

NEW PROTOCOL OF ACTION FOR THE POLICE OF MEXICO CITY IS ISSUED

On January 28th, a “Protocol of Action for the Ministry of Public Safety of Mexico City for the detention of alleged perpetrators under the adversarial system” was published, in order to ensure the rules of operation, action and engagement of the police force were coherent with the criminal justice reform of 2008.

In general, the document details the actions that must be carried out by security forces while making an arrest and states that the use of objects or guns only proceed if their lives or the lives of third parties are endangered.

It stresses that the police will only be able to arrest in three cases: 1) when there is an order of the Public Prosecutor; 2) when there is a court order; and 3) in cases of *in flagrante delicto*.

The Protocol states that when making an arrest, the police agent must identify him or herself and make the person know the reason for the detention, as well as his or her rights to:

- Declare, remain silent or manifest what they deem appropriate.
- Be presumed innocent.
- Against self-incrimination.
- To consult a lawyer or to have one appointed by the State.
- To inform a relative or whomever they wish the reason for their arrest and place of custody.
- In the case of foreigners, to have their consulate informed of their detention.
- To have a translator or interpreter.
- To be placed before the competent authority without delay.

Subsequently, the Protocol establishes that after a physical review to the person considering conditions of "age, sex,

disability or other that involve a different treatment," the police must immediately inform the command post of the arrest, which in turn, will inform the Office of the Attorney General of Mexico City (PGJDF).

Only in cases of *in flagrante delicto* may the police conduct revisions on people and what they carry as objects, instruments or products related with the allegedly criminal acts.

The Protocol provides that in case of resistance of the detainee, the police will perform the above actions and will also be authorized to use force in a rational, timely and proportionate manner. This means that first, they should try to verbally persuade the person to stop putting up resistance, and in case it doesn't work, they must maneuver to reduce the detainee's movements.

Furthermore, the Protocol states that the police should immediately transfer the detainee before a competent authority and that they are required to report if there is a medical or mechanical emergency that hinders it so that support is sent.

The publication of this Protocol is an example of the efforts made by the Government of Mexico City to implement the reform of the criminal justice system, ensuring that in the performance of their official duties, the Ministry of Public Safety of Mexico City acts in an orderly and systematized way in all its protocols, ensuring compliance and preservation of human rights as well as the implementation of a conduct model and uniform actions in all police personnel.

FOR FURTHER INFORMATION, PLEASE VISIT THE FOLLOWING WEBSITES:

References.

Official Gazette of Mexico City: http://www.consejeria.df.gob.mx/portal_old/uploads/gacetas/b44371598caf131345c8449b4a51ea5f.pdf