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JUSTICE PROJECT QUARTERLY REPORT

2ND REPORT: OCTOBER 2008 – DECEMBER 2008

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BACKGROUND

DAI is pleased to present the 2nd report of the Dominican Republic Justice Project as required under contract number DFD-I-07-05-00220-00/07, issued by USAID/Dominican Republic through the Building Recovery and Reform through Democratic Governance (BRDG) Indefinite Quantity Contract. The original source of which is a contract between the Government of the Dominican Republic and the Government of the United States of America.

This report covers the fourth quarter of calendar year 2008, from October through December 31, 2008, and includes within it the activities undertaken by the Project with institutions of the Justice Sector.

ACRONYMS

CSJRM	Commissioner for the Support of Judicial Reform and Modernization
AU	Analysis Unit
CPRIC	Criminal Procedure Reform Implementation Committee
CPC	Criminal Procedure Code
DAI	Development Alternatives, Inc.
JDCAO	Judicial Career General Administration Office
HRMO	Human Resources Management Office (PGR)
NJS	National Judicial School
NSPO	National School of the Prosecutor's Office
NIFS	National Institute of Forensic Science
ICB	Interagency Coordination Board
OJAS	Judicial Office for Permanent Advisory Service
PDO	Public Defender's Office
AGO	Attorney General's Office (Public Prosecutor)
CP	Citizen Participation
JB	Judicial Branch
Project	Justice Project
SC	Supreme Court
IIS	Institutional Integrity System
USAID-DR	United States Agency for International Development

EXECUTIVE SUMMARY

The second quarterly report corresponding to the period of October to December 2008 consolidates the first activities developed by the USAID Justice Project (Project), developed with the participation and creativity of the counterparts of the Judicial Branch, Attorney General's Office, Public Defender's Office and the Commissioner for the Support of Judicial Reform and Modernization.

During this quarter, the activities of the project were guided towards the development of the Work Plan and the Performance Monitoring Plan (PMP). These documents were submitted for review to each of the counterpart Institutions prior to submission to USAID, and were approved at the end of December 2008 (by USAID and the counterparts). Thus, as of January 2009, the Project will be fully implementing the planned activities until September 2009, corresponding to the 1st year of the Work Plan.

The implementation of activities detailed in the Work Plan focus on the strengthening of the capacities of institutions integral to the Justice Sector, specifically in the implementation of the Criminal Procedure Code. This reform process has been supported by USAID for the past 4 years, as has the development of an Institutional Integrity System (IIS) for the Justice Sector. During this quarter, we highlighted as priority activities the improvement of technical skills and institutional management capacities, enabling the comprehension and internalization of institutional management and IIS models in the seven Judicial Districts (target districts identified in year 1 of the work plan).

Accordingly, the Project conducted were 11 visits to the Judicial Districts, with the purpose of communicating the objectives of the current Project and generating a working agenda. These activities were organized with the collaboration of representatives from the Judicial Branch, Public Defender's Office, Attorney General's Office (AGO) and the National Police.

The strategic plans for the National District Prosecutor's Office, National School of the Prosecutor's Office, National Administration of the Prosecutor's Office and the Commissioner for the Support of Judicial Reform and Modernization (CSJRM) were developed with the support of Project staff.

The Project also worked to finalize the documentation and negotiations necessary to proceed with the grant to Participacion Ciudadana for the sustainability of the Community Justice Houses project in Cienfuegos and Herrera.

The Project is at full capacity, in terms of both technical and operational components.

