | 94.8% | 91.3% | 93.7% | |
| San Luis Potosí | 93.1% | 94.1% | 96.5% | 93.6% | 92.9% | 93.1% | 94.7% | 93.6% | 94.5% | 96.3% | 92.8% | |
| Sinaloa | 93.0% | 92.2% | 92.3% | 92.3% | 92.9% | 93.7% | 96.3% | 94.5% | 95.6% | 96.7% | 95.6% | |
| Sonora | 91.6% | 89.0% | 87.9% | 93.0% | 94.2% | 93.0% | 92.9% | 92.1% | 94.9% | 94.3% | 90.7% | |
| Tabasco | 87.8% | 92.1% | 90.6% | 93.6% | 92.2% | 91.9% | 93.0% | 90.2% | 93.7% | 94.4% | 93.5% | |
| Tamaulipas | 92.1% | 95.2% | 91.9% | 94.6% | 95.4% | 96.4% | 94.1% | 94.0% | 93.9% | 94.1% | 95.1% | |
| Tlaxcala | 90.9% | 90.3% | 92.0% | 94.2% | 94.4% | 93.3% | 94.3% | 93.6% | 94.3% | 92.8% | 92.9% | |
| Veracruz | 91.8% | 94.9% | 91.6% | 94.8% | 92.8% | 92.3% | 95.6% | 93.4% | 93.4% | 93.2% | 93.7% | |
| Yucatán | 89.0% | 89.6% | 94.6% | 90.7% | 91.3% | 90.4% | 92.5% | 92.6% | 94.1% | 94.8% | 93.8% | |
| Zacatecas | 89.2% | 93.0% | 94.8% | 92.2% | 92.4% | 94.5% | 93.9% | 92.7% | 95.0% | 92.0% | 96.0% | |

Source:
Elaborated by the authors based on data from the 2023 ENVIPE, INEGI.

The most common reasons that people gave for opting not to report crimes to AGO were as follows: 59% due to causes attributable to the authorities;⁵⁴ 40.3% due to other causes,⁵⁵ and 0.7% where the cause was not specified. The main motive for not reporting, expressed by 31.5% of victims, was that they considered it a waste of time.

These reasons for not reporting crimes clarify the high percentage of unreported crimes. Clearly, it is crucial to improve people's trust in the authorities of the administration of justice, for distrust is a determining factor in the persistence of these high percentages.

Trust in institutions is necessary for several reasons. First, it fosters citizen participation, for when people trust their institutions of justice they are more willing to report crimes and collaborate with the authorities. Second, it improves the efficacy of the justice system since a higher rate of reporting gives the authorities a more precise panorama

of the situation of criminality and allows them to assign resources more effectively. Third, trust strengthens the rule of law by supporting the legitimacy of the legal system and promoting obedience of the laws.

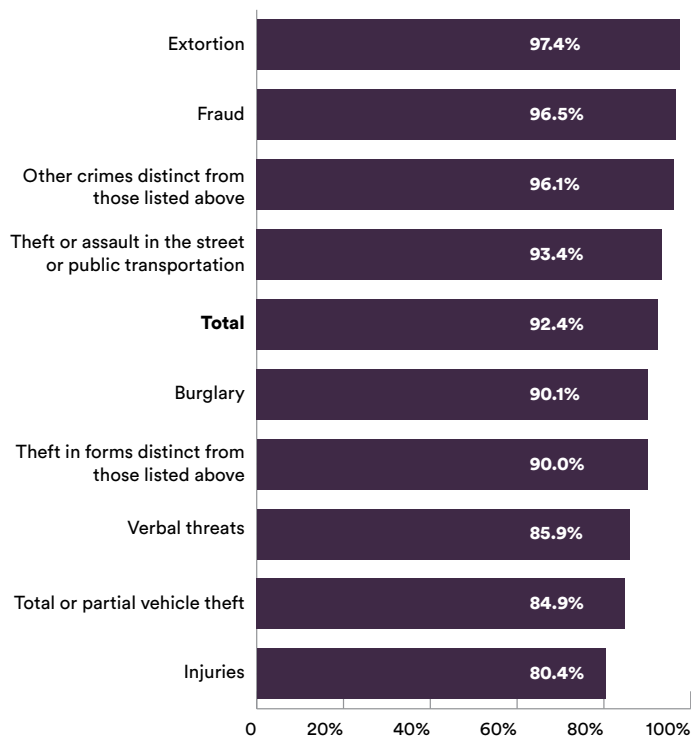
It is necessary to enhance people's trust and reduce unreported crimes, as well, because this will make it possible to design more effective public policies. The availability of more precise data on the incidence of criminality will allow the authorities to develop more efficacious strategies to prevent and combat crime. Moreover, it will facilitate the allocation of resources since a clearer vision of the overall situation of crime will lead to a more efficient distribution of human and material resources in the CJS. This, in turn, will help break the cycle of impunity, since higher reporting rates will increase the likelihood that crimes will be investigated and resolved, thus raising levels of trust in the system.

⁵⁴ Causes attributable to the authorities include; it is a waste of time, distrust, long, complicated processes, hostile attitudes on the part of authorities, and fear of being extorted.

⁵⁵ Other causes included fear of the aggressor, minor crimes, and lack of proof, among others.



Graph 70. Unreported crimes in 2022 by type of crime



Note: Some considerations on crimes: the estimates of total or partial vehicle theft and burglary were generated from the home expansion factor because they involve crimes in the home; the estimate of theft or assault in the street or public transportation include theft related to a visit to a bank or ATM; the estimate of theft in forms distinct from those listed above includes pickpocketing; the estimate of fraud includes bank and consumer fraud; the estimate of other crimes distinct from those listed above includes kidnapping and express kidnapping, sexual crimes like sexual harassment or intimidation, groping, exhibitionism, attempted rape, and rape.

Source: Elaborated by the authors based on data from the 2023 ENVIPE, INEGI.

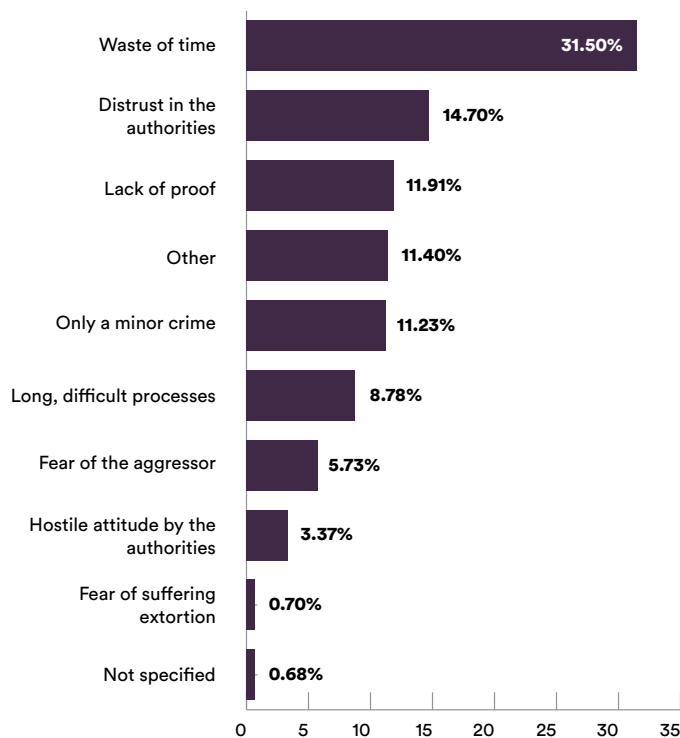
Reducing unreported crimes and increasing trust in the institutions of justice also directly impacts citizens' quality of life. Lower rates of unreported crimes imply not only that the State is better equipped to protect citizens and guarantee their rights, but also strengthens democracy because an efficient, trustworthy justice system is fundamental for the adequate functioning of a democratic society.

Saturation

There is an elemental division among crimes: on the one hand we have those that generate greater damage to social wellbeing; on the other, those which, in reality, have only a low impact. We are interested in demonstrating that less complex crimes are the ones committed with greater frequency, so they increase saturation in the CJS. For this reason, they should be resolved by alternative means that would help "unclog

Graph 71. Main reasons why people decided not to report crimes, 2023

Percentage data on crimes not reported to the Prosecutor's Office, or for which no Investigation file was opened



Source: Elaborated by the authors based on data from the 2023 ENVIPE, INEGI.

the pipeline" and leave it open to process crimes that cause greater damage.

It is crucial to recognize that today the CJS is saturated, even though only 10% of crimes are reported. This poses a significant dilemma: we cannot aspire to raise the index of reporting if we cannot depressurize the system. The saturation caused by the way in which crimes are currently classified constitutes a risk for the entire CJS because, as with the other risks we have described, it generates deficits in every type of resource that could be exploited by the system's component institutions to achieve institutional objectives and a more adequate administration of justice.

The first step is to distinguish between crimes with a high degree of complexity and those that present low or null levels, then acknowledge that too many resources are



being applied to less complex crimes simply because they occur more often. Crimes are usually classified as being of “high” or “low” impact, but this categorization does not allow us to distinguish distinct degrees of “criminality”. This topic is addressed in the following section.

A more effective classification would consist in prioritizing the crimes in which the State has the duty to provide strengthened protection over others that could be resolved by distinct means. A reclassification of this kind would not only help depressurize the system but also allow a more efficient distribution of resources, help focus attention on more serious crimes and increase people’s trust in the justice system. This, in turn, would foster a higher rate of reporting in the long term since citizens would perceive greater effectiveness in the resolution of important cases.

Incidence of criminality and victimization

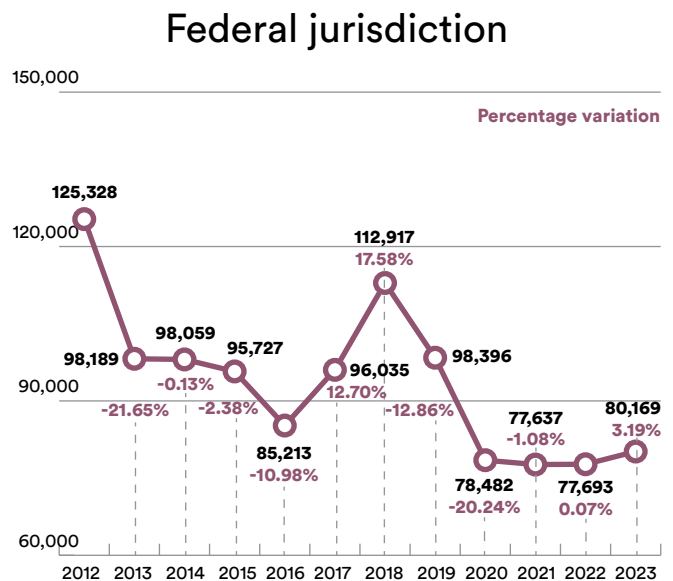
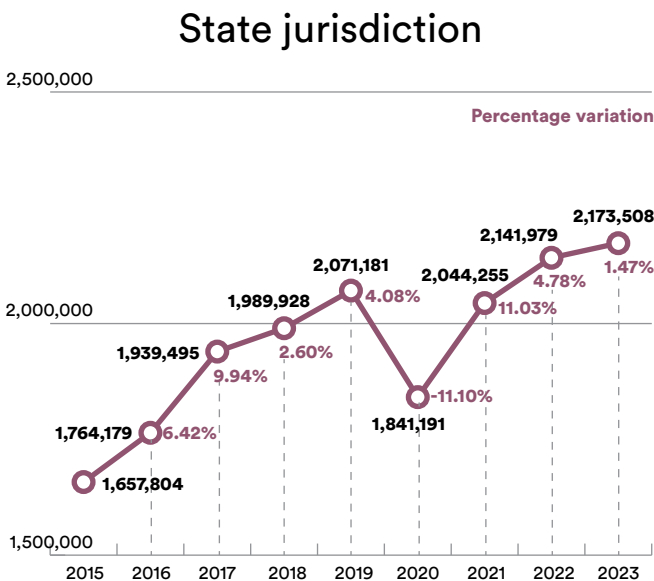
The incidence of criminality refers to the “presumed occurrence of crimes registered in previous inquiries or investigative files opened, whether reported to the Federal Attorney General’s Office or the AGO of the states, in the case of crimes of the federal and state jurisdictions, respectively”.⁵⁶

However, understanding the magnitude of the incidence of criminality requires analyzing both bodies of data; that is, crimes in investigative files with those on victims provided by the Executive Secretariat of the National Public Security, and the information that the ENVIPE provides on victimization. Below, we review the evolution of the number of crimes in investigative files opened by the CJS in an attempt to dimensionalize the workload that the system confronts in the two jurisdictions: common and federal.

Crimes of the common and federal jurisdiction

With respect to crimes of the state jurisdiction, we observed a general upward tendency from 2015 to 2019, with a particularly significant increase of 9.94% between 2016 and 2017. This pattern was interrupted in 2020, when a clear decrease of 11.10% was registered, likely due to the restrictions imposed during the COVID-19 pandemic. The year 2021, however, brought a rebound of 11.03% that practically erased the drop from the previous year. This was followed by more moderate increases in 2022 and 2023. This upward tendency continued through 2023 with a variation of 1.47% with respect to the previous year. We further determined that there were almost 27 times more offenses in the state jurisdiction than the federal jurisdiction in that year.

Graph 72. Crimes reported in Investigation files, state and federal jurisdictions



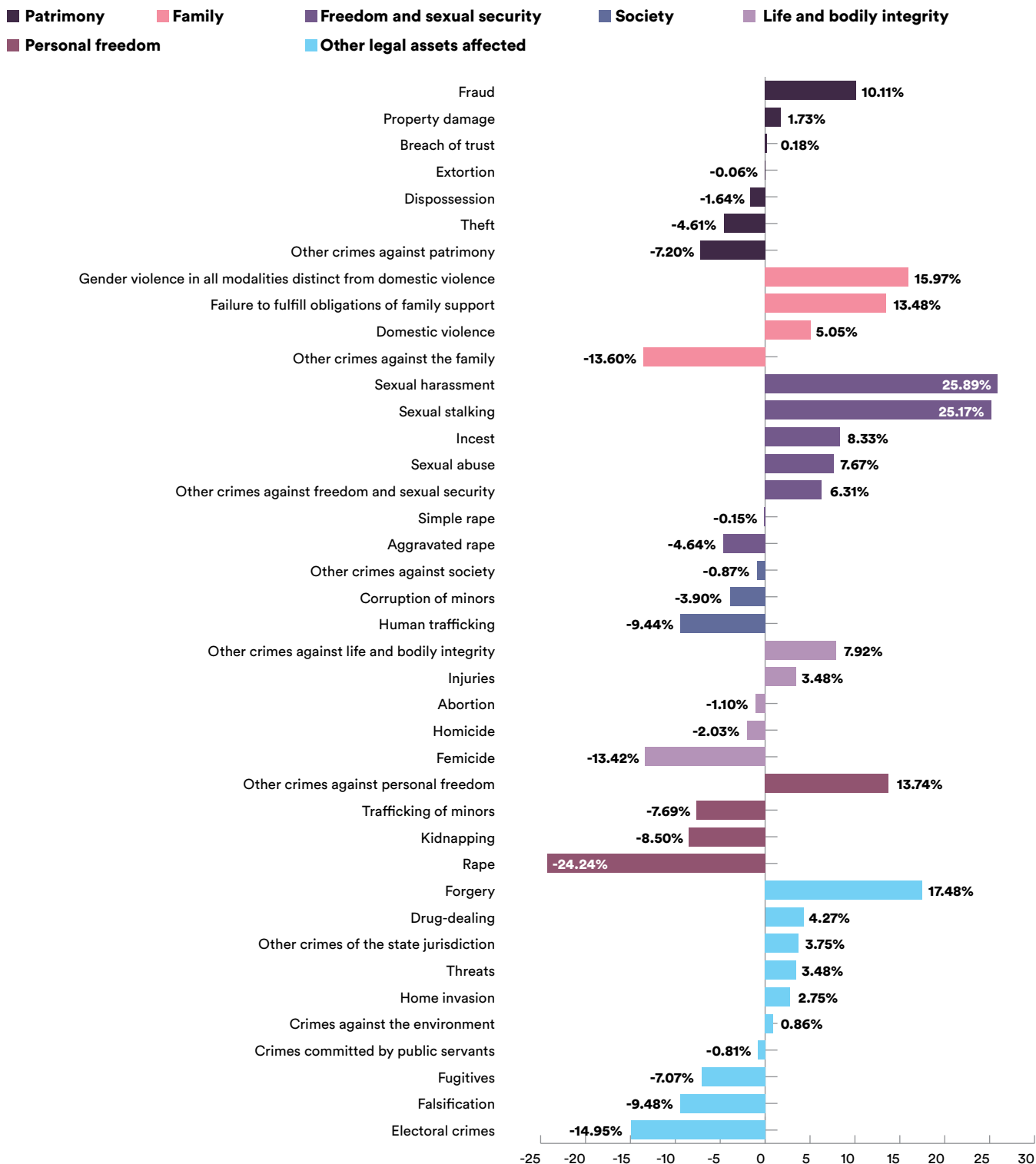
Source: Elaborated by the authors with data from the SESNSP on the crimes contained in Investigation files for the federal and state jurisdictions, to June 2024.

⁵⁶ Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública (SESNSP). “Incidencia delictiva”. <https://www.gob.mx/sesnspp/acciones-y-programas/incidenciadelictiva-299891?state=published>



Graph 73. Percentage variation of crimes, state and federal jurisdictions, 2023 vs. 2022

State jurisdiction



Note: For the state jurisdiction, the level of disaggregation of crimes is by type.
Source: Elaborated by the authors with data from the SESNSP on crimes contained in Investigation files in the federal and state jurisdictions, to June 2024.

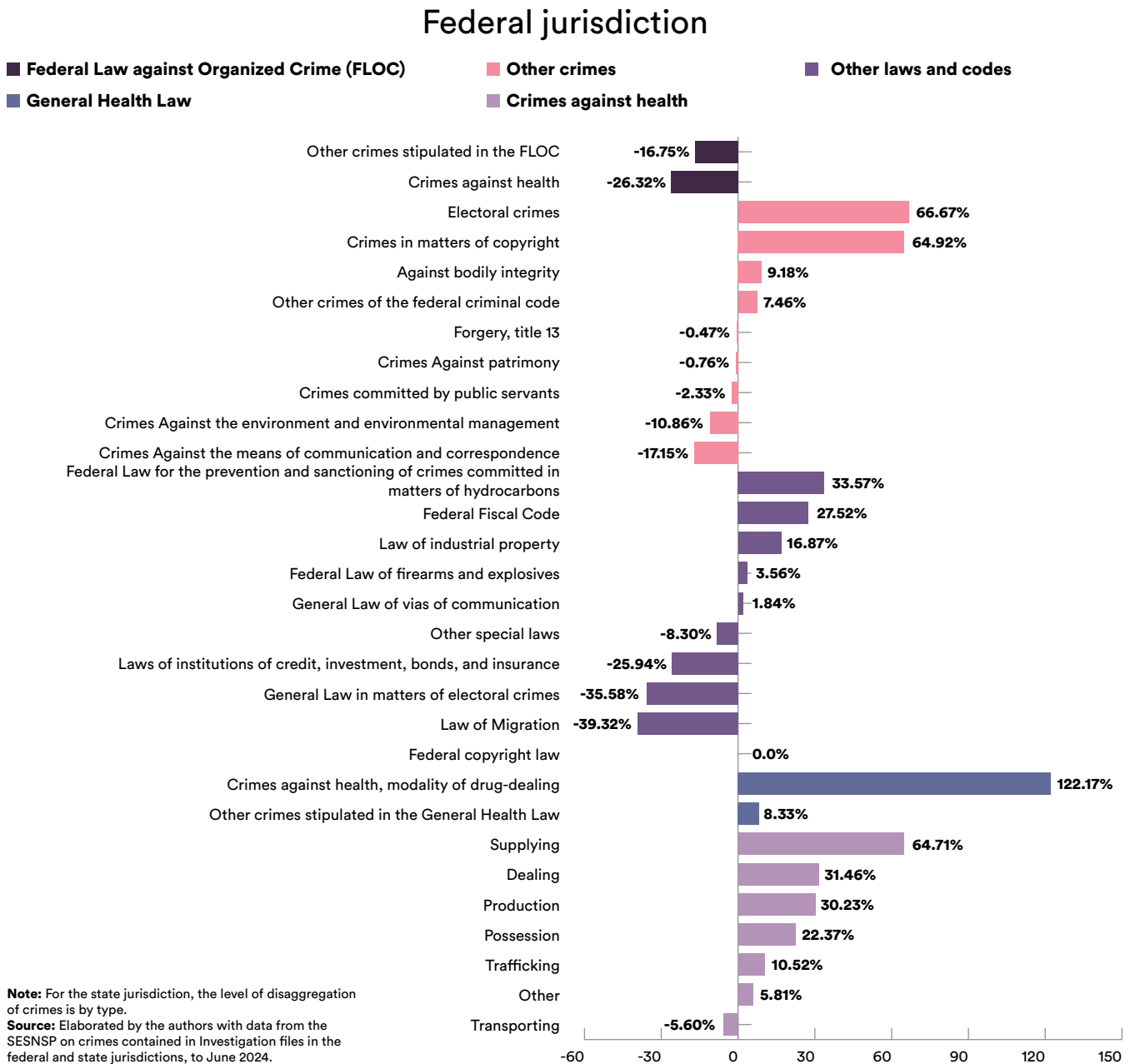
While in 2022 an average of 5,868 crimes occurred per day for which an investigative file was opened, in 2023 this average increased slightly to 5,955.

(an increase of only 56). A slight increase of 3.19% was registered in 2023, as the number of files rose from 77,693 to 80,169.

Regarding crimes in the federal jurisdiction, we observed a change in the tendency in recent years. In 2022 the number of files remained virtually unchanged from 2021

In terms of daily averages, in 2022 the Federal Attorney General’s Office opened 212.8 files per day, but in 2023 this increased slightly to 219.6.

Graph 74. Percentage variation of crimes, state and federal jurisdictions, 2023 vs. 2022





The crimes that experienced the most significant increases in the state jurisdiction were sexual harassment (25.89%) and sexual stalking (25.17%). This could indicate a greater awareness of, and willingness to, report these offenses. We also observed a marked increase in gender violence in all its modalities distinct from domestic violence (15.97%), and in failures to fulfill obligations of family support (13.48%). These figures suggest a growing problem in topics related to gender violence and family responsibilities.

The crimes in the state jurisdiction that showed the largest reductions were rape (-24.24%), electoral crimes (-14.95%), and femicide (-13.42%). The apparent decrease in the number of femicides cannot be analyzed in isolation, however, due to problems in the classification of crimes by AGO. To obtain a more precise image of lethal violence against women we must consider crimes of the entire domain of violent deaths, including both femicides and intentional homicides of women.

