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# USAID/MEXICO JUSTICE AND SECURITY PROGRAM

QUARTERLY REPORT – OCTOBER - DECEMBER 2012

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# USAID/MEXICO JUSTICE AND SECURITY PROGRAM QUARTERLY REPORT – OCTOBER - DECEMBER 2012



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# TABLE OF CONTENTS

ACRONYMS .....	i
<b>JUSTICE AND SECURITY PROGRAM - FOURTH QUARTER 2012 REPORT</b> .....	<b>2</b>
<b>EXECUTIVE SUMMARY</b> .....	<b>2</b>
OBJECTIVE I: LEGISLATIVE FRAMEWORK FOR CJR IN LINE WITH INTERNATIONAL HUMAN RIGHTS STANDARDS ENACTED .....	10
Task 1.1 – Key state and federal legislation for Criminal Justice Reform submitted to state and federal legislative branches .....	10
Task 1.2 – State and federal legislation for Criminal Justice Reform in line with international human rights standards passed by legislative branches .....	12
OBJECTIVE TWO: JUSTICE INSTITUTIONS’ AND KEY REFORM OPERATORS’ ABILITY TO ASSIST IN IMPLEMENTING CJR STRENGTHENED .....	14
Task 2.1- Capacity of inter-institutional committees to coordinate implementation of CJR improved .....	14
Task 2.2- Capacity of justice system institutions to implement CJR strengthened .....	16
Task 2.3- Capacity of justice system operators to implement CJR strengthened .....	31
OBJECTIVE THREE: CIVIL SOCIETY ORGANIZATIONS AND JOURNALISTS EMPOWERED TO FOSTER CJR .....	40
Task 3.1 - CSO capacity to inform public opinion and advocate to political decision-makers on behalf of CJR enhanced .....	40
Task 3.2 - Journalists’ knowledge and understanding of the CJR and their role within the justice system enhanced .....	43
Annex I. Performance Monitoring Plan Report .....	46
Annex II. List of Deliverables .....	54
Annex III. Summary and Analysis of Training Data for Justice Sector Officials & Other Institutions .....	60
Annex IV. Summary and Analysis of Training Data for Non-Justice Sector Trainees .....	73
Annex V. Complete List of Training Courses .....	78
Annex VI. Justice Official Profiles and Success Stories .....	<b>¡Error! Marcador no definido.</b>
Annex VII: News Articles Written by Program Trainees and their JASP Checklist Results .....	91
Annex VIII: Analysis of <i>Pacto por México</i> and its Impact on the New Criminal Justice System .....	98
Annex IX: Courses Replicated by JASP Train-the-Trainer Beneficiaries .....	103

## ACRONYMS

ADR	Alternative dispute resolution
AG	Attorney General
AJCs	Alternative justice centers
AJCM	Alternative Justice Center Model
CEAMPAJ	Executive Commission for Updating and Modernizing the Administration of Justice (Puebla)
CIDAC	Research Center for Development
CJO	Citizens' Justice Observatory
CJR	Criminal Justice Reform
CPC	Criminal Procedure Code
CSOs	Civil society organizations
FCPC	Federal Criminal Procedure Code
GoM	Government of Mexico
ICM	Inter-Institutional Coordination Model
IU	Investigative unit
IUM	Investigative Units Model
JASP	Justice and Security Program
MMRI	Methodology to Monitor Reform Implementation
MSI	Management Systems International
NAS	Narcotics Affairs Section
NCJS	New Criminal Justice System
OTN	Oral Trials Network ( <i>Red de Juicios Orales, La Red</i> )
PD	Public defender
PIM	Performance Improvement Methodology
PMP	Performance Monitoring Plan
PCU	Property Crimes Unit (Baja California)
PRI	Institutional Revolutionary Party
PROVICTIMA	Office of the Social Prosecutor for Crime Victims
PTS	Pre-Trial Services
PTSM	Pre-Trial Services Model
RENACE	The RENACE Institute, a prominent CSO in the Oral Trials Network
RJN	Restorative Justice Network
SC	State court
SCU	Sexual Crimes Unit (Baja California)
SEJAP	State System of Alternative Justice Centers
SETEC	Technical Secretariat of the Criminal Justice Implementation Commission
SIJUPE	Executive Commission for the Nuevo Leon Criminal Justice Reform
SOPs	Standard Operating Procedures
SSP	Secretary of Public Safety
TA	Technical Assistance
ToT	Train-the-Trainer
UNAM	National Autonomous University of Mexico
USAID	United States Agency for International Development
VAU	Victims' assistance unit
WJC	Women's justice center
WJCM	Women's Justice Center Model

# JUSTICE AND SECURITY PROGRAM - FOURTH QUARTER 2012 REPORT

## EXECUTIVE SUMMARY

Q1 marks the closing of the implementation of the work plan approved in November 2011, for the period of November 2011 to June 2012, which was extended at no-cost through December 2012. MSI is very pleased to report that by the close of Q1 of fiscal year (FY) 2013, all 17 indicators established in the corresponding Performance Monitoring Plan (PMP) were met or exceeded and all 50 deliverables were completed.

Below, the JASP presents the key accomplishments for the reporting period.

### Legislative Achievements (Objective I)

#### **Task I.1 – Key state and federal legislation for Criminal Justice Reform submitted to state and federal legislative branches**

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The JASP has exceeded its target, as set out in the PMP, of the judicial reform entering into force in three new districts, as the Criminal Justice Reform (CJR) entered into force in nine since April 2011. The JASP has also exceeded by 400% its target of three new draft laws, as 15 have been completed with JASP assistance.

This quarter, in Nuevo Leon, the draft Attorney General's (AG) and State Police Acts (*leyes orgánicas*), and reforms to the State Criminal Procedure Code (CPC), State Secretariat of Public Safety (SSP, acronym in Spanish) Act (*ley orgánica*), Sentence Implementation Law and Juvenile Justice Law, were completed with JASP technical assistance (TA). At the federal level, the JASP made recommendations to bring the *Ley de Amparo*<sup>1</sup> Bill in line with the principles of the CJR and international human rights standards.

The JASP and the state AG offices of Nuevo Leon, Oaxaca and Puebla completed three draft state victims assistance laws. In Nuevo Leon, the President of the Congress submitted the Victims' Assistance Bill to Congress in December, while in Oaxaca and Puebla the bills will be submitted in Q2 FY 2013.

The JASP also began the provision of TA for the drafting of CPCs in Campeche and Puebla. Lastly, the JASP carried out an analysis of the *Pacto por México*, a political agreement reached between Mexico's political parties in December, and in particular the impact it will have on the CJR.

#### **Task I.2 – State and federal legislation for Criminal Justice Reform in line with international human rights standards passed by legislative branches**

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The JASP has exceeded by 183% its target of six laws passed, as 17 have been passed. The Nuevo Leon State Congress passed during the period six laws drafted with JASP TA assistance, marking a major accomplishment in the legislative arena. These laws include new AG and State Police Acts (*leyes orgánicas*), and reforms to the State CPC, State SSP Act, Sentence Implementation Law, and

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<sup>1</sup> An *amparo* is a constitutional action alleging the violation of rights committed by the government or the court.

Juvenile Justice Law.

As part of its strategy to prevent the rollback of the reform, the JASP published five essays written by Mexican academics and experts in criminal justice on the progress and challenges in implementing the New Criminal Justice System (NCJS) in Chihuahua. The publication provides an analysis of legislative reforms to the State CPC since the reform entered into force in 2008 in Chihuahua, which is of particular interest as it was the first state in the country to fully implement the reform. The JASP distributed this book in various events, including a JASP-hosted seminar at the National Autonomous University of Mexico (UNAM, acronym in Spanish) on the CJR, and has also mailed it to key counterparts in justice institutions.

## **Institutional Strengthening Achievements (Objective 2)**

### **Task 2.1- Capacity of inter-institutional committees to coordinate implementation of CJR improved**

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The JASP has exceeded by 100% its target of five state Technical Secretariats of the Criminal Justice Implementation Commission (SETECs, acronym in Spanish) being trained in project development and management as it has provided capacity building to the SETECs in all seven target states as well as in Durango, Zacatecas and in Q1 2013 Tamaulipas.

Towards improved coordination of state SETECs, the JASP: i) built the capacity of 14 representatives from the Tamaulipas State SETEC on the design of reform implementation projects; and ii) developed a guide for state SETECs on how to design and monitor reform implementation projects, which incorporates steps for designing, managing and securing funding for reform implementation projects, as well as guidelines for monitoring and evaluating these projects.

In collaboration with the Federal SETEC, the JASP this quarter: i) disseminated the findings of the General Report that monitored reform implementation in Chihuahua, the State of Mexico, Morelos, Oaxaca and Zacatecas at the “Judicial Reform in Mexico” conference organized by the Woodrow Wilson Center in Washington D.C.; ii) presented the General Report and its findings as part of a seminar for over 60 justice officials in Mexico City on lessons learned and best practices in reform implementation; iii) completed a paper highlighting best identified practices in reform implementation from the General Report and the seminar in Mexico City; and iv) as part of their Citizen Perception Survey, found that only 16% stated that their right was to be presumed innocent until proven guilty and that Baja California is the state where respondents demonstrated the most confidence and familiarity with the reform, amongst many other findings.

The JASP concluded its studies to monitor implementation of the reform in Baja California and Durango, which evaluated the performance of the various justice sector institutions, the rights of victims and the accused, as well as transparency in the new system and best practices in reform implementation. The findings of the studies, which were validated by all institutions involved, will serve as a key resource for the state authorities to take further ownership of implementation by expanding upon the best practices identified, and addressing the issues and recommendations included within.

In Oaxaca and Puebla the JASP initiated the application of its Inter-Institutional Coordination Model (ICM) through capacity building programs conducted for the SETEC and AG Office in Oaxaca, and the Executive Commission for Updating and Modernizing the Administration of Justice (CEAMPAJ, acronym in Spanish) in Puebla.

## Task 2.2- Capacity of justice system institutions to implement CJR strengthened

### Performance Improvement Methodology and JASP Models:

The JASP started in July 2012 the implementation of its Performance Improvement Methodologies

**Box 1: Number of justice sector institutions implementing institutional strengthening plans with JASP TA**

Nine justice sector institutions are implementing institutional strengthening plans with JASP TA. These include:

**Federal Level:** PROVICTIMA

**Baja California:** AG Office, SSP

**Chihuahua:** AG Office

**Hidalgo:** AG Office

**Morelos:** SSP

**Nuevo Leon:** AG Office

**Oaxaca:** AG Office

**Puebla:** AG Office

(PIMs) for justice sector institutions, units or centers that are already operating within the NCJS. This involves state courts (SCs), AG offices, public defenders' (PD) offices, pre-trial services (PTS) units, investigative units, victims' assistance units (VAUs), alternative justice centers (AJCs) and women's justice centers (WJCs). The PIMs apply solutions to overcome the obstacles that prevent institutions from adequately meeting performance targets in the NCJS.

The JASP also employs a set of models for the establishment of units that will operate within the NCJS, which include minimum parameters or standards regarding infrastructure, organizational structure, competency profiles, operational profiles and manuals, and performance indicators. These

include the WJCs Model (WJCM), the PTS Units Model (PTSM), the AJCs Model (AJCM) and Investigative Units Model (IUM).

With JASP TA, nine justice sector institutions have implemented institutional strengthening plans, exceeding the target set in the PMP of eight institutions by 12.5%. These include the Baja California AG Office and SSP; the Chihuahua AG Office; the Hidalgo AG Office; the Morelos SSP; the Nuevo Leon AG Office; the Oaxaca AG Office; and the Puebla AG Office.

**State courts:** The JASP strengthened the ability of SCs in terms of caseflow management, to ensure that cases are resolved in accordance with due process and within an appropriate timeframe. It built the capacity of courts through its PIM-SC in Baja California, Nuevo Leon and Oaxaca, and launched its institutional strengthening plan for the SCs in Chihuahua, Hidalgo, Morelos and Puebla. The PIM-SC seeks to provide technical solutions to improve caseflow management, in order to ensure that cases are resolved in accordance with due process and within an appropriate timeframe. In Baja California and Oaxaca, with the SCs, the JASP identified indicators to be employed, such as the number of cases filed or the number of each type of sentence. They designed monthly data tables using those indicators to assess the way cases are managed, in order to identify the causes of gaps in performance and proposed solutions such as carrying out monthly analyses of documented information to ensure its consistency.

As six courts have improved case management systems, as demonstrated by reduced time to disposition for cases, the JASP has exceeded its target of four courts with improved systems.

**State AG offices:** Through the PIM-AG, the JASP built the capacity of the AG offices in Baja California, Chihuahua and Oaxaca. This encompassed the identification of performance indicators, the conducting of diagnostics to identify strengths and weaknesses, and the development and implementation of solutions for gaps in performance. Key solutions being applied include the creation of screening units to ensure that cases are filtered to the proper area of assistance. In addition, the JASP undertook innovative coaching sessions conducted by former federal US prosecutors hired by the JASP to build the capacity of prosecutors of the Robbery and Homicide

Units of the AG Office of Baja California to improve investigations, and ensure efficiency and performance in oral trials.

**State PD offices:** In Q1 the JASP strengthened the PD offices of Baja California, Chihuahua, Morelos and Nuevo Leon through the PIM-PD, enhancing their capacity to provide quality defense services according to the NCJS. This encompassed the completion of case management evaluations, the determination of specific quality standards to ensure the provision of effective and pro-active defense services, and the development of protocols to maintain these standards.

**Pre-trial services units:** In Q1 FY 2013, the rate of juveniles complying with their precautionary measures was 71% (12 out of the 17 supervised complied).<sup>2</sup> The JASP concluded a statistical analysis of the cases handled in the units for adults in Baja California and Morelos. The report in Baja California showed that out of 100 cases referred to the unit by the AG Office, 50 were brought before a judge, out of which 28 adults benefited from precautionary measures other than pre-trial detention. The report in Morelos showed that there have been 38, 70 and 31 cases attended by the Cuautla, Cuernavaca and Jojutla offices, respectively, with 12 female and 127 male defendants.

The JASP also produced key tools such as the operational manual for the unit in Baja California and forms to be used by the units (for adults and for juveniles) in Morelos for the supervision of defendants, which contain information on details of their hearings and the terms of the precautionary measure applied. Furthermore, the JASP completed its documentary on the successes of PTS, and in particular the case of the unit for juveniles in Morelos.



**Police and prosecutor coordination:** According to the statistics provided by the Baja California AG Office, between 2010 and 2012 there has been an increase of 54% and 56% in the number of cases investigated in its Property Crimes (PCU) and Sexual Crimes Units, respectively, as a result of the implementation of the protocols developed with JASP TA. This quarter the JASP strengthened the AG Offices of Baja California (PCU), Nuevo Leon (Family Justice Center, FJC)<sup>3</sup> and Oaxaca (Juchitan region) through its PIM for Investigative Units. Capacity building consisted of the completion of a set of approximately 20 tailored guidelines for each AG office to support implementation of the JASP's protocols for prosecutors and police investigators, in order to ensure coordination between the two actors in carrying out investigations under the NCJS.

In the AG Offices of Hidalgo and the Teziutlan district of Puebla, where the reform has not yet entered into force,<sup>4</sup> the JASP is implementing its Investigative Units Model (IUM) to help these Offices prepare for the implementation of the coordination protocols. The IUM includes providing TA to ensure the proper structuring of investigation units, through the development of SOPs and coordination protocols for prosecutors and police investigators, clarifying the functions and responsibilities of each therein.

