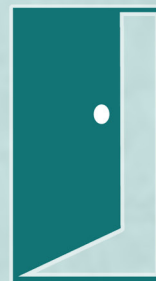


Premio a la innovación en transparencia para la mejora de la gestión institucional



Award for Innovation in Transparency to Improve Institutional Management

Documentation of the Office of the Public Prosecutor – Web-based Transparency Program

*Winner of the First Edition of the Award for Innovation in Transparency
to Improve Institutional Management*



INSTITUTO
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ADMINISTRACIÓN
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The findings and conclusions in this document do not necessarily reflect the views of the Federal Institute for Information Access and Data Protection, the Ministry of Public Administration, the National Institute of Public Administration, or the World Bank.

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I. Introduction

The first edition of the [Award for Innovation in Transparency to Improve Institutional Management](#) in Mexico was presented in August 2010 by the [World Bank](#), the [Mexican Federal Institute for Information Access and Data Protection \(IFAI\)](#), the [National Institute of Public Administration \(INAP\)](#), and the [Ministry of Public Administration \(SFP\)](#).

The purpose of this award was to identify and disseminate, nationally and internationally, good practices and/or innovations related to the disclosure of government data and access to information, information management systems, and mechanisms for facilitating access to public information in Mexico.

Participation was open to public administration offices and entities at the federal, state, and municipal level; the federal and state legislative and judicial branches, as well as federal and local autonomous agencies.

A total of 75 proposals were submitted, of which 24 were listed as finalists. The jury was composed of experts in public administration, transparency, accountability, and the right of access to information.¹ A technical committee, consisting of staff from the sponsoring institutions, assisted the jury in on-site verification of finalists' proposals.

¹ Rosa Isabel Montes Mendoza, Anáhuac University; Miguel Carbonell Sánchez, *Instituto de Investigaciones Jurídicas*, National Autonomous University (Institute for Legal Research); Ernesto Isunza Vera, *Centro de Investigaciones y Estudios Superiores en Antropología Social* (Center for Research and Higher Studies on Social Anthropology); Miguel Treviño de Hoyos, journalist; Aurelio Álvarez Orozco, *Colegio Nacional de Educación Profesional Técnica* (National College of Professional Technical Education), State of Mexico; Óscar Guerra Ford, Chairman, *Conferencia Mexicana para el Acceso a la Información Pública* (Mexican Conference for Access to Public Information—COMAIP); Mauricio Merino Huerta, *Centro de Investigación y Docencia Económicas* (Center for Research and Teaching in Economics—CIDE); and Juan Pardiñas Carpizo, *Instituto Mexicano para la Competitividad* (Mexican Institute for Competitiveness—IMCO).



The initiatives selected were:

1. [“New Search Platform for the National Registry of Professionals,”](#) presented by the Ministry of Education: an online search tool that makes consultation of the National Registry of Professionals easier and more efficient;
2. [“PP Web-based Transparency Program,”](#) presented by the Office of the Attorney-General of Mexico City: a Web-based tool for locating individuals in the custody of the Office of the Public Prosecutor;
3. [“Resolutions and Opinions Search Tool of the Federal Competition Commission,”](#) presented by the Commission itself: a Web platform for searching public versions of the institution’s resolutions and opinions since 1993.

II. Description of the Project

Public Prosecution Office – Web-based Transparency program is a Web-based search tool for locating individuals in the custody of Mexico City’s Office of the Public Prosecutor. When a search is conducted using first and last names, citizens can obtain basic information on the whereabouts of persons in the custody of the Office of the Public Prosecutor—the prosecuting agency in which these individuals are located; the telephone numbers of the office of the prosecution team, the prosecuting attorney, and the head of the relevant agency; and the time remaining for a legal decision to be made regarding the detainee or for resolving that individual’s case.

III. Institutional Context

The [Office of the Attorney General, Federal District](#) (PGJDF) is responsible for investigating and prosecuting crimes through its public prosecution offices, with the assistance of the Investigative Police. The Office of the Attorney General is divided into two departments—the Investigation Department and the Prosecution Department.

In the Investigation Department, the Office of the Deputy Attorney General for Pretrial Investigations, which is responsible for the *PP Web-based Transparency program*, oversees 18 prosecution offices in the 16 boroughs that comprise the Federal District. These prosecution offices are in turn responsible for a total of 72 territorial coordination offices² covering a specific geographic area, composed of a

² The number of agencies is dependent on the population of a borough. For example, Cuajimalpa has two territorial coordination offices and Iztapalapa has ten. The 2011 census estimates the total population in the Federal District at 8,851,080 inhabitants.

public prosecution agency, Investigative Police unit, a civil court, and a Preventive Police unit. In addition to these coordination offices are ten specialized agencies, including the one located at the Mexico City International Airport and the specialized agency for environmental crimes.