Despite some fluctuations, the number of violent deaths of women showed a generally upward tendency from 2015 to 2019, followed by a period of stabilization and then a slight reduction in 2023. There was a variation of -9.30% with respect to the previous year.

At the federal level, we detected significant increases in offenses like electoral crimes (66.67%) and violations of copyright laws (64.92%), as well as crimes against health in the modality of drug-dealing (122.17%). This could indicate either greater activity or better detection of small-scale trafficking.

The most notable reductions in the federal jurisdiction occurred for crimes against the Migration Law (-39.32%), the General Law in Matters of Electoral Crimes (-35.58%), and the laws governing credit, investment, bonds, and insurance agencies (-25.94%). It is important to note that some offenses, like those specified in the Federal Copyright Law, did not register any cases in 2023.

The figures for other crimes remained relatively stable or had only minimal changes. For example, in the state jurisdiction, breach of trust (0.18%) and extortion (-0.06%) changed very little. In the federal jurisdiction, offenses like falsification (-0.47%) and crimes against patrimony (-0.76%) had only very small variations.

Crimes in which the State has a duty to provide strengthened protection

The duty to provide strengthened protection is a crucial concept in the justice system and in the protection of human rights, especially for vulnerable groups. This principle recognizes that the State is obliged to provide special attention and protection to certain groups due to their specific characteristics or circumstances.

In practice, this duty binds the authorities to act with greater diligence and exhaustivity when investigating, prosecuting, and sanctioning crimes committed against persons in situations of vulnerability. To fulfill this obligation, specific action protocols have been developed to investigate crimes like femicide, sexual violence, and human trafficking, among others. In addition, it is essential to adopt an intersectional perspective that recognizes how distinct forms of vulnerability can combine to make certain cases even more complicated.

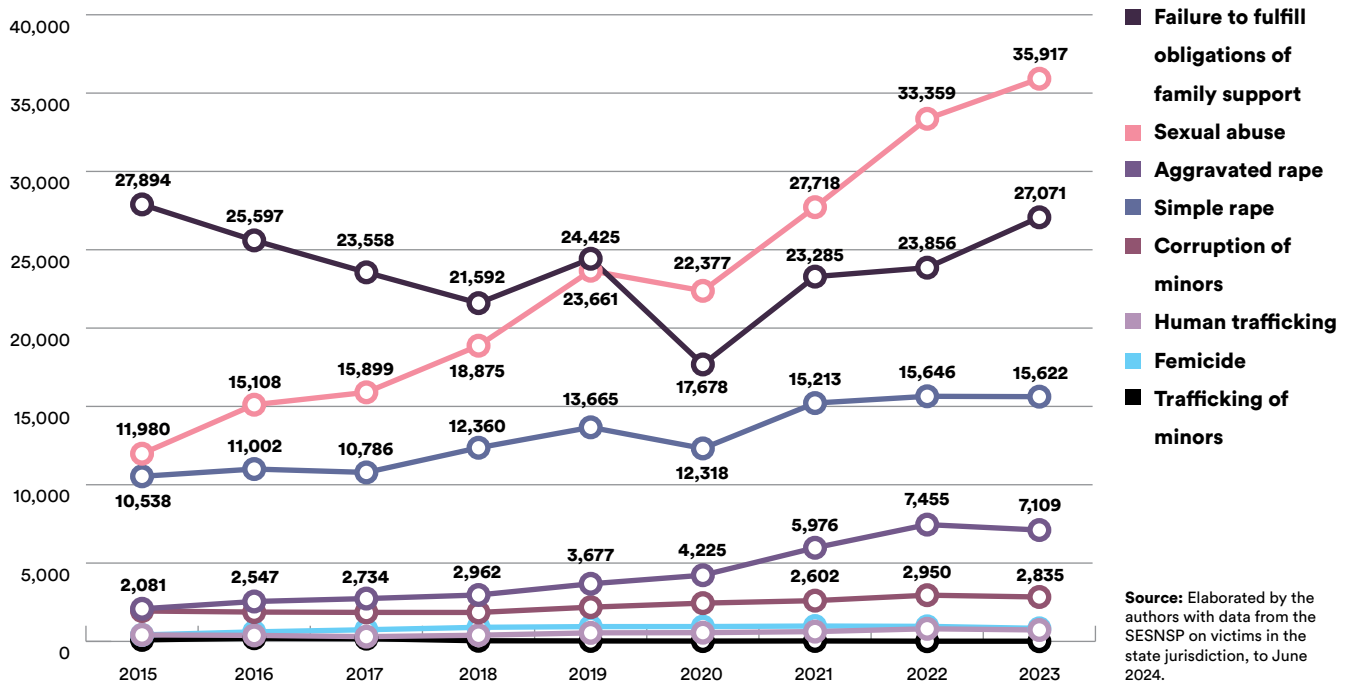
We analyzed the data on sexual abuse, corruption of minors, femicide, failure to fulfill obligations of family support, trafficking of minors, human trafficking, and aggravated and simple rape because the victims of these acts tend to be women, girls, boys, or adolescents: that is, groups in situations of vulnerability.

In relation to the crimes that predominantly affect women, we found disturbing tendencies. Femicide, the most extreme form of violence against women, showed a significant increase from 2015 (413 cases) to 2021 (981), with only a slight decrease in the past two years (to 832 in 2023). However, it is crucial to keep in mind that these data must be analyzed together with those on intentional homicides of women if we are to obtain a complete vision of lethal violence against this vulnerable group. Meanwhile, the crimes of rape –simple and aggravated– have shown an alarming increase that underscores the urgent need to strengthen protection and preventive measures for women.

Sexual abuse, which often involves victims who are minors, has tripled since 2015, reaching 35,917 cases in 2023. Corruption of minors has also gradually increased, to 2,835 cases in 2023. Although trafficking of minors has decreased significantly (from 96 cases in 2015 to 12 in 2023), the severity of this crime demands that constant vigilance be maintained.



Graph 75. Crimes for which the State has an enhanced due diligence
Investigation files per year



The crime of failure to fulfill obligations of family support, which affects mainly women, girls, and boys, showed fluctuations, but rebounded recently, as it reached 27,071 cases in 2023. Human trafficking, another crime that affects women and minors disproportionately, has presented an alarming increase in recent years, as it reached 729 cases in 2023.

These data emphasize the critical importance of the State's duty to provide strengthened protection. The overall increase in most of these crimes suggests the need to significantly reinforce the measures that provide protection, prevention, and punishment.

Minor crimes

Minor crimes are those that present a low or null degree of criminality or complexity. This has led some authors to argue in favor of focusing the CJS' limited resources on offenses that have a higher degree of criminality and a more severe impact on people's wellbeing, such as those for which the State has the duty to provide strengthened protection. These analysts hold that minor crimes could be resolved through alternative means instead of criminal trials, a measure that would decrease the system's workload. It is in this context that

the relation between minor crimes and those that entail the duty to provide strengthened protection becomes important.

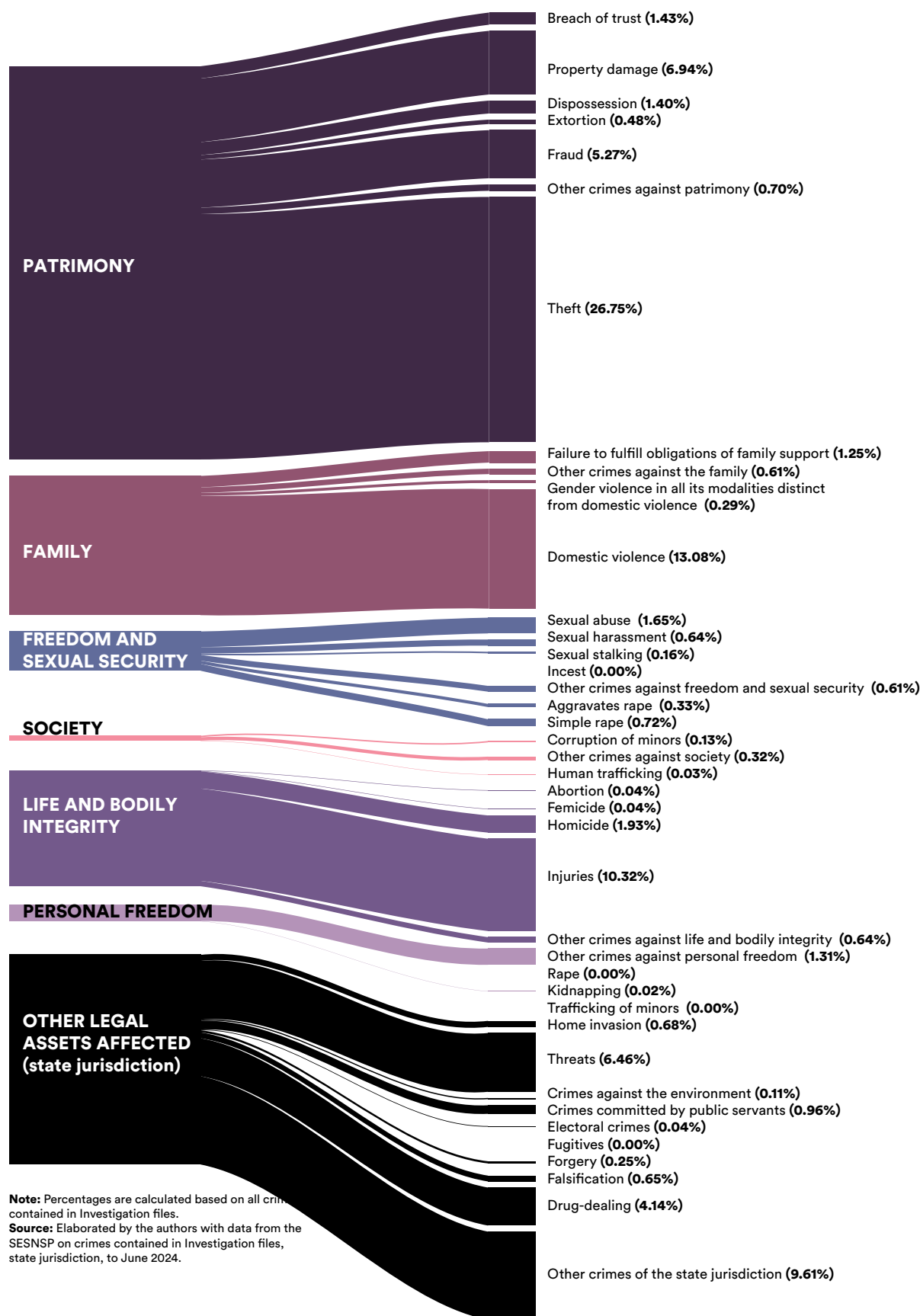
At the national level, crimes against patrimony continue to be the most frequent form of delinquency, as they represent a high percentage of the total. The diverse modalities of theft are the most common crimes, accounting for 26.75% of all offenses registered. This presents another important challenge for the CJS because pursuing these cases consumes a significant proportion of resources that could be applied to more serious crimes or to those for which the State has the duty to provide strengthened protection.

Domestic violence is still a serious problem, for it represents 13.08% of crimes. This figure is especially concerning since this type of violence affects women and minors disproportionately, two groups that require special protection from the State.

When we analyzed these data by state, we found that theft is the most common crime in most areas, although in Coahuila, Nuevo León, and Nayarit, domestic violence occupied first place, suggesting a need for specific strategies to address this problem in those regions.



Graph 76. Crimes contained in Investigation files, state jurisdiction, by legal protected interest, 2023



Note: Percentages are calculated based on all crimes contained in Investigation files.

Source: Elaborated by the authors with data from the SESNSP on crimes contained in Investigation files, state jurisdiction, to June 2024.



Table 55. Most common crimes in 2023, by state

Rate = Rate per 100,000 inhabitants

V = Percentage variation

| State | Most common crime | | | | Second most common crime | | | | Third most common crime | | | |
|-----------------|----------------------------------|---------|--------|--------|----------------------------|--------|--------|--------|----------------------------|--------|--------|--------|
| | Crime | Total | Rate | V | Crime | Total | Rate | V | Crime | Total | Rate | V |
| Aguascalientes | Theft | 11,048 | 731.25 | 3.63 | Property damage | 4,862 | 321.81 | 2.83 | Injuries | 4,746 | 314.13 | 1.39 |
| Baja California | Theft | 33,458 | 834.26 | 1.15 | Domestic violence | 14,626 | 364.69 | 10.29 | Drug-dealing | 10,409 | 259.54 | 26.46 |
| BC Sur | Theft | 5,487 | 632.31 | -4.11 | Domestic violence | 2,946 | 339.49 | 12.44 | Injuries | 2,255 | 259.86 | 13.77 |
| Campeche | Theft | 5,999 | 631.28 | 1.06 | Injuries | 4,511 | 474.7 | -0.07 | Domestic violence | 2,960 | 311.48 | -8.07 |
| Chiapas | Threats | 2,472 | 41.57 | 66.91 | Theft | 2,316 | 38.95 | -8.39 | Others, state juris. | 1,980 | 33.3 | 30.26 |
| Chihuahua | Theft | 14,945 | 378.55 | 2.81 | Domestic violence | 14,165 | 358.8 | 4.82 | Threats | 8,735 | 221.25 | 8.64 |
| CDMX | Theft | 74,958 | 812.85 | -2.82 | Domestic violence | 37,578 | 407.5 | 1.5 | Threats | 23,891 | 259.08 | 11.16 |
| Coahuila | Domestic violence | 12,379 | 373.23 | -2.67 | Drug-dealing | 9,054 | 272.98 | -17.93 | Injuries | 7,909 | 238.46 | -4.83 |
| Colima | Theft | 5,684 | 750.46 | -20.11 | Domestic violence | 4,069 | 537.23 | -7.63 | Others, state jurisdiction | 3,033 | 400.45 | -1.59 |
| Durango | Domestic violence | 5,018 | 264.18 | -1.2 | Theft | 3,759 | 197.9 | -40.59 | Property damage | 3,236 | 170.36 | -14.35 |
| Guanajuato | Theft | 30,424 | 473.71 | -2.67 | Others, state jurisdiction | 19,986 | 311.19 | 15.94 | Injuries | 19,876 | 309.48 | -11.11 |
| Guerrero | Theft | 5,672 | 157.37 | -6 | Domestic violence | 3,472 | 96.33 | 0.14 | Injuries | 3,394 | 94.17 | -2.16 |
| Hidalgo | Other crimes, state jurisdiction | 13,179 | 408.3 | 26.26 | Theft | 12,455 | 385.87 | -1.21 | Domestic violence | 7,535 | 233.44 | 8.75 |
| Jalisco | Theft | 42,147 | 482.48 | -8.77 | Domestic violence | 16,904 | 193.51 | 22.97 | Property damage | 16,312 | 186.73 | 19.34 |
| Michoacán | Theft | 11,777 | 237.89 | 4.18 | Injuries | 7,981 | 161.21 | 0.71 | Injuries | 5,269 | 106.43 | 10.72 |
| Morelos | Theft | 15,385 | 757.56 | 1.24 | Domestic violence | 5,877 | 289.39 | 12.89 | Injuries | 5,449 | 268.31 | 5.56 |
| State of Mexico | Theft | 128,008 | 731.42 | -7.34 | Others, state jurisdiction | 74,111 | 423.46 | -8.37 | Domestic violence | 62,198 | 355.39 | 0.15 |
| Nayarit | Domestic violence | 2,310 | 178.5 | 18.64 | Theft | 1,713 | 132.37 | 25.04 | Property damage | 1,287 | 99.45 | 7.79 |
| Nuevo León | Domestic violence | 20,320 | 327.63 | -9.61 | Theft | 10,983 | 177.08 | -33.63 | Drug-dealing | 8,134 | 131.15 | 2.84 |
| Oaxaca | Theft | 9,662 | 225.92 | -15.81 | Domestic violence | 7,428 | 173.68 | 4.87 | Injuries | 4,811 | 112.49 | -5 |
| Puebla | Theft | 31,823 | 460.71 | 5.52 | Domestic violence | 8,804 | 127.46 | 7.48 | Injuries | 6,388 | 92.48 | -6.53 |
| Querétaro | Theft | 23,276 | 909.96 | 1.27 | Injuries | 5,993 | 234.29 | 10.57 | Domestic violence | 5,865 | 229.29 | 16.55 |
| Quintana Roo | Theft | 14,435 | 714.74 | -2.1 | Domestic violence | 6,745 | 333.98 | 9.48 | Property damage | 6,046 | 299.37 | 15.1 |
| San Luis Potosí | Theft | 15,303 | 522.1 | -5.62 | Domestic violence | 9,320 | 317.97 | 5.18 | Drug-dealing | 6,715 | 229.1 | 178.86 |
| Sinaloa | Theft | 9,026 | 287.21 | 15.63 | Domestic violence | 7,601 | 241.86 | 12.67 | Injuries | 4,360 | 138.73 | 4.93 |
| Sonora | Domestic violence | 8,101 | 262.87 | 27.68 | Theft | 8,010 | 259.92 | -1.69 | Injuries | 2,739 | 88.88 | -6.33 |
| Tabasco | Theft | 9,375 | 381.91 | -11.86 | Others, state jurisdiction | 7,930 | 323.04 | 4.19 | Domestic violence | 7,514 | 306.1 | 1.19 |
| Tamaulipas | Theft | 9,640 | 261.56 | 14.22 | Domestic violence | 8,785 | 238.36 | 11.73 | Property damage | 4,180 | 113.41 | 4.76 |
| Tlaxcala | Theft | 3,027 | 214.24 | 2.51 | Others, state jurisdiction | 186 | 13.16 | -16.96 | Injuries | 180 | 12.74 | -28.29 |
| Veracruz | Theft | 18,503 | 227.54 | -8.76 | Domestic violence | 11,796 | 145.06 | 0.42 | Injuries | 9,619 | 118.29 | 5.82 |
| Yucatán | Threats | 825 | 33.64 | -11.76 | Property damage | 687 | 28.01 | 7.85 | Theft | 484 | 19.74 | 4.99 |
| Zacatecas | Theft | 6,272 | 372.66 | -0.68 | Domestic violence | 3,673 | 218.24 | 7.78 | Injuries | 3,141 | 186.63 | 34.75 |

Note: "Total" refers to the total for the type of crime by state; "Rate" refers to the rate of the crime per 100,000 inhabitants; "V" refers to the percentage variation for the crime in 2023 compared to 2022.

Source: Elaborated by the authors with data from the SESNSP on crimes contained in Investigation files in the federal and state jurisdictions, to June 2024.


Table 55. Most common crimes in 2023, by state (cont'd)

Rate = Rate per 100,000 inhabitants

V = Percentage variation

| State | Fourth most common crime | | | | Fifth most common crime | | | |
|---------------------|----------------------------|--------|--------|--------|----------------------------|--------|--------|--------|
| | Crime | Total | Rate | V | Crime | Total | Rate | V |
| Aguascalientes | Others, state jurisdiction | 3,960 | 262.11 | 64.32 | Threats | 3,804 | 251.78 | -0.39 |
| Baja California | Drug-dealing | 9,839 | 245.33 | 1.91 | Others, state jurisdiction | 9,497 | 236.8 | 11.05 |
| Baja California Sur | Property damage | 1,860 | 214.34 | 16.32 | Threats | 1,822 | 209.96 | 8.65 |
| Campeche | Property damage | 2,955 | 310.96 | -3.08 | Domestic violence | 2,151 | 226.35 | 9.91 |
| Chiapas | Property damage | 1,668 | 28.05 | 34.19 | Homicide | 1,277 | 21.48 | 13.81 |
| Chihuahua | Injuries | 5,962 | 151.02 | 8.2 | Fraud | 5,601 | 141.87 | -23.55 |
| CDMX | Threats | 19,658 | 213.17 | 4.29 | Property damage | 11,585 | 125.63 | 1.75 |
| Coahuila | Property damage | 7,624 | 229.86 | -0.53 | Theft | 6,456 | 194.65 | -11.83 |
| Colima | Threats | 2,696 | 355.95 | -13.09 | Fraud | 2,586 | 341.43 | 68.8 |
| Durango | Property damage | 2,321 | 122.19 | -11.61 | Fraud | 1,632 | 85.92 | -0.97 |
| Guanajuato | Injuries | 14,939 | 232.6 | 9.54 | Domestic violence | 14,695 | 228.81 | 7.08 |
| Guerrero | Threats | 3,196 | 88.67 | 9.34 | Property damage | 2,120 | 58.82 | 0 |
| Hidalgo | Injuries | 6,237 | 193.23 | 0.48 | Threats | 3,309 | 102.52 | 9.06 |
| Jalisco | Injuries | 12,821 | 146.77 | 14.5 | Fraud | 10,271 | 117.58 | 16.92 |
| Michoacán | Property damage | 3,911 | 79 | 4.63 | Others, state jurisdiction | 3,457 | 69.83 | 35.73 |
| Morelos | Injuries | 3,922 | 193.12 | 1.84 | Property damage | 3,561 | 175.34 | 10.01 |
| State of Mexico | Domestic violence | 28,650 | 163.7 | 4.38 | Fraud | 16,121 | 92.11 | 18.95 |
| Nayarit | Injuries | 1,107 | 85.54 | 71.89 | Threats | 958 | 74.03 | 76.1 |
| Nuevo León | Injuries | 7,857 | 126.68 | 5.58 | Drug-dealing | 7,677 | 123.78 | 43.2 |
| Oaxaca | Threats | 4,148 | 96.99 | -4.78 | Property damage | 2,649 | 61.94 | -4.54 |
| Puebla | Threats | 5,811 | 84.13 | 3.07 | Fraud | 4,544 | 65.78 | -5.63 |
| Querétaro | Threats | 5,072 | 198.29 | 19.51 | Others, state jurisdiction | 4,942 | 193.2 | -2.52 |
| Quintana Roo | Injuries | 5,139 | 254.46 | 9.95 | Breach of trust | 3,724 | 184.39 | 14.02 |
| San Luis Potosí | Property damage | 6,059 | 206.72 | 3.36 | Injuries | 4,902 | 167.24 | 7.88 |
| Sinaloa | Property damage | 2,777 | 88.36 | 8.1 | Threats | 2,007 | 63.86 | 19.96 |
| Sonora | Drug-dealing | 2,738 | 88.85 | 16.96 | Property damage | 2,584 | 83.85 | 8.07 |
| Tabasco | Injuries | 4,697 | 191.34 | -7.45 | Threats | 4,277 | 174.23 | -3.02 |
| Tamaulipas | Injuries | 3,799 | 103.08 | 7.68 | Threats | 2,178 | 59.1 | 15.79 |
| Tlaxcala | Homicide | 141 | 9.98 | -14.02 | Drug-dealing | 102 | 7.22 | -36.25 |
| Veracruz | Threats | 7,672 | 94.35 | 7.14 | Property damage | 7,374 | 90.68 | 0.61 |
| Yucatán | Others, state jurisdiction | 429 | 17.49 | -19.96 | Drug-dealing | 391 | 15.94 | 39.15 |
| Zacatecas | Property damage | 2,546 | 151.28 | -0.12 | Others, state jurisdiction | 2,186 | 129.89 | 25.78 |

It is striking that the five most common crimes in each state include only ten types.⁵⁷ This is indicative of a certain homogeneity in the patterns of criminality across the country. The variation in the rates of crimes per 100,000 inhabitants among states is considerable. For example, while the index for theft in Yucatán was 19.74 per 100,000 inhabitants, the figure for Querétaro was 909.96. These disparities underline the importance of (i) analyzing local factors that influence incidences of criminality, and (ii) designing strategies adapted specifically to each context.

