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# GOOD PRACTICES IN MATTERS OF PUBLIC SAFETY AND JUSTICE IN LOCAL GOVERNMENTS<sup>1</sup>

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#### INTRODUCTION

The 2008 constitutional reform of Mexico's Criminal Justice System has been one of this country's most important reforms in the last hundred years, due to its breadth and content. Its objectives have such range that they affect a wide variety of institutions from all three levels of government.

Even though the central functions of obtaining and administering justice fall on the domain of a state, under the new paradigm of this reform, municipal police forces once again have a very important role as first responders, since investigation tasks have been given to them in coordination with the Attorney General. It should be noted that, besides police forces, there are other areas where considerable modifications have been made like in civic justice<sup>2</sup>, in mechanisms for justice enforcement and itinerant justice, or in the expanse of the use of alternative mechanisms for solving controversies (*Mecanismos Alternativos de Solución de Controversias, MASC*), where the agreement 06/XL/16 was approved for elaborating the Homologated Model of Civic Justice, Good Government and Culture of Legality for the municipalities of Mexico (from now on referred to as the Homologated Model of Civic Justice) for

<sup>1</sup> The present article summarizes some good practices in matters of security developed by municipal and local authorities, documented by the team of *Jurimetria Iniciativas para el Estado de Derecho, A.C.* during 2017. This line of investigation has been developing since 2013, with the support of the MacArthur Foundation. Ever since 2017, it is also patronaged by The College of Jalisco (*El Colegio de Jalisco*).

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<sup>2</sup> Civic Justicie will be considered as "the ensemble of procedures and instruments of Good Government aimed at fostering the Culture of Legality and to offer a swift, transparent and unobstructed solution to community conflicts generated by the everyday interactions of a democratic society" (*Modelo Homologado de Justicia Cívica, Buen Gobierno y Cultura de la Legalidad para los Municipios de México*, s/f, p. 4).

strengthening the administering of Civic Justice in Mexico at a municipal level.

Mexico faces one of its worst criminality crisis —if not the most important because of the levels of violence and impunity that surpass all historical levels and the way in which their direct consequences are reflected on the distrust that citizens have towards the country's institutions of public safety and for obtaining and administrating justice. Currently, the country has one the highest rates of unreported crimes, with only 6 of every 100 delinquencies denounced. In a scenario such as this, the margin for taking action and improving institutions is quite large indeed.

According to the most recent data<sup>3</sup>, 75.9% of Mexico's urban population<sup>4</sup> feels unsafe. In matters of performance, 39.6% of the population of 18 years of age and older considers the Municipal Preventive Police Forces as effective, thus making it the authority body with the worst public perception in terms of its effectiveness. From a standpoint of trust, less than half of the surveyed population declared to trust said institution.

In the face of the increasing spiral of criminality, violence and impunity, there has been an open-mindedness towards centralized response models in which figures such as the Sole Command have been suggested. However, the most effective schemes to reduce delinquency and to prevent violent acts from within society are those carried out under schemes ruled from the bottom to the top, aimed at strengthening communities, reducing the vulnerability of citizens and paying early attention to red flags. Without question, there are high impact crimes that must be dealt with police intelligence and focalized pursuit strategies, but even in these cases, municipalities and metropolitan areas have much to contribute.

We now present a number of good practices in which local governments were able to strengthen communities and to establish effective liaisons with institutions in charge of security and criminal persecution for achieving a wider coverage of attention for victims and the system's users.

## • The good practices approach for improving public organizations

Due to the inability, ineffectiveness and executive failure of democratic governments to deal with their society's problems, in recent years, two theoretical approaches have been proposed and developed as possible solution alternatives to these problems: governability and governance. Governability is understood as the executive capability and effectiveness of governments to govern their

<sup>3</sup> The National Survey of Urban Public Security (La Encuesta Nacional de Seguridad Pública Urbana, ENSU) of the National Institute of Statistics and Geography (Instituto Nacional de Estadística y Geografía, INEGI) is applied in quarterly fashion and gathers information on the sense of unsafety, performance perception and the witnessing of criminal conducts, among many other aspects at an urban level.

