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Articles

“Autos chocolate” in the crime scene: the case study of Baja California (2010-2022)

“Autos chocolate” en la escena del crimen: el caso de Baja California (2010-2022)

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Abstract

The research objective was to analyze the irregular automobiles of foreign origin and their correlation with high social impact crimes in Baja California during 2010-2022. The methodology was exploratory because it observes and records official statistical data on the regularization of cars, recognizing that, although it is a phenomenon regularly present in the public agenda, but understudied even though the three branches of government note the presence of irregular cars in 80% of the crime scene. The results suggest that the linkage of irregular cars to the crime scene in the case study of Baja California, statistically was not significant. From the standpoint of international cooperation, the author suggests the alliance of California as a co-responsible partner in the comprehensive solution of what seems to be a “wicked problem”, without a final solution.

Keywords: foreign origin vehicles, registration, wicked problem.

Resumen

El objetivo de la investigación fue analizar los automóviles irregulares de procedencia extranjera y la correlación que tuvieron con los delitos de alto impacto social en Baja California durante 2010-2022. La metodología fue exploratoria porque se observaron y registraron datos estadísticos oficiales en materia de regularización, al identificar que, aunque es un fenómeno regularmente presente en la agenda pública, es poco estudiado, no obstante que los tres órdenes de gobierno señalan la presencia de autos irregulares en 80% de las escenas del crimen. Los resultados plantearon que la vinculación de autos irregulares en la escena del crimen, para el caso de estudio de Baja California, estadísticamente no era significativa. Desde la cooperación internacional, la

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autora propone incorporar a California como socio corresponsable en la solución integral del que pareciera ser un "problema hechizado", sin solución definitiva.

Palabras clave: vehículos de procedencia extranjera, regularización, problema hechizado.

Introduction

The presence of irregular vehicles of foreign origin—commonly known in Mexico as "autos chocolate" or "chocolate cars"—has been a constant challenge in Mexico's border strip for public security authorities at the municipal, state and federal levels since the end of the 20th century. Globally, after China, the United States—Mexico's neighbor to the north—is the second largest producer of automobiles² (Carlier, 2022). According to official reports, between 2010 and 2021, 125 139 148 units were produced, with an average annual production of 10 428 262 units. The year with the lowest production was 2010, with 7 762 544 units, while the year with the highest was 2016, with 12 180 301 units (CEIC, 2023).

Meanwhile, California, a state adjacent to Baja California, registered a total of 24 million new vehicle registrations between 2010 and 2022, an average of 1.8 million per year; 2020 was the year with the lowest number of registrations (1.64 million), and 2016 the highest (2.21 million) (California New Car Dealers Association [CNCDA], 2021). In 2022, California decreed that by 2035, all vehicles will be mandatory "zero emissions", which accelerated the sales of cars with electric and renewable energy sources and, as a consequence, the scrapping of vehicles with polluting energy sources, such as, gasoline and diesel (Mitchell, 2022). This trend is not new in California, as, since 2015, there has been a guideline for purchasing and registering electric or hybrid cars, a matter that by 2021 covered 21.9% of the Californian automotive market (CNCDA, 2021). Accordingly, Tesla and Toyota have been the most purchased car brands by Californian residents in recent years (CNCDA, 2021).

The Southern California market was the most active in the entire state regarding new car sales and registrations. Even during the pandemic, in 2020, the Los Angeles metropolitan area and the San Diego metropolitan area exceeded the number of new vehicle registrations in contrast to the San Francisco metropolitan area (CNCDA, 2021). The above leads to a competitive local and cross-border socio-economic dynamic

¹ The colloquial term "auto chocolate" has no relation to food. It is associated with characteristics of informality, illegality and especially temporary utility of the motor vehicle, which can be removed at any time by the Mexican authorities as it is not registered in the Public Vehicle Registry (Repuve, Spanish acronym for Registro Público Vehicular).

² The United States produces the following makes: General Motors (16.08%), Toyota (14.48%), Ford (13.38%), Dodge-Chrysler-FIAT-Alfa Romeo-Jeep-Ram (12.02%), Hyundai-Kia (10.1%), Honda (7.36%), Nissan (6.38%), Tesla (4.16%), Subaru (3.89%), Volkswagen (3.84%), Mercedes-Benz (2.48%), BMW (2.43%) and Mazda (2.11%) (Carlier, 2022).

(Tapia Ladino, 2017) of buying and selling automobiles with California plates.³ Nevertheless, it is difficult to quantify the volume of these exchanges because the California Department of Motor Vehicles authorities have still not carried out a census of automobiles whose final destination is Baja California, Mexico.

This socio-economic phenomenon is part of what some specialists call "cross-border metropolises". According to them, due to the deep and extensive socioeconomic-cultural exchange between border cities, for example, Tijuana-San Diego, the area is not limited to being a temporary "space" of contiguous interactions but a region that materializes and territorializes the complex structures—in the broadest spectrum—that converge there, through the construction of meanings "intrinsic to shared interpretations", which do not conclude in the customs land crossings (Alegría Olazábal, 2008; Mendoza Cota, 2017; Tapia Ladino, 2017). In this sense, like other products, which even form part of a "waste economy",⁴ automobiles make up a portion of the legal (and illegal) market of the "cross-border metropolis" (Fuentes Flores, 2022; Redacción, 2016).

International commuters, whether for work or education,

(...) are those people who live in one country and who daily, or at least once a week, cross an international border [...] and, at the end of their day [...] cross the international border again to return home. These people lead a binational life where their transit between two countries allows them to take advantage of the various consumption, recreational, and employment opportunities offered on both sides of the border. (Orraca, 2023)

The routine of cross-border commuters with a binational life was affected during the COVID-19 pandemic when the United States decided to close its border to tourists and restrict crossing only to essential travel. Nevertheless, they continued to flow even in this unusual context (Orraca, 2023). For example, during the COVID period, the following data were recorded in the border cities of Baja California: Tijuana reduced its influx from 38 036 people in 2015 to 34 520 in 2020. In the case of Mexicali, the flow even increased from 13 014 people to 13 830 (Orraca, 2023).

Therefore, it is not only a matter of human mobility, but also of the financial expenditure made in another country. According to specialists, on the one hand,

(...) cross-border purchases have a positive impact on businesses in the neighboring country of destination where the purchases are made and a negative impact on businesses in the country of origin where these people live [...] Likewise, by making it possible to spend abroad, cross-border purchases generate a series of restrictions for governments in terms of tax policy. (Orraca, 2023)

³ Automobiles—especially, but not exclusively—with California plates enter by land through Mexican customs crossings. Customs agents may randomly inspect them. If confiscated, only the owner can recover it. Nevertheless, irregular cars in Mexico were not confiscated during their entry into the country. Thus, its presence in Mexico is irregular the moment any person other than the owner, a U.S. citizen with a residential address in that country, drives the vehicle without official documents from the state that issued the license plate.