⁵⁷ The set of the most common crimes consists of theft, domestic violence, injuries, property damage, threats, other crimes of the state jurisdiction, drug-dealing, fraud, homicide, and breach of trust.



CHAPTER 6

Perception and knowledge of the Criminal Justice System

Survey of public trust in the system

MAIN FINDINGS

- Although a very high percentage of people still do not know that the criminal Justice System has undergone reforms since 2008, most citizens can identify certain processes of the reform, like restitution of damage and mediation. This result stands out as a paradox in public knowledge; that is, although the structural changes in the criminal system are not widely known, some of its most visible and practical mechanisms have achieved greater visibility and comprehension.
- Knowledge of the following aspects has decreased: the institutions of criminal justice and the rights of victims and persons charged, among other primordial aspects of the criminal process. These are among the results of the surveys we conducted in 2020 and 2024. The lack of information on institutions and their functions and processes may lead to negative perceptions and distrust on the part of citizens.
- More and more people think that prison is the only sanction applied to crimes, a perception that contrasts sharply to the objectives of the reformed criminal Justice System. This tendency is concerning because it underestimates the importance of alternative sanctions, like mediation, restitution of damage, and conditional freedom, that seek not only to punish but also to rehabilitate and reintegrate perpetrators into society.
- People's opinions of the institutions of criminal justice have worsened compared to previous years, indicative of an alarming level of distrust of, and disenchantment with, the CJS. This deterioration in public perceptions is serious because trust in the institutions of justice is fundamental for the functioning of the rule of law.
- The experiences of users of the CJS reveal that a high number of people consider that the process is long and plagued by delays that contravene the fundamental objectives of the accusatory criminal system as it strives to offer processes that are rapid and efficient.



A key component in implementing the reform of the criminal Justice System consists in informing citizens of the functioning and results of the institutions that operate the services of justice. *México Evalúa* contributes to the exploration of citizens' perceptions of the functioning of these institutions by organizing and applying this "Survey of Perception and Knowledge of the Criminal Justice System, Regarding Public Trust" (*Encuesta sobre percepción y conocimiento del Sistema de Justicia criminal en materia de confianza ciudadana*). This Survey –first applied in 2020⁵⁸ and repeated in 2024– focuses on people at the national and state levels who have used the CJS.

In this edition of *Hallazgos*, in addition to presenting the results of the Survey applied in 2024, we compare the results from 2020 to elaborate an analysis of the evolution and changes in citizens' perceptions over these four years.

The Survey also provides an eight-year perspective on the end of the term stipulated for implementing the system throughout the country, which ended on June 8th, 2016. Responses were analyzed using quantitative indicators that allowed us to understand the context, tendencies, and principal changes derived from the consolidation of the system.

The methodology for the Survey consisted in conducting 3,663 telephone interviews with Mexican citizens aged 18 years and over in nine states: Baja California, CDMX, Coahuila, Jalisco, Nayarit, Nuevo León, San Luis Potosí, Tabasco, and Zacatecas; the same states surveyed in 2020. This permitted a comparative analysis of advances in the accusatory criminal system. The application period was April 1st to 30th, 2024.

To present this comparison between the 2020 and 2024 results, we discuss the general data in four main rubrics:

1. Knowledge of the criminal Justice System
2. Perception of the criminal Justice System
3. Users' experiences with the criminal Justice System
4. Sociodemographic aspects

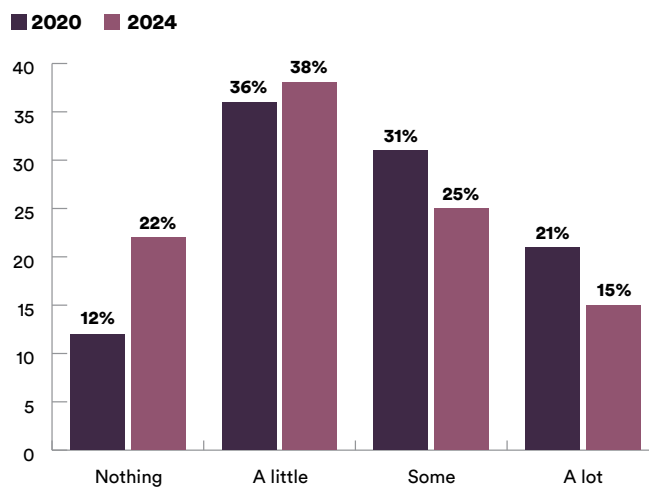
6.1 Knowledge of the Criminal Justice System

6.1.1 Knowledge on justice institutions

Knowledge of the functions and responsibilities of entities like AGO, Public Defenders' Offices, judges, and police empowers citizens by allowing them to exercise their human rights in an informed and effective manner. Moreover, a well-informed citizenry collaborates more with the authorities, reports crimes more often, and participates in judicial processes, all of which contribute to the efficiency and transparency of the system.

To evaluate the effectiveness of initiatives conceived to disseminate information about, and educate people on, the reformed system, and to identify areas where greater sensitization and training are required, respondents were asked: "How much have you heard about the institutions of criminal justice?" We explained that the institutions of the CJS include pAGO, police,

Graph 77. Knowledge of the criminal justice system, 2020 and 2024. How much have you heard about the institutions of criminal justice: a lot, some, a little, or nothing?



Fuente: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.

Note: The graph does not include the responses: "I don't know", "Not answered".

⁵⁸ Hallazgos 2020, *Seguimiento y evaluación del Sistema de justicia criminal en México*, México Evalúa, Mexico, 2021, pp. 123-144.

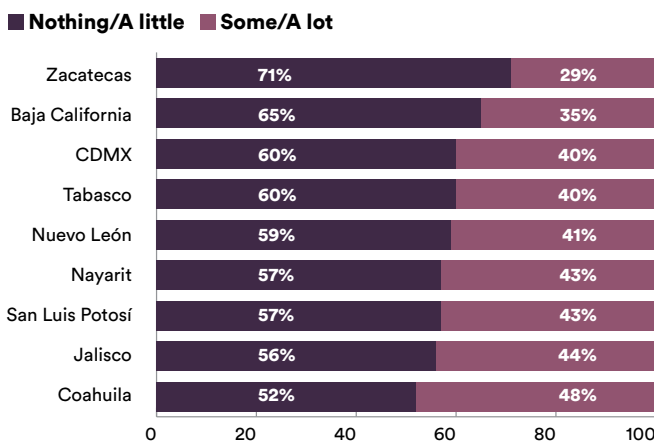


judges, Public Defenders’ Offices, Victims’ Commissions, and prisons. Results are crucial for understanding the level of knowledge that citizens have regarding the identification and functions of the institutions of the CJS.

We identified that the percentage of people who responded that they had heard “Nothing” about the institutions of criminal justice increased significantly from 12% in 2020 to 22% in 2024. There was also a small increase between 2020 and 2024 in the number of people who stated that they knew “little” about these institutions. The figure for respondents who knew “Some” or “A lot” about the institutions of criminal justice also decreased by 6 percentage points for both answers. These results reflect a reduction in the knowledge of the institutions of criminal justice in four years that can be traced to diverse factors. One element could be the decrease in investments and actions related to disseminating information on the system and educating citizens about it. Since the current government has no public policy in this regard little effort is made to disseminate information, so the CJS has lost visibility.

Regarding users’ knowledge of the institutions of criminal justice by state that participated in the Survey, people in Zacatecas answered at a higher percentage (71%) that they knew “Nothing” or “A little”, while 52% in Coahuila responded in this way. The marked difference in results between these two states may indicate that people’s

Graph 78. How much have you heard about the institutions of criminal justice? Nothing/A little, Some/A lot



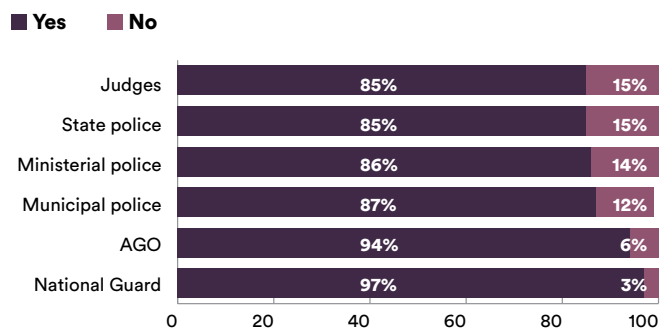
Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.
Note: The graph does not include the responses: “I don’t know”, “Not answered”.

familiarity with their institutions reflects each state’s efforts to disseminate information on, and educate citizens about, the CJS. It is important to note that on the 2020 Survey, Jalisco had the highest percentage of people who answered knowing “Nothing” or “A little” about the institutions (58%), while CDMX had the lowest percentage of uninformed people (36%).

Results for the item, “Of the following authorities, indicate the ones you have heard of”, show the general public’s degree of familiarity with various institutions. This may influence their perceptions of, and trust in, the system. These figures permit identifying the institutions that are more widely recognized and those that must make greater efforts in the areas of dissemination and sensitization.

For 2024, the National Guard was the institution that people had most often heard of, at 97%, in contrast to the 2020 Survey, which found that 90% knew of this body. While in 2020 the state police was the institution most often identified (92%), judges and the state police were mentioned less often in 2024, both at 85%. In 2020, the institutions least mentioned were judges (83%), and the municipal police (84%). The results for 2024 may be due to the significant coverage that the National Guard has received in distinct media in the country, or even to a greater physical presence of this corps in diverse regions and localities. Given the logic of the criminal process, judges may well be the figures who have the least direct contact with citizens.

Graph 79. Of the following authorities, please tell me which ones you have heard of...



Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.
Note: The graph does not include the responses: “I don’t know”, “Not answered”.



Table 56. Of the following authorities, which ones have you heard of?

| State | Municipal Preventive police | State police | National Guard | Ministerial police | Prosecutor's Office | Judges | Index |
|-----------------|-----------------------------|--------------|----------------|--------------------|---------------------|--------|-------|
| Baja California | 84% | 87% | 97% | 89% | 96% | 83% | 0.89 |
| CDMX | 86% | 81% | 98% | 86% | 97% | 90% | 0.90 |
| Coahuila | 88% | 82% | 94% | 86% | 94% | 85% | 0.88 |
| Jalisco | 83% | 82% | 98% | 73% | 95% | 82% | 0.85 |
| Nayarit | 93% | 92% | 97% | 87% | 96% | 89% | 0.92 |
| Nuevo León | 90% | 92% | 93% | 92% | 91% | 79% | 0.89 |
| San Luis Potosí | 91% | 91% | 96% | 83% | 93% | 84% | 0.90 |
| Tabasco | 87% | 83% | 99% | 85% | 95% | 87% | 0.89 |
| Zacatecas | 85% | 75% | 97% | 89% | 91% | 84% | 0.87 |

Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.

Regarding the public's knowledge of the institutions in each state that participated in the Survey, the lowest index was for Jalisco (85%), while the highest was for Nayarit (92%). On the 2020 Survey, Jalisco also had the lowest index (84%), but Zacatecas took first place with 93%. In most of the participating states, knowledge of the National Guard had the highest scores (95%), but our attention was drawn, for example, to the low levels of knowledge of state police in Zacatecas (75%), investigative police in Jalisco (73%), and judges in Nuevo León (79%).

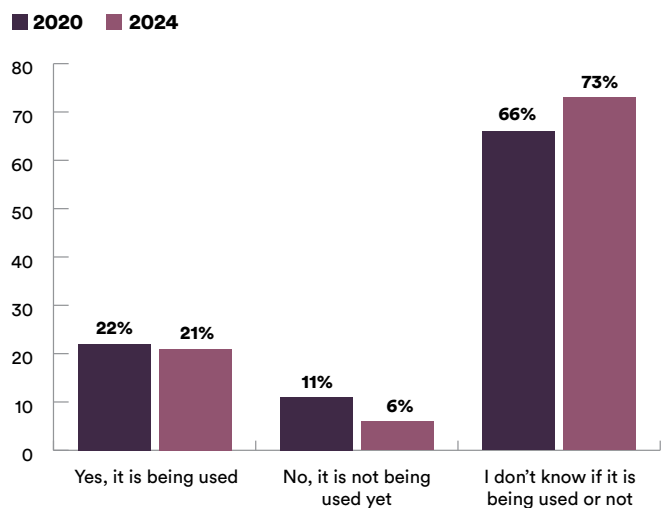
6.1.2 Knowledge of criminal proceedings

At 16 years from the 2008 constitutional reform, it is essential that citizens be well informed about changes and advances in the criminal system. Knowing the features and functioning of the system allows people to exercise their human rights effectively, interact with the institutions of justice with greater trust, and contribute to a culture of legality and transparency. Disseminating this knowledge is essential for consolidating a justice system that is more efficient, equitable, and aligned with the principles of the democratic rule of law.

We explained to respondents that the Constitution was reformed in 2008 to implement a new process of criminal justice, then asked if they knew if this process was being applied in their state. In this case, 73% answered that

they did not know, a percentage that increased from the 66% recorded in 2020. Here, 21% answered that they had knowledge of this, while in 2020 this percentage was 22%.

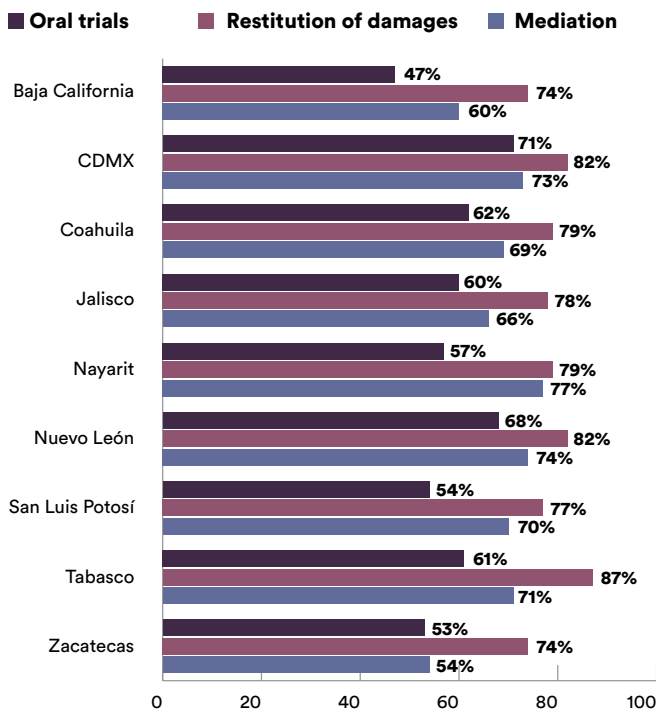
Graph 80. In 2008 there was a Constitutional reform that created a new process of criminal justice in México. Do you know if the new process of criminal justice is being used in this state?



We also asked respondents if they had heard of three key processes of the accusatory criminal system: 1) oral trials; 2) restitution of the damage caused by a crime; and 3) mediation as a means of resolving criminal conflicts. The process with which people were most familiar was restitution of damage, as nine states presented percentages above 70% for people who answered that they had heard of this element. Tabasco stood out, as 87% of respondents knew this figure, followed by Nuevo León and CDMX, at 82%. In contrast, we found that the best-known process in the 2020 Survey was mediation, followed by oral trials, and, finally, restitution of damage.

Continuing with this analysis, the percentages of people’s knowledge of oral trials decreased in some states between 2020 and 2024. For example, in Baja California in 2020, the percentage of people who had heard about oral trials was 54%, but in 2024 this fell to 47%. This occurred, as well, in Zacatecas, with percentages of 56 and 53%, and in CDMX, with 80 and 71%.

Graph 81. Have you heard about oral trials, the possibility of repairing the damage caused by a crime, and mediation between the parties as ways to resolve criminal conflicts?



6.1.3 Knowledge of the human rights of victims and defendants

It is also fundamental to analyze whether citizens know the human rights of victims and persons charged with crimes who face criminal processes, especially the presumption of innocence and alternative forms of punishment, distinct from imprisonment. For example, knowing that other sanctions exist –in lieu of prison– helps demystify the idea that jail is the only possible response to a crime. This can also foster greater trust in a justice system that is more humane and efficient and, thus, can contribute to forming a more just, balanced society.

Column A of the following table shows the percentages of people who think that the only sanction is prison. In all states, we verified that over half of the sample considered that prison was, indeed, the only form of punishment that existed. For the same question posed in 2020, only Tabasco exceeded 50%, as all other states had lower percentages. Even in CDMX, only 26% of respondents considered that the only sanction was prison. With respect to respondents’ knowledge of other sanctions imposed on people convicted of a crime (Column B), in the 2024 survey the average for all states was 42%, while in 2020 it was 52%. The reasons behind this decrease in people’s knowledge of other types of sanctions may be quite varied, but one of the main

Table 57. As far as you know, if a person commits a crime:
A) the only possible punishment or sanction is sending her/him to prison; or
B) there are other punishments that do not entail going to prison

| State | A | B | DK/NA |
|-----------------|------------|------------|-----------|
| Baja California | 54% | 38% | 8% |
| CDMX | 52% | 47% | 2% |
| Coahuila | 54% | 44% | 3% |
| Jalisco | 53% | 44% | 3% |
| Nayarit | 56% | 41% | 4% |
| Nuevo León | 56% | 41% | 2% |
| San Luis Potosí | 56% | 38% | 6% |
| Tabasco | 54% | 41% | 5% |
| Zacatecas | 53% | 44% | 3% |
| Average | 54% | 42% | 4% |

DK/NA: Does not know / Did not answer.

Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal*, 2024.



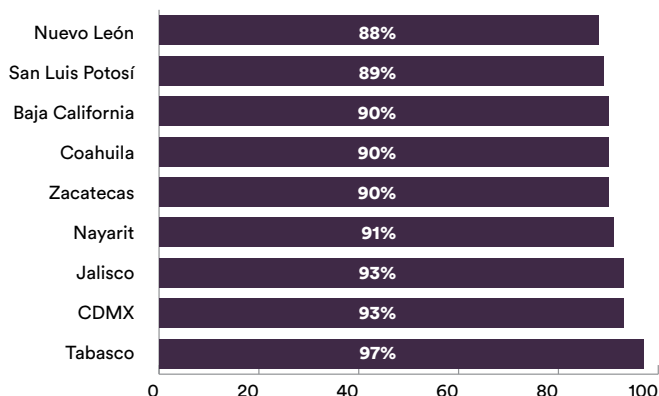
causes may lie in the reduction of actions implemented to inform and sensitize the population with respect to the functioning of the system.

On the topic of the presumption of innocence, people's knowledge of this right remained constant from 2020 to 2024, as in almost all states, 9 of every 10 respondents were aware that all people have the right to be considered innocent until proven guilty. A significant increase appeared in Jalisco, from 80% of respondents in 2020 to 93% in 2024.

It is important that people know their human rights in case they become victims of, or witnesses to, a crime. They must also know that they can request support directly from an agent of the police. This knowledge empowers citizens and allows them to react immediately and adequately to emergency situations. Knowing that they can count on the direct, rapid help of the police translates not only into feelings of greater security but also strengthens trust in the institutions of security and justice. Furthermore, a citizenry that is well informed of this right collaborates more efficaciously with the authorities, thus facilitating the prevention and resolution of crimes.

People must be made aware that all victims have the right to access to an adviser or public attorney, and that a judge must be present at all hearings. Access to counsel guarantees that victims receive the legal representation they require, regardless of their economic capacity, an essential element of equitable and accessible justice. The presence of the judge at all hearings, meanwhile, ensures transparency and impartiality in the legal

Graph 82. Have you heard that all people have the right to be considered innocent until proven guilty? If this is the case, is the contrary demonstrated?



Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.

Note: The graph includes only the percentages for the response option "Yes".

process through direct control of the development of trials and the correct application of the law. In addition to protecting people within the justice system, awareness of these human rights fosters a culture of respect for, and compliance with, established legal procedures.

The comparison of results from the 2020 and 2024 surveys on people's knowledge of some of the human rights of victims and persons processed reveals an

Table 58. Please respond to the following statement "Yes or "No" based on what you have heard

| State | Anyone who suffers, or witnesses, a crime can request aid directly from an agent of the police | The AGO is responsible for investigating crimes | All victims must have access to a public attorney | The judge must be present at all hearings | All persons charged must have access to a public attorney |
|-----------------|--|---|---|---|---|
| Baja California | 91% | 92% | 95% | 94% | 97% |
| CDMX | 92% | 93% | 98% | 93% | 98% |
| Coahuila | 89% | 97% | 98% | 95% | 99% |
| Jalisco | 88% | 96% | 99% | 96% | 98% |
| Nayarit | 93% | 93% | 97% | 97% | 96% |
| Nuevo León | 94% | 96% | 98% | 96% | 99% |
| San Luis Potosí | 93% | 93% | 98% | 92% | 99% |
| Tabasco | 86% | 93% | 100% | 96% | 99% |
| Zacatecas | 87% | 92% | 97% | 92% | 98% |
| Average | 90% | 94% | 98% | 94% | 98% |

Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.

Note: The graph includes only the percentages for the response option "Yes".



increase on both counts. For example, knowledge of the right to request help directly from the police rose from an average of 85 to 90%, while awareness of the obligation of a judge to preside over all hearings increased from 87 to 94%. It appears that the citizens surveyed in recent years are more familiar with these fundamental aspects of the criminal process.

The 2008 reform granted the police the faculty to receive reports of crimes. This change has made the judicial process more expeditious since the police can act immediately upon receiving a report. This facilitates investigations and responses to crimes. Although it is more common for citizens to know that they can report crimes to a Prosecutor's or Attorney General's Office, awareness of the possibility of recurring to the police as well provides an additional option and allows faster, more effective access to the system. This information empowers citizens and promotes their active participation in protecting their human rights and strengthening the system of criminal justice. The option of reporting crimes to the police must, however, be supported by state and municipal public policies that allow police forces to react rapidly. In addition, all reports that police receive must be forwarded expeditiously to Prosecutors' or AGO.

