

Surveillance, Territory and the Rule of Law in Mexico City

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

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

Taking the challenge to ask the question on who is the beneficiary from high crime rates in the city, we will examine the situation in Mexico City, looking how crime is framed as an issue of order and finally assessing recent trends to stalk and control de population. In Mexico, crime and insecurity became a major concern for citizens in the early nineties, when crime rates rose substantially following the collapse of the economy a few months after president Ernesto Zedillo took office in 1994 . The economic crisis, deteriorating living conditions, the police authority's lack of legitimacy and the submission of the judicial system to the ruling class permitted the pursuing of this group's political agenda. In a courageous book, Naomi Klein describes the aftermath of major economic collapses as moments of shock where people stand still in order to survive . After the "errors of December" in 1994, citizens were in such a vulnerable state (loosing cars, mortgages, properties and savings), for which solidarity was out of reach from a sinking population. The reduction of social services, the withering of social control patterns and a decreasing investment in communitarian welfare laid the path for social unrest and the increase of crime and delinquency. Also, the increasing number of mothers joining the labor force brought up unsupervised children as a natural consequence of this shift. The social environment, dysfunctional families and the loss of a sense of responsible community contributed to lower the age of offenders and increase the levels of violent crime in the city. The present essay argues that the quest of security has been used to gain control over the territory as well as over the people. In this endeavor, the government of Mexico City has not been substantially different from the federal strategy to combat drugs while taking hold of the territory. Also, that the approach to addressing public policy has been authoritarian with little consensus or even consultation about the plans and procedures with the general public. Ineffective police and inadequate judicial system were incapable of containing the rapid rise of criminality. However, the question on who benefits from crime in Mexico City is still the bottom line of the question. According to official data the State of Mexico almost doubled the share of violent crime of the Federal District, comprising homicides and injuries.

However, the Federal District accounted for a wider share of property crime, theft than the State of Mexico . Police Departments are controlled by the Secretary of Public Safety who directly reports to the governor (in the case of the State of Mexico), or to the mayor in the case of the Federal District. In a city of more than 22 million people, police forces in the metropolitan area account for more than

100,000 officials. Moreover, there are an unknown number of federal agents, investigative police from the Ministerio Publico as well as private police corps.

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

Interestingly, Kelling doesn't find an issue with the use of "extra-legal" means by the police, since they are not either "illegal" practices and instead, he argues, raise complex issues to which neighborhoods are concerned about. What is probably missing in the picture is that even when prostitution, panhandling and juvenile delinquency are a concern for the communities, it doesn't imply that the solution is merely taking them out of sight. However, Kelling draws his line from Broken Windows' co-author James Q. Wilson, who is seen as endorsing tougher public policies, greater use of incarceration or selective incapacitation. Also Kelling acknowledges the possibility that Broken Windows theory may be used by "extremists of one ilk or another [may] rely on it to justify harsh police or other governmental actions against problem populations" . The core argument Kelling presents is that the so-called root causes of crime (poverty, racism, social injustice and family breakdown) have their own right and should be addressed. However, he stresses that "crime prevention should not be held hostage to solving these problems".

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

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

Redefined by Kelling as the "bastard child of a Broken Windows theory", zero tolerance framework has been identified on the one hand as a key to improve the quality of life in the city, a proactive orientation by the police based in accountability. On the other hand, it has been associated with police brutality, human rights violations and social cleansing. However, the original message