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<sup>2</sup> Following the change in administration in Q1 FY 2013, it was brought to the Program's attention that the rate of compliance was not being correctly recorded nor reported by the UMECA (specifically, cases of non-compliance were not being reported or considered as such, as long as the adolescent continued to attend his or her assigned hearings). The JASP has worked with UMECA to resolve this inconsistency, though it will mean that future rates of compliance will be considerably lower than those reported in previous quarters.

<sup>3</sup> All of the family justice centers have an area for the investigation and prosecution of crimes.

<sup>4</sup> The reform entered into force in the Teziutlan district on January 15, 2013, before the submission of this report.

**Alternative dispute resolutions:** There was an increase of 24% in the number of cases resolved by alternative dispute resolutions (ADRs) in the states that have received JASP assistance in FY 2012 as compared to FY 2011. Specifically, this number increased from 21,568 in FY 2011 to 26,852 the following year. In addition, the JASP built the capacity of the Puebla AG Office towards the opening of an AJC in Q2 2013, based on its AJCM, through a workshop on the design and organization of AJCs.

**Victims' assistance centers:** A survey designed by PROVICTIMA with JASP TA to 321 beneficiaries who received assistance at one of PROVICTIMA's VAUs in 12 states<sup>5</sup> and the Federal District between January and November 2012 found that there is a satisfaction level of 9.1 on a scale of 1 to 10. The survey measured the users' perception of the quality of services (psychological, legal, medical or social) provided by PROVICTIMA.

The JASP strengthened VAUs in the AG offices of Baja California, Chihuahua, the FJC of Nuevo Leon and the Special AG Office for Victims' Assistance in Oaxaca, through the completion of operational manuals for the units. This process included the development of objectives, visions and mission statements in line with the principles of the NCJS, the inclusion of the JASP's competency profiles for VAU staff, and flowcharts for case management. In Nuevo Leon and Oaxaca, the units began application of the manuals.

As five VAUs have received Program TA, the JASP has exceeded its target of three VAUs assisted.

**Women's justice centers:** To ensure ownership and sustainable management of WJCs, the JASP transferred its competency profiles for WJC staff (directors, lawyers, psychologists, social workers, doctors and area coordinators) to the centers in Chihuahua, Ciudad Juarez, Oaxaca and Puebla. In Oaxaca and Puebla the JASP worked towards the launch of WJCs in March and June, 2013, respectively, through the implementation of its WJCM. This included the provision of continuous TA for the application of the JASP's competency profiles for recruitment, as well as providing capacity building on case management.

The JASP has exceeded its target of two WJCs assisted, as three have received assistance.

**Training materials for justice institutions:** The JASP ensured the sustainable capacity building of justice sector officials through the transfer to justice institutions of all seven target states of a set of 18 training videos for judges, prosecutors, public defenders, police investigators and mediators. The videos cover topics such as issuing rulings in hearings, litigation in oral trials, coordination between police and prosecutors, and mediation techniques. In collaboration with the former Federal SSP the JASP developed a 90-minute training video for police on conducting arrests *in flagrante* and adapted to the Mexican context a set of 31 training videos for police on human rights. The videos will be transferred to the federal police during Q2 2013.

The JASP has exceed its target of 11 institutions that have adopted training plans with Program assistance, as 12 (the Baja California AG Office, PD Office and SSP; the Chihuahua AG Office; the Hidalgo PD Office and SSP; the Morelos PD Office; the Nuevo Leon PD Office; the Oaxaca AG Office; the Puebla AG Office and SSP) have adopted such plans.

**Monitoring implementation of the reform:** As part of its efforts to monitor implementation of the reform, the JASP this quarter: i) completed a document that analyzed two high-profile cases

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<sup>5</sup> Baja California, Chiapas, Chihuahua, Coahuila, Guerrero, Jalisco, Michoacan, Morelos, Nayarit, Nuevo Leon, Sinaloa, Veracruz, Yucatan

prosecuted under the NCJS (a robbery and homicide in Mexicali, Baja California and a homicide in Chihuahua) in order to identify strengths and areas for improvement; and ii) concluded an analysis of the most recently published statistics (e.g. incidences of crime and violence; prosecution of crimes; and complaints and recommendations from human rights commissions.)

### **Task 2.3- Capacity of justice system operators to implement CJR strengthened**

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In Q1, 346 justice sector officials (132 women, 214 men) were trained, as well as an additional 289 online trainees, for a total of **635 justice sector official trainees**.<sup>6</sup> This included justices, prosecutors, public defenders, police investigators, mediators, victims' assistance staff, court clerks and AJC staff. Importantly, only those individuals who attended at least 80% of their training courses were counted in these figures. Training subjects included appeals under the NCJS, litigation in initial and intermediate hearings, defense during the investigation stage, criminal investigations, mediation techniques, victims' rights and assistance, court administration, and how to create AJCs, among others. During the period, justice officials demonstrated an average grade increase by 60% (3.2 points out of ten), going from an average grade of 5.4 points on the pre-training test, to 8.6 on the post-training test. Police investigators presented the greatest average grade increase per type of justice official on the post-training exam with an increase of 205%, followed by victims' assistance staff, at 179%.

#### **Box 2: Increased Knowledge**

In Q1 2013, **94.3%** of justice officials obtained a higher grade on the post-training exam than on the pre-training exam.

In Q1 2013, 45 PROVICTIMA staff successfully completed the JASP's eleven-module certificate course on providing quality victims' assistance, covering topics such as the prevention of burn-out syndrome and providing psychological assistance. A closing ceremony was held in November, which was attended by Mexico's former first lady and USAID's Mission Director. These 45 trainees are part of the 346 total trained during the period.

#### **Box 3: E-learning takes hold as training tool**

590 police investigators from the Federal SSP (224); Hidalgo SSP (15); the Puebla AG Office (12) and SSP (14); and the Baja California SSP completed an 80-hour e-learning program between February and December 2012.

The Latin American Institute of Educational Communication (*Instituto Latinoamericano de la Comunicación Educativa, ILCE*) continued this quarter to conduct the fourth and final module of the Master's Certificate Program in Human Rights and Security for 264 police officers (145 women, 119 men) of the former Federal SSP. The course will conclude on January 31, 2013, and as such these 264 trainees will be counted in the following quarterly report.

This quarter, 289 police investigators from the Hidalgo SSP, the Puebla SSP and AG Office, and the (now former) Federal SSP, successfully completed the JASP's e-learning program on the NCJS, where investigators gained the skills to carry out their new roles under the NCJS and conduct criminal investigations. From its initiation in February 2012, the course successfully built the capacity of a total of 590 police from these institutions, as well as the Baja California SSP. These 289 trainees are not part of the 346 total trained during the period.<sup>7</sup>

The JASP conducted two study tours for 13 representatives from the State SETEC, SC, AG and

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<sup>6</sup> A breakdown of male and female participants for the e-learning course is still not available

<sup>7</sup> The JASP will include these trainees in the total number of trainees in the Q2 report once all of the corresponding documentation has been collected.

PD offices, and SSP of Tamaulipas, who learned best practices in reform implementation from their peers in Baja California and Nuevo Leon. These 13 trainees are part of the 346 total trained during the period. The JASP also built the capacity of four participants the Nuevo Leon SC through a judicial exchange to learn best practices in the implementation of the PIM-SC in Baja California, where participants learned to design monthly data tables (not part of the 346 total).

The JASP ensured the sustainable capacity building of justice sector officials through the transfer to justice institutions of Baja California, Chihuahua, Hidalgo, Morelos, Nuevo Leon and Puebla, of a set of 18 training videos for judges, prosecutors, public defenders, police investigators and mediators. The videos cover topics such as issuing rulings in hearings, litigation in oral trials, coordination between police and prosecutors, and mediation techniques.

This quarter the JASP developed a 20-hour training curriculum and corresponding materials for court administrators to ensure the proper administration of justice institutions, including modules on organizational structures, case filing and statistical analysis.

As 229 beneficiaries of JASP train-the-trainer programs have replicated courses, the JASP has exceeded its target of 50 replicated courses set in the PMP.

## **Achievements in Working with Civil Society (Objective 3)**

### **Task 3.1 - CSO capacity to inform public opinion and advocate to political decision-makers on behalf of CJR enhanced**

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The main accomplishments of the JASP in its work with civil society organizations (CSOs) to inform public opinion and advocate to political decision-makers can be summarized as follows:

- The capacity of CSOs from the *Red de Todos los Derechos para Todos* (Network of All Rights for All) to advocate for the reform was built, through roundtables on CPCs, and CSOs were engaged to ensure continued momentum for reform implementation and towards the passing of effective CJR legislation.
- With the Oral Trials Network (OTN) of CSOs, awareness was raised among 500 justice officials and civil society members on best practices for the effective implementation of the NCJS, in two forums in Baja California and Nuevo Leon.
- The capacity of CSOs in Baja California, Morelos and Puebla was built on the principles and benefits of PTS, with the objective of engaging them in supporting the PTS units in their states.
- Continued TA and coaching was provided to the Restorative Justice Network (RJN) in Chihuahua for it to obtain its legal representation as a CSO, which entails the possibility of conducting restorative processes.
- The Citizens Justice Observatory (CJO) of Nuevo Leon found through 22 indicators that as of November 2012, Nuevo Leon has reached 48% of the implementation of the NCJS.
- An animated video entitled "Justice Indeed Works" on the benefits of ADRs was completed, as part of the JASP's social media campaign.

- 10 officials in Baja California from the AG Office, State Court, PD Office and Governor's Office learned how to communicate and inform under the NCJS.
- Thirteen evaluations taken by as many CSO trainees were analyzed, and all demonstrated increased knowledge on their post-training tests. These trainees participated in a course on circles of analysis for restorative justice cases.
- The average increase in knowledge during the period, as demonstrated by the pre- and post-training exams, was 4.76 points out of ten. This was an average increase of 143.9% more than their original score, being specifically 153.3% for women and 100.0% for men.
- The target of five CSOs assisted by the Program to engage in advocacy and watching functions was exceeded, as the JASP assisted 62 organizations (see annex for full list of CSOs).
- The target of 70% or more of CSO trainees demonstrating increased knowledge as a result of JASP trainings was exceeded, as 74.4% of trainees have demonstrated increased knowledge according to pre- and post-training evaluations administered since Q3 FY 2011.

### **Task 3.2 - Journalists' knowledge and understanding of the CJR and their role within the justice system enhanced**

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In Q1, 35 journalists trained on how to report under the NCJS published 167 articles that reflected knowledge of the CJR, as verified by the corresponding JASP scorecard.<sup>8</sup> As JASP journalist trainees have published 452 articles in total since their training, the JASP has far exceeded its target of 35 articles.

To ensure fair and adequate reporting on crime and the NCJS, the JASP carried out a series of trainings and activities for journalists and editors from media outlets including those from *Reforma*, *El Universal*, *Grupo Milenio*, *Televisa*, *TV Azteca*, and several from Cuautla and Jojutla in Morelos.

## **PRESENTATION**

This report for Q1 of FY 2013 covers the period of October 1 to December 31, 2012. It presents the achievements of the JASP and is organized as follows: 1) the Executive Summary; 2) Results Achieved, and Challenges and Opportunities according to the JASP Results Framework; and 3) the Annexes, which include: the PMP; deliverables status; training data; three profiles of justice sector officials including the Director of the FJC in Nuevo Leon and the AG of Baja California, as well as a police chief from Baja California; a success story on collaboration between CSOs and the legislature to promote the reform in Nuevo Leon; articles published by JASP-trained journalists; an analysis of *Pacto por México* and its impact on the NCJS; and courses replicated by JASP ToT beneficiaries.

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<sup>8</sup> The criteria in this scorecard include: respect for the presumption of innocence; respect of the personal or private information of the victims and the accused; respect of all parties involved, with impartiality, including refraining from criminalizing, stigmatizing or discrediting either the victims, the accused, justice sector actors and/or their families; use of name sources only; use of more than one cited source; correct description of legal terms and processes.

# RESULTS ACHIEVED BY OBJECTIVE AND TASK

## OBJECTIVE I: LEGISLATIVE FRAMEWORK FOR CJR IN LINE WITH INTERNATIONAL HUMAN RIGHTS STANDARDS ENACTED

### Task I.1 – Key state and federal legislation for Criminal Justice Reform submitted to state and federal legislative branches

The JASP has exceeded its target of three new draft laws by 400%, as it completed its 15<sup>th</sup> law during the period. This quarter, in Nuevo Leon, the draft AG and State Police Acts (*leyes orgánicas*), and reforms to the State CPC, State SSP Act (*ley orgánica*), Sentence Implementation Law and Juvenile Justice Law, were completed with JASP TA. The JASP also exceeded its target of the judicial reform entering into force in three new districts, as the CJR entered into force in nine districts since April 2011.

#### Improved reform implementation legislation at the federal level

At the federal level, the JASP completed a series of recommendations to bring the *Ley de Amparo* Bill that is currently being discussed in the Federal Congress in line with the principles of the reform and international human rights standards. Suggestions included the removal of a section that allows judges to informally collect any evidence he or she considers necessary to resolve an *amparo* case, and that appeals should be exhausted at the state level before an *amparo* can be requested at the federal level.

#### Improved legislative frameworks for victims' rights and protection

The JASP and the state AG offices of Nuevo Leon, Oaxaca and Puebla completed draft state victims' assistance laws, including substantive provisions on rights, principles and definitions, and structural provisions on funding, and a registry of victims. This entailed sections to support the social reintegration of victims and help them to avoid re-victimization, as well as to oblige justice officials to respect the rights of victims as outlined by the Mexican Constitution and international standards. In Nuevo Leon, the President of the Congress submitted the Bill to Congress in December, while the bills in Oaxaca and Puebla will be submitted in Q2 FY 2013. The JASP provided TA to the AG offices in each of the three states on the scope of the two victims' assistance bills then pending at the national level<sup>9</sup> as well as international human rights law, to ensure consistency between the federal and state laws.

#### Further improvements to legislative frameworks at the state level

Table 1: Laws Drafted in Nuevo Leon

Laws Drafted in Nuevo Leon with JASP TA	
State CPC	The JASP drafted a series of adjustments to the bill to bring it in line with the principles of the NCJS, which was particularly important in this case as its passage marked the prevention of proposed reforms that would backtrack on implementation progress.

<sup>9</sup> At the time there were two proposed victims' laws pending in Congress, while the General Victims' Law has since been passed and published, on January 9, 2013.

<b>AG Act</b> ( <i>ley orgánica</i> )	The JASP drafted a series of adjustments to bring this bill in line with the principles of the NCJS, including that the AG Office should have the autonomy to create investigative units based on specific crimes.
<b>Sentence Implementation Law</b>	With the Justice Commission of the State Congress, the JASP drafted a set of recommendations on provisions relating to forced disappearances, to bring the proposed reforms to the law in line with the International Convention for the Protection of All Persons from Enforced Disappearance.
<b>State Police Act</b> ( <i>ley orgánica</i> )	With the Justice Commission of the State Congress, SSP and AG Office, the JASP drafted a series of recommendations to bring the law in line with the CJR, including the provision of investigative power to municipal police.
<b>State SSP Act</b> ( <i>ley orgánica</i> )	With the Justice Commission of the State Congress, SSP and AG Office, the JASP drafted a series of recommendations for the proposed reforms to the Act, including the establishment of humanitarian obligations following the use of force (e.g. ensuring immediate medical assistance for injured parties).
<b>Juvenile Justice Law</b>	With the Justice Commission of the State Congress, SSP and AG Office, the JASP made proposed changes to the law, relating to the introduction of plea bargaining for juveniles and increasing the sentences to up to 12 years for crimes of homicide, aggravated rape and kidnapping committed by juveniles over the age of 16 years.

