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# MEXICO SECURITY INITIATIVE

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## PENITENTIARY SYSTEM REFORM

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Properly functioning prisons serve as an indicator of a country's ability to confront insecurity, and Mexico's prison conditions fail to demonstrate adequate institutional capacity. The Mexican Congress passed a prison reform law in 2016 aimed at drastically reforming the justice system and prison practices.<sup>1</sup> Yet, there remain serious concerns such as inadequate prison conditions, violations of prisoners' rights, and an increase in violence and organized criminal operations within the penitentiary system. This paper analyzes current Mexican prison conditions, recent policy interventions in the prison system, and policy recommendations. These include: ensuring equal rights for all incarcerated individuals, reducing prison official complicity, emphasizing restorative justice, eradicating sentencing for minor crimes, better allocating resources for prison officials and institutions, and eventually reducing extradition.

### Organization of Mexican Penitentiary System

Mexican prisons are divided among federal, state, and municipal entities. As of 2016, roughly three quarters of all prisons are state centers with only 17 federal prisons.<sup>2</sup> The number of federal prisons increased by 30 percent since 2012, when there were only 13 federal prisons. Two additional federal prisons are currently under construction.<sup>3</sup> In the last five years, the number of state prisons increased only marginally in comparison.

Prisons	Total Prisons	Total Capacity
Federal	13	18,684
State	315	165,419
Municipal	91	4,044
Total	419	188,147

**Figure 1:** *Secretaria de Seguridad Publica. "El Sistema Penitenciario Mexicano." (2012). SSP*

Prison efficacy varies drastically by state. Yet one of the largest issues facing all Mexican prisons is overcrowding. Some 50 percent of the prison population resides in only 30 of the more than 400 prisons

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<sup>1</sup> Mike LaSusa, "Mexico Senate Unanimously Approves Prison Reforms," *Insight Crime*, August 2016, <http://www.insightcrime.org/news-briefs/mexico-senate-unanimously-approves-prison-reform>

<sup>2</sup> Comisión Nacional de Seguridad, "Cuaderno Mensual de Información Estadística Penitenciaria Nacional," 2016.

<sup>3</sup> Secretaria de Seguridad Publica, "El Sistema Penitenciario Mexicano." SSP, 2012.

nationwide.<sup>4</sup> However, overcrowding numbers are improving with the construction of new prisons. In 2012, the maximum capacity for all prisons was just over 188,000 people, compared to a real prison population of over 237,000 individuals—an overcapacity rate of approximately 26 percent. However, by 2016, Mexico had capacity for over 209,000 individuals, and a prison population of approximately 233,000, meaning only a 12 percent overcapacity rate.<sup>5</sup> In short, the overcapacity rate decreased by half in 5 years.

	Prison Capacity	Actual Population	Percentage
State/Municipal	169,326	217,902	129%
Federal	25,951	24,854	96%
Total	195,277	242,756	124%

**Figure 2:** *Centro de Análisis de Políticas Públicas.* (2013).

Most incarcerated individuals reside in state prisons, making it important to focus resources and policies on these penitentiaries. Yet, the prison budget current targets federal centers, meaning that state prisons do not receive the resources necessary to fully operate.<sup>6</sup> The prison budget itself is roughly stable, with funding for state centers staying steady for the last few years. Between 2014 and 2015 the budget decreased, before increasing again by roughly 5 percent in 2016.<sup>7</sup> This increase in the penitentiary system continued to target federal prisons, but future prison budget increases could also target state prisons.

2014	2015	2016
16,953.40	16,991.43	17,972.74

**Figure 3:** *Cámara de Diputados.* (2014-2016). in millions of pesos.

## Current Conditions in Mexico

### *Inadequate Prison Living Conditions*

The primary complaint among NGOs and prisoners alike is the lack of adequate living conditions within the prison system. Aside from violating prisoners' rights, this complaint presents significant concerns for the security and stability of both Mexico's prison and justice institutions. In October 2016, the National Commission on Human Rights (CNDH) published a report that urged the Mexican government to allocate resources to state and municipal jails that lack primary supplies and funds.<sup>8</sup> The concern, coming from both Mexican and U.S. officials, is that the international standard of prisoners' living dignified lives is not being met in the majority of Mexican prisons.<sup>9</sup>

According to a 2014 CNDH report, primary materials for protection and sanitation rank among the basic necessities that are least often available to prisons.<sup>10</sup> The only areas where Mexican federal prisons

<sup>4</sup> Secretaría de Seguridad Pública.

