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# USAID/MEXICO JUSTICE AND SECURITY PROGRAM QUARTERLY REPORT, JANUARY - MARCH 2013

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# USAID/MEXICO JUSTICE AND SECURITY PROGRAM QUARTERLY REPORT, JANUARY – MARCH 2013



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# TABLE OF CONTENTS

<b>ACRONYMS</b> .....	<b>i</b>
<b>JUSTICE AND SECURITY PROGRAM – SECOND QUARTER 2013 REPORT</b> .....	<b>2</b>
<b>EXECUTIVE SUMMARY</b> .....	<b>2</b>
<b>OBJECTIVE I: LEGISLATIVE FRAMEWORK FOR CJR IN LINE WITH INTERNATIONAL HUMAN RIGHTS STANDARDS ENACTED</b> .....	<b>10</b>
Milestone 1.1 – Technical assistance and training provided to state SETECs in no less than no less than four states for the completion of the six reform laws .....	10
Milestone 1.2 – Technical assistance and training provided to the Federal SETEC for the passing of at least one federal law that implements the 2008 Constitutional Reform .....	11
Milestone 1.3 – Continuing technical assistance and training provided to no less than seven states to governmental and non-governmental organizations to counteract the negative effects of counter reform efforts.....	13
<b>OBJECTIVE TWO: JUSTICE INSTITUTIONS’ AND KEY REFORM OPERATORS’ ABILITY TO ASSIST IN IMPLEMENTING CJR STRENGTHENED</b> .....	<b>16</b>
Milestone 2.1 – Technical Assistance Provided for the Creation of Pre-Trial Services units in no less than one state.....	16
Milestone 2.2 – Training and technical assistance provided for the creation and consolidation of a certified training program in the Federal SETEC.....	17
Milestone 2.3 – Training and technical assistance provided for the creation and consolidation of a justice reform dissemination strategy in the Federal SETEC .....	19
Milestone 2.4 – Training of no less than 60 trainers of trainers .....	19
Milestone 2.5 – Training and technical assistance provided for the creation and consolidation of one justice reform dissemination strategy by governmental or non-governmental organizations in no less than seven states.....	19
Milestone 2.6 – Training provided to at least one national level media institution for the adequate media coverage of the implementation of the 2008 Constitutional Reform .....	21
Milestone 2.7- Training provided to state SETECs for the drafting of institutional strengthening projects to be funded by federal authorities in no less than seven states.....	21
Milestone 2.8 – Training provided for the creation of a training curricula on management and administration for justice operators in no less than seven states .....	22
Milestone 2.9 – Technical assistance provided for the creation of a training curricula for an advanced training program for mediators in no less than seven states .....	22
Milestone 2.10 – Technical assistance for the adoption of the Performance Improvement Methodology, described in the approved work plan for the period July-December 2012, in at least one institution in no less than seven states.....	23
<b>Training Guideline 3. The JASP will train no less than 500 individuals during         this option period</b> .....	<b>36</b>
<b>ANNEX I. Performance Monitoring Plan Report</b> .....	<b>47</b>
<b>ANNEX II. Status of Results and Deliverables</b> .....	<b>52</b>
<b>ANNEX III. Summary and Analysis of Training Data for Justice Sector     Officials</b> .....	<b>55</b>
<b>ANNEX IV. Summary and Analysis of Training Data for Non-Justice Sector     Trainees</b> .....	<b>67</b>
<b>ANNEX V. Complete List of Training Courses</b> .....	<b>72</b>
<b>ANNEX VI. Third JASP Training Impact Evaluation</b> .....	<b>74</b>
<b>ANNEX VII. Pilot Study Tour Impact Evaluation</b> .....	<b>78</b>
<b>ANNEX VIII. Justice Official Profiles and a Success Story</b> .....	<b>85</b>
<b>ANNEX IX. Agenda of the Fifth National Forum on Justice and Security</b> .....	<b>96</b>
<b>ANNEX XII. JASP-Developed Quality Standards for Public Defense</b> .....	<b>126</b>
<b>ANNEX XIII. Flight Risk Evaluation Format-PTS Unit Baja California</b> .....	<b>131</b>

## 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
CISJUPE	Council for the Implementation of the Criminal Justice System (Campeche)
CJR	Criminal Justice Reform
CMM	Case Management Model
CPC	Criminal Procedure Code
CSOs	Civil society organizations
CSU	Case screening unit
FJC	Family Justice Center
FCPC	Federal Criminal Procedure Code
GoM	Government of Mexico
GVL	General Victims' Law
ICM	Inter-Institutional Coordination Model
IU	Investigative unit
IUM	Investigative Units Model
JASP	Justice and Security Program
MSI	Management Systems International
NAS	Narcotics Affairs Section
NCJS	New Criminal Justice System
NGO	Non-governmental organization
OTN	Oral Trials Network ( <i>Red de Juicios Orales, La Red</i> )
PAN	National Action Party
PD	Public defender
PIM	Performance Improvement Methodology
PMP	Performance Monitoring Plan
PCU	Property Crimes Unit
PRD	Party of the Democratic Revolution
PRI	Institutional Revolutionary Party
PROVICTIMA	Office of the Social Prosecutor for Crime Victims
PTS	Pre-Trial Services
RENACE	The RENACE Institute, a prominent CSO in the Oral Trials Network
RJC	Restorative Justice Center (Oaxaca)
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
TIE	Training Impact Evaluation
ST-IE	Study Tour Impact Evaluation
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 – SECOND QUARTER 2013 REPORT

## EXECUTIVE SUMMARY

This is the quarterly report of the option period January-June 2013, which entails a new results framework structure, now comprised of two objectives with 13 milestones, and one training guideline.

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

### Legislative Achievements (Objective I)

#### **Milestone 1.1 – Technical assistance and training provided to state SETECs in no less than four states for the completion of the six reform laws**

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The JASP has achieved 75 percent of its target as set out in the PMP by providing TA to draft nine laws in Q2: the CPCs in Baja California Sur and Campeche; PD Acts in Morelos and Zacatecas; and victims' assistance laws in Baja California, Hidalgo, Morelos, Puebla and Zacatecas. With regards to the passage of laws, although this out of the JASP's control, the JASP has achieved 33 percent of its target (six laws) by providing assistance for two laws that were passed in Q2: the General Victims' Law (GVL), and the PD Act in Morelos.

The TA for the drafting and/or passage of these laws was provided to all justice institutions involved in the drafting of legislation in the respective states, as in most cases they are who directly work in the completion of reform laws, including the state Technical Secretariats of the Criminal Justice Implementation Commission (SETECs, acronym in Spanish).

#### **Milestone 1.2 – Technical assistance and training provided to the Federal SETEC for the passing of at least one federal law that implements the 2008 Constitutional Reform**

This quarter the JASP made strides in achieving the Milestone 1.2 goal by completing two documents: i) one that identifies the necessary actions for the successful implementation of a unified CPC and analyses of the two draft FCPCs, which were developed with the OTN and a legal advisor to a senator from the *Partido Revolucionario Institucional* (PRI, Institutional Revolutionary Party); and ii) a document outlining the advantages and disadvantages of a unified CPC, developed with the *Red de Todos los Derechos para Todos*. In addition, the JASP finalized with the Oral Trials Network (OTN) the agenda for the Fifth National Forum on Justice and Security in Mexico City. This national expo will be held from May 7-9 and will feature participation by President Enrique Peña Nieto, as well as other key stakeholders in the Criminal Justice Reform (CJR), and will include discussions on the Federal Criminal Procedure Code (FCPC), justice administration, transparency in the New Criminal Justice System (NCJS) and the role of the police, amongst other topics.

#### **Milestone 1.3 – Continuing technical assistance and training provided to no less than seven states to governmental and non-governmental organizations to counteract the negative effects of counter reform efforts**

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In order to counteract the negative effects of counter reform efforts, the JASP: i) conducted two forums to discuss its book on the progress and challenges in implementing the reform in Chihuahua, in Baja California and Nuevo Leon; ii) completed one newsletter that includes essays from scholars on proposed changes to the NCJS in Mexico that contradict the principles of the reform, as well as advances in reform implementation; and iii) presented in Oaxaca the Oaxaca section of the General Report on the study that monitored reform implementation.

## Institutional Strengthening Achievements (Objective 2)

### Milestone 2.1 – Technical Assistance Provided for the Creation of Pre-Trial Services units in no less than one state

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To ensure this Milestone is accomplished the JASP focused its efforts in three areas: providing TA for creation of pre-trial services (PTS) units (Hidalgo and Nuevo Leon); proving TA for consolidation of PTS units (Baja California and Morelos); and conducting a study tour on PTS for staff from Baja California and Nuevo Leon to Morelos.

With regards to the creation of PTS units the JASP: i) conducted a workshop for Hidalgo justice officials to build their capacity to ensure the successful implementation of these services in the state; and ii) organized a study tour for justice officials from Nuevo Leon to the PTS units for adults and juveniles in Morelos. PTS staff from the Unit for Adults in Baja California also participated in a study tour in order to consolidate their respective unit. To strengthen the already created PTS units in Baja California and Morelos the JASP: i) analyzed the use of the flight risk evaluations<sup>1</sup> by judges, prosecutors and public defenders in hearings that were provided by the PTS Unit for Adults in Baja California; and ii) conducted an assessment of the operations of the PTS Unit for Adults in Morelos to identify areas for improvement.

**Box 1: Study Tour Beneficiary**  
“After the study tour my colleagues and I are applying the skills we acquired from our peers at the PTS Unit in Morelos to properly complete flight risk evaluations and monitor defendants.”  
-Representative of the PTS Unit for Adults in Baja California, who went on the study tour to visit the PTS units in Morelos.

### Milestone 2.2 – Training and technical assistance provided for the creation and consolidation of a certified training program in the Federal SETEC

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This quarter the JASP exceeded by 200 percent the Milestone 2.2 goal of the creation of one certified training program by developing and discussing three Train-the-Trainer (ToT) programs for judges, prosecutors and public defenders with the SETEC. These training curricula include both, teaching methodologies and technical issues, and build future instructors’ capacity to train their peers to properly carry out their roles in the judicial process under the NCJS. In addition, the JASP completed the evaluation instruments for trainer certification for instructors of judges, prosecutors and public defenders, all to be transferred to the SETEC. These assess professionals who wish to be certified as CJR instructors for judges, prosecutors, and public defenders to measure compliance with the SETEC and the JASP’s standard operating procedures (SOPs) for trainings and test them instructors on their knowledge of the CJR (see Box 2).

**Box 2: Evaluation Instruments**  
In oral trials opening statements are first made by:  
a) The appeals court  
b) The defender  
c) The accuser  
d) The prosecutor  
-Example question from the JASP’s evaluation instrument for instructors of judges

<sup>1</sup> The flight risk evaluations include information regarding the defendants’ criminal record, employment history, place of residence and substance abuse, as well as family information, such as dependants.

### **Milestone 2.3 – Training and technical assistance provided for the creation and consolidation of a justice reform dissemination strategy in the Federal SETEC**

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For the creation of a reform dissemination strategy for the SETEC <sup>2</sup> the JASP developed a work plan to implement the strategy and completed a series of deliverables outlined in this plan, entailing: mapping key actors involved in the CJR by state; identifying the target audience for the strategy; determining media outlets that could collaborate on dissemination; and a list of challenges associated with reform implementation.

### **Milestone 2.4 – Training of no less than 60 trainers of trainers**

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In order to train at least 60 ToTs as defined in Milestone 2.4, the JASP: i) developed and discussed with SETEC three curricula for ToT courses for judges, prosecutors and public defenders to teach their peers on the NCJS; and ii) developed jointly with the SETEC a profile for potential ToT trainees. Using this profile the SETEC contacted state SETECs to request them to propose suitable candidates. The training of ToTs will be carried out in Q3 as scheduled in the January-June 2013 Work Plan (hereafter to be referred to as simply the Work Plan).

### **Milestone 2.5 – Training and technical assistance provided for the creation and consolidation of one justice reform dissemination strategy by governmental or non-governmental organizations in no less than seven states**

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The JASP provided TA to the state SETECs in Baja California, Chihuahua, Hidalgo, Morelos, Nuevo Leon, Oaxaca and Puebla. Accomplishments included: i) development of work plans to implement the communication approaches in all target states; ii) interviews conducted with key CJR stakeholders in Baja California, Chihuahua, Oaxaca, Nuevo Leon; and iii) mapping of key actors, target audiences, potential media collaborators and key challenges to be addressed in Baja California and Chihuahua based on input from the interviews.

In Q2 the CIDAC and the JASP also completed the seventh video in their *Esto es la justicia* (This is Justice) national media campaign that raises awareness on the NCJS, titled “[Justice for Javier!](#)” In the video “Javier” faces two possible outcomes in inquisitorial or accusatorial justice systems after accidentally killing his brother.

### **Milestone 2.6 – Training provided to at least one national level media institution for the adequate media coverage of the implementation of the 2008 Constitutional Reform**

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The main activities to reach this Milestone included: i) identifying and conducting planning sessions with potential media outlets; and ii) updating the JASP’s training program for journalists on the NCJS to ensure cutting edge capacity building. During the preparation for this report a workshop was conducted for journalists and editors from three media outlets, namely *ADN Político*, *CNN México* and *CNN Expansión* television and internet news providers, thereby exceeding by 200 percent the goal set forth in Milestone 2.6 of training of at least one major national news source.

### **Milestone 2.7- Training provided to state SETECs for the drafting of institutional strengthening projects to be funded by federal authorities in no less than seven states**

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<sup>2</sup> In Q2 the JASP focused on establishing a working relationship with the newly appointed SETEC staff. By the time this report was being prepared the JASP, a working session was held with the SETEC to discuss the reform dissemination strategy.

This quarter the JASP made significant progress towards the Milestone 2.7 goal. The Program trained state SETECs and representatives from state courts, AG and PD offices and other key justice institutions, and civil society organizations (CSOs), from Durango, Hidalgo, Nuevo Leon, Puebla, Tamaulipas, and Zacatecas on the development and monitoring of reform implementation projects, and how to develop proposals and raise funds for these projects.

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**Milestone 2.8 – Training provided for the creation of a training curricula on management and administration for justice operators in no less than seven states**

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This quarter the JASP created training curricula on management and administration of justice institutions and provided TA for their adoption in state courts, and AG and PD offices in Baja California and Morelos. The curricula build the capacity of state court, and AG and PD office administrators on the structure of oral trials and their roles and responsibilities to effectively manage justice institutions under the NCJS. The PD Office of Morelos, and AG Office of Baja California formally agreed to adopt the training curricula and to implement the training programs into their respective training departments.

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**Milestone 2.9 – Technical assistance provided for the creation of a training curricula for an advanced training program for mediators in no less than seven states**

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This quarter the JASP met 100 percent of the Milestone 2.9 goal, by designing an advanced training curriculum and related training materials for mediators, carrying out workshops to discuss the course in all target states and providing TA to those states for its adoption. The states of Chihuahua, Baja California, Hidalgo, Morelos, Nuevo Leon, Oaxaca and Puebla have all adopted the curriculum for use in their respective institutions, which consists of 30 hours of training and is designed to instill knowledge on restorative justice and effectively manage alternative justice processes.

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**Milestone 2.10 – Technical assistance for the adoption of the Performance Improvement Methodology, described in the approved work plan for the period July-December 2012, in at least one institution in no less than seven states**

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To comply with this Milestone the JASP provided TA for the adoption of its Performance Improvement Methodologies (PIMs)<sup>3</sup> and models<sup>4</sup> in the seven target states, and transferred its training impact methodology to Government of Mexico (GoM) counterparts in Baja California, Chihuahua, Morelos, Nuevo Leon and Oaxaca.