### **Campeche**

The State AG Office and the JASP began the process of drafting of a State CPC, during which they agreed on a work plan of joint-activities. The first drafting session will take place in late January or early February, with the participation of the State Governor. Positive and relevant factors for the drafting phase were observed during the session, which included a clear political will for having a CPC in line with the CJR and international human rights standards demonstrated by the AG Office, State SSP and state congressional representatives.

### **Puebla**

Resulting from a series of ongoing roundtable sessions with 12 judges to discuss the appeals system under the NCJS, the JASP drafted and shared with these judges a series of recommendations for reforms to the State CPC. The suggestions aim to ensure that the appeals system in the state is in line with the principles of the CJR, for example towards a process of cassation that is consistent with the accusatory system. This will remain an active document, being updated with further recommendations resulting from future roundtable sessions.

The JASP also completed an analysis of the *Pacto por México*, a political agreement reached between Mexico’s political parties in December. The document addressed five of the “commitments” contained therein and their relation to implementation the CJR, towards a speedier, more efficient and transparent justice system (Commitment 78); a unified CPC to ensure both greater cross-state police and justice system coordination (79) and a uniform, oral, accusatory justice system across the country (80); a reformed *Ley de amparo* (81); and a strengthened system for social reinsertion (82).

## Task 1.2 – State and federal legislation for Criminal Justice Reform in line with international human rights standards passed by legislative branches

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### Box 4: Laws Drafted and Passed in Nuevo Leon with JASP TA

Six laws drafted with JASP assistance passed in Nuevo Leon during the period:

- State CPC
- AG Act
- State Police Act
- State SSP Act
- Sentence Implementation Law
- Juvenile Justice Law

The JASP has exceeded by 183% its target of six laws passed, as 17 have been passed with JASP TA.

### Legislative framework in Nuevo Leon expanded for effective reform implementation

The Nuevo Leon State Congress passed six laws drafted with JASP assistance during the period, marking a major accomplishment in the legislative arena for the JASP. These laws include new AG and State Police Acts (*leyes orgánicas*), and reforms to the State CPC, State SSP Act, Sentence Implementation Law, and Juvenile Justice Law. Further detail on the assistance provided can be found in Table 1 above.

### Academia engagement to prevent backpedaling of the NCJS in Chihuahua

The JASP published a series of five essays written by Mexican academics and experts in criminal justice on the progress and challenges in implementing the NCJS in Chihuahua. The essays discuss the reforms to the CPC, which have gone against the principle of non-retrogression, concerning rules introduced on the detention of individuals, pre-trial detention, due process and in particular regarding the principle of contradiction, as judges have been permitted to consider evidence not presented in oral hearings. The publication provides an analysis of legislative reforms to the State CPC since the reform entered into force in 2008 in Chihuahua, which is of particular interest as it was the first state in the country to fully implement the reform. This resource, which was distributed amongst justice officials, academics and lawyers at a seminar in Mexico City and mailed to JASP counterparts in justice institutions, serves as a critical resource for raising awareness amongst the general public and prevent backpedaling in reform implementation in Chihuahua.

## CHALLENGES AND OPPORTUNITIES FOR OBJECTIVE I

### Federal Criminal Procedure Code

In such a geographically, socially and economically diverse country, it will continue to be a formidable challenge to gain buy-in from actors across various sectors and regions on such a broad array of issues. It has been and will continue to be a challenge to build consensus for the passage of an FCPC. Negotiations have been highly politicized, as witnessed during its debate in the legislature in April 2012 where it was not possible to reach consensus. As in previous quarters, ensuring that all stakeholders, especially those from civil society, have an adequate and unbiased understanding of the FCPC and its potential benefits, and thus gaining support for its passage, will be a challenge. A clear opportunity is the growing enthusiasm and pro-activeness demonstrated by civil society over the past months, in particular spearheaded by the OTN through its forums in Baja California and Nuevo Leon and the Fourth National on Security and Justice.

The new federal administration has announced that they will advocate for a unified CPC and, in general, for a national legislative framework on criminal matters. This idea poses a serious challenge not only for the passing of a federal code, which is now out of the question, but to the implementation process as a whole. The opportunity is that there is a possibility to amend the flaws

and shortcomings of the FCPC bill that was submitted to Congress by former president Calderon. Nevertheless, the unified procedure code will have to be drafted from scratch.

#### **Alternative Dispute Resolution Law in Oaxaca**

An Alternative Dispute Resolution Law for Oaxaca has been drafted by an intern-institutional commission of experts, with JASP TA. This represents an enormous opportunity for the passage of a high-quality law for such services. Nevertheless the challenge is going to be to build consensus amongst all the different political parties for its passage.

#### **Criminal Procedure Codes for Baja California Sur and Campeche**

Building the capacity of legislators and AG Offices for drafting CPCs poses clear challenges for the Program, however the JASP will use its How To Guide for Drafting CPCs as a key resource for such TA in Baja California Sur and Campeche in 2013 (new states to be assisted during the option period). The opportunity for this quarter in particular is that the SETEC has endorsed JASP TA for the review and drafting of the codes, which would give the draft codes a stronger stand for their passage.

## OBJECTIVE TWO: JUSTICE INSTITUTIONS' AND KEY REFORM OPERATORS' ABILITY TO ASSIST IN IMPLEMENTING CJR STRENGTHENED

### Task 2.1- Capacity of inter-institutional committees to coordinate implementation of CJR improved

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The JASP has exceeded its target of five state SETECs being trained in project development and management by 100% as it has provided capacity building to the SETECs in all seven target states as well as in Durango, Zacatecas and in Q1 2013 in Tamaulipas.

The concentration of the JASP's efforts regarding this task include conducting with the SETEC joint studies and surveys at the federal and state levels to monitor reform implementation, building the capacity of SETEC staff and ensuring improved inter-institutional coordination through implementation of the ICM.

#### JASP and Federal SETEC combine forces to engage CSOs on supporting the Criminal Justice Reform in Mexico



This quarter the JASP engaged scholars on reform implementation through participation in the “Judicial Reform in Mexico” conference conducted in Washington D.C by the Woodrow Wilson Center and the University of San Diego. The conference, which the JASP broadcasted live in Mexico City, highlighted the need to avoid resorting to practices from the inquisitorial system by justice institutions and to eradicate corruption. At the conference, the JASP presented the key findings and advances found in the study that monitored reform implementation in Chihuahua, the State of Mexico, Morelos, Oaxaca and Zacatecas. These include a doubled response capacity by AG offices in states implementing the reform and one-hundred percent attendance by judges, prosecutors and public defenders at hearings in these states. The event featured the Justice Studies Center of the Americas (whose methodology was applied in the study), the AG of Nevada, and scholars from the State University of New York and the University of San Diego, as well as key Mexican stakeholders from the SETEC, the RENACE Institute and the AG of Baja California.

The JASP also jointly with the SETEC discussed the findings of the General Report ahead of approximately 60 participants from justice institutions from Baja California, Chihuahua, Hidalgo, Morelos, Nuevo Leon, Oaxaca, Zacatecas and Mexico City at the Legal Research Institute of the UNAM in Mexico City.

This presentation was part of a seminar organized by the JASP on best practices and lessons learned in reform implementation.

The seminar included six roundtable sessions, in which participants discussed: new judicial proceedings under the NCJS such as plea bargaining; pre-trial detention; the rights of victims and defendants; alternative justice; how to carry out follow up studies on implementation and challenges and best practices thus far; and *amparos*.



Following the Judicial Reform in Mexico conference, the JASP completed a paper highlighting the best practices in reform implementation identified in the General Report, as well as additional contributions from the seminar in Mexico City, in order to expand upon the information discussed in the study. The best practices include: i) Chihuahua: the creation of units to monitor compliance with compensation agreements and pre-trial diversion conditions to ensure their effectiveness; ii)

Morelos: the creation of specialized units for the collection of objective and adequate information for determining precautionary measures for defendants; iii) Oaxaca: the use of digital technology to assign courtrooms, summon parties, record hearings, and develop databases to reduce case disposition times; iv) Chihuahua and Zacatecas: the location of screening units, AJCs and investigation units in the same place within AG offices to facilitate access to the various services they provide; v) Nuevo Leon: providing financial autonomy to PD Offices to guarantee their ability to provide quality defense services under the NCJS; and v) the implementation of the NCJS gradually by region in all five states as it allows for the application of lessons learned as implementation progresses. This document will be shared with the UNAM, the National Institute of Criminal Science and state SETECs in Q2.

### **Federal and state SETECs' knowledge of citizens and justice officials' perception of the reform increased**

The SETEC published 500 copies and made available on its website the findings of the Citizen Perception Survey, which was conducted with the JASP in FY 2012. The results were based on data gathered from focus groups and 500 structured interviews carried out for each of the 32 states and federal entities, meaning a total of 16,000 individuals were interviewed. Findings of the survey included that: i) only 11% of the respondents in states where the NCJS is operating said that they were aware of the 2008 CJR, while only 26% knew that it was already operating in their state, thereby highlighting the need to raise awareness of the reform and its benefits; ii) 41% of respondents answered that they did not know the rights of the accused according to the NCJS, while only 16% answered that it was their right to be presumed innocent until proven guilty; and iii) Baja California is the state where respondents demonstrated the most confidence and familiarity with the NCJS. Regarding the urgency of the need to implement the NCJS, respondents from the Baja California answered, that on a scale of one to seven (seven being the most urgent) there is an urgency of six to implement the reform. These findings will serve the SETEC and the JASP as an invaluable baseline for comparison as reform implementation progresses. At the close of this report, the SETEC has distributed 400 copies of the document to state SETECs, CSOs and universities, as well as 50 to the US Embassy, while the JASP will distribute the remaining 50 at the events such as the Fifth National Forum on implementation of the reform to be held in May 2013.

### **Building hands-on experience to monitor reform implementation**

The JASP completed the reports of the studies that monitored reform implementation in Baja California and Durango using its Methodology to Monitor Reform Implementation (MMRI). The MMRI involves the analysis of the status of legislation according to the CJR, fieldwork to conduct interviews, observation of hearings and obtaining statistical data, as well as carrying out validation seminars with stakeholders to discuss preliminary findings. Both reports assessed: i) the performance of the SC, and AG and PD Offices; ii) the rights of victims and the accused; iii) pre-trial services; iv) transparency in the new system; and v) the status of reform implementation in these states.

The Baja California study found that excellent institutional planning and coordination accounts for much of the success of reform implementation, as well as the effective use of technological tools. The SC also boasts a well-organized system for scheduling hearings, which has led to a balanced workload for judges and in turn improved performance. Notably, only 4% of hearings having been delayed and none cancelled since the implementation of the NCJS. In addition, the report identified that 95% of cases handled by the State System of Alternative Justice Centers (SEJAP, acronym in Spanish) result in agreements, thereby demonstrating the successful application of alternative dispute resolution mechanisms in the state.

The Durango study identified the physical and technological infrastructure for implementing the new system in the state as key strengths and advantages, as well as efficient scheduling and management of hearings at the initial, intermediate, oral and sentencing stages. Also noted in the study was the state's widespread effort to disseminate information on the reform, which included the training of media personnel, as well as the changing by state law schools (e.g. Juarez University) of their curricula to teach law under the NCJS and prepare future generations of lawyers to work under the NCJS.



### **Capacity of state SETEC personnel on the development of projects built**

The JASP built the capacity of 14 staff from the State SETEC of Tamaulipas on the design of reform implementation projects. The capacity building focused on the development of objectives, goals and performance indicators, the use of timetables, and strategies for monitoring project implementation. Thanks to this JASP capacity building, the State SETEC has developed a project to improve the infrastructure of the SC and AG Office worth approximately US \$17.5 million, which will be presented to the World Bank in May 2013.

This quarter, the JASP completed a guide on how to design and monitor reform implementation projects to be transferred to state SETECs. Based on lessons learned from the TA provided in 2012 to SETECs in tier one and two states, the guide incorporates steps for designing, managing and securing funding for reform implementation projects, as well as guidelines for monitoring and evaluating these projects using USAID's 57 reform monitoring indicators.

### **Inter-institutional coordination model for justice system institutions launched**

In Oaxaca and Puebla the JASP launched capacity building programs for the State SETEC and State AG Office (Oaxaca) and CEAMPAJ (Puebla) to initiate implementation of its ICM. The JASP presented the model, which aims to ensure adequate mechanisms, such as protocols for communication, coordination in the scheduling of hearings, and the sharing of internal databases and other information systems for inter-institutional coordination among state SETECs, state courts, AG and PD offices and secretariats of public safety. The first inter-institutional meetings with all involved justice institutions were held in January 2013, before the submission of this report.

In Nuevo Leon, where the ICM has already been successfully implemented, the SIJUPE, SC, AG and PD offices continued with their application of a questionnaire for justice officials, developed in Q4 2012, to assess their compliance with the standards for carrying out judicial processes (investigations, hearings, etc.) according to the NCJS. With JASP TA the SIJUPE reviewed the completed questionnaires and found that there is a need to develop protocols for prosecutors to determine which cases should be investigated.

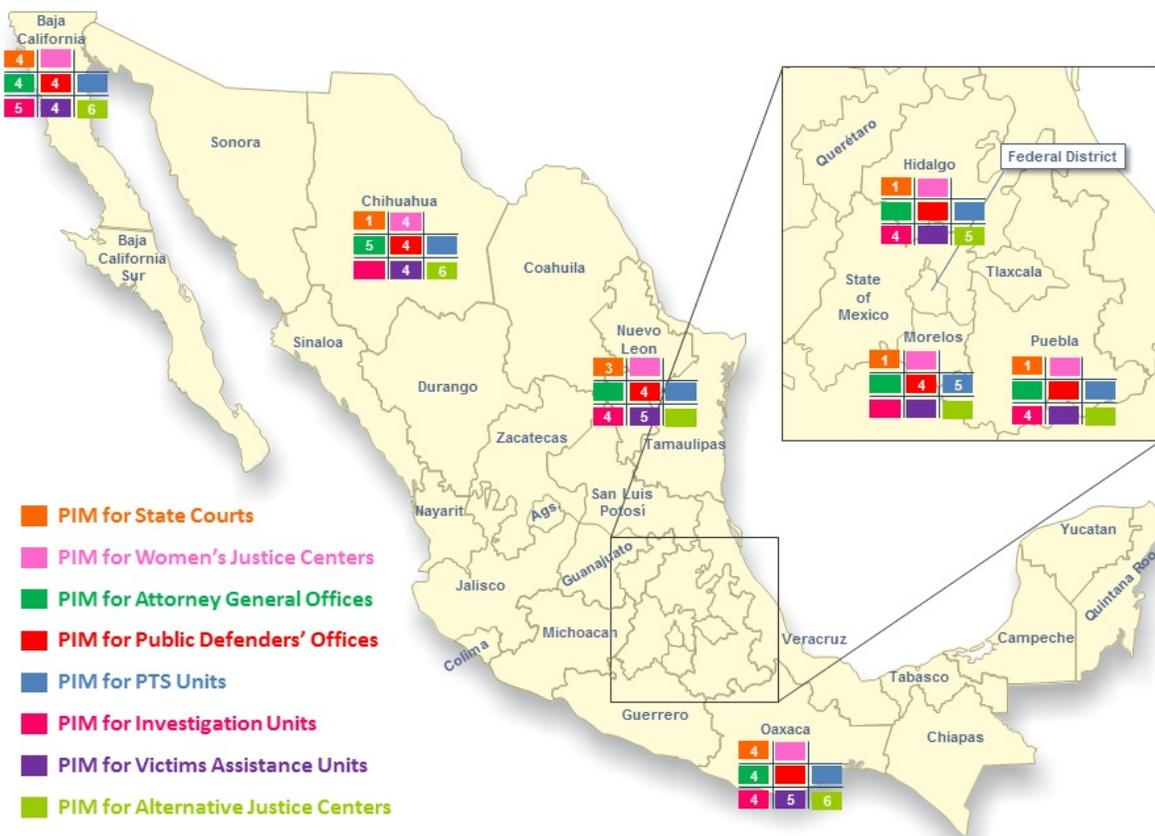
## **Task 2.2- Capacity of justice system institutions to implement CJR strengthened**

### **Institutions Strengthened Via Performance Improvement Methodology**

The JASP started in July 2012 the implementation of its PIMs for justice sector institutions, units or centers that are already operating within the NCJS. This involves SCs, AG offices, PD offices, PTS units, IUs, VAUs, AJCs and WJCs. The PIMs apply solutions to overcome the obstacles that prevent institutions from adequately meeting performance targets in the NCJS. In Q1, great

progress was made in PIM implementation, as illustrated in the map below.