⁴ Mexican border cities have an economy of resale of waste from the United States (for example, used tires, second-hand furniture, or used cars with U.S. plates). It is worth mentioning that this article focuses on the security field. Nevertheless, to learn more about the economics of waste, it is suggested to consult Porter, R. (2002). *The economics of waste*. Routledge.

Thus, buying a vehicle with foreign license plates could be common because of the general mobility of the cross-border city, sustained by international commuters who benefit from the best of both sides of the border.

Returning to the subject of this research, the head of the Ministry of Sustainable Economy and Tourism (Secretaría de Economía Sustentable y Turismo), Mario Escobedo Carignan, estimated that by 2020, there were between 500 000 and 700 000 vehicles of foreign origin (especially from California) (Fry, 2020).⁵ It is also estimated that these vehicles are not limited to Baja California but are also to be found in the states of Baja California Sur, Chihuahua, Coahuila, Durango, Michoacán, Nayarit, Nuevo León, Sonora and Tamaulipas. By 2022, the Mexican President's Office estimated that approximately two million of these vehicles were circulating throughout the country (*Diario Oficial de la Federación* [DOF], 2022). In other words, at least one out of every four—if not three out of every four—"autos chocolate" are located in Baja California.⁶ Within this context, national and state automotive industry leaders have maintained the policy of protecting the national industry; however, they have not been able to do so (Andrade, 2021).

It is worth mentioning that, on both sides of the border, the population considers the mass transit system inefficient, insufficient and costly (Chirinos, 2015; Dibble, 2022; Salas, 2013; San Diego Association of Governments, 2020). Specifically, Tijuana's mass transit system is limited due to its geography because the city sits between sandy hills and ravines. On the other hand, although its geography favors San Diego, the strong automotive market offers facilities that allow people to opt for the acquisition of an automobile. In both cases, for the reasons indicated, the use of the automobile is privileged (Millán Velázquez, 2018).

Otherwise, the definition and legal argumentation regarding the phenomenon of "autos chocolate" in the border strip have evolved.⁷ Until 2004, for example, they were called illegal foreign vehicles. Subsequently, irregular foreign vehicles, then irregular vehicles of foreign origin, and finally, by 2021, used vehicles of foreign origin. In other words, the illegality/irregularity factor has been diluted in legal and political instruments in the last two decades, as it has become a matter of the national public agenda.

According to Rittel and Webber (1973, p. 160), some social phenomena are impossible to solve from the point of view of administration and public policy due to their

⁵ In order to regularize the vehicle, it is required to apply to the state government, and the owner of the vehicle must provide various documents proving their identity, the data of the car and pay the corresponding taxes. For more information see <https://www.bajacalifornia.gob.mx/regularizacionbc>

⁶ Since the vehicle or its owner does not have valid U.S. documents, it is unlikely that the vehicle will cross the border into the United States because the authorities may confiscate it and sanction the owner. As a result, the majority of vehicles known as "autos chocolate" remain on the Mexican side of the border with fake documents.

⁷ To learn more about the decrees on the regularization of automobiles with foreign license plates, see Cámara de Diputados (2004). *Los vehículos de procedencia extranjera ilegales en México*. <http://www3.diputados.gob.mx/camara/content/download/21188/105180/file/ACST007%20Los%20vehiculos%20de%20procedencia%20extranjera.pdf>

complexity. In this case, the authorities limit themselves to solving the problem with palliatives (Head, 2022, p. 14). Thus, the authors call these phenomena present in the public agenda wicked problems⁸ because they have no solution as such:

We use the term "wicked" in a meaning akin to "malignant" (in contrast to benign), vicious (like a circle), tricky (like a leprechaun), or aggressive (like a lion, in comparison to the docility of a lamb). We do not mean to personify these properties of social systems by implying malicious intent. Nevertheless, then, you may agree that it becomes morally objectionable for the planner to treat a wicked problem as though it were a tame one, or to tame a wicked problem prematurely, or to refuse to recognize the inherent wickedness of social issues. (Rittel & Webber, 1973)

There are some characteristics that the wicked problems share in common. According to the cited authors, these ten points are as follows:

1. There is no definitive formulation,
2. As a rule, the problem never ends,
3. Temporary solutions fall back on the *good-bad* and not *true-false* dichotomy,
4. Evaluations are non-existent,
5. Each attempted solution is a unique opportunity,
6. There are no multiple solution possibilities,
7. It is a unique problem,
8. It is a consequence of another problem,
9. There is a discrepancy in the explanation of the problem, and
10. The decision maker has no right to be wrong (Rittel & Webber, 1973, pp. 160-166).

Besides, Head and Alford (2013, pp. 723-732) state that wicked problems can be deconstructed and fragmented to the extent that they are analyzed from diverse and broad approaches. For this purpose, it is essential to have detailed information on the problem and collaboration and coordination among the parties involved. Nevertheless, this is no guarantee that the wicked problem will be solved:

Of course, there is no guarantee that these different elements of knowledge will come together fruitfully. In particular, parties with a conflict of interest may wield their knowledge to engage in gaming behavior; this may well be part of what makes the problem "wicked". (Head & Alford, 2013, p. 727)

Despite the efforts embodied in political and legal instruments dating from the 1970s to 2023, the problem of "autos chocolates" remains unresolved. According to Rittel and Webber, this is because, on the one hand, it is a wicked problem and, on the other hand, it is a problem with legal loopholes of origin, which in practice do not facilitate—even within the framework of the T-MEC imports—the regularization of used vehicles of foreign origin at Mexico's northern border, without affecting the national

⁸ A wicked problem is a situation that, according to the frames of reference, has certain characteristics that make it practically impossible to solve.

automotive industry. Likewise, it should be pointed out that, as with any other product on the market, irregular cars with foreign license plates that are part of the Baja California illicit market are particularly convenient for end users, for example, because they do not pay taxes annually (Rivera, 2021).

In other words, parallel to the institutional framework focused on importing and regularizing used vehicles of foreign origin, a social network constitutes a supply chain that feeds the illegal cross-border market. To this end, irregular vehicles from California toward Baja California enter the illegal cross-border market because they lack legal certainty. On this matter, Beckert and Dewey are conclusive:

(...) the state apparatus is also essential in defining and shaping illegal markets. After all, it is through state-devised acts that the distinction between legal and illegal is established. Illegal markets are illegalized arenas of exchange. Alternatively, to express this in a terminology familiar to economic sociologists, illegality is an act of quantification. Acknowledging the presence of the state as a key actor opens up a fruitful entry point to the study of illegal markets. (Beckert & Dewey, 2017, p. 7)

Ambiguity is the epicenter of this problem, which, due to its complexity, has legal loopholes. These loopholes indirectly reinforce the illegal market specializing in irregular automobiles of foreign origin on Mexico's northern border. Thus, even with institutional controls at the border, there is a supply of "autos chocolate" because users constantly demand them.

Over time, political and legal instruments have ceased criminalizing the legal object and the end user. Nevertheless, various authorities such as the Secretariat of Security and Citizen Protection (SSPC, Spanish acronym for Secretaría de Seguridad y Protección Ciudadana) or the former Procuraduría General de Justicia de Baja California insist that the irregular car of foreign origin is a mechanism frequently used by organized crime to commit illicit acts, especially intentional homicides (Camarillo, 2018; "Usados para delinquir", 2021).