<sup>4</sup> In its last edition (June, 2018), the ENSU had a coverage of 68 cities in the country.

societies (Aguilar, 2016), while governance is "the process through which a society's actors decide their coexistence goals —which are fundamentally contextual—and the different ways of coordination to achieve them: their sense of direction and their executive capability" (Aguilar, 2007, p. 90).

Combined with the aforementioned, there has been a consensus among specialists, academia and several other organisms on the importance of incorporating result-oriented management models that offer an ensemble of tools that could be useful for improving administrative processes, modernizing public action, strengthening institutions and generating conditions for government to deal with and solve society's problems (Aceves, 2015).

Before the scale and the complexity of the organizations participating in the system of public safety and justice administration, the good practices approach has become a fundamental tool, not only for spreading the news of the better actions of organizational managements, but also to replicate them with the purpose of making the operative process of public institutions more efficient and to achieve better results in accordance with the objectives that each of the government's agencies pursues for the benefit of citizens.

A good practice can be defined as:

That which has proven to function well, produces good results and, therefore, is recommended as a model. It is a successful enterprise, which has been proven and validated, in a wider sense, has been repeated and that deserves to be shared for it to be adopted by the largest possible number of people.<sup>5</sup>

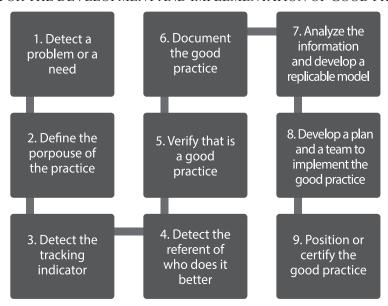
It should be stressed that the adoption and implementation of a good practice must consider the development, procedures and consolidation of the organizations being analyzed and not merely focusing on the results, effectiveness and the satisfaction of the service's users.

The advantages or virtues of good practices can be argued from the standpoint of their impact's evaluation, i.e., from their proposed results or from the analyses of their practices, paying attention to how and why the practice worked (Barzelay and Cortázar, 2004, p. 13). Both aspects are important, but the second criterion is key for these models to be extrapolated to other organizations. Several considerable efforts have been made from within civil society to offer tools that allow the good practices approach to be carried out by institutions involved in the system of public safety and justice for it to

<sup>5</sup> Food and Agriculture Organization of the United Nations, FAO. (July, 2015). *Plantilla de buenas prácticas*. From http://www.fao.org/3/a-as547s.pdf

pursue the objectives of each of its agencies<sup>6</sup>. Thus, eleven phases have been suggested for the development and implementation of good practices. See figure 1.

FIGURE 1
PHASES FOR THE DEVELOPMENT AND IMPLEMENTATION OF GOOD PRACTICES



Source: Developed by Zepeda and Jiménez (2017) based on Karlof, 1998 and Keehley, P., Medlin, S., MacBride, S., and Longmire, L. 1997.

Within each of the intervening institutions of the justice system, local authorities —including state and municipal-level organizations— have managed to develop good practices that are considered as key elements for improving said system's performance.

One of the most important advantages of local governments is that "by being the closest to people's actual living environments, they are also in the best position to identify their needs" (Pascual, 2016, p. 58). At this level, changes in the processes, or even, the implementation of new models of management can be so much quicker and with lesser costs than in other levels of government.

In recent years, some municipalities have carried out important efforts for improving the way in which they carry out their functions, thus obtaining better results. For example, there have been plenty of advances in matters of

<sup>6</sup> Guía para la implementación de buenas prácticas de Jurimetría Iniciativas para el Estado de Derecho A.C. From http://www.jurimetria.org/servicio?id=32

the social prevention of crime, community building, peace culture and a more integral role of municipal police forces as first responders.