**Map 1: PIM Implementation and Steps Achieved by State as of December 31, 2012**



With JASP TA, nine justice sector institutions have implemented institutional strengthening plans, exceeding the target set in the PMP of eight institutions by 12.5%. These include the Baja California AG and PD Offices, and SSP; the Chihuahua AG Office; the Hidalgo PD Office and SSP; the Morelos PD Office; the Nuevo Leon AG and PD Offices; the Oaxaca AG Office; and the Puebla AG Office and SSP.

**Capacity of courts in all target states built for caseload management**

The PIM-SC seeks to provide technical solutions to improve caseload management in order to ensure that cases are resolved in accordance with due process and within an appropriate timeframe. This process involves the identification of performance indicators for step one<sup>10</sup> (e.g. number of

<sup>10</sup> The six steps of the PIMs are as follows:

1. Determine performance indicators
2. Identify and assess gaps
3. Define the causes of those gaps
4. Develop solutions
5. Implement solutions
6. Monitor implementation of those solutions

cases filed, number of cases resolved, type of sentence, time to disposition of each case, and number of backlogged cases), the development of monthly data tables using the indicators and the analysis of these tables to identify the causes to gaps in performance for steps two and three (e.g. inconsistency in data collection and missing files) and the proposal of solutions for step four (e.g. carrying out monthly analyses of documented information to ensure its consistency). To begin the transfer of the PIM to the SCs, the JASP completed corresponding reports detailing the process for each step and including recommendations for further institutional strengthening.

### **Baja California and Oaxaca**

In Baja California and the Coastal, Istmo and Mixteca regions of Oaxaca the JASP completed implementation with the SCs of steps one through four of the PIM-SC.

In Baja California the JASP found that the Court stands as a leader in institutional strengthening efforts in the state, while an area of opportunity was found in the Court's shortcomings in its caseload management system. Recommendations in the report included the need to create an inter-institutional working group on the standardization of the system of caseload management with other state justice institutions (e.g. the AG and PD offices) to ensure consistency in data collected, and the need for the digitalization of files by the Court to ensure efficient and speedy access to information.

In Oaxaca the JASP found that thanks to information system implemented in SC as part of the PIM, the Courts have had great success in the timely scheduling of hearings, thereby leading to increased citizen confidence in the NCJS. A major challenge for the Courts is the high cost and complications in managing accurate and updated information on rulings and sentences. The JASP observed an area of opportunity in the Courts' eagerness for the adoption of an electronic system to register and track case information, which would be more and efficient and inexpensive. Additional recommendations included i) further clarifying the responsibilities of the various individuals responsible for caseload management and ii) identifying methods and procedures to monitor monthly case information. Also critical was the JASP's suggestion that the SC ensure the standardization of the performance indicators used in each region to avoid inconsistency in data collection.

### **Nuevo Leon**

In Nuevo Leon the JASP completed implementation of steps one through three of the PIM-SC. A significant advantage enjoyed by the Court is the state's gradual implementation of the NCJS by groups of crimes. This has allowed the SC to progressively prepare themselves to deal with the new system, identifying best practices and applying lessons learned. An area that needs improvement is the lack of clarity on the duties of the various officials responsible for caseload management. JASP recommendations included the establishment of a working group to identify and introduce ways to best manage resources and avoid the duplication of efforts amongst the various individuals working on caseload management in the Court. Also noted was the importance of ensuring that judges are not encumbered by administrative tasks.



As part of its efforts to improve the performance of the SC, the JASP conducted a judicial exchange for four representatives from the Court to learn best practices for the implementation of the PIM-SC in Baja California. Representatives from Baja California presented their monthly data tables, which include information on the number of cases filed and the number of cases resolved.

These are the basis of the court's system of caseload management and allow them to identify areas for improvement and gaps in data collection and the Court's overall performance. Using the example of their peers, the Nuevo Leon officials began the development of similar tables upon their return.

### **Chihuahua, Hidalgo, Morelos and Puebla**

With the SCs of Chihuahua, Hidalgo, Morelos and Puebla the JASP completed implementation through step one of its PIM-SC. This was achieved through the Courts' identification of performance indicators at a capacity building session on caseload management conducted by the JASP in Q4 for all target states and follow-up visits to these states this quarter to identify challenges and areas of opportunity in each institution. JASP observations included that:

- i) In Chihuahua the SC already has an updated database, which will facilitate the process of developing a monthly data tables using the performance indicators. A challenge will be transferring this database from a paper to electronic format, as all data (both old and new) would need to be captured again. The JASP recommended the development of internal protocols for sharing information, as it has been difficult for the SCs in some of Chihuahua's more remote regions to gain access to other's files and vice versa.
- ii) In Hidalgo the NCJS has not yet entered into force, and thus it is difficult to collect case information due to the restrictions of the inquisitorial system. JASP recommendations included that the state prepare for the reform's implementation (planned for July 2013) by designing ahead of time a system for caseload management using the performance indicators developed with JASP TA, as well as applying lessons learned from their peers in states that are more advanced in the implementation of the PIM-SC, such as court administrators in Baja California or Nuevo Leon.
- iii) In Morelos government institutions are required to register all their information into a general state-wide database. This system does not allow the SC to include information regarding the duration of each case, thus preventing them from collecting complete information regarding the indicators and affecting their ability to monitor performance. An area of opportunity is the state's recent change in government, which could allow the SC to work with new representatives to change the general database to include this information.
- iv) In Puebla, due to the NCJS's imminent entry into force on January 15, 2013 in the Teziutlan district, the JASP recommended that the SC use the indicators to develop monthly data tables to monitor performance. This was identified as an area of opportunity due to the fact that the SC has no existing system for caseload management. The application of the PIM-SC by the court in Teziutlan will serve as an example to the remaining regions of the state to implement the reform (Huauchinango, September 2013; Matamoros, March 2014; Tehuacan, September 2014; Cholula, March 2015; and Puebla, June 2016).

As six courts have improved case management systems, demonstrated by reduced time to disposition for cases, the JASP has exceeded its target of four courts with improved systems.

### **Performance in the NCJS of state AG offices in Baja California, Chihuahua and Oaxaca improved**

The PIM-AG seeks to strengthen the institutional capacity of state AG offices to operate under the NCJS. This methodology encompasses the identification of performance indicators (e.g. the number of cases filed and the number of cases resolved through ADR mechanisms), a diagnostic to identify strengths (e.g. strong leadership within AG Offices) and weaknesses (e.g. a lack of

coordination between units in handling certain crimes), and the development and implementation of solutions for gaps in performance (e.g. conducting monthly coordination sessions with prosecutors and police from different units). To begin the transfer of the PIM to the AG offices, the JASP completed corresponding reports, which describe the process for each step and include recommendations for improved performance, as well as identified strengths and advances of each AG Office.

**Baja California and Oaxaca**

In Baja California and Oaxaca the JASP completed implementation with the AG offices of steps one through four of the PIM-AG. The JASP found areas that need improvement such as an inefficient system for case screening and the need to train prosecutors to use ADR mechanisms. Recommended solutions to resolve gaps in performance included the digitalization of case files to automatically direct them to the proper area (e.g. criminal justice, alternative justice or victims’ assistance) and/or regional office, and the development of protocols to ensure the application of ADR mechanisms for certain cases. An advance identified in the Oaxaca AG Office thanks to implementation of the PIM, was the creation of a unit charged with the management and administration of the Office, which has contributed a great deal to its institutional strengthening efforts and efficiency.

**Box 5: Coaching and Mentorship for Prosecutors on the Investigation and Prosecution of Cases**

The JASP has piloted an intensive coaching and mentorship program for prosecutors within the Robbery and Homicide Units of the AG offices in Baja California Norte, using experienced U.S. prosecutors and JASP staff to provide hands on experience in developing good investigation and prosecution practices. This pilot project is being rolled out for both prosecutors and public defenders in Chihuahua, Morelos, Oaxaca and Puebla.

In Baja California former federal US prosecutors hired by the JASP built the capacity prosecutors of the Robbery and Homicide Units of the AG Office to improve prosecution, efficiency and performance in oral trials through a series of one-on-one sessions. Through the sessions participants reviewed past case files and received individual feedback from their trainers on areas where their performance could have been improved. Suggestions included: i) the need to develop criteria to ensure that case files contain all necessary information; ii) to enhance their coordination with police in conducting investigations to ensure their communication and efficiency; and iii) that prosecutors require further training on the presentation of evidence in initial and intermediate hearings, as well as in requesting the application of plea bargaining.

In Oaxaca the JASP identified areas that need improvement, such as a lack of protocols and understanding, as not as many cases are channeled to ADR mechanisms as could be (Central Region) and that there is not a sound technological system for transferring cases to the different areas of assistance and monitoring cases (Istmo Region). To breach the gaps identified throughout PIM implementation, the JASP recommended the development of protocols to ensure adequate and effective use of ADR mechanisms, and the design of an electronic system to support case management.



A significant advance as part of the PIM-AG in Oaxaca was the opening of three screening units in the Central, Istmo and Mixteca regions, which are critical in guaranteeing the effectiveness of the AG Offices as they help ensure that cases are filtered to the proper area of assistance. The JASP held a workshop for staff of these units on strategic planning, logical framework development and results based management, in order to build their capacity properly operate the newly

created units. During the session the staff developed mission and vision statements, as well as organizational structures of the units, to facilitate their adequate administration. They also gained basic knowledge on measuring efficiency through performance indicators, for example the number of cases screened to ADR mechanisms.

### **Chihuahua**

In Chihuahua the JASP completed implementation of steps one through five of the PIM-AG. The JASP found that the AG Office's sound information system for registering and managing cases is a clear advantage, while on the other hand resources could be better distributed as they are currently disproportionately allocated for administrative purposes within the AG Office rather than for the areas of assistance (e.g. to buy equipment for properly carrying out investigations or providing sound victims' assistance). The JASP recommended that the AG Office develop additional performance standards for prosecuting each crime, as well as protocols for managing temporarily suspended investigations and referring certain cases for ADR mechanisms (e.g. property theft below a certain amount, and crimes without violence). A significant advance made by the AG Office thanks to implementation of the PIM-AG was the development of a manual of criteria to handle specific cases and ensure that prosecutors are respecting the principles of the NCJS in the Robbery, Damages and Injuries, and Juvenile case units. The criteria address for example: i) when to request the application of plea bargaining; ii) how to decide when to temporarily suspend investigations; and iii) how to properly handle cases involving juveniles.

### **State PD offices in Baja California, Chihuahua, Morelos and Nuevo Leon pave the way for improvement under the NCJS**

The PIM seeks to enhance the capacity of PD Offices to provide quality defense services according to the NCJS. This process encompasses the completion of case management evaluations, the determination of specific quality standards such as confidentiality and the presumption of innocence in PD offices, and the development of tools to maintain these standards such as competency profiles and user satisfaction surveys. This quarter the JASP completed implementation of steps one through four of the PIM-PD in the PD offices of Baja California, Chihuahua, Morelos and Nuevo Leon. In order to begin the transfer of the PIM to the PD Offices, the JASP completed corresponding reports detailing the process for each step and including recommendations for further institutional strengthening.

### **Baja California**

In Baja California the JASP identified areas to be strengthened such as the system to monitor the performance indicators (e.g. the number of new cases per month) developed in step one. The JASP also recommended that the PD Office digitalize their database to ensure that files are easily accessible and updated on time. A significant achievement of the PD Office was the formation of a committee comprised of regional offices coordinators whose responsibility is to ensure that quality standards (e.g. confidentiality and the presumption of innocence) are met when they are implemented as part of step five of the PIM in Q2.

### **Chihuahua**

In Chihuahua the JASP identified challenges faced by the PD Office, including counter reforms passed in the state that allow for the defense and the prosecution to submit written statements as evidence in oral trials, as well as a lack of motivation to implement the NCJS by public defenders, and suggested related areas that need to be strengthened. The JASP's recommendations entailed that the PD Office encourage public defenders to respect the principles of the reform by presenting information orally in trials, in order to influence other actors in the judicial process and avoid

backpedaling on progress made in implementation of the CJR in the state. A clear strength of the PD Office is their performance indicators system developed in step one of the PIM (e.g. the number of users satisfied with the services offered), which the JASP suggested could be boosted through the establishment of a related incentives program to motivate staff.

### Morelos

In Morelos the JASP identified areas that need to be strengthened such as gaining financial autonomy through the drafting of a PD Act (*ley orgánica*), and to promote the application of their diverse and well-developed quality standards. JASP recommendations included that the PD Office work with the JASP in Q2 and Q3 2013 to ensure the passing of a PD Act in order to secure the resources needed to implement solutions for step five of the PIM (e.g. competency profiles and user satisfaction surveys). The JASP also suggested that the PD Office develop objectives and goals for each of their quality standards, including providing tailored defense services for juvenile cases, and ensuring that the defendant is always informed on the status of his or her case.

### Nuevo Leon

In Nuevo Leon the JASP indicated areas of opportunity such as the gradual implementation of the NCJS by group of crimes in the state, which will allow the PD Office to identify strengths and weaknesses, as well as best practices in each phase, applying lessons learned to the next (e.g. the need to further promote the application of ADR mechanisms). A clear advantage for PIM-PD implementation efforts is the strong leadership and motivation demonstrated by the PD Office training institute, which will ensure that all staff have the capacity to carry out their new roles under the NCJS.

The JASP held a workshop for the Nuevo Leon PD Office on strategic planning, logical framework development and results based management, in order to analyze the reasons behind performance issues in the Office and identify solutions. Participants identified that gaps in performance were connected to their lack of a mission statement and vision, both of which were developed during the workshop. The PD Office staff also learned about different types of public defense quality standards such as confidentiality and developing an adequate case file that contains all necessary information (e.g. witness statements and details of court proceedings), as well as how to draft a set of standards tailored to their own office, which is key to monitoring performance in PD offices.