Over 7 of every 10 persons surveyed were aware of the right of the AGO to receive reports; however, only a very low percentage knew that they could report crimes directly to the police. Our attention was drawn to the 2020 Survey, which found that states like Nuevo León had a percentage of only 38% of people who stated that they knew they could report crimes to the Prosecutors' Office and 6% who knew they could report to the police.

Table 59. Do you know where a victim should go to report a crime?

| State | Yes, the Prosecutor's Office | Yes, the police | Yes, the General Prosecutor's Office | Yes, the Attorney General's Office | Does not know |
|-----------------|------------------------------|-----------------|--------------------------------------|------------------------------------|---------------|
| Baja California | 72% | 14% | 1% | 1% | 11% |
| CDMX | 84% | 9% | 0% | 0% | 6% |
| Coahuila | 80% | 14% | 0% | 0% | 4% |
| Jalisco | 80% | 10% | 0% | 1% | 8% |
| Nayarit | 74% | 19% | 0% | 1% | 6% |
| Nuevo León | 71% | 15% | 3% | 0% | 10% |
| San Luis Potosí | 76% | 11% | 0% | 0% | 13% |
| Tabasco | 84% | 8% | 0% | 0% | 7% |
| Zacatecas | 83% | 9% | 0% | 0% | 7% |

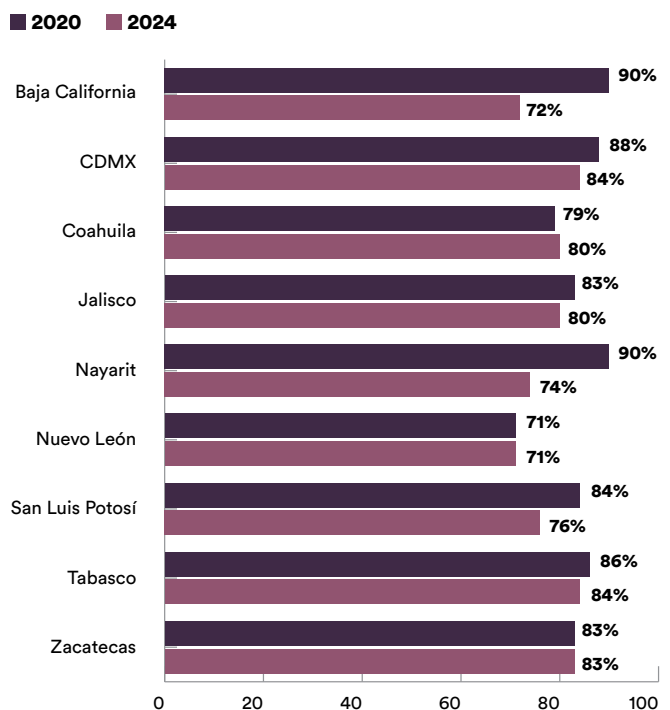
Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.

The responses to the item on whether people knew where to go to report a crime also stood out because respondents could not identify the institution where prosecutors work (AGOs). This leads us to think that there is no clear recognition of the differences between operators and their respective institutions (*i.e.*, AGO or Attorney General's Office), and a lack of relevant regulatory changes within AGOs.

In retrospect, comparing the 2024 results to those from 2020 reveals –in most states, except Baja California– a reduction in the number of people who stated that they did not know the authority to which they should go.

It is essential that citizens be informed of the basic actions they should take when they are victims of a crime or accused of committing an offense. In this context, the accusatory system establishes that legal advisers can provide orientation and counsel to victims, and that all persons charged have the right of access to a public defender. It is also essential that all persons be

Graph 83. Do you know where a victim should go to report a crime? Comparison of 2020 and 2024



Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.

Note: The graph includes only the percentages for the response option "Yes".



Table 60. Do you know who can provide orientation or accompaniment to victims or persons accused of committing a crime?

| State | Yes, some public institution | Yes, the NHRC | Yes, civil society organizations | Yes, an attorney | Yes, other | Does not know | Did not answer |
|-----------------|------------------------------|---------------|----------------------------------|------------------|------------|---------------|----------------|
| Baja California | 31% | 4% | 2% | 33% | 0% | 30% | 0% |
| CDMX | 45% | 4% | 3% | 31% | 0% | 17% | 0% |
| Coahuila | 35% | 6% | 4% | 34% | 0% | 20% | 0% |
| Jalisco | 40% | 2% | 1% | 32% | 0% | 25% | 0% |
| Nayarit | 35% | 8% | 5% | 25% | 1% | 27% | 0% |
| Nuevo León | 32% | 8% | 5% | 29% | 3% | 23% | 0% |
| San Luis Potosí | 24% | 3% | 4% | 39% | 0% | 29% | 0% |
| Tabasco | 32% | 2% | 4% | 39% | 0% | 21% | 2% |
| Zacatecas | 39% | 4% | 1% | 33% | 1% | 22% | 1% |

Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.

aware that they can participate in criminal processes accompanied by legal counsel: either a private attorney or a public defender assigned by the ECAV. This legal support is crucial for ensuring respect for the human rights of victims.

The Survey asked respondents if they had knowledge of the institutions that can provide legal orientation or accompaniment. Most mentioned that they could do this before a public institution, in a range of 31-45%. This was similar in 2020, though some states registered results where only 11 or 12% of those surveyed stated that they knew of this option (Coahuila and Nuevo León, respectively). The next highest percentage was “before an attorney” in a range of 25-39%. Finally, we consider that the percentage of people who stated that they did not know who could offer orientation is high, as the range was 17-30%, though this was slightly lower than the response in 2020, when the percentage of respondents who answered “I don’t know” ranged from 20 to 49%.

Both surveys asked about the human rights of victims in the accusatory criminal system. In this case, we calculated averages by state. The human rights that appeared as response options are listed below (the items correspond to those in Table 14). Victims have the right to:

- Have an interpreter or translator present if they do not understand Spanish.
- Be heard.
- Participate actively in the trial against the accused.

- Accede to a competent authority if they have a complaint or inconformity with trial decisions.
- Immediate protection and aid.
- Identify the person indicated as responsible free of all personal risk.
- Be informed of the status of their case.
- Declare without having to face the person accused.
- Be compensated for the damage suffered due to the crime.
- Receive immediate medical and psychological attention.

With respect to knowledge of these human rights, we recorded an average by state that in 2024 ranged from 87 to 91%, high figures compared to the results for these averages in 2020, when Jalisco and Zacatecas had averages of just 73 and 79%. This indicates a significant advance in this rubric. The human right of the victim that more people recognized was “to be heard”, as at least 9 of every 10 respondents were aware of it. Another was the right “to be informed of the status of the case”, with percentages above 90% in all states, except Nayarit (86%).

Receiving immediate medical and psychological attention was another human right of victims that was widely recognized in the Survey, as at least 9 of every 10 respondents answered that they had heard of it. Finally, the lowest percentage recorded was for the right “to declare without having to face the person accused”, for that average was just 76% and states like Jalisco and Baja California were below this figure (72 and 74%, respectively).



Table 61. Which of the following rights of a person who is victim of a crime have you heard of? (figures in percentages)

| State | A | B | C | D | E | F | G | H | I | J | Average by state |
|-------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------------|
| Baja California | 90% | 94% | 89% | 92% | 85% | 84% | 95% | 74% | 85% | 93% | 88% |
| CDMX | 87% | 97% | 91% | 96% | 95% | 87% | 94% | 80% | 91% | 93% | 91% |
| Coahuila | 84% | 92% | 88% | 85% | 88% | 80% | 90% | 75% | 92% | 91% | 86% |
| Jalisco | 91% | 94% | 91% | 85% | 90% | 84% | 92% | 72% | 90% | 90% | 88% |
| Nayarit | 93% | 92% | 91% | 93% | 91% | 81% | 86% | 77% | 83% | 87% | 87% |
| Nuevo León | 90% | 91% | 86% | 90% | 87% | 87% | 95% | 72% | 86% | 87% | 87% |
| San Luis Potosí | 88% | 90% | 84% | 90% | 90% | 83% | 89% | 77% | 92% | 91% | 87% |
| Tabasco | 89% | 96% | 89% | 94% | 93% | 87% | 93% | 77% | 87% | 95% | 90% |
| Zacatecas | 87% | 92% | 90% | 88% | 91% | 84% | 93% | 80% | 87% | 91% | 88% |
| Average for each right | 89% | 93% | 89% | 90% | 90% | 84% | 92% | 76% | 88% | 91% | |

Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.

Note: The graph includes only the percentages for the response option "Yes".

Returning to the data on averages by state, we found that the ones where respondents answered that they had heard less about the human rights of victims were Coahuila, Nayarit, Nuevo León, and San Luis Potosí, while those with the highest figures were CDMX and Tabasco. On this question in the 2020 Survey, Jalisco had the lowest average (73%) and Nayarit the highest one (84%).

It is essential, as well, that people know the human rights of persons charged, including the presumption of innocence, for these play a fundamental role in guaranteeing fair and equitable judicial processes. The presumption of innocence protects individuals from being treated as guilty before their responsibility is determined in a fair trial. This principle also ensures that the judicial authorities must base their cases on solid evidence, not prejudices or assumptions; thus, it helps prevent unfair processes and sentences. Knowing these human rights, moreover, empowers citizens to demand respect and to recognize abuses or irregularities. Moreover, this knowledge fosters greater trust in institutions by ensuring that everyone, regardless of personal circumstances, is treated with dignity and equity during criminal processes. The same human rights of people accused were listed on both instruments, so the response options listed were as follows (the items correspond to those in Table 15). Persons charged have the right to:

- A. be treated as innocent until proven guilty.
- B. be informed of the accusation against them.
- C. be presented before the AGO after their arrest.

- D. decide whether to make a statement or remain silent.
- E. declare with the assistance, and in the presence, of their attorney.
- F. be assisted free of charge by an interpreter or translator.
- G. be defended by an attorney.
- H. present evidence in their favor.
- I. be informed of the evidence that could be presented against them.
- J. be heard before a competent judge.
- K. not be coerced or subjected to torture or intimidation.
- L. a rapid process.
- M. be present when evidence against them is presented and express their point of view.

As the following table shows, we found that the state with the lowest average knowledge of the human rights of people charged was Coahuila at 88%. Most states had percentages of 89-91%; that is, 9 of every 10 respondents knew the human rights of the accused. The one that most people recognized was the right "to be defended by an attorney", at 98% in Jalisco and 96% in states like Coahuila and Zacatecas. Another widely recognized right was "to be informed of the accusation", where averages reached 96% in CDMX, Coahuila, and Nuevo León.

One of the less well-known human rights of people charged was "to not be subjected to coercion, torture, or intimidation", as the Survey data for states like Baja California, Coahuila, and Tabasco showed that averages for this item did not reach 75%. Here, our attention was drawn to San Luis Potosí, where only



Table 62. Which of the following rights of a person who is accused of a crime have you heard of? (figures in percentages)

| State | A | B | C | D | E | F | G | H | I | J | K | L | M | Average by state |
|-------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------------|
| Baja California | 93% | 91% | 87% | 87% | 96% | 83% | 94% | 94% | 93% | 96% | 71% | 85% | 91% | 89% |
| CDMX | 92% | 96% | 94% | 86% | 96% | 89% | 95% | 89% | 95% | 95% | 82% | 84% | 94% | 91% |
| Coahuila | 88% | 96% | 87% | 79% | 94% | 83% | 96% | 93% | 92% | 94% | 72% | 82% | 89% | 88% |
| Jalisco | 91% | 94% | 88% | 91% | 93% | 84% | 98% | 95% | 89% | 92% | 76% | 89% | 91% | 90% |
| Nayarit | 89% | 93% | 90% | 85% | 92% | 87% | 93% | 90% | 94% | 89% | 79% | 88% | 87% | 89% |
| Nuevo León | 92% | 96% | 85% | 92% | 95% | 86% | 93% | 93% | 90% | 93% | 76% | 86% | 90% | 90% |
| San Luis Potosí | 92% | 95% | 89% | 89% | 95% | 82% | 95% | 92% | 93% | 93% | 69% | 88% | 86% | 89% |
| Tabasco | 96% | 94% | 92% | 82% | 93% | 86% | 96% | 89% | 92% | 88% | 70% | 82% | 94% | 89% |
| Zacatecas | 93% | 93% | 91% | 86% | 94% | 86% | 96% | 86% | 94% | 94% | 76% | 83% | 94% | 90% |
| Average for each right | 92% | 94% | 89% | 86% | 94% | 85% | 95% | 91% | 92% | 93% | 75% | 85% | 91% | |

Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal*, 2024.

Note: The graph includes only the percentages for the response option "Yes".

69% of respondents stated that they knew this right of people charged. Another human right that generated low percentages was "to a rapid process", as results for CDMX, Coahuila, Tabasco, and Zacatecas did not reach 85% of respondents.

Compared to the 2020 Survey, the averages for all states increased. Jalisco, for example, had the lowest average then (77%), but in 2024 it rose to 90%. Other states with low averages in 2020, like Baja California and Zacatecas, at 83%, achieved average results of 89 and 90%, respectively, in 2024. We also identified that the rights with the lowest percentages in the 2020 Survey were "to not be subjected to coercion, torture, or intimidation", "to a rapid process", "to be present when evidence against them is presented", and "to express their point of view", while those with the highest scores were "to be informed of the accusation", "to be defended by an attorney", and "to present evidence in their favor".

6.1.4 Access to information

Access to information on the criminal process is an important component for the fair and transparent functioning of the justice system. This section explores the importance of a citizenry that has access to clear, understandable information on fundamental aspects of the criminal process. Examples include the human rights of victims and of people charged, the steps to follow to report a crime, the functions of the various institutions that participate in the process, and the development of

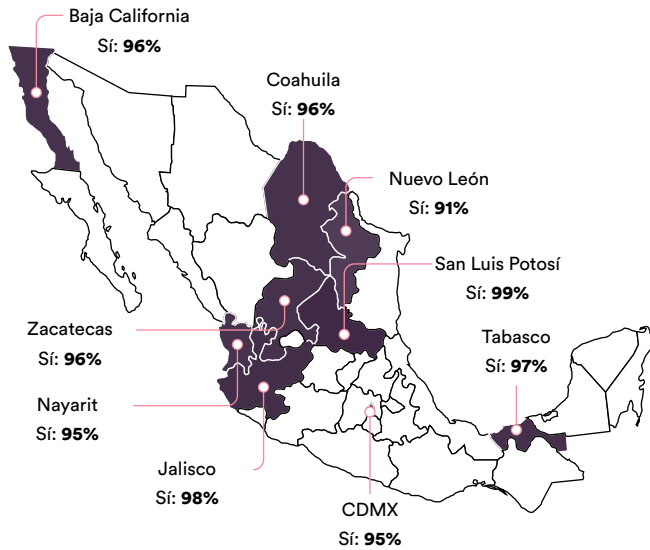
hearings and oral trials. Access to this information allows citizens to better understand how the CJS operates and facilitates their active, conscientious participation.

On the question: Would you consider it important to have more information on the institutions and processes of criminal justice in your state?, the map below presents the results of the 2024 Survey as percentages of the people who responded "Yes". It shows that all states had percentages above 90%, indicating that the vast majority of people surveyed prioritize information on the process and system. Compared to the same question posed in 2020, percentages in all states increased, perhaps reflecting the greater sensitization that citizens have received on these topics. In states like Jalisco and Nayarit in 2020, percentages were below 85%, but in 2024 these figures rose to 98% and 95%, respectively.

Determining the means of communication through which citizens are informed of matters concerning the CJS is also essential for understanding the dynamics of public opinion and the effectiveness of the dissemination of information. This knowledge clarifies the channels that people find most influential and trustworthy: newspapers, television, radio, social networks, or digital media. Understanding these preferences is crucial for designing more effective, better-oriented communication strategies, and for ensuring that vital information on the justice system, public policies, and other topics of interest reach as many people as possible in ways both precise and timely.



Map 1. Would you consider it important to have more information on the institutions and processes of penal justice in your



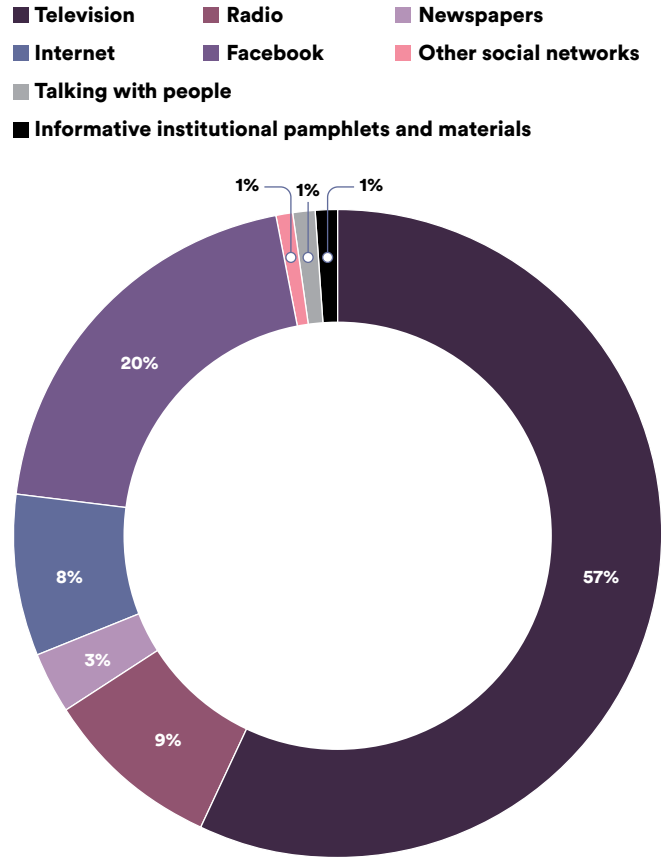
Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal*, 2024.
 Note: The graph includes only the percentages for the response option "Yes".

The following graph shows the percentage of responses on the principal means of communication through which people find out what happens in their state. Television had the highest percentage at 57%, followed by Facebook. Regarding these responses, we must keep in mind that the survey was applied by telephone, a fact that might generate a bias in favor of the younger population that consumes less content through television (open or paid) using, instead, social networks like *TikTok*, *Instagram*, *Whatsapp*, and *Youtube*.

General index of knowledge of the Criminal Justice System

As occurred in the 2020 report, and with the aim of contrasting the results presented in section 6.1, we now present the General Index of Knowledge of the criminal Justice System for 2024. The variables included in this index relate to the items on the Survey that dealt

Graph 84. What is the principal means of communication you use to learn about things that happen in your state?

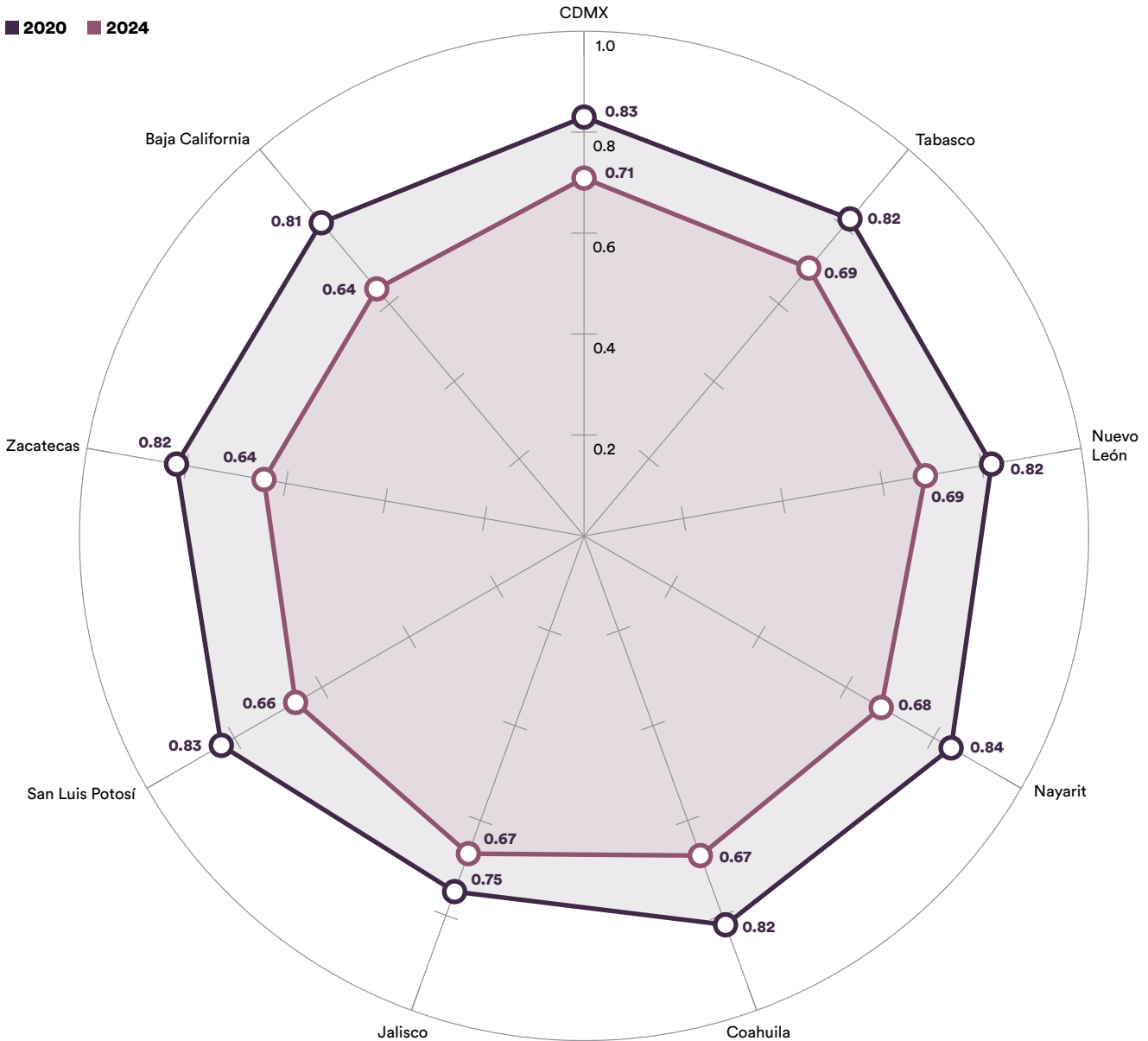


with people’s knowledge of the institutions of justice, the human rights of victims and persons accused, and other key aspects of the criminal process.⁵⁹ Clearly, this index was generally inferior in 2024 for all states compared to the index for 2020. This confirms the analysis developed above that highlighted the reduction in citizens’ knowledge of various aspects of the system. In 2020, most indices ranged around 0.80, but in 2024 the range varied from 0.64 in states like Baja California and Zacatecas to 0.71 for CDMX.