# • Documented good practices in terms of public safety and justice in state organizations

The advances on the implementation of the adversarial system and the obtained results from these practices have varied and been asymmetrical from state to state. Some of them are yet to see positive results; some have already developed good practices in specific aspects that could be extrapolated to other parts of the country. One example that could also be taken advantage of at a municipal and/or metropolitan level is that of the Integral Help Center for Victims.

The Integral Help Centers (Centros de Atención Integral, CAI) that offer justice administration services in criminal matters are considered as a good institutional practice of the justice system. These integral centers are new help models designed for tending to several of the objectives captured on the criminal justice reforms of 2008 and other national legislations for helping crime victims. Some of the reform's main purposes include improving the access to justice, respecting the victims' rights, recovering the public trust on the authorities in charge of operating the justice system (SETEC, 2010, p. 10), as well as reducing the waiting time and costs for people (SETEC-INAP, 2012, p.16), improving the quality of services for users, as well as guiding and channeling citizens towards the correct procedures for the services they need.

The implementation of integral help centers have meant the development of innovation programs and the reengineering of processes for strengthening institutional capabilities, as well as the human and material resources needed to offer help services in effective and efficient manners. Under this logic, these centers must have systems for public guidance and reports, aside from gathering all of the services required by users, plaintiffs and crime victims in a single space ("everything under the same roof"), in order to help victims, receive reports, develop criminal investigations and count on Alternative Mechanisms for Solving Disputes (Mecanismos Alternativos para la Solución de Controversias, MASC).

It is important to stress that a determinant factor for the implementation and operation of this new system of justice is the training and development of capabilities among the personnel that will participate in tending the citizens' needs. The advisor or guidance assistance must know the assumptions and requirements of provenance of each of the possible services to which the presented affairs must be referred. Thus, cases can be channeled to:

- a) Timely attention.
- b) Immediate determination of victims that need some kind of special or urgent assistance or attention.
- c) Guidance and channeling to other dependencies.
- d) Missing person certificates or records.
- e) Determination of cases that qualify for the use of alternative resources of criminal justice and the suggestion of this option to users, informing them that such decision is voluntary; or, if that is the case, to channel the matter to the criminal investigation area of the attorney general's office (Zepeda, 2014).

The early attention modules of Mexicali, Baja California; the Centers for Guidance and Reports (Centros de Orientación y Denuncia, CODE) of Monterrey, Nuevo León; and the Early Attention Units (Unidades de Atención Temprana, UAT) of Oaxaca, Oaxaca are all part of the justice system's institutional good practices because of the reconfiguration of their processes and the results they have obtained under this new model of integral attention.

For example, Mexicali, Baja California obtained the ISO 9001-2008 certification for its early attention and guidance department that sets a maximum waiting time of 17 minutes. The advisor asks users for information on their needs and demands for services and shows them the button of the procedure they need on the take-a-turn machine. If a turn's time runs close to 17 minutes, an amber flashing light is turned on, signaling the duly trained personnel of the citizen help area to tend the current demand for services, thus keeping the users' waiting time under the standard. In the case of Oaxaca, the waiting time at the "Centro Histórico" Early Attention Unit has an average of 23 minutes, while the average waiting time in Nuevo León varies between 40 and 45 minutes.

It is noteworthy that all three states have different help centers: Oaxaca has seven points for help and reports; Nuevo León has 13 CODES and Mexicali's judicial party has eight attention offices (five within the city and three on the valley of Mexicali). Also, all three systems have 24-hour guards for tending urgent cases.

As for the quality of the attention given, these services have been rated as satisfactory by 85% of their users in different territories, in exiting surveys and in telephone evaluations. These evaluation exercises have been carried out in five states of the country (Zepeda, 2014).

Baja California has a follow-up unit of user satisfaction that monitors all received complaints. These complaints are spread towards the inside of the institution as a manner of feedback, while the complaining public is noticed

that their comments were received and that measures are being taken for improving upon said area of opportunity.