### Institutional capacity of alternative justice centers strengthened, resulting in a better provision of services

The number of cases resolved by ADRs in the states that have received JASP assistance increased by 24% during FY 2012 as compared to FY 2011. Specifically, this number increased from 21,568 in FY 2011 to 26,852 the following year. On average, in the states that have received assistance on ADRs (Baja California, Chihuahua, Hidalgo and Oaxaca), there was an increase of 64% in the average number of cases resolved per month through ADRs this quarter, as compared to the baseline of 326 cases established at the start of the project.

Importantly, during FY 2013 only one new center will be opened, in Puebla. As no additional personnel will be hired in the existing centers, the JASP proposes setting the baseline for the

#### Box 6: Success Story Abstract

“We have processed 54,000 cases through the alternative justice system. That is 54,000 fewer cases pending in our filing cabinets.”

-Rommel Moreno, State AG of Baja California

corresponding indicator (Indicator 6) for the Option Period at an increase of 15% more cases in FY 2013 over the number in FY 2012.

**Box 7: Impact of the PIM-AJC**

On average, in the states where the JASP has implemented its PIM-AJC – namely Baja California, Chihuahua, Hidalgo and Oaxaca - there was an increase of 64% in the average number of cases resolved per month through ADRs this quarter, as compared to the baseline of 326 cases established at the start of the project.

**Chihuahua**

The JASP and the State AJC completed implementation of step five of the PIM-AJC, namely by implementing a series of solutions for gaps identified between actual and desired performance. These gaps were determined based on indicators developed in earlier stages of PIM-AJC implementation. Solutions include carrying out no more than four sessions daily from Monday through Thursday, to ensure adequate attention is given to each case, dedicating Fridays to

the follow-up of cases to ensure that agreements have been complied with, and distributing surveys to center users to evaluate their satisfaction with the agreements reached. This survey was designed with JASP TA, tested and validated in October 2012 with 100 users, and will be applied in Q2 FY 2013 following its final adjustments.

**Hidalgo**

During the period, the JASP and Hidalgo State AJC completed step five of the PIM-AJC. The Center developed and put into place performance indicators, including the number of cases resolved per individual mediator each month, the number of cases that have reached an agreement and the number of cases disaggregated by type of ADR (mediation, restorative justice, conciliation). As part of step four, the JASP and the AJC found solutions for gaps in actual and desired performance including additional, longer trainings with more emphasis on restorative justice, the defining of the roles of the Center’s staff, and the development of flowcharts with the steps for carrying out mediation processes.

**Nuevo Leon**

The JASP began its work with a seminar for 29 justice officials (judges, mediators and public defenders) on restorative justice and ADRs as part of the Week of Mediation organized by the Mediation Center of the State Court, with the objective of engaging the participants in the use of ADRs under the NCJS. The JASP presented on relevant restorative justice theories such as transactional analysis and Maslow’s hierarchy of needs,<sup>11</sup> as well as the use of restorative justice and ADRs in the NCJS and within the framework of the Nuevo Leon CPC.

**Oaxaca**

In Oaxaca the JASP completed the six steps of the PIM-AJC for existing mediation units and has started a new strengthening process for the newly created screening unit in the AJC. These units are those that first receive victims or those who come to report a crime, and determine the adequate channeling of their case. As part of steps three to six of the PIM-AJC, the JASP completed a rapid assessment of the screening unit in the AJC and found that there is insufficient personnel to attend to a high number of incoming cases and a high occurrence of burn out syndrome. Recommended solutions entailed the development of protocols for initial case management to ensure efficient use of human resources and training for center staff on the management of emotions and mediation tools. The implementation of the solutions will begin in Q2 FY 2013.

<sup>11</sup> Transactional analysis is a theory of personality and a systematic psychotherapy for personal growth and personal change. The Maslow’s hierarchy is a theory of human motivation, which contains a pyramid with the largest, most fundamental levels of needs at the bottom and the need for self-actualization at the top.

## **Puebla**

The JASP held a workshop for five staff of the AG Office on the design and organization of AJCs, based on the AJCM. The JASP built participants' capacity on ADRs and the alternative justice process, including the conflict management, mediation sessions and facilitating agreements, and introduced the necessary elements for a properly functioning AJC, such as creating a case screening unit, a system for the registry and follow-up of cases, and competency profiles for the AJC to be used in the recruitment process. The JASP and AG Office agreed that the former will carry out a comprehensive training program for mediators during Q2 FY 2013.

## **Presumption of innocence protected through creation, consolidation and strengthening of pre-trial services units**

### **Documentary on pre-trial services to communicate their benefits to society**

The JASP completed its documentary on the successes of PTS, and in particular the case of the PTS Unit for Juveniles in Morelos. This follows a number of interviews conducted in Q4 FY 2012 and



Q1 FY 2013 with justice officials, staff of the unit and defendants, to be featured in the film. The documentary demonstrates two cases: one before the opening of the unit, in which a defendant who was proven innocent was placed under pre-trial detention; and the second following the opening of the unit, which illustrates how a young defendant was able to complete the judicial process without having to

leave her studies. The documentary is pending final review by the SSP in Q2 FY 2013, after which it will be finalized and disseminated to justice officials, CSOs and other key actors involved in implementation and promotion of the CJR.

## **Baja California**

For the consolidation of the PTS Unit for Adults, established in August 2012 as a result of extensive TA, the JASP completed an initial statistical report on the cases received at the PTS Unit for Adults from its opening date on August 13 to October 2, 2012. The analysis showed that out of 100 cases referred to the unit by the AG Office, 50 were brought before a judge, out of which 28 adults received precautionary measures other than pre-trial detention, such as the need to periodically report to a supervisor and to be subject to electronic surveillance. Additional findings included that the flight risk evaluation template, which is provided by the PTS unit to prosecutors and public defenders, was a key factor for selecting precautionary measures.

The JASP and SSP completed the operational manual for the PTS Unit for Adults. The eight-chapter manual explains the steps to properly conduct initial interviews with defendants, collect and verify additional information for defendants' case files and complete flight risk evaluation formats.

During the period, the JASP transferred to the PTS Unit for Adults the formats for flight-risk evaluation, documenting supervision of defendants and the process of verification of information. The formats were originally developed by the PTS Unit for Juveniles in Morelos and were adapted by the SSP with JASP TA to ensure their smooth use in Baja California and consistency with state legislation.

## Morelos

Much of the work of the JASP in Q1 in Morelos was based around establishing working relationships with new justice officials, who took their positions following the change in government in the state on October 1, 2012. This has been critical to continue successful JASP work in general, but in particular to maintain momentum for its groundbreaking work on PTS, as many may not understand the importance and benefits of such services upon assuming their new roles.

The JASP held working sessions with new representatives from the Social Reintegration Department of the SSP, to ensure their continued support for the successful operation of the PTS units for juveniles and adults. Topics covered included: i) the importance of releasing statistics on the number of juveniles complying with precautionary measures as well as to collect statistics from the newly opened unit for adults; ii) the SSP's involvement in the JASP documentary on the successes of the unit for juveniles; and iii) a possible study tour for Nuevo Leon justice officials to visit the PTS units in Morelos. Furthermore, new staff from the SSP approved the JASP's proposed work plan to build the capacity of personnel from the PTS units for juveniles. The schedule included the provision of TA towards the development of performance indicators in PTS units, fundraising and strategic planning.

The JASP and the PTS units for adults and juveniles finalized the forms to be used in the supervision of defendants, which contain information on details of their hearings and the terms of the precautionary measure applied, as well as a log to document the defendant's compliance with said measure until its conclusion. JASP feedback for the unit for juveniles included the need to ensure that all information in the formats had been verified by case supervisors, while the JASP and the unit for adults developed a methodology to review these formats, which consists of carrying out interviews with case supervisors to ensure that they have a clear understanding of the risk presented to the victim by the defendant.

The JASP completed a statistical report on the cases handled since the adult unit's establishment in September through October. The analysis, based on information on cases from its regional offices in Cuautla, Cuernavaca and Jojutla, addressed the number of i) cases in total, ii) defendants under precautionary measures prior to their case hearing; iii) defendants with conditional suspension of their case, and iv) incidents of non-compliance with imposed measures or conditions, amongst other categories. All statistics were disaggregated by gender. In total, there have been 38, 70 and 31 cases attended by the Cuautla, Cuernavaca and Jojutla offices, respectively, with 12 female and 127 male defendants.

The JASP and PTS Unit for Juveniles initiated an analysis of flight risk evaluations completed by the unit in order to identify strengths and areas for improvement. Of the initial 20 evaluations reviewed (out of an eventual 121) the JASP: found the need to ensure that the unit shares the evaluation with all involved justice institutions; determined that the information in the evaluations has been verified; and concluded that the language contained in the reports is clear and concise.

In Q1 FY 2013, the rate of juveniles complying with their precautionary measures was 71% (12 out of the 17 supervised complied). Following the change in administration on October 1, 2012, it was brought to the Program's attention that the rate of compliance was not being correctly recorded nor reported by the PTS Unit for Juveniles (specifically, cases of non-compliance were not being reported or considered as such, as long as the adolescent continued to attend his or her assigned hearings). The JASP has worked with the unit to resolve this inconsistency, though it will mean that future rates of compliance will be considerably lower than those reported in previous quarters.

## Puebla

During the period, the JASP finalized the organizational framework for the PTS unit for adults in Puebla. This included the identification of its administrative location, the determination of its personnel structure, and the mapping of inter-institutional counterparts and the corresponding avenues for coordination with those counterparts. The JASP concluded its TA for the creation of the unit, as it has been legally created, while its official opening will take place in Q2 FY 2013.

### Coordination between investigative police and prosecutors strengthened, resulting in a more efficient investigation process

The PIM-IU aims to establish agile and permanent collaboration between prosecutors and police investigators, thus improving investigations and strengthening the overall operation of the adversarial system. This quarter the JASP completed steps one through four of the methodology in the AG Offices of Baja California (PCU), Nuevo Leon (Family Justice Center, FJC) and Oaxaca (Juchitan region). This encompassed the development of guidelines tailored to each AG office to support implementation of the coordination protocols for prosecutors and police

investigators in order to carry out investigations under the NCJS, as well as corresponding reports to begin the transfer of the PIM to the AG Offices. The JASP also made great advances in implementation of the IUM in the Hidalgo and Puebla AG offices, to prepare them for the entry into force of the NCJS and introduction of the protocols. The protocols for the Baja California, Nuevo Leon and Oaxaca AG Offices will continue to be implemented in Q2 and Q3 2013, for which the JASP will provide continuous TA and will set solid foundations for more effective investigations.

#### Box 8: Improved Efficiency of Investigations

The JASP applied the PIM-IU in Baja California, where between 2010 and 2012 there has been an increase of 54% and 56% in the number of cases investigated in the Property and Sexual crimes units respectively, as a result of the implementation of coordination protocols for police and prosecutors developed by JASP.

## Baja California

In Baja California the JASP and the PCU of the AG Office developed 25 guidelines<sup>12</sup> which address photographic documentation of crime scenes, the chain of custody and initial crime scene response, amongst other procedures. According to the statistics provided by the AG Office, between 2010 and 2012 there has been an increase of 54% and 56% in the number of cases investigated in its Property and Sexual Crimes units, respectively, as a result of the implementation of the protocols with JASP TA in Q1 2012. Furthermore, thanks to the PIM-IU the PCU has begun to work with other units within the AG Office to standardize the formats (e.g. for witness statements or collection of evidence) used in investigations, thereby increasing their effectiveness and intra-institutional coordination, as well as preparing these other units for the implementation of similar protocols.

## Hidalgo

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<sup>12</sup> The 26 guidelines refer to: presenting evidence and testimony during oral trials, initial crime scene response, the use of vehicles for investigations, avoiding re-victimization, search and arrest warrants, photographic documentation of crime scenes, the use of mobile phones by police, criminal analysis, the collection and documentation of evidence, investigations of extortion via telephone, investigations of damages to property of others in traffic accidents, abuse of authority by police, investigations of fraud, handling cases with deaf people, conducting raids, investigations into arson, robbery of public property by government officials, weapon abuse, embezzlement (appropriation of public property by government officials), investigations of forged documents, dispossession, breach of trust, investigations of looting, analyzing modus operandi, and the chain of custody.

In the AG Office of Hidalgo as part of the IUM the JASP concluded 22 guidelines<sup>13</sup> which address police interviews, investigating crimes involving deaths and the use of firearms, amongst other procedures. JASP recommendations for the AG office included the need to continue training police and prosecutors on their new roles under the NCJS to prepare them to successfully implement the protocols when the reform enters into force in the state July 2013, and to institutionalize working sessions between prosecutors and police to ensure communication and the sharing of best practices between the two bodies.



### **Nuevo Leon**

In Nuevo Leon the JASP and the FJC of the AG Office completed 22 guidelines<sup>14</sup> addressing the detention and transfer of the accused, the treatment of victims and investigations of sexual crimes and domestic violence, among other procedures. The JASP identified a great need for the implementation of the protocols in the FJC as between January 2011 and August 2012 there were 15,702 family violence cases registered in the state. The protocols will assist the Center to balance this heavy workload and provide the highest quality of investigations possible. JASP recommendations for the FJC included the need for further training for prosecutors and police on the collection of evidence, as they currently depend on forensic experts to carry out this work thereby affecting the efficiency and timeliness of investigations.

### **Oaxaca**

In the AG Office of Juchitan, Oaxaca the JASP completed 21 guidelines<sup>15</sup> addressing the conducting of police interviews, the collection of evidence and the identification of suspects, among other procedures. JASP recommendations included the need to update the state legislative framework to include the protocols, thereby ensuring their sustainable implementation. Also noted, was the AG Office's lack of technological tools (e.g. a digital system for the registry of cases). The JASP recommended that the AG Office allocate funds to acquire new equipment to ensure the adequate implementation of the protocols.

### **Puebla**

In the AG Office of Teziutlan, Puebla as part of the IUM the JASP completed 22 guidelines<sup>16</sup> addressing performance evaluation, the use of firearms, the transportation of defendants and victims' assistance, amongst other procedures. The JASP highlighted that the effectiveness of the protocols will be enhanced thanks to additional capacity building to be provided by the JASP for police and prosecutors on investigations and their respective roles under the NCJS in Q2 and Q3

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<sup>13</sup> The 22 guidelines completed in Hidalgo, Nuevo Leon and Puebla refer to: an introduction to conducting investigations, the structure of the units of prosecution and investigation, criminal analysis, police coordination, police supervision, performance evaluation, quarterly evaluation, the use of force, method for making arrests, use of firearms, making arrests, transporting defendants and victims, prosecution, police injuries, use of vehicles, presentation of evidence in oral trials, initial criminal scene response, police interviews, investigating cases with deaths, and investigations of sexual crimes and domestic violence.

<sup>14</sup> See footnote 8.

<sup>15</sup> The 21 guidelines refer to: the prosecution of crimes, the conducting of criminal investigations under the NCJS, criminal analysis, internal police coordination, initial crime scene response, security measures for the AG Office itself, the completion of police reports, the conducting of police interviews, the collection of forensic evidence, the handling of cases involving deaths, investigations into sexual abuse and domestic violence, homicides and robbery, arrests and transportation of defendants, victims' assistance, police supervision, the use of force and firearms and identification of suspects.

<sup>16</sup> See footnote 8.

