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USAID/MEXICO JUSTICE AND SECURITY PROGRAM ANNUAL REPORT – 2010

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USAID/MEXICO JUSTICE AND SECURITY PROGRAM ANNUAL REPORT – 2010



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ACRONYMS

AJC	Alternative Justice Centers
AFI	Federal Investigation Agency
ANCP	National Association of Citizen Participation Councils
CEJA	Justice Studies Center of the Americas
CENEVAL	National Evaluation Center for Higher Education
CNDH	National Commission for Human Rights
CONATRI	National Commission of Superior Justice Tribunals
CONSEGU	National Committee for Citizen Participation in Public Security
CPCs	Citizen Participation Councils
CSOs	Civil Society Organizations
DIF	Integral Family Development
FEVIMTRA	Special Prosecutor for Violent Crimes against Women and Trafficking in Persons
FUNDAR	Research Center/ Centro de Análisis e Investigación
GoM	Government of Mexico
HR	Human Rights
ICE	US Immigration Customs Enforcement
INACIPE	National Institute of Criminal Science
INEGI	National Institute for Statistics and Geography
INDESOL	National Institute of Social Development
INMIJERES	National Women's Institute
INSYDE	National Institute for Security and Democracy
ITESM	Technological Institute of Advanced Studies of Monterrey
MSI	Management Systems International
NGOs	Non-Government Organizations
NITA	National Institute for Trial Advocacy
OSI	Open Society Institute
PGJ	State Attorney General of Justice
PGR	Attorney General of the Republic
PMP	Performance Measurement Plan
RENACE	Non-Governmental Organization
RFP	Request for Proposals
SECTEC	Technical Secretariat of the Criminal Justice Implementation Commission
SEDESOL	Secretary of Social Development
SEP	Secretary of Public Education
SIEDO	Assistant Attorney General for Special Investigations and Organized Crime
SSP	Secretary of Public Security
TA	Technical Assistance
TiP	Trafficking in Persons
ToT	Trainer of Trainers
UAEM	Autonomous University of Morelos
UEIDMIO	Special Unit for Research on Child Trafficking, Undocumented and Organ Trafficking
UNAM	National Autonomous University of Mexico
UNODC	United Nations' Office on Drugs and Crime
USAID	United States Agency for International Development

I. INTRODUCTION

Management Systems International (MSI) is pleased to present the FY 2010 Annual Report for United States Agency for International Development's (USAID) Mexico Justice and Security (J&S) Program. While the contract does not stipulate the submission of an annual report, it does require four quarterly reports per project year. As such, included in this report are key fourth quarter results.

The Performance Measurement Plan (PMP) contains a total of 43 indicators, seven of which are impact indicators and 20 of which include targets that must be reported against annually. In order to remain consistent and to track specific progress, this fourth quarter (annual) report will include both the life of project (three-year) targets and, where relevant, the corresponding annual target.

In order to best organize the achievements that follow, key results attributed to corresponding indicators will be quantitatively and qualitatively discussed under each of the J&S Program's 10 sub components. In addition to summarizing achieved results, a number of key areas will be highlighted in order to paint a complete picture of these achievements over the past fiscal year. These include: the sub component context; short success stories (Annex 1); 2010 challenges / solutions; 2011 opportunities; and, lessons learned. Where relevant, the report will also present summarized feedback from training evaluations.

II. RESULTS ACHIEVED BY SUB COMPONENT

MSI engages in numerous efforts at state and federal levels to support reform in the justice and security sectors and to facilitate improved performance once these reforms are adopted and implemented. As a foundational step to achieving higher-level results, in FY 10, MSI/Mexico has delivered diverse technical trainings to thousands of federal and state stakeholders across Mexico. The figure below illustrates the J&S program training per state as disaggregated by eight of the program's ten sub components.

Map I. Program trainings per state



A. Component I: Results Achieved



I) Sub-component I.1 – Adherence to the Mexican Federal Constitution Reform

Sub-objective I.1.1: Increase the number of jurisdictions implementing the new criminal justice system based on the federal constitutional reforms.

Sub-objective I.1.2: Strengthen the state and federal justice sectors’ capacity to cooperate between jurisdictions on cases where the jurisdiction is undetermined.

Sub-objective I.1.3: Improved case handling, management and transparency from arrest to final determination.

Description of results linked to results framework

With the enactment of the criminal procedure code, the expected result is the improvement of the criminal justice system as shown below:



Summary results achieved

TARGETS: Within 3 years, the program will ensure that:

- At least 5 additional jurisdictions are legislating or implementing the new criminal justice system based on the federal constitutional reforms.
- At least 6 jurisdictions make case statistics and information available publicly.
- At least 7 state Attorneys General will report publicly and annually on the number of cases using alternative justice mechanisms, the number of cases resolved prior to trial, the number of cases that went to trial, the number of cases that reached final resolution and the number of cases that are pending.

RESULTS ACHIEVED:

States that are legislating in the New Criminal Justice System

Jalisco, Hidalgo, Tlaxcala, Nuevo Leon and Yucatan are now legislating in the new criminal justice system based on the constitutional reforms. The Program has been providing technical assistance to Hidalgo and Nuevo Leon.

States Implementing Oral Trials

Chihuahua, Oaxaca, Zacatecas, Morelos, Nuevo Leon and Mexico State comprised the baseline for indicator 1.1.2.

Durango and Baja California are the most recent jurisdictions to implement oral trials in the context of an adversarial accusatory system based on the constitutional reforms.

Judicial Districts that are Implementing Transparent Case Management Systems

As of the closure date for this report (October 30, 2010), the Program has identified 20 judicial districts that are implementing transparent case management system: 1 in Mexicali, Baja California; 4 in the Istmo region and 4 in the Mixteca Region in Oaxaca; 1 in Durango, Durango; 5 in Chihuahua, Chihuahua and 5 in Ciudad Juarez, Chihuahua.

Jurisdictions that make statistics and information publicly available

Each of the 33 jurisdictions makes statistics and information available publicly. However, the quality of the data and information is poor. The data categories used by the National Institute for Statistics and Geography (INEGI) do not correspond with the new criminal justice system. The 33 jurisdictions do not report using the same format and protocols that guarantee data validity. The internet websites do not always include statistics or data and when they do, in most cases, they are not —user friendly.

Average Number of Days between Filing of a Case and Final Determination

The Program had foreseen obtaining information on this impact indicator, however, there is no timely and reliable official data published on this issue. There is no information that shows the flow of cases, for instance # incoming cases, # exiting cases, or data breakdown of resolved cases. Better indicators would be: The percentage of cases resolved in relation to the file cases in the same year, or the average reduction of impunity.

Main Activities to Increase Number of Jurisdictions Implementing the Reforms

The Program conducted a national conference and three seminars to discuss the strengths and opportunities of the draft Criminal Procedure Code prepared by the Technical Secretariat of the Criminal Justice Implementation Commission (SECTEC) along with the Oral Trials Network. Representatives from academia, bar associations and NGOs, as well as prominent criminal lawyers, local and federal judges, prosecutors, members of congress, and state police attended the three seminars (September 27 in the Federal District, October 7 in Nuevo Leon and October 21 in Toluca). The objectives of the seminars were to encourage debate and to form recommendations to improve the draft code. The Oral Trials Network will be submitting a final opinion to SECTEC, which incorporates the findings and recommendations.

As part of the Program's monitoring activity on the implementation of new criminal justice reforms that are underway in six states, assessments were carried out in Oaxaca in September 2010 and in Morelos in October 2010. By attending hearings, interviewing officials and monitoring implementation of the guidelines developed by the Centre for Justice Studies of the Americas (CEJA), USAID was able to collect useful facts, data and evidence about case management systems and statistics, as well as to advance in the assessment of the implementation of the reform the judicial district of the target states.

The Program's Introductory training on the New Criminal Justice System for Journalists was a key awareness raising activity, considering the influential role that the media plays in disseminating information.

Short success stories of program beneficiaries

Please refer to Annex I for a Plea Bargaining success story.

Challenges and proposed solutions

Fears and Perceptions

Many believe that the new system is treating criminals too softly and would prefer a more heavy-handed (*mano dura*) approach. There is also a lack of knowledge related to the presumption of innocence and due process, as well as little faith in the effectiveness of alternative justice mechanisms. In addition, prosecuting suspects of organized crime is difficult because witnesses, police investigators and judges are visible during a trial and are, as such, at risk for their personal safety. The protection that they would require is costly (e.g., personal security, witness protection programs).

Political 'Buy-in'

Key high-level officials have made public comments attributing increased violence to the new criminal justice reforms. The Program has explained that the new system is more efficient in prosecuting crimes within a democratic system that respects human rights (HR). Further, the Program is emphasizing that

effectively solving homicides and other serious crimes (e.g., extortion, kidnapping), requires scientifically-sound investigations and investment in intelligence, information and technology. As such, resources should be allocated to protect witnesses and justice sector personnel, and to invest in technology and information systems.

Need for Qualified Trainers

Recruiting qualified trainers is a challenge, as few prosecutors, judges, public defenders, and police have experience in the new system. Moreover, many justice officials are unable to dedicate the amount of time required to complete training courses. The Program is actively addressing this challenge through:

- a) ToT courses, the development of standardized training manuals and curricula, and the use of distance learning programs. Activities and challenges this year have reinforced the importance of developing ToT courses that will have a sustained benefit to participants and a multiplier effect through their respective communities. The Program has developed standardized trainings as well as a cadre of trainers to broaden the reach of the program.

Opportunities and challenges 2011

Challenge

Reform implementation, both at the federal and state levels, is a challenging task. Public statements by officials have been split. Comments in support of the reform in the media have signaled a heightened interest by decision makers on the prospects of its prompt implementation and expansion across jurisdictions. Yet, other recent statements by key public officials, such as President Calderon, and the Attorney General, indicate that support for the reform is tied to political considerations, which may affect the preferences of these actors over time.

Opportunity

To strengthen accountability, the Program will be providing technical assistance toward the development of software for case management systems and will conduct an assessment as how to best disseminate the information generated by the system (e.g. internet), using Baja California's system as a model for other states. The Program believes that there is a commitment from state administrations to establish transparent case management systems.

2) Sub-component 1.2 – Institution Building and Rule of Law

Sub-Objective 1.2.1: Improve the justice sector personnel's anticorruption performance.

Sub-Objective 1.2.2: Promote and strengthen the justice institutions' mechanisms to prevent, detect, punish and eradicate corruption.

Sub-Objective 1.2.3: Promote, facilitate, and regulate cooperation between state and federal justice institutions to ensure the effectiveness of measures and actions to prevent, detect, punish and eradicate corruption in the performance of public functions and acts of corruption specifically related to such performance.

Context



Mexico is currently ranked 98 out of 180 countries in terms of perceived corruption, according to Transparency International's Corruption Perception Index, ascending 17 slots. On a scale of 0 to 10, with 10 meaning the least corrupt and 0 meaning the most corrupt, Mexico scored

3.1. These results indicate that Mexico is perceived as highly corrupt and that corruption is getting worse relative to other countries.

Mexico, however, has no legislation specifically designed to combat corruption that includes mechanisms to prevent, detect, sanction and eradicate corruption by organizations within governmental agencies and institutions that have the power to investigate corruption. Nor are there public policies to prevent and combat corruption within the justice sector.

In October 2009, Senator Fernando Elizondo presented the first legislative initiative to combat corruption. This initiative proposes that citizens who file formal complaints against corrupt public servants will not be prosecuted for having offered bribes to the public servant. While somewhat counterintuitive, this initiative would correct a significant disincentive to reporting corruption: citizens often feel obligated to pay a bribe to public officials to receive government services, but if the citizen files a complaint against the public servant that received the bribe, the citizen is an accomplice and is subject to prosecution. The legislative initiative also would create an independent agency with a mandate to combat corruption.

One relatively recent anti-corruption measure is the General Law for the National Public Security System which requires all justice sector institutions in Mexico, including federal and state police, Attorneys General offices, prosecutors and public magistrates, to administer controls including polygraph tests, socioeconomic studies, and drug and alcohol tests to all candidates for positions in these institutions. This measure will help to prevent future corruption in Mexico's justice sector.

Description of results linked to results framework



Summary results achieved

TARGETS: Within 3 years, the program will ensure that:

- At least 5 CSOs monitoring justice sector personnel for corruption, efficient case handling and grievance handling.
- At minimum, 20,000 state and federal justice institutions trained to prevent, detect, punish and eradicate corruption.
- Cases brought for corruption in the justice sector.

RESULTS ACHIEVED:

CSOs monitoring justice sector personnel for corruption, efficient case handling and grievance handling

Program activities have no impact on indicator 1.2.2 – Number of CSOs monitoring justice sector personnel for corruption, efficient case handling, and grievance handling. It is not possible to say that as a result of the Program efforts, there would be an increase in the number of CSOs monitoring justice sector personnel.

At minimum, 20,000 state and federal justice institutions trained to prevent, detect, punish and eradicate corruption.