According to the "Decreto por el que se modifica y prorroga el diverso por el que se regula la importación definitiva de vehículos", published in the *Diario Oficial de la Federación* on December 24, 2020, within the framework of the treaty between the United Mexican States, the United States of America and Canada (T-MEC), used vehicles of foreign origin may be understood as those that possess the following characteristics that are not mutually exclusive: 1) the vehicle must have been manufactured or assembled in the United States or Canada; and, 2) it must have a certification of origin (DOF, 2020). In Mexico, any registered automobile necessarily requires a vehicle identification number associated with the owner.

It is worth noting that the main arguments in the decrees are to counteract insecurity in the border strip. In the 2020 decree, for example, it is stated: "to improve the well-being of the population, security and protect family patrimony" (DOF, 2020, own translation). Nevertheless, in the 2022 decree, the correlation with insecurity is more evident, as shown below:

That the increase in crimes against the safety and property of people is linked, among other factors, to the use of vehicles of foreign origin that circulate irregularly in Mexico and that there is a considerable number of these in the territory of the states of the northern border, namely Baja California, Chihuahua,

Coahuila de Zaragoza, Nuevo Leon, Sonora and Tamaulipas, as well as in the states of Baja California Sur, Durango, Michoacan de Ocampo and Nayarit, where the aforementioned phenomenon is concentrated;

It is necessary to register and control the stay and circulation in the country of all vehicles, thus allowing their traceability as an auxiliary instrument for the public security activities of the three levels of government in the prevention and investigation of federal and common crimes.

It is estimated that approximately two million vehicles of foreign origin irregularly circulate in the country. For their registration in the Public Vehicle Registry, the support and collaboration of the federal authorities, the states and the parties obliged to make the registrations and submit the corresponding notices are required to ensure that their registration is carried out expeditiously, which will result in the Public Vehicle Registry effectively serving as an auxiliary instrument of security. (DOF, 2022, own translation)

Therefore, the temporary solution proposed by the Mexican Presidency because of the permanent flow of used vehicles of foreign origin is that the light vehicle—eight or more years old—be imported through a customs agency with the payment of MXN 2 500 tax to the federation (which will be proportionally distributed to the municipalities based on the number of regularized and registered vehicles), and subsequent registration in the database of the Public Vehicle Registry (Repuve, Spanish acronym for Registro Público Vehicular), which is an indispensable tool for the Secretariat of Security and Citizen Protection (DOF, 2022).

Authorities from the three levels of government claim that the regularization of "autos chocolate" will reduce homicidal violence in Baja California. During his term, Governor Jaime Bonilla (2019-2021) "specified that the proposal to implement a program for the regularization of the so-called 'autos chocolate' is a matter of citizen security in Baja California, proposed in the regional coordination of police and military forces" (El Sol de Tijuana, 2020, own translation).

In such a way, the wicked problem, which has been a constant challenge in the border strip, is framed in the securitization paradigm,⁹ pushing aside the environmental, economic, international cooperation, and even urban planning approaches. The United States continues to be the second largest producer of vehicles in the world; California has a very strong economic market in the purchase and sale of vehicles; and Baja California is the "backyard" that receives a permanent flow of vehicles with California plates, which for some are waste material, and for others an economic and decent opportunity for mobility in the city. Thus, the problem has two approaches at the border: in California, it is contradictorily an issue of markets and environmental care, while in Baja California, it is an issue of insecurity, justice and strengthening the rule of law. The analytical dimensions should not be mutually exclusive from a public policy perspective.

The general objective of the article is to analyze irregular automobiles and their correlation with high social impact crimes (for example, intentional homicides, kidnappings and violent robberies) in Baja California during 2010-2022. To this end, the main research question is whether, as stated by the authorities, the presence of

⁹ Securitization is understood as a public issue (in this case irregular vehicles) that is considered as a problem strictly within the security agenda.

an irregular vehicle was recorded at 80% of the crime scenes. The hypothesis is that, due to the lack of official information, it is not impossible to determine as relevant the presence of irregular vehicles in criminal acts in Baja California during 2010-2022.

The article commences with the introduction, followed by the methodological section. The third section, "'Autos chocolate' and organized crime in Baja California", describes crime rates and absolute numbers. In the fourth section, "'Autos chocolate' at the crime scene: their significance in crimes of high social impact in Baja California (2010-2022)", the research results are presented, with the support of official files provided by the Transparency Portal (Portal de Transparencia). The fifth section, entitled "Border businesses: affected by 'autos chocolate' and high impact crimes connection?", develops the analysis of the possible correlation between irregular automobiles and high social impact crimes and closes this chapter with some public policy recommendations, where California could be strategic in the comprehensive solution of the problem. Finally, the conclusions are presented.

Methodology

This study of irregular automobiles of foreign origin focuses on Baja California, a state chronically affected by the problem. It is also a longitudinal study covering 2010-2022, while the analysis covers the meso and micro levels. Its socio-economic, legal and environmental relevance is a phenomenon that has not been analyzed in depth in the northern border of Mexico, especially in Baja California. Thus, through the observation and recording of official data—using tables and graphs—the correlation between crime rates and the securing of vehicles at the crime scene is analyzed.

The main problem faced by the study was the need for more official data, either at the local or state level. Nonetheless, it was not possible to obtain longitudinal data (2010-2022) for the case of "autos chocolate" seized for being linked to investigations of kidnapping and intentional homicide. It is also worth mentioning that there are no databases to identify basic statistics on the entry of these vehicles into Baja California, the makes or models, and even the socio-demographic characteristics of their owners. What is known—through civil business organizations—is that the daily flow from San Diego to Tijuana is approximately 45 thousand vehicles (CBS8, 2023).

In this complex context, the Baja California State Attorney General's Office (FGEBG, Spanish acronym for Fiscalía General del Estado de Baja California) was asked to provide the necessary information to analyze the crime of robbery with violence of businesses for the municipality of Mexicali during 2010-2022. To fill the quantitative information gap, official data published in the media were sought. This is one of the first specialized studies on irregular automobiles of foreign origin associated with a crime of high social impact in Baja California over a decade.

This study will help sociologists and public policy experts to analyze the problem to confirm or reject the premise that guides the actions of public security authorities, who for decades have used insecurity as a double discourse to tangentially encourage the import and regularization of "autos chocolate" outside of a long-term state policy, as mentioned above. In this regard, despite the availability of multiple legal and political instruments, no indicators allow for an extensive evaluation of and insight

into the achievements or failures of the guidelines developed during the last decades regarding the regularization of irregular automobiles of foreign origin.

The sources of information are quantitative and qualitative. In the first case, in December 2022, information was requested through the National Transparency Platform from the FGEBC, the Business Alliance for Public Safety and the Baja California Secretariat of Citizen Security (SSCBC Spanish acronym for Secretaría de Seguridad Ciudadana de Baja California) to have as much information as possible concerning irregular cars of foreign origin linked to intentional homicides, kidnappings or robbery with violence at the state and municipal level.