2013. The JASP further recommended that to ensure the proper implementation of the protocols the AG Office establish intra-institutional working sessions, in order to enhance communication and allow both police and prosecutors to share best practices in conducting investigations.

**Institutional capacity of victims’ assistance centers strengthened, resulting in a better provision of services**

The PIM-VAU seeks to propose solutions, such as an improved organizational structure of units, new procedures and how to execute them, and performance indicators, all towards improved assistance for victims. As five VAUs have received Program TA, the JASP has exceeded its target of three VAUs assisted.

**Baja California and Chihuahua**

In Baja California and Chihuahua the JASP completed implementation of step four of the PIM-VAU in the AG offices, through the updating of the units’ operational manuals. This included the: i) drafting of a mission statement, vision and general objectives for each Unit; ii) development of flowcharts outlining the steps for victims’ assistance, from their arrival to the units to their referral

**Graph 1: Flowchart for Victims’ Assistance**



**Box 9: VAUs Performance Indicators**

- number of victims assisted
- the number of victims that receive legal assistance
- number of victims that complete psychological therapy
- number of victims assisted in the judicial process by a victims’ advocate
- number of victims empowered for their social rehabilitation

to areas of assistance (social, medical, legal or psychological); and iii) transfer to the Units of the JASP’s competency profiles for VAU staff (directors, coordinators, social workers, psychologists, lawyers and medical professionals), which refer to the knowledge and capabilities required for the successful provision of victims’ assistance services.

**Nuevo Leon**

In Nuevo Leon the JASP completed step five of the PIM-VAU through the application of the Center’s operational manual drafted with JASP TA. The manual, which was completed in Q4, was updated this quarter to include: i) a profile for the new “victims’ advocate” position, which was officially created within the FJC by the Governor, and is an important step towards more sustainable victims’ services as these advocates will have more professional stability; ii) the protocols for referring federal cases to PROVICTIMA;<sup>17</sup> and iii) performance indicators, such as the number of victims that receive legal assistance each month and the number of users that complete psychological therapy. The FJC began applying the updated manual in December 2012.

**Oaxaca**

In Oaxaca with the Special AG Office for Victims’ Assistance the JASP completed implementation of steps four through five of the PIM-VAU, consisting of the updating and application of the VAU’s operational manual. This included the: i) modernizing of the Unit’s objectives and mission statement to reflect the principles of the NCJS; ii) development of additional performance indicators

<sup>17</sup> Federal crimes include corruption, organized crime, kidnapping and trafficking in persons.

for the Unit, such as the total number of victims assisted per month and the number of victims receiving legal assistance; and iii) drafting of descriptions of the Unit's four areas of assistance (social, legal, psychological and medical). The Unit began applying the improved manual in December 2012.

### **JASP and PROVICTIMA ensure the provision of quality victims' services through surveys**

This quarter PROVICTIMA designed a survey, with JASP TA, which was applied to beneficiaries who received assistance in one of PROVICTIMA's VAUs in Baja California, Chiapas, Chihuahua, Coahuila, Guerrero, Jalisco, Michoacan, Morelos, Nayarit, Nuevo Leon, Sinaloa, Veracruz, Yucatan or the Federal District between January and November 2012. The survey measured the users' perception of the quality of the services (psychological, legal, medical or social) provided by PROVICTIMA, and identified areas that are in need of improvement. From November 16 to 30, 2012, 321 beneficiaries were surveyed about their satisfaction with the type of assistance received (psychological, legal, medical or social) and details on their experience while assisted in one of PROVICTIMA's VAUs. The findings showed a high-level of user satisfaction with a 9.1 score on a scale of 1 to 10.

### **Institutional capacity of women's justice centers strengthened, resulting in sustainable protection of victims' rights as outlined by the 2008 constitutional reform**

The PIM-WJC consists of the conducting of a diagnostic of the local context, the proposal of goals and indicators to monitor the performance of the centers, and the establishment of an inter-institutional group to apply solutions for improving their performance. The JASP has exceeded its target of two WJCs assisted, as three have received assistance.

#### **Chihuahua**

The JASP transferred their competency profiles for WJC staff (the director, lawyers, psychologists, social workers, doctors and area coordinators) to the WJC of Chihuahua to be included in their operational manual, which was concluded with JASP TA in Q4 2012. The manual is comprised of a mission statement, protocols for women's justice services, a detailed flowchart that outlines the stages of case management within the Center and formats for initial user interviews and collection of personal information.

In Ciudad Juarez the JASP continued the implementation of step four<sup>18</sup> of the PIM-WJC, through the drafting of the Center's operational manual using that of Chihuahua as a reference. Following the JASP recommendations, the WJC made a series of adjustments to the manual this quarter, which entailed: i) the inclusion of a flowchart outlining the steps to assist victims with social rehabilitation; ii) the development of an organizational framework; and iii) the addition of new institutional objectives, such as providing a secure shelter for victims. During Q2 2013 the Center will complete the manual with the inclusion of the JASP's competency profiles.

### **WJCs created, ensuring protection of women's rights within the NCJS**

The objective of the WJCM is to establish: i) the organizational structures necessary for proper functioning of WJCs; ii) the procedures and principles of investigations, prosecutions, and victims' assistance; and iii) the required physical infrastructure.

#### **Oaxaca**

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<sup>18</sup> In the July-December 2012, Work Plan the JASP promised to complete up to step four of the PIM-WJC in Ciudad Juarez, although this was delayed as the Center continued their final review of the manual beyond this period.

In the Special AG Office for Crimes against Women of Oaxaca the JASP continued implementation of its WJCM, towards the launch of a WJC in the state in March 2013. This quarter the JASP transferred to the AG Office their competency profiles for WJC staff, namely for the center director, lawyers, psychologists, social workers, medical doctors and area coordinators. These profiles will be used by the AG Office to ensure the adequate hiring of staff for the future WJC.

### Puebla

This quarter in Puebla the JASP and the AG Office worked towards the opening of a WJC in June 2013, through the implementation of its WJCM. Advances made this quarter included: i) transfer by the JASP of their competency profiles for WJC staff with the AG Office so they can begin the hiring process; ii) sharing the “How To” Guide for Creating WJCs, which was originally developed by the National Family Justice Center Alliance of San Diego and translated to Spanish by the JASP; and iii) building the AG Office’s capacity to design the objectives, mission statement and vision of the future WJC, as well as flowcharts for case management.

### Training materials for sustainable implementation by justice institutions produced

The JASP transferred a set of 18 training videos for judges, prosecutors, PDs, police investigators and mediators to justice institutions in Chihuahua (SETEC, SC, PD Office and SSP), Baja California, Morelos, Nuevo Leon (SETEC, SC, and AG and PD Offices), and Hidalgo, Oaxaca and Puebla (SETEC, SC, AG and PD offices, and SSP), further ensuring sustainable capacity building for justice officials. The videos are a useful training tool, which include topics such as issuing rulings in hearings, litigation in oral trials, coordination between police and prosecutors, and mediation techniques, among others.



The (now former) Federal SSP and the JASP completed a 90-minute training video for police investigators on conducting arrests *in flagrante*. The video covers the use of force, the referral of the defendant to the AG office and the chain of custody. Three specific examples of these arrests - covering crowd control in protests, situations involving migrants on

trains, and highway chases – are also presented in the video.

The JASP and the SSP also completed the adaptation to the Mexican context, and in particular to the NCJS, of a set of 31 training videos for police on human rights. The videos were originally created and employed by the International Red Cross and the Government of Peru. The adaptation involved the filming of additional scenes for the videos, which address police ethics, basic principles of the use of force, collecting evidence and proper use of handcuffs.

These 31 videos, along with the video for conducting arrests *in flagrante*, will be transferred to the federal police during the upcoming work period.

The JASP has exceeded its target of 11 institutions that have adopted training plans with Program assistance, as

**Box 10: Training Videos**



Técnicas y Tácticas Policiales

"Este video ha sido posible gracias al apoyo del pueblo de los Estados Unidos a través de la Agencia de los Estados Unidos para el Desarrollo Internacional (USAID). Su contenido es responsabilidad del autor y de la Secretaría de Seguridad Pública (SSP) y no refleja necesariamente el punto de vista de USAID o del Gobierno de los Estados Unidos de América"

The 31 training videos police on human rights.

12 (the Baja California AG Office, PD Office and SSP; the Chihuahua AG Office; the Hidalgo PD Office and SSP; the Morelos PD Office; the Nuevo Leon PD Office; the Oaxaca AG Office; the Puebla AG Office and SSP) have adopted such plans.

### **Greater understanding among justice officials of the best practices and lessons learned in prosecuting cases under the NCJS**

The JASP completed a study which analyzed two high-profile cases prosecuted under the NCJS, namely a robbery and homicide in Mexicali, Baja California and a homicide in Chihuahua, in order to identify both the strengths of justice officials in this process and areas for improvement. Positive conclusions showed that public defenders working under the NCJS made proper use of forensic experts to carry out investigations and that prosecutors were skilled in the presentation of evidence, while judges were very strong in the direction of hearings. The JASP's suggestions included that: i) public defenders receive more training to improve their closing statements and counter arguments; ii) judges receive capacity building on investigations; and iii) further joint training be provided to improve coordination between prosecutors, forensic experts and police investigators.

### **JASP better informed on relevant statistics related to the CJR, to best support reform implementation**

The JASP updated its database and completed a corresponding analysis of the most recently (up to July 2012) published statistics from the GoM on the criminal justice system, thereby ensuring that it is well informed on the status of the reform's implementation. The JASP's database divides the statistics into three categories: incidence of crime and violence; prosecution of crimes; and complaints and recommendations from human rights commissions. The data shows that the number of cases brought before a judge has lowered in states implementing the reform due to the application of ADRs, and that the use of pre-trial detention has also decreased in states implementing the reform. Importantly, the number of intentional homicides on average in Mexico has grown from 9.9 homicides for every 100,000 habitants in 2007, to 18 in 2011, thereby making clear the need to further implement the reform to ensure that these cases are properly investigated and prosecuted. Meanwhile in states where the reform has been implemented, the number of intentional homicides has significantly decreased, for example in Chihuahua in 2010 there were 113 for every 100,000 habitants, with this number reducing to 87 in 2011.

## **Task 2.3- Capacity of justice system operators to implement CJR strengthened**

### **Capacity built of justice sector officials**

In Q1, 346 justice sector officials (132 women, 214 men) were trained, as well as an additional 289 online trainees, for a total of **635 justice sector official trainees**.<sup>19</sup> This included justices, prosecutors, public defenders, police investigators, mediators, victims' assistance staff, court clerks and AJC staff. Training subjects included appeals under the NCJS, litigation in initial and intermediate hearings, defense during the investigation stage, criminal investigations, mediation techniques, victims' rights and assistance, court administration, and how to create AJCs, among others.

#### **Box 11: Success Story Abstract**

"USAID's training gave us a strong platform. We will build on it to become more effective."

- Manuel Gomez, a police chief from Baja California. Read more about his experience in a success story in Annex VI.

<sup>19</sup> A breakdown of male and female participants for the e-learning course is still not available

In summary, of the Q1, 2013 300 trainees, **94.3% (283 trainees)<sup>20</sup> obtained a higher grade** on the post-training test than on the pre-training test, thereby exceeding the JASP’s target of 70% for the justice sector trainees who demonstrate increased knowledge. During the period, justice officials demonstrated an average grade increase by 60% (3.2 points out of ten), going from an average grade of 5.4 points on the pre-training test, to 8.6 on the post-training test. Police investigators presented the greatest average grade increase per type of justice official on the post-training exam with an increase by 205%, followed by victims’ assistance staff with 179%, and AJC staff with 167%. Puebla was the state where trainees demonstrated the highest average increase in knowledge with an increase by 223%, followed by the federal level at 181% and Hidalgo at 103%. For further information on justice sector officials training data please consult Annex III.

As 229 beneficiaries of JASP train-the-trainer programs have replicated courses, the JASP has exceeded its target of 50 replicated courses set in the PMP.

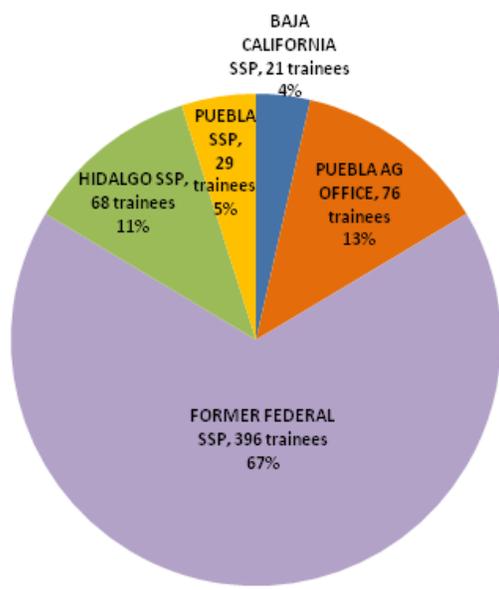
**Capacity of PROVICTIMA staff to provide high-quality victims’ assistance built**

The JASP built the capacity of 45 PROVICTIMA staff to provide high quality victims’ assistance in a certificate course conducted by the JASP, which was held from August 10 to October 26, 2012. Through the eleven-module course, topics taught included the prevention of burn out syndrome for staff dealing with victims of traumatic violence, social rehabilitation and reconstruction of the social fabric for victims and restorative justice processes. A closing ceremony for the course was held in Mexico City on November 13, and was led by Mexico’s first lady, as well as USAID’s Mission Director who addressed the importance of respecting victims’ rights according to the principles of the CJR.



**Sustainable implementation of trainings for investigative police using e-learning course developed by the JASP**

**Graph 2: Total E-Learning Trainees by State: 590**



This quarter 289 police investigators - who participated in at least 80% of the required hours - completed the JASP’s e-learning program on the NCJS, which consists of two modules: “Introduction to the Accusatory Criminal Justice System” and “Crime Scene Investigations.” These police investigators were from the (now former) Federal SSP (248), Hidalgo SSP (15), and the Puebla AG Office (12) and SSP (14). Since the course’s initiation in February 2012, 590 police in total from these institutions, as well as the Baja California SSP, finished the program. Through this online platform the JASP facilitated the training of a greater number

but 13% of trainees do not take both tests, which prevents

The majority of participants of the e-learning program belong to the Federal SSP with 396 trainees (67%), followed by 76 from the Puebla AG Office (13%) and 68 from the Hidalgo SSP (11%).

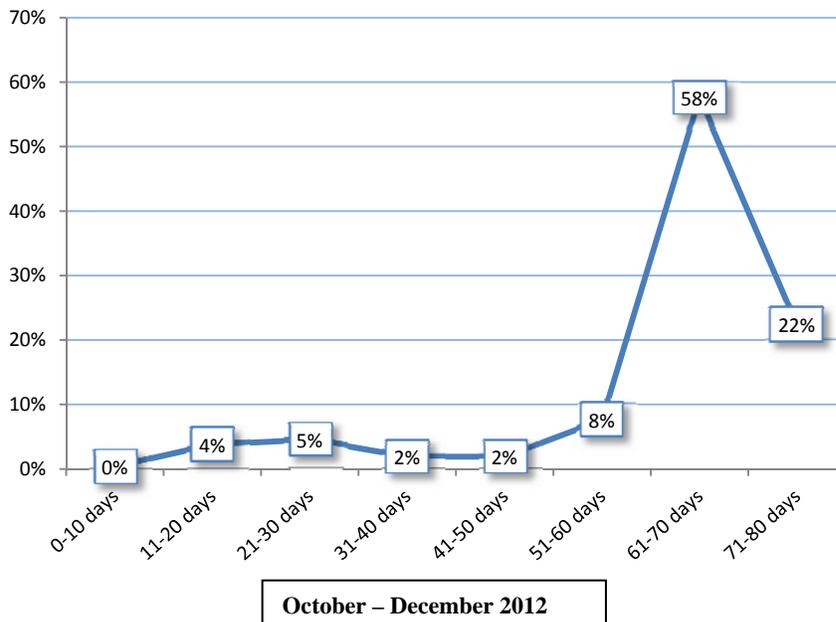
of police at a lower cost and strengthened their capacity to carry out their new roles as defined by the NCJS.