⁵⁹ Scores on the General Index of Knowledge were calculated with the following formula: $IGC = \frac{\text{sum of positive responses (P4-P8)} + \text{sum of indices}}{\text{total number of questions}}$; that is, they were obtained from the total number of positive responses to the questions on the processes of criminal justice plus the total of the indices that corresponded to the items on the level of knowledge of the authorities of the CJS and the human rights of the victims and people accused of committing a crime, divided by the total number of questions.



Knowledge of the Criminal Justice System General Index



6.2 Perception of the Criminal Justice System

6.2.1 Trust in the CJS

To learn more about citizen’s trust in the criminal Justice System, we asked respondents for their opinions on the institutions of criminal justice in their state. The average for all states for the responses “Very poor/Poor” was 55%, while the figure from the 2020 Survey was 49%. In states like Tabasco, this poor perception of the

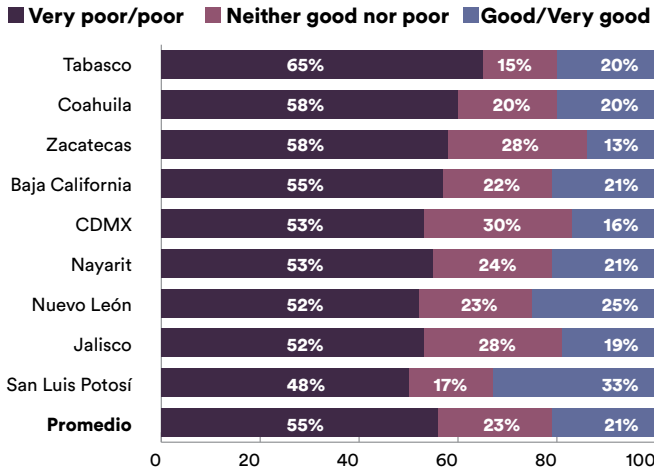
institutions improved considerably as the average rose from 37% in 2020 to 65% in 2024.

Regarding the responses “Good/Very good”, the average for all states in 2024 was 21% compared to 32% in 2020, another result that must be deemed negative, though in San Luis Potosí the “Good/Very good” opinions increased from 28% in 2020 to 33% in 2024.

With respect to the functionality of the institutions of criminal justice, the opinions of the citizens surveyed also showed a negative tendency, as the average



Graph 85. Based on what you know, or have heard, what is your opinion of the institutions of criminal justice in your state: very good, good, poor, or very poor?

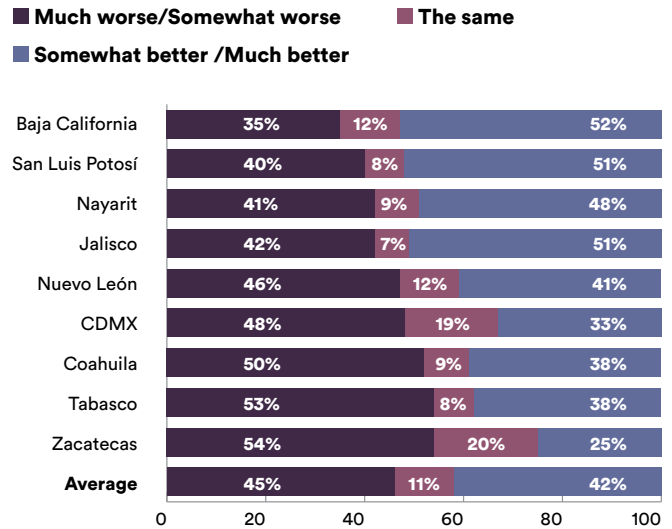


Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.
Note: The graph does not include the responses: "I don't know", "Not answered".

number who answered that the institutions function "Worse/Much worse" than 10 years ago was 45%. The result for this percentage on the 2020 Survey, however, was 41%, meaning that fewer people opined that they functioned "Worse".

The people who in 2024 considered that the institutions have improved their functioning and, hence, answered "Somewhat better/Much better" presented an average of 42% compared to 44% in 2020. In 2020, the state of Nuevo León stood out because 58% of people surveyed there felt that the institutions had improved, while in 2024 the highest percentage for this item was for Baja California at 52%. Here, it is necessary to explore in depth whether some specific event contributed to

Graph 86. Compared to 10 years ago, how do you think the institutions of criminal justice function in your state today?



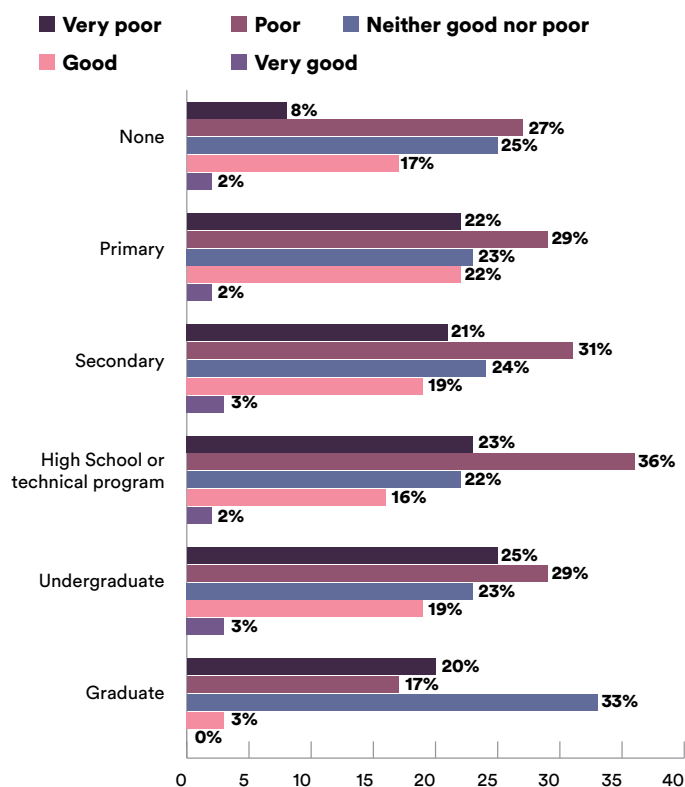
Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.
Note: The graph does not include the responses: "I don't know", "Not answered".

people's good or bad perceptions of the performance of the institutions that operate the CJS, or if a campaign has improved their views.

When we related this information to the level of education of respondents in 2024, we found that the percentage of people who answered "Poor/Very poor" was concentrated in population sectors with primary, secondary, and high school studies, and that these negative levels decreased slightly among people with undergraduate and graduate degrees. We also noted, however, that the percentage who answered "Good/Very good" showed no significant variation in relation to educational levels. Only the percentage who answered "Neither good nor bad" was notably high among people with graduate studies.



Graph 87. Opinion of institutions of justice in CDMX by level of education (percentages). Based on what you have heard or know, what is your opinion of the institutions of criminal justice in your state: very good, good, poor, very poor?

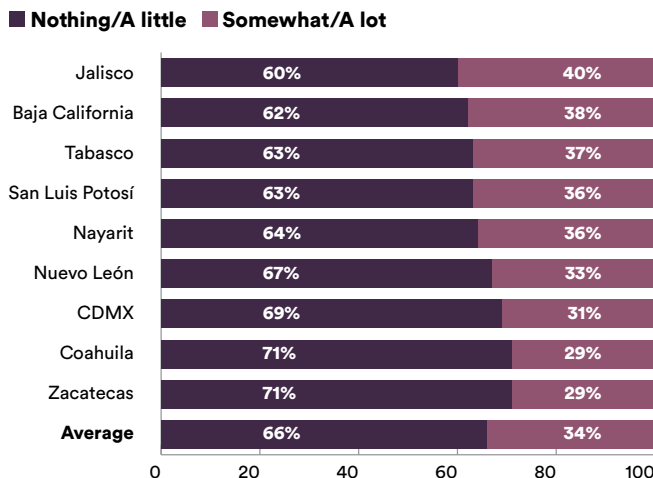


Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.
 Note: The graph does not include the responses: "I don't know", "Not answered".

6.2.2 Trust in respect for the human rights of victims and defendants

Both editions of the Survey were designed to identify citizens' opinions on the item: respect for the human rights of victims and people accused of crimes. Here, the average number of respondents who answered that the authorities have "A little" or "No" respect for victims' rights was 66%. The figure for 2020 was 58% so, once again, we see a negative tendency. The percentages of

Graph 88. To what degree do you think the authorities in your state respect victims' rights?



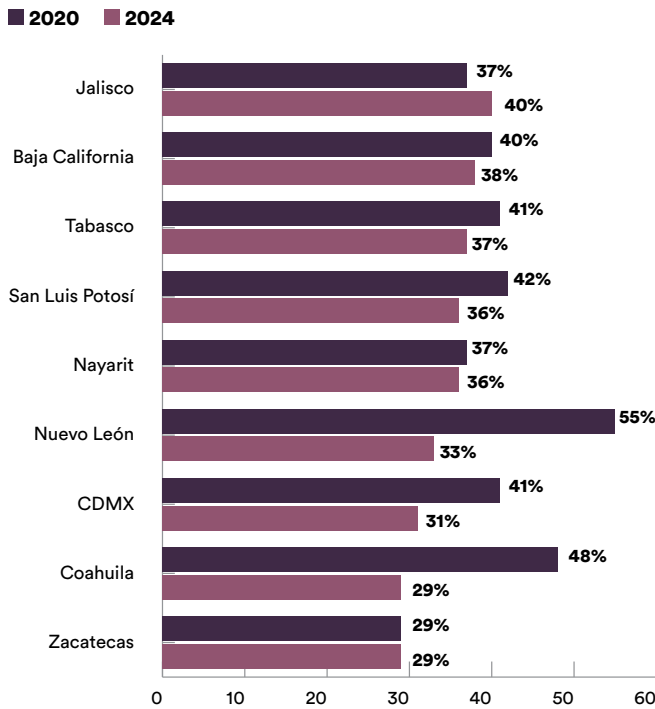
Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.
 Note: The graph does not include the responses: "I don't know", "Not answered".

people who shared this opinion –in each participating state– ranged from 60 to 71%, while the corresponding figure for the 2020 Survey was 43-51% (Nuevo León and Coahuila, respectively).

If we focus on the positive aspect; that is, the people who answered that the authorities have "Some" or "A lot of" respect for the human rights of victims, the following graph shows how this opinion evolved from the 2020 Survey and confirms what we have stated throughout this study: opinions of the CJS in 2020 were more positive than they are today. Our attention was drawn to states like Coahuila, Nuevo León, and CDMX where the percentages of positive opinions showed the most evident reductions.

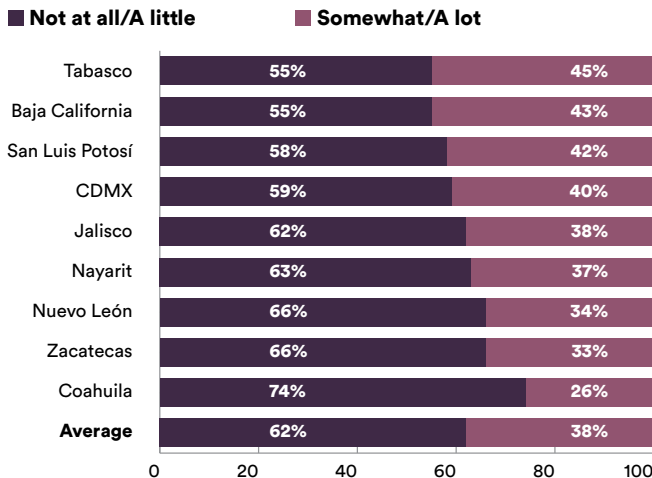
The reader will also see that the mean percentage of people who answered that the human rights of people charged are respected "A little" or "Not at all" is very similar to the results for the item on respect for victims' rights, with scores of 62 and 66%, respectively. The 62% on the 2024 Survey contrasts to 56% on the 2020 version for this item so, once again, we see an increase in negative perceptions among respondents. States like Coahuila, Zacatecas, and Nuevo León had the highest numbers of people who considered that the human

Graph 89. Evolution of respect for victims' rights, by state, 2020 and 2024



Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.
 Note: The graph includes only the response options: "Somewhat" and "A lot".

Graph 90. To what degree do you think the authorities in your state respect the rights of people charged?

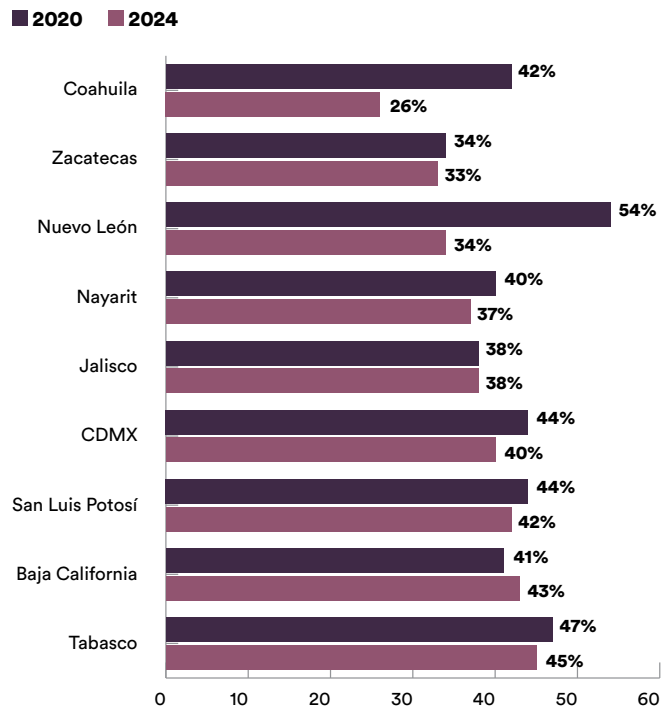


Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.
 Note: The graph does not include the responses: "I don't know", "Not answered".

rights of people charged are respected "A little" or "Not at all", at 74 and 66%, respectively. In 2020, Zacatecas and Jalisco had the lowest opinions, at 65 and 61%, respectively.

We identified an important gap between 2020 and 2024 among the people who considered that the rights of people accused are respected "A lot" or "Somewhat". Clearly, these percentages also decreased, reflecting a reduction of trust among citizens. States like Nuevo León and Coahuila dropped from 54% and 42% in 2020 to 34% and 26% in 2024. The latter figure was the lowest percentage on the Survey for this item. Our interpretation is that only 2 of every 10 people in Coahuila feel that the rights of people accused are respected. The only state with an increase in this percentage was Baja California, from 41% in 2020 to 43% in 2024.

Graph 91. Evolution of respect for the rights of persons charged, by state, 2020 and 2024



Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.
 Note: The graph includes only the response options: "Somewhat" and "A lot".



6.2.3 Trust in justice institutions

Trust in the institutions of the CJS determines citizens' willingness to collaborate with the authorities, report crimes, and respect judicial decisions. Likewise, trust in victims' lawyers and public defenders plays a central role in ensuring that victims and people charged receive the legal support necessary to promote fair, equitable trials, while trust in judges and the police is essential for ensuring impartiality in the administration of justice and fomenting environments where citizens feel safe and protected.

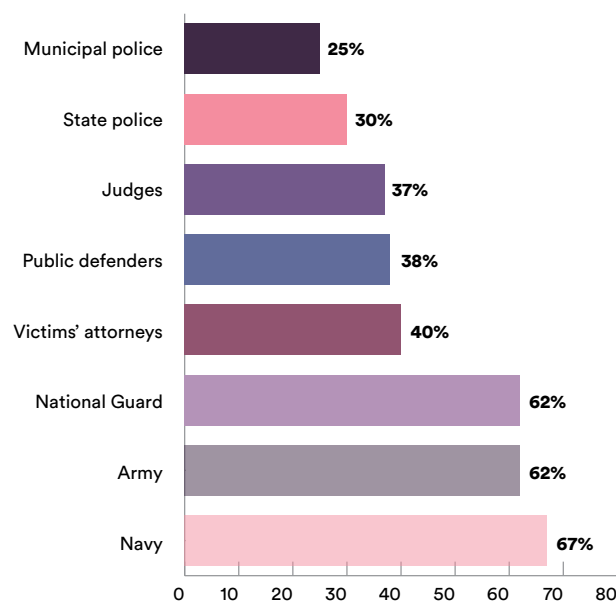
Understanding levels of citizens' trust in these institutions can help identify areas that require improvement and develop strategies to strengthen the relation between the public and the justice system. Transparency and the efficacy and integrity of the performance of these bodies construct and maintain the public trust that is fundamental in a CJS that aspires to be fair, accessible, and respected.

In what follows, we present data on the persons who responded that they had "Some" or "A lot of" trust in each institution mentioned. The Navy had the highest percentage at 67%, followed by the Army and National Guard, each with 62%. In the 2020 Survey, the Navy showed 76% and the Army 74%, so the level of trust in both institutions has diminished, while the percentage for the National Guard remained stable at 62%.

We were also able to determine citizens' trust by institution in each participating state based on the Index of Trust by State. The lowest score was for CDMX at 0.40, followed by Baja California (0.43) and Nuevo León (0.44). The lowest levels in 2020 were for CDMX (0.44) and Nayarit (0.46). At the high end of the scale of trust in the institutions of criminal justice, the 2024 Survey found San Luis Potosí (0.50), while on the 2020 instrument Nuevo León took first place at 0.65. Once again, a considerable decrease in trust in that state is apparent.

We can confirm that the Navy was the institution that earned the highest percentages, even in states like Jalisco, San Luis Potosí, and Tabasco where over 7 of every 10 respondents had "Some" or "A lot of" trust. The Army and National Guard had similar percentages for citizens' trust in the states, possibly because of their similarity in terms of membership and forms of operating in interventions related to public security. It

Graph 92. How much trust do you have in each one of the following institutions?



Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.

Note: The graph includes only the response options: "Somewhat" and "A lot".

is important to reiterate that these institutions had the highest percentages of trust.

The information gathered confirms that the institutions with the lowest percentages of trust were the municipal and state police. For the former, we found states – CDMX, Jalisco, Tabasco, Zacatecas – where only 2 of every 10 people had "Some" or "A lot of" trust. Regarding the state police, the states that reported the lowest percentages of the responses "Some" or "A lot of" trust were CDMX (19%) and Zacatecas (20%). The case of Nayarit is interesting for analysis since it had the highest percentages of people who affirmed that they have "Some" or "A lot of" trust in their municipal (36%) and state police (39%). These two institutions have the greatest direct exposure to citizens, so they are also directly confronted with acts of corruption or involvement with organized crime.

Turning to judges and victims' advisers or attorneys, most of the percentages are in the range of 30-40%, indicative of greater distrust than in the Navy, Army, and

Table 63. How much trust do you have in each one of the following institutions: a lot, some, a little, or none? (figures given in percentages)

| State | Judges | Municipal police | State police | Public defenders | Victims' attorneys | Army | Navy | National Guard | Index of trust (0-1) |
|-----------------|--------|------------------|--------------|------------------|--------------------|------|------|----------------|----------------------|
| Baja California | 39% | 24% | 26% | 38% | 36% | 58% | 65% | 55% | 0.43 |
| CDMX | 32% | 20% | 19% | 36% | 33% | 58% | 62% | 61% | 0.40 |
| Coahuila | 40% | 23% | 30% | 36% | 39% | 64% | 64% | 65% | 0.45 |
| Jalisco | 37% | 22% | 36% | 38% | 41% | 66% | 73% | 66% | 0.47 |
| Nayarit | 36% | 36% | 39% | 42% | 45% | 57% | 61% | 60% | 0.47 |
| Nuevo León | 34% | 30% | 34% | 37% | 40% | 57% | 65% | 53% | 0.44 |
| San Luis Potosí | 42% | 30% | 37% | 44% | 44% | 64% | 72% | 67% | 0.50 |
| Tabasco | 41% | 23% | 27% | 39% | 44% | 66% | 75% | 66% | 0.48 |
| Zacatecas | 33% | 20% | 20% | 35% | 37% | 65% | 65% | 63% | 0.42 |

Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.

Note: The graph shows the percentages of people who responded "Some" or "A lot of" trust.

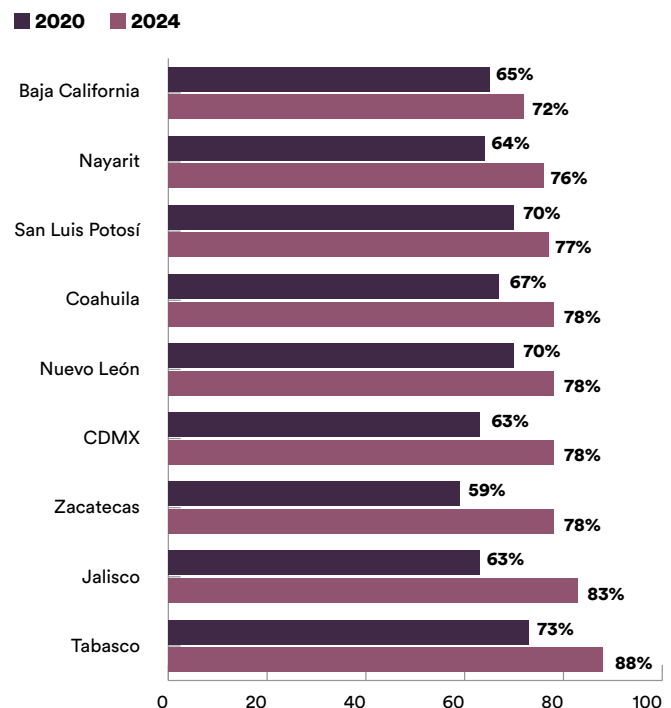
National Guard, but higher than for the police. Figures that stand out in the percentages of trust in judges are from Coahuila, San Luis Potosí, and Tabasco with 40, 42, and 41% respectively, and the percentages of trust in public defenders and victims' attorneys in Nayarit, San Luis Potosí, and Tabasco.

6.2.4 Budgetary resources

Adequate financing of the CJS is essential to ensure effective, equitable operations. Investing in the CJS improves infrastructure and personnel training, facilitates implementing advanced technologies, and guarantees that all processes are conducted with due diligence and respect for human rights. Greater investment can also strengthen critical areas like attention for victims, Public Defenders' Offices, and judicial supervision, all of which contribute to making processes of justice faster and more accessible.

Evaluating citizens' willingness to prioritize financing the CJS provides a valuable vision of how they perceive the importance of justice in relation to other public services. While, of course, all areas of government are important, the CJS directly impacts public safety, the protection of human rights, and social stability. Therefore, understanding citizens' priorities in relation to the allocation of resources can lead the bodies responsible for public policies to take decisions that better reflect the needs and values of society, while fomenting an environment that is safer and more just for everyone.