<sup>5</sup> Comisión Nacional de Seguridad, "Cuaderno Mensual de Información Estadística Penitenciaria Nacional," 2016.

<sup>6</sup> Secretaría de Seguridad Pública.

<sup>7</sup> Cámara de Diputados, "El Presupuesto Público Federal para la Función Seguridad Pública," *Camara de Diputados*, 2015, 25, <http://www.diputados.gob.mx/sedia/sia/se/SAE-ISS-22-15.pdf>.

<sup>8</sup> UniMexicali, "CNDH llama a remediar irregularidades en cárceles de los estados," *UniMexicali*, October 19, 2016, <http://www.unimexicali.com/noticias/mexico/443256/cndh-llama-a-remediar-irregularidades-en-carceles-de-los-estados.html>.

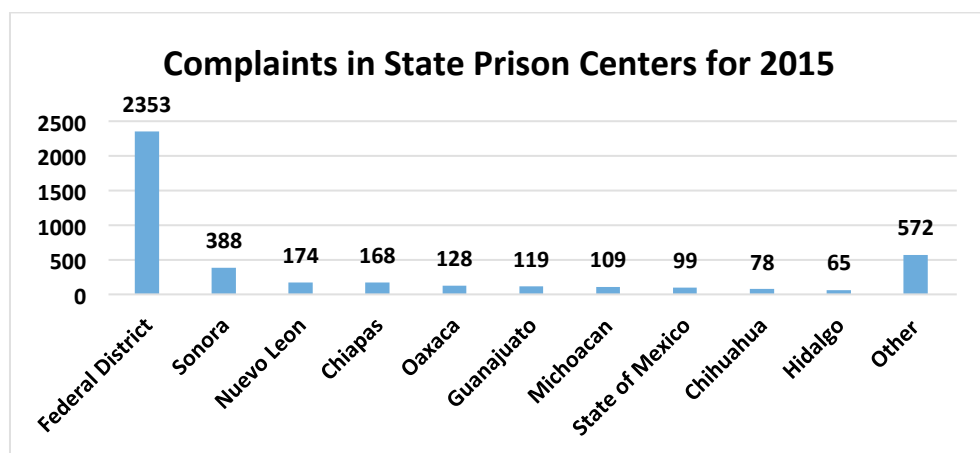
<sup>9</sup> Department of State, "Country Reports on Human Rights Practices for 2015: Mexico," *Bureau of Democracy, Human Rights, and Labor*, 2015, 6-8, <https://www.state.gov/documents/organization/253239.pdf>.

<sup>10</sup> CNDH, "Aspectos que garantizan una estancia digna." *Diagnosticos Nacional de Supervisión Penitenciaria*, 2015, [http://www.cndh.org.mx/sites/all/doc/sistemas/DNSP/DNSP\\_2015.pdf](http://www.cndh.org.mx/sites/all/doc/sistemas/DNSP/DNSP_2015.pdf)

consistently meet the “dignified life” standard are the dining halls, kitchens, and patio spaces conditions.<sup>11</sup> The inability to adequately provide the prison population with services such as access to medical care, basic hygiene products, or a proper space to live, forces prisoners to seek assistance through fellow prisoners or organized criminal groups. At a minimum, prisons and prison personnel should be responsible for providing basic services as a means of maintaining prison control.

### *Mistreatment of the Prison Population*

Another concern for the penitentiary system is the mistreatment of the prison population. This mistreatment manifests in three primary fashions: accusations of human rights violations, imprisoning pre-trial detainees alongside the sentenced population, and a failure to provide prisoners with social reinsertion services.<sup>12</sup> In 2015, there were over 3,000 human rights complaints in Mexico. More than 2,000 of the formal complaints came from prisons within the Federal District, and the other 1,000 formal human rights complaints occurred throughout the rest of the country (see graph below). This data only encompasses formal human rights complaints filed by inmates and received by CNDH, but not necessarily all human rights abuses committed within Mexican prisons.