Under this sub-component, 330 professionals from municipal and state police departments have been trained. These individuals from Baja California, Hidalgo, and Nuevo Leon, received training on prevention, detection, punishment and eradication of corruption (see Map 2)

Map 2. Anti-corruption trainings per state

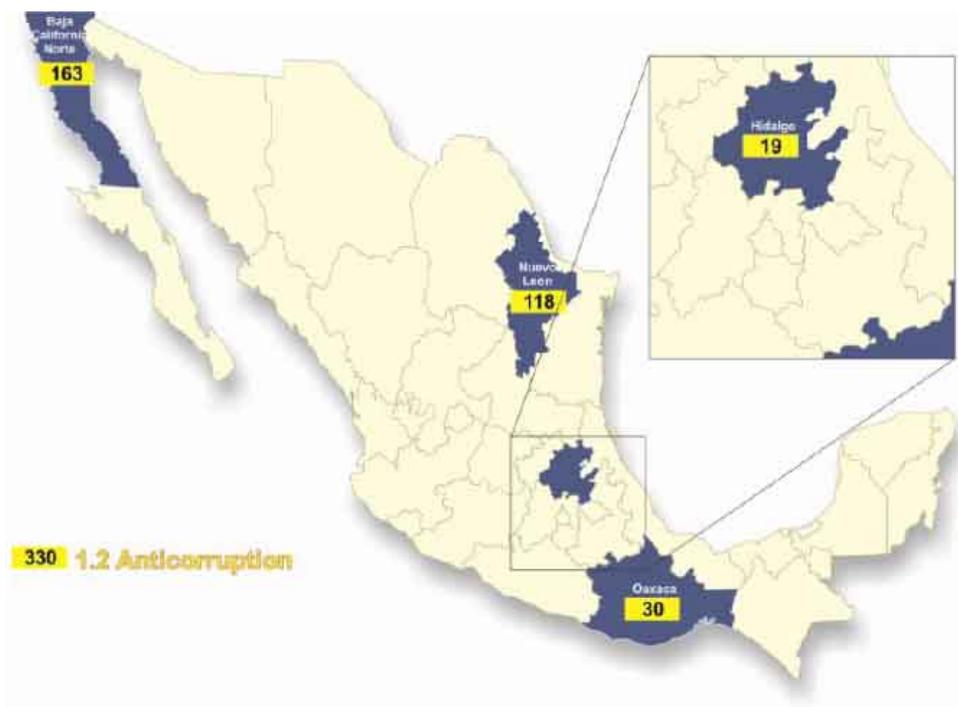


Table 1.2.1

State	Female	Male	Total trainees	Persons trained
Baja California	39	124	163	163
Hidalgo	2	17	19	19
Nuevo Leon	14	104	118	118
Oaxaca	3	27	30	30
Total	58	272	330	330

Table 1.2.2

Name of the course	# of modules	Trainings	Persons trained
Anti-corruption prevention	1	24	24
Ethical aspects of criminal investigations	9	228	228

Transparency and corruption	3	78	78
Total	13	330	330

Key activity: Promote and strengthen the justice institutions' mechanisms to prevent, detect, punish and eradicate corruption

The Program is in the process of developing standard operating procedures (SOPs) for the State Police of Baja California and Nuevo Leon. This is being done with the support of the National Institute for Security and Democracy (INSYDE). The SOPs address gaps in areas related to juvenile detention; report and investigation of the use of force; building security; priority dispatch of police units; transporting of prisoners; escape of prisoners while being transported; police officers wounded in service; and personal use of police uniforms and equipment. The development of SOPs strengthens internal control units within these institutions by creating transparent rules that govern the conduct of police officers and management.

Cases brought for corruption in the justice sector

Program activities have no impact on this indicator. Although we do train staff on ethics and transparent practices, we do not train staff to fight corruption. Also, typical crimes related to corruption, such as bribery and embezzlement, correspond to federal and not state jurisdiction.

Key activities

Major accomplishments for this indicator include the completion of the initial police certification process for Baja California and Nuevo Leon. This included an analysis of the strengths and weaknesses identified by INSYDE (program partner) of the current police structures, operating procedures, manuals and protocols. It is generally considered that the most effective way to prevent corruption in the justice system is to have Internal Affairs Units that monitor both officers' and institutions' behavior, and have clear and consistent SOPs and protocols for the different activities and functions performed by justice sector officials. To have a greater impact, in the second year of project implementation, the Program will work on anti-corruption with state and municipal governments and justice sector institutions in the targeted states across Mexico.

A grant agreement toward the creation of a Master's degree program in Human Rights has been drafted between National Autonomous University of Mexico (UNAM), Secretary of Public Security (SSP) and the Program. The Program will provide scholarships for 300 SSP officers to participate in the four-semester, distance education course. At present, the agreement is under review with UNAM and pending information on budgeting issues. The Program content was reviewed, as well as the dossier on training manuals to ensure compliance with United Nations protocols. Although the Program has strongly encouraged the inclusion of technical training, in addition to HR components, SSP and UNAM have not accepted this recommendation.¹

The Program has completed an assessment of anti-corruption legislation, both at the federal and state levels, in Mexico. Through the review of existing legislation, institutional policies and procedures, case studies and reports, it was determined that no comprehensive legislation exists, and that a series of constitutional and legislative provisions govern the subject.

Challenges and proposed solutions

Resources

Justice sector officials feel that they cannot afford to allow their personnel to attend training courses provided by the Program for days or weeks at a time. To address this challenge, the Program has:

¹ The Program has reflected this activity under sub-component 1 .2 because a Master's degree reflects the highest level of professionalization possible, prevents corruption and acts as an incentive for career development.

- a) Coordinating training with advanced notice to supervisors;
- b) Establishing a ToT program, to create a pool of instructors capable of training within their agencies and to peers in other states;
- c) Creating an e-learning program for courses on crime scene investigations, which would allow officers to access training programs without leaving their offices.

Commitment

Gaining commitment from agency administrators in the establishment of internal control units to investigate and punish HR abuses in the criminal justice system is a challenge that the Program expects to encounter and overcome.

Lessons learned

Advanced planning

In light of these challenges, the Program has learned throughout the course of implementation, that advanced planning is critical in order to achieve expected results. Although the Program has developed training programs, courses must be planned at least three months in advance because of the time required to build relationships, obtain identification, and wait for the vetting process to be completed.

Relationships are important

The importance of building relationships with representatives from state police forces should not be underestimated, as these are necessary in order to agree on training and to achieve results. These relationships take time and effort to build and open doors for the Program to provide training and technical assistance.

Standard Operating Procedures

If SSP Secretariats are convinced of the benefits of transparent processes and the need for protocols and manuals, they become fully engaged and open their institutions to allow the Program to provide technical assistance and guidance.

Trainees evaluation feedback

The Program performed an analysis of the evaluations completed by the trainees. A sample of 71 evaluations, equivalent to 23% of the total number of evaluations was reviewed; two courses of one month were used in the analysis, for a total of 2 courses. The Program analyzed two courses taught by different instructors during the same assessment period. This period includes courses delivered in August 2010, in Nuevo Leon and Baja California.

Below are the evaluation ratings and categories used for this analysis:

Evaluation rating	Evaluation categories		
5 = Excellent	Organization	Invitations	Schedule
4 = Good		Organization	Length of training
3 = Average	Course	Venue	Food and beverages
2 = Below Average		Clarity	Applicability
1 = Poor		Relevance	Methodology
	Course instructor	Usefulness	Answers to questions
		Knowledge	Applicability of subject
		Skills	Receptivity and clarity of responses
		Learning aids	

Based on these ratings, the Program obtained the following information:

In summary, 98% of trainees considered the organization, content and instructor to be excellent and/or good, and 100% of trainees considered the content and instructor to be either excellent or good.

Relevant comments on the training provided to investigative police in anti-corruption and ethical behavior included:

“I liked learning about the reality of the situation created by our bad conduct.”

“I liked learning about the causes of corruption.”

“I liked learning about police ethics and when they become relevant.”

“What I liked the most was learning about the ethical aspects of a criminal investigation.”

3) Sub-component 1.3 – Judicial Exchanges

Sub-Objective 1.3.1: Increase the ‘hands-on’ experience of the justice sector personnel (police investigators, prosecutors, defense attorneys, court administrators, and judges) and exchanges with practitioners of oral, adversarial trials from the U.S. and other countries

Sub-Objective 1.3.2: Strengthen the understanding and implementation of efficient and transparent justice systems and case tracking per Mexico’s criminal justice reforms

Context

In June 2008, the GoM constitutional amendment gave Mexico a mandate to transform and advance its criminal justice system. The Federal Constitutional Reform, —Reforma Constitucional en Materia de Justicia Penal y Seguridad Pública, is the most important reform in the field of justice and public safety adopted by Mexico since 1917. The reforms mandate the presumption of innocence, alternative dispute mechanisms and oral trials that are evidenced-based, not testimony-based, thus decreasing old incentives for obtaining coerced confessions. The results of the reforms are expected to garner transparency and trust of the justice sector by Mexico’s citizens as well as increased professionalism of the police to reduce corruption and corrupt practices.

The new law requires the reforms’ implementation by May 2016 at the state and federal levels and mandates the creation of the Implementation Commission to oversee the process. The federation of 31 states, the Federal District, and the federal level government translates into 33 independent jurisdictions where the criminal justice reform process and public security reforms will occur. Nine states have led the way to reform through their passage and/or implementation of adversarial codes of criminal procedure. Not all states have passed and implemented the comprehensive reforms. See sub-component 1.1 for further information. The Program will continue to work with the target states to reform their codes as well.

Description of results linked to results framework

The expected outcome of the trainings is an increase in the courts’ efficiency under the new criminal justice system by providing all key criminal justice sector officials with skills to litigate effectively in oral trials.

With the trainings for prosecutors, judges, public defenders, defense attorneys, law professors and the media it is expected that the implementation at state level will be improved, and as a consequence an overall performance of the criminal justice system will be achieved.



Summary results achieved

TARGETS: Within 3 years, the program will ensure that:

- At least 20,000 justice sector personnel trained to perform their functions per the constitutional justice reforms and criminal procedure codes
- Not more than 40% judicial backlog in the states that have implemented the new system of criminal justice²
- At least 10 courts implementing transparent case management systems³

RESULTS ACHIEVED:

At least 20,000 justice sector personnel trained to perform their functions per the constitutional justice reforms and criminal procedure codes



As illustrated in **Map 3**, a total of 3,329 out of an annual target of 2,000 individuals were trained. Of them, 1,587 were women and 1,827 were men. These individuals work in eight states and have received various types of training as summarized in the table below. The Program's training carried out in Baja California was the most comprehensive and thorough. Of notable mention is the governor's political leadership and coordination among authorities. Baja California is the first state to have taken steps toward transparent and efficient case management

² This is an impact indicator that was not in the original contract, but was included in the Program's PMP.

³ Although this indicator was included under sub-components I.1 and I.3 in the original contract, further to recent guidance from USAID (Email sent to MSI, October 22, 2010) and for the sake of consistency, it will only be included under I.1.

There have been seven ToT workshops, which have produced 48 new trainers for the Program. In addition, two study tours for 12 judges and court administrators were led by the Program’s technical experts to Chile and US. At the request of USAID, the Program also provided financial and logistical support for nine study tours to USA, Chile and Colombia for 107 magistrates and court administrators. 100 of them work in 30 states and the Federal District and seven at the federal level. See Map 4.

USAID investment in these nine study tours amounted to \$509,647 USD.

Map 4. # states of participants of the study tour

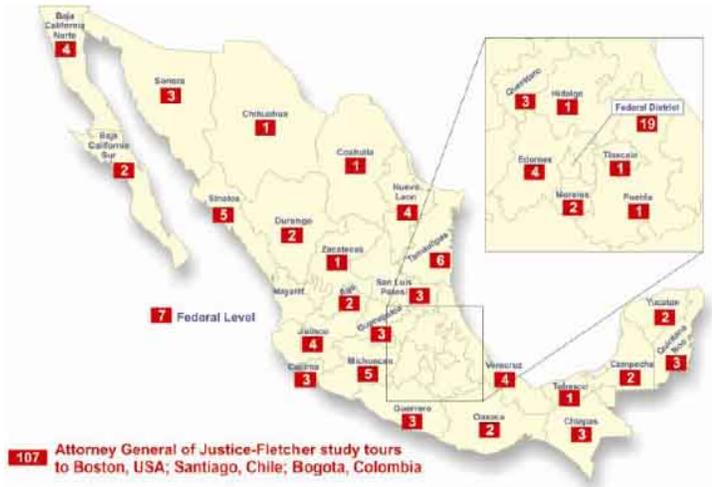


Table 1.3.1

State	Female	Male	Total trainees	Persons trained
Federal level	30	115	145	29
Baja California	966	740	1706	1376
Chihuahua	8	6	14	14
Distrito Federal	37	153	190	84
Durango	150	146	296	247
Hidalgo	235	371	606	594
Morelos	88	64	152	55
Nuevo León	38	93	131	131
Oaxaca	30	130	160	32
Sonora		2	2	2
California (USA)	2	5	7	7
Santiago (Chile)	3	2	5	5
Total	1587	1827	3414	2576

Table 1.3.2

Type of event	Month	Modules imparted	Place	Target population	# courses	# Trainees	
ToT	February 2010	Training methods in oral litigation (National Institute for Trial Advocacy - NITA method) for professors of the National Institute of Criminal Science (INACIPE)	Federal District	Law Professors	1	28	
	April 2010	Training of trainers for prosecutors in the MSI and NITA methodologies	Federal District	Prosecutors	1	3	
	August 2010	Exclusionary rules of evidence and Sample Stipulations	Federal District	Law Professors	1	17	
		The Preliminary Hearing	Federal District	Law Professors	1		
		Intermediate hearings	Federal District	Law Professors	1		
		Workshop on evidentiary agreements	Federal District	Law Professors	1		
		Workshop on requesting, discussing and excluding evidence	Federal District	Law Professors	1		
	Total					7	48

Table 1.3.3

Trainees charge	Trainings
Prosecutors	1,102
Public defenders	734
Judges	545
Forensic experts	249
Law professors	228
Police	167
Civil society representatives	149
Lawyers	138
Court administrators	96
Mediators	6
Total general	3,414

Not more than 40% judicial backlog in the states that have implemented the new system of criminal justice

The Program had proposed this additional impact indicator and had foreseen the possibility of obtaining the required data however, a point of clarification is necessary. There are two kinds of backlogs: i) Attorney General's Office backlog, refers to the **delay in investigations** that determines whether or not a crime has been committed, and/or if a suspect could be prosecuted. It is estimated to be 98% at the

national level.⁴ ii) Judicial backlog, refers to the **delay** of cases that are **in the process** of a trial and have not yet reached a final resolution (e.g., sentence, alternative justice, victim's pardon). This is estimated to be 25% at the national level⁵ and for the reformed states 28% in Chihuahua and 64% in Nuevo Leon (INEGI 2008). Indicator 1.3 refers to judicial backlog, when it would be more accurate to measure backlog in the State Attorney General Office of Justice offices (PGJE).

Technical Assistance

Throughout the course of the last year, the Program has provided specialized technical assistance to a number of states (Baja California, Hidalgo, Durango, Morelos, Nuevo Leon and Oaxaca). Upon request from a state, the Program provides advice and guidance as to the number of justice sector personnel that will be required for successful reform implementation e.g., judges, prosecutors and public defenders, taking into account the crime rate and the number of cases filed in previous years. The Program prepares a proposal and develops a plan (including the maximum number of representatives of the judicial sector that can be trained in the various stages of the training program at one time).

Technical assistance has been provided in order to:

- Develop new job and skills requirements and classifications for State PGJ, investigative police, and public defenders' offices in the Program's target states. These are necessary for justice sector officials to operate within the new criminal justice system.
- Draft new criminal procedure codes and secondary laws for the states of Nuevo Leon, Yucatan, Tabasco, Baja California and Hidalgo.