permeated policymaking and later marketed the export of “zero tolerance” to other countries. In 2002, Mexico City left-wing mayor Andres Manuel Lopez Obrador hired Giuliani Group as a consultant on security issues. However, Lopez Obrador was convinced that social and economic shortages were at the base of delinquency and simultaneously proposed welfare programs to address them. Granting a contract of consultancy to a former conservative New York mayor shows the way in which political agendas dictate public security issues, instead of long term strategies for public welfare. Even when Giuliani’s 4.3 million worth assessment were paid by private industrialists with vested interests in upgrading the historic center of the capital, the recommendations had a substantial impact on further legislation as well as on the general approach to crime for years to come. Nevertheless, the implementation of such recommendations was far from straightforward to follow since a wider understanding of the problem was needed in the quest of a complex and territorialized problem. After the controversial Giuliani report for Mexico City, the Secretary of Public Safety highlighted that in essence, zero tolerance was not that much about intolerance but trust. The recommendations were framed as neutral tools to enhance the quality of life, dismissing further controversies on the issue. As Secretary Joel Ortega explained: “the term can generate negative reactions in those who do not understand what it means”, therefore excluding any alternative security policies. At the time, public officials enhanced the quality of life features of the initiative rather than the alleged ruthless intolerance, police brutality and disregards for civil liberties. By linking crime control with disorder in Mexico City, central issues such as corruption and impunity are overlooked and socioeconomic factors such as poverty, education and social cohesion are left apart. Nonetheless, Giuliani stressed in a BBC interview: “There are certain differences between New York and Mexico City but I am not convinced that those differences are relevant to reducing crime”. Interestingly, Marcelo Ebrard Casaubon, the former Secretary of Public Security and actual mayor asked a New York-based non-governmental organization, (Lawyers Committee for Human Rights) to comment on the recommendations from the consultancy led by former New York mayor Rudolph Giuliani. In the assessment, the NGO salutes the proposed modernization of operations and strategies even when also warned that the recommendations did not constitute a strategic plan. Moreover, “the report betrays a relatively limited vision of community participation and the importance of public information elements that are likely to be of crucial importance in winning the uphill battle to sow public confidence” . The assessment also highlight that “the approach by [Rudolph] Giuliani is not the only option available, is subject to significant debate and, given its controversial nature, it is necessary to explore alternatives as well as measure carefully the possible impact of such approaches in Mexico . For instance, the proposed action against franeleros and limpia parabrisas (parking space keepers and squeegee men) divert from New York’s couple of hundreds to Mexico City’s hundred of thousands, reflecting the massive informal economy sector in the latest. Moreover, the implementation of an information system such as COMPSAT raises serious issues about the way to implement reliable information, on coordination between the Federal District and the State of Mexico, the deficient and incomplete data on crime and the low rate of reported crime (less than 20%). In Mexico, Law enforcement is widely discredited while police officers are often under qualified, with no incentives and involved in networks of corruption, impunity and abuse of power. Facing a generalized lack of public trust towards the police, certain sectors endorsed the replacement of 3,000 officers by military personnel in 1997. The militarization of the police forces was based on the assumption that only the army could restore discipline and order to the corporation. However, the catch was that a militarized regime responds to authoritarian sectors of society, to whom social control is better served by coercive means rather than by negotiations. Mexico City’s police has traditionally based its strategies in raids or sudden operatives, often triggered by an imperative call of action after a scandalous event has produced public indignation. The rationality behind these operatives has been

that they are the only possible way to achieve results when networks of corruption and complicity exist in every level of the structure.

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

Mexico is undergoing such transformations more than ever in its recent history and a punitive and police regime is emerging after the contested elections of 2006. The open announcement that President Felipe Calderon that major budget cuts would be performed on social expenditures while a considerable amount of the budget would be allocated to the security forces (army, marine, federal police and the Attorney General's office) was received with no surprise by political analysts and the general public. Calderon militarized the country under the banner of the "war on drugs" which has served to mobilize the army all over the country in a flashy display of force and control of the territory. Even when a similar drug war strategy has proved ineffective by large in Colombia (Plan Colombia), Calderon has undertaken special operatives (raids, stop & frisk, etc.) in the principal drug turfs in the country (Tijuana, Tamaulipas, Culiacan, Guerrero, etc.) and even when tangible results of the operatives have been meager, a continuous military presence across the country has served to pretend that actions have been taken to crack on drug trafficking. Apart from the international media attention, the operatives have served to oil the military machine in case the need to change the targets turn up at some point. However, a major concern for Mayor Marcelo Ebrard's voters was that he started to follow similar patterns of policing the territory than Calderon, even under a progressive welfare political platform. Ebrard has not been shy on using raid operatives, using coercion, surveillance and incarceration to get hold of the capital's territory. Some proactive strategy resembling Giuliani's set of recommendations come to mind to retake back the city's neighborhoods: undertaking raids against alleged drug dealing turfs, informal vendors and enacting the Civic Culture Act, all of which has raised questions and concerns about the authoritarianism behind the actions. Moreover, in the first year of office, Ebrard increased in 4,000 the number of police officers patrolling the city and this year he is determined to install 8,000 CCTV cameras citywide in order to be "the most surveilled city on earth" . However, the challenge is largely political since the strategies are immersed in every kind of shortfalls: the Federal District is only the smallest half of Mexico City's population, there is no effective coordination among both political entities and more crucial, security in Mexico has much more to do with precarious living conditions, corruption and impunity as well as with communitarian intervention in the social construction of a secure city.