Under the Mexican judicial system, Offices of the Public Prosecutor open investigations into any act reported and then turn cases over to other entities or authorities with jurisdiction over the matter (this is the case, for example, with crimes that fall within the purview of the federal authorities or were committed in neighboring states). Investigations are conducted locally so that citizens do not have to travel to central offices.

It should be noted that the Transparency and Access to Public Information Law of the Federal District (LTAIPDF); the Personal Data Protection Law of the Federal District (LPDPDF); and the regulations pertaining thereto are enforceable in the Federal District. The [Federal District Institute for Public Information Access and Personal Data Protection](#) (InfoDF) is responsible for ensuring compliance with both laws.

The PGJDF is currently processing 200,000 investigations and has 15,000 public officials on staff, half of whom work in the Decentralized Office of the Deputy Attorney General for Pretrial Investigations. Roughly 500 pretrial investigations are opened daily in the Federal District and 200 persons are placed in the custody of the Office of the Public Prosecutor. Taking into account that the Office of the Public Prosecutor has 48 hours to make a decision on an individual’s legal status, on any given day between 300 and 400 persons are detained in the 72 territorial coordination offices and 10 specialized agencies.

IV. Background

Prior to the implementation of the *PP – Web-based Transparency program*, relatives of missing persons had to try to locate them by going in person to the various public prosecution agencies or hospitals to seek information. When they found them, they had to request basic data from personnel working in the holding cell area. This process resulted in the loss of extremely valuable time in terms of the legal status of persons in the custody of the Office of the Public Prosecutor, given the 48-hour period stipulated by Mexican law to determine the legal status of an individual.

At the 2009 National Conference of Attorneys General, state and military court prosecutors made a commitment to establish a national register of detainees. That same year, the Office of the Attorney General, Federal District, with the assistance of the Head of Government,³ took steps to establish the Transparent *PP* project, with the aim of creating a public

³ Marcelo Ebrard Casaubón.



register of all individuals in the custody of the Office of the Public Prosecutor.⁴

Transparent PP was launched through a pilot program in nine agencies of the Federal District public prosecution agencies. It entailed strategically positioning plasma screens, similar to those found at most airports, providing the following information on persons detained by the agency in question:

- (1) Name of the individual in custody
- (2) Pretrial investigation number
- (3) Act with which the individual is charged
- (4) Start date
- (5) A countdown timer indicating the expiration of the 48-hour period for determining the legal status of the person in the custody of the Office of the Public Prosecutor. It indicates, for example, whether the process has ended or whether the person was transferred to a detention center or to another authority.

Later on, screens were set up in all the territorial coordination offices, thus extending the program to all decentralized prosecution offices. The success of the program led to its expansion to all Federal District public prosecution agencies, including those of the specialized agencies.



Fig. 1. The *Transparent PP project* at a Federal District public prosecution agency

Source: Decentralized Office of the Deputy Attorney General for Pretrial Investigations, Federal District

According to the Deputy Attorney General for Pretrial Investigations, in order to locate a missing person or detainee, relatives or attorneys had “to go to all the boroughs. If the person had been remanded, there was no information on whether that person was being sent to the detention center in the north, east, or south of the city. No one would tell them where their relatives or clients could be found.”

This situation prompted attorneys to introduce a procedural remedy known as a search *appeal* request in order to locate a detainee. This appeal request was addressed to all public prosecution officials, attorneys in Mexico City, and all judges, with the hope that a response would be provided, in the form of a substantiated report, indicating whether the individual in question was in their custody.”⁵

Furthermore, public prosecution agencies routinely failed to provide citizens with information on their relatives or acquaintances who were in custody. The use of illegal practices for the provision of information on detainees was also commonplace. “A number of public officials took advantage of this situation to wrongfully obtain a bribe in exchange for the provision of information to individuals. This practice was discontinued since, from the time an individual is detained, that person is registered in the system.”⁶

V. Project Details

The success of the *Transparent PP project*⁷ gave rise to the idea, in 2010, of establishing a Web-based system to consolidate all the information on persons in the custody of the Office of the Public Prosecutor in a single search tool accessible to public officials and the general public. This innovation was facilitated by the fact that all the agencies are connected to a single voice and data network. It is worth noting that the system provides access to information while protecting the personal data of detainees.