**State Court Performance Improvement Methodology (PIM-SC):** The PIM-SC provides technical solutions to states implementing the reform to enhance caseload management to ensure that cases are resolved in accordance with due process and within an appropriate timeframe. This quarter, the JASP and the State Courts of Chihuahua and Morelos conducted analyses of the Courts'

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<sup>3</sup> 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 state courts, AG offices, PD offices, PTS units, investigative units, victims' assistance units, AJCs and women's justice centers. The PIMs apply solutions to overcome the obstacles that prevent institutions from adequately meeting performance targets in the NCJS.

<sup>4</sup> The JASP also implements models to build minimum parameters or standards regarding infrastructure, organizational structure, competency profiles, operational profiles and performance indicators for the creation of AJCs, investigative units, victims' assistance units and women's justice centers, or to create investigative units or organizational systems in justice institutions in states where the reform has not yet entered into force (e.g. the Case Management Model, to develop an information system for case management in the State Court of Hidalgo, where the reform will enter into force in Q3).

information systems for case management to identify areas for improvement in their design, reports produced and information collected, as well as the day-to-day operations of the courts.

**Case Management Model (CMM):** The CMM prepares state courts for the NCJS in states where the reform has not yet entered into force, through the establishment of an adequate information system for case management. In Q2 the JASP launched the CMM in Puebla, providing TA for the development of a pilot information system to be tested in Q3, in the Teziutlan district, the first to implement the reform in the state.

**Attorney General's Office Performance Improvement Methodology (PIM-AG):** The PIM-AG strengthens the institutional capacity of AG Offices in states implementing the reform through the provision of TA to selected units for the development of SOPs, protocols for prosecutorial discretion, and operational manuals that ensure the effective investigation and prosecution of crimes under the NCJS. This quarter as part of the PIM-AG the AG Offices of Baja California, Chihuahua and Oaxaca and Chihuahua with JASP TA completed draft performance criteria manuals, while in Oaxaca the AG Office with JASP TA completed an operational manual for the state's case screening units (CSUs).<sup>5</sup> These tools will ensure that these Offices resolve cases in an effective manner and within an appropriate timeframe while respecting the principles of the NCJS. The JASP also initiated implementation of the PIM-AG in the AG Offices of Morelos and Nuevo Leon.

**Public Defenders' Office Performance Improvement Methodology (PIM-PD):** The PIM-PD enhances the capacity of PD Offices to provide quality defense services according to the principles of the NCJS. This quarter the PD Offices of Baja California, Chihuahua, Morelos and Nuevo Leon with the JASP TA completed step five (implementing solutions) of the PIM through the adoption of quality standards for defense (e.g. confidentiality, registering all necessary information in the defendants' case file, and ensuring that defendants are always informed on the status of their case). The JASP also held workshops for 15 and 50 public defenders from Nuevo Leon PD Office and the Oaxaca Office for Indigenous Defense, respectively, on how to investigate cases with children victims.

**Pre-Trial Services Performance Improvement Methodology (PIM-PTS):** The PIM-PTS provides technical solutions to improve services delivered by existing PTS units through the development of strengthening plans, indicators that monitor the quality of the services of the PTS Units and performance of their staff. This quarter's main achievements for the PIM-PTS took place in the PTS Unit for Juveniles in Morelos: the release of a documentary on the successes of the PTS Unit; and the completion of an analysis of 110 flight risk evaluations, which provided insight in identifying strengths and areas for improvement in the unit. Also, through a grant awarded by the JASP to the Institute of Criminal Procedure (IJPP, acronym in Spanish), the JASP provided TA in Morelos and Baja California to consolidate PTS for juveniles and adults in those states, and for creating PTS units in Hidalgo and Puebla. The IJPP outlined areas of opportunities in those states.

**Investigative Unit Performance Improvement Methodology (PIM-IU):** The PIM-IU provides TA to establish efficient and permanent collaboration between prosecutors and police investigators within already functioning units, thus improving investigations under the NCJS. In Q2, the JASP focused its efforts in two areas: i) implementation of guidelines to support coordination protocols for police and prosecutors in Baja California, Nuevo Leon, and Oaxaca; and

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<sup>5</sup> These units are those that first receive victims or those who come to report a crime, and determine the adequate channeling of their case.

ii) provision of TA to the AG Office of Oaxaca to complete a work plan for the consolidation of its investigative unit.

**Investigative Unit Model (IUM):** The IUM provides TA to ensure the proper structuring of investigation units (units recently created or to be created), through the development of SOPs and coordination protocols for prosecutors and police investigators, clarifying the functions and responsibilities of each therein. In Q2, the JASP provided TA to the Hidalgo AG Office to complete a work plan for the consolidation of its investigative unit, and developed and initiated the implementation a work plan for the creation of an IU for cases with unknown suspects in Nuevo Leon.

**Alternative Justice Center Model (AJCM):** The AJCM establishes the parameters or standards for the key components of an AJC, such as physical infrastructure, organizational structure, SOPs, performance indicators and competency profiles. This quarter in Puebla the AG Office, with JASP TA, made advances for the opening of a State AJC based on the AJCM. The AG Office carried out a JASP-designed certificate course in its professional training institute for eight AG Office staff to be certified as mediators to work in the new AJC. The three-week, 90-hour certificate course ensures the use of alternative dispute resolution mechanisms (ADRs) in the AJC, which will result in healthier solutions and reduced case loads in the courts. The AG Office has since adopted the JASP’s more comprehensive, advanced training curriculum for mediators to replicate the course within the future center in Q3.



**Victims’ Assistance Unit Performance Improvement Methodology (PIM-VAU):** The PIM-VAU proposes solutions, toward enhancing assistance for victims through a progressive organizational structure of units, new procedures and how to execute them, and performance indicators. This quarter at the federal level the JASP and the Office of the Social Prosecutor for Crime Victims (PROVICTIMA, acronym in Spanish) identified needs and areas of improvement within the latter. The JASP also built the capacity of 23 victims’ assistance staff from PROVICTIMA through a 45-hour certificate course on victims’ assistance under the NCJS. At the state level this quarter, the JASP’s main achievements focused on: i) building the capacity of VAUs in Chihuahua and Nuevo Leon to update their operational manuals; and ii) engaging the Morelos State SETEC and other state justice officials to adopt the PIM-VAU to begin to identify and assess gaps in providing services and assistance to victims.

**Box 3: U.S. Ambassador Anthony Wayne**  
“Best practices (in Oaxaca) to implement judicial reform are being replicated in other Mexican states. USAID has supported the state’s efforts toward reform (...) including legislative assistance on a Victims’ Assistance Law and capacity building for justice sector institutions responsible for implementing the reform.”  
  
-Ambassador Wayne visits the victims’ assistance and restorative justice premises in Oaxaca on March 7, 2013.

The US Ambassador to Mexico recognized the importance of services provided by Restorative Justice Center and Victims’ Assistance Center in Oaxaca during a visit to the premises, which have received extensive TA by the JASP to significantly increase the amount of cases solved by mediation over the last two years.

**Women’s Justice Center Performance Improvement Methodology (PIM-WJC):** The PIM-WJC consists of conducting a diagnostic of the local context, determining partners and performance indicators, identifying and assessing gaps and their causes, developing solutions, and monitoring their implementation. This quarter the WJC of Ciudad Juarez, Chihuahua, with JASP TA made key revisions to the operations manual of the Center to initiate step five of the PIM-WJC. The JASP also carried out a working session to promote the PIM-WJC with the Chihuahua AG

Office, which currently applies its own model for WJC.

**Women’s Justice Center Model (WJC):** The WJCM ensures comprehensive, timely and efficient access to justice and assistance for women victims of crime. It sets the organizational structures necessary for WJCs, the procedures and principles for investigation, prosecution and provision of assistance, and the necessary physical infrastructure. This quarter in preparation for the opening of the WJCs in Hidalgo, Oaxaca and Puebla the JASP and officials from the respective future centers applied the WJCM and made key revisions to the operating procedures and facilities layouts to ensure the use of best practices.

**Inter-Institutional Coordination Model (ICM):** The main objective of the JASP’s ICM is to establish adequate communication and coordination mechanisms for effective implementation of the NCJS between state SETECs, state courts, AG and PD offices and secretariats of public safety. This includes developing flow charts that outline the roles of these institutions for the scheduling of hearings and the sharing of internal databases, as well as the establishment of inter-institutional coordination protocols. This quarter the JASP launched the ICM with the state SETECs, state courts, AG and PD offices, and SSPs of Morelos, Oaxaca and Puebla through a series of working sessions, and monitored the inter-institutional coordination sessions of the Executive Commission for the Criminal Justice Reform (SIJUPE, acronym in Spanish), State Court, AG and PD Offices, and SSP in Nuevo Leon.

**Training Guideline 3. The JASP will Train no less than 500 Individuals during this option period.**

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In Q2, 389<sup>6</sup> justice sector officials (215 women, 174 men) were trained. This entailed justices, judges, prosecutors, public defenders, police investigators, mediators, victims’ assistance staff and AJC staff. It is important to emphasize that only those individuals who attended at least 80 percent of their training course were counted in the figures. Training subjects included issuing rulings in hearings, requesting appeals, litigation in oral trials, investigations under the NCJS, restorative justice, operations of PTS units and victims’ assistance, among others. In summary, in Q2 FY 2013 of the 131 trainees, 96.9 percent (127 trainees) obtained a higher grade on the post-training test than on the pre-training test.

This quarter 254 federal police officers completed the Master’s Certificate Program in Human Rights and Security conducted by the Latin American Institute of Educational Communication (*Instituto Latinoamericano de la Comunicación Educativa- ILCE*). The program ran from October 2011 to January 2013, and consisted of four modules addressing democratic rules of law and human rights, public security, the accusatory system and alternative methods for conflict resolution, police in the accusatorial system, and victims of crime and the abuse of power. From February to June 2013, the participants are taking part in a seminar, during which they must develop theses related to the contents of the program. 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.

The Iberoamericana University (*Universidad Iberoamericana de la Ciudad de México*) started this quarter to conduct the Certificate Course on Human Rights and Public Security for 500<sup>7</sup> police investigators from the federal level, the AG Office of Nuevo Leon and the SSP of Puebla, which is building the capacity of the participants to ensure promotion of and respect for human rights. Through nine weeks of the 11-week course completed this quarter, participants gained key

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<sup>6</sup> The total number of trainees includes 254 federal police officers that completed the Master’s Certificate Program in Human Rights and Security.

knowledge on the responsibilities and obligations of state governments to respect and protect human rights, international regulations for the protection of human rights, and ensuring the protection of human rights in the administration of justice.

This quarter the JASP conducted the third round of its Training Impact Evaluation (TIE). The JASP administered 81 electronic surveys for prosecutors and victims' assistance staff in Baja California, judges in Morelos, prosecutors and mediators in Nuevo Leon, and police investigators in Oaxaca to assess what were the most important changes in their work following JASP trainings, and why they were important, and next what were the motivations and incentives as well as the obstacles and disincentives for applying on the job the knowledge gained. In addition to the electronic surveys, the evaluation included focus group interviews to obtain more profound and qualitative inputs. The significant findings included that: i) all of the operator groups evaluated expressed changes in their behavior that positively affect human rights; and ii) the JASP's trainings are resonating through justice institutions, as many justice officials are actively and continually imparting their knowledge gained to their colleagues.

**Box 4: JASP Trainee Ana Patricia**

"As a result of the trainings my mediation processes have gained greater depth, which has had a positive impact on the relationship between those involved and makes mediation a process for preventing high-impact crimes."

*-Mediator from Nuevo Leon, who participated in the third round of the JASP's Training Impact Evaluation.*

The JASP carried out a pilot of its Study Tour Impact Evaluation (ST-IE) and also applied 53 electronic surveys for justices, court administrators, prosecutors, victims' assistance staff and police investigators in Baja California, Chihuahua, Morelos, Nuevo Leon and Oaxaca, to evaluate what were the most valuable aspects learned while participating in tours to Monterrey, Nuevo Leon (victims' assistance staff); Santiago, Chile (judges and courts administrators); Medellin, Colombia (victims' assistance staff); and Los Angeles, United States (police investigators and prosecutors), as well as what changes the participants made in their respective institutions (such as implementation of protocols, manuals, guidelines) upon their return. The results obtained from the ST-IE showed that study tours, as a form of training, have a widespread and significant impact on the motivation of justice officials and their confidence in the viability of the NCJS. Furthermore, this impact transcends to the institutional level as the beneficiaries implement specific institutional strengthening projects and improve their professional performance.

## **PRESENTATION**

This report for Q2 of FY 2013 covers the period of January 1 to March 31, 2013. 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; results and deliverables status; training data; Power Point presentations of the JASP's third Training Impact Evaluation and Pilot Study Tour Impact Evaluation; three profiles of justice sector officials including the head of mediation from Oaxaca's Restorative Justice Center, a judge from Baja California and the Director of the PD Office in Morelos; a success story on inter-institutional coordination in Nuevo Leon; the agenda for the Fifth National Forum on Justice and Security to be held in May in Mexico City; a list of beneficiaries of project development trainings for Milestone 2.7; an evaluation instrument to certify professionals as CJR instructors of judges; a list of JASP-developed quality standards for public defense; and a flight risk evaluation format developed by the PTS Unit for Adults in Baja California with JASP TA.

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<sup>7</sup> The JASP will include these trainees in the total number of trainees in the Q3 report once all of the corresponding documentation has been collected

## RESULTS ACHIEVED BY OBJECTIVE AND TASK

### OBJECTIVE 1: LEGISLATIVE FRAMEWORK FOR CJR IN LINE WITH INTERNATIONAL HUMAN RIGHTS STANDARDS ENACTED

#### Milestone 1.1 – Technical assistance and training provided to state SETECs in no less than no less than four states for the completion of the six reform laws<sup>8</sup>

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To comply with this Milestone the JASP focused its efforts in three areas: providing technical assistance (TA) to inter-institutional committees leading the drafting of laws, providing TA to the State Congresses in Nuevo Leon and Oaxaca to champion the passing of laws and conducting forums to raise awareness in particular on victims’ rights legislation.

The JASP has achieved 75 percent of its target as set out in the PMP for the provision of technical analysis to draft 12 laws as the JASP provided TA to draft nine laws in Q2: the Criminal Procedure Codes (CPCs) in Baja California Sur and Campeche; Public Defenders’ (PD) Acts in Morelos and Zacatecas; and victims’ assistance laws in Baja California, Hidalgo, Morelos, Puebla and Zacatecas. With regards to the passage of laws, although this out of the JASP’s control, the JASP has achieved 33 percent of its target (six laws) by providing assistance for two laws that was passed in Q2: the General Victims’ Law (GVL), and the PD Act in Morelos.

#### Improvements to legislative frameworks at the state level

##### CPCs for Baja California Sur and Campeche

In Baja California Sur an inter-institutional committee consisting of the heads of the State Court and Attorney General’s (AG) Office, as well as representatives from the State Congress and Technical Secretariat of the Criminal Justice Implementation Commission (SETEC, acronym in Spanish), with JASP TA, completed a new draft State CPC using as a reference the JASP’s corresponding “How To” guide. The cutting edge CPC includes key provisions on the role of police in handling evidence, granting compensation to victims, and allowing the accused to opt for a private attorney over a court-appointed public defender. It also extends exclusionary rules to cover investigations and defines which sentences are to be applied when resolving a case through plea bargain.

In Campeche the State AG, as well as representatives from the Council for the Implementation of the Criminal Justice System (CISJUPE, acronym in Spanish) and State Court, with JASP TA, drafted revisions to the State CPC using the JASP’s “How To” guide. Changes included ensuring that: i) the CPC has adequate provisions for oral trials; ii) judges are present at all hearings; iii) prosecutors are involved in all stages of the investigation; and iv) the presumption of innocence is respected. The draft Code is planned to be completed in Q3.