While Secretary of public security during Andres Manuel Lopez Obrador administration, Marcelo Ebrard had not only Rudolph Giuliani's input but he also had the advice of Italian Mafia buster's Leoluca Orlando from Palermo, conscience building Antanas Mockus and hard-core coercive mayor Enrique Peñalosa, both former mayors of Bogotá. Drawing from their success stories, Ebrard gained inspiration to design his own security policies that crystallized when being elected mayor in 2006. However, during Lopez Obrador tenure, the penal code was modified in order to enforce in a more thorough way, the rule of Law. The City's Human Rights ombudsman Emilio Alvarez Icaza questioned the extended sentences and criminalization of new felonies. Alvarez Icaza warned then that increasing the penalties and sentences, limiting paroled liberation and lowering the penal age were not bound to solve insecurity by themselves. The ombudsman also raised his

concern about the 300% increase of inmates between 1997 and 2002 as well as the lack of alternatives to incarceration. The period is relevant in the sense that from 1997, for the first time in history there was an elected mayor followed by another left-wing co-partisan. Moreover, the incarceration rate is relevant since according to Azaola and Bergman study on Mexican Prisons , the majority of inmates were not the most dangerous criminals but they were the poorest, administrative procedures were often flawed while the justice system was perceived as ineffective, corrupt and unreliable. Therefore, major offenders were out of jail, while inmates suffered all kinds of mistreatment in prison and the roots of the problem were far from being addressed.

2. The civic Culture Act and the Question of Human Rights

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

Police in Mexico has a long history of corruption, abuse of power, impunity and insensibility to the population’s needs. Therefore, discretionary actions by the police as proposed by Kelling and recommended by Giuliani would result in a privileged place for practices of corruption. Moreover, empirical research (XXX) suggests that sanctions and tighter enforcement of the Law by themselves often derives in the relocalization of criminal activities or a shift within the criminal activities, nevertheless illicit. Concurrent with the Civic Culture Act, around 70 civil courts were created to attend minor offenses in an “efficient, consensual and expedite manner”. However, the Act doesn’t guarantee the civic judges independence since they rely on the Federal District Head of Government both for appointment or removal.

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

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

The Civic Culture Act recalls elements from Rudolph Guilliani’s zero tolerance, Enrique Peñalosa’s environmental quality and Antanas Mockus’ civic culture initiative. However, the blend lacks some of the central elements of the mentors. For instance, in the case of Antanas Mockus, his charismatic personality proved to be crucial for inspiring a voluntary compliance with the rule of law, to achieve the “pedagogical balance” of his highly symbolic interventions as well as a change of attitude towards the value of life. Moreover, Mockus put forward a civic culture program based on a voluntary respect for the norm, pacific and spontaneous as well as self-regulation. Even when changes made at the institutional level of the security structure were significant, changes in citizens’ attitude towards their responsibility for maintaining the environmental quality of the city were crucial. In the case of Bogotá, it is important to acknowledge that the reduction of crime and violent deaths was preceded by other interventions such as gun control, curfews for alcohol selling, capacitating police in human rights, improving wages and living conditions of police officers as well as the crack on corruption within the police department.

3. Civic responses to insecurity and further social transformations

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

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

panhandling, street-jobs, etc), raises questions on the fair judgments that a corrupt police corporation may convey. To this respect, the Human Rights Commission of the Federal District acknowledges the right to security and the right to live with no fear to every citizen. However, the commission is very keen on pointing to the false dilemma where in order to attain security other human rights ought to be sacrificed, for which the Civic Culture Acts will only criminalize poverty since it permits the arrest of any suspicious individual on "preventive" detention basis.

The bottom line is that the policies are based on the assumption that the people should behave and control themselves, regardless their social or economic environment, taking away any responsibility that society as an ensemble may have. Also, various parts of this Act are open to misinterpretations regarding the "disturbance of other neighbors tranquility" or "actions against the urban environment of the city", which may lead to repressive-although legal- procedures.

At the macro-level, the rise in crime is explained by the institutional demise of the state, economic transformation with safety nets, and by the acute impact of high unemployment among youths. These changes had a devastating effect on lower income populations. However, as accumulated research has demonstrated, unemployment and socio-economic status have only an indirect effect on delinquency. Family structure is also strongly related to future delinquent behavior. Growing up in poverty among larger cohorts with diminished social resources and in a context of dwindling guardianship and other social control mechanisms has increased the likelihood of youths engaging in delinquency. Although no individual level data is available to measure the exact magnitude of such effects, the impact of these social changes on the coming of age of new economically deprived cohorts is noticeable. The aggregate data presented here suggest that such deep and sudden changes in the social fabric have a profound impact on traditional patterns of control and result in the eruption of crime. The findings in this paper also support Sampson's argument (leaving aside the racial aspect of his study) about the indirect effect of significant changes in female occupational status. These major transformations in the structure of labor markets directly affect family and community by changing macro-level patterns of guardianship. The lowering of the age of criminality in Mexico suggests that juvenile delinquency and unprecedented levels of violence are related to family disruption and the breakdown of the community.