The PP Web-based Transparency program is an online tool for locating individuals in the custody of the Office of the Public Prosecutor, using first and last names.

The system is very user-friendly and:

- (1) It is accessed via the website <http://mptransparente.pgjdf.gob.mx>
- (2) Searches are conducted by typing the first name, paternal last name, maternal last name, and age (to filter out persons with the same name) of the person whose information is being sought.

⁴ As of November 2011, the PGJDF was the only institution, at both the national and state level, that had managed to provide access to information on persons in the custody of prosecution agencies.

⁵ Interview with the Deputy Attorney General for Pretrial Investigations at the decentralized level, Luis Genaro Vázquez Rodríguez (November 15, 2011).

⁶ Ibid.

⁷ This project was the winner of the 2009 Innovation in Transparency competition in which the Federal Institute for Information Access and Data Protection (InfoDF) participated.

If the person is found, then the “see location” option is selected and the following information is displayed:

- (1) Address of the public prosecution agency; telephone numbers of the agency and name of the official in charge; name of the prosecuting attorney and telephone numbers of the prosecution team; and location of the agency in question.
- (2) The Office of the Public Prosecutor’s decision regarding the detainee and a timer indicating when the 48 hours for determining the legal status of an individual in the custody of the Office of the Public Prosecutor will expire.

The information on each individual in the custody of the Office of the Public Prosecutor is retained on the website during the 48-hour period that the individual remains in the custody of the prosecution office. The information is updated to indicate whether the person was released, whether a lack of jurisdiction determination was made (so the individual gets transferred to another state or to a specialized prosecution agency such as the one for kidnapped persons or minors); or, if the person was remanded, the detention center to which the person was sent.



Fig. 2. Example of search results on the PP – Web-based Transparency project
Source: Decentralized Office of the Deputy Attorney General for Pretrial Investigations

The system makes provisions for users who do not have an Internet connection. In such cases, interested persons may dial the telephone number of the [Citizens’ Advisory Council on Public Safety and Justice](#)⁸ call center. The center’s staff will conduct the searches requested by citizens directly on the PP –Transparency website.

A communications strategy targeting the media and general public was adopted to disseminate information on the program, which was launched through a press conference that was attended by the Federal District Prosecutor and covered by the main media organizations in Mexico City. Information brochures were also prepared and posted at bus stops around the city and on trains, and other points within the public transit metro system. In addition, information on the program was disseminated at various training sessions conducted by the personnel of the Decentralized Office of the Deputy Attorney General for Pretrial Investigations targeting a number of educational institutions and civil society.

In 2011, the system introduced a new feature that provides direct access to PP Web-based Transparency program from BlackBerry devices through the PGJDF application of the Office of the Attorney General, Federal District (PGJDF). The Office of the Attorney General deemed it important to provide access via this device since, by its own estimates, this is the most widely used by attorneys in Mexico City.

For purposes of monitoring and evaluation, at the end of a visit to the PP –Transparency website, users are asked to complete a satisfaction survey so that areas of improvement of the system can be identified. The survey asks users to rate the service; 72.9 percent rated the information as adequate and 97.4 percent responded that information is helpful. In addition, based on simulated user calls made to monitor the service provided to citizens through the call center, the service was rated excellent.

As of November 15, 2011, based on the figures provided by the Office of the Attorney General, Federal District, the system showed a total of 168,084 hits and 8,281 downloads of the PGJDF application software.

vi. Implementation Process

PP Web-based Transparency program was implemented by the Decentralized Office of the Deputy Attorney General for Pretrial Investigations, in conjunction with the Mexico City Directorate General for Technology and Prosecution Systems. The project was developed using the ASP.Net programming

⁸ The Citizens’ Advisory Council on Public Safety and Justice is an entity for consultation, analysis, and civic participation in matters related to public safety, justice, civic culture, and assistance to crime victims. It has the authority to monitor the activities of the prosecution services, the Federal Police, and civil court judges.

platform, which links pretrial investigation system data (used to launch, carry out, and make decisions related to pretrial investigations) with the data in the *PP – Web-based Transparency* system.