Key Activities

In May 2010 the Program submitted a guidance training program^{ll} to the Office of the Attorney General of the Republic (PGR) for prosecutors country-wide in the new criminal justice system. The proposal provides advice on how to develop competency-based profiles for the new system and contains the mission, objectives, functions and skills required, as well as evaluations to ensure that trainees have acquired these competencies. The PGR is developing a training program in the context of the annual National Attorneys' Conference, which in 2010 met in May to develop standardized training programs. In addition, the Program submitted a proposal for a training program for federal ToT prosecutors^{ll} to the PGR in August 2010.

Challenges and proposed solutions

Need for qualified trainers:

Recruiting qualified trainers is a challenge, as few prosecutors, judges, public defenders, and police have experience in the new system. Moreover, many justice officials are unable to dedicate the amount of time required to complete the training courses. The program is actively addressing this challenge through:

- a) ToT courses, developing standardized training manuals and curricula, and using of distance learning programs. Activities and challenges this year have reinforced the importance of developing training courses that will have a sustained benefit to participants and a multiplier effect through their respective communities. The Program has developed standardized trainings as well as a cadre of trainers to broaden the reach of the program.;
- b) Undertaking a partnership with the National Commission of Superior Justice Tribunals (CONATRIB) to train law professors, who will become ToTs. The first objective with CONATRIB has been to train magistrates, who are to be leaders of the reform, so that they may become promoters of the new system and trainers in the future;

⁴ Reports of the Judiciary and Attorney General offices. National level refers to the country of Mexico.

⁵ Ibid.

- c) Subcontracting the National Institute for Trial Advocacy (NITA), a U.S. not-for-profit organization and leader in legal advocacy skills training, to deliver six oral trial litigation training workshops during 2010.

Filling a training gap

The Program has identified a gap in the training of prosecutors. Many prosecutors do not have experience working in collaboration with police officers during investigations. In addition, the roles of each party are unclear. This leads to inefficient case investigations. The Program has bridged this gap through:

- a) Development of a joint training program in Colombia for prosecutors and investigators on investigation methodologies;
- b) Organization of a study tour to Atlanta, U.S. to learn about the experiences of other district attorneys;
- c) Development of a training program that provides the skills to improve the coordination between the roles of investigators and prosecutors and to define their respective responsibilities.

Obtaining counterparts' commitment

A challenge has been obtaining data needed for training, as well as the time to train. For example, Oaxaca and Chihuahua have indicated little interest and/or need for training. If this problem is not ameliorated, it will be difficult to meet the Program's stated training goals. The Program is addressing this challenge by:

- a) Being flexible with course timetables.

Opportunities and challenges 2011

Challenges

There is still a need for specialized technical assistance to develop new operating procedures and procedural manuals, as well as inter-agency (police – prosecutor) coordination protocols that are aligned with the new criminal justice reforms.

Opportunities

Recently elected governors of Chihuahua, Puebla and Oaxaca offer a window of opportunity for successful implementation of Criminal Justice Reform (CJR), as they will be able to lead the Program from the beginning of their respective administrations. Accordingly, it is expected that important results could be achieved during their term.

The newly elected governor of Hidalgo made a number of campaign commitments regarding the reform and suggested that these would be approved when he takes office in April 2011. Should his election commitments be implemented, the Program anticipates positive results in implementing the reforms in this state.

Lessons learned

Standard operating procedures

It is necessary to develop SOP to be able to evaluate the criminal justice system operators to determine training needs and to design programs to address those needs.

It is critical to focus the training programs on specific competences and to improve program evaluation methods and/ or the training itself.

Detail of study tours

Table I.3.4

Course name	Place of event	Trainees
Course for the implementation of an oral accusatory	Santiago de Chile (Chile)	5
Study trip to Los Angeles, California for judges	California (USA)	7
Comparative program of adversarial criminal systems. Group	Boston (USA)	37
	Santiago de Chile (Chile)	
	Bogota (Colombia)	
Comparative program of adversarial criminal systems. Group	Boston (USA)	36
	Santiago de Chile (Chile)	
	Bogota (Colombia)	
Comparative program of adversarial criminal systems. Group	Boston (USA)	34
	Santiago de Chile (Chile)	
	Bogota (Colombia)	
Total		119

Trainees evaluation feedback

The Program performed an analysis of the evaluations completed by the trainees. A sample of 223 evaluations, equivalent to 15% of the total number of evaluations was reviewed; two courses per month were used in the analysis, for a total of 10 courses. As a general rule, the Program attempted to analyze the same course taught by the same instructor in order to make consistent comparisons throughout the assessment period. This period includes courses taught between February and July 2010 in Hidalgo, Nuevo Leon and the Federal District. However, no courses were analyzed from May 2010 as there were no equivalent courses taught during this month.

Below are the evaluation ratings and categories used for this analysis

Evaluation rating	Evaluation categories		
5 = Excellent	Organization	Invitations	Schedule
4 = Good		Organization	Length of training
3 = Average	Course	Venue	Food and beverages
2 = Below Average		Clarity	Applicability
1 = Poor	Course instructor	Relevance	Methodology
		Usefulness	Answers to questions
		Knowledge	Applicability of subject
		Skills	Receptivity and clarity of responses
		Learning aids	

Based on the ratings above, the Program obtained the following information:

In summary, 90% of trainees considered the organization, content and instructor to be excellent and/or good, and 96% of trainees considered the content and instructor to be either excellent or good.

4) Sub-component I.4 – Pre-Trial services and Alternative Case Resolution

According to the current PMP, only creation and strengthening of AJC (indicators I.4.2 and I.4.3) fall under this sub-component (Pre-trial case resolution alternatives). However, to ease the understanding and to better see the correlation between training and creation and strengthening of AJCs, all related activities will be included under sub-component I.4.

Sub-Objective 1.4.1: Strengthen training on pre-trial case resolution alternatives per the justice sector reforms for and by justice sector personnel and HR NGOs.

Sub-Objective 1.4.2: Incorporate pretrial case resolution alternatives into federal and state courts per the justice sector reforms.

Sub-Objective 1.4.3: Develop and/or strengthen alternative justice centers.

Context

This sub-component addresses two important themes that are necessary for improving the efficiency of and access to the criminal justice system: Pre-trial services and alternative case resolution.

“Pre-trial services” is a relatively new concept in Mexico and most states lack the necessary laws and regulations to implement them. Pre-trial services require specialized skills in the judicial system for an objective and impartial investigation of the risks of flight, to the community, or to witnesses and victims, posed by those accused of crimes. One way of enhancing these capabilities is through the creation of specialized pre-trial service departments within existing justice sector institutions. Pre-trial services departments are meant to assist judges in making consistent, informed release decisions. The factors to be considered in a release recommendation include: the defendant’s ties to the area, employment status, education and prior criminal record. Information is gathered through interviews with defendants and then verified by contacting references provided by the defendant. These departments should be responsible for supervising all precautionary measures other than pretrial detention. Examples of such measures are electronic monitoring, bail, or release on personal recognizance. The Program is working



in close collaboration with the Open Society Institute (OSI) to seek common goals between them as well as increased efficiency in the use of Program resources.

Alternative Justice or case resolution methods include mediation, conciliation, and restorative justice. The Program actively supports the creation and strengthening of alternative justice centers to meet the growing need for alternative justice services. The use of alternative justice mechanisms (AJMs) to resolve disputes or misdemeanors leaves both parties satisfied with the outcome. AJMs are flexible and informal in nature and are a cost-effective way to resolve disputes, as there are no legal fees attached to services. Should this process not be successful, the parties can still take their case to court. The only shortcoming to AJM is that they cannot be used to resolve serious crimes. Two important externalities to the establishment and strengthening of Alternative Justice Centers and Alternative Justice Mechanisms are: a) the reduction of case backlog and congestion by allowing court resources to target higher priority crimes; b) the construction of social peace and the re-establishment of relations within a community.

Description of results linked to results framework



Summary results achieved

TARGETS: Within 3 years, the program will ensure that:

- At least 10 judicial districts that add pre-trial services departments as a result of training and Technical assistance (TA).
- At least 5 alternative justice centers strengthened.
- At least 20 alternative justice centers created
- At least 13 states that publicly report annually on the number of cases using alternative justice mechanisms, number resolved prior to trial, number that went to trial and number pending.
- At least 35% of the annual cases that reach final resolution via alternative justice mechanisms or indictments.⁶
- At least 1500 cases resolved through conciliation, mediation and/or restorative justice.

RESULTS ACHIEVED:

At least 10 judicial districts that add pre-trial services departments as a result of training and technical assistance

With the Program's TA, two key bills relating to pre-trial services were passed in September in Baja California. The first is the Law Enforcement of Sanctions that will assist judges in making consistent and informed release decisions. The second is the Adolescent Justice Act, which the Program collaborated on during Rule of Law II and proposed some additional components through Rule of Law III. The Adolescent Justice Act establishes the rights and guarantees for adolescents to access pre-trial services.

In October, USAID met with representatives from the High Court of Justice in Morelia, Michoacan to conclude a draft of the Adolescent Justice Act. This was the fourth and final meeting where USAID provided technical assistance in the review and revision of the draft legislation. The Adolescent Justice System and its corresponding legislation will be the first of the new criminal reforms to be implemented in the state of Michoacan.

⁶ This indicator was originally included in the contract under sub-component I.1. However, the Program believes it is better suited under sub-component I.4.

Map 5. # Alternative justice trainings per state



Table 1.4.1

State	Female	Male	Total trainees	Persons trained
Federal level	4	9	13	13
Aguascalientes		1	1	1
Baja California	429	320	749	749
Chiapas	7	7	14	14
Chihuahua	24	12	36	36
Coahuila	42	17	59	59
Federal District	262	394	656	656
Durango	72	46	118	118
México's State	9	8	17	17
Hidalgo	66	36	102	102
Jalisco		1	1	1
Michoacán	128	98	226	226
Morelos	26	10	36	36
Nuevo León	23	22	45	45
Oaxaca	374	176	550	550
Puebla	3	13	16	16
Queretaro	5		5	5
Quintana Roo	9	12	21	21
Tabasco	46	34	80	80
Veracruz	1	3	4	4
Zacatecas	48	12	60	60
Total	1578	1231	2809	2809

At least 5 alternative justice centers strengthened

Through the training of mediators and conciliators, the Program has strengthened 36 Alternative Justice Centers (out of an annual target of 1). The AJCs are located in the states of Durango, Baja California,

Hidalgo, Oaxaca, San Luis Potosi Zacatecas, Nuevo Leon, Queretaro, Tabasco, Morelos, Michoacan, Coahuila and the Federal District. The Program's standard assessment approach includes the identification of: a) needs in terms of human resources, information systems, administration, internal monitoring systems and training; b) workload [how many cases per day, month, year are received and resolved]. Following this initial assessment stage, the Program develops a critical path tailored specifically for the Center and begins the delivery of training workshops and technical assistance as required.

At least 20 alternative justice centers created

Over the course of the last year, the Program supported the creation of six AJC's out of an annual target of two. They are located in Baja California (3), Tabasco, Oaxaca and Zacatecas.⁷

At least 13 states that publicly report annually on the number of cases using alternative justice mechanisms, number resolved prior to trial, number that went to trial and number pending

Program activities performed in year one have no impact on this indicator and no timely data is regularly published. The Program managed to obtain data on cases resolved through AJMs (e.g., conciliation, mediation and restorative justice) from the centers that have received technical assistance or training. These states include Baja California, Federal District, Durango, Coahuila, Hidalgo, Morelos, Nuevo Leon, Oaxaca, Tabasco, and Zacatecas. Without their support, however, obtaining accurate data would not have been possible.

At least 35% of the annual cases that reach final resolution via alternative justice mechanisms or indictments

This indicator is out of the Program's control. There is no timely data about incoming annual cases, or about final resolutions via AJMs or indictments. In addition, there is no consistency among the states with respect to data collection timeframes and categories. Instead of this indicator, the Program proposes a 15% increase in the number of cases resolved through AJMs. The baseline would be data collected in FY 2010 from the states where the Program is currently working.

At least 1500 cases resolved through conciliation, mediation and/or restorative justice. Cases resolved in the states that the program works

20,024 cases have been resolved between June 2009 and September 2010 in the following states: Baja California, Federal District, Durango, Coahuila, Hidalgo, Morelos, Nuevo Leon, Oaxaca, Tabasco, and Zacatecas. It should be noted here that there is no consistency among the states with respect to data collection timeframes and categories. The Program managed to obtain data on cases resolved through AJMs (e.g., conciliation, mediation and restorative justice) from the centers that have received technical assistance or training. Without their support, however, obtaining accurate data would not have been possible.

Short success stories of program beneficiaries

Please refer to Annex I for success stories.

Challenges and proposed solutions

Resistance on pre-trial services

There remains some resistance to pre-trial services in communities given the lack of knowledge to such services. Public officials are hesitant to support legislation related to pre-trial services given the general public's concern with security. There is a perception that pre-trial services will favor criminals who would under the current system, be pre-trial detention. The Program has addressed this challenge by:

⁷ Supporting documentation is available upon request.

a) Sharing the stories of the successful creation and strengthening of AJCs in Baja California, Morelos and Michoacan with the governments of other states.

Administration changes

The elections on July 4 for 14 Mexican states, posed a potential challenge to the Program's pre-trial services activities. The possibility of changes in leadership led officials in some states to delay acting on reforms. For example, in the state of Durango, the elections prevented the Program from making significant progress in the reforms to the legal framework for pre-trial services. The Program is addressing this challenge by:

a) Establishing new relationships with the new state PGJ in Durango, with the governor-elect in Oaxaca, with the new president of the high court of justice in Hidalgo.

Intermittent assistance

The elections in July also affected assistance in alternative case resolution. Changes in leadership and personnel had a potential impact on the centers or the resources available to them. The Program is addressing this challenge by:

a) Establishing relationships with new officials and sharing the stories of the successful creation and strengthening of AJCs in Baja California, Morelos and Michoacan with the governments of these states

Lack of adequate information resources

Existing AJCs do not have adequate information management systems to collect, manage and analyze data. They do not collect data, or understand the importance of collecting and analyzing data or statistics. The Program is addressing this challenge by:

- a) Preparing a presentation on the importance of this issue to governments in target states this December 2010;
- b) Assessing the data collection systems in place in order to provide recommendations for the development of an information management system to be used by alternative justice centers in target states.