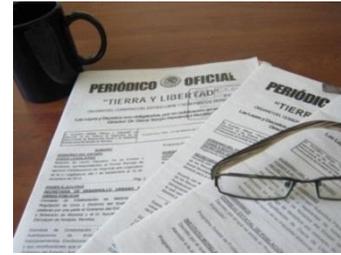
##### PD Act for Morelos

The State Congress passed the State PD Act (*ley orgánica*), which was drafted by the PD Office with TA from the JASP’s Performance Improvement Methodology (PIM) for PD Offices, in particular their quality standards for defense. While the law incorporates provisions arguing the

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<sup>8</sup> These laws include: (1) state CPCs, (2) attorneys’ general office acts, (3) judiciary acts, (4) public defenders’ office acts, (5) victims’ assistance laws, and (6) alternative dispute resolution laws.

need for these standards, the JASP will continue to provide TA in Q3 to ensure that the standards (e.g. the defender exhausts all relevant defenses in favor of the client during all stages of the process, challenges the legality of the arrest and seeks alternative justice measures whenever appropriate) are included into bylaws.



### **PD Act for Zacatecas**

The PD Office with JASP TA completed a draft State PD Act (*ley orgánica*). The draft law, which will ensure the effective protection of the presumption of evidence in the state, includes nine chapters that describe the power, features and general provisions and functions of the institution, the governing board, general management, among other topics. The law also features a detailed organizational chart outlining the various positions within the PD Office.

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

#### **Victims' Assistance Law for Oaxaca**

In Oaxaca a *Partido Revolucionario Institucional* (PRI, Institutional Revolutionary Party)



representative of the State Congress submitted to the State Congress the State Victims' Assistance Bill, which is in line with the GVL passed this quarter by the Federal Congress. In Q1 the JASP and the State AG completed the draft law, which includes substantive provisions on rights, principles and definitions, and structural provisions on funding, and a registry of victims. It outlines support for the social reintegration of victims and help for them to avoid re-victimization, and obligates justice officials to respect the rights of victims as outlined by the Mexican Constitution and international standards.

#### **Victims' Assistance Law for Nuevo Leon**

In Nuevo Leon the JASP participated in a forum organized by the State Congress for state legislators, justice officials and civil society representatives to raise awareness on the State Victims' Assistance Bill, which was submitted by the President of the State Congress in Q1 and drafted with JASP TA. The JASP presented on key provisions of the Bill such as granting compensation to victims, as well as the GVL and its impact on state legislation.

#### **Victims' Assistance Laws for Baja California, Morelos, Puebla and Zacatecas**

In Baja California, Hidalgo, Morelos, Puebla and Zacatecas the JASP built the capacity of state legislators and justice officials to draft state victims' laws that conform to international and national standards on human rights and the GVL. This included an introduction to the international treaties considered in the GVL's drafting and victims' rights, such as compensation, social reintegration and the prevention of re-victimization.

### **Milestone 1.2 – Technical assistance and training provided to the Federal SETEC for the passing of at least one federal law that implements the 2008 Constitutional Reform**

To comply with this Milestone (although passing legislation is out of the JASP's control) the Program focused its efforts in two areas: providing TA to non-governmental organizations (NGOs)

to promote the passage of a Federal Criminal Procedure Code (FCPC) or unified CPC, and organizing a forum with the Oral Trials Network (OTN) on the NCJS to be held in Mexico City.

This quarter the JASP made strides in achieving the Milestone 1.2 goal by completing two documents: i) one that identifies the necessary actions for the successful implementation of a unified CPC and analyses of the two draft FCPCs, which were developed with the OTN and a legal advisor to a senator from the PRI; and ii) a document outlining the advantages and disadvantages of a unified CPC, developed with the *Red de Todos los Derechos para Todos*. In addition, the JASP finalized with the OTN the agenda for the Fifth National Forum on Justice and Security in Mexico City. This national expo will be held from May 7-9 and will feature participation by President Enrique Peña Nieto, as well as other key stakeholders in the Criminal Justice Reform (CJR), and will include discussions on the FCPC, justice administration, transparency in the NCJS and the role of the police, amongst other topics.

As per Mission instructions related to the change in the Presidency of the Republic and in the Technical Secretariat of the Criminal Justice Implementation Commission (SETEC, acronym in Spanish), the JASP only began working with the institutions after the Mission met with SETEC representatives in February 2013 to officially establish a working relationship with the new administration. It was agreed that in Q3 the JASP will transfer its “How To” guide for drafting CPCs to the SETEC and will provide TA for the passing of a FCPC or unified CPC.

#### **Civil society leading discussions on criminal procedure codes**

The JASP along with the prominent OTN and a legal advisor to a senator from the PRI completed a document identifying actions that should be taken for the successful implementation of a unified CPC. The recommendations included the need to: i) standardize the processes across all 32 states for carrying out investigations and trials; ii) develop a mandatory plan for reform implementation in all states, in particular for those in the initial stages of implementation; iii) ensure that the code does not cause backpedaling in states where there is already significant progress in reform implementation; and iv) clearly define the roles of federal and state level institutions according to the code, to ensure efficient administration. The OTN has scheduled the sharing of the document with the Senate in Q3.



The JASP, OTN and PRI legal advisor also completed analyses of the draft FCPC prepared jointly by the *Partido de la Revolución Democrática* (PRD, Party of the Democratic Revolution) and the *Partido Acción Nacional* (PAN, National Action Party), and the draft FCPC prepared by the *Partido Verde* (Green Party). For the former they concluded that many provisions of the draft are not in line with the principles of the accusatory justice system, for example the process for conducting investigations. It also allows for the application of pre-trial detention for crimes that are not among those established in the Mexican Constitution (e.g. environmental crimes and extortion). For the *Partido Verde* draft code, participants found that the Code: i) was drafted as a unified code and thus complies with the *Pacto por México*; ii) clearly defines the roles of justice officials according to the accusatory justice system; iii) takes into consideration the various stages of progress in reform implementation in the 32 states; and iv) defines the roles of both federal and state level justice institutions in the enforcement and administration of justice. These analyses will be shared with NGOs and media outlets in Q3.

The JASP and *Red de Todos los Derechos para Todos* (All Rights for All Civil Society Network) completed a paper outlining the advantages and disadvantages of a unified CPC. Advantages included having standardized processes throughout the country and a better chance to achieve the goal of complete reform implementation by 2016. Disadvantages entailed: i) the centralization of decision-making; ii) a corresponding need to reform the constitution; and iii) the likelihood that a unified federal code would not necessarily be stronger than many of the comprehensive codes at the state level.

### **Awareness raised and outreach expanded on the benefits of the New Criminal Justice System amongst civil society and the general public**

The OTN with JASP TA finalized the agenda for the Fifth National Forum on Justice and Security, to be conducted from May 7 to 9, and will involve the participation of President Enrique Peña Nieto at the opening session, as well as key legislators and justice officials from the federal and state levels, prominent civil society members, as well international experts. The event will feature roundtable sessions and panel discussions addressing topics such as the need for passing a new FCPC, justice administration under the accusatorial system, transparency, the role of the police, public opinion of the NCJS, the importance of gaining support from NGOs and progress made in the implementation of the NCJS thus far. To read the agenda please see Annex IX.

### **Milestone 1.3 – Continuing technical assistance and training provided to no less than seven states to governmental and non-governmental organizations to counteract the negative effects of counter reform efforts**

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To comply with this Milestone the JASP focused its efforts in three areas: conducting forums to discuss its book on the challenges of implementing the reform in Chihuahua, developing a newsletter prepared by scholars and CJR experts and presenting its General Report on the study that monitored reform implementation.

In order to counteract the negative effects of counter reform activities, the JASP: i) conducted two forums to discuss its book on the progress and challenges in implementing the reform in Chihuahua, in Baja California and Nuevo Leon; ii) completed one newsletter that includes essays from scholars on proposed changes to the NCJS in Mexico that contradict the principles of the reform, as well as advances in reform implementation; and iii) presented in Oaxaca the Oaxaca section of the General Report on the study that monitored reform implementation.

### **Legislators, justice officials and civil society engaged to prevent changes to the NCJS that contradict the principles of the reform**



The JASP conducted two forums for legislators, justice officials and NGO representatives in Baja California and Nuevo Leon, to discuss and distribute its publication on the progress and challenges in implementing the NCJS in Chihuahua, with the purpose of engaging a variety of stakeholders and preventing similar backpedaling on the reform in the former states. The publication contains articles written by Mexican scholars and addresses the reforms to the State CPC of Chihuahua, which have gone against the principle of non-retrogression,<sup>9</sup> concerning regulations introduced on the detention of individuals, pre-trial detention, due process and in

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<sup>9</sup>When a government may extend protection of some favored interest beyond what the Constitution grants, but cannot reverse from that extension once made.

particular regarding the principle of contradiction, as judges have been permitted to weigh evidence not presented in oral hearings.

### **Decision makers and general public better informed on proposed reforms and their impact on human rights and the effectiveness of the system**

The JASP completed the first of two quarterly newsletters on proposed changes to the NCJS in Mexico that contradict the principles of the reform as well as advances made in reform implementation. The newsletter contains four sections that discuss: i) the draft FCPC jointly prepared by the PRD and the PAN and observations to ensure that it is in line with the principles of the NCJS; ii) precautionary measures under the accusatorial system; iii) proposed changes to the plea bargaining process in Baja California; and iv) the 20 state CPCs<sup>10</sup> that have been amended or re-drafted to ensure consistency with the principles of the NCJS and the national and international references that influenced their drafting (e.g. the CPCs of Argentina, Chile for the codes in Baja California and Oaxaca). The newsletter will be shared with legislators, justice officials, academics, law students and NGOs in all seven target states in Q3.

### **Justice officials and civil society in Oaxaca better informed on lessons learned and areas of opportunity to better implement the reform**

The JASP presented the Oaxaca section of its General Report on the study that monitored reform implementation, which addresses the progress and challenges in implementing the NCJS in the state. This took place at an event held in Oaxaca for over 100 state justice officials, law professors and students, and lawyers by the Law Faculty of the *Universidad Autónoma Benito Juárez de Oaxaca* (Autonomous University of Oaxaca). Main findings of the report for Oaxaca included that: alternative justice measures have reduced the application of pre-trial detention; judges, prosecutors and public defenders are present in 100 percent of hearings; the AG Office has demonstrated doubled response capacity for resolving cases and conducting investigations; and the use of digital technology to assign courtrooms, summon parties, record hearings, and develop databases has significantly reduced case disposition times in the state.

## **OBJECTIVE I CHALLENGES AND OPPORTUNITIES**

### **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 will continue to be a challenge to build consensus for the passage of a FCPC. Negotiations have been highly politicized, as witnessed during a 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 the Fifth National on Justice and Security to be carried out in May 2013.

The new federal administration engaged all the major political forces in Mexico to sign an agreement called the *Pacto por México* in which there is a commitment to pass a unified CPC for the whole the nation. There were some considerations as to whether this was a convenient path to follow, because some members of the federal government, most notably the new head of SETEC,

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<sup>10</sup> Baja California, Chiapas, Chihuahua, Coahuila, Durango, Guanajuato, State of Mexico, Hidalgo, Michoacan, Morelos, Nuevo Leon, Oaxaca, Puebla, Quintana Roo, Tabasco, Tamaulipas, Tlaxcala, Veracruz and Yucatan.

considered that without a FCPC the reform pace would slow down considerably. Fortunately, every federal agency has reinforced the previous agreement and they are now considering the adoption of a unified CPC. This entails the passing of a constitutional reform, which gives powers to the Federal Congress to legislate on criminal matters nationwide. There are several proposals that are going to be taken into consideration when drafting the new unified CPC, and even if there are issues in need of consensus, the real challenge comes from the implementation process in order to meet the 2016 deadline to complete the 2008 constitutional reform, as states that have already implemented the reform will have to restart implementation.

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

The JASP has successfully provided TA to inter-institutional committees in Baja California Sur and Campeche to complete the review of the draft CPCs that they were considering for approval, using the JASP's "How To" guide for drafting CPCs as a reference. The new CPCs are now technically sound, but the real challenge will come from the possibility of gaining political consensus to pass these projects in view of the idea that there is going to be a unified CPC. Local congresses may consider that it is not worth it to pass local codes and to start implementation if they're going to have to re-implement later on when the unified CPC is passed.

### **Public Defenders' Act in Zacatecas**

During this quarter the Program managed to provide TA to build a technical team to draft a PD Act in Zacatecas. A first version of the bill was drafted and it is expected to be submitted as a formal initiative to the State Congress by the Governor. The head of the PD office is also the chair of the implementation office and has a close relationship with the Governor, so it is expected that the bill will be submitted to Congress in the next congressional sessions to be held from April to June 2013.

### **ADR Laws in Hidalgo and Oaxaca**

In Hidalgo the JASP succeeded in providing TA to create a technical committee comprised of members of the state court and the Attorney General's (AG) office, as well as the AJCs which already exist in the state, in order to draft the pending state Alternative Dispute Resolution (ADR) law. The challenge for Q3 will be to achieve consensus between the stakeholders concerned, because the state already has a general law for conflict resolution that doesn't include criminal matters. It is yet to be decided between the AG Office and the State Court as to which of these entities should be charged with conducting mediation procedures in criminal matters. The judges hold that this should be a prerogative of the AJC that already exists in the State Court, while the AG Office contends that this should be placed in the hands of their AJC.

An ADR law for Oaxaca has been drafted by an inter-institutional commission of experts, with JASP TA. This represents an opportunity for the passage of a high-quality law for such services. Nevertheless, building consensus for its passage amongst the State AG and State Court, and all political parties remains the main challenge.

### **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.

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

### **Milestone 2.1 – Technical Assistance Provided for the Creation of Pre-Trial Services units in no less than one state**

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To ensure this Milestone is accomplished the JASP focused its efforts in three areas: providing TA for creation of Pre-Trial Services (PTS) units (Hidalgo and Nuevo Leon); proving TA for consolidation of PTS units (Baja California and Morelos); and conducting a study tour on PTS for staff from Baja California and Nuevo Leon to Morelos.

With regards to the creation of PTS units the JASP: i) conducted a workshop for Hidalgo justice officials to build their capacity to ensure the successful implementation of these services in the state; and ii) organized a study tour for justice officials Nuevo Leon to the PTS units for adults and juveniles in Morelos. PTS staff from the Unit for Adults in Baja California also participated in tour in order to consolidate their respective unit. For the consolidation of already created PTS units in Baja California and Morelos the JASP: i) analyzed the use of the flight risk evaluations<sup>11</sup> by judges, prosecutors and public defenders in hearings that were provided by the PTS Unit for Adults in Baja California; and ii) conducted an assessment of the operations of the PTS Unit for Adults in Morelos to identify areas for improvement.

#### **Rights of the defendant and the presumption of innocence further ensured**

##### **Baja California**

This quarter as part of the consolidation of the PTS Unit for Adults established in August 2012, the JASP analyzed the use by judges, prosecutors, and public defenders of the flight risk evaluations in 30 hearings, which were provided by the PTS Unit for Adults. Findings included that the officials



properly used information contained in the evaluations, such as defendants' place of residence, employment history and criminal record, in more than 50 percent of the hearings to apply precautionary measures. However, prosecutors repeatedly requested pre-trial detention as a precautionary measure, which indicates the need to further build prosecutors' understanding on the benefits and application of other measures (e.g. the obligation to periodically report to a supervisor or prohibition of leaving a determined area). To see an example of a flight risk evaluation format please see Annex XIII. The JASP and the SSP also updated the PTS Unit's operational manual adding, for example, protocols to determine the level of risk presented by the defendant.