RESULT AREA 1

IMPROVED TECHNICAL AND MANAGEMENT SKILLS OF SELECT INSTITUTIONS WITHIN THE JUSTICE SECTOR

ACTIVITY 1: INCREASE THE INSTITUTIONAL CAPACITY THROUGH A SERIES OF FOCUSED ACTIVITIES

Management Model for Offices of Public Prosecutors

As mentioned in the First Quarterly Report, the Project continues to implement the expanded set of activities developed with the technical assistance of the *Justice and Governance Project*, which had designed and undertaken initial implementation of the Management Models for Public Prosecutor's Offices in the Judicial Districts of La Vega, Baní and la Romana as a pilot initiative. At the end of the quarter, the AGO is in the process of incorporating 20 small prosecutor's offices into the designed management models, with the continued technical oversight of Mrs. Thalía Goldberg.¹

The current Project continued work on this expansion plan through the Prosecutors' Offices at Montecristi, Dajabón, Santiago Rodríguez, Valverde, Sánchez Ramírez (Cotui), and Monseñor Nouel (Bonaó) to begin the requisite tasks necessary to execute the Management Model for Public Prosecutor's Offices.

Regarding the strengthening of Management Models for "large" Public Prosecutor's Offices (*Management Model for Public Prosecutor's Offices II*, which involves the design and operation of management models for larger offices), a working agreement was created during this period with the Prosecutor's Office in Santiago. It was also used as a point of reference to support the redesign of the Public Prosecutor's Office of the National District in Santo Domingo.

It is significant to highlight that the National District Prosecutor's Office undertook a strategic planning process, as requested directly by the National District Prosecutor, Dr. Alejandro Moscoso Segarra, who emphasized the incorporation within the strategic plan of the re-designed activities within the new management model, as well as specific issues related to implementing the Institutional Integrity System (IIS).

With the National Office of Public Prosecution, the Project supported a comprehensive review of actions implemented during the previous year (2008) as well as planning for the year 2009, which took place at the Project offices and included the participation of six members (4 technical staff, the director and his assistant). The result of this activity was reflected in the design of the strategic plan for the National Office of Public Prosecution for 2009 (Product No. 2).

¹The institution established within its areas of action the development of an expansion plan for the Management Models that would be rolled out at a national level. This would incorporate 32 public prosecutors offices.

A milestone in the institutionalization of the support received by USAID through the current Project (and its previous iterations) was the decision issued by the Attorney General, dated October 16, 2008, to create the Committee for Monitoring the Management of the Public Ministry. The mission is as follows “to evaluate the management of the operational units of the Public Ministry, as well as to promote actions that ensure performance devoted to the productivity, quality and ethical behavior by members of the institution, for which strategies should be formed that address the solution, strengthening or modification of the analyzed situations” (Product No. 3).

Having a unit focused on improving the technical and institutional management capabilities is seen as a significant step forward, particularly as it is the result of sustained support from USAID. Now, the Project will continue its capacity building and institutional support, as much in the area of Management Models (I & II) as in the institutional integrity system (SII).

Management Model for Criminal Courts (*Despacho Penal*)²

The Management Models for criminal courts, as well as those for the Prosecutor’s Office, was designed during the previous project and fully implemented in the Judicial District of La Vega and Moca. This management model involves the understanding and establishment of four components: a) regulations, b) operational processes and procedures, c) human resources, and d) infrastructure. It also has four keystones: training, technology, interagency coordination, and continuous monitoring and improvement.

During the last quarter, an agreement with the Judicial Branch was made to support the installation of the model described in the Judicial District of San Francisco de Macorís, therefore two visits were carried out, one on November 26 and the other on December 12, to determine needs and define the requirements of criminal courts prior to beginning the implementation process. The survey was conducted jointly with the Planning and Projects Department ascribed to the General Technical Office of the Judicial Branch, which is responsible for the expansion plan of management models within the Judicial Branch.

As a result of this first assessment stage, we noted that the physical space in which the Common Secretariat will operate within the San Francisco de Macoris Palace of Justice was identified. This was a prerequisite to begin the administrative activities required for the design of the model’s physical structure.

We anticipate progress in human resources training during the next quarter, regarding the processes and procedures implemented by the joint secretariat and in auditing of the staff. The technology component is entirely assumed by the institution through the installation of the *Supremo Plus* computer system, designed and developed by the Information Technology Office, ascribed to the General Technical Office of the Judicial Branch.