Opportunity: alternative justice in action

In the states where the Program has been successful in creating and strengthening AJC, communities are increasingly taking advantage of these systems and finding the outcomes from mediation and conciliation to be more efficient and favorable to traditional court processes. While a process for resolving crimes such as involuntary manslaughter could take years if managed through the regular justice system, when managed through an alternative mechanism it can be solved in a week or a month at a maximum. AJMs provide a cost-effective and efficient way for people, who do not have adequate time and financial resources, to access justice.

Elections

Elections have had an effect on the implementation and promotion of pre-trial service, particularly for Baja California and Hidalgo. Implementation of the reform was put on hold until the completion of mid-term elections in congress in July 2010. As the election resulted in a change in counterparts in a number of states, there is an additional challenge of establishing new relationships.

Opportunities and challenges 2011

Opportunities

The Program plans to strengthen ties with universities, which have not been part of targeted institutions. An effort should be made to include AJMs in university course curriculums, as well as AJCs within

universities. Today, specialized programs in AJMs are very expensive and are only a part of graduate degree programs.

Another opportunity for the Program is to train attorneys as negotiators to be able to operate within the new criminal justice system. To establish a training program for attorneys, the Program has initiated meetings with the UNAM in the Federal District, the Autonomous University of Oaxaca, and the Northwest University in Baja California.

Lessons learned

Including civil society is very important

The Program has become increasingly aware of the need to incorporate civil society organizations (CSOs) and high-level officials in activities in order to ensure sustainability. Increasing the sense of ownership of all actors in alternative justice case resolution and pre-trial services will ensure activities continue long after the Program has ended. Political changes should not put these initiatives at risk.

Trainees evaluation feedback

The Program performed an analysis of the evaluations completed by the trainees. A sample of 207 evaluations, equivalent to 7% of the total number of evaluations was reviewed; two courses per month were used in the analysis, for a total of 10 courses. As a general rule, the Program attempted to analyze the same course taught by the same instructor in order to make consistent comparisons throughout the assessment period. This period includes courses taught between April and August 2010 in Oaxaca, Quintana Roo, Chihuahua and the Federal District.

Below are the evaluation ratings and categories used for this analysis:

Evaluation rating	Evaluation categories		
5 = Excellent	Organization	Invitations	Schedule
4 = Good		Organization	Length of training
3 = Average	Course	Venue	Food and beverages
2 = Below Average		Clarity	Applicability
1 = Poor		Relevance	Methodology
	Course instructor	Usefulness	Answers to questions
		Knowledge	Applicability of subject
		Skills	Receptivity and clarity of responses
		Learning aids	

Based on these ratings, the Program obtained the following information:

In summary, 97% of trainees considered the organization, content and instructor to be excellent and/or good, and 98% of trainees considered the content and instructor to be either excellent or good.

5) Sub-component 1.5 – Continuing Police Education

Sub-Objective 1.5.1: Strengthen and enhance law enforcement through improved standards and reporting per the new code of criminal procedures.

Sub-Objective 1.5.2: Strengthen the education level and the applied learning of the federal Secretary of Public Security (SSP) and state/local investigative police force.

Context

In Mexico, public security is enacted at the three levels of government, each of which has different responsibilities. State, municipal and community police departments are primarily in charge of law enforcement, whereas the federal police oversee specialized duties. All forces report to the SSP. PGR is the executive-level agency in charge of investigating and prosecuting crimes at the federal level, mainly those related to drug and arms trafficking, espionage, and bank robberies. It also operates the AFI an investigative and preventive agency.



In 2009, GoM enacted the *General Law for the National Public Safety System* requiring all preventive police officers to have completed a high school education or its equivalent (*preparatoria* or its equivalent) and all police investigators to have completed a bachelor's degree or its equivalent (*licenciatura* or its equivalent). It also requires all police forces to apply background checks, such as drug and alcohol screening, socio-economic studies, and polygraph tests to all new recruits and provide them with basic training. The law also requires that all police maintain updated background checks, as well as periodic re-testing and re-training in order to remain on their police force. Since January 2010, 3,200 officers have been dismissed over issues of absenteeism, poor job performance or failure of mandatory screening tests.



In October 2008, GoM formally announced intentions to create a unified state police force, "*mando unico*" that would eliminate 2,000 municipal police departments. An initiative of this nature requires a constitutional amendment. Plans for a united force have been debated for months, as drug-related violence continues to plague various parts of the country, and the number of associated deaths has surpassed 28,000. It is widely believed that police collusion with organized crime only adds to the difficulty in addressing this issue. Officers, particularly at

the state, municipal and community levels, are low-paid, undertrained and lacking secondary - and at times elementary - school education, let alone advanced degrees.

Description of results linked to results framework

Increasing the capacity of the municipal and state police will improve the implementation of the criminal justice reforms by the police. Hence, law enforcement effectiveness will be improved



Summary results achieved

TARGETS: Within 3 years, the program will ensure that:

- More than 2,500 police will have their basic education level (GED equivalent) certificates
- More than 2,500 police will be enrolled in a university level course to obtain their bachelor's degree
- At least 7 jurisdictions are incorporating the bachelor's degree programs as part of their continuing education program for the police
- At least 10,000 police will have earned certificates in improved, transparent administrative functions, reporting, and other capabilities to reduce corruption

RESULTS ACHIEVED:

At least 10,000 police will have earned certificates in improved, transparent administrative functions, reporting, and other capabilities to reduce corruption

Given that the technical activities

Given that the technical activities under sub-component 1.5 only began in February 2010, the achievements reported below are remarkable.

3,201 out of an annual target of 500 investigative police from municipal and state police departments have been trained. Of them, 476 were women and 2,725 were men. These individuals, hailing from Baja California, Hidalgo, Nuevo Leon, Oaxaca and the Federal District received training in a variety of subjects, including: preservation and conservation of crime scenes; introduction to the New Criminal Justice System; human rights and human dignity; and skills development for trainers.

Map 6. # police trainings per state



Table 1.5.1

State	Female	Male	Total trainees	Persons trained
Baja California	188	741	929	463
Federal District	1	11	12	12
Hidalgo	214	1446	1660	740
Nuevo León	62	419	481	125
Oaxaca	11	108	119	30
Total	476	2725	3201	1370

Table 1.5.2

Type of event	Month	Modules imparted	# courses	Trainees
Study Tour	September 2010	Study tour for crime scene investigators	1	8
		Instructional Systems Design	1	16
Training of trainers	July 2010	Instructor and Curriculum Development Training	1	17
	June 2010	Trainer of trainers workshop	1	13
Total			4	54

More than 2,500 police will have their basic education level (GED equivalent) certificates

The Program has been collaborating with Sam Houston University in Texas to explore their existing GED equivalency program. The University has prepared a proposal detailing how they can assist the Program in establishing a GED equivalency in Mexico. Currently, the Program is reviewing their proposal to use it as a foundation for the Terms of Reference towards a bidding process. An invited request for proposals (RFP) has been initiated with three Mexican companies/universities having been identified to participate, including: Human Talent, the Technological Institute of Advanced Studies of Monterrey (ITESM) Universidad Virtual, and SoftSource Global. Several US companies/universities will also be invited, including Sam Houston University, Apple, among others. This invited RFP process will take approximately two months to complete. Once developed, this GED equivalency program will be coordinated with the Public Education Secretary and the National Evaluation Center for Higher Education (CENEVAL). It has been agreed that Nuevo Leon, Baja California and Hidalgo will be the first three states to test this pilot program.

More than 2,500 police will be enrolled in a university-level course to obtain their bachelor's degree

To date, the training program and materials have been developed. It has been agreed that the states of Hidalgo, Nuevo Leon and Morelos will register members of their police forces to obtain bachelor's degrees. The government of Queretaro will support the development of this activity.

At least 7 jurisdictions are incorporating the bachelor's degree programs as part of their continuing education program for the police

A point of clarification is needed for this indicator. Given recent guidance from USAID (E-mail sent October 25, 2010) the Program has now only has six target states to work with. Nuevo Leon approved the bachelor's degree program in May 2008, however the first call for career police officers was made in September 2009 for both active and new entry police officers. The Program and the Queretaro Technical Institute for Police Training within PGJ have agreed on the development of a program that will allow new police officers, upon completion of their initial training, to take an exam to obtain a university degree and an investigative police technical university accreditation (técnico superior universitario). Queretaro is the first state to develop a certificate program for investigative police that has been recognized by the Secretary of Public Education (SEP) and is supporting the Program in replicating this

initiative in other states. In Hidalgo, Morelos and Nuevo Leon, the Program has initiated a two-week training course that will allow investigative police officers that are already working in a police force to obtain the same university accreditation. It is anticipated that these officers may take the accreditation exam within the first quarter of FY 2011. The Directors of police training of the states of Hidalgo, Morelos and Nuevo Leon have expressed interest in establishing this program in their states.

Key Activities

The Program has sub-contracted the services of Human Talent, a company that develops training interfaces, to develop an e-learning program for crime scene investigations. At the closure of this reporting period, the Program has begun a bidding process in search of a company that will be able to develop the training platform.

The Program has formed technical working groups with officials from the State Police forces of Oaxaca, Chihuahua, Nuevo Leon, Baja California, Hidalgo and Durango. These working groups are developing entrance exams for their forces, updating their lesson plans to meet current certification processes, and creating advanced training curriculums for police officers. Work is expected to be completed in Baja California and Nuevo Leon within the fourth quarter of FY 2011. Once the National Education System (Sistema Nacional) ensures that the educational requirements are met, they will certify the advanced training program.

The Program has begun working with the International Criminal Investigative Training Assistance Program (ICITAP) to develop an e-learning program based on existing ROL III sub-component 1.5 training. The objective is to gather all the information about training curriculum, skills and competencies needed for each rank within a police force. This is being developed in coordination with the Police Development System (SIDEPOL).

Short success stories of program beneficiaries

USAID/Mexico Justice and Security Program Promotes Sustainability by Training Trainers

The USAID/Mexico Justice and Security Program completed the ToT course for 13 participants from the state police of Baja California and Hidalgo on June 4 in Mexico City. The training included 15 topics on skills related to adult learning, teaching methods, and course design. The goal of the training was to increase sustainability by providing participants with the ability to train their peers, other federal agencies and partner organizations.

The training included 15 topics on skills related to adult learning, teaching methods, and course design.

“It was scary at the beginning, because it was my first time conducting a training session, but after a couple of hours I became more confident and took charge”, is what one new trainer said about conducting his first training course to 32 officers from a municipal police force in Baja California last August. The course covered the transition to the new criminal justice system for police. This trainer, from the Hidalgo state police, had participated in the Program’s ToT session in Mexico City in June 2010. When asked what the most valuable part of that session was, he responded, —It was most important for me to learn how to teach. Looking to the future, this trainer “would love to continue teaching. It’s critical to stay on the cutting edge of developments in policing because these changes are constant.”

Challenges and proposed solutions

Unification of state police forces

Durango, Hidalgo, Nuevo Leon and Chihuahua are in the process of instituting a unified police force that will incorporate community, municipal and state police into a single entity. To address this challenge, the Program is:

- a) Discussing strategies to re-prioritize activities in the event that this legislation is passed.

Resources

Police supervisors in Nuevo Leon and Hidalgo feel that they cannot afford to allow police personnel to attend training courses provided by the Program for days or weeks at a time. To address this challenge, the Program has:

- a) Coordinating training with advanced notice to supervisors
- b) Establishing a ToT program, to create a pool of instructors capable of training within their agencies and to peers in other states
- c) Creating an e-learning program for courses on crime scene investigations, which would allow officers to access training programs without leaving their offices.

Obtaining Documentation for Vetting Process

Obtaining the proper identification from officers to carry out the vetting process has been a challenge, particularly in Ciudad Juarez. In some cases, they have been reluctant to provide identification for fear that they will be investigated if the vetting process shows that they have a criminal past. In other cases, officers do not have the proper identification and documentation required for the vetting process. The Program is addressing these challenges by:

- a) Explaining that the vetting process will result in the officer either being granted or denied participation in training. The vetting process is conducted to confirm that an applicant does not have any HR violations and is not a criminal background check.
- b) Providing officers with the list of required documents and identification, and explaining that incomplete applications will not be processed;

Length of time required for the vetting process

Getting the number of interested participants vetted in time to conduct a full training course has been a challenge in the states of Chihuahua, Durango and Oaxaca. In order for an officer to participate in a training course, he/she must undergo a thorough background check, which typically takes two months to complete. As of October 2010, the Program estimates that there are roughly 2,000 vetting applications pending approval. The Program is addressing this challenge by:

- a) Continuing to ensure that each application is complete prior to submission.

Obtaining 'buy-in' from police forces

The Program, for example, has been building a relationship with Oaxaca since May 2010, communicating the training and assistance available, only to have been provided with the names of 40 officers for vetting. In addition, supervisors may be reluctant to provide the list of officers to be vetted for fear that after receiving training the trainees will have the skills necessary to investigate their superiors. The Program is addressing this challenge by:

- a) Sharing course curriculums addressing concerns, and communicating the benefits that technical assistance can provide towards institutional development of police forces.
- b) Emphasizing the benefits of the vetting process for supervisors. This will allow them to know if their officers have had potential violations of HR violations in other jurisdictions (US and other parts of Mexico).

Opportunities and challenges 2011

Challenges

Recent elections in the states of Chihuahua, Hidalgo, Oaxaca and, Ciudad Juarez, could prove to be a challenge to the Program, as efforts must be made in order to secure the newly elected governments' cooperation and commitment. Changes in public administration may signify changes in priorities. This will require the establishment of new relationships in order to ensure successful Program implementation. At present, the Program knows who the new counterparts are in Chihuahua and can begin discussions with them, but is unaware of who they are in Oaxaca and Hidalgo.

Lessons learned

Advanced planning

In light of these challenges, the Program has learned throughout the course of implementation, that advanced planning is critical in order to achieve expected results. Although the Program has developed training programs, courses must be planned at least three months in advance because of the time required to build relationships, obtain identification, and wait for the vetting process to be completed.

Relationships are important

The importance of building relationships with representatives from state police forces should not be underestimated, as these are necessary in order to agree on training and to achieve results. These relationships take time and effort to build and open doors for the Program to provide training and technical assistance.

Trainees evaluation feedback

The Program performed an analysis of the evaluations completed by the trainees. A sample of 325 evaluations, equivalent to 25% of the total number of evaluations was reviewed; two courses per month were used in the analysis, for a total of 10 courses. As a general rule, the Program attempted to analyze the same course taught by the same instructor in order to make consistent comparisons throughout the assessment period. This period includes courses taught between April and August 2010 in Hidalgo and Baja California.

