

Giving Mexico the Criminal Justice System It Deserves

February 10, 2011 | by [Denise Tomasini-Joshi](#)

Over 40 percent of people in Mexican jails have not been convicted of the crime for which they've been arrested, according to a [recent study](#). This translates to over 90,000 people over the course of a year. More than half this population will eventually be exonerated—but only after spending significant time in pretrial detention.

This week, the Mexican state of Morelos took a significant step toward addressing the problem. In a historic move—not only for Mexico but for all of Latin America—Morelos launched a program that seeks to balance the principle that all people are innocent until proven guilty, with the need for citizens to feel secure while that determination is made. The program, supported with technical assistance and training by the [Presumption of Innocence in Mexico Project](#) in conjunction with the [Open Society Justice Initiative](#), focuses on juvenile offenders.

In a new pretrial services office, trained staff will evaluate accused adolescents and provide information that will assist the prosecutor, defense attorney, and judge determine to make reasoned arguments about whether he or she should be provisionally released while the trial proceeds. If, after a well informed debate, the judge rules for provisional release, the office will also supervise the accused to make sure that he or she complies with any conditions that may be set.

It would be difficult to overstate the significance of this program. Mexico is struggling to leave behind an outdated and ineffective criminal justice system—a daunting task under even ideal circumstances. But on top of the basic challenge of integral reform, Mexico is dealing simultaneously with a huge wave of violent crime, fueled by drug money, and caused in part by the failures of the old system.

In the face of this, change of this magnitude is nothing short of an act of bravery by the political officials involved. To their immense credit, they are working tirelessly to avoid “quick-fixes” and deliver true justice to their citizens. While politicians in other Mexican states continue looking to the old, failed system for a solution to the violence, the officials in Morelos understand that, as the saying goes, the definition of insanity is doing the same thing over-and-over again and expecting different results.

To them, it's clear that the system that created wealthy, well-armed, and vicious organized crime syndicates is not prepared to hand its citizens security. They also understand that the “all or nothing” approach—incarcerate every potential suspect without trial—is neither sustainable nor effective. Instead they have invested in a new intervention that is designed to solve the problems faced by the criminal justice system daily: how to ensure that it respects the rights of juveniles, uses scarce resources (such as jail space) where they are most needed, and protects the community, including victims, from harm.

This well-reasoned approach stresses security and accountability on the one hand, and fairness and proportionality on the other. The subtle balance sought by this program is what criminal justice systems

everywhere are striving for. It is what the future of Mexican justice could be if officials nationwide stop politicking and focus, instead, on real solutions. It is, after all, what the people of Mexico deserve.

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