Due to its legal nature in law enforcement, the FGEBC only delivered the requested information in January 2023. Although not all the information requested was available, the response—at the state and municipal level—from the FGEBC and the SSCBC was extremely valuable to proceed with the exploratory analysis of the problem in the state. In addition, the SSCBC databases were used to obtain detailed records of crime rates at the state and municipal levels (such as, intentional homicide, kidnapping, robbery with violence) during the period under study. These data made it possible to sort and analyze the information obtained from the media, where the SSPC refers to a figure and period, which could be contrasted with the SSCBC records.

"Autos chocolate" and organized crime in Baja California

From 2016 to the publication of this article, Baja California has faced a spiral of violence. Although insecurity in Tijuana dates back to the 1990s, the state maintained a moderate crime rate until recent years. Some specialists explain the increase in crime due to organized crime. In contrast, others cite its strategic geographical location near the economically powerful California, while others cite the administrative instability of the three levels of government, coupled with the lack of state policies on citizen security (Arredondo et al., 2022).

Although the influence of organized crime has been present in Baja California since 1970, the last two decades have been particularly difficult for civil-military authorities to cope with regarding security (Arredondo et al., 2022; Medeiros Passos, 2022).

Tijuana, a border city adjacent to San Diego, is going through its third spiral of violence (1997-1999, 2007-2010, 2016-2024) in little more than a quarter of a century. The actions taken by the authorities of the three levels of government have been insufficient to contain criminal violence definitively. This situation is due to the bloody territorial dispute of criminal organizations (such as the self-proclaimed Tijuana Cartel, Sinaloa Cartel, and Jalisco New Generation Cartel) specialized—mainly, but not exclusively—in the trafficking of drugs, firearms and people. The intentional homicide rate in Tijuana is 106 fatalities per 100 000 inhabitants, while the global homicide rate is six fatalities per 100 000 inhabitants (The World Bank, 2024). Annually, Tijuana registers approximately 2 000 intentional homicides (SSCBC, n. d.).

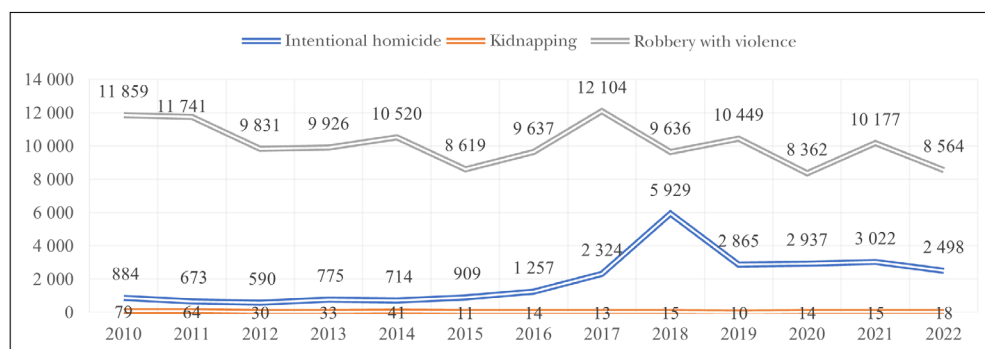
Conversely, unlike Tijuana, Mexicali (capital of Baja California) has a rate of 28 victims of intentional homicide per 100 000 inhabitants, a significantly lower figure, despite the proximity of the two cities. Mexicali registers approximately 200 intentional

homicides annually. Although the territory is disputed by factions of the Sinaloa Cartel (the Ismael Zambada faction versus the faction of the sons of Joaquín Guzmán), as can be seen, the fatality rate is not as high as in the case of Tijuana. The two border cities account for 80% of the intentional homicides in the state (Hernández & Orozco Reynoso, 2021; Orozco & Lorenzen, 2018; Orozco Reynoso, 2022).

The most emblematic threat to the *status quo* occurred on August 12, 2022, when the Jalisco New Generation Cartel allegedly burned vehicles throughout the state, causing panic among the population and disbelief among the authorities.¹⁰ According to official reports, crime rates have maintained a lateral trend since 2013. Nevertheless, intentional homicides especially went out of control in 2018, despite the large budget allocated to security, coupled with the recurrent increases in police and military personnel deployed in the territory (Arredondo et al., 2022; Hernandez, 2022; SSCBC, n. d.).

It is worth mentioning that possibly—but not exclusively—due to the operational reengineering in the security area during the administration of state governor Marina del Pilar Ávila Olmeda (Domínguez, 2021), together with the significant increase of civil-military security forces, crimes of high social impact began to decrease in absolute numbers and victimization rates. Kidnappings are the most notable case, with 79 cases recorded in 2010; by 2020, there were 14, with a slight increase in 2022 with 18 events (SSCBC, n. d.). Likewise, the kidnapping rate in Baja California went from three victims per 100 000 inhabitants in 2010 to zero from 2015 to 2023 (see Figure 1 and Figure 2) (Instituto Nacional de Estadística y Geografía, 2023; SSCBC, n. d.).

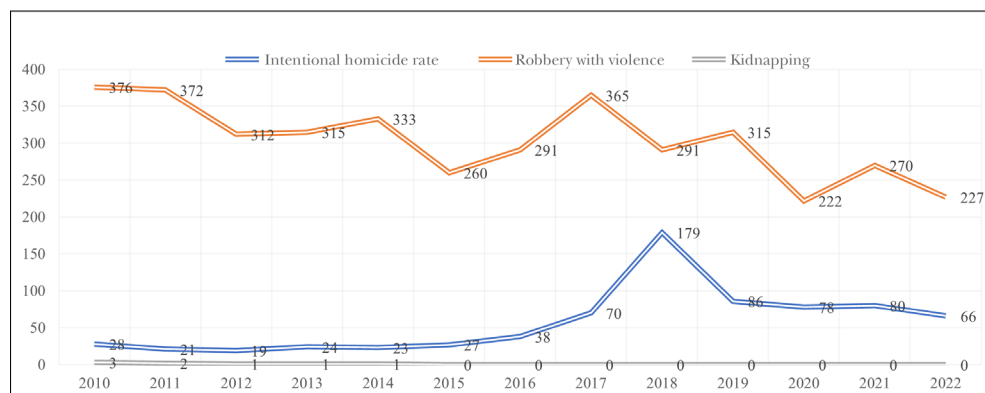
Figure 1. Crime in Baja California (2010-2022)



Source: created by the author with information from the SSCBC

According to the SSCBC, although institutional efforts since 2019 reflect a downward trend in intentional homicides (13% less) and robberies with violence (19% less), they still do not match the statistics of a decade ago. To complement the context analysis, it is important to note that by 2022 Baja California had approximately 6 000 soldiers deployed in its territory, parallel to the distribution of local and state-level police corporations, as well as the National Guard (which was founded by decree a year earlier) (Hernández, 2021; Salazar Méndez, 2022). Thus, the securitization of Baja California's public space statistically reflects a slight—but important—decrease in crime during the last few years.