Below are the evaluation ratings and categories used for this analysis:

Evaluation rating	Evaluation categories		
5 = Excellent	Organization	Invitations	Schedule
4 = Good		Organization	Length of training
3 = Average		Venue	Food and beverages
2 = Below Average	Course	Clarity	Applicability
1 = Poor		Relevance	Methodology
		Usefulness	Answers to questions
	Course instructor	Knowledge	Applicability of subject
		Skills	Receptivity and clarity of responses
		Learning aids	

Based on these ratings, the Program obtained the following information:

In summary, 96% of trainees considered the organization, content and instructor to be excellent and/or good, and 99% of trainees considered the content and instructor to be either excellent or good.

B. Component 2: Results Achieved



I) Sub-component 2.1- Protect, Prosecute, and Prevent Trafficking in Persons

Sub-Objective 2.1.1: Increase efforts to investigate and indict traffickers.

Sub-Objective 2.1.2: Increase victim assistance.

Sub-Objective 2.1.3: Increase public awareness and participation against trafficking.

Sub-Objective 2.1.4: Reduce corrupt acts by public officials who engage in trafficking.

Context



Mexico is a large source, transit, and destination country for Trafficking in Persons (TiP) for the purposes of commercial sexual exploitation and forced labor. In November 2007, GoM demonstrated its commitment to combating this crime through its passing of comprehensive Anti-Trafficking legislation at the federal level intended to prevent, combat and punish human trafficking and to provide assistance and protection to the victims of this crime. At the federal level, the

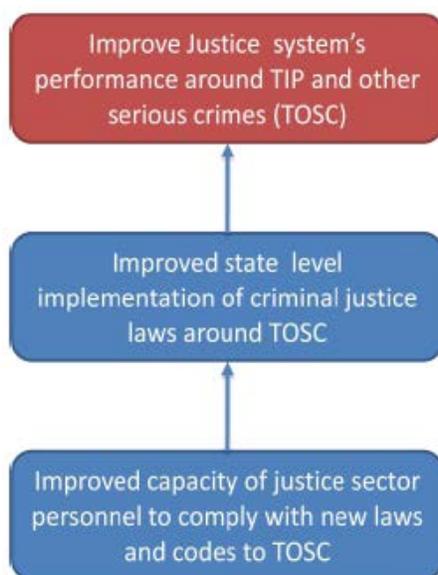
focus has been on prevention as well as the creation of an interagency committee responsible for implementing a national program to prevent TiP and to protect victims. Although the law was approved through federal Congress, in Mexico's federalist system, state governments investigate and prosecute trafficking at the local level. As such, states have to amend local laws to incorporate the crime of human trafficking. Although 25 states have revised their criminal laws to incorporate anti-trafficking legislation, there are inconsistencies among them, which will make it difficult to efficiently combat the crime. The Program is supporting state government to harmonize TiP legislation.

Another positive step in supporting the prevention, punishment and eradication of human trafficking was the creation in 2008 of the Specialized Prosecuting Unit of Crimes Committed Against Women and Human Trafficking (FEVIMTRA), which is housed within the PGR Office. In the same vein, the Special Unit for Research on Child Trafficking, Undocumented and Organ Trafficking (UEIDMIO), which is housed within SIEDO, has conducted research in this field. UEIDMIO works closely with U.S. government agencies (US Immigration Customs Enforcement - ICE, DoJ, USAID) for the prosecution of this crime in the U.S., which has also resulted in judgments in Mexico against people belonging to international networks of Trafficking.



Description of results linked to results framework

Improving the capacity of justice sector personnel to comply with new laws and to enable them to detect and identify victims of trafficking will improve state level implementation of the criminal justice laws. Hence, the justice system's performance around TIP and other serious crimes will be improved.



Summary results achieved

TARGETS: Within 3 years, the program will ensure that:

- At minimum 5 TIP cases will be indicted;
- Five additional jurisdictions will implement the new federal anti-trafficking law;
- At minimum 10 jurisdictions' – in strategic geographic areas – law enforcement agencies will be trained to identify and provide services to the victims of TIP and other serious crimes.
- At least 5 federal or state departments conduct information campaigns against TIP;
- Develop or strengthen at least 5 multi-disciplinary Task Forces;
- At least 5,000 justice sector personnel trained to investigate TIP cases and other serious crimes.
- At least 5 jurisdictions that partner with NGOs or CSOs to conduct information campaigns against trafficking;

RESULTS ACHIEVED:

At minimum 5 TIP cases will be indicted

The Program assisted federal entities to produce three indictments against traffickers: Two from the Federal District (November 30th, 2009 and January 19th, 2010), and one at the federal level issued on April 26th, 2010.

PGJ offices of the states of Nuevo Leon, Chiapas, Tabasco and Oaxaca have received TA for the design and establishment of specialized state PGJ offices for TiP prosecution.

At minimum 10 jurisdictions' – in strategic geographic areas – law enforcement agencies will be trained to identify and provide services to the victims of TiP and other serious crimes.

Map 7. # TiP trainings per state



At least 5 jurisdictions that partner with NGOs or CSOs to conduct information campaigns against trafficking;

The Program co-organized five —Day of Awareness and Training in TiPll events in the states of Jalisco, Tamaulipas, Nayarit, Baja California and Baja California Sur in coordination with the National Human Rights Commission and the National Women's Institute (INMujeres).

In addition, the Program co-organized the launch of the United Nations Office on Drugs and Crime (UNODC) Blue Heart Campaign, which brought together more than 400 experts, officials, press and members of CSOs. The start of the campaign was attended by the Presidency, as well as a number of federal agencies as the Ministry of Education, PGR, and representatives from the states of Morelos, Tabasco and Chiapas.

In 2010, the Program has worked with the following NGOs Fundación Camino a Casa, Casa de las Mercedes, Casa Alianza and Fundación Infancia to design prevention and awareness campaigns on TiP. The latter three organizations were selected as grantees by the Program to develop prevention strategies for TiP.

At least 5 federal or state departments conduct information campaigns against TiP

In 2010, ten states (Aguascalientes, Nayarit, Baja California, Jalisco, Tamaulipas, Puebla, Nuevo Leon, Oaxaca, Tabasco, and Chiapas) have led sensitization campaigns sponsored by the Program.

Develop or strengthen at least 5 multi-disciplinary Task Forces

The Program helped to establish an Interdepartmental Commission (Comisión Intersecretarial) on TiP comprised of ten federal departments including: Specialized Prosecuting Unit for Crimes Committed Against Women and Human Trafficking (FEVIMTRA), the Federal Investigation Agency (AFI), and the Assistant Attorney General for Special Investigations and Organized Crime (SIEDO), as well as seven federal institutions, including: Integral Family Development (DIF), National Institute of Migration, and Human Rights Commission, among others. The Commission is also comprised of academic experts and CSOs. It is noteworthy to mention, that on October 8, 2010, with the technical assistance provided by USAID, the National Program to Prevent and Punish Trafficking in Persons was approved by the Interdepartmental Commission.

At least 5,000 justice sector personnel trained to investigate TiP cases and other serious crimes.**Table 2.1.1**

State	Female	Male	Total trainees	Persons trained
Federal level	352	250	602	602
Aguascalientes	93	87	180	180
Baja California	71	37	108	108
Chiapas	69	186	255	85
Chihuahua		1	1	1
Federal District	777	518	1295	1294
México State	1		1	1
Guanajuato		2	2	2
Hidalgo	1	1	2	2
Jalisco	368	312	680	530
Michoacan	2		2	2
Morelos	258	159	417	417
Nayarit	43	14	57	57
Nuevo Leon	41	16	57	57
Oaxaca	95	61	156	156
Puebla	6		6	6
Queretaro	38	64	102	52
San Luis Potosi	38	23	61	82
Sinaloa	1		1	1
Tabasco	88	106	194	50
Tamaulipas	15	23	38	38
Tlaxcala		2	2	2
Total	2357	1862	4219	3725

Table 2.1.2

Type of event	Month	Course name	Place	# courses	Trainees
Training of trainers	May 2010	Training Workshop for training of trainers. Law enforcement and human trafficking	Oaxaca	1	42
Training of trainers	September 2010	Conceptual approaches, basic aspects of human trafficking	Tabasco	1	50
Training of trainers	September 2010	Conference on Sexual Exploitation of Children, as a form of TiP and the work of Civil Society Organizations	Tabasco	1	
Training of trainers	September 2010	The application of international and national legal framework against TiP	Tabasco	1	
Training of trainers	September 2010	Mexican criminal legislation on TiP and related crimes	Tabasco	1	
Total				5	92

Fourth Quarter Key Activities

As part of the Blue Heart Campaign, the Program has assisted in the following activities:

- a) In August 2010, the Program provided assistance and funding for a marathon to raise public awareness about human trafficking. Approximately 2,000 people attended the event, which was covered by national and international media.
- b) The forum was to increase awareness and mobilization against TiP among students and the University. A number of prominent figures participated in the event, including the Attorney General of the State of Morelos, the president of the UAEM, authorities of the Autonomous University of Morelos, as well as experts in TiP. As part of this campaign, the Program has established a link with UAEM to raise awareness among students through "cinema-debate" lectures.

The Program was invited to present comments on draft TiP legislation to the Constitutional Matters Committee (CGJPC) and the Committee for Gender Equality of the legislature in the state of Puebla, which follows previous work carried out by USAID in providing TA in the creation of the draft. Both the draft bill and USAID's comments were accepted by the Committees. Plenary discussions will follow and an approval date is anticipated by November 2010.

Short success stories of program beneficiaries

Please refer to *Annex I* for success stories.

Challenges and proposed solutions

Perceptions

Many community members and government representatives do not consider TiP to be an issue in Mexico. There are cultural norms in Mexico, such as forced child marriage or the selling of young girls, which many do not believe to be crimes. Further still, some are unaware of the harmful effects of TiP on society, and have a myopic view of the crime. For example, most people think of trafficking in terms of sexual exploitation, but many men are trafficked every year for labor exploitation. Over the last year, the Program has addressed these challenges by

- a) Conducting training sessions and awareness campaigns aimed at public officials and CSOs;
- b) Working with the Labor Secretariat - Office of Labor Affairs to raise awareness on the issue of labor trafficking.

Social and Political Indifference

Indifference is a problem that is reflected in the absence of TiP on social and political agendas. The Program continues to address this by advocating for this issue to be included on the political agenda through public policy proposals and laws on the subject.

Opportunities and challenges 2011

Opportunities

Continue working with the TiP Committee with FEVIMTRA, AFI, SIEDO, as well as CSOs in order to articulate activities and create synergies to combat TiP.

The Program has become a national leader on the issue of combating TiP. The Program's achievements have resulted in the establishment of strong bonds of collaboration between government, civil society and USAID.

Challenges

It is still a challenge to harmonize TiP legislation across the states. The definition, means of exploitation, etc., vary from state to state. Further, only some states have special laws to provide comprehensive assistance and compensation to victims.

There is a need to establish effective, appropriate and sustainable models of comprehensive assistance to victims of trafficking.

Lessons learned

Political will

Without political will, advancement on TiP legislation is not possible. As such, it is critical to raise awareness among members of congress through training (including ToTs) prior to undertaking TiP legislative work. In addition, coaching and continuous technical assistance in the drafting of legislation needs to be provided. This became clear with the success stories of congress members from Puebla and Jalisco, who became congress champions after having received ToT training in TiP.

Testimonies

The testimony of a victim generates a radical change in public perception. Listening to a victim is more powerful than many hours of training. As Mexican saying goes, 'Words convince, but testimony remains.' The Program will continue involving survivors of TiP in awareness-raising activities targeted at government officials and civil society.

Interdisciplinary education

Training modules should be comprehensive and interdisciplinary in nature, particularly for those involved in preventing and prosecuting TiP, and protecting victims.

Trainees evaluation feedback

The Program performed an analysis of the evaluations completed by the trainees. A sample of 236 evaluations, equivalent to 7% of the total number of evaluations was reviewed; two courses per month were used in the analysis, for a total of 8 courses. As a general rule, the Program attempted to analyze the same course taught by the same instructor in order to make consistent comparisons throughout the assessment period. This period includes courses taught between April and August 2010 in Chiapas, Jalisco, Tamaulipas and the Federal District. However, no courses were analyzed from July 2010 as there were no equivalent courses taught during this month.

Below are the evaluation ratings and categories used for this analysis:

Evaluation rating
5 = Excellent
4 = Good
3 = Average
2 = Below Average
1 = Poor

Evaluation categories		
Organization	Invitations Organization Venue	Schedule Length of training Food and beverages
Course	Clarity Relevance Usefulness	Applicability Methodology Answers to questions
Course instructor	Knowledge Skills Learning aids	Applicability of subject Receptivity and clarity of responses

Based on these ratings, the Program obtained the following information:

In summary, 98% of trainees considered the organization, content and instructor to be excellent and/or good, and 98% of trainees considered the content and instructor to be either excellent or good.

2) Sub-component 2.2 – Victim Restitution

Sub-Objective 2.2.1: Increase victims' participation in the justice system.

Sub-Objective 2.2.2: Strengthen state and federal justice institutions to handle, protect, and secure victims and their cases.

Sub-Objective 2.2.3: Strengthen victim support services, preparation, and compensation by the PGR and SSP.

Context

The Seventh Conference of the UN Prevention of Crimes and Treatment to Delinquents, that took place in Milan in 1985, was the starting point in the effort to protect victims' rights. A declaration was made on the fundamental principles of justice for victims of crime and abuse of power in Zagreb, at a symposium of the World Society of Victimology. It was considered an urgent matter to create an international document that could serve as a guideline for the technical criteria and principles of this social movement for victims of crime.

The Declaration calls for states to take all necessary measures to establish legislation according to the guidelines, with a specific aim to reduce victimization. As a consequence, member states took on the commitment to define policies, strategies and actions through which the principles of the Declaration would be applied.

Under this international guidance, and thanks to the efforts of government and NGOs, in Mexico the protection of victims' rights was strengthened through actions such as the enactment of state laws on this subject. The most relevant piece of legislation in this regard is the 2002 amendment to Article 20 of the Constitution, which acknowledges the rights and prerogatives of victims and offenders as a result of a crime. However, many states still do not guarantee a victim's opportunity to exercise their rights, as there is no legislation to protect victims.

