



CEJA



OAS

Reforms, rationality and organized crime

Rodrigo Nakada Castro

Coordinator of Studies and Training
Justice Studies Center of the Americas

rodrigo.nakada@cejamericas.org

DEPTH OF REFORMS IN THE REGION

Source: CEJA (2026) Reformas judiciales en las Américas
Análisis comparado de las tendencias en la región.

61.2%

Partial and incremental
adjustments

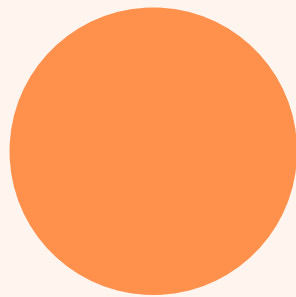
29.5%

Structural
transformations

9.4%

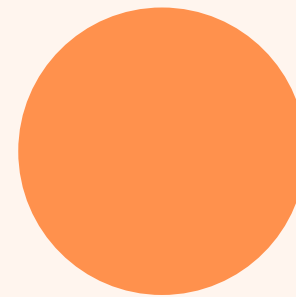
Purely one-off
adjustments

INCREMENTAL REFORMS



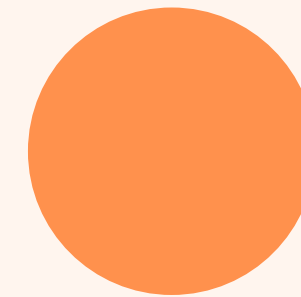
THE USUAL

Adjustments that keep the system under pressure without changing its logic



PREFERABLY

Outside of crises, improve the effectiveness of the existing system.



THE RISK

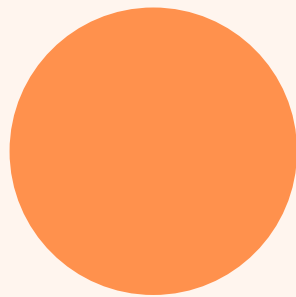
That they accumulate without verifying whether they produce the desired effects

EXCEPTIONS TO ORDINARY CRIMINAL PROCEDURE

In organized crime, the incremental reform is especially punitive and introduces exceptions in guarantees, time limits, jurisdiction, evidence, precautionary measures and patrimonial consequences:

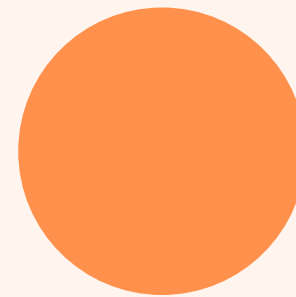
- Special investigative techniques, undercover agents, and informants
- Confidentiality of identity
- Specialized powers and special prison regimes
- Confiscation without prior conviction
- Extension of detention periods and unofficial pretrial detention
- Repeated states of emergency

THE COSTS OF NOT EVALUATING



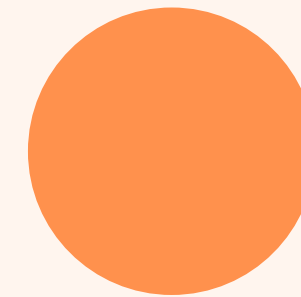
PROPORTIONALITY

We weigh concrete rights
against supposed
benefits



SYMBOLISM

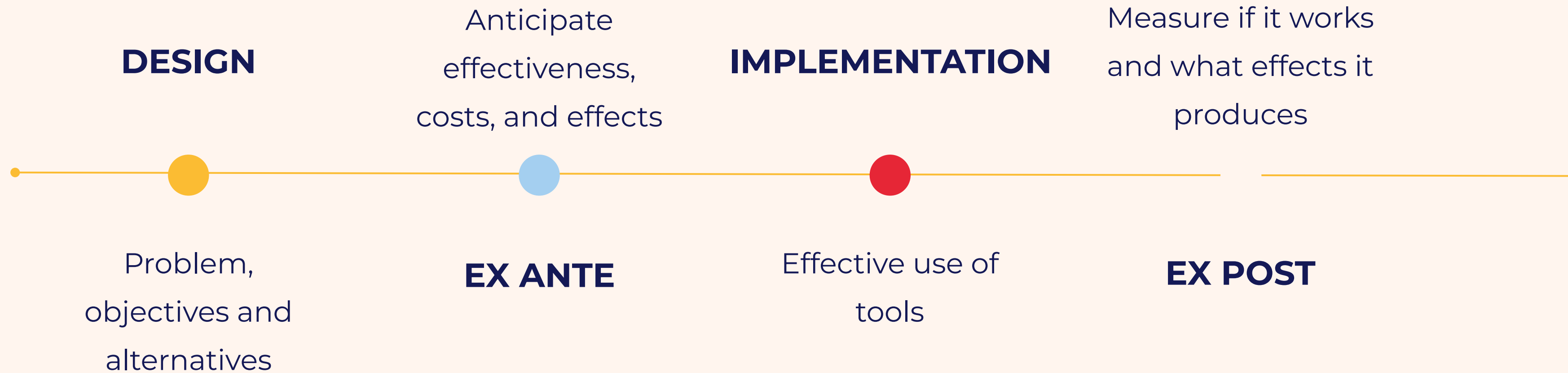
Standards that seek to
demonstrate action
rather than respond to a
diagnosis