**Figure 4:** CNDH Diagnóstico Nacional de Supervisión Penitenciaria 2015.

In addition, 42 percent of Mexico’s prison population is currently awaiting a trial date.<sup>13</sup> The 2008 judicial reforms, among other laws, required that individuals charged with a crime have the right to be released on bail until their trial date decision. While the judicial reform was to be fully implemented by the end of 2016, almost half of all current incarcerated individuals remain in custody without a conviction. More striking, over 100 prisons nationwide do not distinguish housing facilities between their accused and sentenced populations.<sup>14</sup>

Also, often overlooked is the overwhelming percentage of incarcerated individuals being held for petty crimes versus violent crimes. The Woodrow Wilson Center found that a majority of incarcerated individuals committed property crimes valued at less than US\$20.<sup>15</sup> Mexican judges may feel pressured to sentence individuals on crimes, regardless of severity, to demonstrate institutional capacity, especially

<sup>11</sup> Ibid.

<sup>12</sup> Comision Nacional de Derechos Humanos, “Diagnostico Nacional de Supervision Penitenciaria 2015: Ceresos, Ceferesos y Prisiones Militares.” CNDH, 2015, [http://www.cndh.org.mx/sites/all/doc/sistemas/DNSP/DNSP\\_2015.pdf](http://www.cndh.org.mx/sites/all/doc/sistemas/DNSP/DNSP_2015.pdf)

<sup>13</sup> Beccerril, Daniel. (2016) “México: Saturación en Caréceles Agrava Los Motines y El Descontrol.” RT,

<sup>14</sup> Comision Nacional de Derechos Humanos. 2015.

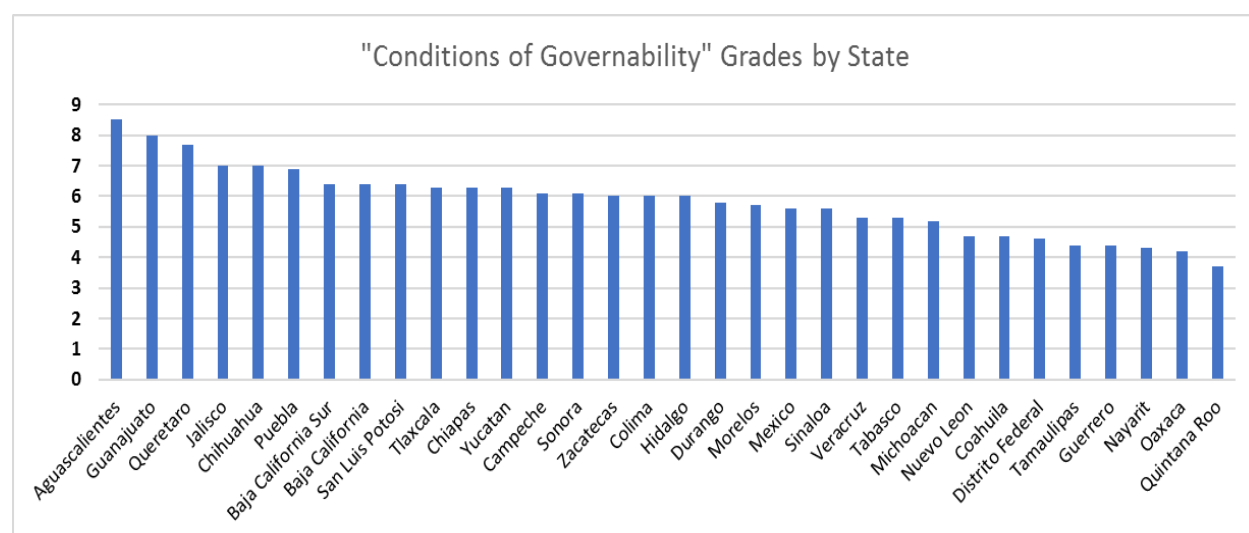
<sup>15</sup> Ibid.

when facing high impunity rates. Yet, efforts to decrease impunity should target all crimes, especially grave crimes, not simply minor crimes for the sake of incarceration.

For prisoners released from prison upon completion of their sentence, one overarching complaint is Mexico's failure to produce a reintegration plan for released prisoners. Not only do Mexico's Constitution and the 2016 National Penal Law afford this right to Mexican nationals, but the lack of a reintegration plan also undermines the goal of reducing recidivism.<sup>16</sup> The federal government should provide services such as job training, education, and psychological assistance, among others.<sup>17</sup> Certain readaptation centers exist throughout the country, but these facilities are underfunded and understaffed. Social reinsertion is certainly not offered on a systemic basis for inmates. As a result, NGOs and individual citizens frequently attempt to fill the gap to assist ex-convicts in social reintegration. Their services do not necessarily assist to the full extent of the law, nor do they cover all inmates.