² In the Dominican Republic, the term *despacho penal* describes the offices of all criminal judges, in any court (from first instance up through the supreme court). *Despacho* refers not only to the judges, but the entirety of the criminal judicial process. For this report, we will refer to the *despacho penal* as “criminal courts”; even though the term implies a larger subset of actors, the Project’s interventions with the *despacho penal* include work that extends beyond the offices of the judges themselves, and includes the processes, procedures, regulations and infrastructure that is required to carry out effective criminal justice.

The interagency coordination component was developed in the Judicial District of San Francisco de Macoris during this quarter, through the implementation of the “Interagency Coordination Board” (ICB) as a communication and decision-making method between all relevant institutions involved in criminal process. This component, described in detail below, is designed to encourage and enable analysis and problem solving within the concept of integrated and coordinated management models.

Workshops for the Understanding of Management Models: Public Defender’s Office, Criminal Justice Office and Prosecutor’s Offices

Design and implementation are critical elements for a comprehensive understanding of the Management Models for criminal justice institutions—which are to be undertaken in the process of fully implementing the newly established Criminal Procedure Code. At this point, the challenge is that different actors within the justice sector need to understand the management models of the other counterpart institutions. In addition, they need to be capable of identifying common procedures, mechanisms, responsibilities, work practices and organizational structures, with the purpose that each individual sees him or herself as an integral part of the justice system. This proves challenging in the Dominican Republic; although justice system is seen as one branch of government, the institutions which comprise it operate in a stove-piped manner, which hinders efficiency and effective delivery of justice within Dominican criminal procedure.

In order to achieve this goal, the Project began a series of visits—eight in total during the quarter—for collecting data and conducting surveys in the seven judicial districts identified in the Work Plan (La Vega, Bonao, Moca, Cotui, Constanza, San Francisco de Macoris, and Santiago).³ The meetings were coordinated through the Court Presidents of the Judicial Departments, who in turn summoned all participants according to the schedule of visits (Appendix 1) and the memorandum of the meetings (Product No. 4).

A discussion board was developed in each Judicial District, guided by 25 questions (Product No. 5) developed by the Project technical team. This document was used to facilitate a conversational environment among the attendees. The suggested subjects were: understanding of the management models of each institution, identification of common procedures, knowledge of the persons in charge in each of the units, perception of the performance of justice in your community, local interagency communication, and knowledge of IIS, among others. One of the relevant results of these initial meetings was opening a space for interagency communication and dialogue at the local level.

The agenda of the second visit to the Judicial Districts of Santiago, San Francisco de Macoris, and Cotui, where the “First Workshop on Understanding, and Conceptual and Operational

³ The Judicial District of San Juan de la Maguana was visited in order to understand of the Coordination Board, which is carrying out, under the coordination of the President of the Criminal Court President the Public Defender’s Office Director.

exchange of the Management Models”. This was designed with the participation of all institutions involved in criminal procedures developed at each institution,.

It is particularly important to highlight the clear surprise of the attendees when they realize that they are unaware of interagency communication channels, and the people performing basic procedures such as subpoenas and transfers from detention centers, among others. The participants expressed a sincere interest in knowing and analyzing common problems experienced by every justice sector employee in the different phases of the criminal process in which he or she participates.

This first workshop also led to the informal initiation of the interagency coordination board of the three aforementioned judicial districts (Santiago, San Francisco de Macoris, and Cotui), all of which began to assume their anticipated duties following the first workshop during the month of January. It is important to emphasize that even though the agenda was designed and the list of participants for the workshop for the Judicial District of Cotui was made, it will not be possible to conduct the activities in January, since the Public Defender’s Office is not established and the Management Model for the Prosecutor’s Office is still in its initial implementation stage. The Project’s technical team will be responsible for providing the necessary technical assistance for the performance of the Public Defender’s Office and driving the management models implementation process both for the Public Defender’s Office as well as for the Prosecutor’s Office.