Description of results linked to results framework



Summary results achieved

TARGETS: Within 3 years, the program will ensure that:

- Five additional jurisdictions will legislate witness protection laws.
- At least 10,000 justice sector personnel are trained in TiP to handle victims of serious crimes, including torture and TiP
- At least 5 Victim Assistance Centers are created and/or strengthened to deal with victims of TIP, torture, and other serious crimes.
- At least 5 victims service-related NGOs will be trained to identify and provide services to the victims of TiP and other serious crimes.
- At least 5,000 victims received services from USG supported Victims Assistance Centers.
- Twenty victims becoming survivors through programs developed with USG support.
- Twenty-five victims will undergo an extensive certificate program to become peer counselors or self-sufficient survivors.

RESULTS ACHIEVED:

Five additional jurisdictions will legislate witness protection laws

Chihuahua has enacted a law on witness protection, although it was approved before ROL III began. A point of clarification is required. Advocating for legislation of this nature is a very complex and lengthy process because it involves not only the amendment of a law, but also of criminal procedure codes and secondary laws. A number of states have indicated that they cannot afford to implement the criminal justice reform as it stands due to the associated infrastructure and training costs, let alone the funds required to establish adequate witness protection programs.

At least 10,000 justice sector personnel are trained in TIP to handle victims of serious crimes, including torture and TiP

The Program has trained 688 individuals, out of an annual target of 500, including, prosecutors, forensic experts, other public officials, CSOs, journalists, teachers and the general public from 24 states (listed above). 527 of these trainees were women and 223 were men. Training sessions covered a range of

topics related to TiP, including: training in support and victim restitution, crisis intervention, restorative justice, assistance to justice centers for women, and combating child sexual exploitation.

Map 8. Victims restitution trainings per state



Table 2.2.1

State	Female	Male	Total trainees	Persons trained
Federal level	9	12	21	21
Baja California	4	1	5	5
Campeche	3		3	3
Chiapas	2		2	2
Coahuila	3		3	3
Colima	2		2	2
Federal District	70	40	110	110
México state	1	2	3	3
Guanajuato	2		2	2
Guerrero	2		2	2
Hidalgo	2		2	2
Jalisco	2		2	2
Michoacán	3		3	3
Morelos	3		3	3
Nayarit	3		3	3
Nuevo Leon	66	27	93	93
Oaxaca	64	29	93	93
Puebla	214	59	273	273
Queretaro	1	1	2	2
Quintana Roo	1	1	2	2
San Luis Potosí	2		2	2
Sonora		1	1	1
Tabasco	24	28	52	52
Tamaulipas	2		2	2
Tlaxcala	2		2	2
	487	201	688	688

At least 5 Victim Assistance Centers are created and/or strengthened to deal with victims of TIP, torture, and other serious crimes.

Mexico currently has six shelters to care for victims of human trafficking and is in the process of inaugurating more. Five of the shelters are civil society initiatives and the sixth was created by FEVIMTRA. The shelters have designed assistance models for victims TiP that focus specifically on physical and psychological recovery. In addition, they have begun providing legal and psychiatric assistance to help victims to regain their self-esteem, independence and identity for reintegration into society. The Program is supporting the efforts of the GoM and civil society to provide victims with information, referrals, and counseling through ongoing technical assistance.

1. FEVIMTRA (Federal District). FEVIMTRA in the Federal District provides support and assistance to TiP victims. USAID has provided technical assistance to strengthen FEVIMTRA's assistance model.
2. The Victim Assistance Center of Oaxaca supported by Oaxaca PGJ. Through the Program's TA, the Center strengthened and restructured its victim assistance model. The Program also held a study tour to the Family Justice Center of Monterrey to illustrate other successful assistance models.
3. The Family Justice Center of Monterrey is the reference site for care and support given to victims of TiP in Mexico. Although this center has developed sound practices, they are not yet systematized. USAID has provided technical assistance to refine and systematize procedures and has developed manuals for victim assistance.
4. The Victim Assistance Division of PGJ Baja California North (the city of Tijuana) has been assisted through the review of their internal operating procedures. In the coming months the Program will be providing recommendations, as well as a training plan.
5. The Tabasco Department of Victim Care was supported through an analysis of its internal operating procedures. Recommendations were provided to the state Attorney General to strengthen the department's human and material resources. A study tour was also organized to the Family Justice Center of Monterrey.
6. The Program has worked closely with the human rights attorneys and Victim and Community Services section of the PGR. Training has been provided on psychological and medical care to victims, victim reintegration assistance, to victims of serious crimes (of torture and kidnapping, rape, TiP). Technical assistance has been provided for the Victim Assistance Directorate, which oversees Victims' Assistance Centers: Federal District (which serves the Federal District and Mexico State), Chihuahua, Nuevo Leon (serving Saltillo, Tamaulipas and San Luis Potosi), Guerrero, Michoacan (serving Michoacan, Colima and Guanajuato), Jalisco (serving Jalisco, Aguascalientes and Zacatecas), Coahuila (which serves some towns in Coahuila and Durango), Morelos (serving Morelos and Puebla), Yucatan, Sinaloa, Chiapas, Baja California and Nayarit.
7. PGJ of the Federal District received support to strengthen the Victims' Assistance and Community Services Directorate. Specifically, PGJ has requested USAID's support to bring up to date the knowledge base of personnel to deal with current crime trends, such as: kidnapping, torture, rape, TiP, etc. They have also sought the Program's assistance to modify procedures in order to obtain international organization for standardization (ISO) certification 9001-2008.

At least 5 victim-service related NGOs will be trained to identify and provide services to the victims of TIP and other serious crimes.

The Program has organized a forum on kidnapping with Mexico United against Crime and Kidnapping and the Isabel Wallace Association. The President of the Republic, the first lady and surviving victims of abduction participated in the forum, which was held the first quarter of FY 2010.

Together with the Isabel Wallace Association, the Program has provided assistance to draft laws on victims' rights and compensation, prevention of kidnapping, among others. Alejandro Martí, Mexico founding president of Oversight System for Citizen's Security (SOS), and the Isabel Wallace Association

successfully advocated for the passing of the "General Law to prevent and punish crimes of kidnapping." The bill was presented on October 7, 2009 and approved unanimously by the Senate April 29, 2010. It is currently in the Chamber of Deputies for discussion.

At least 5,000 victims received services from USG supported Victims Assistance Centers

A point of clarification is required for this indicator. The Program does not fund victim assistance centers, but rather provides them with TA. Therefore, the numbers reported are not necessarily the result of Program activities.

Twenty-five victims will undergo an extensive certificate program to become peer counselors or self-sufficient survivors

USAID is in the process of designing a program that will include learning modules for peer counselors and survival (working with victims of serious crimes). At this time, the Program is reviewing various proposals, including one from the Star of the Eastern Mennonite University.

Short success stories of program beneficiaries

Please refer to Annex I for success stories.

Challenges and proposed solutions

Increase number of institutions

The topic has been well received in agencies with which the Program has been working. In this sense, the challenge is to continue our work and to increase the number of institutions the Program cooperates with in the fight against this crime and the promotion of victim services.

Government resources are lacking for victim assistance. Often there are not enough resources to implement public policies for victim assistance, as needed for psychological and medical services.

Perception and awareness

In Mexico, there is a cultural perception that a man cannot be a victim. Victim assistance programs focus only on a selected number of issues, such as domestic violence and gender-based violence. As such, there are no programs that specifically support male victims. At present, there have been no developments to include men in Mexico's TiP victimology.

It requires hard work in raising awareness of the authorities on the issue of victims' assistance, since many public servants (especially the Attorneys General offices) are not prepared to assist victims. At times, they do not show compassion to victims, but rather, make them feel they are receiving —a favor. The result is that victims feel re-victimized.

Professionalism

There is a lack of professionalism in dealing with victims in the Mexican criminal justice system. Many victims may not find the answers to their legal questions. However, when they are afforded the simple opportunity to have their issues heard and when they are treated with respect, they have a greater ability to work through the pain. Much work is needed to change the approach in dealing with victims in themes such as, interview techniques, types of assistance, etc.

Opportunities and challenges 2011

Opportunities

There are a number of agencies and authorities involved in assistance to victims, including: attorneys, prosecutors, national institutes for women, DIF, CSOs among others. The political will that they represent, will allow the Program to work jointly in the design of the strategies to develop a comprehensive, inter-institutional victim assistance models.

Given recent developments of victimization and abduction in Mexico, an opportunity has been presented to bring to light issues that were once forgotten. As such, civil society can begin to mobilize on issues related to kidnapping and drug trafficking, and to promote reforms as well as public policies. This is an opportunity for the Program because these synergies will work towards social transformation processes in favor of victims and prevention strategies.

Challenges

Transforming victims of TiP into survivors is a real challenge. Victims have a difficult time moving on after the crime and reintegrating into society. Emotional and psychological wounds of this nature are sometimes permanent. The Program is addressing this challenge by:

- a) Developing a reintegration and assistance model to be used by shelters and victim assistance centers.

A major challenge continues to be the need for coherent and strategic planning related to victims' assistance. Improvisation has caused victims to lose faith in the justice system. Victims will not seek help if they do not trust that there is a legitimate system in place to support them. The Program has been addressing this challenge through the provision of technical assistance to Centers toward the development of assistance models.

Trainees evaluation feedback

The Program performed an analysis of the evaluations completed by the trainees. A sample of 216 evaluations, equivalent to 29% of the total number of evaluations was reviewed; two courses per month were used in the analysis, for a total of 4 courses. As a general rule, the Program attempted to analyze the same course taught by the same instructor in order to make consistent comparisons throughout the assessment period. This period includes courses taught between July and September 2010 in Chiapas, Puebla and Jalisco.

Below are the evaluation ratings and categories used for this analysis:

Evaluation rating	Evaluation categories		
5 = Excellent	Organization	Invitations	Schedule
4 = Good		Organization	Length of training
3 = Average	Course	Venue	Food and beverages
2 = Below Average		Clarity	Applicability
1 = Poor		Relevance	Methodology
	Course instructor	Usefulness	Answers to questions
		Knowledge	Applicability of subject
		Skills	Receptivity and clarity of responses
		Learning aids	

Based on these ratings, the Program obtained the following information:

In summary, 97% of trainees considered the organization, content and instructor to be excellent and/or good, and 99% of trainees considered the content and instructor to be either excellent or good.

3) Sub-component 2.3 –Human Rights and alternative resolution mechanisms

Sub-Objective 2.3.1: Strengthen training by and for police, prosecutors, and other officials, NGOs and National Commission for Human Rights (CNDH) to implement and uphold Mexican and international HR laws and standards

Sub-Objective 2.3.2: Strengthen external and internal controls for adherence to HR laws and standards by and for police, prosecutors, other officials, NGOs and CNDH especially in larger municipalities where more crime occurs

Context

Regarding human rights (HR), the constitutional reform establishes new rules for the detention of persons and for the prosecution of criminal cases before judges. It also contains an HR component that is cross-cutting through all the sub-components of the Program. Law enforcement officials are facing great challenges in addressing rising crime and unrest, as well as adhering to the constitutional reform and HR standards. As such,



the Program is developing HR training programs that will be specifically designed to meet the needs of law enforcement officials to ensure that they are in compliance with HR laws. The Program has been ensuring substantial coordination between the police sub-component (1.5) and this sub-component (2.3) on training programs for police officers. In 2011, the Program plans to expand HR training beyond police, to include other justice sector personnel.



Description of results linked to results framework

With the trainings for judicial sector personnel from Justice Centers and states' PGJ, it is expected that the implementation at state level will be improved, and as a consequence an overall performance of the criminal justice system will be achieved.



Summary results achieved

TARGETS: Within 3 years, the program will ensure that:

- At least 1,000 police, prosecutors and other justice sector officials trained in the new code of criminal procedures, constitutional reforms and alternative case resolution mechanisms⁸ within the context of HR.
- At least 1 jurisdiction developing justice sector personnel rehabilitation and reintegration programs for HR abuses⁹
- At least 3 jurisdictions with strengthened internal controls for HR abuses by officials At least 25% of the CNDH report recommendations are implemented by the PGR.¹⁰

RESULTS ACHIEVED:

At least 1,000 justice sector officials trained in the new code of criminal procedures, constitutional reforms and alternative case resolution mechanisms within the context of HR

630 officials from the judicial sector out of an annual target of 200 were trained in topics such as access to justice for under privileged groups and HR issues related to the criminal justice reforms. 362 of these trainees were women and 244 were men. Specific training courses included oral litigation techniques and right of access to justice and due process.

⁸ In order to maintain consistency within this report, all issues related to alternative case resolution mechanisms have been included under sub-component 1.4 (Pre-trial case resolution alternatives).

⁹ Personal rehabilitation. Although this was included in the contract, USAID has approved in the PMP of April 2010 its elimination. The rationale for this change is that the context where personnel rehabilitation is necessary relates to places where there is civil unrest (i.e. Colombia). The conclusion is that this is not the case in Mexico.

¹⁰ This indicator does not correspond to the activities implemented under this sub-component. The Program does not work with the PGR.

Map 9. # HR trainings per state



State	Female	Male	Total trainees	Persons trained
Chihuahua	1		1	1
Federal District	161	130	291	291
Durango		1	1	1
Morelos		1	1	1
Zacatecas	191	105	296	296
.Bogotá	9	7	16	16
	362	244	606	606

At least 3 jurisdictions with strengthened internal controls for HR abuses by officials

As this indicator is linked to Institution Building and Rule of Law, please refer to sub-component I.2 for further details.

Key Activities

The Program has developed an eight-day training program for police officers, based on United Nations' resolutions, conventions and HR manuals for law enforcement. The training focuses on the basics of policing in democracies, including: police force ethics, HR for detainees, proportional force, arrest procedures, witness interviews, and rights of suspects. This program also includes lessons on special groups, such as women and persons with disabilities, as well as internal police management in accordance with HR standards. The program proposal was submitted in May 2010 to the PGR office, where it is currently under consideration. No decision has been taken as to whether or not it the program will be implemented. During the second year of ROL III, the Program will start offering this general course at the state level.

Challenges and proposed solutions

Mainstreaming implementation of HR training

An opportunity for the Program is the possibility of mainstream HR training for justice sector officials at all levels. It is important to change the training needs within justice sector institutions, so that senior officials observe these changes and become training advocates. With their support, there is greater likelihood of these training programs becoming sustainable. The Program is developing partnerships and relationships with relevant parties and is increasingly gaining support for this initiative.