¹⁰ It is worth mentioning that these acts took place in the broader context of violence where other cities were also affected by the burning of cars on August 11, 2022.

Figure 2. Crime rates in Baja California (2010-2022)

Source: created by the author with information from the SSCBC

The SSPC and the FGECB link “autos chocolate” to 80% of violent crime scenes (Camarillo, 2018; “SSPC: vehículos sin registro”, 2022; “Usados para delinquir”, 2021). In fact, for decades, part of the nationalist discourse against the importation and regularization of used vehicles of foreign origin reflected the fear—of a power elite—that the underworld would use them to commit crimes. Why? Because they do not have reliable data on the owner and, therefore, after the homicide, robbery or kidnapping, the cars could be abandoned in the street without the possibility of the security and justice authorities finding the whereabouts of the alleged criminals.¹¹

Accordingly, the head of the Secretariat of Security and Citizen Protection of the Mexican federal government, Rosa Icela Rodríguez, stated: “We realize that criminal groups often use cars without license plates and of foreign origin to commit crimes” (“Usados para delinquir,” 2021, own translation). Later, she concluded: “(...) being registered in the Repuve gives legal, proprietorial and security guarantees to the population” (“SSPC: vehículos sin registro,” 2022, own translation).

Since the 1970s, attempts have been made to solve the wicked problem through the heuristic method of trial and error, applying legal provisions that made the problem more complex over time. Between 1972 and 2000, the Federal Government implemented fourteen car regularization programs (Senado de la República, 2019). Table 1 lists the most recent ones.

In recent years, starting in 2005, the administration of Vicente Fox Quezada (2000-2006) authorized by presidential decree the import of used vehicles from abroad as long as they had been assembled in the United States or Canada (Table 1), countries that together with Mexico signed the North American Free Trade Agreement (NAFTA) in 1992. Imports reached unprecedented levels, so the automotive industry representatives immediately demanded changes due to economic losses.

¹¹ In a democratic state under the rule of law that has a solid criminal justice system, with criminological equipment to perform expert appraisals, the above premise is not a solid argument, but a shameful one. In any case, the capabilities of the technical teams should be strengthened.

Table 1. Decrees on irregular vehicles of foreign origin (2005-2023)

Decree amending the previous decree promoting the regularization of used vehicles of foreign origin	01/12/2023
Decree amending the previous decree promoting the regularization of used vehicles of foreign origin	29/09/2023
Decree amending the previous decree promoting the regularization of used vehicles of foreign origin	20/06/2023
Decree amending the previous decree promoting the regularization of used vehicles of foreign origin	31/03/2023
Decree amending the previous decree promoting the regularization of used vehicles of foreign origin	19/01/2022
Decree amending the previous decree promoting the regularization of used vehicles of foreign origin	29/12/2022
Decree amending the previous decree by which the regularization of used vehicles of foreign origin is promoted, published in the DOF on January 19, 2022, its corrigendum of January 21, 2022, and its subsequent amendments dated February 27 and June 20, 2022	19/09/2022
Decree amending the previous decree by which the regularization of used vehicles of foreign origin is promoted, published in the DOF on January 19, 2022	27/02/2022
Decree amending the previous decree by which the regularization of used vehicles of foreign origin is promoted, published in the DOF on January 19, 2022, its corrigendum of January 21, 2022, and its subsequent amendment of February 27, 2022	20/06/2022
Corrigendum to the Decree that promotes the regularization of used vehicles of foreign origin, published in the evening edition of January 19, 2022	21/01/2022
Decree amending and extending the previous decree regulating the definitive importation of used vehicles	24/12/2020
Decree extending the previous decree regulating the definitive importation of used vehicles, published in the DOF on December 26, 2016	26/12/2016
Decree extending the previous decree regulating the definitive importation of used vehicles, published in the DOF on December 31, 2015	31/12/2015
Decree extending the previous decree regulating the definitive importation of used vehicles, published in the DOF on December 31, 2014	31/12/2014
Decree amending the previous decree regulating the definitive importation of used vehicles published in the DOF on January 31, 2013	31/01/2013
Decree regulating the definitive importation of used vehicles published in the DOF on July 1, 2011	01/07/2011
Decree establishing the conditions for the definitive importation of used automotive vehicles	24/12/2008
Decree establishing the conditions for the definitive importation of used automotive vehicles	22/08/2005

Source: created by the author based on information from the DOF, Ministry of Finance and Public Credit (Secretaría de Hacienda y Crédito Público), Mexican Association of Automobile Distributors (Asociación Mexicana de Distribuidores de Automotores), National Commission for Regulatory Improvement Asociación (Comisión Nacional de Mejora Regulatoria)

Since 2008, more restrictions have been placed on importing used automobiles from abroad. Nevertheless, the administration of President Andrés Manuel López Obrador (2018-2024) has issued four decrees (2020, 2021, 2022 and 2023) once again to regulate definitive importation, benefit the population, reduce insecurity and protect patrimony. These decrees favor the regularization of used vehicles of foreign origin in national territory (DOF, 2020, 2021, 2022, 2023).

"Autos chocolate" at the crime scene: their significance in crimes of high social impact in Baja California (2010-2022)

According to the head of the Secretariat of Security and Citizen Protection, Rosa Icela Rodríguez, and the Tijuana Customs Administrator, retired Lieutenant Colonel Fernando Martínez, between 500 000 and 800 000 irregular vehicles of foreign origin were circulating in Baja California, out of the two million that are circulating nationally (Grupo Reforma, 2022; "SSPC: vehículos sin registro", 2022). In other words, the ministry is unsure whether the state is home to one, two or three of every four "autos chocolate" in the country. Having this information would be very useful to make multilevel decisions.

It is worth mentioning that authorities from the three levels of government have announced that 80% of the cars seized at homicide scenes are "autos chocolate" (Camarillo, 2018; Grupo Reforma, 2022; El Sol de Tijuana, 2020; "Usados para delinquir", 2021). Such is the case, for example, of the former deputy attorney general of Tijuana in 2018, who claimed that in up to 98% of cases, "cars involved in criminal acts are of irregular origin" (Camarillo, 2018, own translation). In 2022, Fernando Martínez, military administrator of Tijuana Customs, went so far as to claim that "90% of these cars are used for crime because they are practically disposable; in Baja California alone, there are about 800 000 of them in circulation" (Grupo Reforma, 2022, own translation).

The newspaper report reads as follows:

Some 65 000 vehicles enter Tijuana daily through its two border crossings (50 000 through El Chaparral and 15 000 through Otay), without the possibility of inspections by Customs personnel or technological support to do so efficiently. Although technology partially exists, in reality, it does not help in identifying the legal situation of these vehicles and people since they are not connected to a vehicle or criminal database, said retired Lieutenant Colonel Fernando Martínez, administrator of the Tijuana Customs, in one of the Seden emails hacked by Guacamaya.