##### **Hidalgo**

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<sup>11</sup> The flight risk evaluations include information regarding the defendants' criminal record, employment history, place of residence and substance abuse, as well as family information, such as dependants.

The JASP built the capacity – through a one-day workshop – of the heads of the State SETEC, State Court, AG Office and PD Office who will be involved in the creation of the future state PTS Unit. Participants discussed the corresponding staff required to handle PTS cases, budgetary needs for the opening of a PTS unit, and the likelihood of a PTS Unit to be under the direction of the State Court, which would make Hidalgo a reference for the rest of the country, as such units in all other states are placed under the secretariats of public safety. A PTS Unit within the State Court will lead to the efficient implementation of precautionary measures, since the institution that applies them would also be in charge of supervising defendants’ compliance.

## **Morelos**

Representatives from the PTS Unit for Adults, the State Court, AG and PD Offices and the State Secretariat of Public Safety (SSP, acronym in Spanish), with JASP TA identified areas for improvement for the consolidation of the Unit. Findings included that: i) PTS Unit staff are unable to conduct flight risk interviews on weekends as they do not have access to the AG Office; and ii) the precautionary measures applied by the Court lack detail (e.g. not including when the measure will begin to be applied), which makes defendants’ supervision difficult for the PTS Unit. Proposed solutions entailed providing PTS Unit staff with special passes to enter the AG Office on weekends, and that the PTS unit develops a format to be shared with the Court, which outlines all the necessary information for the proper application and in turn supervision of precautionary measures.

The JASP and the PTS Unit also developed a grant proposal to obtain federal funding to acquire electronic monitoring bracelets. Such devices would ensure compliance with precautionary measures that prohibit defendants from leaving a determined location. The JASP made recommendations to clarify the objectives of the proposal, and provided information regarding the use and advantages of monitoring bracelets in the PTS Unit in Baja California, to increase the likelihood of the proposal to be funded. The grant request also proposes development of a new website for the unit.

## **Baja California and Nuevo Leon**

The JASP organized a study tour, for officials from the PTS Unit of Baja California and the State Court, PD and AG Offices from Nuevo Leon to visit the PTS units for adults and juveniles in Morelos (both of which were created with extensive JASP TA) to gain key insight for the consolidation and creation of such units in these states, respectively. The representatives from the visiting states shadowed the Morelos unit staff members to observe their system for managing and using statistics, participated in workshops to discuss on the principles and objectives of PTS, and learned about best practices for the implementation, operation and evaluation of PTS units. Upon return to their respective states participants from the Baja California PTS Unit stated that they have applied their acquired knowledge to improve the quality of flight risk evaluations and communication with defendants. Participants also mentioned their intention to implement best practices learned, such as developing protocols for inter-institutional coordination in the application and monitoring of precautionary measures.



## **Milestone 2.2 – Training and technical assistance provided for the creation and consolidation of a certified training program in the Federal SETEC**

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To comply with this Milestone the JASP focused its efforts in two areas: developed and discussed

training programs with the SETEC, and designed evaluation instruments for instructors.

This quarter the JASP exceeded by 200 percent the Milestone 2.2 goal of the creation of one certified training program by developing and discussing three Train-the-Trainer (ToT) programs for judges, prosecutors and public defenders with the SETEC. These training curricula include both, teaching methodologies and technical issues, and build future instructors' capacity to train their peers to properly carry out their roles in the judicial process under the NCJS. In addition, the JASP completed the evaluation instruments for trainer certification for instructors of judges, prosecutors and public defenders, all to be transferred to the SETEC. These assess professionals who wish to be certified as CJR instructors for judges, prosecutors, and public defenders to measure compliance with the SETEC and the JASP's standard operating procedures (SOPs) for trainings and test them instructors on their knowledge of the CJR.

### Capacity built to evaluate trainers

This quarter the JASP completed three evaluation instruments to assess professionals who wish to be certified as CJR instructors for judges, prosecutors, and public defenders. These top-quality evaluation instruments test future trainers on their understanding of the roles of judges, prosecutors and public defenders under the NCJS, including topics such as:

- i) issuing rulings, applying precautionary measures and granting appeals (for instructors of judges);
- ii) requesting the application of plea bargains and precautionary measures, as well as petitioning for appeals (for instructors of prosecutors); and
- iii) developing and presenting case theories, and opening and closing statements, examining witnesses and suspects, and presenting evidence (for instructors of public defenders).

The instruments measure compliance with the SETEC and the JASP's training standard operating procedures (SOPs), including teaching plans and objectives, use of materials and practical exercises, and the provision of feedback to trainees. The evaluation instruments will be transferred to the Federal SETEC in Q3. To see an example of the evaluation instrument for instructors of judges, please see Annex XI.

### Ensured sustainable implementation of training for judges, prosecutors and public defenders

The JASP developed and discussed three 75-hour training curricula for ToT courses for judges, prosecutors and public defenders with the Federal SETEC, which include both teaching methodologies (e.g. an overview of the different stages for giving feedback and how to conduct role-playing activities) and technical issues.

#### Box 2: Evaluation Instruments

In oral trials opening statements are first made by:

- a) The appeals court
- b) The defender
- c) The accuser
- d) The prosecutor**

*-Example question from the JASP's evaluation instrument for instructors of judges*

The three-module courses build future instructors' capacity to train their peers to properly carry out their roles in the judicial process under the NCJS,

including the investigation stage, and initial, intermediate, oral and sentencing hearings. This entails:

- i) issuing warrants and protective orders, weighing and dismissing evidence, and directing and issuing rulings in hearings (for judges);
- ii) developing case theories, making opening and closing statements, examining suspects and

witnesses and requesting the application of plea bargains (for prosecutors); and  
iii) requesting information from police investigators, formulating responses to charges and requesting exclusion of evidence (for public defenders).

### **Milestone 2.3 – Training and technical assistance provided for the creation and consolidation of a justice reform dissemination strategy in the Federal SETEC**

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To comply with this Milestone the JASP focused its efforts on developing a work plan and completing deliverables for a reform dissemination strategy for the federal level.

This quarter the JASP made significant progress towards the Milestone 2.3 goal as it provided TA for the creation of a reform dissemination strategy for the SETEC. In relation to the expected outputs set forth in the work plan the JASP made significant progress for one or 50 percent of the two expected outputs for this milestone, which is the development of a reform dissemination strategy at the federal level.

#### **Federal SETEC's capacity to reach a wide audience on the benefits of the reform built**

The JASP's achievements this quarter towards a reform dissemination strategy for the SETEC included the development of a work plan to design a strategy and the completion of corresponding deliverables. These entail: i) mapping of key actors involved in the CJR at the federal level such as the heads of the SETEC, Supreme Court and AG Office; ii) identifying the target audience for the future implementation of the strategy (legislators, justice officials, law professors and students, and NGOs); iii) determining a list of media outlets that could collaborate on dissemination including the *Reforma*, *El Universal* and *Milenio* newspapers; iv) a SWOT analysis for implementing the CJR at the federal level, which defines strengths (e.g. there are considerable resources for CJR implementation), weaknesses (e.g. limited dissemination on the reform), opportunities (e.g. the federal government committed to implement the reform in the *Pacto por México*) and threats (e.g. a lack of confidence in justice institutions and the NCJS demonstrated by the general public).

### **Milestone 2.4 – Training of no less than 60 trainers of trainers**

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To comply with this Milestone the JASP focused its efforts in two areas: planning sessions with SETEC and development of training materials.

In order to achieve the Milestone 2.4 goal of training at least 60 ToTs, the JASP: i) developed and transferred to the SETEC three curricula for ToT courses for judges, prosecutors and public defenders, which build future instructors' capacity to train their peers to properly carry out their roles under the NCJS; and ii) jointly with SETEC developed a profile for ToT candidates (e.g. have experience in the accusatorial system, have been trained on the NCJS and have previously imparted courses to their peers). Using this profile the SETEC contacted state SETECS to request them to propose suitable candidates. The training of ToTs will be carried out in Q3 as scheduled in the work plan.

### **Milestone 2.5 – Training and technical assistance provided for the creation and consolidation of one justice reform dissemination strategy by governmental or non-governmental organizations in no less than seven states**

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To comply with this result the JASP focused its efforts in two areas: developing materials for dissemination strategies for the seven target states (Baja California, Chihuahua, Hidalgo, Morelos, Nuevo Leon, Oaxaca and Puebla) and gathering information from justice officials.

This quarter the JASP made significant progress towards the Milestone 2.5 goal, as it provided TA for the creation of a reform dissemination strategy to seven states: the SETECs in Baja California, Chihuahua, Hidalgo, Morelos, Nuevo Leon, Oaxaca and Puebla, as well as the NGO “Research Center for Development,” CIDAC.

### **Ability of state SETECs to engage a wide audience and raise awareness on the benefits of the reform built**

#### **All Target States**

To initiate the development of reform dissemination strategies in Baja California, Chihuahua, Hidalgo, Nuevo Leon, Oaxaca and Puebla the JASP completed work plans for the strategies’ design and corresponding deliverables, entailing: i) papers addressing the fundamentals of the NCJS, the role of the SETECs and the short- medium- and long-term objectives to disseminate information on the CJR in the states; and ii) questionnaires for interviews to be conducted with key state-level actors in the CJR, as well as a list of those to be interviewed.

The JASP and state SETECs in Baja California, Chihuahua, Nuevo Leon and Oaxaca carried out a series of interviews (using the previously developed questionnaires) with state justice officials<sup>12</sup> to gather inputs for the development of the strategies. Participants provided insightful information on the successes of the NCJS in the states, the major challenges for reform implementation, how justice sector officials’ roles have changed, and also made recommendations to ensure effective reform implementation. Interviews with justice sector officials in the remaining states (Hidalgo, Morelos, Puebla) will be carried out in Q3.



Following the insight gained from the interviews in Baja California and Chihuahua the JASP completed: i) mapping of key actors involved in the CJR in the two states, such as the heads of the state SETECs, State Courts, and AG and PD offices; ii) identifying the target audience for the future implementation of the strategies (legislators, justice officials, law professors and students, NGOs); iii) mapping of possible media outlets to collaborate with for dissemination including *El Mexicano* and *Frontera* newspapers in Baja California, and *El Diario de Ciudad Juarez* and *El Herald* newspapers in Chihuahua; and iv) SWOT analyses for implementing the CJR in these states, which define strengths (e.g. strong leadership to implement the NCJS demonstrated by the AG Office in Baja California, and the advanced stage of reform implementation in Chihuahua), weaknesses (e.g. lack of coordination between justice institutions in Baja California and limited support for the presumption of evidence in Chihuahua), opportunities (interest shown by media outlets to disseminate the strategy in Baja California and positive results on reform implementation thus far in Chihuahua) and threats (a possible change of government after state elections in July 2013 in Baja California, and the counter reforms passed in Chihuahua).

### **Civil society and the general public’s awareness and support of the NCJS increased**

This quarter the CIDAC, a prominent CSO and the JASP completed the seventh video in their *Esto es la justicia* (This is Justice) national media campaign to support the effective implementation of

<sup>12</sup> In Baja California the State AG and representatives from the State Court, PD Office, SSP and AJC; in Chihuahua the heads of the State Court and PD Office, as well as representatives from the AG Office and AJC; in Nuevo Leon representatives from the State Court and AG and PD offices; and in Oaxaca representatives from the State Court, AG Office and SSP.

the NCJS, titled “[Justice for Javier!](#)” In the video “Javier” faces two possible outcomes in inquisitorial or accusatorial justice systems after accidentally killing his brother. In the first scenario under a traditional inquisitorial system, Javier turns to a life of crime after being sentenced to 20 years in prison by an unsympathetic judge. However in the second, which takes place under the NCJS, justice officials chose the more positive path for Javier, through restorative justice sessions with his family and conducting community service to reintegrate him back into the community. While the JASP was preparing this report the JASP published the video on Facebook, Twitter and YouTube, where it has since attained over 8,900 views.

The JASP and the prominent NGO CIDAC developed a time table to disseminate the [Esto es la justicia](#) (This is Justice), and in particular the *Justicia para Javier* video, in all JASP target states from April 8 to May 20, 2013.

The JASP also raised awareness on the *Esto es la justicia* campaign at an information session in Mexico City held by the NGO Mexico SOS for 18 members of *Red VIRAL* (Viral Network), a national network of youth representatives from NGOs dedicated to organizing projects in communities to promote human rights, citizen participation and crime prevention, among other topics.

### **Milestone 2.6 – Training provided to at least one national level media institution for the adequate media coverage of the implementation of the 2008 Constitutional Reform**

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To comply with this Milestone the JASP focused its efforts in two areas: identifying key potential beneficiaries of the training and updating training materials.

This quarter the JASP conducted extensive planning sessions in order to achieve the Milestone 2.6 goal of providing training for at least one national level media institution. This included: i) identifying and conducting planning sessions with potential media outlets; and ii) updating the JASP’s training program for journalists on the NCJS to ensure cutting-edge capacity building. Changes made to the course materials focused on how to report at the federal level. This included the addition of analyses of high profile federal cases (e.g. the case of Florence Cassez, a French woman convicted of kidnapping in Mexico) and expanding the section on the protection of human rights and the presumption of innocence. Before the submission of this report a workshop was conducted for journalists and editors of *ADN Político*, *CNN México* and *CNN Expansión* television and internet news providers, thereby exceeding by 200 percent the goal set forth in Milestone 2.6 of training at least one major national news source.

### **Milestone 2.7- Training provided to state SETECs for the drafting of institutional strengthening projects to be funded by federal authorities in no less than seven states**

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This quarter the JASP made significant progress towards the Milestone 2.7 goal. The Program trained state SETECs and representatives from state courts, AG and PD offices and other key justice institutions, and civil society organizations (CSOs), from Durango, Hidalgo, Nuevo Leon, Puebla, Tamaulipas, and Zacatecas on the development and monitoring of reform implementation projects, and how to develop proposals and raise funds for these projects.

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

The JASP built the capacity of 12 representatives from the State SETECs of Durango, Hidalgo, Tamaulipas, and Zacatecas, 10 members of the Executive Commission for Updating and Modernizing the Administration of Justice (CEAMPAJ, acronym in Spanish), in Puebla, and seven members of the Nuevo Leon Executive Commission for the Criminal Justice Reform (SIJUPE; acronym in Spanish), on the design of reform implementation projects. The capacity building focused on developing strategies and performance indicators, and the use of timetables and other tools for monitoring purposes, and also how to present the reform implementation projects to possible funding sources, such as the Federal SETEC and the National Infrastructure Fund.

TA conducted in the states of Chihuahua, Baja California, Morelos and Zacatecas (93 individuals) under the same Milestone included CSOs and various state justice institutions. For example, in Chihuahua, representatives from academia, NGOs and CSOs such as the Restorative Justice Network (RJN), Association of Educators for Peace, and the Autonomous University of Chihuahua (Political and Social Sciences faculty) were invited at the request of the AG Office to participate in these working sessions, as they monitor restorative and alternative justice projects funded by the SETECs. To see a completed list of the beneficiaries of these workshops please see Annex X.

### **Milestone 2.8 – Training provided for the creation of a training curricula on management and administration for justice operators in no less than seven states**

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This quarter the JASP made progress to meet the Milestone 2.8 by creating training curricula on management and administration for justice sector officials in state courts, and AG and PD Offices and providing TA for their adoption in Baja California and Morelos. Two of those institutions (the PD Office of Morelos, and AG Office of Baja California) formally agreed to adopt the training curricula and to implement the training programs into their respective training departments.