Spreading the news about this type of practices has been an excellent opportunity for entities that have fallen behind in matters of integral attention to crime victims to take advantage of experiences from different places for implementing successful practices that could help their objectives and reform themselves. Such is the case, for example, of the state of Jalisco's Attorney General's Office which, in the Guadalajara Metropolitan Area, a city with more than five million inhabitants, only has one main location for reporting crimes in an area that is not easily accessed by most citizens.

The alternative justice centers of Baja California and Oaxaca should also be considered as institutional good practices, since they present key elements of the paradigm change implied by Mexico's new criminal justice system. To begin with, the professional profile of mediators is very different from the public servants of the traditional system's justice administration. The new mediators have a specialized training and must conclude a series of courses and certifications in order to face the responsibility of facilitating agreements and guiding the restorative or arbitration process to handle conflicts which, sometimes, present high degrees of complexity.

Oaxaca and Baja California's models of alternative justice present important results regarding repairing agreements and their respective compliance. In Mexicali, each mediator is assigned 80 sessions per month and an average of 30 repairing agreements are reached each month. The rate of compliance of reparatory agreements in Baja California is of 97% and of 90% in Oaxaca. On the other hand, it is estimated that a criminal investigation (an investigation file) has an average cost of 12,000 pesos (Zepeda, 2010), while an actuarial analysis made to the received and processed cases in Mexicali, by Organisms Specialized in Application of MASC, indicated a cost of 1,566 pesos (Zepeda, 2014).

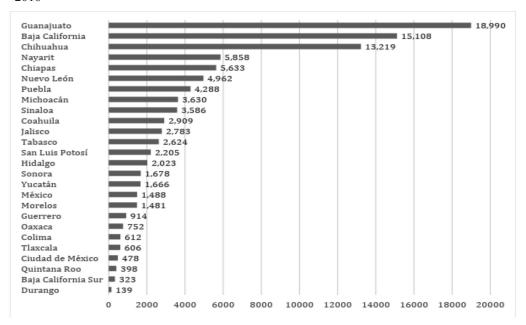
Also, both centers of alternative justice systematically generate valuable information for feeding the follow-up indicators. In the case of Baja California, the institution's members have established goals that are known through their Intranet system, which also spreads the information about their advancement and their respective contrast with said goals.

## • Documented good practices in matters of public safety and justice in municipal organizations

In matters of civic and alternative justice there is an important niche of opportunity for municipalities. Article 17 of the constitution establishes that a swift, complete and impartial administration of justice is a right of the people.

However, in practice, there are several asymmetries in the access to justice that limit the compliance of those dispositions. The criminal law reform of 2008 formally introduced the MASC, while the national legislation in the matter didn't come up but until 2014. The development of MASC has been varied all over the country. For example, 51% of solved matters by MASC in criminal justice are concentrated in three states: Baja California, Chihuahua and Guanajuato (in 2014, these three states and Nuevo León concentrated 71% of all solved affairs. Zepeda, 2016). See Graph 1.

GRAPH 1
TOTAL OF CRIMINAL JUSTICE AFFAIRS SOLVED BY ALTERNATIVE JUSTICE IN
2016



Source: 2017 National Census of State Justice Administration, National Institute of Geography and Statistics.

The MASC principles can also be applied for tending to and managing community conflicts, i.e., a society's everyday problems like those that happen between neighbors or joint owners that, if not handle appropriately, can lead to violence and criminal actions. In this context, community arbitration and civic justice (also commonly known as everyday justice) regain a very important role in the social attention and prevention of crime.

According to data from the National Survey of Urban Public Security (*Encuesta Nacional de Seguridad Urbana, ENSU*), it is estimated that 35.8% of the population of 18 years of age and older at least went through one conflict

or confrontation in their everyday life during the past three months which, in most cases, happened between neighbors. 86.2% of these cases included conflict situations that had consequences—although the majority of these were not of the physical type, but yelling and the trading of insults. However, if many of these cases were to persist, they can evolve into felonies like threats, injuries and property damage, among many others, which is why it is convenient to tend them at their first signs of manifestation, considering that, above everything else, the investigation capabilities of our justice system have been surpassed.