Project implementation entailed the following phases:

- (1) **Design and Implementation of the Transparent *PP* project.** The program was implemented in 2009, after almost one year of consultations within the Office of the Attorney General and with the Federal District’s Institute for Information Access and Data Protection (InfoDF).
- (2) **Discussion of platforms**, which was aimed at providing greater access to basic information on persons in the custody of the Office of the Public Prosecutor using information and communication technologies.
- (3) **Implementation of the *PP Web-based Transparency* project**, which became operational in September 2010.
- (4) **Incorporation of the Call Center** through the Citizens’ Advisory Council on Public Safety and Justice.
- (5) **Launching of the PGJDF application software for BlackBerry users** in 2011 which, in addition to the *PP – Web-based Transparency* program, includes PP Virtu@l⁹ and the directory of the Office of the Attorney General.

It is worth noting that implementation of both projects met with some resistance by public officials in the Office of the Public Prosecutor. At the start of the Transparent *PP* project, the screens crashed often or were being sabotaged.¹⁰ There were also delays with the collection of information and problems with persons in the inmate section who had not been registered. For these reasons, close oversight of the program was undertaken and a “number of investigations were even launched in public prosecution offices and in the ranks of the federal police related to the crime for the forced disappearance of persons.”¹¹

No additional resources were used to develop, pilot, or implement the project. Work was done using the budget allocated to the Office of the Attorney General. During the first phase, discarded desktop monitors were used as screens. In the case of both projects, the only human resources required were those in the Office of the Public Prosecutor and the ICT personnel who maintain the technology platform. Assistance

with the application for BlackBerry devices was obtained from *Research in Motion*, which assigned the task of designing the PGJDF application software to the developer Tesco. It should be pointed out that this application can be obtained free of charge at the BlackBerry App store.

It is important to note that, during the implementation process, the Office of the Attorney General was in regular contact with InfoDF in order to verify that the system was protecting the personal data of detainees. One point of discussion was the wording in the field indicating the reason for which an individual was detained, which reads “acts with which the person is charged.” After several meetings and discussions, a decision was made to use the term “acts” to ensure that this information could not be used to violate individual privacy. “Reference is thus made not to “a crime” with which a person is charged, but to “acts”.¹²

VII. Benefits

PP Web-based Transparency project has been beneficial to the institution and to citizens.

External Benefits

PP Web-based Transparency responds to the needs of the relatives, friends, and attorneys of persons in the custody of the Office of the Public Prosecutor. Before this program was introduced, the search for missing persons required visits to various public prosecution agencies and hospitals. “It could take days to find someone, during which there were fears that the person was dead, missing, or kidnapped. This is no longer the case.”¹³ In addition, the program ensures compliance with the provisions of Article 20 of the Constitution, which states that: “persons accused of a crime must be provided with all the information necessary for their defense.”

The program eliminated one area that provided an opening for corruption: “The first opportunity for corruption in the Office of the Public Prosecutor arised when a request was made for information on someone in the custody of this Office.”¹⁴ This system, which is automatically updated when a pretrial investigation begins, has made it possible to “reduce the problems linked to the monopoly on information held by the different public prosecution agencies.”¹⁵

The Chairman of the Federal District Human Rights Commission noted that the *PP Web-based Transparency* program offers “an example of how an open-minded approach, coupled with

⁹ System for filing complaints, instruments, and pretrial investigations via a BlackBerry.

¹⁰ Interview with the Deputy Attorney General for Pretrial Investigations at the decentralized level, Luis Genaro Vásquez Rodríguez (November 15, 2011).

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Remarks of the Chairman of InfoDF, Óscar Guerra Ford, at the presentation of the *PP – Transparency via the Web* program (September 27, 2010).



the use of technology, can protect rights to information and provide legal security, in addition to helping ensure that public servants place respect for human rights at the center of their work.”¹⁶

Internal Benefits

Despite the initial resistance, *PP Web-based Transparency* program has been beneficial to public servants in numerous ways. For example, the new system provides them with legal safeguards. “Defense attorneys often wrongly accused public officials of illegal detention, claiming that a detainee had been held for more than 48 hours with no decision being made on that person’s legal status. There was no way to refute that claim.”¹⁷ In addition, processing of detainees in the holding cell area has been expedited, “allowing the personnel of investigation units that hold detainees to act more efficiently and expeditiously to take the steps necessary to ensure that the pretrial investigation is properly conducted.”¹⁸

Introduction of the program led to an 18.5 percent reduction in complaints related to delays in the provision of assistance, a lack of guidance, the provision of incorrect information, or the failure to provide information on persons in the custody of the Office of the Public Prosecutor. The program has helped visitors from the national and local Human Rights Commissions with their work, since they now simply have to check the detainees in the detention area against information appearing on the screens.