#### **Training programs for sustainable implementation by justice institutions adopted by Justice Institutions**



The AG Office of Baja California and the PD Office of Morelos agreed to adopt the JASP’s training curricula for management courses for AG and PD Offices, and to direct their respective training units to adapt the training program to their institutions’ context. The JASP curriculum builds participants’ capacity on: i) the NCJS and the structure of oral trials; ii) their roles and responsibilities within the new system (e.g. the efficient management and administration of resources, and how to use indicators to monitor court performance); and iii) the application of administrative best practices to improve the operations of these institutions. The JASP received official notice that the PD Office in Baja California also formally adopted the training curriculum while preparing this report for submission.

### **Milestone 2.9 – Technical assistance provided for the creation of a training curricula for an advanced training program for mediators in no less than seven states**

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This quarter the JASP has met 100 percent of the Milestone 2.9 goal. It developed a training curriculum for an advanced training program for mediators, conducted workshops with Alternative Justice Center (AJC) officials to discuss the advanced mediation training program in the states of Chihuahua, Baja California, Hidalgo, Morelos, Nuevo Leon, Oaxaca and Puebla, and provided TA to those states for the adoption of the curriculum, all of whom adopted it for use in their respective

institutions.

### **Sustainable institutional capacity for alternative dispute resolution built through creation of training curriculum for advanced mediation**

The JASP designed an advanced training curriculum and related training materials for mediators, with the objective of enhancing their skills to effectively manage alternative justice processes. The 30-hour course deepens mediators' knowledge on topics such as resilience, trauma, dealing with offenders' guilt and understanding victims' needs. The mediators also gained the skills to conduct mock mediation processes through the analysis of real cases. The JASP discussed the curriculum with 48 mediators from AJCs and corresponding institutions in all seven target states to empower them to take ownership and to ensure its adoption by their institutions.

**Box 5: Oaxaca Restorative Justice Center Mediator, Alberto**

*"(Without this training) I would never have understood the magnitude of what mediation is. Just thinking about each mediation and working out that technique to bring about the best result is a great satisfaction."*

*-Former private attorney who completed the course for mediators to apply to his work in the newly created Restorative Justice Center.*

This quarter the respective state institutions responsible for the provision of alternative justice services adopted the curriculum, as follows: AJCs of Hidalgo, Morelos and Puebla; the AG Office and State System for Alternative Justice within it in Baja California; the RJN of CSOs of Chihuahua, the AG Office of Nuevo Leon, and Restorative Justice Center of Oaxaca.

### **Milestone 2.10 – Technical assistance for the adoption of the Performance Improvement Methodology, described in the approved work plan for the period July-December 2012, in at least one institution in no less than seven states**

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To comply with this result the JASP focused its efforts in two areas: providing TA for the adoption of its PIMs and models in the seven target states; and transferring its training impact methodology to GoM counterparts in Baja California, Chihuahua, Morelos, Nuevo Leon and Oaxaca.

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, investigative units (IUs), victims' assistance units (VAUs), 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 implements models to build minimum parameters or standards regarding infrastructure, organizational structure, competency profiles, operational profiles and performance indicators for the creation of AJCs, IUs, VAUs and WJCs, or to create IUs or organizational systems in justice institutions in states where the reform has not yet entered into force (e.g. the Case Management Model, to develop an information system for case management in the State Court of Hidalgo, where the reform will enter into force in Q3).

This quarter the JASP made significant progress towards the Milestone 2.10 goal by providing TA for their adoption in **Baja California** (PIMs for the State Court, AG and PD Offices, VAUs, and IUs); **Chihuahua** (PIMs for State Courts, AG and PD Offices, VAUs and WJCs); **Hidalgo** (models for case management, IUs, VAUs and WJCs); **Morelos** (PIMs for State Courts, AG and PD Offices, PTS units and VAUs, and model for inter-institutional coordination); **Nuevo Leon** (PIMs for State Courts, AG and PD Offices, IUs, VAUs, and model for IUs); **Oaxaca** (PIMs for State Courts, AG and PD Offices, IUs and VAUs, and models for WJCs and inter-institutional coordination); and

**Puebla** (models for case management, AJCs, IUs, VAUs, WJCs and inter-institutional coordination).

### **Justice institutions ensure the effectiveness of their own training initiatives through application of the JASP's training impact methodology**

This quarter the JASP transferred its tested and proven methodology for evaluating the impact of its trainings to directors of training institutes at the AG and PD offices, state courts and state SETECs in Baja California, Chihuahua, Morelos, Nuevo Leon and Oaxaca. The methodology, provided on CDs, was designed with a focus on simplicity and low cost for easy adoption and application by justice institutions. Indeed, a key objective in the design of the methodology was its simplicity, to facilitate its ease of transfer to and application by counterpart institutions. The CDs also included the findings of the first two rounds of the JASP's Training Impact Evaluations, carried out: in May 2012 with judges, prosecutors, public defenders and police investigators in Baja California and mediators in Oaxaca; and in September and October 2012 with public defenders, police investigators, mediators and victims' assistance staff in Baja California, Chihuahua, Morelos, Nuevo Leon and Oaxaca.



### **Capacity of courts built for caseload management**

The Performance Improvement Methodology for State Courts (PIM-SC) provides technical solutions to states implementing the reform to improve caseload management 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>13</sup> (e.g. number of cases filed, number of cases resolved, type of sentence, time to disposition of each case, and number of backlogged cases), and the analysis of court information systems to identify the causes of gaps in performance for steps two and three (e.g. inconsistency in data collection due to not applying performance indicators).

The Case Management Model (CMM) prepares state courts on the NCJS in states where the reform has not yet entered into force, through the establishment of an adequate information system for case management. This system includes the minimum parameters to monitor an individual case from the moment it enters the judicial system until a sentence is issued, to ensure that cases are resolved in accordance with due process and within an appropriate timeframe.

### **Chihuahua and Morelos**

This quarter the JASP completed implementation of steps two and three<sup>14</sup> of the PIM-SC in Chihuahua and Morelos.

In Chihuahua the JASP identified that: i) the indicator regarding time to disposition of each case

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<sup>13</sup> Step one of the PIM was completed in Chihuahua and Morelos in Q1

<sup>14</sup> The six steps of the PIMs are as follows:

1. Identify partners and 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

should be more precisely defined and closely monitored, as at the moment there is confusion regarding the start date of cases; ii) the State Court has a very heavy administrative workload for misdemeanors and petty crimes, which is caused by the limited application of alternative dispute resolutions in the state; iii) the State Court's database is outdated; and iv) judges are faced with presiding over cases in different judicial districts, which doubles their workloads.

**Box 6: Study Tour Beneficiary**

"It was important to have the opportunity to see what is possible in the implementation of information systems for case management and how to do it right."

*—Celina, a court administrator from Morelos who went on the study tour to Santiago, Chile for administration of justice institutions*

In Morelos the JASP's findings included that: i) the Court needs to develop a new information system as the current one is excel-based and makes the sharing and access of information cumbersome and not very efficient; ii) the Court should develop an operational manual and competency profiles for case management and court administrators, respectively; iii) additional staff need to be hired in case management as currently there are only two officials charged

with this task, which has led to a slow process for the filing of information and thus inefficiency; and iv) the State Court must update the information system on a monthly basis, to allow them to closely and accurately monitor performance.

## Puebla

This quarter the Puebla State Court with JASP TA initiated implementation of the CMM. The JASP and the Court carried out a review of the Court's case files and made recommendations, such as: i) the development of an information system, that uses the indicators that were developed at the JASP-Q4 FY 2012 workshop, which categorize and monitor case information (e.g. number of cases filed, number of cases resolved, type of sentence, time to disposition of each case, and number of backlogged cases); and ii) staff of the State Court need further training to ensure that the proper information is collected to be able to measure these indicators.

With JASP TA, the State Court developed a pilot information system, which includes the indicators and will be tested in Q3, in the Teziutlan district, the first to implement the reform in the state.



The pilot data system is innovative and efficient as it allows staff to upload case information through a user-friendly online portal, and features interactive kiosks, which will be set up throughout the State Court's facilities and allow staff to quickly retrieve data.

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

The Performance Improvement Methodology for Attorney General's Offices (PIM-AG) strengthens the institutional capacity of AG offices operating under the NCJS through the development, for example, of SOPs, protocols for prosecutorial discretion, and operational manuals that ensure the effective investigation and prosecution of crimes under the NCJS. This methodology encompasses the identification of performance indicators for step one (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) for steps two and three, the development of solutions for gaps in performance for step four (e.g. the creation of case screening units, CSUs, for improved case channeling) and the implementation of these solutions for step five (e.g. through the use of

operational manuals).

### **Baja California, Chihuahua and Oaxaca**

This quarter the JASP and the AG Offices of Baja California, Chihuahua and Oaxaca made significant advances in the implementation of solutions as part of step five of the PIM.

In Baja California the AG Office created the Unit for Handling Petty Crimes with Unknown Suspects, for which the JASP provided TA to determine the physical infrastructure, staffing and budgetary needs. This unit handles all petty crimes that arrive to the AG Office without a suspect. It is composed of three police officers and two prosecutors whose task is to analyze these crimes in order to identify if *modus operandi* exists (e.g. one person getting robbed a single time, versus multiple people getting robbed in the same neighborhood within the same time frame). As many of these crimes do not result in investigations they are mainly administrative, which significantly lightens the workload of the CSU, who were previously burdened by the high number of these cases. The JASP and the Baja California AG Office also developed a draft performance criteria manual to ensure that staff working in the new unit are respecting the principles of the NCJS. The manual addresses for example: i) when to temporarily suspend investigations; ii) how to channel cases to the proper unit (e.g. victims' assistance or ADR units); and iii) how to decide which cases should not be investigated (e.g. if there is not enough evidence or if the parties involved decide to undergo a restorative justice process).



In Chihuahua the AG Office with JASP TA updated the performance criteria manual, which was developed in Q1 as a solution for gaps in performance and has been implemented by the Serious Crimes and Juvenile Cases Units. The AG Office and the JASP added new criteria to the manual regarding: i) when to request the application of a plea bargain; ii) how to supervise police arrest of suspects *en flagrancia*;<sup>15</sup> and iii) how to organize case files. The AG Office also expanded the application of the manual to be used by three additional units (Damages and

Injuries, Judicial, and Administrative).

In Oaxaca the Governor's Office approved the AG Office's internal guidelines, which establish the mandatory creation of CSUs within state AG Offices. The guidelines were introduced by the State AG due to the success of the CSUs opened in the Central and Istmo regions in 2012 as part of implementation of the PIM-AG. The AG Office with JASP TA completed a draft operational manual on how to create and operate CSUs, which includes the objectives, functions and organization of CSUs, as well as the roles and responsibilities of Unit staff, such as deciding when to temporarily suspend investigations and channeling cases to the proper area of attention within the AG Office (e.g. alternative dispute resolution services, victims' assistance or juvenile justice).

### **Morelos and Nuevo Leon**

This quarter the JASP started the implementation of the PIM-AG in Morelos and Nuevo Leon. Through initial working sessions the JASP and the AG Offices developed work plans for the PIM's implementation in Q3 FY 2013 and completed diagnostics of the main operational issues in each Office, which will be the focus of the JASP's TA.

In Morelos the JASP identified that: i) the Case Screening and Robbery Units are currently

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<sup>15</sup> Caught "red-handed," or in the act of committing a crime.

burdened by heavy workloads and would benefit from the implementation of SOPs to ensure effective case management; ii) prosecutors need further capacity building on conducting investigations under the NCJS; and iii) the AG Office lacks a system for monitoring performance.

In Nuevo Leon the JASP found that: i) the Office should develop SOPs to ensure the effective enforcement of the 15 new types of crimes, which entered into force under the NCJS in the state in January 2013; ii) the AG Office should create a CSU to ensure effective case channeling, and make sure that prosecutors are not burdened by administrative tasks; and iii) human resources are unequally distributed within the AG Office, resulting in a lack of necessary tools for conducting investigations (e.g. equipment for collecting forensic evidence).

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

The Performance Improvement Methodology for PD Offices (PIM-PD) enhances the capacity of PD Offices to provide quality defense services according to the NCJS. This process encompasses the identification of performance indicators for step one (e.g. the number of new cases per month and the number of users satisfied with the services offered), the completion of evaluations of past case files for steps two (identify and assess gaps) and three (define the causes of those gaps), the determination of specific quality standards such as confidentiality and respecting the presumption of innocence for step four (develop solutions), and the adoption of these standards for step five (implement solutions).

### **Baja California, Chihuahua, Morelos and Nuevo Leon**

This quarter the PD Offices of Baja California, Chihuahua, Morelos and Nuevo Leon completed step five of the PIM-PD with JASP TA through the adoption of quality standards for defense in these states. The standards, which were developed by JASP based on international principles for defense, are divided into three categories related to: i) the performance of public defenders (e.g. having a complete understanding of the CJR, conducting thorough investigations and developing quality case theories, and ensuring that the human rights of defendants are respected); ii) properly managing defendants' case files (e.g. registering all necessary information in the file); and iii) the communication with the defendant (e.g. ensuring that the defendant is always informed on the status of his or her case and using non-technical language to communicate with defendants and their families). To see a list of the general JASP-developed quality standards please see Annex XII.

The JASP and the PD Offices updated the quality standards to the context of each state with changes including:

- i) In Baja California the adjustment of the standards ensure that public defenders: continue to investigate a case if the defendant is placed under pre-trial detention; exercise all appeals given by law to prevent a judgment that violates human rights; and always use the information in the flight risk evaluation provided by the PTS Unit for Adults in initial hearings.
- ii) In Chihuahua the adjustment of the standards to ensure that: the sentence allows for the social reintegration of the defendant if possible; the defendant is represented by his/her assigned public defender through all stages of the judicial process (investigation stage, and initial, intermediate, oral and sentencing hearings); and for public defender requests to be removed from a case, the PD Office's internal SOPs shall be followed.
- iii) In Morelos that public defenders: ensure that the information contained in the case files is reliable and verifiable; consider criminological and psychological theories, and cultural

- issues in the development of their case theory; obtain full disclosure from the prosecution for the development of case theories; and respect the PD Office's SOPs for assigning public defenders to cases based on their experience.
- iv) In Nuevo Leon that public defenders: document information from all stages of the judicial process in their case files; record all interviews carried out with defendants; ensure that precautionary measures other than pre-trial detention are considered for the defendant; and request that a hearing be postponed if they have not have enough time to collect adequate evidence.

## **Public Defenders' Capacity Built to Investigate Cases with Children Victims**

### **Chihuahua and Oaxaca**



This quarter the JASP conducted two workshops for 15 and 50 public defenders from the Chihuahua PD Office and the Oaxaca Office for Indigenous Defense, respectively, on techniques for investigating cases with children victims. Participants' capacity was built on how to: i) collect forensic evidence for these cases through coordination with medical doctors (e.g. in the case of alleged sexual assault or shaken baby syndrome)<sup>16</sup>; ii) identify physical signs of sexual abuse; and iii) obtain desired information in cases where false memories have been implanted in children through the use of special interview techniques.

The JASP initiated implementation of the PIM-PD with the Oaxaca Office for Indigenous Defense by presenting the methodology and its steps to the PD Office, and presenting on the JASP's achievements and best practices related to its implementation in Baja California, Chihuahua, Morelos and Nuevo Leon (e.g. the adoption of quality standards for defense in the four states).

### **Presumption of innocence protected through creation, consolidation and strengthening of Pre-Trial Services Units**

The Performance Improvement Methodology for Pre-Trial Services Units (PIM-PTS) provides technical solutions to improve services delivered by existing PTS units through the development of strengthening plans, indicators that monitor the quality of the services of the PTS Units and performance of their staff in Baja California, Hidalgo, Morelos, and Puebla. For example in Morelos the JASP completed their analysis of 110 flight risk evaluations carried out by the PTS Unit for Juveniles, and identified strengths and areas for improvement.

