



World Justice  
Project

# ENPOL Questionnaire

---

Internal Report

February 2021

# INDEX

3	Systematizing experts' views
3	Production of a new questionnaire
4	Pilot survey: preparation and process
4	Improving the questionnaire after the pilot
4	The final version
4	WJP's contributions focus on several topics
7	List of acronyms
7	Related research

The project of reviewing the ENPOL questionnaire began in 2019 and concluded with a final questionnaire in February 2021. The collaborative work with INEGI entailed different tasks, described below.

### **Systematizing experts' views**

During 2019 and 2020, the research team at WJP analyzed 22 interviews held with different stakeholders, which included researchers, practicing lawyers, high profile public officials, and members of other NGOs from Mexico. Also, various interviews were held with practitioners and researchers from Holland, Belgium, United States and Canada.

The interviews were focused on specific concerns or research topics and were very diverse. For instance, some stakeholders focused on the need to identify and register compliance with due process standards and the way in which the adversarial model is put into practice by the police, prosecutor offices and courts. Other interviewees highlighted the need to include topics concerning the experiences of minorities based on sex and gender, age, race and also limited cognitive functions. Others focused on prison conditions, including policies on visits, transfers, children in prison, women's health, internal organization -including violence- and the implementation of the recent legislation on sentencing conditions. Other interviewees addressed mental health among prison population, including substance use, adverse childhood experiences, mental health illnesses (i.e. depression, ADHD, post-traumatic stress), and cognitive impairment.

This analysis was used by WJP to produce several drafts of the questionnaire, trying to strike a balance between comparability and innovation, and between space restriction and relevant information and insights. At the same time, revising the questionnaire was a continuous process and both INEGI and WJP exchanged several preliminary versions of the questionnaire.

### **Production of a new questionnaire**

By the summer of 2020, INEGI shared with WJP a first official draft of the questionnaire which integrated most of our suggested questions or items. At the same time, this questionnaire was submitted to another cohort of experts, as part of INEGI's internal process. This version, though comprehensive, needed further revision and edits as it was 20-30% longer than the previous questionnaire. The reduction of the questionnaire would be addressed after the pilot survey deployment which took place by the beginning of December.

## Pilot survey: preparation and process

The pilot was deployed by INEGI and WJP as a team. Several tasks, previous to the pilot exercise, were done. First, finding a prison entailed a great effort because prisons nationwide have prohibited the entry for visitors due to the COVID-19 pandemic to mitigate the risk of contagion. The decision to deploy the pilot questionnaire in Morelia, Michoacán was made by the National Conference of Penitentiary Centers. Also, those who participated in the pilot were formally trained by INEGI and certified by the Montreal Cognitive Assessment Institute to apply the MOCA test. Finally, all of those involved in deploying the pilot were tested for COVID-19. The WJP team included researchers on one hand, and production staff (i.e. photographer, sound engineers, producers) on the other, in order to have a first-hand registry of the pilot survey deployment.

The pilot exercise took place from December 1 through December 3. As a whole, we managed to interview 83 people, 28 women and 55 men. The daily visits to the prison began at 8am and finalized by 4pm, approximately. During the afternoons, the research team held long meetings to discuss and register the observations after applying the questionnaire.

## Improving the questionnaire after the pilot

WJP team met with INEGI for two meetings to discuss each team's findings and suggestions from the pilot survey process. Each team suggested changes to both modify and eliminate specific items. A third meeting was held with INEGI high profile stakeholders to present final observations and suggestions.

## The final version

The final version of the questionnaire is significantly different from the 2016 version. The improvements are a result of both INEGI and WJP contributions. In numerical terms, one third of the recommendations were related to new themes, whereas the rest were linked to previous subject matters in the ENPOL 2016 questionnaire. Interestingly, from 128 observations discussed with INEGI, 64 recommendations from WJP were accepted.

## WJP's contributions focus on several topics, as described below:

1. **Arrest.** WJP suggested a series of items related to the arrest carried out by the police. These included: the place and date of the arrest, the period of time between the commission of a crime and the arrest, whether the person was detained as a result of a *stop and search* procedure and the way which the search took place. These items help to: identify the type of justice model used to try the interviewee (inquisitorial vs adversarial) based on the place and date, and whether any investigation acts related to a *stop and search* were conducted in compliance with due process standards. Also, in regard to corrupt practices, an item was incorporated to identify whether the police offered to alter the facts (*versión de los hechos*) for money or any other good.