This paper indicates that Mexico is in the midst of major structural social transformations. The widespread incorporation of women into the work force and the scarcity of jobs for youths and males are changing traditional family organization and communities, and transforming patterns of control and child rearing practices. Family disruption has been a good predictor of juvenile violence and delinquency, and the data indicates that such disruption is increasing due to dramatic shifts in the labor market. Such major social and cultural transformations have generated the conditions associated with higher criminality. Finally, the transformations that have breed higher criminality were not accompanied by the professionalization of Police forces and other criminal justice institutions. On the contrary, the poorly developed organizations, their corruption, and the low standard of rule abidance and effective administration have only exacerbated the problems. Not only did not police contained crime, it has probably contributed to more criminal activity. Deterrence completely failed. When institutions that work to detect and punish or prevent and contain crime perform badly or even very badly, there is a further lowering of the already subjectively perceived low costs of crime among offenders. 4. Social control of space and territorial strategies

The rule of Law is based upon fundamental principles that support a

legal framework of human conduct. In Latin American cities, struggling democracies have not yet been able to permeate the institutions of security. A long history of State's disrespect for civil rights and a deep disbelief in the justice systems seems

to prevail, despite later efforts by progressive Mayors in Bogotá, Sao Paulo and Mexico City. Police as an institution in charge of providing protection and assistance to the community has been largely discredited in the region. In Sao Paulo, an extended history of authoritarianism inherited from dictatorships (last ending in 1985), had the Police accustomed to act outside the boundaries of legality. However, elected Mayors such as Mario Covas endorsed the establishment of control on police violence and corruption, as well as making police abide by democratic principles. However, resistance came from the police in the form of blockages, strikes and boycotting of proposals in the National Assembly and served to deter institutional changes. Police corporations in Sao Paulo have often been credited for engaging in extra-legal execution of crime suspects, accounting for 10% of the killings equivalent to more than 700 civilians a year. Nonetheless, this behavior is supported by the population which perpetuates violent schemes for addressing crime. The media has also played their part in the perception of crime and criminals, accounting at least for a third of air time in the news programs. In Sao Paulo, a few years ago, the kidnapping of one of the most famous Brazilian entertainers was transmitted live as well as the negotiation process leading to his liberation. In Mexico City, the lynching of three police officers was broadcasted in real-time illustrating the citizens' aversion to police as well as the incompetence of the corporation to rescue their peers alive. Another key issue in enforcing the rule of Law has been the contrast between privileges and the abuse of force. As each treatment depended on who the subject is, a deep disbelief in the fairness of the system of justice and its unbiased functioning prevails in society.

Nevertheless, Mário Covas, former Mayor and later elected governor of Sao Paulo (1995-2001), undertook the task to document, punish and prevent police abuses. Covas had replicated at State level President Enrique Cardoso's National Plan for Human Rights enacted in 1997, and as a result, a Police Ombudsman Office was created. At the end of Covas' administration the office was responsible for the prosecution and punishment of more than 2,800 policemen. The assessment undertaken by the referred office, tried to unveil the "cultural lethal police action" as the cause of the extreme use of force (Ouvdoira, 2001). The Ouvdoira reported also the Police intention to kill than to subdue the subjects (86% of the shot were in the back or in the head), and suspects were mostly blacks, young and poor (although more than half with no criminal records). Another later trend in security issues has been the creation of private security firms along with the proliferation of clandestine security services. For instance, Mexico City registered 50% more private than regular police while in Sao Paulo, 88% of policemen killings between 1999 and 2001 were slay in off-duty hours, that is, working as private guards (Ouvdoira, 2001). In Sao Paulo as in Mexico City, policemen are often associated to criminal gangs, kidnapping organizations and drug business. Moreover, both share a similar background, lifestyle and values. Therefore, in cities where the rule of Law is inconsistent and ineffective, people start considering taking action in their own hands. As Helio Luz, former Police Chief of Rio de Janeiro elaborates on crime and inequality: "The police is an institution designed to be violent and corrupt...yet people still wonders. Why do I say that?, because the police was

created to serve the State and the Elite. I enforce the Law to protect and serve the Status Quo, just like that. How do you keep two million favelados under control? Engaging in repression practices? Of course, how else? This is a political police. This is an unjust society. We are here to protect this unjust society."