### *Increase of Prison Violence and Organized Criminal Activity*

An increase in violence and organized criminal activity inside Mexico's prisons continues to afflict the penitentiary system. Not only do accused individuals share space with the greater prison population, but convicted individuals from different organized criminal groups are forced into close quarters.<sup>18</sup> In 2008, a riot broke out in the La Mesa State Prison in Tijuana that left 19 dead and led to the transfer of more than 200 prisoners.<sup>19</sup> The riots were thought to be sparked by unspecified quarreling among organized criminal organizations and continued as inmates were not given food or water as punishment. More recently, in February 2016, a conflict between Los Zetas and other gangs from around Nuevo Leon broke out in the Topo Chico State Prison outside of Monterrey, leaving 49 dead.<sup>20</sup> Criminal groups' ability to self-select housing and remain in close contact to other group members, is problematic for riots among other crimes.



**Figure 5:** *Diagnostico Nacional de Supervisión Penitenciaria (DNSP) (2012)*

These are not the only examples of instability within Mexican prisons. In prisons surrounding Mexico

<sup>16</sup> Constitución Mexicana, "Artículo 21," <http://www.ordenjuridico.gob.mx/Constitucion/articulos/21.pdf>

<sup>17</sup> Interview, Reinserta NGO, 13 March 2017.

<sup>18</sup> RPP Noticias, "México: Video Muestra Violencia en el Motín del Penal Topo Chico," *RPP Noticias*, 2016, <http://www.excelsior.com.mx/nacional/2016/02/24/1077066>.

<sup>19</sup> Tucson Citizen, "19 Killed in second Tijuana prison riot in days," *Tucson Citizen*, September 2008, <http://tucsoncitizen.com/morgue/2008/09/18/97098-19-killed-in-second-tijuana-prison-riot-in-days/>

<sup>20</sup> RPP Noticias, 2016.

City, officials found more than 21,000 cell phones in the last ten years.<sup>21</sup> Many of these phones provide prisoners with a means of continuing organized crime—mainly extortion—from inside prisons. This lack of institutional capacity includes cases of prison guard complicity, prisoner-to-prison guard violence and the extortion of prisoners’ relatives by prison guards.<sup>22</sup> If prison officials cannot handle their own prisoners, or worse, are active actors in illicit behavior, then there is little to suggest that illicit behavior is prevented by the institution of prisons. The intermingling of criminal groups, together with the forced recruitment of nonaffiliated prisoners, presents a serious efficacy concern within Mexican prisons.

	Homicides	Fights	Riots
2013	83	1,631	11
2014	49	1,435	5
2015	54	1,382	6

**Figure 6:** CNDH Diagnóstico Nacional de Supervisión Penitenciaria Reports (2013-2015)

Finally, Joaquín “El Chapo” Guzmán’s high-profile escape, despite his eventual recapture, demonstrated Mexico’s failure to create stable and secure prisons.<sup>23</sup> Though prison escapes are not common in Mexico, the government’s inability to hold its most wanted criminal demonstrates a strong lack of institutional capacity. Unfortunately, there is little to no public information about prison guard standards in Mexico’s penitentiary system.<sup>24</sup> In 2016 CNDH requested information regarding prison employees’ identities, but the government has not produced any public information beyond publicly documenting CNDH’s request.

## Previous Policies and Legal Structural Framework

Prisons at the municipal, state, and federal levels must meet specific legal standards. Through the Mexican Constitution and international law, there is legal precedent for Mexico to provide prisoners with dignified living standards, adequate prison conditions, and rehabilitative programs aimed at reducing recidivism.