2. **Investigation acts.** WJP recommended several items to register whether scientific evidence was produced to be used in criminal proceedings. Although WJP suggested to include these items concerning both the police and the prosecutions, INEGI only linked them to prosecutors.
3. **Eye-witness Identification and Lineups.** WJP strengthened the section on eye-witness identification and lineups in order to register practices which, based on literature, provide more or less reliability to the suspect identification.
4. **Torture and ill-treatment.** WJP improved the section on torture so that many more practices could be registered, regarding three different moments: the moment of the arrest, the time lapse after the arrest and before she/he is brought to the prosecution agencies.
5. **False confessions.** WJP added several items related to false confessions occurring before the prosecutors, with the intention to register coercion practices to self-incriminate and incriminate others. Also, other recommended items focused on due process compliance during these examinations, including the defense attorney's assistance, the right to remain silent, and the accurate registry of the examination.
6. **Plea bargaining.** WJP recommended several items to register the extent to which cases are dealt with a guilty plea, and whether interviewees were pressured to submit one.
7. **Incriminating evidence.** WJP suggested items related to victims' testimonies produced by the prosecution during court proceedings.
8. **Victims.** As part of the assessment of court proceedings, WJP recommended to include victims' participation throughout the court hearings.
9. **Defense attorney performance.** WJP strengthened the way the defense performance is assessed. First, the questionnaire now distinguishes defense in the prosecutor's office and in court. This was relevant because public attorneys who are assigned in the prosecution agency are generally different from those assigned in court. Second, items were added to register whether the defense attorney in court suggested to repair the victim's harm and to submit a guilty plea.
10. **Presumption of innocence.** WJP recommended an item to identify whether the interviewee thought the judge had reached a verdict before the evidence was produced or once he had heard all of the evidence.
11. **Procedural justice.** WJP strengthened the items which registered procedural justice dimensions. The questionnaire already included items related to treating the interviewee with respect, and her/his understanding of the rules and the indictment. Also, the final questionnaire now includes items which register whether the defense attorney informed the interviewee the way in which proceedings would

take place, whether the interviewee felt listened by the judge, the extent to which the whole process was perceived as fair, and whether the final verdict or result was perceived as fair.

- 12. Sentencing conditions.** WJP recommended items to register compliance with recent legislation concerning sentencing conditions. This legislation emphasizes, on one hand, that the prison population should freely determine the activities and tasks which they will undertake during serving their sentence, and on the other, that there is a special judge (*juez de ejecución*) in charge of dealing with cases related to prison conditions and serving a sentence.
- 13. Inmate transfers.** WJP suggested several items focused on inmate transfers and due process compliance regarding these procedures, such as voluntariness and whether a hearing was held before the transfer.
- 14. Substance abuse.** Both WJP and INEGI were interested in including items that registered substance abuse, before and during imprisonment.
- 15. Borderline cognitive impairment.** WJP suggested several items related to cognitive impairment to help the interviewee explain why she/he dropped out of school before prison or why she/he chose not to participate in academic activities within prison.
- 16. COVID-19.** WJP recommended an item to identify whether the interviewee had been diagnosed with Covid-19, as part of the health items which were included by INEGI.
- 17. Sex, gender and race.** INEGI incorporated new items on sex and gender, and on racial bias. WJP made important contributions to improve these items, so that these could be both understandable and reliable.

## List of acronyms

<b>ENPOL</b>	National Survey of Population Deprived of Freedom ( <i>Encuesta Nacional de Población Privada de la Libertad</i> )
<b>MOCA</b>	Montreal Cognitive Assessment
<b>INEGI</b>	National Institute of Statistics, Geography and Informatics ( <i>Instituto Nacional de Estadística, Geografía e Informática</i> )
<b>WJP</b>	World Justice Project



### Almanac: statistical memory of the transition between two Mexicos

Achievements and  
Challenges of the  
New Criminal  
Justice System



### Criminal Justice Reform Impact

Interactive Website



### What is (and is not) the Revolving Door?

Myths, metaphors  
and evidence



[Read more](#)





[worldjusticeproject.mx](http://worldjusticeproject.mx)

 [@TheWJP\\_mx](https://twitter.com/TheWJP_mx)

 [worldjusticeproject\\_mx](https://www.instagram.com/worldjusticeproject_mx)

 [www.facebook.com/thewjp](https://www.facebook.com/thewjp)