To continue its training of police at a lower cost, the JASP and the Iberoamericana University adapted a certificate course on public safety and human rights for federal police, originally developed by the former Federal SSP, to an e-learning program. The 90-hour course covers topics such as international and national human rights standards, victims’ assistance, principles of equality and non-discrimination, torture and trafficking in persons. The platform was launched before the close of this report on January 7, 2013 for 500 federal police.

**Masters program on how to develop public policies and protect human rights enters final module**

The Latin American Institute of Educational Communication (*Instituto Latinoamericano de la Comunicación Educativa- ILCE*) continued to conduct the Master’s Certificate Program in Human Rights and Security for 264 federal police officers (145 women, 119 men), which is building the capacity of the participants in the promotion of and respect for human rights. This quarter, the participants initiated the fourth and final module of the course, “Police Victims of Crime and the Abuse of Power: National and International Protection,” which is scheduled to conclude by January 31, 2013. The trainees are divided into 20 groups, each of which has a tutor assigned to it to provide feedback on coursework, answer questions and facilitate productive discussions. Graduates of this program are expected to apply their learning to the design, implementation and evaluation of public policies related to public safety and human rights.

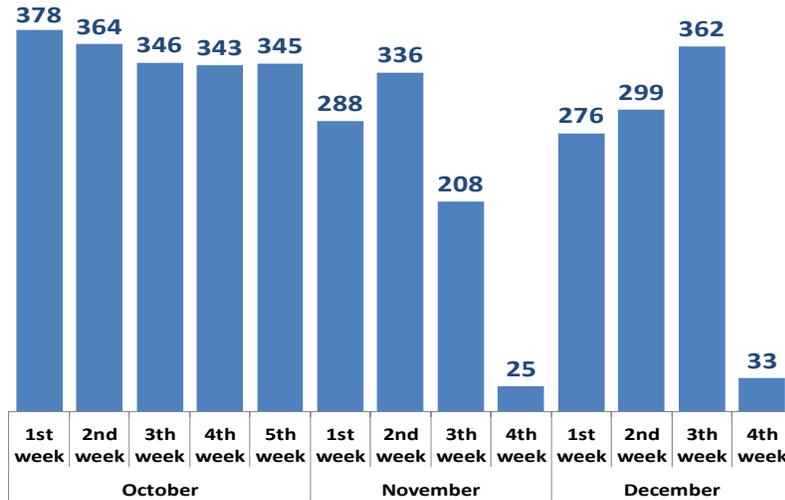
**Graph 3: Percentage of students and number of days they logged into the website**



Throughout the quarter, the 264 students logged onto the platform an average 33 days between October 1 and December 29, 2012. This means that they logged in at least 2.5 days per week, reviewed the website content and took part in the forums and discussions. Furthermore, 88% of the students visited the website more than 50 days during this period. Only 4% of the students logged onto the website less than 20 days.



**Graph 4: Number of weekly interventions by students in the forum**



Due to their parallel work obligations, the students participated mainly during non-working hours, with 46.18% of all activity being carried out at night, and almost 49% of all activity taking place on Saturdays or Sundays. Students can ask questions to their tutors and academic coordinators and share resources and articles with their classmates via the course discussion forums. During Q1, 225 students actively contributed with 3,603 interventions in these forums, representing an average of 16.01 interventions per student during the three months.

### Best practices shared through in-country study tours

The JASP hosted two study tours in Mexico this quarter, including:

- i) a study tour for nine Tamaulipas justice officials from the State SETEC, State Court and AG and PD offices to Baja California and Nuevo Leon, to learn best practices in reform implementation. In Baja California the officials visited the local SETEC, State Court, and AG and PD offices, noting in particular the importance of building public defenders' capacity on the NCJS to improve the quality of hearings, as well as the need to ensure that the AG Office has adequate staff for the provision of quality alternative justice services, including mediators and personnel for administration and case screening. In Nuevo Leon they visited the SIJUPE, State Court, AG and PD offices, observing the benefits of creating specialized units to investigate crimes within the AG office and the importance of institutionalizing inter-institutional meetings to share best practices in performance improvement.



- ii) a trip for four police investigators from the Tamaulipas SSP to Baja California to learn from their peers about the organization and management of justice institutions. The officials visited the local AG Office and SSP, and were particularly impressed by the JASP-developed coordination protocols for police and prosecutors which are being implemented in the AG Office to improve the quality of investigations, as well as the police training institute which builds police capacity from initial through advanced training courses.



Participants expressed that upon their return they will collaborate with the State AG Office to develop mechanisms to ensure effective coordination between prosecutors and police in investigations, and will work to strengthen their own police training institute to ensure that it has the capacity and resources to conduct courses for various levels of experience and skill.

## **Capacity building for court administrators ensured**

The JASP completed a training curriculum and corresponding materials for court administrators to ensure the proper administration of justice institutions and allow for the smooth and successful implementation of the reform. The curriculum of a 20-hour course entails modules on organizational structures, case filing and statistical analysis. The course also involves the observation of oral trials, role-playing exercises and sessions for feedback from instructors. The pilot trial of the course was held in December for court administrators from Nuevo Leon.

## **Judges' capacity built on exclusionary rules and appeals**

Through a series of roundtable sessions to discuss the appeals system under the NCJS, the JASP built the capacity of 12 judges in Puebla on: i) exclusionary rules in the recently reformed State CPC; ii) the need to organize the courts in a way that allows judges to properly prepare for hearings and implement a system for caseload management; and iii) the two kinds of appeals under the NCJS (*apelación* and *casación*).<sup>21</sup>

## **Training needs assessments for justice officials in Baja California, Chihuahua, Morelos, Nuevo Leon and Oaxaca updated**

The JASP updated its training needs assessments for justice officials in Baja California, Morelos, Nuevo Leon and Oaxaca (judges, prosecutors, and public defenders) and Chihuahua (prosecutors and public defenders), which were based on analyses of courses taken, pre- and post-training grades, and self-evaluation forms filled out by justice officials. Examples of findings per state included that:

- i) in Baja California judges and prosecutors require additional training on their roles in oral trials, while public defenders need practice litigating in intermediate hearings through role-playing exercises;
- ii) in Chihuahua prosecutors need to build their confidence in litigation in oral trials through mock-hearings, while public defenders require capacity building in conducting investigations;
- iii) in Morelos public defenders must be provided further capacity building in litigating in sentencing hearings and prosecutors in requesting the application of ADRs;
- iv) in Nuevo Leon public defenders need practice in carrying out investigations through mentoring and on-the-job coaching, and judges and prosecutors could use additional training on initial and intermediate hearings; and
- v) in Oaxaca prosecutors and public defenders require basic training on the NCJS.

The assessments will be used by SCs, and AG and PD offices to design training programs, thereby ensuring effective reform implementation.

## **CHALLENGES AND OPPORTUNITIES FOR OBJECTIVE 2**

### **Changes in management at federal and state levels**

The new federal administration, which was inaugurated on December 1, 2012, formed the *Pacto por México* (Pact for Mexico), an agreement between the different political parties and the President

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<sup>21</sup> These both translate to appeals under the US system.

that establishes basic priorities to be accomplished at the federal and national level. It includes five key issues related to the NCJS: i) towards a speedier, more efficient and transparent justice system; ii) a unified CPC to ensure greater cross-state police and justice system coordination; iii) a uniform, oral, accusatory justice system across the country; iv) a reformed *Ley de amparo*; and v) a strengthened system for social reinsertion.

The appointment of a new head of the SETEC due to the change in administration will be a challenge, but at the same time will provide the opportunity to establish a fresh start in the relationship with SETEC, based on mutual and productive cooperation towards successful reform implementation by 2016. This change could be helpful to join efforts towards the creation and consolidation of a certified training program in the Federal SETEC, the development of a communication strategy to promote the reform using data gathered in the Citizen Perception Survey jointly conducted by SETEC and the JASP, and the provision of training to state SETECs for the drafting of institutional strengthening projects to be funded by federal authorities.

Due to the change in federal administration and the adjustments to the structure of the national security system, the Federal SSP and the Federal Police within it will be transferred to the Ministry of the Interior as a sub- secretariat. This will lead to the transfer or lay off of a large number of staff, which could affect JASP's efforts, as those counterparts with whom there was already an established working relationship may no longer hold their positions. In this case the JASP will strive to develop new relationships with new officials who may not be aware of the Program.

One of the principal challenges with the change in federal administration will be to guarantee the continuity of the online programs that have been jointly developed, such as the Master in Human Rights, the course on Human Rights and Public Safety, and the transfer of the e-learning course for police, as well as the continued use of training videos. The JASP will transfer the e-learning courses to the Federal Police, to ensure continued training through the use of one of its greatest achievements.

Continued capacity building for the existing personnel in the PTS units in Morelos has been a challenge. However, the JASP has detected great enthusiasm from the new Governor, who has included implementation of the reform on his political agenda. This is promising for the continued implementation and consolidation of the PTS units for juveniles and adults in the state.

### **States that start reform implementation in 2013**

During 2012, the JASP provided comprehensive training in the judicial districts that will start implementation in 2013: the Cuenca region of Oaxaca (public defenders); the Huauchinango and Teziutlan regions in Puebla (judges, prosecutors, public defenders and police investigators); the first region of Tamaulipas (judges, prosecutors, public defenders, police investigators and court clerks); as well as the second group of crimes in Nuevo Leon (prosecutors, public defenders, mediators, victims' assistance staff and AJC staff). However, a challenge for the JASP will be to provide sufficient mentoring and coaching through practical exercises such as mock trials for the justice officials operating in these new areas, in order to give them a chance to apply the skills they gained in the JASP's training courses.

In Nuevo Leon the state implementation agency, SIJUPE, and justice institutions will have the challenge of incorporating the second group of crimes into the accusatorial justice system in January. These include domestic violence and minor robberies under the amount of 35,000 pesos, both of which have a high level of incidence and great social impact. This would provide an opportunity for the JASP to build the investigative capacity within the unit for cases with unknown

suspects, as the highest portion of these crimes falls under minor robberies for which no suspect is identified.

### **Asymmetries in state SETECs and state justice sector institutions**

It continues to be a challenge to build the capacity of state SETECs, as there are different institutional models in each state, with varying degrees of budgetary autonomy, human resources, political will, and so on.

A constant challenge is the different levels of implementation and capacity in state justice sector institutions. The PD offices are often the farthest behind, which is contrary to the core of the reform and its principles, namely that of the equality of arms with prosecutors. Meanwhile, AG offices are overwhelmed by their significant workloads, the various services provided by the offices (e.g. ADR, victims' assistance and criminal justice) and the communication issues caused by their lack of intra-institutional coordination.

The institutions are often more in competition than in cooperation, and the roles of the many justice officials are still not clearly defined. The JASP has tried to balance these asymmetries through implementation of its PIMs. During the first half of 2013, the JASP will complete the implementation of its PIMs in the AG offices of Baja California and Chihuahua, the PD offices of Baja California, Chihuahua, Nuevo Leon and Morelos, and the State Courts of Baja California and Oaxaca, and thereby expects to see concrete results in performance improvement and the daily operations of these institutions.

These asymmetries present an opportunity as they will be turned into goals for further JASP assistance in that it will strive to ensure consistent capacity for operating under the NCJS amongst the various institutions.

### **Challenges by area of work**

In Q2 the JASP will engage in the creation and consolidation of PTS units in three states, namely Hidalgo, Nuevo Leon and Puebla. The opportunity in these cases is that, for Hidalgo and Puebla in particular, the CJR will enter into force during the period, and the degree of success increases when all the parties involved are used to the functioning of this new unit. As for the rest of the implementation, the adoption of a unified CPC will slow down the process.

In implementing the PTSM in Puebla, a key challenge will be the precarious infrastructure of the Teziutlan region, where the reform first entered into force in the state in January, 2013, as staff of the future PTS Unit will need to carry out their responsibilities in a vast territory with poor road coverage.

Regarding victims' assistance, a key challenge remains, namely the implementation of a uniform, consistent approach, as the size and capacity of victims' units and centers across the country differ tremendously. It is confusing and inefficient having many models for VAUs and WJCs in the country, instead of a streamlined and centralized model, with the two bodies becoming one.

Challenges are still faced on generalizations on what is a victim, which often exclude adults and men in particular. Promisingly, the General Victims' Law (GVL) passed on January 9, 2013, establishes both a National System for Victims' Assistance and a related Executive Committee.

Despite the passing of the GVL, challenges remain, regarding: i) the harmonization and passage of state laws to align them with the GVL, while amendments to the latter are being discussed; and ii)

continuing to engage all relevant authorities to ensure that victims' laws provide victims with effective access to justice, reparations and respect for human rights. To address this, the JASP will carry out forums on "The Rights of Victims and Mechanisms for their Protection" and will provide complimentary TA to the state congresses in Baja California, Hidalgo, Morelos, Nuevo Leon, Oaxaca, Puebla and Zacatecas for the passage of victims' assistance laws that are in line with the principles of the reform and national and international human rights standards.

For the upcoming WJC in Oaxaca, it is troublesome that the new staff will be redirected from other government institutions, as naturally these institutions will hold on to their best staff and redirect the weaker members to the new center. Nevertheless the JASP is building the capacity of those charged with running the new Center to ensure its adequate operation and provision of women's justice services through implementation of its WJCM, which it is also implementing in Hidalgo, and Puebla. In addition in Q2 and Q3 the JASP will continue to strengthen the institutional capacity of WJCs and VAUs through implementation of its PIMs in Baja California (VAU), Chihuahua (VAU, WJC), Hidalgo (VAU), Morelos (VAU), Nuevo Leon (VAU), Oaxaca (VAU) and Puebla (VAU).

A challenge the JASP will face this quarter in regards to ADRs is the adaptation by the states of the advanced mediation program and its replication. To this effect the JASP will design an advanced mediation program including training tools, and will build the capacity of a group of staff from each AJC to properly replicate this program.

A lack of experts in Mexico with both experience and training credentials in court administration has been a challenge for the development of a curriculum on the topic. On the other hand, the possibility to not only provide input to the Federal SETEC on the design of a test to receive certification, but to provide input as well on the curricula and even give the courses themselves marks a large opportunity for JASP training initiatives. Additionally the JASP will provide training to justices in Baja California in Q2, who have represented jointly with judges the most difficult target population to engage.

A considerable challenge for JASP training efforts continues to be that counterpart institutions often express enthusiasm for receiving capacity building, but very often this is not matched with cooperation in providing the information needed for Leahy vetting, nor for carrying out the training needs assessments or training impact evaluations. The JASP has also faced considerable challenges gathering data such as the number of cases resolved through ADRs, the rate of compliance with compensation agreements, the percentage of adolescents complying with precautionary measures, and the time to disposition for cases.