First, Article 22 of the Mexican Constitution states that any penalty must be proportional to the crime and well-trying within the judicial system.<sup>25</sup> This means that a homicide cannot be punished by community service and a minor theft should not result in a multi-year prison sentence. Initially, prison sentencing only considered punishment in relation to the seriousness of the crime, but the definition expanded to require both just and humane treatment within prisons.<sup>26</sup> Finally, a third constitutional principle requires that adequate social reinsertion is provided to the incarcerated population upon release.<sup>27</sup>

This paper will not fully address the international legal framework for Mexico’s penitentiary system. Yet, Mexico is a signatory to all primary international treaties concerning the rights of prisoners, and

<sup>21</sup> Angel, Arturo, “Quien Debe Bloquear Los Celulares en la Cárcel? Gobierno Federal y de CDMX Se Echan La Bolita,” *Animal Politico*, 2017, <http://www.animalpolitico.com/2017/03/celulares-carcel-cdmx/>

<sup>22</sup> Formato Siete. “En Cárceles en México, la Corrupción Absoluta,” *Formato Siete*, February 2016, <http://formato7.com/2016/02/18/en-carceles-en-mexico-la-corrupcion-absoluta/>

<sup>23</sup> David Gagne, “Nearly 50 Dead in Mexico Prison Riot,” *Insight Crime*, February 12, 2016, <http://www.insightcrime.org/news-briefs/over-50-dead-mexico-prison-riot>

<sup>24</sup> Patricia Lopez Nunes, “CNDH Pide Perfiles de Trabajadores Penitenciarios,” *Diario de Querétaro*, September 2016, <https://www.diariodequeretaro.com.mx/local/cndh-pide-perfiles-de-trabajadores-penitenciarios/>

<sup>25</sup> Guillermo Zepeda Lecuona, “Situación y desafíos del sistema penitenciario mexicano,” *Centro de Análisis de Políticas Públicas*, 2013, 3, [http://mexicosos.org/descargas/dossier/estudios/situacion\\_y\\_desafios\\_del\\_sistema\\_penitenciario.pdf](http://mexicosos.org/descargas/dossier/estudios/situacion_y_desafios_del_sistema_penitenciario.pdf).

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

international law precedent suggests that Mexican prison conditions do not meet most international law standards.<sup>28</sup> The international legal community guarantees a prisoner's dignity, the protection of human rights, and the right to trial, among other standards. These rights apply to all prisoners regardless of gender, age, race, or the accused crime.<sup>29</sup> Mexico has an obligation, or better said a responsibility, to meet the quality of prison conditions outlined by international standards.

### *Recent Policy Modifications for Prisons*

Since 2008, there have been two major legislative changes and one constitutional modification to Mexico's penitentiary system. These changes include: the 2008 judicial reforms, the 2011 modification to Article 1 of the Constitution, and the 2016 National Penal Enforcement Law, among smaller efforts.<sup>30</sup> Each of these reforms aims to address certain aspects of the prison system, though implementation remains inadequate.

The 2008 judicial reforms affect the status of accused individuals who are awaiting trial, by requiring that they be released upon bail, instead of awaiting trial as from prison. The reforms also intend to reduce overcrowding through the implementation of several "alternatives to prison," which include: plea-bargaining, community service, and victim reparations.<sup>31</sup> Yet, there is still a disconnect between the policy's intentions and the reality of implementation. Through today, 42 percent of Mexico's prison population continue to await trial from prison. Upon full implementation, these judicial reforms could have significant implications for prison stability and overcrowding rates.<sup>32</sup>

The 2011 constitutional changes to Article 1 also affect the penitentiary system. The changes call for making prison practices more transparent to better enforce human rights and emphasize social reintegration. These changes require prisons to respect human rights, increase work and capacity for work, provide education, healthcare, and increase sports opportunities.<sup>33</sup> The judicial reforms passed in 2008 also emphasize social reintegration, or restorative justice. However, neither reform modified the social reintegration principles on a national or systemic basis, primarily due to insufficient funding practices.<sup>34</sup>

Finally, in April 2016, the Mexican Senate unanimously approved the National Penal Enforcement Law.<sup>35</sup> This law reinforces the rights of detainees by clearly prohibiting torture and cruel punishment, eliminating the use of solitary confinement after fifteen days, and requiring the immediate release of those convicted of minor, non-violent crimes.<sup>36</sup> The law additionally extends the social reintegration axes of respect for human rights, job training, education, healthcare, and recreation. This extension includes requiring prisons to hire experts in these social reinsertion fields to ensure that the centers meet the standards.<sup>37</sup> The

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<sup>28</sup> See the International Covenant on Civil and Political Rights; the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; United Nations Standard Minimum Rules for the Treatment of Prisoners; and Body of Principles for the Protection of ALL Persons under Any Form of Detention or Imprisonment.

<sup>29</sup> See the United Nations Treaty Collection for more information on Mexico's signatory status.