Likewise, the Project’s technical team, together with the technical staff of the Judicial Branch (including the Public Defender’s Office and the Prosecutor’s Office) will provide all the technical assistance to the interagency coordination boards of these three Judicial Districts, with the intent of driving the influence that the local contextualization can have on the appropriate application of criminal procedure law with a systematic approach.

ACTIVITY 2: INSTITUTIONAL STRENGTHENING AND HUMAN RESOURCES TRAINING

Training

As it was mentioned in the first quarterly report, the current Project provides continuing support to the activities undertaken by previous projects funded by USAID, particularly in regards to strengthening the judicial/legal training institutions and the education of the of actors involved in the criminal process.

National Judicial School

The meetings held at the National Judicial School (NJS) have been critical and provided substantial benefit, as the NJS is driving the content and schedule of technical assistance for the next quarter. This support consists in hiring an expert in adult education methods, which will facilitate the institutionalization through the NJSs of the following subjects: management models, integrity systems, criminal processes and the work of the NJS itself.

National School of the Prosecutor's Office

Two meetings for institutional strengthening were held in the National School of the Prosecutor's Office. The first visit included coordinating logistics and reaching consensus on the main thrust of the technical assistance to be provided, which is aimed at improving the evaluation training impact among trainees. The second visit provided follow up assistance. In a similar manner, four working sessions were carried out to assist in institutional strengthening, concluding with technical support in undertaking the strategic planning process of the NSPO (Product No. 6).

Commissioner for the Support of Judicial Reform and Modernization

The Commissioner for the Support of Judicial Reform and Modernization (CSJRM), Dr. Lino Vasquez, made a direct request to Ms. Lissette Dumit, USAID's COTR, and the project's technical team regarding its 2009 strategic plan. This activity was conducted in two working sessions on October 4 and December 12 and 13, 2008, which resulted in the elaboration and dissemination of the strategic plan among other members of the CSJRM. (Product No. 7).

Finally, it is important to point out that the activities defined in the Result Areas 2, 3 and 4 of the workplan have been defined and planned, and will be executed during the period of January through September of 2009. Thus, narrative description of these result areas will be reflected in subsequent quarterly reports.

GRANT UNDER CONTRACT

As part of the guidance and participation activities, the Project's team had the opportunity to attend the celebration of the first year of operation of the Community Justice House of Herrera, which is located in one of the most populated neighborhoods of Santo Domingo. The Hall has specialized areas, with comfortable areas for conducting mediation sessions, each clearly marked with the specific services offered, with functional yet simple furniture.

The management team of the Justice House presented the successes and achievements of one year of operation, and the employees of the Justice House were congratulated on their work and dedication to this effort. A special reference was made to the support received from co-funders and collaborating institutions who are assisting in the strengthening of the Justice Houses, and the Coordinator of the Justice House project indicated that the sustainability for greater reinforcement of the Justice Houses is a main goal for the years to come. Furthermore, USAID expressed its commitment to the Justice Houses, due to the fact that their actions contribute to direct and tangible benefits to the communities.

The event was attended by Mr. Stephen Brager (USAID), Mr. José Ceballos (Participacion Ciudadana), Dr. Lino Vasquez (CSJRM), neighborhood associations, representatives from the Prosecutor's Office and the Judicial Branch, and representatives from the City Council, among other leading figures.

During this quarter an RFA (Request for Application) was submitted to PC with the purpose of preparing the request and submission of the documents required for execution of the grant agreement. PC requested an extension of the deadline for the submission of the documents. The new deadline was agreed to by the Project, provided PC complied with several modifications with regards to PC's initial budget and technical proposal, specifically regarding the hiring of an assistant for the coordinator and the revision of line items for electricity, since the Justice House already receives this service as an in-kind donation.