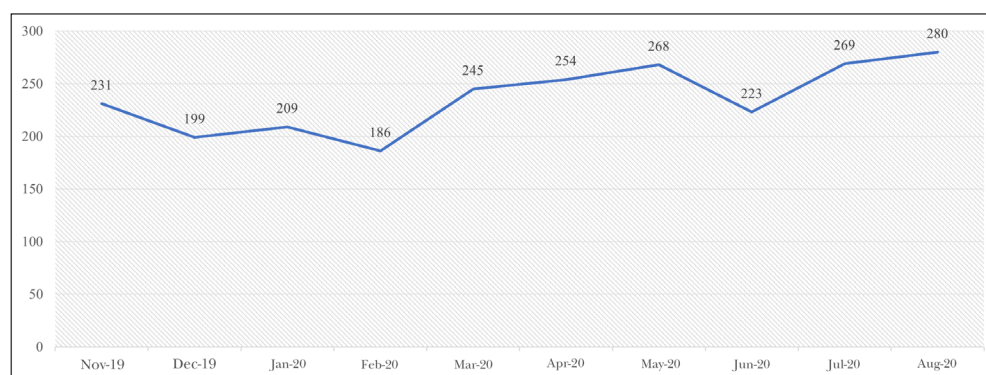
Although the decree issued by the Executive Branch to register "autos chocolate" in Mexican territory will bring benefits to a specific sector of the population and will allow for the control of those who register, it is not a one hundred percent solution to the problem since the key to entry into Mexico must be closed. "Autos chocolate" continue to enter backed by what the law allows them to do: to be driven by a U.S. resident. (Grupo Reforma, 2022, own translation)

Regardless of the lack of technology and personnel and the non-existence of intelligent, interconnected databases in Mexican customs, the report of the retired lieutenant colonel is not surprising since the automotive industry in California has proven to be very powerful and active with the California Department of Motor Vehicles and the Baja California State Government's Bureau of Revenue (Recaudación de Rentas del Gobierno del Estado de Baja California) to address—through international cooperation—the control of the illicit flow of U.S. cars whose final destination is Baja California.

According to Rosa Icela Rodríguez, head of the Secretariat of Security and Citizen Protection: "[from] November 1, 2019, to August 30, 2020 [ten months] 370 irregular vehicles of foreign origin were placed at the disposal of the ministerial authority, all of them linked to intentional homicides" ("sspc: vehículos sin registro", 2022, own translation). According to SSCBC statistics, 2 364 intentional homicides were committed in the state during this period (see Figure 3).

If, during that same period, 370 "autos chocolate" were seized at the scene of the crime, then this is equivalent to 15.65% of the fatal cases and does not show, as the authorities of the three levels of government argue, that the range is between 80% and 98% of the cases. Even so, it can be corroborated that approximately two out of every 10 intentional homicides in Baja California are linked to an irregular automobile of foreign origin, generally with Californian license plates. This is a high but insignificant figure, considering the proximity to California and the fact that between one and three of every four irregular vehicles in the country are located in Baja California.

Figure 3. Intentional homicides in Baja California (November 2019 to August 2020)



Source: created by the author with information from the SSCBC

The Federal Government is responsible for containing and controlling the "autos chocolate" flow through Mexican customs. Nevertheless, it has not had the necessary skills to impose order and justice through an effective strategy and in the face of the illicit flow of used cars from abroad destined for Baja California. Hence the importance of teamwork among the three levels of government in seeking international cooperation with California, which has a role in the weakening of the rule of law that its southern neighbor suffers daily.

Following a request to the Transparency Portal, the Baja California State Attorney General's Office provided the requested information via official letter 2992/FRT/12/2022 (C. Ezquerro Nava, personal communication, December 26, 2022). The information request asked for the monthly number of irregular cars associated with the crimes of kidnapping, robbery with violence and intentional homicide in Baja California from 2010 to 2022. Given that the three levels of government have referred for some years to the percentage of "autos chocolate" associated with intentional homicides, it was assumed that it would be evident that the statistical data would be available.

Nonetheless, in the case of kidnappings¹² and intentional homicides, disaggregated information is not available.

According to official communication 10/FRMXL/2023 (C. Ezquerro Nava, personal communication, January 4, 2023), dated January 2, 2023, issued by the FGEBC-Fiscalía Regional Mexicali:

(...) I hereby inform you that *within our databases, it is impossible to perform the breakdown of the information* as requested by the citizen, since only the list of foreign or irregular vehicles made available can be extracted. (own translation)

Likewise, it would be expected that the FGEBC through the Tijuana Regional Prosecutor's Office (Fiscalía Regional Tijuana) would have some systematized data after five decades of dealing with the problem; nevertheless, the response in official letter 2992/FRT/12/2022 (C. Ezquerro Nava, personal communication, December 26, 2022) was: "the statistical system to which we have access does not allow us to disaggregate the information requested" (own translation). In other words, they may have the data, but there is no capacity—in one of the cities most affected by homicidal violence and the concentration of "autos chocolate"—to determine the extent of the problem, at least during the last decade. Without this information, making a strategic decision to help contain the phenomenon will be difficult.

Meanwhile, in response to the author's request, the Tecate Regional Prosecutor's Office indicated, via official letter 1345/FR/TKT/12/2022 (C. Ezquerro Nava, personal communication, December 27, 2022), the following:

(...) I cannot provide the requested information since the institutional computer system DOES NOT (sic) disaggregate the information to obtain data regarding irregular vehicles. Therefore, it is not possible to provide information officially. (own translation)

Finally, the Ensenada Regional Prosecutor's Office, through official communication 3397/FR/ENS/2022 (C. Ezquerro Nava, personal communication, December 26, 2022) is conclusive in confirming that not only in the database of each regional prosecutor's office but even in the institutional systems of the FGEBC, information with that level of classification is non-existent. The categorical statement reads as follows:

(...) I wish to inform you that the information requested is NON-EXISTENT concerning this Regional Prosecutor's Office of Ensenada since when the institutional systems of the Attorney General's Office of the State of Baja California were consulted, they do not have the necessary level of disaggregation to meet the request for information concerning autos chocolate. (own translation)

¹² Due to the nature of the crime, it was known beforehand that it would be difficult to obtain the information. This was corroborated by official letter 413/UECS/2022 (C. Ezquerro Nava, personal communication, December 26, 2022) issued by the Specialized Investigation Unit to Combat Kidnapping of the Baja California State Attorney General's Office (Unidad de Investigación Especializada en Combate al Secuestro de la Fiscalía General del Estado de Baja California), which indicates that the authority is prevented from providing the requested information because all the cars seized are related to an investigation initiated for the crime of kidnapping.

Ergo, why do authorities conclude that between 80% and up to 98% of intentional homicides are related to an "auto chocolate"? According to the information provided, except in the case of the crime of kidnapping, the judicial authority does not have the absolute annual number of irregular automobiles of foreign origin linked to intentional homicides. How can it be supported with hard data that out of every 10 murders, approximately two have an "auto chocolate" as a clue? Therefore, the starting point is what, indeed, can be officially proven: irregular cars of foreign origin associated with robberies with violence against businesses in the case of Mexicali.

Border businesses: affected by the connection between "autos chocolate" and high-impact crime?