### **Morelos**

The Morelos State SSP and the JASP produced a video documentary illustrating the successes of the PTS Unit for Juveniles through two contrasting cases: i) prior to the opening of the unit, a defendant who was proven innocent was placed under pre-trial detention; and ii) following the

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<sup>16</sup> "Shaken Baby Syndrome," now more known as "Non-Accidental Head Injury," is a constellation of symptoms characterized by: (1) subdural hematoma, (2) retinal hemorrhage, and (3) cerebral edema. Previously thought to be pathognomonic, it is now recognized that these symptoms can have causes other than shaking. Controversies exist, inter alia, as to whether shaking vs. trauma (striking the head on a surface) produces more force, whether an adult human is capable of producing enough force by shaking to cause these injuries, whether, assuming one can shake an infant hard enough to produce these symptoms, whether that could be accomplished without external injury and/or serious neck injury, and whether there can be a lucid interval following a trauma sufficiently severe to cause these symptoms. The presentation given introduced participants to both the triad of symptoms thought to be caused/causable by shaking, and to some of the research questioning the validity of those assumptions. Source: JASP course materials

opening of the unit, a young defendant was allowed to complete the judicial process without having to leave her studies, via court-ordered house arrest as a precautionary measure.

This quarter the PTS Unit for Juveniles and the JASP completed an analysis of 110 flight risk evaluations, which provided insight in identifying strengths and areas for improvement in the unit. The recommendations include: i) the creation of a registry of all case files in a general database to ensure speedy and efficient access to this information; ii) the development of a registry of receipt by the prosecutor and defense when they are given the results of the flight risk evaluation; iii) that all evaluation reports are completed before the sentencing hearing; and iv) that the PTS unit develop protocols to ensure the proper completion of these evaluations by the unit's staff.

### **Baja California**

A grant awarded to the Institute of Criminal Procedure (IJPP, acronym in Spanish), facilitated JASP TA in Morelos and Baja California to consolidate PTS for juveniles and adults in those states, and for creating PTS units in Hidalgo and Puebla.

In Baja California the JASP provided TA to the PTS Unit to develop an institutional crisis response manual, in line with the principles of the CJR and in the specific context for PTS Units, to establish protocols for managing any incident that may affect proper operations of the unit. The draft manual outlines the basic steps to develop a strategy for crisis intervention under the PTS, including protocols (see Box 7) for reaction and management of a crisis, which can refer to any breach of injunction (for example, non-compliance with a preventive measure ordered by a judge such as not finding a defendant in his or her designated place of home or work as ordered by the court.

#### **Box 7: Protocols for Crisis Intervention**

- 1) Preconditioned roles in a crisis, including appointing a designated spokesperson to respond to the crisis.
- 2) All justice system officials shall be familiar with the role they play in a crisis situation.
- 3) All justice system officials shall be familiar with the institution and the local reality, including what experienced human and material resources are available to provide an effective response (e.g. who has the responsible and competent authority, and what crisis response mechanism to enable as a precaution).
- 4) The crisis communications team shall be ready at all times to respond to critical situations by pre-designed communication strategies.

*-An excerpt from the draft manual for crisis management protocols.*

### **Hidalgo and Puebla**

In Hidalgo, where the reform has not yet entered into force, the JASP and heads of the State SETEC, State Court, AG Office and PD Office carried out their first working session to begin implementation of PTS in the state. In an innovative approach the state is considering creating a PTS Unit designated under the State Court, which would make Hidalgo a reference for the rest of the country, as such units in all other states are placed under the secretariats of public safety (see Milestone 2.1).

In Puebla, where the NCJS came into force on January 15, 2013, the JASP provided TA to ensure PTS will be provided in line with the NCJS. To that end, the JASP and the IJPP provided TA to develop tailor-made flight risk evaluation formats and a mechanism to monitor defendants for the future PTS Unit in Puebla. These flight risk evaluation formats measure the probability of compliance to PTS programs based on responses to certain categories, such as the defendant's home and family details, employment, and whether or not they have a history of substance abuse. For monitoring, interview formats are being developed for the defendant, for their family, personal references and employers.

The JASP and the IJPP also provided TA in Puebla and Hidalgo to familiarize a network of CSOs<sup>17</sup> with the benefits of the NCJS, with an emphasis on PTS, and the importance of their involvement in the implementation process. With IJPP support a work plan for citizen participation in the NCJS was developed that includes participation of the Universities through placing students to work within the organizations involved in the implementation of PTS.

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

#### Box 8: IU Guidelines

*The JASP presented to state AG offices 55 guidelines to ensure procedures that are in line with the NCJS, and states began to first implement 20 priorities. Generally, they include:*

- 109 Uniforms and Equipment
- 201 Use of Force
- 202 Methods of Arrest and Control
- 203 Firearms
- 205 Detention
- 206 Transferring Detainees
- 208 Assisting Victims at Crime Scenes
- 209 Transporting Victims from Crime Scenes
- 210 Pursuits
- 211 Police Officer Wounded in Action
- 212 Searching Suspects
- 215 Official Use of Vehicles
- 216 Vehicles in Emergencies
- 220 Visual Inspection of Crime Scenes
- 301 Initial Response to Crime Scenes
- 302 Interviews

The Performance Improvement Methodology for Investigative Units (PIM-IU) aims to establish efficient and permanent collaboration between prosecutors and police investigators, thus improving investigations under the NCJS. This quarter the JASP provided TA for the implementation of step five of the PIM-IU to the AG Office in Baja California, and Oaxaca for adoption of guidelines to support the application of the JASP’s coordination protocols for prosecutors and police investigators.

The Investigative Units Model (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.

Through several working sessions the JASP and state justice institutions devised work plans to implement the 55 guidelines, which are general in nature but each state needing to adjust them individually to their institutions context. Implementing all at once would invite difficulties, so beneficiaries agreed to begin with 20 guidelines considered “priority” procedures (see Box 8) to ensure ease in the conversion.

The JASP also provided TA to the state AG Offices of Hidalgo and Oaxaca to complete work plans for the consolidation of investigative units, and developed and initiated the implementation of a work plan for the creation of an IU for cases with unknown suspects in Nuevo Leon.

### Baja California



This quarter the JASP provided technical assistance to implement step five of the PIM-IU in the Baja California State AG office, which began to implement 20 of the 55 guidelines<sup>18</sup> to support the application of the JASP’s coordination protocols for prosecutors and police investigators within the Property Crimes and Sexual Crimes Units of the AG Office. They refer, for example, to presenting

<sup>17</sup> In Puebla the CSOs include the *Fundación empresarios por Puebla* (Puebla Entrepreneurs Foundation), *Justicia ciudadana* (Citizen Justice) and *Asociación civil abre tu corazón* (Open Your Heart Civil Association). In Hidalgo this included the CSOs *Construyendo esperanzas A.C* (Building Hope), the *Organización Smiles A. C* (Smiles Organization) and *Seremos Mujeres solas y fuertes, A.C* (We Will be Strong Single Women).

<sup>18</sup> In Baja California there were 29 tailored guidelines developed for the SCU and 26 for the PCU.

evidence and testimonies during oral trials, using vehicles for investigations, collecting and documenting evidence, and conducting raids.

### **Hidalgo**

The Hidalgo State AG Office also completed a work plan with JASP TA for the consolidation of its investigative unit as part of the IUM. The plan incorporates the introduction of 55 coordination protocols for prosecutors and police investigators for carrying out investigations, and the establishment of an internal committee to monitor their implementation. This quarter the State Secretary of Public Safety began to implement 20 of those 55 guidelines. In Hidalgo the guidelines address, for example, presenting evidence and testimonies during oral trials, using vehicles for investigations, collecting and documenting evidence, criminal analysis of cases, police supervision and coordination, and performance evaluation.

### **Oaxaca**

The Oaxaca State AG Office with JASP TA completed the work plan for the consolidation of its investigative unit as part of the PIM-IU. The plan includes an agreement to implement 20 of the 55 guidelines for coordination between prosecutors and police investigators and the establishment of an internal committee to monitor their implementation.

### **Puebla**

The AG Office in the Teziutlan District of Puebla, where the reform entered into force January 15, 2013, officially implemented the first 22 of the 55 guidelines for coordination protocols for prosecutors and police investigators, developed with JASP assistance as part of the IUM. These guidelines address the criminal analysis of cases, police supervision and coordination, and performance evaluation, and aim to correct practices of investigative units in the district that are still following procedures from the inquisitorial system.

### **Nuevo Leon**

In Nuevo Leon this quarter the AG Office and the JASP made significant advances toward the creation of an investigative unit for cases with unknown suspects, including: i) developing criteria for classifying unknown suspects (e.g. no, little or partial information on the suspect); ii) reviewing past case files to identify information to be included in the unit's case management database, which is also being developed with JASP TA; and iii) designing a three-module training program to build the capacity of future staff of the unit, which addresses topics such as the structure and organization of the unit, the responsibilities of all staff and techniques for collecting information on cases with unknown suspects.

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

The AJC Model (AJCM) establishes the parameters or standards for the key components of an AJC, such as physical infrastructure, organizational structure, SOPs, performance indicators and competency profiles.

This quarter the JASP focused its efforts on providing TA for the opening of a State AJC in Puebla, and building the capacity of AG Office staff that will provide services there.

## **Puebla**

The AG Office in Puebla, with JASP TA, made progress for the opening of a State AJC, based on the AJCM. The AG Office presented to the JASP the advances made thus far in the creation of the AJC, with physical sites already determined in the Teziutlan, Ciudad Serdan and Libres municipalities. This quarter the JASP achieved key accomplishments to include: i) providing TA for future staff members for operations of the future AJC, including on the admissibility of cases; ii) making recommendations during visits to the Center's construction site for adequate office spaces required for the processes of mediation, conciliation and restorative justice services for future beneficiaries; iii) transferring to the AG Office its formats for documenting user information in AJCs; and iv) carrying out a JASP-designed certificate course in the AG Offices' professional training institute for eight AG Office staff to be certified as mediators to work in the future AJC.

In regard to the latter, the three-week, 90-hour certificate course built the capacity of the mediators to identify and resolve conflicts and to facilitate mediation sessions using different theories and methodologies (e.g. through active listening and role playing activities). Ensuring the use of dispute resolution methods in the AJC will result in healthier solutions and reduced case loads in the courts. The AG Office also adopted a more comprehensive JASP curriculum for advanced mediation training<sup>19</sup> and agreed to replicate the course for training for staff of the future center throughout Q3.

### **Institutional capacity of victims' assistance centers strengthened, resulting in improved provision of services**

The JASP's Performance Improvement Methodology for Victims' Assistance Units (PIM-VAU) proposes solutions, toward enhancing assistance for victims such as an advanced organizational structure of units, new procedures and how to execute them, and performance indicators.

## **Federal Level**

This quarter at the federal level the JASP and the Office of the Social Prosecutor for Crime Victims (PROVICTIMA, acronym in Spanish) identified needs and areas of opportunity within the latter, as part of the PIM-VAU. Recommendations included: i) improving PROVICTIMA's information system to ensure efficient administration of their case database; ii) enhancing PROVICTIMA's role in investigations through the development of protocols for coordination with prosecutors; and iii) improving the victims' assistance services through further capacity building for staff by a designing a custom-made training syllabus for use within the unit (which was designed by the JASP).

A two-week, 45-hour training course designed by the JASP built the capacity of 23 victims' assistance staff from PROVICTIMA on victims' assistance under the NCJS. Topics included: i) legal framework for victims' assistance and provision of legal assistance; ii) the general role and responsibilities of victims' assistance staff in the NCJS; and iii) practical skills to provide appropriate assistance to victims in the investigation stage, including protecting the victims' rights, challenging decisions made by prosecutors that go against the interest of victims, and using alternative dispute resolutions.

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<sup>19</sup> Other states also have agreed to adopt this advanced curriculum, as outlined in Milestone 2.9.

## **Chihuahua, Hidalgo and Morelos**

The JASP introduced to the newly appointed Deputy AG for Victims' Assistance the achievements of the PIM-VAU in Chihuahua to ensure its continued implementation. Accomplishments have entailed the updating of the unit's operational manual to include: a mission statement, vision and general objectives; flowcharts outlining the process for victims' assistance; and competency profiles for VAU staff (directors, coordinators, social workers, psychologists, lawyers and medical doctors). The JASP presented the PIM-VAU and its implementation process to the Deputy-AG for Victims' and Family Assistance of Hidalgo, which agreed to begin to identify and assess gaps in providing services and assistance to victims. The JASP also transferred to the AG Office its curriculum for its certificate course on victims' rights and assistance under the NCJS.

The JASP presented to the AG Office of Morelos on the PIM-VAU and its implementation process, and the AG Office agreed to begin to identify and assess gaps in providing services and assistance to victims. Also the JASP carried out a working session with the State SETEC and the Autonomous University of Morelos to organize the JASP's certificate course on victims' assistance under the NCJS. The 11-module course, which covers topics such as how to assist victims of traumatic violence and social rehabilitation, begins on April 26 and is intended for staff working in victims' assistance from the AG Office, the State SSP and the State SETEC, as well as representatives from CSOs working in victims' assistance who will be selected by the State SETEC.

## **Nuevo Leon**

The JASP strengthened the capacity of the AG Office and the Family Justice Center (FJC) by providing TA for updating the Center's operational manual as part of step six of its PIM-VAU. In addition, the JASP and the FJC identified new performance indicators to be included in the Center's operational manual. These entail the number of victims assisted in the judicial process per victims' advocate and the number of victims empowered for their social rehabilitation.

## **Oaxaca**



This quarter the US Ambassador to Mexico recognized the importance of services provided by Restorative Justice and Victims' Assistance centers in Oaxaca during a visit to the centers whose capacity has been built by the JASP. Members of staff have received over 100 hours of training on subjects, including: alternative methods of justice, dealing with trauma, resolving conflicts and restorative justice.

These courses include theoretical and practical elements to prepare staff for the complexities of cases they will manage, and have contributed in particular to the Restorative Justice Center's (RJC) resolution of 36,000 cases through mediation over the last two years. The Ambassador emphasized the United States' commitment to its institutional strengthening efforts.

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

The Performance Improvement Methodology for Women's Justice Centers (PIM-WJC) consists of conducting a diagnostic of the local context, determining partners and performance indicators, identifying and assessing gaps and their causes, developing solutions, and monitoring their implementation.

The Women's Justice Center Model (WJCM) ensures comprehensive, timely and efficient access to justice and assistance for women victims of crime. It sets the organizational structures necessary for WJCs, the procedures and principles for investigation, prosecution and provision of assistance, and the necessary physical infrastructure.

The JASP has met its PMP target of four WJCs receiving program assistance in the following states: Ciudad Juarez and Chihuahua in Chihuahua, Oaxaca and Puebla.

## **Chihuahua**

The Ciudad Juarez WJC with JASP TA made a series of adjustments to the center's operational manual, as part of the PIM-WJC, which comprises a detailed section for each area of service provided by the Center (social, legal and psychological assistance). Modifications included: i) the inclusion of a flowchart outlining the steps to assist victims with social reintegration activities; ii) the development of an organizational framework; and iii) the creation of new institutional objectives, such as providing a secure and comfortable space for victims. The JASP held a working session in Chihuahua, Chihuahua, with the State Deputy AG for Women's Assistance and Gender Crimes to support their adaptation of the PIM-WJC as the AG Office currently applies its own model for women's justice services, which leads to asymmetries in the quality of services offered in the state.