## **OBJECTIVE THREE: CIVIL SOCIETY ORGANIZATIONS AND JOURNALISTS EMPOWERED TO FOSTER CJR**

### **Task 3.1 - CSO capacity to inform public opinion and advocate to political decision-makers on behalf of CJR enhanced**

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The target of five CSOs assisted by the Program to engage in advocacy and watching functions was exceeded, as the JASP assisted 62 organizations (see annex for full list of CSOs). Furthermore, the target of 70% or more of CSO trainees demonstrating increased knowledge as a result of JASP trainings was exceeded, as 74.4% of trainees have demonstrated increased knowledge according to pre- and post-training evaluations administered since Q3 FY 2011.

#### **Civil society is better informed on criminal procedure codes**

With the *Red de Todos los Derechos para Todos* (Network of All Rights for All), the JASP built the capacity of members of eight CSOs<sup>22</sup> to advocate for the reform, through two roundtable sessions on the FCPC Bill proposed by then-President Calderon and the draft FCPC developed by the *Partido Verde* and supported by the *Partido Revolucionario Institucional* (PRI, Institutional Revolutionary Party). This series of nine roundtable sessions, which began in Q4 FY 2012, addresses the concerns of civil society with regards to the two proposed FCPCs. In the two sessions conducted during the period, participants: i) discussed provisions of the codes on issues such as appeals and plea bargaining; ii) fine-tuned a document summarizing the main observations on the FCPC developed in the past sessions; iii) discussed plans for advocacy, in particular with the Federal Congress. The JASP also highlighted the five central points<sup>23</sup> determined at the US inter-agency working session in September 22, 2011.

#### **Network of organizations raised awareness on the reform in Baja California and Nuevo Leon**

The OTN and JASP raised awareness of the reform through two forums in Rosarito, Baja California and Monterrey, Nuevo Leon, on best practices for the effective implementation of the NCJS. Approximately 350 and 150 justice officials and civil society members (academics, students, lawyers and CSO representatives), respectively, participated and discussed key issues of the reform such as institutional strengthening, PTS and training for justice officials. The need for a FCPC in line with the reform and international human rights standards was also addressed, as this is a central theme of USAID's work with the OTN. In the events, JASP presented on the importance of inter-institutional coordination, police as the face of the new system, civil society engagement in reform implementation, and the use of precautionary measures (such as the obligation to periodically report to a supervisor) as alternatives to pre-trial detention.

#### **Civil society engaged in promoting the presumption of innocence**

The JASP held its first planning session in Baja California with the CSOs *Albergue del Desierto* (Desert Shelter) and *Visión Alternativa* (Alternative Vision) on PTS, with the objective of obtaining

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<sup>22</sup> *Centro de Colaboración Ciudadana* (Center for Citizen Collaboration), *Centro de Derechos Humanos* (Pro Juarez Center for Human Rights), *Fundación Agustín Pro* (Foundation Augustin Pro), *Fundación para el Debido Proceso* (Foundation for Due Process), *FUNDAR Centro de Análisis E investigación* (FUNDAR Center for Analysis and Investigation), *Instituto de Justicia Procesal Penal* (Institute of Criminal Justice), *Mexico Unido Contra la Delincuencia* (Mexico United against Crime), *Observatorio Ciudadano* (Citizen's Observatory)

<sup>23</sup> The five points include the need to: i) remove excessive formalities during investigation; ii) remove restrictions for the selection of cases to investigate, and defining the reach of plea bargaining; iii) modify provisions on pressing charges and determining probable cause; iv) impose restrictions to preliminary evidence; and v) address appeals system.

their support for the work of the new PTS Unit for Adults. The participants gained key knowledge on PTS, and how they can assist defendants under pre-trial detention in complying with their precautionary measures (e.g. the obligation to periodically report to a supervisor or abstain from drugs and/or alcohol). The CSOs showed great enthusiasm to work with the PTS unit, and committed to contact other organizations with the goal of creating a CSO network to support the PTS unit.

In Morelos, the JASP conducted a working session with the Citizens Observatory to discuss PTS. Following interest sparked at the JASP-hosted forum in Q4 FY 2012 in Morelos on the CJR, the Observatory approached the JASP for assistance in initiating monitoring of PTS in the state. During the working session, the group learned about the fundamentals of PTS, the new PTS Unit for Adults, the JASP’s 57 Reform Monitoring Indicators, as well as strategies and counterparts for carrying out such monitoring.

In Puebla, the JASP also conducted a workshop for the *Consejo Ciudadano* (Citizens Council), *Fundación salvemos la familia* (Save the Family Foundation) y *Secarsos A.C.*, on the principles and benefits of PTS, as a first step in engaging their support for the PTS unit for adults to be established in Q2 FY 2013.

**Restorative Justice Network legally established**

The RJN in Chihuahua, with JASP TA, obtained its legal representation and official status as a CSO under the name *RED de Justicia Alternativa A.C.* (Restorative Justice Network, Civil Association). Its mission will be to promote, organize and develop comprehensive restorative practices and provide tools and safe spaces for victims and offenders to resolve their conflicts peacefully.

**Citizens Justice Observatory promotes and monitors reform implementation in Nuevo Leon**

The CJO of Nuevo Leon, a civil society network, successfully concluded its contract with the JASP during the quarter, and completed the following deliverables:

**Table 2: CJO Deliverables**

CJO Deliverables	
1.	Operational manual for the network
2.	Schedule of activities and a cash flow pattern for the CJO
3.	A system of indicators (performance and impact) to monitor the NCJS
4.	A tracking system on implementation of the NCJS and a quarterly report on NCJS monitoring activities
5.	Two training manuals on the NCJS for CSOs (one the basics of the new system, one on how to monitor the new system)
6.	A report on training activities for the 20 CJO member organizations on the processes and actors of the NCJS, as well as on criminal defense, victims and vulnerable groups
7.	Eight manuals with implementation protocols for the NCJS <sup>24</sup>
8.	A website to promote and disseminate information on the NCJS – <a href="http://www.ocj.org.mx">www.ocj.org.mx</a> (which has since its February 2012 launch received over 2,100 visits).

With regards to the tracking system, the CJO completed a monitoring report on the implementation of the NCJS between July and November 2012. The report, based on 22 indicators and a

<sup>24</sup> 1) new FCPC, 2) new state PD act, 3) new state sentence implementation law, 4) new state ADR law, 5) communication to promote new FCPC, 6) dissemination of information on the NCJS, 7) transparency of the NCJS, 8) inter-institutional coordination for the NCJS

corresponding equation to grade progress, found that the state has reached 48% implementation (see table below), noting that the legal framework was most in need of further effort (which has been remedied to a considerable extent with the passing of six laws since the report was finalized). For a success story on the CJO, see Annex VI.

**Table 3: CJO Report to Monitor Reform Implementation**

Category	Weight allocated	Grade (Nov. 2013)
Legal framework	0.17	0.3763
Inter-institutional coordination	0.17	0.65
Training	0.14	0.503
Organizational restructuring	0.14	0.54
Infrastructure	0.14	0.36
Technology	0.12	0.45
Transparency, Participation and Dissemination of information	0.12	0.49
<b>Total</b>		<b>0.48</b>
<b>Total percentage</b>		<b>48%</b>

### JASP raises awareness on the reform through social media campaign

During the quarter, the JASP conclude an animated video for the *Esto es la justicia* (This is Justice) social media campaign. The video, entitled “*Justicia sí funciona*” (Justice Indeed Works) conveys



the benefits of using ADRs through the story of a young boy who mistakenly killed his brother, and thanks to alternative justice was not sent to prison for a long sentence with devastating long-term consequences for him, his family, and indeed the tax payer, but instead was rerouted through ADRs by the judge. The JASP will disseminate the video, along with six others developed in previous quarters, via YouTube,

Facebook, Twitter and the campaign website, [www.estoeslajusticia.org](http://www.estoeslajusticia.org), which has now received over 5,700 visits since its launch in May 2012. The website’s videos have reached over 36,500 views on YouTube.

### Program Twitter account, @JustoDerecho, captures audience on the Criminal Justice Reform

Throughout the quarter, the Program Twitter account, @JustoDerecho, continued to expand its reach for disseminating CJR information, which now stands at 1,218 followers. The most popular topics tweeted and re-tweeted during the period were implementation, oral trials, trainings and CPCs, while tweets were sent and received regarding all of the seven target states. Another noteworthy and common topic was the reform and insights on what sort of priority the new administration will give to it. The JASP will evaluate proposals in Q2 to determine the most suitable institution or individual to whom it will transfer the Twitter account.

### **Ensuring government institutions learn how to communicate benefits of the reform**

USAID built the capacity of 10 representatives from the Baja California AG Office, Ministry of the Interior, State Court, PD Office and Governor's Office through a workshop on communication policies under the NCJS. Topics taught included the identification of problems, challenges and opportunities in communicating within and on the NCJS, the use of new media, relationships with journalists and the importance of transparency.

### **Civil society demonstrates consistent increase in knowledge thanks to JASP training**

In Q1 FY 2013, 13 evaluations taken by as many CSO trainees were analyzed, and all demonstrated increased knowledge on their post-training tests. These trainees participated in a course on circles of analysis for restorative justice cases.

The average increase in knowledge during the period, as demonstrated by the pre- and post-training exams, was 4.76 points out of ten. This was an average increase of 143.9% more than their original score, being specifically 153.3% for women and 100.0% for men.

## **Task 3.2 - Journalists' knowledge and understanding of the CJR and their role within the justice system enhanced**

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### **Ensuring journalists fairly and adequately report on crime and the NCJS**

USAID built the capacity of journalists and editors to report on crime while respecting the principles of the NCJS from the prominent newspapers *Reforma* and *Metro Reforma* (19), *El Universal* in Mexico City (10), *Grupo Milenio* in Monterrey, Nuevo Leon (18), and 27 in Cuautla and Jojutla, Morelos from the newspapers *El Caudillo de Morelos*, *La Jornada de Morelos*, *Uno más Uno Morelos*, *Semanario Expreso de Morelos* and media outlets *Televisa*, *TV Azteca*, *TV Jojutla*, *Radio Formula* and *Nucleo Radio Mil*, amongst others. Participants learned about key issues of the reform such as the presumption of innocence and the rights of victims and the accused. Based on lessons learned from previous trainings for journalists, USAID included in these trainings the editors of the newspapers as they make the final decisions on the content of the publications and also need to be well informed on the principles of the NCJS.

In Q1, 35 journalists who received JASP training on how to report while respecting the principles of the NCJS published 167 articles that reflected knowledge of the CJR acquired through JASP trainings, as verified by the corresponding JASP scorecard.<sup>25</sup> For examples of these articles, please consult Annex VII. As JASP journalist trainees have published 452 articles in total since their training, the JASP has far exceeded its target of 35 articles.

USAID raised awareness on how to report under the NCJS through presentations of its manual to 177 individuals, primarily journalists but also SETEC staff and CSO staff, in Baja California (45 participants), Chihuahua (25), Mexico City (25), Morelos (27) and Nuevo Leon (55). The manual provides an overview of the reform and the differences between the old, inquisitorial system as compared to the adversarial one, focusing in particular on respect for human rights. Noteworthy

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<sup>25</sup> The criteria in this scorecard include: respect for the presumption of innocence; respect of the personal or private information of the victims and the accused; respect of all parties involved, with impartiality, including refraining from criminalizing, stigmatizing or discrediting either the victims, the accused, justice sector actors and/or their families; use of name sources only; use of more than one cited source; correct description of legal terms and processes.

participating institutions include the national magazine *Proceso*, national news channel *Televisa* and national newspaper *Milenio*, all at the federal level, as well as at the state level *Revista Zeta* (Baja California) and *La Jornada de Morelos* (Morelos).

## **CHALLENGES AND OPPORTUNITIES FOR OBJECTIVE 3**

### **Engaging CSOs for the Passing of CJR Legislation**

Ensuring all stakeholders, especially those from civil society, have an adequate and unbiased understanding of reform legislation and the potential benefits, and thus gaining support for passage, will continue to be a challenge. Promisingly, the *Red de Todos los Derechos para Todos*, a previous opponent to the FCPC Bill voted on in April 2012, requested additional roundtable sessions with the JASP on the topic, thus demonstrating their growing interest and openness. The enthusiasm and pro-activeness shown by civil society in general is also promising, and will be built upon during the Fifth National Forum on Justice and Security, as well as during forums in Hidalgo, Nuevo Leon and at the federal level on the rights of victims and mechanisms for their protection. The latter will lead to critical buy-in from civil society on the passage of victims' assistance laws.

### **Engaging CSOs in PTS**

The JASP is continuing its efforts in Baja California and Puebla to create networks of CSOs to support the supervisory work of the new PTS units, which has come with challenges as many CSOs do not fully understand PTS and in particular that those under precautionary measures are not necessarily criminals. The JASP will continue to hold workshops and informative sessions with these CSOs to both ensure their understanding of PTS and to encourage their support for their local PTS units in the supervision of defendants.

### **CSOs engagement in promoting alternative justice**

The greatest challenge for the RJN is that it depends on the availability of its individual members, who all work full time for their respective CSOs and thus cannot always dedicate as much time as necessary to the network. However, the legal establishment of the RJN as a CSO marks an enormous opportunity. This will provide greater rights and protection for the group, and will allow the network to apply for funding from national and international donors. With increased funding, the group aims to hire multiple individuals as paid, full time employees of the RJN. Such funding will also be critical for the network's being able to carry out restorative justice processes, as at the moment they do not have adequate space to do so.

### **Reaching the public on the CJR via social media**

The JASP's "*Esto es la justicia*" (This is Justice) social media campaign implemented through CIDAC to promote the reform and its principles amongst the general public has seen great success, yet a challenge has been ensuring its pick up outside of Mexico City and more so in the seven target states.

The JASP also faces a challenge in the transfer of its Program Twitter account. The JASP has invested its efforts for over a year in creating a large, active and diverse group of followers, and will seek to ensure that whoever takes control of the account maintains this momentum. As such, the JASP will evaluate proposals from CIDAC, the Judicial Center for the Promotion of Justice and Rights, the Center for Studies on Judicial Teaching and Education, and the AG Office of Baja

California, to determine which is best suited to continue dissemination of reform information via the account.

#### **Creating communications strategies that illustrate the benefits of the CJR**

As successful implementation and operation of the CJR depends on an accurate understanding of the system amongst the general public, it is critical that justice institutions effectively communicate the principles and benefits of the reform. In Q2, the JASP will work with the SETECs in the seven target states to develop strategies for such communication campaigns, but this will be a challenge as this will be the first time that the Program will work with the SETECs on this topic. As such, the JASP will seek to identify key counterparts and as early as possible establish solid working relationships towards this goal. The JASP will work with these counterparts on diagnostics of the state contexts for implementing such dissemination strategies, based largely on the results of the Citizens Perception Survey carried out in FY 2012, which will be a key opportunity to solidifying this positive working relationship.

#### **Ensuring that Journalists and Editors Abide by Principles of the CJR**

As in past quarters, the lack of understanding amongst editors and supervisors of the NCJS has become an obstacle to the publishing of articles produced by JASP trained journalists that respect the principles of the NCJS. As introduced in Q1 2013, in Q2 the JASP will continue to include editors and supervisors in its trainings for journalists, which will be important for ensuring not only journalists' but decision-makers' understanding of the principles of the reform.

## **ANNEXES**

This section has been omitted to remove financial and/or sensitive information.