Via the Transparency Portal, information was requested from the FGEBC regarding the association between used vehicles of foreign origin and robbery with violence of businesses (2010-2022), a request that was answered through official letter 10/FRMXL/2023 (C. Ezquerro Nava, personal communication, January 4, 2023). To contextualize the situation, according to the SSCBC, between 2010 and 2022 131 425 robberies with violence were committed in Baja California (SSCBC, n. d.), of which 56 092 were perpetrated against businesses (see Table 2). In other words, for practical purposes, in Baja California, one out of every two victims of violent robbery was a business.

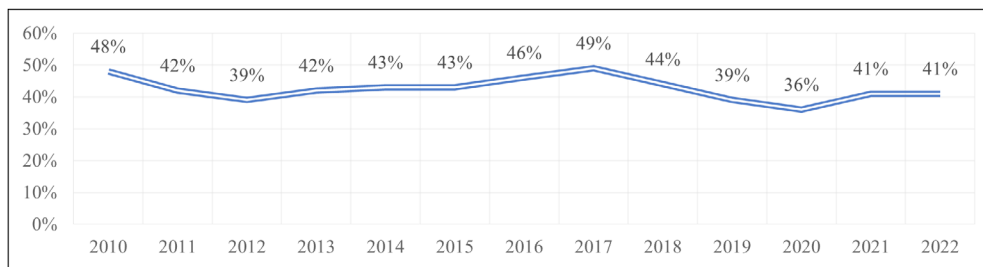
Table 2. Absolute numbers of robberies with violence and robberies with violence of businesses in Baja California (2010-2022)

Year	2010	2011	2012	2013	2014	2015	2016
Robbery with violence	11 859	11 741	9 831	9 926	10 520	8 619	9 637
Business robbery with violence	5 739	4 885	3 832	4 155	4 495	3 699	4 420
Year	2017	2018	2019	2020	2021	2022	Total
Robbery with violence	12 104	9 636	10 449	8 362	10 177	8 564	131 425
Business robbery with violence	5 918	4 238	4 041	2 990	4 198	3 482	56 092

Source: created by the author with information from the SSCBC

The range of victimization during that decade was between 36% and 49%. According to the reports, 2017 was the year of highest victimization for that sector, while 2020 was the year with the lowest number of robberies. This is due to the lockdown due to the COVID-19 pandemic. Between 2010 and 2022, of the violent robberies in Baja California in total, 42.6% were carried out exclusively against businesses, positioning it among one of the sectors most harmed by crime during the last decade (see Figure 4).

Figure 4. Percentage of businesses affected by violent robberies in Baja California (2010-2022)

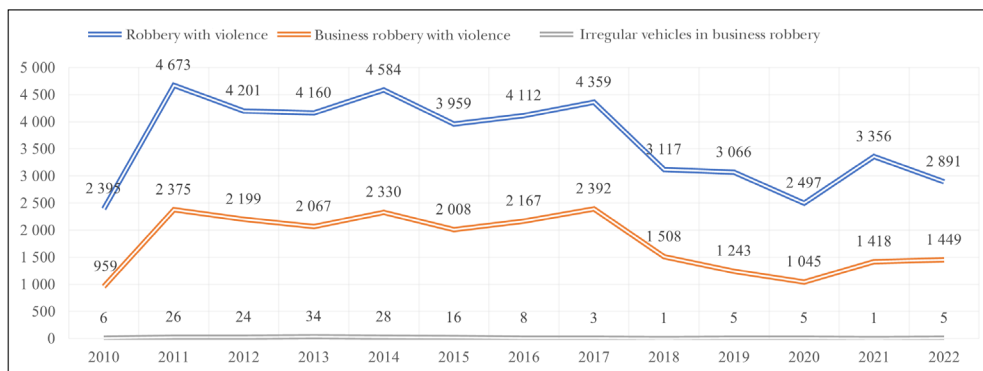


Source: created by the author with information from the SSCBC

In addition, out of the 131 425 violent robberies in Baja California, 47 370 (36%) were committed in Mexicali, the state capital, during the 2010-2022 period. Of this figure, 23 169 (49%) victims were businesses, a percentage even higher than in the state. It is worth mentioning that at the municipal level, both trends—robberies with violence and robberies with violence of businesses—remain similar, without significant ups and downs in the timeline (see Figure 5).

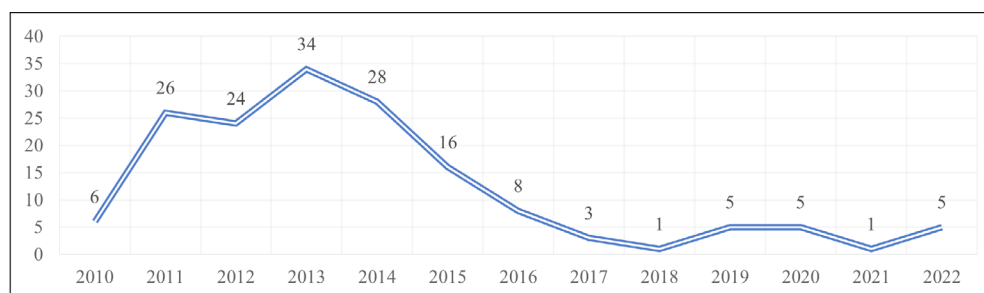
On the other hand, according to the FGECB, between 2010 and 2022, a total of 162 irregular vehicles of foreign origin were seized in Mexicali linked to the crime of robbery with violence of businesses. Particularly between 2011 and 2015, the highest number of seizures of “autos chocolate” was achieved. Nevertheless, since 2014 there has been a clear downward trend, although crime remains with a lateral trend, as shown in Figure 5. From 2017 to 2023, the number of “autos chocolate” brought to the attention of judicial authorities in Mexicali is practically insignificant, even though, in absolute numbers, the crime continues to affect one out of every two businesses (see Figure 6).

Figure 5. Violent business robberies linked to “autos chocolate” in Mexicali, Baja California (2010-2022)



Source: created by the author with information from the SSCBC and based on official letter 10/FRMXL/2023 from the Baja California State Attorney General's Office in response to a request for information via the Transparency Portal

Figure 6. Foreign or irregular vehicles linked to the crime of robbery with violence of businesses brought to the attention of the Baja California State Attorney General's Office (2010-2022)



Source: created by the author based on official letter 10/FRMXL/2023 from the Baja California State Attorney General's Office in response to a request for information via the Transparency Portal

According to official data, 0.70% of the “autos chocolate” circulating in Mexicali between 2010 and 2022 were brought to the attention of law enforcement authorities for the crime of robbery with violence of businesses. In other words, one out of every one hundred cases are associated with an “auto chocolate”. Of course, the percentage is not significant enough to formally link irregular vehicles of foreign origin to the violent robbery of one of the sectors most chronically affected by crime, as mentioned above.

Thus, as can be seen in the case of intentional homicides at the state level and violent robberies of businesses at the local level, it is not possible to sustain the premise held by the authorities of the three levels of government that 80% of “autos chocolate” are directly related to violent crime in Baja California. In addition, the proportion of violent robbery in the business sector in Mexicali is practically zero, although the municipality even surpasses the state average during the last decade.