Graph 93. Would you support more public resources being invested to obtain a better criminal justice system in your state, although this would mean investing less in other areas: "Yes" or "No"?



Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.

Note: The graph includes only the percentages for the response option "Yes".



These data represent the percentages of people in each state who responded “Yes” to the question if they would support greater investment of public resources to improve the justice system. In general, they reveal a greater willingness in 2024 than 2020; in fact, no state manifested a reduction in people’s support for increasing investment. In contrast, the graph for this topic in *Hallazgos 2020* showed that some states had very low percentages; for example, Zacatecas (59%) and Jalisco (63%). Even more noteworthy is that the graph shows percentages in 2012 of 37% for Tabasco and 87% for Baja California. In summary, over time, citizens show greater willingness to support increasing investment in the CJS.

6.3 Users’ experience in the Criminal Justice System

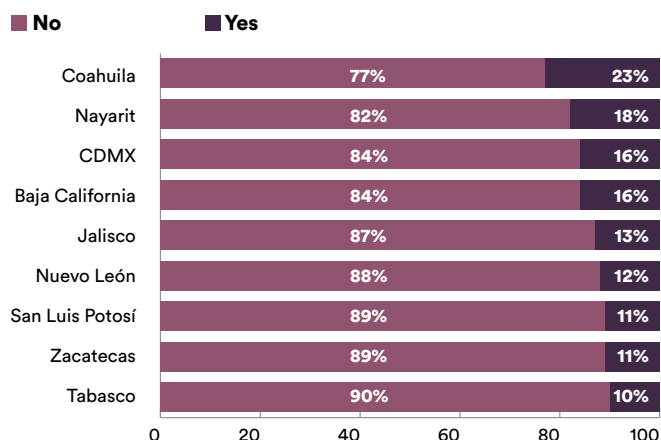
The following data show the results for the section on citizens’ direct interaction with the institutions of criminal justice following the commission of a crime. These items were designed to explore diverse aspects of their experiences, including whether they found it easy or difficult to move through the process, if they perceived honesty or corruption, bribes or extortion, if they received amicable or violent, insensitive treatment, if the process was agile or long and plagued by delays, if the installations were comfortable and accessible or unpleasant, and if their overall experience was satisfactory or unsatisfactory.

Citizens’ perceptions of the efficiency and transparency of the judicial institutions, and of the treatment they received provide a direct measure of the effectiveness of the system and its capacity to serve the public. Positive experiences, characterized by an agile, honest, amicable process, can strengthen people’s trust and foster greater cooperation and participation in the justice system and its processes.

Negative experiences, in contrast, marked by corruption, mistreatment, or inefficiency, can erode public trust and discourage victims of crimes from seeking justice. Evaluating these experiences allows the identification of problematic areas where corrective measures must be taken to improve the quality of service that the institutions of criminal justice offer citizens.

These data show the percentages of people who went to an institution of criminal justice because a crime had been committed. Tabasco had the highest percentage at 90%, while Coahuila had the lowest (77%). This is an

Graph 94. In the past year, did you turn to one of the institutions of criminal justice because of a crime?



Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.

especially important indicator since most percentages are above 80%, which means that 8 of every 10 people surveyed had to participate in a criminal process. In the 2020 report, the percentage was also above 80% in each state, with Nayarit having the highest (93%) and Coahuila the lowest (84%).

With respect to victimization, we identified that of the high percentage of people who had to go to the authorities because of a crime, most were victims. For example, in states like Nuevo León and CDMX, over 85% of the people who went to the installations of the CJS did so as victims.

In another aspect, our attention was drawn to the percentage of people who had to go to an institution of justice after being accused of a crime, because in states like Coahuila (7.8%) almost 1 of every 10 people did so under this circumstance. However, the percentages of people who entered with the status of being “responsible for a crime” are far below those in the 2020 report, where states like Coahuila (20%) and Jalisco (41%) had considerably higher percentages.

A contrasting result that stands out is the low percentage of people who did not go to an institution, as it ranged from 10 to 20% of all those who answered



Table 64. Which of the following modalities best describes the situation you encountered with the institutions of criminal justice:

| State | I was the victim of a crime | I was accused of committing a crime | I witnessed a crime | Reasons related to work |
|-----------------|-----------------------------|-------------------------------------|---------------------|-------------------------|
| Nuevo León | 88% | 3% | 3% | 3% |
| CDMX | 86% | 6% | 5% | 3% |
| Baja California | 81% | 3% | 0% | 15% |
| Jalisco | 79% | 4% | 0% | 16% |
| Coahuila | 79% | 8% | 5% | 8% |
| Nayarit | 73% | 0% | 5% | 20% |
| Zacatecas | 68% | 5% | 18% | 7% |
| San Luis Potosí | 65% | 6% | 4% | 25% |
| Tabasco | 65% | 0% | 15% | 21% |

Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024.*

Note: The graph does not include the responses: "I don't know", "Not answered".

the Survey. The main reason they stated for not going to the authorities was that they deemed it unnecessary, though approximately 10% affirmed that they felt it was "not worthwhile" or "did not trust the authorities" of the criminal system.

The respondents who went to an institution were asked to grade their experience as "positive" or "negative" in relation to the following factors:

- A) Easy to resolve / Difficult to resolve
- B) Honesty / Involved corruption, bribes, or extortion
- C) Amicable, good treatment / Treatment was violent, insensitive, or intimidating

Table 65. What reason would you mention for not turning to an authority of the institutions of criminal justice to resolve a crime?

| State | No need to | It's not worthwhile | The process is very difficult | I don't know how | I don't trust the authorities or the justice system |
|-----------------|------------|---------------------|-------------------------------|------------------|---|
| Zacatecas | 87% | 5% | 1% | 0% | 7% |
| CDMX | 90% | 3% | 1% | 0% | 6% |
| Tabasco | 92% | 1% | 2% | 0% | 3% |
| Nayarit | 93% | 5% | 0% | 0% | 2% |
| Coahuila | 93% | 4% | 1% | 0% | 2% |
| Jalisco | 95% | 2% | 0% | 0% | 2% |
| Baja California | 95% | 4% | 0% | 1% | 0% |
| San Luis Potosí | 95% | 3% | 0% | 0% | 2% |
| Nuevo León | 98% | 1% | 0% | 0% | 1% |

Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024.*

Note: The graph does not include the responses: "I don't know", "Not answered".

- D) Resolved in a reasonable amount of time / Entailed a long process with many delays
- E) Installations were comfortable and accessible / Installations were unpleasant
- F) Highly satisfactory / Not at all satisfactory

Below, we present the percentages of people who answered in one sense or the other. The highest percentages were for positive experiences of "good, amicable treatment", as figures were above 60% in Baja California (80%), Jalisco (74%), and Nayarit (74%).

Table 66. Would you say that your experience with the institutions of criminal justice was...?

| State | A | | B | | C | | D | | E | | F | |
|-----------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Baja California | 53% | 40% | 54% | 35% | 80% | 20% | 54% | 46% | 70% | 29% | 41% | 59% |
| CDMX | 54% | 41% | 69% | 29% | 68% | 30% | 60% | 38% | 76% | 23% | 67% | 33% |
| Coahuila | 29% | 69% | 38% | 61% | 66% | 34% | 35% | 65% | 63% | 33% | 29% | 71% |
| Jalisco | 35% | 65% | 30% | 70% | 74% | 26% | 29% | 71% | 44% | 56% | 37% | 63% |
| Nayarit | 51% | 49% | 45% | 55% | 74% | 26% | 50% | 50% | 66% | 34% | 42% | 58% |
| Nuevo León | 39% | 61% | 41% | 59% | 63% | 37% | 41% | 59% | 65% | 29% | 37% | 63% |
| San Luis Potosí | 43% | 57% | 50% | 50% | 67% | 33% | 38% | 62% | 62% | 38% | 37% | 63% |
| Tabasco | 57% | 43% | 64% | 36% | 70% | 30% | 64% | 36% | 74% | 26% | 49% | 51% |
| Zacatecas | 30% | 69% | 34% | 62% | 42% | 57% | 26% | 73% | 57% | 41% | 29% | 71% |

The options were: A) Easy to resolve – difficult to resolve; B) Honest – involved corruption, bribery, or extortion; C) Amicable with kind treatment – treatment was violent, insensitive, or intimidating; D) Required a reasonable amount of time – entailed a long process with many delays; E) The installations were comfortable and accessible - the installations were unpleasant; and F) Very satisfactory – not at all satisfactory.

Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024.*



The exception was Zacatecas, where the percentage was relatively low at just 42%. Another positive factor that received high scores was “comfortable, accessible installations”, as percentages reached 76% in CDMX and 74% in Tabasco. For the negative factors, we found the highest percentages for cases that entailed “long processes with many delays”, with results of 73% in Zacatecas and 71% in Jalisco. A second negative factor that received high scores was the option “difficulty in resolving the case” with, for example, Coahuila and Zacatecas each showing 69% of people surveyed.

6.4 Conclusions

Our analysis of the results of the 2020 and 2024 Surveys on people’s knowledge of the institutions of justice reveals an alarming tendency, as fewer people reported having heard about key entities like AGO, judges, and police. This decrease in public knowledge suggests a growing disconnection between citizens and the criminal Justice System that could have serious implications for trust in, and the effectiveness of, the system.

Moreover, results show marked differences among states in terms of people’s familiarity with these institutions. This varied level of knowledge may reflect differences in the strategies of public communication and education among states, as well as unequal access to information.

The Survey also indicates that the people surveyed are quite familiar with the National Guard, but much less so with judges. This disparity may be due to the greater visibility and media presence of the National Guard, especially with respect to topics of public security and impactful operations, while judges –despite their crucial role in the CJS– have a much less prominent presence in the public domain and the media.

We further identified that very few people are aware of the 2008 constitutional reform and the implementation of the new criminal Justice System in their states. This lack of awareness is concerning because it indicates that the population is poorly informed of fundamental changes in the justice system that directly affect their human rights.

The results of the section on perceptions of the CJS reveal a discouraging panorama, as most respondents considered that the institutions of criminal justice in their states are deficient and expressed a generalized opinion that their functioning has worsened in the past decade. Furthermore, a significant number believe that the human rights of victims and persons accused are respected only “A little”, a perception that has worsened compared to the data from 2020.

The finding that the institutions in which the population places greater trust are the Navy, Army, and National Guard, while trust in the police is much lower, suggesting a preference for entities that are perceived to be more disciplined and effective than those that confront chronic problems of corruption and abuse. This disparity in trust is indicative of the need for profound, sustained reforms of police forces and other institutions of criminal justice to improve their performance and recover public trust.

The section on users’ experience with the CJS presents important information on how citizens interact with the institutions entrusted with the administration of justice. Most of the people surveyed had contact with some institution of criminal justice in the past year due to a crime, the majority as victims. This underscores the importance and frequency with which citizens turn to the criminal system for protection and to resolve conflicts.

A particularly significant finding is that a large sector of users perceive judicial processes as “long and plagued with delays”, conditions that contravene the principles of celerity and efficiency that should characterize a modern, reformed criminal Justice System. This perception of slowness can discourage people from seeking justice and erode the public’s trust in the system’s capacity to resolve cases in a fair and timely manner.

In closing, a positive evaluation of the installations of the institutions of criminal justice indicates that, at least in terms of infrastructure, there are visible efforts to provide adequate, accessible environments for users. This aspect is important because comfortable, accessible installations can have a positive impact on people’s overall perceptions of the services offered and on their willingness to turn to these institutions.



CHAPTER 7

Conclusions and Policy Recommendations

Conclusions

The rule of law, access to a dignified form of justice, and the protection of people's rights are the pillars not only of a democratic society but also of peaceful coexistence. Constructing a criminal Justice System that focuses on people and offers certainty for all types of interaction and coexistence is one of the priorities we have pursued in our work. We are convinced that achieving justice of quality for people is a necessary condition in all societies and a task we cannot renounce.

For eleven years, *México Evalúa* has accompanied and analyzed the performance of the institutions in charge of criminal justice in our country, their conditions and capacities, the advances achieved, and the challenges that remain. Along the way, we have observed a heterogeneous mosaic of efforts and results. We have closely monitored the processes of the implementation of the criminal reform program and the consolidation of the oral accusatory system, developed tools to evaluate the status of criminal justice at the federal and state levels, conducted analyses of the Index of Capacity of the system (previously called "ranking"), constructed indices of general impunity and impunity by crime, elaborated indicators of the duration of criminal processes and the protection of the rights of victims and people charged, and assessed the utilization of alternative mechanisms justice, among many other tasks.

In addition, through various initiatives related to dissemination and the availability and quality of official information we have sought to ensure that our efforts to do follow-up and assessments produce a source of open, public information that is available to anyone interested in criminal justice, its current status, and in constructing public knowledge and alternative, conjunctural, innovative solutions. Our dedicated work in evaluating the system is a clear example of the principle we have followed from the outset; namely, that which remains unknown, that which is not measured, cannot be improved.

The systematic application and progressive refinement of our methodology allows us, today, to make a balance of the eleven years from the first report in the *Hallazgos* series. Since 2008, criminal justice has confronted the enormous challenge of transiting from a strongly inquisitive paradigm and model to a system of the accusatory adversarial type, while simultaneously dealing with the consequences of failed security policies. These effects, visible to all, include increased incidences of criminality, the ever more complex and violent operations of criminals in all public spaces and virtually every corner of the country, and severe human rights violations. The drastic increases in homicides and forced disappearances, the growing documentation of phenomena like clandestine burials, extrajudicial executions, and multiple expressions of gender violence,



are just some examples that evidence profound processes of dehumanization and social decomposition. But they also show the complexity of the relations between the State and criminal groups.

Added to these, other important consequences of the lack of adequate linkages between the strategies of security and justice can be seen in the so-called “silenced territories”; that is, regions where the State has virtually no presence. While for many years these were limited to spaces in the states of Guerrero, Tamaulipas, and Michoacán, today they extend across almost the entire country, converting Mexico into a nation where the lines of control of force, violence, and legality are blurred and criminal phenomena coexist in spaces both public and private, penetrating practically every domain of everyday life: the economy, transportation, the provision of public services, public security, the control of violence, and, of course, the possibility to accede to justice, clarify criminal acts, punish those responsible, and repair the damage that victims suffer.

In this setting, the challenges that the institutions of the criminal Justice System face are nothing short of colossal. They combine structural challenges that are historical in nature –that is, that have weighed upon the system for decades– with those that come with the operationalization of a new model and others that arise from the social context described above. Today, it is clear that the oral accusatory system has been fully implemented, but the quality of our criminal justice is extremely poor. Despite this, there are some spheres where significant advances have been made; for example, over the years we have seen institutional improvements in the ways in which data related to their operations are reported and integrated and have documented tendencies toward a reduction of impunity and of some criminal phenomena and specific crimes in various states. Nonetheless, some of the most pressing problems identified when we published the first edition of *Hallazgos* still prevail.

The overall results for the criminal Justice System reveal this reality, for they are symptomatic of the obstacles and gaps that persist and that have impeded the formal, institutional-level changes achieved since the 2008 reform from translating into socially palpable and sustained improvements year-by-year. It is important to emphasize that impunity has not decreased significantly and that the data available reflect the broad inexistence of criminal policies and strategies of criminal prosecution that are genuinely operative and capable of reacting to the complex phenomena of criminality and of offering differentiated responses as a function of the severity of the crimes committed.

We have observed, as well, specific cases where strategies seem to have begun to function. Some states have taken on the challenge to define criminal policies and criminal prosecution policies that align their operations to better attend to certain priorities. Others have reduced, firmly and conscientiously, the use of formal responses that do not provide real solutions that attack the roots of problems, such as temporarily archiving cases. Moreover, some Judiciaries have openly opted to minimize the use of mandatory pretrial detention and, instead of imposing that severe measure, now authorize more justified means of handling cases.

Over these eleven years, we have witnessed changes driven by committed individuals who have a transforming vision. Querétaro, for example, with its long-term perspective and institutionalization process, has shown positive tendencies in various indicators, including those related to impunity and the minimal use of MPD. Through its program of interinstitutional attention to gender violence that involves the criminal, civil, and domestic spheres, Coahuila has learned how the system can effectively operate conjointly and so be more responsive to the demands of society. San Luis Potosí and Zacatecas, meanwhile, have established bridges of collaboration between society and the authorities to co-design and co-implement joint solutions. However, we do not need to carry out an exhaustive analysis of these efforts to reach the conclusion that the quality of criminal justice is generally deficient, and that key indicators show that it has not been possible to modify longstanding practices, vices, and shortcomings.

From the first editions of *Hallazgos* we have analyzed how institutions have implemented the changes to the system at distinct rhythms and with varying quality. Eleven years later, the 2024 edition of *Hallazgos* confirms the consequences of these asymmetries. The absence of homologous processes and effective coordination at the federal level has generated dramatically distinct experiences: a minority of states with diverse positive indicators and a majority whose indices reflect weak performance. We have also documented important differences in terms of the installed capacities among the system’s operative institutions in the states.

In this regard, although the change in paradigm of the CJS radically modified the position of persons charged, defense attorneys, victims, and the services of legal orientation with respect to the other actors of the system, we have seen that those sectors continue to suffer accentuated disadvantageous conditions. As we stated in earlier editions, and reiterate here, the existence of institutional asymmetries between, on the



one hand, AGO, and the Judiciary and, on the other, Public Defenders' Offices and Victims' Commissions are still evident in both the distribution of resources and the construction of capacities. These are some of the factors that lead us to insist upon the imperious need to conceive the CJS not only as a vehicle of criminal prosecution and the imposition of sanctions, but also as a mechanism that guarantees rights like due process and access to justice, among others.

In relation to this, although the presumption of innocence is a basic principle of due process, a right of all persons charged, and a fundamental aspect of the reformed CJS, *Hallazgos* continues to demonstrate that numerous resistances to the implementation of a focus that truly guarantees these and other rights still prevail. The reticence of certain actors to fully eliminate the measure of mandatory pretrial detention, the persistent preference to impose deprivation of freedom with no clear identification of the procedural risks that exist in each case, the weakness of the units entrusted with supervising cautionary measures, the enormous deficit in the realization of risk assessments by those units, and the underutilization of cautionary measures distinct from pretrial detention, all give evidence of this.

Added to the foregoing, in the view of *México Evalúa* protecting people's rights must be a guiding principle at the beginning of and throughout the criminal process, including the stage of criminal execution. Unfortunately, the evidence available leads us to affirm that only a minimal number of victims and persons charged can count on a legal adviser and a technical, active, effective criminal defense. The equitable balance of arms between the two sides of a dispute to which the system aspires still seems very far off. The people who participate in these processes as victims or defendants generally have neither the tools nor the possibility to present elements of proof, collaborate effectively in their criminal processes, or obtain, where applicable, restitution of the damage suffered or an effective resolution. In this regard, we have observed enormous differences between the criminal processes that involve men vs. women, including their duration. Criminal processes –which should safeguard people's rights and ensure access to justice– also expose broad gaps when dealing with cases that involve children, Indigenous populations, afro-descendants, and people of diverse sexuality, among other groups. These dimensions amplify –even more– the existing gaps.

With respect to the population deprived of freedom, we have documented that the conditions of imprisonment, the insufficiency of reinsertion programs, and the

absence of mechanisms that adequately guarantee their rights are only some of the problems that evidence the conditions of total marginalization in which the penitentiary population invariably exists.

Another persistent problem that *México Evalúa* has identified has to do with the autonomy of the AGO, weak investigative capacities, and the resulting difficulties in ensuring that the cases which should be taken to trial are actually heard there. A review of the *Hallazgos* series, especially of the procedural pipeline that we have published consistently, clearly depicts the bottleneck that tends to form between the stages of initial investigation and binding over to trial. In effect, an enormous number of reports and complaints lead to the opening of hundreds of thousands of investigative files each year, but approximately half of those cases are closed through figures like temporary archiving or no exercise of criminal action, though there is no real clarity as to how or why AGO justify these determinations. The other half tend to remain open but –as the body of this report shows– only a minimal number reach the stage of being bound over to trial.

Often in recent times, responsibility for the failed efforts to reduce impunity has been attributed entirely to the prevalence of corruption in the Judiciary, but we must emphasize that those powers can only act on the basis of the causes that Attorney Generals' offices succeed in binding over to trial. If those authorities fail to carry out their mandate, the entire system fails.

México Evalúa also recognizes that challenges exist within the Judiciary. One that has been especially evident in recent times involves independence. The Federal Judiciary and the Judiciaries of the states have been targets of numerous attacks by diverse political actors in recent years. At the same time, we see a persistent temptation on the part of the executive powers to control strategic spaces inside the Judiciary.

In relation to the recently ratified judicial reform, it is essential to eliminate any risk that these powers of the State might be co-opted by private interests or other powers, whether formal or informal. The deficits in criminal justice largely reflect the lack of any real independence of the Attorney Generals' offices. Losing the professionalization and advances achieved in the judicial sector will mean significant setbacks in the guarantees of the rights of people and in the principles of the adversarial system.

From a more operative perspective, the judicial domain is plagued by a series of persistent problems: deferrals



of hearings, saturation, excessive workloads, and the administration of courts in terms of organizing jurisdictional work due to policies of judicial management that are barely incipient. We also recognize that the duration of processes has improved over time, to the point where today we see average times below the limits established in the Constitution in processes where alternative solutions or anticipated outcomes are applied. Another aspect that must be analyzed in depth involves the sentences handed down through summary proceedings, for they might entail a risk of arbitrariness, incentivize the fabrication of guilty parties, and distance victims from their right to know the truth.

We must keep in mind that a system which is incapable of responding efficaciously, that remains immobile in the face of the crimes that most severely injure society, and that reproduces punitive narratives while ignoring the principles upon which its entire structure depends, results in criminal justice that is invisible and remote. It is not surprising to learn, then, that in these years social distrust has remained at extremely high levels. Sadly, the perception that reporting crimes is a waste of time is supported by daily practice, since only a minimal proportion of the crimes brought to the attention of the authorities are resolved. Although the figures have varied slightly, the results published in the *Hallazgos* series can only lead to the conclusion that the tendency over these eleven years is that criminal justice occurs only as an exception, since only around 1 of every 100 crimes is solved.

This demands not only efforts to encourage people to report crimes and to broaden the mechanisms for virtual reporting that simplify the process, but also – and urgently– prioritizing and formally attending to the cases that reach the authorities. This requires respect for victims in all stages of the criminal process, especially the initial moments when they turn to the authorities to report a crime, since the attention they receive at that point will be a determining factor in how they perceive the entire process. Modifying the justice system to align it with the features of a people-centered institution requires that AGO and/or the areas that receive complaints identify victims' needs, expectations, and demands and, therefore, ensure that their attention and channeling of cases are circumscribed to them.