Opportunities and challenges 2011

Challenge

There is a constitutional amendment on track in Mexico, which will re-organize the country's various police forces. Specifically, the amendment aims to unify community, municipal and state police under a single entity, *mando único*. The challenge for the Program will be how to engage with these new institutions if and when the amendments are entered into force. It is well known that police forces are weak institutions in Mexico. There is no civil structure and many are plagued by corruption. Proper training and practices depend on how well the institutions work. As an institution implements transparent practices and strengthens accountability, officers will understand expectations (e.g., rules governing promotions, reprimanding, etc). The Program will continue to address capacity gaps in this changing environment by:

a) Carrying out needs assessments and providing recommendations for improvement of the professionalization of police forces.

Lessons learned

Importance of relationships

The importance of building relationships with representatives from state police forces should not be underestimated, as these are necessary in order to achieve results and agree on training. These relationships take time and effort to build to gain "buy-in" on the Programs' training and the technical assistance.

4) Sub-component 2.4 – Support for Human Rights NGOS

Sub-Objective 2.4.1: Strengthen or develop HR NGOs' or CSOs' mechanisms for public transparency, oversight, and accountability of the implementation of the justice reforms

Sub-objective 2.4.2: Increase cooperation between civil society and the public security sector with regards to HR and justice sector reforms

Context

The emergence of non-governmental organizations (also known as civil society organizations) in Mexico only 16 short years ago resulted from a set of events that changed the political and economic landscape in the country.

In the early 1990s, President Carlos Salinas of the Institutional Revolutionary Party (PRI) instituted a number of economic reforms, including the signing of the North American Free Trade Agreement (NAFTA) on January 1, 1994. On that same day, the Zapatista Army of National Liberation (EZLN) started a two-week-long armed rebellion against the federal government's neoliberal reforms and globalization. By December, the Mexican economy was in shambles with the peso losing nearly half of its purchasing power. The official PRI presidential candidate and his secretary general were killed in a span

of six months. Following these events, the PRI quickly broke down, and other political parties received a limited ability to represent the problems experienced by its citizens. It was at this point that NGOs appeared in Mexico's political scene, emerging in different forms and for various causes: gender-based affirmative action, foundations, civic alliances, forums, communities, private welfare institutions, economic development, and HR.



The implementation of the new criminal justice system reforms has been supported by a small, but important subset of civil society organizations focused on HR. The federal government supports CSOs through the National Institute of Social Development (INDESOL), which is responsible for the Technical Secretariat of the Committee for promotion of activities of CSOs to combat poverty and social vulnerability. The institute works toward this goal through the implementation of a grant program for CSOs; however the institute works with very few HR organizations and no organizations in the justice sector. Furthermore, funding is concentrated to organizations working in Mexico City and state funding that is directed for CSOs are not given to organizations active in the justice sector. As such, it is important that the Program promotes and provides grants to justice-oriented organizations active in this sector.



Description of results linked to results framework



Summary results achieved

TARGETS: Within 3 years, the program will ensure that:

- No less than 1,000 HR NGO and CSO staff, volunteers, and/or members trained the new code of

criminal procedures, the constitutional reforms, and alternative case resolution mechanisms (mediation, conciliation and restorative justice) within the context of HR.

- Three (five)¹¹ more jurisdictions that partner with NGOs or CSOs to conduct information campaigns against trafficking.¹²
- At least 3 (five) victim service-related NGOs will be trained to identify and provide services to the victims of TIP and other serious crimes.¹³
- CSOs supported by the project that successfully attract additional funding from other organizations.

RESULTS ACHIEVED:

No less than 1,000 HR NGO and CSO staff, volunteers, and/or members trained the new code of criminal procedures, the constitutional reforms, and alternative case resolution mechanisms (mediation, conciliation and restorative justice) within the context of HR

2,076 representatives from CSOs have been trained out of an annual target of 200. These trainees, 1,044 of which were women and 1,032 of which were men, worked in Baja California Sur, Chihuahua, Federal District, Guanajuato, Nuevo Leon, Oaxaca, Quintana Roo and Yucatan. They received training on a variety of subjects, including: Project development; grant management; the new criminal justice system from the perspective of civil society; direct examination of witnesses, harmonization of criminal procedure reform in Mexico and HR components of the reform.



Table 2.4.1

State	Female	Male	Total trainees	Persons trained
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¹¹ According to the contract, the target for this indicator is '3', however in the USAID-approved PMP of April 2010, MSI set a target of '5'.

¹² In order to maintain consistency, this indicator has been discussed under sub-component 2.1.

¹³Ibid

Baja California	64	88	152	152
Chiapas	6	21	27	7
Chihuahua	33	29	62	62
Federal District	113	82	195	187
Mexico State	7	1	8	4
Guanajuato	611	653	1264	1264
Guerrero	13	4	17	4
Hidalgo		9	9	2
Jalisco		1	1	1
Morelos	2	5	7	3
Nuevo León	92	76	168	79
Oaxaca	56	40	96	92
Puebla		5	5	1
Queretaro		8	8	2
Quintana Roo	27	3	30	22
Sonora		1	1	1
Tabasco	10		10	2
Tlaxcala	5		5	1
Veracruz	5	6	11	3
	1044	1032	2076	1889

Online training program

The Program offered its first, fully-guided online training program to help NGOs to successfully compete for funding from the Program's grant competition and other governmental and private funding agencies and institutions. 97 CSO representatives received online training by ITESM on project development within a logical framework approach.

Training in project development

A total of 114 CSO representatives from Chihuahua, Nuevo Leon, Oaxaca, Quintana Roo and the Federal District received training in project development, fundraising, and obtaining and managing grants.

At least 50 CSOs supported by the Program that successfully attract additional funding from other organizations

At the closure of this report, the Program has signed 30 grant agreements and has transferred the first installment of funds to 28 grantees. Ten CSOs have submitted applications for funding from other organizations.

Table 2.4.2

Name of CSO Supported by Program	Funds Requested to
Institución RENACE, A.B.P.	Kellogs
Comisión Mexicana de Derechos Humanos, A.C.	State Governments
Creeser, A.B.P.	Axtel, Secretary of Social Development (SEDESOL) Federal y Estatal y al Monte de Piedad
CEDEHM Centro de Derechos Humanos de las Mujeres, A.C.	Fundación Mac (internacional)
ICESI Instituto Ciudadano de Estudios Sobre la Inseguridad, A.C.	State Governments
Picas y Platicas, A.C.	Open Society Foundations
Alternativas Pacíficas, A.C.	National and International agencies
Centro Multicultural Yermo y Parrés	FECHAC, Fundación Rosario Campos, INDESOL
Programa de Educación en Valores, A.C.	ADC Foundations (international level) and Redondeo Smart a (local level)

Key activities

In May 2010, the Program announced a \$2.5M grant fund and a call for proposals for projects aimed at strengthening CSOs work in justice sector reform. The Program received 242 applications from 13 states, and in August 2010, it awarded 42 grants in amounts. To date, USAID has signed 30 of the grant agreements has transferred the first installment of funds to 28 grantees.

The table below disaggregates the number of projects selected and amounts approved for Program funding by thematic area.



USAID/Mexico Announces the Release of RFP to Civil Society Organizations

Table 2.4.3

Thematic Area	Number of Projects Selected	Amount Approved for Program Funding (MXN)
Ciudad Juárez	17	\$11,108,107.00
HR	7	\$5,429,557.00
Security & Justice	7	\$6,520,986.00
TiP	11	\$6,854,715.00
Total	42	\$29,913,365.00

The map below highlights the geographic locations where the selected CSOs will be implementing projects.

Map 11. # of CSO Grant Recipients



Challenges and proposed solutions

Transparency

As the reform seeks to create a more transparent and fair judiciary, many NGOs remain skeptical of some of its provisions. One such provision, known as *arraigo*, allows detention of organized crime suspects for up to 80 days without formal charges. The Program is addressing resistance by HR organizations by:

- a) Conducting forums and generating awareness on the HR components of the reform.

Limited capacity

Many NGOs currently have limited capacity to design projects to the specifications requested by the donor. The Program aims to alleviate this challenge through:

- a) Additional targeted training to walk NGOs through the process of grant applications and ensure they meet donor requirements.

Lessons learned

Request for Proposals

The Program has learned what is involved in initiating and carrying out an RFP process for CSOs (e.g., deliverables, budgets, activities, evaluation committees, etc). The Program will use the lessons learned below in the successful and timely implementation of a future RFP process.

The development and dissemination of the RFP took 4.5 months because it was the first time the Program had engaged in such a project. As such, it took time and a concerted effort to establish all the required systems. As such, the Program should plan accordingly in the future.

The RFP call must be very precise about which thematic areas the Program will fund and which it will not in order to avoid receiving proposals that are in areas not included for project funding.

Step 1 should not select those proposals that do not qualify for funding under the terms of the RFP. This will avoid raising CSO expectations for obtaining funding.

Step 1 (evaluation of proposals) should include input from the technical teams as their specialized knowledge facilitate and expedite the selection process.

In future RFP calls, there should be a strict limit to the number and type of documents submitted in each application. Applications should include nothing more than: a two-page project proposal; relevant legal documents that prove the organization's legal existence; and, a cover letter briefly describing the scope of work of the organization. This will lessen the burden on CSOs in preparing their applications as well as the Program's time in reviewing applications. In addition, consideration should be given as to how to streamline processes in Steps 1 & 2 of the RFP. The experience illustrated that there was no significant difference between the two steps and the level of effort on the part of CSOs was not reflected in the quality of the applications.

Amendments need to be made to the range of funding available. The range for this RFP was 20,000 – 100,000 MXN. The majority of the organizations requested the maximum amount even though their objectives could be achieved with much less funding.

Future RFP calls must be coordinated with Government partners such as, INDESOL, Ministry of Health, Ministry of Interior, etc., in order to prevent CSOs from receiving double the funding for the same project, while depriving other CSOs from accessing funds.

Opportunities and challenges 2011

Challenge

Ensuring that all grantees comply with their targets and deliverables. The Program will work, guide and follow up with these organizations to see that grant funds are appropriately spent.

Opportunity

As these organizations begin implementing their respective projects, they will also be building up their respective experience and reputation. This will give visibility to the Program and reflect well for USAID. It may also result in successful project bids for these organizations in their future endeavors.

5) Sub-component 2.5- Support for Citizen Participation Councils

Sub-Objective 2.5.1: Institutionalize an effective, sustainable process for receiving, addressing and resolving citizen complaints while serving as a watchdog against abuse through the CPCs and similar groups.

Sub-Objective 2.5.2: Facilitate greater citizen participation in fighting crime and identifying abuse, corruption, etc. through CPCs and similar groups.

Context

CPCs were established in April 2002, and are composed of civil society representatives, such as experts, journalists, business people, religious leaders, and members of NGOs. The councils are organized in working groups including HR, transparency and anti-corruption, monitoring the handling of federal crimes, lobbying, victim assistance, and other related issues.

The Program is supporting Citizen Participation Councils (CPCs) through the design of a cohesive strategy for their institutional development and implementation of activities meant to strengthen CPCs at the state level. This assistance will help to strengthen CPC's capacity to serve as a watchdog against abuses by authorities and promote citizen participation in combating crime.

The coordination of activities and efforts of CPCs are carried out by the National Association of Citizen Participation Councils (ANCPC), which was created in 2008. The Program has signed a \$1 M USD grant agreement with the ANCPC, which main objectives being: to strengthen public monitoring and accountability; implement proposals to improve law enforcement and security policies; strengthen capacity to actively represent citizens' interest; and supervise the functioning of justice and security at both the state and national levels. It has been agreed that the ANCPC will work in the following ten priority states: Durango, Hidalgo, Nuevo Leon, Baja California, Chihuahua, Morelos, Oaxaca, and Zacatecas. In addition, USAID and the ANCPC have agreed to work in other states, among them, the State of Mexico, Michoacan, and Guerrero.



In addition to working with the ANCPC, the Program has started to work with the National Committee for Consultation and Citizen Participation in Public Safety (CONSEGU), which was founded in 1999. Its main activities are: informing citizens about public safety in the states, training students in local universities so that they contribute to the development, along with the CONSEGU; a diagnosis of the functioning of police forces, crime prevention programs, and citizen watchdog groups.

Description of results linked to results framework



Summary results achieved

TARGETS: Within 3 years, the program will ensure that:

- At least 10 jurisdictions where CPCs have increased outreach and public awareness of police performance.
- At least 10 CPCs with strengthened operations to receive, analyze and track citizens complaints regarding corruption and abuse.
- At least 20% increase of citizen complaints filed through the Citizen Participation Councils.
- At least 10 jurisdictions with CPCs strengthened to actively represent citizens' interests by keeping the public informed, addressing grievances, following cases or overseeing justice functions of the PGR.
- At least a 10% increase in citizen complains acted upon by the Attorney Generals' offices.

RESULTS ACHIEVED:

At least 10 jurisdictions where CPCs have increased outreach and public awareness of police performance.

Given that the grant agreement was signed with ANCPC in August 2010, and the ten jurisdictions have already been targeted, the Program will begin reporting on this indicator in the first quarter of FY 2011.

At least 10 CPCs with strengthened operations to receive, analyze and track citizens complaints regarding corruption and abuse.

Given that the grant agreement was signed with ANCPC in August 2010, and the ten jurisdictions have already been targeted, the Program will begin reporting on this indicator in the first quarter of FY 2011. A point of clarification is required for this indicator. CPCs do not have the legal capacity to receive and analyze citizens' complaints. They do, however, have the legal ability to track complaints.

At least 20% increase of citizen complaints filed through the Citizen Participation Councils.

A point of clarification is required for this indicator. CPCs do not have the legal capacity to receive and process citizens' complaints.

At least 10 jurisdictions with CPCs strengthened to actively represent citizens' interests by keeping the public informed, addressing grievances, following cases or overseeing justice functions of the PGR

A point of clarification is required for this indicator. CPCs do not have the legal capacity to address grievances. They do, however, have the legal ability to track complaints to keep the public informed and follow cases or overseeing justice functions of the PGR. Given that the grant agreement was signed with ANCPC in August 2010, and the ten jurisdictions have already been targeted, the Program will begin reporting on this indicator in the first quarter of FY 2011.

At least a 10% increase in citizen complaints acted upon by the Attorney Generals' offices

A contract with the ANCPC was signed in August 2010. They will strengthen CPCs to monitor if the PGJ office addresses complaints; strengthen capacity to actively represent citizens' interest, and supervise the functioning of justice and security at both the state and national levels. However, as of October 30, 2010 there is limited data available.