So, where did they get the data from if, according to the authorities of the FGEBC and the head of Mexican Customs in Tijuana, there is no possibility of disaggregating—at best—the data related to irregular vehicles of foreign origin in intentional homicide scenes? What is the basis for the assertions that direct the public agenda of regularizing cars of foreign origin toward securitization and not toward the environmental approach and, of course, the control of illicit markets?

The problem of diverting the discussion and not focusing the possible efforts through a public agenda within the framework of international cooperation is that the “autos chocolate” problem will remain due to the inability to distinguish and establish clear priorities between the parties. In the search to contain the problem, the three levels of government must enter into dialogue leading to agreements with their U.S. counterparts.

Objectively, the United States is jointly responsible for facilitating the one-way flow of automobiles with U.S. plates into Mexico. California in particular, responsible for implementing its “zero emissions” policy in 2035, is ignoring a major problem that affects at least environmentally its neighbor to the south. As long as the U.S. auto industry produces ten billion cars annually, California authorizes 1.8 million new registrations yearly, and Mexico remains without a state policy on irregular automobiles in its territory, the illegal cross-border market will thrive.

After carefully reviewing the case, a series of observations and recommendations emerge that could be useful for decision-makers to address the problem comprehensively. The proposals are based on a local approach, with special emphasis on Baja California, but also seek to deconstruct the problem and reveal tools that could help cross-border cities solve the problem.

- I. State policy. It is recommended that the federal authorities formulate a general law on vehicle imports, leaving aside the annual decrees. The legal regulations should avoid ambiguity. Meanwhile, through a long-term State policy, the characteristics of imported vehicles can be defined, such as, for example, energy sources, age of vehicles, taxes due to the three levels of government, registration in the Repuve, and conditions for circulation of vehicles with foreign license plates in Mexican territory, among others.
- II. Comprehensive approach. Importing foreign automobiles into the country should be analyzed using a comprehensive approach and not only from a safety perspective. There are several dimensions to be addressed: environment and sustainability, socially responsible consumption, national automotive industry, public safety, urban planning, human rights and urban mobility, among others. Each dimension requires the development of indicators to measure the phenomenon so that, if necessary, adjustments can be made. This must occur within the framework of the cross-border city, where international commuters benefit from the best of both sides of the border.
- III. Intelligent information systems. It is essential to have updated and linked databases that allow the information recorded to be disaggregated. Strategic decisions cannot be made without information. To this end, it is crucial for Mexican Customs, located in *Tijuana*, Tecate, and Mexicali, to have a solid and sophisticated database that quickly systematizes information on vehicles crossing with foreign plates. In addition, both the FGECB and the SSCBC should include detailed information on cars with import permits, irregular cars, or valid foreign plates to correlate the data.
- IV. International cooperation. Although the problem must be dealt with at the national level, cooperation with California and U.S. federal law enforcement agencies can contribute significantly to the solution of the problem, hence the importance of seeking cooperation agreements on vehicular matters. For example, California can assist with the development of a database of vehicle registrations with California plates that can be shared with Mexican Customs; it can set up a special office to handle cases related to irregular vehicles in Mexico registered in California or perhaps charge special insurance to the California owner to facilitate the transfer of the potential "auto chocolate" to a car recycler on either side of the border, among other things.
- V. Cooperation among law enforcement agencies in Mexico. It is essential that security institutions, especially the FGECB and the SSCBC, have sophisticated databases that allow them to disaggregate information in detail. There is the Standardized Police Report, and there are information systems in the Prosecutor's Office, but it is impossible to work precisely because it is impossible to disaggregate the data. Scrupulous analysis is required to plan,

consider resources and make strategic decisions. A consistent problem in law enforcement agencies is the lack of trained personnel dedicated exclusively to systematizing information. Therefore, another recommendation is that the institutions should have qualified and trained personnel to develop databases without necessarily having a police career. Independently of the above, a binational academic committee can also be established to support the activity and even systematize the data, with the respective support of the relevant institutions.

- VI. Citizen participation. It is recommended that sections of the databases be periodically shared with academics and civil organizations that study and follow up on the issue of "autos chocolate" so that they can make analytical contributions to understand better the phenomenon, which will be useful to the SSCBC, as well as to the California Department of Motor Vehicles and to the organized citizenry itself.

Conclusions

Throughout this text, the situation of irregular automobiles of foreign origin, popularly known as "autos chocolate," and the correlation they had with crimes of high social impact (intentional homicides, kidnapping and robbery with violence) in the border state of Baja California during the period 2010-2022 were analyzed. According to official data, 15.65% of intentional homicides in Baja California were linked to an "auto chocolate", and among businesses, the actors most chronically affected by insecurity, only 0.70% of robberies with violence in Mexicali are linked to an irregular vehicle of foreign origin. For kidnapping, the information is not available to the public.

Nevertheless, the wicked problem of "autos chocolate" is centralized in focusing on insecurity. The three levels of government maintain the argument by pointing out that "autos chocolate" appear in at least 80% of crime scenes (Camarillo, 2018; Grupo Reforma, 2022; El Sol de Tijuana, 2020; "Usados para delinquir", 2021). For decades, part of the nationalist discourse against the importation and regularization of foreign vehicles has focused on the fact that the underworld uses them to commit crimes. At the same time, decision-makers have failed to come up with a lasting and effective solution that simultaneously benefits consumers, businesses and security and justice authorities.

Although the evidence shows no strong correlation, the "auto chocolate" phenomenon must be addressed comprehensively to resolve the complex issues. Failure to focus all possible efforts, with the support of a public agenda in the framework of international cooperation, will maintain the problem for a few more decades. This situation is due to the inability to distinguish and then establish clear priorities among the parties involved. The premise of the three levels of government, who see the "autos chocolate" as a trigger for criminal violence in Baja California, does not hold up. The databases of Baja California's security and justice institutions cannot provide disaggregated information, as the regional prosecutors of the FGEBG officially acknowledge. Therefore, it should be noted that there are limitations to the evidence, and the data are by no means generalizable to other contexts or periods of analysis.

Another cause of the problem is the U.S. automotive industry and market. As long as U.S. society follows the dynamics of massive consumption-waste-consumption of automobiles, without the industry or the government itself taking responsibility for the consequences, it is evident that no matter how green and sustainable the industry is, it will simply be a global problem, because it is neither responsible nor sustainable consumption. Mexico functions as the Californian government's backyard. The challenge is massive and permanent for Mexico, and California must contribute to a comprehensive and intelligent solution to the problem. Therefore, a dialogue between Mexican authorities and their U.S. counterparts is unavoidable, and together, they can find a solution that benefits the environment and socially responsible consumption.

Finally, it is suggested that future research should consider using mixed methodologies, allowing for more in-depth and first-hand information. From academia or civil society, the construction of databases specialized in "autos chocolate" can be a relevant input in decision-making and the partial or total resolution of the problem.

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