<sup>30</sup> David Gagne, 2016.

<sup>31</sup> David A Shirk, "Justice Reform in Mexico: Changes and Challenges in the Judicial Sector, *Wilson Center*, 2010, 217, <https://www.wilsoncenter.org/sites/default/files/>.

<sup>32</sup> Daniel Becceril, 2016.

<sup>33</sup> Pedro Salazar Ugarte, "La Reforma Constitucional Sobre Derechos Humanos." *Instituto Belisario Domínguez*, 2012, 52, <http://corteidh.or.cr/tablas/r33063.pdf>.

<sup>34</sup> Clare Ribando Seckle and Kristin Finklea, "U.S.-Mexican Security Cooperation: the "Mérida Initiative and Beyond," *Congressional Research Service*, January 2017, 6-7, <https://fas.org/sgp/crs/row/R41349.pdf>.

<sup>35</sup> Mike LaSusa, 2016.

<sup>36</sup> Ibid.

<sup>37</sup> Interview. Prison Official in Chihuahua Prison. 8 April 2017.



law even changes the very nature of prison nomenclature, requiring that prisons be called “social reintegration centers” and that prisoners are referred to as “persons deprived of liberty.” Such a change in rhetoric aims not only to modify the approach to penitentiary reform, but also to modify the centers’ overall purpose. Authorities have four years to implement these guidelines.

## **Policy Recommendations**

The Mexican government’s first step is to fully implement the 2008 judicial system reform and adopt the 2016 National Penal Enforcement Law’s social reintegration efforts. Yet, to truly improve the country’s penitentiary system, the government will also need to address more specific issues related to the prison centers. Future policies should include ensuring equal rights for all incarcerated individuals, emphasizing restorative justice, eradicating sentencing for minor crimes, better allocating resources for prison officials and institutions, and eventually reducing extradition to the United States. While the timeframes and monetary requirements vary, each recommendation is achievable. Focusing attention on these seven policy recommendations will improve the rights of prisoners, prison security, and overall institutional capacity.

**[1] Ensure the Equality of All Incarcerated Individuals.** Federal and state prisons differentiate individuals based on sex, severity of crime (high-security versus low security), and between indigenous and non-indigenous populations. These distinctions do not go far enough. Ensuring the equality of all incarcerated individuals’ rights should be prison reform’s primary focus. Prison officials need to acknowledge criminal group affiliations upon entry to the prison population and attempt to limit grouping affiliations into specific areas. Ways to identify criminal group affiliation include tattoos, police reports, and the address of the inmate, if certain neighborhoods are controlled by specific criminal groups.

After determining a prisoner’s criminal affiliation, officials should diversify the prison population to ensure that each housing area has a balanced group of organized criminal members.<sup>38</sup> By disbursing affiliations throughout the prison, no one group can dominate the center. This is especially important for prisons with populations that are dominated by only a few criminal organizations. In the case that 50 percent or more of a prison population is from one criminal organization, all members of that group should be housed in a single area without access to other housing areas. Individuals awaiting sentencing should never interact with individuals already convicted. After implementing the 2008 judicial reform, prisons should not house individuals awaiting trial, but until then they should provide separate housing.

In response to the violation of inmates’ rights by prison officials, an anonymous mechanism should be created to allow inmates to make formal complaints. These complaints should be sent to both PGR, the Federal Penitentiary Agency, and the advisory council (see recommendation 6) for further investigation. The anonymity of this mechanism will be ensured through a secure server. For inmates that are not comfortable making official complaints, there should be a biannual interview process where some third-party interviews each prisoner to ensure fair and equal treatment of prisoners.

**[2] Reduce Complicity of Prison Officials.** Given persistent organized criminal activity within prisons, the Mexican government should prioritize addressing prison officials’ complicity. According to CNDH, 60 percent of prisons are controlled by the inmates and between 2010 and 2012, and more than 500 prisoners escaped.<sup>39</sup> Currently, there is not a holistic, public report on prison official complicity. As such, a holistic report from the Mexican federal government and organizations like CNDH is needed to understand the extent of prison official complicity in the penitentiary system. While there is very little

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<sup>38</sup> Interview. Prison Official in Chihuahua Prison. 8 April 2017.