In 2015, the Federal Government, in conjunction with the Center of Economic Research and Teaching (Centro de Investigación y Docencia Económicas) and the Legal Research Institute (Instituto de Investigaciones Jurídicas) of the National Autonomous University (Universidad Nacional Autónoma de México, UNAM) convened the "Dialogues on Everyday Justice" (Diálogos por la Justicia Cotidiana), which included a roundtable on "Timely legal assistance and alternative justice". Among the specific problems identified within this subject are the high cost of the access to justice; the lack of trust towards institutions that deal with the administration of justice; the limited use of alternative justice; the insufficient mechanisms for taking care of community conflicts; the lack of culture in peace and legality; as well as the insufficient number of prepared and well-trained public servants.<sup>7</sup>

On February 5, 2017, a decree was published which reforms several rulings of the Political Constitution of the United States of Mexico in matters of MASC, regulation improvement, civic and itinerant justice and civil registries. Among the new rulings, Congress was authorized for issuing a general law in matters of civic and itinerant justice. On December 5, 2017, the President sent the House of Representatives a Decree Initiative that issued said law—which was approved on April 11, 2018. This law states that all of the countries' municipalities must rely on civic courts, with sizes appropriate to their population density, as well as on an infraction catalogues that could sanction with reprimands, community services, fines or arrests of up to 36 hours.

The federal government also presented the Authorized Model of Civic Justice<sup>8</sup>, whose main characteristics are:

- \* Systemic vision. Actors: civil court, police force, community representatives, facilitators.
- \* Public hearings.

<sup>7</sup> Final document of the Dialogues on Everyday Justice. (s/f). Recovered from https://www.gob.mx/cms/uploads/attachment/file/79028/Di\_logos\_Justicia\_Cotidiana.pdf

<sup>8</sup> National Committee on Public Safety (Comisión Nacional de Seguridad Pública).

- \* In situ police action using the proximity approach.
- \* Community work.
- \* Implementation of alternative mechanisms for solving controversies. (Mecanismos Alternativos de Solución de Controversias, MASC).

The concept of civic justice is defined as:

The group of procedures and instruments of Good Government aimed at promoting a Culture of Legality and solving community conflicts created by the everyday interactions of a democratic society in swift, transparent and unobstructed fashion. Its objective is to facilitate and improve a community, avoiding that said conflicts escalate into criminal conducts or acts of violence, through different actions such as the encouragement and dissemination of rules of coexistence, the use of alternative mechanisms for solving controversies, as well as tending to and punishing administrative offences. All of the aforementioned without prejudice towards the uses and customs of indigenous people and their communities.<sup>9</sup>

The National Institute of Statistics and Geography (Instituto Nacional de Estadística y Geografía, INEGI), through the National Census of Municipal Governments and Local Offices (Censo Nacional de Gobiernos Municipales y Delegacionales), collects information on municipal justice, among many other topics. This census is carried out once every two years and, up to this date, it has been carried out on four occasions. Previously, in 2009, the National Survey on Government, Public Security and Municipal Justice (Encuesta Nacional de Gobierno, Seguridad Pública y Justicia Municipal) was carried out.

According to more recent data, in 2016, a total of 17,036 people were appointed to areas of municipal justice at a national level. Of these people, 3,967 are civil judges or qualified officials; 1,291 are secretaries; 495 are medical personnel; 8,186 are police officers; 2,463 are administrative and support personnel; and 634 belong to other and non-specified positions<sup>10</sup>.

## • Municipal case: Help Centers for Victims and Civic Justice in Morelia

One of the good municipal practices identified in matters of civic justice are the Help Centers for Victims in Morelia, Michoacán. According to data presented by the municipality<sup>11</sup>, the Strategy of Help for Victims and Report Reception of

<sup>9</sup> Authorized Model of Civic Justice (Modelo Homologado de Justicia Cívica).