During the 1990s, two progressive Mayors in Bogotá addressed security issues, values and quality of life with a certain amount of success. First, Antanas Mockus approach was to educate citizens and recover civil values as a general framework for relating to each other. A philosopher and mathematician, Mockus undertook the city of Bogotá as a social experiment in which to try his theories involving symbolic actions, humor, metaphors and their pedagogical return. His policies were informed by Jürgen Habermas communicational theory where dialogue creates social capital,

as well as Nobel-prize winning economist Douglass North work on the tension between formal and informal rules. Mockus stressed the power of knowledge in society, on the rule of law to regain basic forms of conviviality as well as sensitizing the people through humor, art and creativity to accept change in behavior. Among his ground-breaking initiatives was a 50,000 people campaign in which the people would receive a symbolic "vaccination" against violence. Mockus also embraced community police schemes, creating more than 7,000 local security fronts which peacefully surveilled their neighborhoods. A campaign of voluntary disarmament indirectly accounted for the homicides' rate to drop 26% as well as the perception that citizens needed a gun to protect themselves. Other strategies involved hiring 400 mimes for traffic calming and distributing 350,000 thumbs-up and thumbs-down cards to citizens. The cards were used to disapprove or disapprove fellow citizens' behavior in a civilized and friendly manner. Mockus also took a moral stand for the sacredness of life as the "main right and duty of citizens", and to many people's surprise, the homicide rates fell from 80 to 22 homicides per 100,000 as one of his major achievements. The following elected Mayor Enrique Peñalosa centered his policies in upgrading marginal neighborhoods as well as improving the equality of life in the city. Peñalosa based his policies on paradigm shifts, new urban vision and the change of priorities in public expenditure.

However, Peñalosa engaged as well in hard-line policies to take-back sectors of the city allegedly occupied by street-vendors and criminal organizations. Also, a wide ranging strategy of public spaces was undertaken involving three major pedestrian projects: the 20 Has. Tercer Milenio park (for which 600 buildings were demolished), the Juan Amarillo-Molinos-Cordoba linear park and the Alameda del Porvenir park, built around suburban low-income settlements. Peñalosa was inspired by former New York Mayor R. Giuliani and Wilson and Kelling's "Broken Windows" approach (1982). Peñalosa was endorsed the rationale of ordered spaces as the expression of concerned citizens for their environment as well as the pedagogical value of communitarian work. He also argued that after his administration, citizens came to develop a sense of belonging, pride and love for the city changing their habitual apathy and despair for the future.

5. Surveillance and the "electronic eyes of justice"

The elected Mayor of Mexico City Marcelo Ebrard, was a former Secretary of Public Security (2002-2004), for which he was quite aware of the crime situation before taking office in December of 2006. During his tenure as secretary, Ebrard had Rudolph Giuliani team to conduct an assessment of the crime situation in Mexico City (worth 4 million dollars on consultation fees). Later, Ebrard selectively used the following recommendations, such as improving the policemen living conditions, to have the Police accountable to the community, cracking on corruption and improving the legal and judicial systems. Later, as newly elected Mayor in 2006, Ebrard followed the Broken Windows paradigm along with increasing numbers of patrols and police officers. Environmental decay, graffiti and aggressive panhandling were also under a more proactive response and communitarian policing was also introduced. Ebrard was informed by Peñalosa's example in Bogotá and undertook unprecedented actions in areas of high incidence of crime to crack on delinquency and at the same time acquire large areas to develop projects right in the center of the city. Among those interventions (which were later extended to a couple of dozens) were the formerly known as Fortaleza in the traditional borough of Tepito which was raided on alleged charges of drug dealing and other illegal activities. Therefore, Police were deployed all over the place confiscating items and impounded the whole property for future construction of medical services, nurseries and social services. Another area known as La Ford, famous for being a place for disassembling stolen cars and reselling the parts in a vast illegal market, was dismantled in a similar fashion and the land was expropriated to build a cultural center, a sports complex, and other services for the community. Even when several

financial networks related to illegal activities are said to have been pulled apart with the operatives, concerns were expressed by the Federal District Commission of Human Rights regarding the procedures as well as the interventions on the basis of presumption of crime.