<sup>39</sup> Insight Crime, “Inmates Control 60% of Mexican Prisons: Report,” *Insight Crime*, September 2012, <http://www.insightcrime.org/news-briefs/inmates-control-mexican-prisons>.

political incentive for the report to be made public, an increase in prison practice transparency should be emphasized. A way to incentivize political support, is by making prison funding to states contingent on public reporting of complaints and investigations.

Prison officials also need to focus on professionalization. There is little language in the recent reforms to require prison officials' professionalization and the current hiring standards for prison officials is not public. If a series of hiring protocols does not exist, it would be necessary to create them. These practices should include extended vetting of prison officials, training on all five restorative justice axes, polygraphs every three years, drug tests once a year, annual home visits, and annual anonymous performance evaluations (or surveys).<sup>40</sup> These changes may not result in improving the prison conditions immediately, but they lay a clear foundation for prison performance expectations. For those prison officials that are convicted of wrongdoing, they should be prosecuted to the strongest extent of the law. The prosecution of corrupt officials is a deterrent for future poor behavior.

**[3] Prioritize the Accreditation of Prisons Nationwide.** The accreditation of prisons is necessary to lower levels of complicity and violence in Mexico's prisons. Currently all federal prisons are accredited by the American Correctional Association and each state is on track to have at least one state prison accredited by the end of 2017.<sup>41</sup> Some states, like Chihuahua, accredited all of its state prisons by 2014.<sup>42</sup> After full accreditation, Chihuahua's state prisons have not reported a single brawl, riot, or homicide.<sup>43</sup>

The current American Correctional Association system is broken into mandatory and non-mandatory standards. These mandatory standards include safety, security, order, care, programs, justice, and administration.<sup>44</sup> Specific standards depend on the type of facility (female, male, juvenile, or high security). To be accredited, prisons must only meet the standards relevant to their facility.

The Mexican government should create their own accreditation system, based on the country's specific situation and priorities. The new accreditation system would allow Mexican prisons to accredit their centers more quickly because Mexico would not be forced to comply with requirements that only concern U.S. prisons. The new accreditation system should be based on social reintegration principles and should address the security and funding constraints in the centers. Mexico should continue implementing the United States' accreditation system until the new system is complete.

**[4] Emphasize Restorative Justice.** To limit prison overcrowding, Mexico should focus on reducing the recidivism rate. In 2014, approximately 12 percent of incarcerated individuals who were sentenced ultimately returned to prison for another crime.<sup>45</sup> To reduce this rate, the government needs to better prioritize the five precepts of restorative justice. These precepts include respect for human rights, job training, education, healthcare, and recreation. The 2016 Penal Enforcement Law requires that prisons follow these precepts, though the law gives prisons four years to increase their social reinsertion

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<sup>40</sup> Some of the practices currently exercised in the Mexican federal government include: hiring practices, extended vetting, and home visits. There is not public information to describe the anti-complicity efforts of the penitentiary system specifically. Interview. CISEN. 14 March 2017.

<sup>41</sup> Interview, United States Embassy in Mexico City, Mexico. 13 March 2017.

<sup>42</sup> Interview, Chihuahua State Prison Official. 8 April 2017.

<sup>43</sup> Excelsior, "Ceresos de Chihuahua certificados al 100%," *Excelsior*, May 2016, <http://www.excelsior.com.mx/nacional/2016/05/28/1095326>.

<sup>44</sup> American Correctional Association, "What are ACA's Standards?" *American Correctional Association*. [http://www.aca.org/ACA\\_Prod\\_IMIS/ACA\\_Member/Standards\\_Accreditation/Standards/ACA\\_Member/Standards\\_and\\_Accreditation/StandardsInfo\\_Home.aspx?hkey=7c1b31e5-95cf-4bde-b400-8b5bb32a2bad](http://www.aca.org/ACA_Prod_IMIS/ACA_Member/Standards_Accreditation/Standards/ACA_Member/Standards_and_Accreditation/StandardsInfo_Home.aspx?hkey=7c1b31e5-95cf-4bde-b400-8b5bb32a2bad)

<sup>45</sup> Ana Cecilia Escobar, Ruben Rivera, and Cynthia Castaneda, "12 de cada 100, reincidencia delictiva en México," *Periodismo de Guerra*, 2013, <https://periodismodeguerra.wordpress.com/2014/05/31/12-de-cada-100-reincidencia-delictiva-en-mexico/>.



capacities.