Key Activities

In September, the technical and administrative personnel for the ANCPC project were recruited and the targeted CSOs in the states covered by the Program were contacted and informed about activities to be undertaken by the ANCPC.

In addition, the software required to manage project information is being created. A national database for future members is in development, as is the design of a diagnostic questionnaire to be used for interviews with CPCs in three selected states (Baja California, Oaxaca and Durango). ANCPC will be carrying out interviews in these states in the second week of November 2010.

Short success stories of program beneficiaries

Please refer to Annex I for success stories.

Challenges and proposed solutions

Negotiations

Concluding negotiations with the ANCPC was a challenge for the Program, particularly discussions regarding budgetary issues such as administrative and human resource costs, and agreement on the selection of target states.

Opportunities and challenges 2011

Challenges

The Program foresees a challenge in monitoring the project as deliverables are measured by input indicators, and thus are difficult to quantify. The Program expects to overcome this challenge by requesting and analyzing monthly reports as stated in the contract.

Opportunities

In addition to working with the ANCPC, the Program will continue to collaborate with CONSEGU. Its main activities are to inform citizens about public safety in the states, training students in local universities so that they contribute to the development, along with the CONSEGU; conduct a diagnosis of the functioning of police forces, crime prevention programs, and citizen watchdog groups.

On November 11 and 12, the Program will be making a presentation at the International Conference on Justice, Relevance of Citizen Participation, and Social Crime Prevention, which will be held in Mexico City. This will be a key opportunity to promote and disseminate information about the Program and to engage additional CSOs in the monitoring of the justice sector.

Annex I. Success stories

SUB-COMPONENT 1.1

PLEA BARGAINING: Making Justice Swifter and Reducing Impunity Using Scientific Investigative Techniques

The Homicide Unit in Ciudad Juarez received the case of the death of a two year old child in apparently accidental circumstances, in October 2009. The dead child's stepfather had brought him to the hospital emergency room, claiming that the boy had fallen out of an upper bunk bed. When the boy arrived at the hospital, he had no vital signs. The emergency room doctors declared him dead on arrival and notified the authorities. The boy had numerous blunt force traumas all over his body. He also had severe bruising on his genitals.

The dead child's stepfather had brought him to the hospital emergency room, claiming that the boy had fallen out of an upper bunk bed.

The boy's mother made a statement to the investigating prosecutor that her common-law husband was the only person in whose care she had left her children. She had left her home to go to work at 5:25 a.m. When she left for work, the boy did not have any injuries. She noted that her common-law husband would hit the boy when he wet the bed and that the boy had wet the bed the night before.

The doctor that performed the autopsy provided the prosecutor with a statement describing the results of the autopsy and stated that, in her professional opinion, the injuries that the child had suffered were not consistent with injuries caused by falling out of bed. If the boy had fallen out of a bed approximately four-and-a-half to five-feet high, the only force would have been the child's scant body weight and injury would be found on the part of the body that had received the largest impact. However, the boy had a number of injuries spread out over his body, including on his genitals. The pattern of injuries on the boy could not have been caused by a single fall from a bunk bed.

Furthermore, the boy's liver and pancreas were injured. A fall from a bunk bed would not have the force to cause such injuries. In addition, the boy had three fractured ribs and two ribs with fissures on his left side. Toddlers' bones, such as those of the two-year old boy, are largely cartilage and tend to be more flexible. A fall from a bunk bed would not have the force to fracture a young child's ribs. A much stronger force had to have been used in the blunt force trauma inflicted on him.

Based on this scientific evidence provided by the forensic expert, the prosecutor determined that the boy's death was not the result of an accident. It was a deliberate case of voluntary manslaughter. The boy's stepfather was the only adult caring for him during his mother's absence.

The Prosecutor requested the issuance of an arrest warrant for the stepfather. The warrant was issued and executed on the same day. The stepfather was arrested and held for processing under the charge of homicide.

Confronted with the existing circumstantial evidence based on the autopsy report, coroner's testimony, and mother's statement, the stepfather accepted the evidence as fact. In May 2010, the stepfather received a twenty-three-year prison term under the new criminal justice systems' abbreviated criminal proceedings.

In the former criminal justice system, criminal procedures for this case likely would have lasted more than two years. These procedures also likely would have been appealed, further lengthening the process. Even the issuance of the arrest warrant may have taken weeks to obtain, rather than having been issued on the same day that it was requested.

In the former criminal justice system, criminal procedures for this case likely would have lasted more than two years.

The new criminal justice system implemented in the state of Chihuahua allows arrest warrants to be issued on the same day rather than taking weeks. Rapid issuance of arrest warrants reduces the likelihood that the accused will flee from justice. Had this case gone to trial under the new oral trial system, the coroner and other expert witnesses would have had to dedicate hours to

preparing and appearing at the trial - time that they would not have devoted to investigating other cases. The prosecutor

and court officials would have had to dedicate time and material resources for preliminary, administrative and evidentiary hearings, time and resources that would not have been devoted to trying other cases. The slain boy's mother would have been called to appear on the day of the trial, forcing her to relive the events that led to her toddler son's death. In this case however, given the overwhelming nature of the evidence collected, the accused stepfather opted for an abbreviated proceeding, accepting the evidence as fact and receiving a lesser sentence than may have been expected after an oral trial.

The abbreviated criminal proceeding (also called abbreviated trial) requires that neither the victim, in this case the boy's mother, nor any other aggrieved party opposes an abbreviated proceeding, that the prosecutor requests an abbreviated proceeding, and that the accused freely chooses to accept the evidence as fact and waives the right to an oral trial in exchange for a reduced sentence.

In jurisdictions that permit abbreviated criminal proceedings, such as the states of Chihuahua, Morelos, and Nuevo Leon, for each sentence obtained in an oral trial an additional 20 to 30 sentences are handed down through abbreviated trials.¹⁴

Impunity likely is reduced as prosecutors have the resources to pursue crimes that otherwise would have remained uninvestigated.

Abbreviated trials are one of the most disputed aspects of criminal policy and procedures in Mexico. One advantage of abbreviated trials is that they free-up scarce resources that can be used to scientifically investigate crimes that previously would not have been investigated because of a lack of resources. On the other hand, abbreviated trials and the sentencing reductions that they imply are unpopular measures among a citizenry that wants its government to be tough on crime and supports increased sentences for criminals. However, impunity likely is reduced as prosecutors have the resources to pursue crimes that otherwise would have remained uninvestigated.

The challenge in implementing Mexico's new criminal justice system is providing operators of the system with the tools to investigate crimes and litigate in oral trials at the same time as the justice system's efficiency is enhanced and victims' and society's interests are safeguarded. Abbreviated trials are just one part of the solution to these interrelated challenges. As police and prosecutors improve their ability to scientifically investigate crimes, prosecutors will have greater leverage over the accused to accept the evidence as fact and the accused will have a greater incentive to do so in exchange for a reduced sentence. Victims' interests are protected because no abbreviated trial is possible without their consent and society's interests are protected because more crimes are investigated. Justice is swifter, and the justice sector's efficiency is improved. However, Mexico still has a long road to travel in transforming its criminal justice system.

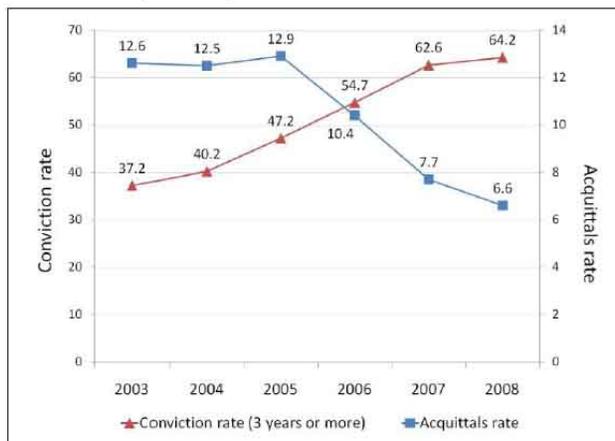
USAID has trained more than 1,700 trial lawyers, defense attorneys, prosecutors, court administrators and judges in oral trial litigation techniques.

USAID is helping Mexico in its journey toward a just, efficient, and transparent criminal justice system, providing training and technical assistance to most of the states—Chihuahua, Nuevo Leon, Oaxaca, Zacatecas, Morelos, and Durango—that have begun implementation of the new criminal justice reforms as well as to those that will begin their implementation in coming months—Baja California and Hidalgo. In just the past six months, USAID has trained more than 1,700 trial lawyers, defense attorneys, prosecutors, court administrators and judges in oral trial litigation techniques. These trainees are now helping Mexico to revitalize and streamline its criminal justice system.

¹⁴ Database of the "Project on the Follow-up of the Implementation Processes of the Local Criminal Procedural Reform in Mexico", carried out by the Security and Justice Support in Mexico Program of USAID and the Center of Studies of Justice of the Americas (CEJA) with figures of local judicial powers. For Chihuahua in the first three years of implementing the reform, the proportion is 31 sentences in abbreviated proceedings (807) for every sentence derived from an oral trial (26). Source: State Center for the Implementation of the New Criminal Justice System.

USAID also designed and is funding a study to assess the implementation of the new criminal justice system in the five states where the new procedural model and oral trial system have been in effect for more than one year (Chihuahua,

Graph I, Rate of acquittals and imprisonment, imposed by sentence in Nuevo Leon



SOURCE: Case Files of Criminal Judicial Statistics, INEGI, 2004-2009.

result of improved investigations that better sustain accusations as well as abbreviated proceedings. In the face of better sustained accusations, many defendants choose abbreviated proceedings, making justice swifter, more efficient and more effective. Oral trials are held for defendants that are not willing to accept the evidence as fact, making justice more transparent. Alternative justice and restorative justice mechanisms are available for defendants charged with minor crimes, unclogging the courts and prosecutors' offices, making justice more efficacious and efficient.

In the state of Nuevo Leon, nearly six years have elapsed since the state implemented criminal justice reforms and oral trials for minor crimes. Nuevo Leon is now beginning its implementation of the new system and oral trials for serious crimes. As **Graph I** demonstrates in Nuevo Leon, acquittals have decreased and sentences of more than three years have increased. This trend should only become even more pronounced as Nuevo Leon deepens its implementation of the new criminal justice reforms.

Oaxaca, Zacatecas, Estado de Mexico, and Morelos). The study, which involves substantial field work in each of the states, seeks to have first hand contact with implementation experiences, document best practices and gather follow-up indicators, all in accordance with methodologies tested in other Latin American countries that have transformed their criminal justice systems from an inquisitional model to an accusatorial model, as is being done in Mexico. This study will provide reliable information to the Mexican government and civil society on the progress of criminal justice reforms in the states that already have begun implementation of the reforms as well as identify the best practices to apply as justice reform implementation expands to additional states and federal jurisdictions.

One preliminary indication that Mexico's criminal justice reforms are improving the rule of law in Mexico is that acquittals have declined from approximately 15% of judicial findings to approximately 10%. This decline is the

SUB-COMPONENT 1.4

Techniques Spotlight on the Center for Restorative Justice in Oaxaca

"The Center would not exist without the support of the Program", commented Lorena Perez Morgan, Head of the Restorative Justice Department at the Center for Restorative Justice in Oaxaca City, Oaxaca.

It was through the support of USAID's ROL II Program that the Center for Restorative Justice in Oaxaca City was created. The Center began its operations in 2007 with only 17 staff, plastic chairs and a plank table typically rented for parties. In ROL III, USAID provided training courses to improve the capacity of mediators and facilitators to handle the cases they encounter. Courses included: Workshop on designing and developing an Alternative Justice Center, Conflict Resolution Training Programs, Restorative Justice and Family Conflict Management. Site visits to other centers in Baja California were organized, giving representatives from the Center the opportunity to learn best practices and share their experiences with their counterparts. Through the continued support of the Program, today, the Center has 28 technical staff working in the three areas of alternative dispute resolution: Mediation, conciliation, and justice restoration and has eight satellite offices. The centers in Oaxaca belong to the Attorney General of Justice.



Oaxaca's Alternative Justice Center (before)

According to the Alternative Justice Center in Oaxaca, in 2009, 14% of the conciliation cases were resolved, and from January to September 2010, this rate has increased to 23%. Nearly all of these cases have been received on a voluntary basis and not through court referral. In addition, the center has eight offices in neighboring towns. The magnitude of the center's caseload demonstrates the increased public awareness about the usefulness of alternative dispute resolutions.

SUB-COMPONENT 1.5

USAID/Mexico Justice and Security Program Promotes Sustainability by Training Trainers

The USAID/Mexico Justice and Security Program completed a ToT course for 13 participants from the state police of Baja California and Hidalgo on June 4 in Mexico City. The training included 15 topics on skills related to adult learning, teaching methods, and course design. The goal of the training was to increase sustainability by providing participants with the ability to train their peers, other federal agencies and partner organizations.

The training included 15 topics on skills related to adult learning, teaching methods, and course design.

“It was scary at the beginning, because it was my first time conducting a training session, but after a couple of hours I became more confident and took charge”, is what one new trainer said about conducting his first training course to 32 officers from a municipal police force in Baja California last August. The course covered the transition to the new criminal justice system for police. This trainer, from the Hidalgo state police, had participated in the Program’s ToT session in Mexico City in June 2010. When asked what the most valuable part of that session was, he responded, “It was most important for me to learn how to teach”. Looking to the future, this trainer “would love to continue teaching. It’s critical to stay on the cutting edge of developments in policing because these changes are constant.”

SUB-COMPONENT 2.4

In July 2010, the Program offered its first, fully-guided online training program to assist NGOs to successfully compete for funding from the Program’s grant competition and other governmental and private funding agencies and institutions. 97 CSO representatives each received 30 hours of guided, online training by ITESM on project development.

Although the Program’s Technical Evaluation Committee did not consider if a grant applicant had taken the online training course, 21% of the CSOs that had participated in the course were selected.

“The knowledge I acquired during the course – how to improve the rationale, objectives and general content of a social project proposal, as well as how to create 100% measurable goals – will serve our institution well.”

—Participant, Mexican Commission for Human Rights (AC), Federal District

“It was great that the course was online; It optimized our learning time. The content and information delivered was good and if we had any doubts, we were able to ask our tutor.”

—Participant, RENACE ABP, Nuevo León