## **Hidalgo, Oaxaca and Puebla**

This quarter Hidalgo, Oaxaca and Puebla, with JASP TA, became closer to the creation of WJCs for their states that will operate in line with the NCJS through implementation of the WJCM. The JASP with representatives of the future WJCs visited construction sites to review progress at the respective centers. In Hidalgo the JASP made recommendations on the blueprints for the future WJC, related to more office space being allocated for psychological assistance as well as for the various organizations or agencies that work within with the WJC (e.g. civil society organizations and the State Institute for Family Development). At the Oaxaca site a reception area and offices for carrying out legal consultations, and psychological and medical evaluations have been built. In Puebla the JASP reviewed progress of the general structure that has thus far been built, and suggested that a separate reception area be developed for users with serious injuries.

The Governor's Office of Hidalgo adopted the JASP's competency profiles for WJC staff based on the WJCM, namely for the center director, lawyers, psychologists, social workers, medical doctors and area coordinators. The profiles include the knowledge and competencies required for the successful provision of women's justice services under the NCJS and to properly refer cases to different areas of assistance (legal, social or psychological) within WJCs.

The JASP and the Oaxaca State AG Office, based on the WJCM, began developing an interview form to be used by staff to register new users when they first arrive at the center. The Oaxaca AG office also agreed to apply JASP recommendations to finalize the flowcharts in the operational manual for the Case Screening Unit of the Oaxaca AG Office, opened in September 2012 with JASP TA, and the WJC, to guide the provision of women's justice services. The flowcharts determine the type of intervention based on responses to various steps in the process, (e.g. does the victim wish to file a complaint?).

In Oaxaca and Puebla the JASP and representatives from the respective centers and the State AG offices agreed on amending the operational manuals and SOPs for the centers to be in line with the

WJCM and to ensure compliance with state legislation. In Oaxaca this entailed: i) developing new interview and psychological evaluation formats for center users; and ii) including in the Center’s operational manual the number of monthly incoming cases as a new performance indicator. In Puebla the JASP and the AG Office made adjustments: i) to ensure consistency between the procedures of the center and the AG Office; and ii) jointly with AG Office included a new performance indicator in the Center’s operational manual to keep track of the number of monthly incoming cases.

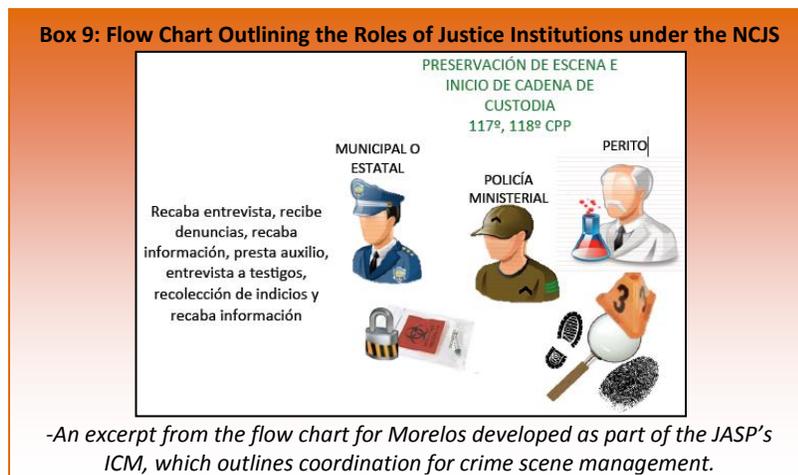
**Inter-institutional coordination model for justice system institutions ensures effective reform implementation**

The main objective of the JASP’s Inter-Institutional Coordination Model (ICM) is to establish adequate communication and coordination mechanisms for effective implementation of the NCJS through working sessions held among state SETECs, state courts, AG and PD offices and secretariats of public safety. This includes developing flow charts that outline the roles of these institutions for the scheduling of hearings and the sharing of internal databases, as well as the establishment of inter-institutional coordination protocols.

**Morelos, Oaxaca Puebla**

The main accomplishment for the ICM, which was launched this quarter in Morelos, Oaxaca and Puebla, was the validation of JASP-developed flow charts outlining the roles of each justice institution in several procedures under the NCJS (e.g. for the arrest of defendants, conducting investigations, carrying out hearings, application of precautionary measures and formulation of charges). Each chart was customized to reflect specific procedures and roles in each state, and in particular:

- i) in Morelos, specifying that the state’s centralized electronic information system will be used to schedule hearings, including protocols for the chain of custody (especially for transferring suspects from the SSP to the AG Office), adding that the State Court will use e-mail to notify the AG and PD offices of hearing dates and times, and standardizing the formats used by the SSP and the AG Office for making arrests (to see an excerpt from the Morelos flow chart see Box 9);
- ii) in Oaxaca including protocols for police to notify prosecutors of the location of a crime scene as soon as the crime is reported, preservation of crime scenes by police and transportation of defendants to and from hearings, as well as establishing the process for the use of translators during hearings; and
- iii) in Puebla adding protocols for managing cases between different judicial districts, monitoring precautionary measures, and notifying the AG and PD offices once a sentence is applied by the State Court, as well as including further detail on the processes for requesting the application of precautionary measures and plea bargains.



## Nuevo Leon

Nuevo Leon started the implementation using a unique approach of progressively implementing the NCJS by type of crime instead of by judicial district. The reform, which entered into force on January 1, 2012 in all 12 districts, is gradually being implemented across the state in five phases, with the first group of crimes implemented including homicide, property damages and causing non-serious injuries. On January 13, 2013, an additional 15 crimes were implemented under the NCJS, including moral offenses, alteration of crime scenes, bribery, embezzlement and domestic violence.

This quarter with extensive JASP TA the SIJUPE, State Court, AG and PD Offices, and SSP developed inter-institutional coordination protocols to ensure the successful entry into force of these 15 new types of crimes. The protocols address investigating domestic violence cases (involves the participation of police and prosecutors from the AG Office, and the provision of assistance to victims from the Family Justice Center), sharing investigation files before hearings (includes prosecutors from the AG office and public defenders from the PD Office), transporting defendants to and from hearings, (involving police from the AG Office and SSP, and the State Court) and the extraction of bodily fluids from suspects (must be approved by the State Court and undertaken by forensic experts from the AG Office). For more information on the achievements of the SIJUPE in Nuevo Leon see the success story in Annex VIII.

### Box 10: Success Story Excerpt

“The role is to coordinate and facilitate interaction of the whole system so we are all walking together in the same direction to facilitate the implementation of the reform.”

-Catarino Garcia Herrea, General Director of the SIJUPE.

## Training Guideline 3. The JASP will train no less than 500 individuals during this option period

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### Capacity of justice officials built

In total, 389 justice sector officials (215 women, 174 men) were trained in Q2. This entailed justices, judges, prosecutors, public defenders, police investigators, mediators, victims’ assistance staff and AJC staff. Training subjects included issuing rulings in hearings, requesting appeals, litigation in oral trials, investigations under the NCJS, restorative justice, PTS and victims’ assistance, among others. For a complete list of training courses carried out this quarter please see Annex V.

During the period, 127 justice officials, that is, 96.9-percent, obtained a higher grade on the post-training test than on the pre-training test, thereby exceeding the JASP’s target of 90-percent for justice sector trainees who demonstrate increased knowledge. For further information on justice sector officials trained please see Annex III.

### Impact of trainings evaluated

#### Box 11: Study Tour Beneficiary

“It was important to have the opportunity to see what is possible in the implementation of electronic systems for case management and how to do it right.”

-Court administrator from Morelos who went on the study tour to Santiago, Chile for court administrators

The JASP ensured the effectiveness of its trainings by applying the third round of its Training Impact Evaluation (TIE) this quarter. The JASP administered 81 electronic surveys for prosecutors and victims’ assistance staff in Baja California, judges in Morelos, prosecutors and mediators in Nuevo Leon, and police investigators in Oaxaca and Puerto Escondido, Oaxaca to assess what were the most important changes in their work following JASP trainings, and why they were important, and next what were the motivations and incentives as well as the obstacles and disincentives for applying on the job the knowledge gained. In addition to the

electronic surveys, the evaluation included focus group interviews to obtain more profound and qualitative inputs. These justice officials each met the criteria for participation, such as completing the minimum hours of training (judges and prosecutors, 96 hours; police investigators, 160 hours; mediators, 140 hours; and victims' assistance staff, 163 hours) and having six months to apply the knowledge gained in the new adversarial system. The first analysis of the data obtained from this evaluation provides noteworthy findings: i) meaningful training impacts have been detected in each target group and, in general, all reported greater confidence and competence in carrying out their new roles under the accusatorial system thanks to JASP trainings; ii) all of the operator groups evaluated expressed changes in their behavior that positively affect human rights; iii) the JASP trainings are resonating through justice institutions, as many justice officials are actively and continually imparting their knowledge gained to their colleagues; and iv) insufficient resources were a consistent challenge for ensuring the impact and application of trainings and knowledge gained within, across all target groups. To see a presentation of the results of the TIE please see Annex VI.

**Impact of study tours assessed**

The JASP developed a methodology for and conducted a pilot to evaluate the impact of its study tours. In accordance with many of the proven elements of its TIE methodology, the JASP administered 53 electronic surveys (35-percent of the total number of beneficiaries) for justices, court administrators, prosecutors, victims' assistance staff, and police investigators in Baja California, Chihuahua, Morelos, Nuevo Leon and Oaxaca, to evaluate what were the most valuable aspects learned while participating in tours to Monterrey, Nuevo Leon (victims' assistance staff); Santiago, Chile (judges and courts administrators); Medellin, Colombia (victims' assistance staff); and Los Angeles, United States (police investigators and prosecutors), as well as what changes the participants made in their respective institutions (such as implementation of protocols, manuals, guidelines) upon their return. In addition the officials participated in focus groups to provide qualitative inputs to the evaluations.

The results obtained from the ST-IE showed that study tours, as a form of training, have a widespread and significant impact on the motivation of justice officials and their confidence in the viability of the NCJS. The JASP found that the study tours are especially useful for participants to: i) learn best practices; ii) apply effective public policies; and iii) understand how to design and implement programs to improve institutional operations. The positive impact of the tours is noticed on the individual level through the acquisition or enhancing of skills, values, attitudes and technical knowledge, but it also transcends to the institutional level as the beneficiaries implement specific institutional strengthening projects and improve their professional performance. To see a presentation of the results of the ST-IE please see Annex VII.

**Box 12: Study Tour Beneficiary**

"The study tour gave us the opportunity to observe the processes of our Mexican colleagues who have more experience conducting investigations under the NCJS"

*-Prosecutor from Nuevo who participated in the study tour to the Attorney General's Office in Baja California.*

**Robbery and Homicide Units in Baja California and Chihuahua improve the effectiveness of investigations**

This quarter, in Baja California, prosecutors of the Robbery and Homicide Units of the AG Office completed the fifth and sixth of a series of seven week-long working sessions (which began in August 2012), conducted by former US federal prosecutors during which they learned how to manage successful investigations. The sessions introduced an investigation methodology, which was adopted by these units and includes guidelines for documenting crime scenes, formats to record

the type of crime and describe evidence collected, and protocols to assign police and prosecutors to investigations. During the final session, which was conducted during the preparation of this report, the JASP found the units have more organized case files and have enhanced coordination between prosecutors and police, which can be attributed to the capacity building and the application of the Program's cutting-edge methodology.

The JASP also initiated similar coaching sessions with the Robbery and Homicide Units of the AG Office of Chihuahua. These sessions are being conducted with the purpose of reversing the tendency in Chihuahua to use methods employed under the inquisitory criminal justice system in conducting investigations. The JASP and AG Office began by analyzing past investigation files to identify errors and areas for improvement. Findings included that case files contain excessive information (that is not necessarily related to the crime or needed to develop a complete case theory) and that case files are disorganized. The JASP also introduced the investigation methodology applied in Baja California, which will be tailored and adapted to the AG's Office context in Q3.

### **Capacity of justice officials built in Puebla through mock hearings**



The JASP built the capacity of judges, prosecutors and public defenders to operate efficiently in the NCJS through a series of mock hearings performed in Puebla during the quarter. Through the sessions, the JASP presented a series of hypothetical cases, which justice officials took turns acting out and subsequently discussed the areas of strengths and weakness they observed. The participants demonstrated a solid understanding of the significance of each stage of the hearings, while the JASP detected the need for further training for prosecutors and defenders on formulating arguments and for judges on presenting their rulings.

### **JASP instructors' capacity built to ensure accurate documentation of trainings**

The JASP built the capacity of 19 Program instructors through a one-day workshop to properly document and successfully conduct training courses. Through the course participants gained key theoretical and practical knowledge on: i) the JASP's monitoring protocols for documenting and evaluating the impact of training courses; ii) USAID's mandatory elements for counting trainees and training courses; and iii) how to correctly register trainees and ensure the accurate logging of those that do and do not meet the 80% attendance requirement, take quality photographic evidence and document pre- and post-training exam scores. The JASP also conducted a "refreshment course" on the National Institute for Trial Advocacy's (NITA) "learning-by doing" teaching methodology, and built the participants' capacity on the application of interactive teaching techniques (e.g. role playing or teamwork activities, and group brainstorming).



### **Improved defense during investigations under the New Criminal Justice System in Nuevo Leon**

The Training Institute of the PD Office of Nuevo Leon and the JASP presented certificates to 20 public defenders to recognize their completion of the JASP's 240-hour initial training program for public defenders on the NCJS, as well as to 31 public defenders who participated in the JASP-conducted study tour to Baja California where they learned about litigation in oral trials. During the

ceremony the head of the PD Office emphasized the importance of continuing public defenders' capacity building to make sure they properly carry out their roles under the NCJS.

**Master's on human rights for SSP officials approaches graduation**

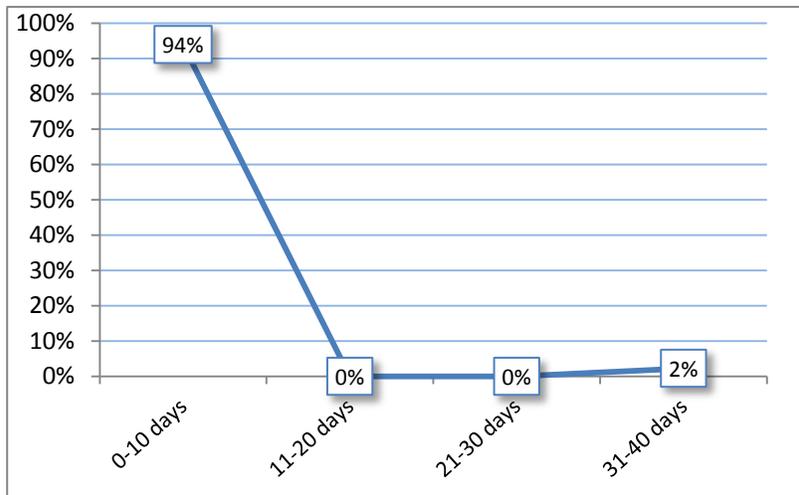
**Box 13: JASP Trainings**

"Thanks to the Train-the-Trainer programs provided by the JASP, the Public Defenders' Office can now self-sufficiently train staff on the NCJS"

- Director of the Public Defenders' Office of Nuevo Leon

This quarter 254 federal police officers (136 women, 118 men) completed the Master's Certificate Program in Human Rights and Security conducted by the Latin American Institute of Educational Communication (*Instituto Latinoamericano de la Comunicación Educativa, ILCE*). The program which started in October 2011, consisted of four modules covering the following topics: i) democratic rules of law and human rights; ii) public security, the accusatory system and alternative methods for conflict resolution; iii) police in the accusatorial system; and iv) victims of crimes and the abuse of power. The trainees were divided into 20 groups, each of which had a tutor assigned to it to provide feedback on coursework, answer questions and facilitate productive discussions. From February to June the participants are taking part in a seminar, during which they must develop theses related to the contents of the program. 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.