Another nodal aspect of justice is intrinsically related to the exercise of the faculties of first responders and the material development of criminal investigations. We cannot, and should not, lose sight of the fact that in the process of the militarization of public security most of the operators who make arrests, gather evidence, and

safeguard crime scenes and elements of proof will be military personnel. As things stand today, however, those people do not have the certifications and professional training necessary to conduct such vital tasks, nor is there coordination and collaboration in these processes among the Federal Attorney General's Office, the state AGO, and the staff responsible for functions of public security to ensure that work is carried out optimally. Without doubt, this opens risks of human rights violations and impunity due to limited efforts in criminal investigation and can result in greater fragmentation of investigations and lack of definition of spheres of competence among the institutions.

Improving the quality of our criminal justice and enhancing these and other indicators detailed in this report requires an authentic reformulation of the commitments established in 2008. At fifteen years from the reform, and eleven from the first version of *Hallazgos*, for *México Evalúa* it is evident that renewed efforts are necessary to achieve sustained, tangible improvements in the capacities of the entire system and establish clearly defined objectives for criminal policy for the next 10 to 15 years.

But for that to happen, there must be a gathering of wills from not only the institutions that form part of the criminal Justice System strictly speaking, but also the Executive and Legislative Branches. This would include, preponderantly, though not exclusively, the federal authorities. Only in this way will it become possible to achieve, a decade from now, a distinct history: one where the desired horizon of justice has finally been attained and where criminal justice effectively responds to the priorities and needs of society.

Policy Recommendations

1. Systemically articulate and evaluate criminal justice

The beginning of a new federal administration provides an opportunity that the country must take advantage of to recover the efforts –previously abandoned– to better coordinate the criminal Justice System with the policies that articulate public security, the procuration and administration of justice, and the effective reinsertion of people convicted of crimes. Without doubt, the discussion surrounding judicial reform has barely cracked open the door to these reflections, but most (if not almost all the nodal themes) have been excluded from diagnoses and are far from being resolved. Strengthening planning,



articulation, and evaluation must proceed at both the federal and state levels, for what is required is a vision that harmonizes and serves as a route that enables each operating institution to adequately perform the tasks entrusted to it.

The Coordinating Organs of criminal justice play a central role as articulators and facilitators of connections among the institutions of the CJS. The six-year presidential term that concluded in 2024 showed that the Boards of Justice (*Mesas de Justicia*) cannot, and should not, replace these institutions because their functions are merely operative and do not encourage analyses of strategy or public policy. The Coordinating Organs must be empowered to demand that other institutions present credible information, collaborate in discussions, identify common problems, establish alternative solutions that are clear and traceable, design and do follow-up on indicators that reflect the functioning of the system, promote the interconnection of information systems, and conduct coherent planning.

A systemic vision must focus on reducing the institutional asymmetries that currently affect mainly the Public Defenders' Offices and Victims Commissions. After eleven years of evaluation that shows no consistent federal leadership, these institutions confront the most severe limitations on resources and weaken the capacity for empowerment necessary to ensure that an equal strength of arms exists between the parties involved in criminal processes.

Sharing and replicating good practices between states and the federation is now an obligatory task. As we identify in this report, favorable tendencies have been seen in specific cases that merit in-depth analyses. In addition, while several states have shown efforts to achieve a strategic exercise of criminal prosecution, evidence reveals only limited linkages with their respective operative and management models, and with indicators that reflect their advances and results. In this regard, it is necessary to promote, integrally, the adoption of joint policies between AGO and the Judiciaries that will pave the way for exercises of reflection and public scrutiny of their work.

Finally, but no less important, State institutions must train teams of professionals with dignified working conditions who find in public service opportunities for personal development. These are the institutions from which society demands quality services, respectful treatment of the people who turn to them, and fulfilment of defined goals. However, forming such professional teams requires conditions of certainty. All

the institutions that participate in criminal processes, especially the police, Attorney Generals' offices, courts, Public Defenders' Offices, Victims Commissions, UMECAs, and penitentiary services, must provide truly professionalized services. In relation to this, we propose incorporating the Professional Service Career into the Constitution (Art. 6), stipulating that it must include admittance, personnel training, and performance evaluations.

By the same token, it is necessary that the processes for designating Directors include guarantees of transparency, competence, capacity, suitability, and citizen participation, for those leaders, together with the public dissemination of internal policies and performance indicators, are keys to maintaining the independence they require and ensuring accountability.

2. Strategic allocation of resources among criminal justice institutions

The current behavior of expenditures among the different levels of government, states, and institutions must be remodeled from a perspective of sustainability and inclusion oriented toward results. Over the eleven years we have elaborated this evaluation of criminal justice we have observed abrupt changes in the allocation of resources; that is, distributions of budgets that only deepen existing asymmetries, and assignments that in most cases barely serve to cover payroll. Until budgetary disbursements are corrected and begin to be planned strategically, the operative deficiencies described herein will persist. Moreover, the professionalization and dignification of personnel has been very limited, and the tasks of improving technology and information systems apparently remain outside the system's priorities.

The austerity measures promoted by the federal and state governments in recent years cannot be held as a justification for sacrificing such a fundamental function of the State as the administration of justice. Cutbacks and limited allocations of funds have clearly compromised institutional development and strengthening, and the system's ability to provide citizens with services of quality.

At *México Evalúa* we have a proposal to strategically orient budgets as a function of the criminal policy of the Mexican State and the individual states such that they relate to the need to reinforce AGO, Judiciaries, Public Defenders' Offices, Victims Commissions, and the UMECAs and pre-trial services, among others. Our index of capacity (previously called "ranking") provides clear



evidence that the states that have made a commitment to the strategic allocation of budgets have a greater installed capacity and more adequate mechanisms for evaluating budgetary investments.

3. Develop operative models aligned with State policies and priorities

It is a given that all cases brought to the authorities merit prompt, respectful, and effective attention. In this regard, one aspect that was foreseen in the original design of the criminal reform was the faculty of the accusatory system to authorize differentiated channeling and responses to individual cases. Here, something that was deemed –apparently– simple, has emerged as a challenge for the internalization and implementation of the reform in diverse institutions. On the positive side, we see that in these eleven years more and more AGO have begun to transit toward criminal prosecution that is strategic in character by establishing priorities and orienting their work in this direction. Nonetheless, we must emphasize that many of the indicators in *Hallazgos'* evaluation show that in most cases the policies or plans established have not translated into practices or have not done so in a generalized manner that is sufficient to influence key indicators.

At the level of the AGO there is an evident need to integrate management models that have prioritization policies, performance indicators, and public goals. This requires deep reflections on the policies and plans of criminal prosecution that evaluate whether they materialize in institutional management and, where applicable, verify that the personnel involved has ample knowledge of the criteria and mechanisms upon which decision-making is centered. One possible route of reflection could use the indices of impunity we present; another could be the maps of prosecution policies we elaborate, for these elements can demonstrate the impact of efforts to reduce impunity.

For the Judiciary, we have observed greater simplicity in the administration of the courts and tribunals, innovative criteria of judicial management, and policies and mechanisms designed to reduce the deferrals of hearings. However, there is still considerable room for improvement in these policies through interinstitutional accords among AGO, Public Defenders' Offices, and Victims Commissions that could establish prioritization mechanisms and specific indicators by the type of case. To this end, it is worthwhile to examine practices like those of Coahuila where hearings are concentrated and have quick access, of the State of Mexico and Baja

California in terms of judicial administration, Querétaro's systematization and control of hearings, or San Luis Potosí's strategies for reducing deferrals and ensuring the adoption of a gender perspective in all stages of the process, among others.

The accompaniment we have provided over these eleven years in the development of operative models in the institutions of the CJS allows us to confirm that in the cases of the Public Defenders' Offices and Commissions for Attention to Victims the elaboration of institutional management models is still limited. However, as we demonstrate in this report, it is necessary to analyze the existing mechanisms and policies in relation to the results obtained. Here, we can highlight the Commission for Attention to Victims in Nuevo León for its pioneering role in developing and establishing a Policy for Attention to Victims that seeks to optimize the use of resources and prioritize the cases defined in the instrument. It is important to follow the implementation of this policy and call on other institutions to undertake similar efforts.

4. Direct operations toward a rights-based and anti-punitive model that prioritizes freedom and the rational use of pretrial detention

The constitutional changes adopted in the past six-year presidential term placed significant limitations on rights and freedoms, while broadening the catalogue of crimes that are subject to mandatory pretrial detention despite evidence which shows that the use of this measure has no impact on reducing and/or containing the incidence of criminality or on developing more effective criminal processes. Quite to the contrary, we have documented that applying MPD reduces the standards of action of AGO, slows criminal processes, and severely violates people's rights and freedoms. Moreover, we have demonstrated the prolonged duration of this measure, its proportionately greater impact on women than men, and the existence of at least 4,742 people whose arbitrary preventive imprisonment exceeds the constitutional limit of two years without sentencing.

As the Supreme Court of Justice of the Nation has mandated, and the Interamerican Court of Human Rights has ordered, the authorities of the Mexican State must derogate the figure of mandatory pretrial detention. The authorities of criminal justice must also ensure that risk assessments are conducted before determining the imposition of cautionary measures and privilege, whenever possible, measures in freedom. In



this regard, the UMECAs have shown high percentages in terms of compliance with follow-up procedures on these measures and a minimal percentage of persons who evade the action of justice. Hence, it is equally important to strengthen these institutions and increase their personnel.

Finally, we consider that another priority is to reflect on the policies of the execution of criminal sanctions to dignify prisons and minimize social costs by, for example, ensuring that inmates are assigned to the penitentiary closest to their places of origin, that they have the medical and other health services they require, and that they receive work training and assurances that they will be accompanied by a public defender and a sentencing judge who reviews and performs timely follow-up on their cases. In this regard, the Commissions of Criminal Execution should be reinstalled or reactivated, and formal plans or programs of post-release services should be issued. Finally, there is a need to review specific strategies of anticipated measures in freedom and/or of pre-release benefits.

5. Strengthen the development of criminal investigations framed in contextual analyses

The lack of conditions for developing quality criminal investigations is the obstacle that has prevented the country from reverting many of the practices and vices of the previous system. AGO have not managed to change their perspective –centered on isolated files and cases– and move toward a strategic focus oriented around criminal structures and phenomena. Moreover, there are few cases in the country where AGO have chosen to develop capacities for criminal investigation and litigation. Thus, it is necessary to incorporate prosecutors who have these kinds of competencies to strengthen the areas of criminal analysis, contextual analysis, and intelligence, while also developing and increasing the specialization of expert services.

In this sense, it is imperative to improve coordination and collaboration with actors that have been incorporated more recently into the criminal process, such as the National Guard and other bodies (also of military character) that have the faculty to conduct investigations. The lack of competencies among these operators and the indefiniteness that reigns regarding coordinated work with AGO can compromise due legal process and the clarification of cases. This report shows an increase in the number of detentions classified as illegal, so there is an urgent need to implement the investigative model

with which the system will operate and define the functions that correspond to each operator.

Success in prosecuting macro criminality, corruption, and severe human rights violations from a focus on people demands much greater coordination among institutions to prevent fragmentation among AGO and levels of government, to take advantage of opportunities to collaborate and attract cases, and to close spaces that increase risks of impunity. The lack of a specific model of criminal investigation and prosecution opens spaces of arbitrariness and leaves institutions in a state of inertia that focuses on crimes *in flagrante* and street criminality, while ignoring contextual analysis, fails to develop complex investigations, and nullifies any real possibility of proactive prosecution of cases.

6. Increase the use of non-punitive forms of resolution such as mediation, conciliation, and restorative justice processes

Although *México Evalúa* has amply documented the advantages of closing cases through mechanisms that privilege restitution and the reparation of damages, these mechanisms continue to be underutilized at the national level. Even though it has been demonstrated that the kinds of criminality that occur over a large part of the national territory suggest that at least 30 to 40% of cases could be channeled and resolved through these means, the current percentage of cases handled in this way is not above 6%.

In this regard, and in the interest of fomenting the prioritization of cases, optimizing the use of investigative resources and efforts, and decongesting the system, the institutions of the State must commit to privileging both restitution and the reparation of damage whenever cases allow it. There are, without doubt, practices that have strengthened these pathways. Querétaro, for example, has developed policies with a specific profile of facilitation that allows some cases to be handled without having to transit through the whole prosecutorial process. Another example comes from Nuevo León, which has detailed indicators for the duration of cases processed through these means and conducts surveys of satisfaction among users who reach victim compensation agreements. Jalisco's Institute of Alternative Justice, meanwhile, has developed specializations for each type of case.

These means of alternative justice, however, have not yet been consolidated and are not being exploited to their full potential. This is especially true of restorative



processes, the use of which is still extremely limited. Appropriating these mechanisms would open opportunities that, without doubt, would be key factors of change in the results we observe today in AGO and in user satisfaction.

7. Increase institutions' capacities according to the demands and needs of society

criminal justice has traditionally remained distant from public discussion, and society has not demanded that it provide the same treatment as other areas of public service, like education and health. As a result, the institutions in charge of the procuration and administration of justice have not sufficiently developed mechanisms of consultation or co-creation with citizens.

At *México Evalúa* we are convinced that it is possible and pertinent to achieve mechanisms of aperture and accountability that will lead these institutions to better understand people's demands and needs, to be more open to implementing better solutions and measures for attending to them, and to provide clear accounts of their results. This is the only way in which society's priorities can be aligned with those of the institutions. Likewise, it is possible to adopt mechanisms of consultation and approach for the people who turn to the authorities for help, as it is essential to understand their experiences, identify their expectations, and design responses that seek to attend to their demands and needs. Similar exercises can be developed to evaluate whether current processes and decision-making respond to the visions of gender, inclusion, and intersectionality. We must keep in mind that under these perspectives the provision of services and people's expectations and needs may vary, so institutions must accept the responsibility to adapt their responses to foster greater satisfaction among users.

In this vein, adopting people-centered indicators can make all the difference in the operations and performance of these institutions. Providing adequate attention to victims, understanding their rights through the stages of the process, respecting their right to participate actively in their cases, and maintaining the objective of achieving more expeditious criminal processes that provide prompt justice requires guiding institutional operations. Today,

the duration of criminal processes confronts challenges, even when alternate means of settlement or anticipated outcomes are chosen. This also demands a detailed analysis of their justification.

Conducting public evaluations, mutual listening among parties, and establishing specific measures will make it possible to move from indicators based on the institutions toward metrics that privilege people's true demands and needs.

8. Guarantee proactive transparency on key justice institutions

In both the national and state contexts, the possible cancellation of the National System of Transparency (*Sistema Nacional de Transparencia*) and the National Institute of Transparency and Access to Information (*Instituto Nacional de Transparencia y Acceso a Información*) could negatively impact the guarantee of the right of access to information and pervert institutional incentives for publishing key information on their performance and the protection of rights in the CJS. Similarly, we find that the Model for the Evaluation and Follow-up of the Consolidation of the criminal Justice System, an agency of the Department of State, does not monitor even minimal parameters to validate the quality of information, a fact that compromises reliability. Finally, we warned of risks regarding potential losses of information during the integration of the National Censuses of Government, applied by the INEGI, on such topics as public security and the procuration and administration of justice because some states steadfastly refuse to provide information.

In this sphere, it is imperative that both the national and state levels take a committed stance on transparency, especially for information related to criminal justice and the protection of human rights and strive to ensure that relevant data are not classified as "reserved". The institutions of the criminal Justice System must adopt proactive exercises of transparency regarding key information, like the ones that the indicators in our evaluation present. Only in this way will it be feasible for citizens and any other party interested in doing follow-up on a criminal process to have a real possibility of observing the advances and setbacks in justice, propose alternative solutions, and demand that officials give priority attention to their demands.

ANNEXES

Annex to the Survey on Perception and Knowledge of the Criminal Justice System, 2024

(Encuesta sobre percepción y conocimiento del Sistema de Justicia Penal, en materia de confianza ciudadana, 2024)

1. Sociodemographic aspects

A total of 3,663 people aged 18 years and over were selected to answer this survey. Of these, 51% were women and 49% men. The following graph identifies their distribution by state. The average age of the people surveyed was 34 years. Table 67 shows their distribution by age groups.

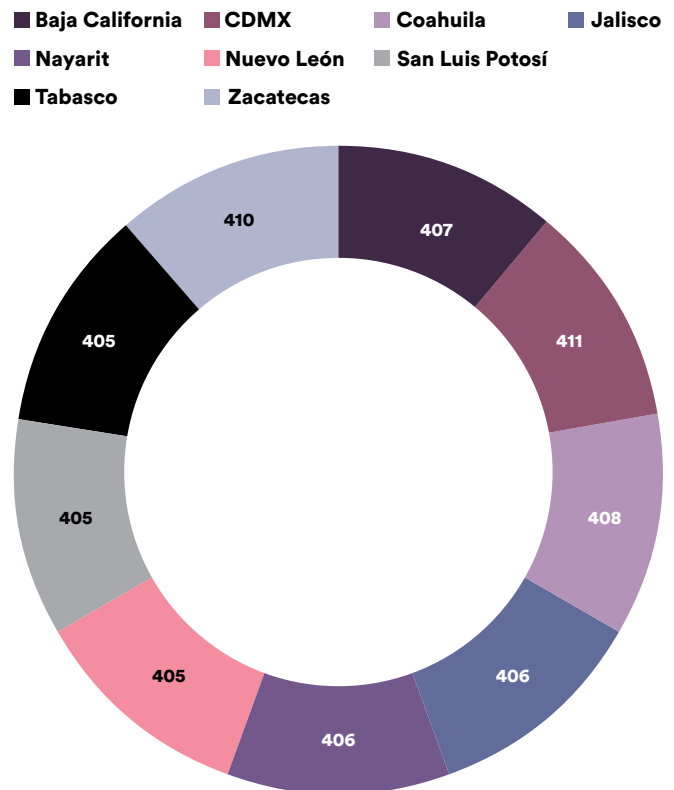
Table 68 breaks down respondents' educational levels. The highest percentage (40%) was for high school, followed by secondary school (32%). The lowest percentage was for graduate studies (1%).

Table 67. Distribution of the sample by age groups

| State | 18-30 | 31-40 | 41-50 | 51-60 | 61 and over |
|-----------------|-------|-------|-------|-------|-------------|
| Baja California | 27% | 21% | 20% | 15% | 16% |
| CDMX | 24% | 20% | 19% | 16% | 21% |
| Coahuila | 29% | 21% | 18% | 16% | 17% |
| Jalisco | 28% | 20% | 19% | 16% | 17% |
| Nayarit | 27% | 21% | 18% | 16% | 18% |
| Nuevo León | 28% | 20% | 20% | 21% | 11% |
| San Luis Potosí | 28% | 19% | 19% | 17% | 17% |
| Tabasco | 30% | 18% | 20% | 17% | 14% |
| Zacatecas | 28% | 18% | 20% | 17% | 18% |

Source: Elaborated by the authors based on México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024.

Gráfica 95. Distribution of the sample by state



Source: Elaborated by the authors based on México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024.

Table 68. Distribution of the sample by level of education

| State | None | Primary | Secondary | High School or Technical program | Undergraduate | Graduate |
|-------------------------------------|-----------|------------|------------|----------------------------------|---------------|-----------|
| Baja California | 2% | 17% | 29% | 37% | 14% | 1% |
| CDMX | 0% | 10% | 24% | 48% | 17% | 0% |
| Coahuila | 1% | 13% | 42% | 31% | 10% | 2% |
| Jalisco | 2% | 18% | 23% | 42% | 15% | 1% |
| Nayarit | 1% | 17% | 33% | 40% | 9% | 0% |
| Nuevo León | 1% | 13% | 30% | 44% | 12% | 0% |
| San Luis Potosí | 2% | 12% | 33% | 36% | 17% | 1% |
| Tabasco | 0% | 11% | 40% | 38% | 10% | 0% |
| Zacatecas | 0% | 12% | 31% | 44% | 13% | 0% |
| Average per level of studies | 1% | 14% | 32% | 40% | 13% | 1% |

Source: Elaborated by the authors based on México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024.



Table 69. Distribution of the sample by monthly income

| State | Below 7,500 pesos | 7,500-10,000 pesos | 10,000-20,000 pesos | 20,000 pesos and over | No answer |
|-----------------------------------|-------------------|--------------------|---------------------|-----------------------|------------|
| Baja California | 41% | 38% | 7% | 5% | 10% |
| CDMX | 38% | 43% | 11% | 3% | 6% |
| Coahuila | 44% | 30% | 11% | 1% | 14% |
| Jalisco | 46% | 33% | 8% | 5% | 8% |
| Nayarit | 50% | 28% | 5% | 4% | 13% |
| Nuevo León | 48% | 25% | 12% | 0% | 15% |
| San Luis Potosí | 37% | 36% | 10% | 4% | 13% |
| Tabasco | 45% | 32% | 14% | 2% | 8% |
| Zacatecas | 36% | 48% | 6% | 1% | 9% |
| Average per monthly income | 43% | 35% | 9% | 3% | 11% |

Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.

Regarding levels of monthly income, the following table shows that 43% of the sample earned below \$7,500 pesos/month, followed by 35% with incomes of \$7,500-\$10,000 pesos; 11% of the sample did not indicate their level of income, and only 3% had earnings above \$20,000 pesos/month.

For the occupations of respondents, the highest percentage observed in Table 70 is for self-employment, at 32%, followed by domestic work (29%); 2% of the sample answered that they were unemployed, and only 4% affirmed that they were students.

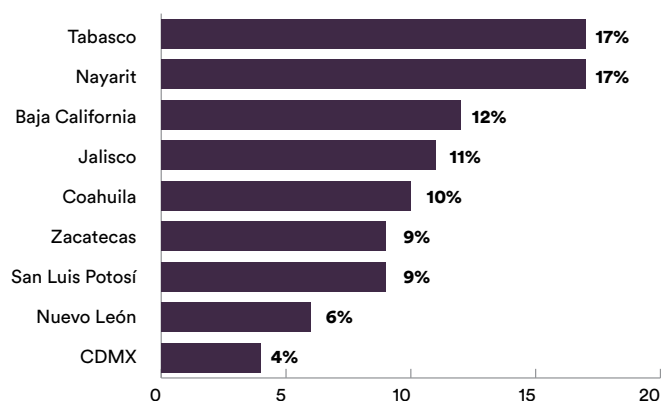
Table 70. Distribution of the sample by type of occupation

| State | Domestic sphere | Student | Pensioned/Retired | Unemployed | Self-employed | Government employee | Private sector employee |
|---------------------------|-----------------|-----------|-------------------|------------|---------------|---------------------|-------------------------|
| Baja California | 31% | 3% | 9% | 2% | 32% | 4% | 19% |
| CDMX | 20% | 3% | 9% | 2% | 34% | 7% | 25% |
| Coahuila | 32% | 3% | 10% | 7% | 31% | 5% | 12% |
| Jalisco | 21% | 4% | 12% | 1% | 37% | 5% | 20% |
| Nayarit | 31% | 2% | 4% | 1% | 37% | 4% | 18% |
| Nuevo León | 33% | 6% | 6% | 3% | 30% | 4% | 18% |
| San Luis Potosí | 35% | 4% | 6% | 1% | 26% | 6% | 20% |
| Tabasco | 30% | 1% | 6% | 2% | 37% | 4% | 19% |
| Zacatecas | 26% | 5% | 6% | 1% | 29% | 10% | 23% |
| Promedio ocupación | 29% | 4% | 8% | 2% | 32% | 5% | 19% |

Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.