VIII. Lessons Learned

The lessons learned from this program have been shared with Attorney General Offices in other Mexican states. However, the program can be replicated only if a single voice and data network linking prosecution agencies is in place.

In the view of the Office of the Attorney General, although information on the program needs to be disseminated, unfortunately there are no resources available to conduct a massive communications campaign. In light of this constraint, it is extremely important to advertise the program by word of mouth and for officials in the Office of the Attorney General to discuss the program during media interviews. To implement similar projects, given budget constraints, the Deputy Attorney General recommends the building of synergies with the private sector, particularly with companies involved with corporate socially responsibility (CSR) programs.

¹⁶ Remarks of the Chairman of Federal District Commission on Human Rights, Luis González Placencia, at the presentation of the *PP – Web-based Transparency* program (September 27, 2010).
¹⁷ Interview with the Deputy Attorney General for Pretrial Investigations at the decentralized level, Luis Genaro Vásquez Rodríguez (November 15, 2011).
¹⁸ Registration form for the program “*PP – Web-based Transparency Program*, Seeking Information on Persons in Custody;” Award for Innovation in Transparency to Improve Institutional Management.

IX. Looking Forward

The program is being continuously improved based on opportunities identified by public officials as well as feedback from user satisfaction surveys. Plans are in place to provide access platforms to *PP Web-based Transparency* via iPhone, iPad, and Android devices in 2012.

The Office of the Attorney General plans to share information on the program with local counterparts in Latin America, indicating that “often, areas of collaboration are handled at the national or federal level, while the local authorities are the ones that have more contact with the population.”¹⁹

The new initiatives to be implemented by the Office of the Deputy Attorney General include searches for deceased and injured persons. At the moment, “a very unsophisticated system is in place”.²⁰ A picture is taken of the victim’s body and an identification card is placed on the bulletin boards in public prosecution agencies. Individuals can also go to the Center for Missing Persons where they are shown a photo album. In the case of injured persons, there is no mechanism for consolidating information on victims of mishaps or accidents. Now that these information screens have become synonymous with the Office of the Public Prosecutor, we want to make other information more accessible as well.”²¹

X. Contact Information

Persons interested to obtain more information on the *PP Web-based Transparency Program* can contact the the Deputy Attorney General’s Advisor’s Coordinator at: adm.cord.sapd@pgjdg.gob.mx.

XI. Bibliography

- (1) Remarks by the President of InfoDF, Óscar Guerra Ford, at the *PP Web-based Transparency Program* presentation, (September 27, 2010).
- (2) Remarks by the Chairman of the Federal District Human Rights Commission, Luis González Placencia, at the *PP Web-based Transparency Program* presentation, (September 27, 2010).

¹⁹ Interview with the Deputy Attorney General for Pretrial Investigations at the decentralized level, Luis Genaro Vásquez Rodríguez (November 15, 2011).
²⁰ Ibid.
²¹ Ibid.



- (3) Application form for the “*PP Web-based Transparency Program, Seeking Information on Persons in Custody;*” Award for Innovation in Transparency to Improve Institutional Management.
- (4) September 2010 Press Releases related to the *PP Web-based Transparency Program*, included with the application form for the “*PP Web-based Transparency Program, Seeking Information on Persons in Custody;*” Award for Innovation in Transparency to Improve Institutional Management.
- (5) March 2011 Press Releases on the PP Virtu@I, included with the application form for the Program “*PP Web-based Transparency Program, Seeking Information on Persons in Custody;*” Award for Innovation in Transparency to Improve Institutional Management.
- (6) PowerPoint file “*PP Web-based Transparency Program*” prepared by the Decentralized Office of the Deputy Attorney General for Pretrial Investigations (electronic copy provided by the Office of the Deputy Attorney General on November 15, 2011).
- (7) PowerPoint file “*PP Web-based Transparency Program;*” prepared by the Decentralized Office of the Deputy Attorney General for Pretrial Investigations (electronic copy provided by the Office of the Deputy Attorney General on November 15, 2011).
- (8) Advertising posters prepared by the Decentralized Office of the Deputy Attorney General for Pretrial Investigations to disseminate information on the program in the public transit metro and bus system, included with the application form for the “*PP Web-based Transparency Program, Seeking Information on Persons in Custody;*” Award for Innovation in Transparency to Improve Institutional Management.