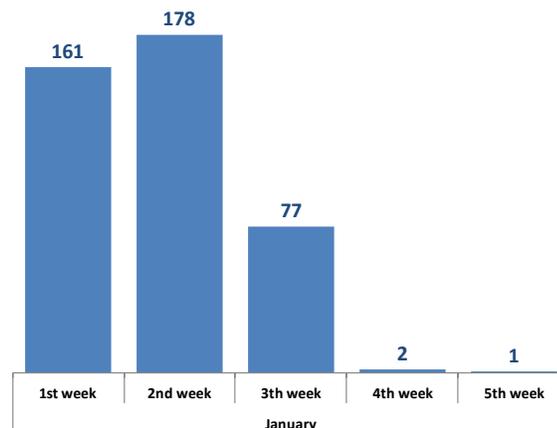
**Graph 1: Percentage of students and number of days they logged into the website**



Throughout the quarter, the 254 students logged onto the platform an average 3.6 of the 31 days between January 1 and January 31, 2013. This means that they logged in at least 1 day per week to review the website content and take part in the forums and discussions.

**Graph 2: Number of weekly interventions by students in the forum**

Due to their parallel work obligations, the students participated mainly during non-working hours, with 39.06% of all activity being carried out at night, and almost 43% of all activity taking place on Saturdays or Sundays. Students could ask questions to their tutors and academic coordinators and share resources and articles with other students via the course discussion forums. During Q2, 202 students actively contributed with 419 interventions in these forums, representing an average of 3.48 interventions per student



during the period.<sup>20</sup>

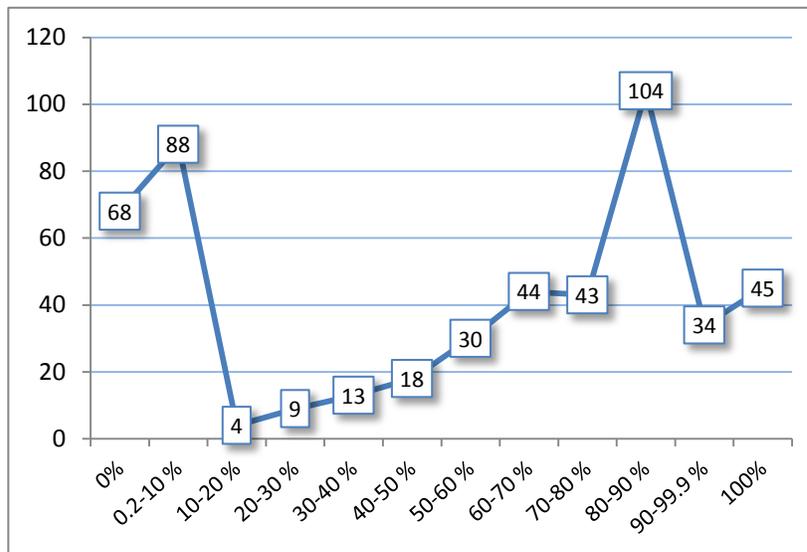
### Certificate course on human rights and public security for SSP officials launched



The Iberoamericana University (*Universidad Iberoamericana de la Ciudad de México*) started this quarter the Certificate Course on Human Rights and Public Security for 500 (165 women, 335 men) police investigators from the federal level (432), the Nuevo Leon AG Office (38) and the Puebla SSP (30) which is building the capacity of the participants to ensure promotion of and respect for human rights. Throughout the quarter nine weeks of the course were completed, with topics including: the responsibilities and obligations of states to respect and protect human rights; international regulations for the protection of human rights; and ensuring the protection of rights in the administration of justice.

The full program consists of 11 weeks and will be completed on April 30, 2013. The police officers are divided into 18 groups, each of which has a specific 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: Number of students by percentage of course work completed<sup>21</sup>**



Throughout the quarter, the 500 students made the following progress in their related coursework: 27.6% of the students (or 138) completed between 81 and 99% of the coursework; 17.4% (or 87) completed between 61 and 80%; and 9.6% (or 48) completed between 41 and 60%. Only 68 students (or 13.6%) made zero progress. In summary, the majority of the students (60%) made progress of over 50% in the coursework for the nine weeks covered during Q2.

<sup>20</sup> This involves active contribution to the forums, which is not mandatory, while the remaining 52 students logged onto the platform and participated during the period, just without contributing to the forums

<sup>21</sup> Though new coursework was introduced during each of the nine weeks of the course completed this quarter, students are allowed to complete this work at their own individual pace. As all students in the course are currently working 40 hours per week (or more), this allows them the flexibility to complete the assignments when they have the time. Also, 116 new students (or 23% of the total number of trainees) entered the course late (on March 19) and for this reason are behind.

## NGOs better prepared to litigate in oral trials

This quarter 15 attorneys from 10 NGOs<sup>22</sup>, from Chihuahua, Coahuila, Mexico City, Oaxaca, San

### Box 14: JASP Trainee, Ana Lorena

“It is very important to develop specialized training programs for NGOs in order to provide them with the tools to litigate in the New Criminal Justice System.”

-NGO attorney who completed the course on litigation in oral trials, which ran from December 2011 to January 2013.

Luis Potosi and Puebla, completed the comprehensive JASP training program on litigation in oral trials, which ran from December, 2011 to January, 2013. Throughout the nine-module course the NGO legal aid attorneys gained the knowledge, skills, and confidence to provide defense services in oral trials under the NCJS. Topics covered included the investigation process under the NCJS, appeals, negotiations and plea bargaining. Through the ninth

and final module, which was conducted in Q2, the participants learned litigation techniques and international human rights standards and *habeas corpus*. For further information on non-justice sector officials trained please see Annex IV.

## OBJECTIVE 2 CHALLENGES AND OPPORTUNITIES

### Changes in management at federal and state levels

The changes in administration at the federal level as well as in key target states including Hidalgo, Morelos, Oaxaca, Puebla, highly influenced the speed at which the CJR is implemented. The rotation of elected public officials and subsequent the changes in management at the federal and state levels are in an early stage as they took place in Q1, and most justice institutions are still in the process of building cooperative relationships with the central state government. Nevertheless thanks to the JASP’s prior established relationships with justice officials in institutions in these states and at the federal level, as well as due to the step-by-step implementation structure of the JASP’s PIMs (which are already being implemented in justice institutions in the seven target states) the JASP has been able to continue its provision of TA for reform implementation efforts regardless of these changes.

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.

### Solid relationship with Federal SETEC

During Q2, the JASP established a working relationship with new staff from the SETEC (including the new head of the institution) and has started key projects as foreseen in the work plan: a diagnostic of the progress made in reform implementation in all 32 states and the development of

<sup>22</sup> 1. *Casa del Migrante* (House of the Migrant); 2. *Centro de Derechos Humanos y Asesoría a Pueblos Indígenas* (Center for Human Rights and Assistance for Indigenous Persons); 3. *Centro de Derechos Humanos Miguel Agustín Pro Juárez* (Miguel Agustín Pro Juárez Center for Human Rights); 4. *Centro de derechos Humanos de las Mujeres* (Center for Women’s Rights); 5. *Comisión de Derechos Humanos y Laborales del Valle de Tehuacán* (Human and Labor Rights Commission of the Tehuacan Valley) 6. *Comité de Defensa integral de Derechos Humanos Gobixha* (Comprehensive Human Rights Defense Commission of the Gobixha); 7. *Fundación para la Justicia y el Estado Democrático del Derecho* (Foundation for Justice and the State of Democratic Law); 8. *I(dh)reas Litigio Estratégico en Derechos Humanos* (I (dh) eas Strategic Litigation for Human Rights); 9. *Observatorio de derechos Humanos y Reproductivos* (Observatory of Human and Reproductive Rights); y 10. *Sin Fronteras* (Without Borders)

training materials. This collaboration will ensure sustainable reform implementation once the JASP has closed, as the SETEC will be the institution adopting all of the JASP's methodologies, training courses curricula, training materials, etc., which will then be transferred, replicated and adopted at a national scale beyond the target states.

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

For Q3, in Nuevo Leon the SIJUPE and the justice institutions will have the challenge of deepening their analysis of performance improvement, through the application of evaluations that are already used by the SIJUPE. These evaluations will be completed using the performance indicators developed as a result of the JASP's implementation of its PIMs in the State Court, AG and PD Offices, VAU and investigative units of the AG Office. This gives the JASP the opportunity to provide TA in accordance with the goals set out in the PIMs along with the justice institutions, resulting in a great contribution by the JASP towards institutional strengthening in the state.

### **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<sup>23</sup> 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.

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

### **Expectations of justice institutions and operators**

Institutions and justice sector officials that have received training through workshops on how to design, manage and receive funding for projects related to the implementation of the reform expect to continue receiving TA from the JASP so they can present their projects to institutions other than the SETEC, such as the World Bank, United Nations, the Canadian Embassy, the Justice Education Society of British Columbia (Canada) and the European Commission. The application process to gain funding involves not only a high level of coordination among institutions at the state level, but also advanced knowledge of rules and technical issues within each of the funding agencies to get positive results. Most institutions expect to receive guidance from JASP staff in Q3.

### **JASP-developed training programs**

The JASP's training programs for justice institution administrators have been very well-received by the State Courts, AG and PD Offices, and in turn the replication of these programs will lead to sustainable capacity building and improve the quality of trainings provided by justice institutions.

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<sup>23</sup> The principle in law that, in a trial, the defense and the prosecution must have procedural equality, that is, equal access to the court

It is important to highlight the fact that these training programs have increased the interest of PD Offices in Baja California and Morelos to create the positions of PD Office administrator and public defenders' assistant, both of which would contribute significantly to effective administration in these offices.

Still the JASP continues to face significant challenges for the adoption and replication of these courses due to the changes of the heads of the different institutions in all governmental levels in Q1. This change has delayed the execution of some of the programmed activities (e.g. the adoption of the JASP's training curricula for administrators in Oaxaca, and the carrying out of ToT programs for judges, prosecutors and public defenders with the SETEC). Nevertheless the SETEC has recently shown great availability and interest for the implementation of the activities that were planned, such as evaluating for adoption JASP-developed ToT programs and evaluation instruments for CJR instructors, which is a great opportunity for the JASP to impact, in a very important way, the sustainability of the CJR at the federal level.

### **Consolidation of a team of technical experts in the counterparts**

The JASP has augmented its capacity to provide TA by creating a group of five professionals specialized in improving key processes in justice institutions, thanks to whom the counterparts from the State Courts, and AG and PD Offices in the seven target states have acquired an enormous amount of practical and theoretical knowledge of institutional reengineering through implementation of the PIM-SC, PIM-AG and PIM-PD. The PIMs used by the JASP, which include fieldwork, close follow-up of activities and the exchange of technical knowledge among state officials and institutions (made possible by weekly talks and teleconferences, short study tours from one state to another and detailed documentation of implementation of changes) has proven to be a great recipe for sustainability, with the additional advantage that most of the JASP's liaisons in the justice institutions are influential at the institutional level and are committed to implement the reform. As a result of the creation of this group the JASP will leave behind a cadre of experts in institution-building.

### **Engaging CSOs in PTS**

In Q3 the JASP will continue its efforts in Baja California to create a network 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 hold seminars with these CSOs in Q3 to both ensure their understanding of PTS and to encourage their support for their local PTS units in the supervision of defendants.

### **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 reach outside of Mexico City, and more so in the seven target states. In Q3 the JASP will provide TA to CIDAC to disseminate the campaign through a series of presentations to be held in all seven target states and the Federal District.

### **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 Q3, the JASP will continue to work with the SETECs in the seven target states to develop strategies for such communication campaigns, but this is challenging because it is the first time the Program has worked with the SETECs on this topic. The

JASP will continue to work with its counterparts on diagnostics for each of the states' 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 of the NCJS amongst editors and media supervisors has become an obstacle to the publishing of news produced by JASP trained journalists that respect the principles of the NCJS. As introduced in Q1 2013, the JASP will continue in Q3 to include editors and media 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.

### **Performance Improvement Methodologies in their final stages**

As the JASP reaches the last steps (five: implement solutions; and six: monitor implementation of these solutions) of the PIM-SC in Baja California, Nuevo Leon and Oaxaca, the PIM-AG in Baja California, Chihuahua and Oaxaca, and the PIM-PD in Baja California, Chihuahua, Morelos and Nuevo Leon, the JASP will focus its efforts on the adoption of these methodologies by these institutions and expects to see concrete results in performance improvement in their daily operations.

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

The PIM-PD which is being implemented in the PD Offices of Baja California, Chihuahua, Morelos and Nuevo Leon, focuses on developing standards for the provision of public defense services at the state level and has been of interest to PD Offices beyond the JASP target states. The remaining target states (Puebla, Hidalgo) also have requested that the JASP implement the PIM-PD in their institutions. Furthermore, the current head of the National Association of PD Offices (NAPD), who is from Hidalgo, has asked the JASP to make a presentation for the NAPD on the development of performance standards and the PIM. This is a great opportunity for the JASP to ensure widespread implementation of the key elements of the PIM-PD (e.g. quality standards), and will be beneficial for the PD Offices, historically known by being the weakest link of the justice system because of difficulties in finding financial, technical and political support.

With regards to ADRs, the JASP updated its advanced training curriculum for mediators; and transferred it to all target states, who have adopted it. The next challenge would be to get it replicated in their respective AJCs. To this effect the JASP will design an advanced mediation program including training tools, and will build the capacity of a select group of staff from each AJC to properly replicate this program.

In AJCs the greatest challenge is the lack of systemization of information and SOPs in the centers. In particular, the JASP has faced difficulty obtaining statistical data from the centers in Chihuahua, Morelos and Oaxaca.

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 that merge the services into one.

Challenges are still faced on generalizations on what is a victim, which often exclude adults and men in particular. Promisingly, the 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 based on 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 is providing complementary 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 problematic that the new staff will be redirected from other government institutions, as naturally these institutions will retain their best staff in selecting members for 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 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).

Concerning the JASP's work regarding police and prosecutor coordination in the AG offices of Baja California, Hidalgo, Nuevo Leon, Oaxaca and Puebla, completion of all planned activities has been a challenge because the counterparts were delayed reviewing the guidelines to support the implementation of coordination protocols for prosecutors and police. Now it is necessary to make up for that lost time. Concluding the implementation process for TA in each of these states represents a challenge because it is necessary that each state make the small investments needed to change certain practices in order to properly implement the protocols. This includes equipping the AG offices with tools to carry out their duties (e.g. forensic equipment, tape for protecting crimes scenes, bags for collecting evidence). Although the investment is minimal, it is always a challenge to get governments to invest money in improvements. The main opportunities for the JASP's work with the AG Offices has been redirecting some saved resources to strengthen other activities, and developing an information system for managing information for the Investigative Unit for Crimes with Unknown Suspects, being implemented through a pilot program in Nuevo Leon.

#### **Cooperation of counterparts to ensure quality training for justice officials**

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 necessary for the Leahy vetting process, 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.

Members of the State Court of Oaxaca have expressed interest in the training offered by the JASP, however they have not disclosed the types of training they wish to have imparted, nor have they sent a list of candidates to be submitted to the vetting process.

### **Capacity building for CSOs on alternative dispute resolutions**

In regards to capacity building on ADR, a challenge is training more CSO representatives on the topic, which would allow awareness of alternative justice to expand exponentially and ensure that the programs conducted by AG offices are sustainable.

## **ANNEXES**

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