Note: The table does not include the response option: "No answer".

Graph 96. Distribution of the sample by ethnic pertinence. Do you belong to an Indigenous or Afro-Mexican community?



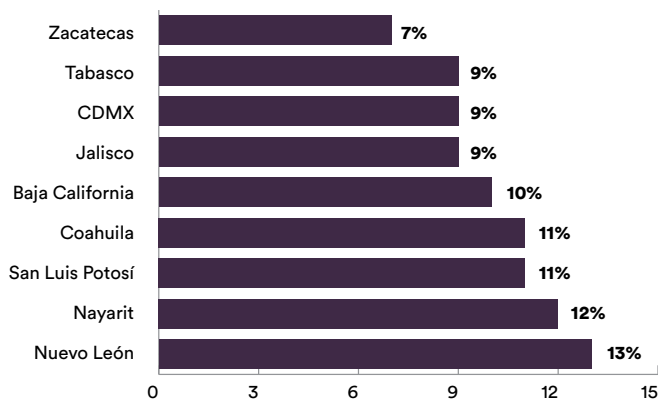
Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.

Note: The graph includes only the percentages for the response option "Yes".

For the percentage of the sample that belong to an Indigenous or Afro-American community in each participating state, we found the highest percentages in Tabasco and Nayarit, both at 17%. The lowest percentage of people with this profile was for CDMX (4%).



Graph 97. Distribution of the sample by condition of disability. A person with a disability is one who has difficulty in moving, seeing, hearing, communicating, paying attention, or who lives with a mental or psychosocial condition. Do you consider yourself a person with a disability?



Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.

Note: The graph includes only the response option: "Yes".

2. Methodological development

The objective of this study was to obtain statistical information representative of the states analyzed and use the data gathered to generate specific indicators for diverse target populations to determine their needs in relation to information and specific services, as well as their exposure to the information media and access to the services of the criminal Justice System.

Design of the questionnaire

Researchers at *México Evalúa* designed the questionnaire with the collaboration of a team from *IPM Estratégica* that adjusted some phrasing and suggested socio demographic questions. Most of the items on the survey were applied in the 2012 National Survey of the criminal Justice System (*Encuesta Nacional sobre el Sistema de Justicia Penal en México, ENSIJUP 2012*).

Target population

The target population consisted of all Mexican citizens – female and male– 18 years and older living in the states analyzed who had a landline telephone in their homes. Each resident selected was asked to respond to an opinion questionnaire designed to compile information on diverse perceptions and attitudes on the topics included in our research.

The sample and its elements

The selection of units was conducted by simple random sampling based on an updated list of residential telephones for each state analyzed. The following formula was applied for a sample of finite populations:

$$n = \frac{N Z^2 p * q}{r^2 (N - 1) + Z^2 p * q}$$

where:

n = sample size

N = size of the population of each state

Z = value in the statistical tables which ensures that all estimates have a pre-established confidence level

p = approximate proportion of the phenomena studied in the reference population

q = (1-p)

r = maximum expected relative error

Considering the 18-and-over population of each state (N), a 95% confidence level (Z=1.96), a maximum probability (0.5), and a maximum expected relative error of 5%, we obtained a sample size of 400 cases per state.

$$n = \frac{N * (1.96)^2 (0.5 * 0.5)}{(0.05)^2 (N - 1) + (1.96)^2 (0.5 * 0.5)} = 400$$

Technique for compiling the information

The survey was applied by telephone. Our researchers conducted interviews from their homes by enabling an online dialing and capture system. All interviews were held from April 1-30, 2024.



3. Statistical Annex

Table 71. Have you heard people talk about oral trials, the possibility of repairing damages caused by a crime, and mediation between the parties to resolve penal conflicts?

| State | Oral trials | | Restitution of damages | | Mediation or negotiation | |
|-----------------|-------------|-----|------------------------|-----|--------------------------|-----|
| | Yes | No | Yes | No | Yes | No |
| Baja California | 47% | 53% | 74% | 26% | 60% | 40% |
| CDMX | 71% | 29% | 82% | 18% | 73% | 27% |
| Coahuila | 62% | 38% | 79% | 21% | 69% | 31% |
| Jalisco | 60% | 40% | 78% | 22% | 66% | 34% |
| Nayarit | 57% | 43% | 79% | 21% | 77% | 23% |
| Nuevo León | 68% | 32% | 82% | 18% | 74% | 26% |
| San Luis Potosí | 54% | 46% | 77% | 23% | 70% | 30% |
| Tabasco | 61% | 39% | 87% | 13% | 71% | 29% |
| Zacatecas | 53% | 47% | 74% | 26% | 54% | 46% |

Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.

Note: The graph does not include the responses: "I don't know", "Not answered".

Table 72. Principal rights of the victims of crime identified

| State | 2020 | 2024 |
|-----------------|--|------------------------------------|
| CDMX | To be informed of the situation of their case | To have an interpreter |
| | To be heard | To declare |
| Nuevo León | To be informed of the situation of their case | To have an interpreter |
| | To be heard | Active participation |
| Coahuila | To be informed of the situation of their case | To have an interpreter |
| | To be heard | To declare |
| Jalisco | To be heard | To declare |
| | To be informed of the situation of their case | Active participation |
| Zacatecas | To be informed of the situation of their case | To have an interpreter |
| | To be heard | Competent authority |
| Baja California | To be informed of the situation of their case | To be heard |
| | To be heard | To declare |
| San Luis Potosí | To be informed of the situation of their case | To declare |
| | To be heard | Active participation |
| Nayarit | To be heard | To identify the person responsible |
| | To have an interpreter or translator if she/he does not understand Spanish | Active participation |
| Tabasco | To be informed of the situation of their case | To declare |
| | To be heard | To identify the person responsible |

Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.

Table 73. Now, please tell me, have you heard that all people have the right to be considered innocent until proven otherwise?

| State | Yes | No | DK/NA |
|-----------------|-----|-----|-------|
| Baja California | 90% | 10% | 0% |
| CDMX | 93% | 6% | 0% |
| Coahuila | 90% | 10% | 0% |
| Jalisco | 93% | 7% | 0% |
| Nayarit | 91% | 9% | 0% |
| Nuevo León | 88% | 12% | 0% |
| San Luis Potosí | 89% | 11% | 0% |
| Tabasco | 97% | 3% | 0% |
| Zacatecas | 90% | 10% | 0% |

Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.



Table 74. Principal rights of persons accused of committing a crime identified

| State | 2020 | 2024 |
|------------|---|-----------------------------|
| CDMX | To be informed of the accusation against them | To declare or remain silent |
| | To have an attorney defend them | No coercion |
| Nuevo León | To be informed of the accusation against them | To declare or remain silent |
| | To have an attorney defend them | Free legal assistance |
| Coahuila | To be informed of the accusation against them | To declare or remain silent |
| | To have an attorney defend them | Free legal assistance |
| Jalisco | To be informed of the accusation against them | Free legal assistance |
| | To have an attorney defend them | Fast process |
| Zacatecas | To be informed of the accusation against them | To declare or remain silent |
| | To have an attorney defend them | Free legal assistance |

| State | 2020 | 2024 |
|-----------------|---|--|
| Baja California | To be informed of the accusation against them | To declare or remain silent |
| | To have an attorney defend them | Free legal assistance |
| San Luis Potosí | To be informed of the accusation against them | No coercion |
| | To have an attorney defend them | Free legal assistance |
| Nayarit | To present evidence in their favor | Fast process |
| | To have an attorney defend them | To present evidence against their accuser(s) |
| Tabasco | To present evidence in their favor | No coercion |
| | To have an attorney defend them | To declare or remain silent |

Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.

Table 75. Sources of information that people use to learn about what happens in their state

| State | Television | Radio | News papers | Internet | Facebook | Whatsapp | Twitter/ X | Instagram | Tik Tok | Youtube | Talking with other people | Institutional pamphlets and other informative materials |
|--------------------------|------------|-----------|-------------|-----------|------------|-----------|------------|-----------|-----------|-----------|---------------------------|---|
| Baja California | 54% | 10% | 3% | 6% | 24% | 1% | 0% | 0% | 0% | 1% | 0% | 0% |
| CDMX | 59% | 8% | 2% | 10% | 18% | 0% | 1% | 0% | 0% | 1% | 1% | 0% |
| Coahuila | 59% | 7% | 2% | 7% | 19% | 0% | 0% | 0% | 0% | 2% | 3% | 1% |
| Jalisco | 55% | 11% | 5% | 11% | 17% | 0% | 0% | 0% | 0% | 1% | 0% | 0% |
| Nayarit | 58% | 8% | 6% | 8% | 17% | 0% | 0% | 0% | 0% | 2% | 2% | 0% |
| Nuevo León | 72% | 5% | 1% | 6% | 13% | 0% | 0% | 0% | 0% | 0% | 3% | 0% |
| San Luis Potosí | 50% | 9% | 8% | 4% | 26% | 0% | 1% | 0% | 0% | 1% | 1% | 0% |
| Tabasco | 55% | 10% | 0% | 10% | 23% | 0% | 0% | 0% | 0% | 2% | 0% | 0% |
| Zacatecas | 51% | 11% | 3% | 8% | 23% | 0% | 0% | 0% | 0% | 0% | 3% | 0% |
| Average by source | 57% | 9% | 3% | 8% | 20% | 0% | 0% | 0% | 0% | 1% | 1% | 0% |

Source: Elaborated by the authors based on *México Evalúa, Fortalecimiento del Sistema de Justicia Penal, 2024*.

Note: The graph does not include the responses: "I don't know", "Not answered".



Telephone questionnaire

SURVEY ON PERCEPTION AND KNOWLEDGE OF THE CRIMINAL JUSTICE SYSTEM, 2024

INTERVIEWER: Good afternoon, my name is _____ and I'm calling from *México Evalúa*, a non-profit, independent, and nonpartisan organization of civil society. I would like to ask you a few questions to learn your perceptions of the situation of criminal justice in Mexico. Your answers are completely anonymous and confidential and will only be used for statistical purposes. Your opinion is very important to us.

Do you live in the state of _____?

Yes (1) Continue

No (2) Thank the person and end the call

SOCIODEMOGRAPHIC ITEMS

A1. (NOTE: without asking) Sex of the interviewee.

Woman (1)

Man (2)

A2. What is your age?

Register: _____

A3. What was the last level of education you completed?

None (1)

Primary (2)

Secondary (3)

High school or technical program (4)

Undergraduate (5)

Graduate (6)

No answer (99)

A4. What is your principal occupation? (READ THE OPTIONS)

Domestic sphere (1)

Student (2)

Pensioned/Retired (3)

Unemployed (4)

Self-employed (5)

Government employee (6)

Private sector employee (7)

No answer (99)

A5. In which municipality do you have your habitual residence?

Register: _____

No answer

A6. What is your total approximate monthly personal income from work, rents, government support, etc.? (READ OPTIONS 1-4)

Below seven thousand five hundred pesos (1)

Between seven thousand five hundred and ten thousand pesos (2)

Between ten and twenty thousand pesos (3)

Over twenty thousand pesos (4)

No answer (99)

**A7. Do you belong to an Indigenous or Afromexican community?**

Yes (1)

Not (2)

No answer (99)

A8. A person with a disability is one who lives with some difficulty that affects their capacity to move, see, listen, communicate, or focus attention, or a mental or psychosocial condition.**Do you consider yourself a person with a disability?**

Yes (1)

Not (2)

No answer (99)

KNOWLEDGE OF THE criminal JUSTICE SYSTEM**P1. Of the following authorities, tell me which ones you have heard of: (READ THE OPTIONS a)-f))**

Municipal preventive police

State police

National Guard

Prosecutorial or judicial police

AGO

Judges

The institutions of criminal justice include AGO, police, judges, Public Defenders' Offices, Victims' Commissions, and prisons.

P2. How much have you heard about the institutions of criminal justice: a lot, some, a little, or nothing?

Nothing (1)

A little (2)

Some (3)

A lot (4)

Does not know/No answer (99)

P3. Based on what you know or have heard, what is your opinion of the institutions of criminal justice in your state: very good, good, poor, or very poor?

Very poor (1)

Poor (2)

Neither good nor poor (spontaneous) (3)

Good (4)

Very good (5)

No answer (99)

P4. Have you heard people talk about oral trials?

Yes (1)

No (2)

Does not know/No answer (99)

P5. Have you heard people talk about the concept of "reparation of damage" that refers to the possibility of compensating victims for the damage a crime has caused?

Yes (1)

Not (2)

Does not know/No answer (99)



P6. Have you heard people talk about other forms of justice, like mediation or negotiations between the parties to resolve criminal conflicts?

Yes (1)

No (2)

Does not know/No answer (99)

P7. Now, please tell me if you have heard that all people have the right to be considered innocent until proven guilty; if you have, is the opposite demonstrated in your state?

Yes (1)

No (2)

Does not know/No answer (99)

P8. As far as you know, if a person commits a crime: a) the only possible punishment or sanction is that she/he be sent to prison; or b) there are other punishments that do not entail being sent to prison.

The only possible punishment or sanction is being sent to prison (1)

There are other punishments that do not entail being sent to prison (2)

Does not know/No answer (99)

P9. In 2008, there was a Constitutional reform to create a new process of criminal justice in Mexico. Do you know if the new process of justice is being used in this state?

Yes, it is in use (1)

No, it is not yet in use (2)

I don't know if it is in use or not (spontaneous) (3)

No answer (99)

P10. Compared to 5 years ago, how do you think the institutions of criminal justice are functioning in your state today? (READ OPTIONS 1-4)

A lot worse (1)

Somewhat worse (2)

Somewhat better (4)

A lot better (5)

The same (spontaneous – DON'T READ) (3)

No answer (99)

P11. Please tell me if you agree that more public resources should be invested to improve the criminal Justice System in your state even though fewer resources would be invested in other areas: yes or no?

Yes (1)

No (2)

It depends (spontaneous) (3)

Does not know/No answer (99)

P12. In the past year, have you turned to one of the institutions of criminal justice because of a crime?

Yes (1)

No (2)

Does not know/No answer (99)



IF YOU ANSWERED "YES":

P12A. Which of the following options best describes the situation you encountered with the institutions of criminal justice? (READ OPTIONS 1-4)

- I was a victim of a crime (1)
- I was accused of committing a crime (2)
- I was a witness to a crime (3)
- Reasons related to work (4)
- Other (spontaneous) (register): _____
- Does not know/No answer (99)

P12B. would you say that your experience with the institutions of criminal justice was...?

- a) Easy to resolve (1) or difficult to resolve (2). Does not know/No answer (99)
- b) Honest (1) or involved corruption, bribes, or extortion (2). Does not know/No answer (99)
- c) Amicable with good treatment (1) or with violent, insensitive, or intimidating treatment (2). Does not know/No answer (99)
- d) Resolved easily in a reasonable time (1) or entailed a long process with many delays (2). Does not know/No answer (99)
- e) The installations were comfortable and accessible (1) or the installations were unpleasant (2). Does not know/No answer (99)
- f) Very satisfactory (1) Barely satisfactory or unsatisfactory (2). Does not know/No answer (99)

IF YOU ANSWERED "NO":

P12C. Why would you say that you did not turn to some authority of the institutions of criminal justice to resolve a crime? (SPONTANEOUS. OPEN WITH THE PRE-CATALOGUE).

- No need to (1)
- It's not worthwhile (2)
- The process is very difficult (3)
- I don't know how to (4)
- I don't trust the authorities or the justice system (5)
- Other (register): _____
- Does not know/No answer (99)

KNOWLEDGE OF THE PROCESS

P13. Please respond "Yes" or "No" to the following statements based on what you know or have heard. (READ THE OPTIONS)

- a) If you suffer a crime, or witness one, you can request help directly from an agent of the police. Yes or no?
- b) The organ responsible for investigating a crime is the AGO. Yes or no?
- c) All victims must have access to a public attorney. Yes or no?
- d) The judge must be present at all hearings. Yes or no?
- e) All persons charged with a crime must have access to a public attorney. Yes or no?

KNOWLEDGE AND PERCEPTION OF RIGHTS

P14A and P14B MUST BE POSED TO ALL INTERVIEWEES

P14A. Of the following rights of a person who was a VICTIM OF A CRIME, tell me which ones you have heard of. Answer "Yes" or "No" (READ THE OPTIONS).

- a) To have an interpreter or translator if she/he does not understand Spanish
- b) To be heard
- c) To participate actively in the trial of the accused
- d) To turn to a competent authority if she/he has a complaint or inconformity with the decisions taken at the trial
- e) To immediate protection and support



P14B. And please tell me, from the following list of rights of persons who were VICTIMS OF A CRIME, which ones you are aware of. Answer "Yes" or "No" (READ AND THE OPTIONS).

- f) To identify the person indicated as responsible without personal risk
- g) To be informed of the situation of the case
- h) To declare without the person charged being present
- i) To be compensated for the damage suffered due to the crime
- j) To receive immediate medical and psychological attention

P15A AND P15B MUST BE POSED TO ALL INTERVIEWEES

P15A. Now, of the following rights of a person ACCUSED OF COMMITTING A CRIME, which ones are you aware of. Answer "Yes" or "No" (READ THE OPTIONS).

- a) To be treated as innocent until proven guilty
- b) To be informed of the accusation
- c) To be presented before the AGO immediately after being arrested
- d) To decide whether to declare or remain silent
- e) To declare with the assistance, and in the presence, of her/his attorney
- f) To receive, free of charge, the services of an interpreter or translator

P15B. Please tell me, of the following rights of persons ACCUSED OF COMMITTING A CRIME, which ones are you aware of. Answer "Yes" or "No" (READ THE OPTIONS).

- g) To be defended by an attorney
- h) To present evidence in their favor
- i) To be informed of the evidence that could be used against them
- j) To be heard by a competent judge
- k) To not be coerced or subjected to torture or intimidation
- l) To a fast process
- m) To be present when evidence is presented against them to give their point of view

P16. To what degree do you think that the authorities in your state respect the rights of VICTIMS: a lot, somewhat, a little, or not at all?

- Not at all (1)
- A little (2)
- Somewhat (3)
- A lot (4)
- Does not know/No answer (99)

P17. To what degree do you think that the authorities in your state respect the rights of persons ACCUSED?

- Not at all (1)
- A little (2)
- Somewhat (3)
- A lot (4)
- Does not know/No answer (99)

TRUST IN THE AUTHORITIES

P18. How much trust do you have in each one of the following institutions: (READ THE OPTIONS)? None, A little, Some, A lot, or Does not know/No answer.

- a) AGO
- b) Judges
- c) Municipal police
- d) State police
- e) Public defenders
- f) Victims' attorneys
- g) Army
- h) navy
- i) National Guard



NEED FOR INFORMATION

P19. Do you know where a victim must go to report a crime? (spontaneous. If the answer is "Yes", ask "Where?")

- Yes, the AGO (1)
- Yes, the police (2)
- Yes, some other. (3) Register _____
- Does not know (4)
- No answer (99)

P20. Do you know who can provide orientation or accompaniment if you are the victim of a crime or are accused of committing a crime? (SPONTANEOUS. OPEN WITH THE PRE-CATALOGUE)

- Yes, some public institution (1)
- Yes, the NHRC (2)
- Yes, organizations of civil society (3)
- Yes, other (4)
- Does not know (5)
- No answer (99)

P21. What is the principal means of communication you use to learn about things that happen in your state? (SPONTANEOUS. OPEN WITH THE PRE-CATALOGUE)

- Television (1)
- Radio (2)
- Newspaper (3)
- Internet (4)
- Facebook (5)
- Whatsapp (6)
- Twitter/"X" (7)
- Instagram (8)
- Tik Tok (9)
- Youtube (10)
- Talking with people (11)
- Institutional pamphlets and other informative material (12)
- Other, register (13)
- Does not know/No answer (99)

P22. Would you consider it important to have more information on the institutions and processes of criminal justice in your state?

- Yes (1)
- No (2)
- Does not know/No answer (99)

On behalf of *México Evalúa* I thank you for your participation. If you want more information on us, visit our website at www.mexicoevalua.org or call us at 55 5985 0252.

Have a good day.

The document *Hallazgos 2023: Follow-up on criminal justice in Mexico* is the result of the efforts of the members of *México Evalúa, Center for the Analysis of Public Policies*. The research, analysis, and writing would not have been possible without the participation of every member of the team:

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Application of the Survey on Perception and Knowledge of the Criminal Justice System, 2024

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We also thank all the public institutions that provided information for the elaboration of this evaluation, especially the Judiciaries, Attorney General's Offices, Public Defenders' Offices, institutions of public security, departments of government, Units of Cautionary Measures, Victims' Commission, organs of alternative justice, expert and forensic services, Coordinating Organs, and the units in charge of the penitentiary system, both federal and state. We acknowledge the efforts they have made to improve the recording and quality of statistics, as this makes it possible to progressively compile more precise indicators, broken down by territory, crime, the characteristics of the parties involved, and the stages of the criminal process.

We also offer special recognition to the governments of Baja California, Campeche, Coahuila, Guanajuato, Hidalgo, the State of Mexico, Jalisco, Michoacán, Morelos, Nuevo León, San Luis Potosí, Tamaulipas, Querétaro, Yucatán, and Zacatecas, for the interest and efforts they have shown in improving the generation, quality, and public availability of information, and for demonstrating their aperture and commitment to continuous improvement.

Today, given the potential risk that the National System of Transparency is facing we urge all institutions to continue their efforts to improve their statistics, institutional aperture, and proactive transparency they have shown up to now. At *México Evalúa* we will not cease our efforts to contribute to public discussion, offer options for solution, and provide elements that permit decision-making based on evidence. In this regard, we invite all the institutions of the Criminal Justice System to continue their statistical development that allows the elaboration and evaluation of a people-centered justice system.

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