The top priority should focus on job training to push ex-inmates toward productively contributing to society once they leave prison, instead of returning to illicit behavior. Job training includes assisting individuals to learn trades, prepare for job interviews, and learn money management skills. This aspect of restorative justice will create a stronger sense of self-empowerment for incarcerated individuals. However, job training is not enough to ensure that inmates are socially reinserted following their release from prisons.

One successful model for individuals convicted of non-violent crimes is the “penitentiary industry systems” for incarcerated individuals.<sup>46</sup> Coahuila pioneered this model by allowing local businesses to operate inside both male and female prisons.<sup>47</sup> These programs allow prisoners to learn skills, earn money, and begin the restorative justice process prior to release. Penitentiary Industry Systems train skills to inmates in manufacturing jobs, and in some cases, even high-skilled manufacturing. This is attractive to companies since they receive a consistent workforce that creates the same products as non-incarcerated employees. This is only be an attractive model for companies and prisons that are located in states with high levels of manufacturing. As such, this program cannot necessarily be implemented on a nationwide basis.

**[5] Remove Sentencing for Minor Crimes.** For individuals charged with property crimes under US\$80, or with marijuana possession of less than five ounces, there should be a focus on the alternative practice of community service and reparation fees. The 2016 National Penal Enforcement Law requires this practice. Sentence commutation reduces overcrowding and encourages future positive behavior.<sup>48</sup> The threshold for minor crimes must be clear to both the general population as well as those adjudicating cases. Reducing sentencing for minor crimes should be a policy that is emphasized by both law enforcement and the judiciary. Prisons should also analyze their prison population demographics to identify inmates who currently meet the commutation criteria. Those individuals should have their sentences commuted. In doing so, non-violent criminals would not be introduced to violent criminals or organized criminal groups. For repeat offenders, regardless of their crimes’ non-violent nature, prison sentences should be an option at the discretion of the prosecutor.

**[6] Reallocate Penitentiary Resources.** According to CNDH, only one state, Aguascalientes, meets the Interdisciplinary Technical Council’s standard of adequate prisons and performance, with thirteen states completely failing to meet the standards.<sup>49</sup> The remaining states are partially compliant with the Council’s requirements. To meet these standards, future budgets should first be allocated toward state prisons, and more specifically, the institutions’ security and sanitation programs. Such financial reallocation should include, but not be limited to hiring of more prison officials, training already existing prison officials, updating the sanitation of prison dormitories, providing medical care for both injuries and illnesses at all centers. In 2016, the Federal Penitentiary Agency budget increased by 5 percent. Future increases in prison budgets should emphasize the security and sanitary challenges in state centers.

At a state level, the government should create an advisory structure to understand the financial and personnel concerns of prisons in each region of the country. Each state should have a council composed of experts on security, health, education, and social development. This council would receive federally allocated money and then provide the funds to federal, state, and municipal prisons. This funding could be

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<sup>46</sup> Interview, Reinserta NGO, 13 March 2017.

<sup>47</sup> El Diario de Coahuila, “Industria Penitenciaria Segunda Oportunidad,” *El Diario de Coahuila*, February 6, 2012, <http://www.eldiariodecoahuila.com.mx/locales/2012/2/6/industria-penitenciaria-segunda-oportunidad-276478.html>

<sup>48</sup> Mike LaSusa, 2016.

<sup>49</sup> Comision Nacional de Derechos Humanos, 2015.

tailored to each state's specific needs. The council would oversee improving the centers' sanitation protocols, sending prison officials to annual security and social reinsertion trainings, conducting annual prison evaluations, and ensuring defined living quarters based on criminal affiliation or sentencing status.

**[7] Reduce Extraditions to the United States.** From 2015 to 2016, the number of extraditions to the United States more than doubled. President Enrique Peña Nieto argued against extradition as his administration aimed to increase the federal government's judicial and prison capacity.<sup>50</sup> As a long-term policy recommendation, over the coming decade, Mexico should reduce extraditions to the United States. In preparation for capacity increase, Mexico should not construct more federal prisons, but rather should focus on strengthening the maximum security federal prisons that already exist.

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<sup>50</sup>David Saúl Vela, "Se Duplica en 2016 el Número De Extradiciones a Estados Unidos," *El Financiero*, May 8, 2016, <http://www.elfinanciero.com.mx/nacional/se-duplica-en-2016-el-numero-de-extradiciones-a-estados-unidos.html>