UNKNOWN USE

Laws that limit
guarantees without
knowing if they apply or
how

The public policy cycle



TWO MOMENTS OF THE EVALUATION

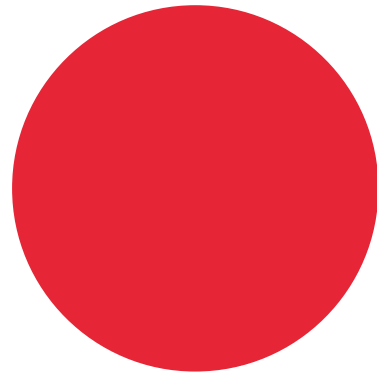
EX ANTE

- Problem and objectives of the law
- Criminal and non-criminal alternatives
- Effectiveness and anticipated costs
- Collateral and differentiated effects

EX POST

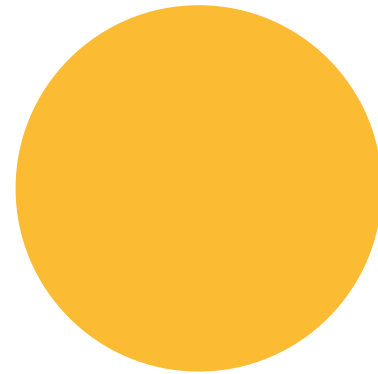
- Are special techniques used, and in what cases?
- How do the institutions created function?
- How long does pretrial detention last, and how many are acquitted?

WHAT EVERY NEW EXCEPTION MUST JUSTIFY



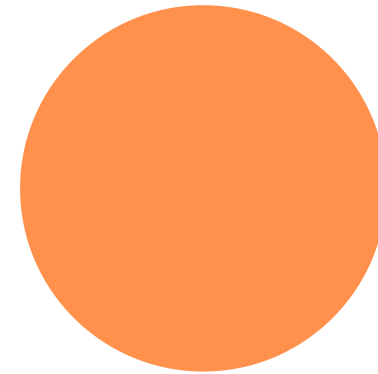
NEED

Why existing tools
are not enough



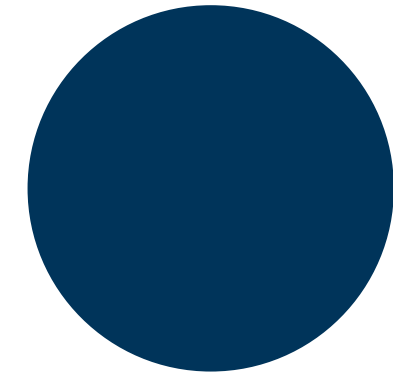
RESULTS

What specific
results are
expected



RIGHTS

Which rights are
affected and to
what extent



DATA

What information
is collected to
verify it

IMPLEMENT THE INSTITUTIONAL FRAMEWORK

Institutions created to combat organized crime do not produce results simply by existing:

- The enactment of a law is only the starting point
- They require time, funding, and follow-up
- They compete for resources with new waves of reforms
- Implementation failures are often mistaken for design flaws

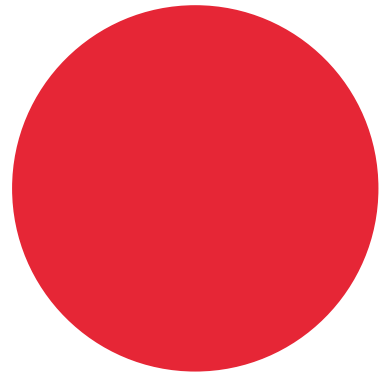
Before legislating: can the institutions uphold the rule?



THE NEED TO BUILD INSTITUTIONALITY

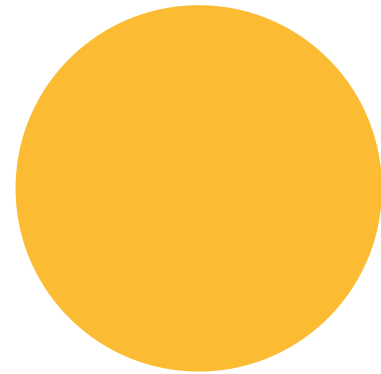
	EVALUATION	MECHANISMS	RESULT
LEARNING SYSTEMS	Mandatory and procedural	Procedures, bodies and permanent resources	Evidence-based reforms
SYSTEMS THAT ACCUMULATE	Optional and without incentives	Depends on political will	Reforms without processing their results

CONCLUSIONS



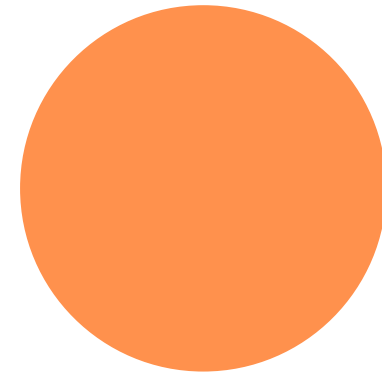
EVIDENCE

Urgency does not
justify legislating
without evidence or
measurable results



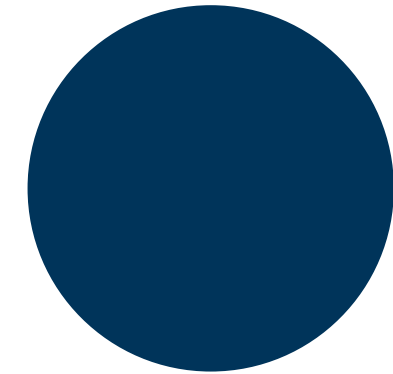
RIGHTS

Without evaluation,
proportionality lacks
material content



IMPLEMENTATION

Creating institutions
is not enough: they
must be
implemented and
given time.



INSTITUTIONS

Mandatory
assessment and
technical
capabilities to
generate evidence



Thank you!



Justice Studies Center of the Americas (CEJA)

<https://cejamericas.org/>