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

City governments have been willing to install CCTV systems but the greatest impact has come from private schemes by building owners. These schemes survey both private and public spaces, raising concerns over the privatization of the public realm which may eventually, dictate how these systems are designed and used. Surveillance technology consists of devices and systems that can monitor, track and assess the movements of people and their property. Whereas criminal record information is based on hard facts, criminal intelligence is often speculative and intricate to verify. Moreover, a large amount of information of a noncriminal nature is collected about individuals and events during the course of surveillance. However, there has been an important political shift on the target of surveillance at international scale. Instead of investigating crime after it happens, police intelligence is increasingly tracking the sort of people they think are most likely to commit crime: certain social classes and ethnicities living in specific areas of the city. This type of preemptive policing is called data-veillance and is based on the way in which the military gather huge quantities of low-grade intelligence for tactical purposes. For instance, new stethoscopic cameras can take hundreds of pictures in seconds and is capable of photographing every single participant in a march or demonstration.

In an era of mass surveillance an individual can expect to appear on average in 300 databases, considering that in the UK there are more than 5 million cameras while in the US there are around 30 million countrywide. Information, more than ever, has turned into the key to maintaining power and influence, since the surveillance and tracking of financial transactions, communications' activities and geographic movements are increasingly cheaper and efficient to follow. Therefore we may ask then what is the nature and uses of surveillance? And also, what are the implications for our rights as citizens?

In the groundbreaking report of Sir David Calcutt QC (1990) defines privacy as: "The right of the individual to be protected against intrusion into his personal life or affairs, or those of his family, by direct physical means or by publication of information". CCTV systems have been criticized to be largely unmonitored and apparently ineffective to solving crime. According to some experts, people have growing expectations that technology will solve the problem of safety and protection. Last year, the Los Angeles Times reported that Mexico had received funding by the US Department of State to acquire a 3 million's system to increase the capacities of Mexican intelligence agencies to tap telephonic and electronic communications including cell phones, voice identification and internet. The system, known as Sistema de Intervencion de Comunicaciones, permits to follow cell

phones' conversations and tapping telephones linked to criminal activities and there is a strong lobbying to avoid the judicial order to perform such activities.

6. Conclusions: the rule of Law and the social control of cities

The most common response of governments to rising rates of crime has been to strengthen their legal and judicial systems, increasing law enforcement expenditures and toughening penalties. However, the number of offenders prosecuted and incarcerated made the costs of maintaining the criminal, justice and correctional systems rise to unprecedented levels. Policing and security may emphasize the deployment and coercion to fight the criminal sources of insecurity. Although people may feel that something is being done when tough measures are taken against crime, the approaches do not deal with the long-term consequences for families or help to prevent future delinquency. However, those measures have not reduced the number of offences committed, raising questions on alternative ways to spend resources on preventive social actions. Moreover, it is argued that preventive action can be up to ten times more cost effective than traditional control measures such as incarceration. Crime prevention was seen as largely the responsibility of the police. Only recently these problems were conceived as intrinsically linked to the health of the neighborhoods, their quality of life, as well as a wider concern about community safety and urban security. As a result, several police departments across the Latin America have undertaken communitarian police schemes instead aiming to improve their rapport with the community. For instance, problem-oriented policing was introduced as a model of rapid-response approach to incidents usually caused by underlying community issues. Community policing has been reconsidered in recent times and supporters argue that this approach fosters the mobilization of resources in the community bringing along stability in the long term. This latest variation proposes that agents ought to be agents of community tradition and consensus, working with local and grass-roots organizations aiming to help residents to take direct action for their own security provision. The communitarian-policing model involves police engaged in a wider range of security activities along with other institutions and in the solution and management of social problems. However, some critics to this model emphasizes that the police may become a center for professional advising on security issues, creating an endless demand of security solutions only available from experts in that field. Nevertheless, alternative approaches have been undertaken in which partnerships between local governments, the police and the organized communities are established to address crime. Other than the repressive approach to crime, the city creates security contracts where the state subsidizes a set of initiatives undertaken by the population at risk. Members of the community may also participate in "Crime prevention councils" to discuss crime related problems and define or coordinate the correspondent programs. Special programs targeted to socially disadvantaged groups such as probationers, unemployed youth, single mothers, etc. have been proved crucial for long-term prevention. However, this approach stresses the importance of key political figures taking responsibility on prioritizing crime prevention strategies as well as keeping them on the political agenda to recover and enhance the quality of life in the city.

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