<sup>10</sup> Data from the 2017 National Census of Municipal Governments and Local Offices (Censo Nacional de Gobiernos Municipales y Delegacionales, 2017).

<sup>11</sup> Second Government Report by Mayor Alfonso Martínez. (August 13, 2017). H. Ayuntamiento de Morelia 2015-2018. Apartado de la Comisión Municipal de Seguridad.

Morelia's Police Department won the second place at the National Competition of Best Practices, organized by the United Nations' Office against Drugs and Crimes, the National Commission on Security, *México Evalúa* and the Ministry of the Interior.

The municipality has three Help Centers for Victims and has managed to service more than 5,600 people since these centers began operations. It has received more than 1,600 reports which were integrated to an investigation file at the state's attorney general's office and followed-up by the Municipal Police's Investigation Division.

In August 2016, the Municipal Civil Court was implemented with the objective of "arranging a system that articulates different instruments and actors with the purpose of regulating interactions through swift, transparent, unobstructed and pacific solutions to the conflicts which are manifested within a community" 12. At said courts, the main actor is the Civil Judge who analyzes the case and imposes sanctions which range from verbal warnings, fines and compliance of hours under arrest to community work assignation as tools for preventing violence. More than 2,100 public and oral hearings were also carried out.

The design of a follow-up and accompaniment system for the compliance of measures and sanctions imposed by arbitrators and civil judges will necessarily influence the reduction of violence and delinquent actions, since most first time criminals have already committed administrative offences and have records in conflicts among neighbors. A correct follow-up and accompaniment will allow a timely detection of whenever specific supports are needed for restoring order and consolidating the social fabric. The police's goal-oriented approaches find an invaluable resource for focalized preventive actions in these mechanisms.

As one of the positive objectives in violence reduction, the town council stresses that its intentional homicide rate reduced to 18.5 homicides per every 100 thousand citizens in 2016 –a much lower rate than the one in other municipalities from that entity like Apatzingán (86.5), Zamora (73.4), Lázaro Cárdenas (66), La Piedad (51.1) and Uruapan (29.5).

#### • Final considerations

Within this context, in which several voices push for centralized measures of public safety and aim to gather all security capabilities at state and municipal levels, it is worth remembering the decentralized and strengthening approaches

<sup>12</sup> Second Government Report by Mayor Alfonso Martínez. (August 13, 2017). H. Ayuntamiento de Morelia 2015-2018. Apartado de la Comisión Municipal de Seguridad.

of social capital in a realm like citizen security, which is highly decentralized and highly associated with the social impact of transversal public policies.

The good practices approach, as a tool for the constant improvement of public organizations, allows local governments —whether state, metropolitan or municipal— to make fundamental contributions to increase people's access to institutional mechanisms for solving conflicts; contributes to reduce violence and the vulnerability of the population at risk; improves the help for victims; deactivates conflicts that could escalate to higher levels of violence; offers access to justice; and generates resources for focalizing preventive and dissuasive actions from police forces and, in their case, to set in motion the criminal investigations of the felonies committed.

On the other hand, these practices receive a very positive evaluation from its users, increasing the legitimacy of authorities. In fact, in some state bodies, there is an increase in the rate of reports of conflicts and crimes in virtue of the increase of legitimacy and expectations of receiving effective and quality services.

Police forces and *polis* share an etymological and historical origin. The kings of Spain instructed their mayors to "build towns and give them police". Today, governance in matters of urban security is closely associated to public services and policies in general. The United Nations' Safer Cities Program proclaims that best practices are what communities are built of. They summarize this idea in one phrase: "as much prevention as possible; as much force as necessary".

Finally, it is important to stress that governance and governability by themselves will not achieve the efficacy, efficiency and effectiveness of governmental intervention if public policies are not accompanied by robust management models that can generate public value that translates into the satisfaction of society's needs. In this way, leaving a record of good practices and replicating them in different government instances is an indispensable responsibility for achieving the continuous improvement of the public administration processes.

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