The RFA was received in the middle of December. The process of recruitment and procurement is pending approval. The beginning of the sustainability activities for the Justice Houses is planned for January 2009.

ADMINISTRATION AND FINANCE

ADMINISTRATION

PERSONNEL

It is important to mention that during this quarter that Thalía Goldberg, Technical Management Specialist, was offered the opportunity to join the senior management staff of the OAG, as Director of the Monitoring Unit within the Prosecutor's Management Office, a position she accepted, effective January 15, 2009. Despite the loss of a key team member, Ms. Goldberg's incorporation into the justice sector promises positive results for the future development of these institutions. Upon receiving this notification, the project began the process of recruiting and hiring the replacement for Ms. Goldberg. Four professionals were identified and are engaged in the Project's recruitment process. The hiring of the replacement is scheduled for January.

CONSULTANTS

Consultant terms of reference related to activities for the following quarter have been developed, and each activity detailed according to the result areas defined in the work plan. (Product No. 8).

FINANCES

FINANCIAL ACTIVITIES

The financial activities during the period from October to December 2008 supported the implementation of the activities of the Project undertaken during the quarter. There have been no problems or challenges associated with the implementation of routine financial. Below is a list of the financial activities and expense details budgeted for the period. This overview covers the amounts invoiced through December 31, 2008. The invoice from September 2008 was incorporated into DAI's October invoice, and therefore is shown in the financial review for this period.

BUDGET

DAI received an increase in the obligation of \$500,000 resulting in an increase of \$1,200,000. The current total obligation is \$1,700,000.

BUDGET EXPENSES

For the period from October to December 2008 the total amount billed was US\$.449,590.70. This amount includes costs for the month of September. The average monthly invoice was \$112,397.67.

The expenses corresponding to workdays ordered totaled \$216,443.67. The expenses related to other direct costs totaled \$213,178.65.

Appendix 3 contains a table that shows the budget, obligation, and expenses through December 31, 2008. The chart shows in percentages that 11.54% of the budget has been expended, with 88.46% remaining.

REPORTS AND SUPPORT TO FINANCE ACTIVITIES

The monthly financial cycle proceeded according to schedule; all invoices were submitted on time to USAID and reimbursements for the quarter were accepted without disallowances.

APPENDIX

Appendix 1. Schedule and Attendance at Meetings in the Judicial Districts

<i>Date</i>	<i>Attendants at the Judicial District Meetings</i>
November 25, 2008	Bonao Judicial District Meeting , an Examining Judge, the Judge, President of the Associate Court, a representative of the Planning and Projects Division of the SC, a representative of the Public Defender's Office, and a deputy attorney.
November 25, 2008	Moca Judicial District Meeting : an Examining Judge, the Judge, President of the Associated Court, a representative of the Planning and Projects Division of the SC, the Public Prosecutor's Magistrate, and a representative of the Public Defender's Office.
November 25, 2008	First Meeting of Santiago's Judicial District : President of the Court of Appeals, a representative of the Planning and Projects Division of the SC, the Coordinator of the Prosecutor's Office, representative of the Public Defender's Office, and the Public Defender Coordinator in this District.
November 26, 2008	First Meeting of San Francisco de Macoris Judicial District : the Judge, President of the Criminal Court, the First Deputy Judge of the Criminal Court, three judges, Members of the Criminal Court, the Planning and Projects Division of the SC Director, the Coordinator of the Public Defender's Office of this District, a representative of the PDO, the Deputy Procurator of the Court, two Deputy Prosecutors and the NNA Prosecutor.
November 26, 2008	First Meeting of Cotuí Judicial District : the Judge, President of the Court, the Judge, President of the Associate Court, the Director of Planning and Projects Division of the SC, a Prosecutor, a representative of the Public Defender's Office.
November 28, 2008	San Juan de la Maguana Meeting : the Judge, President of the Court, a representative of the Planning and Projects Division of the SC, the Court Procurator and a Deputy Prosecutor, the Coordinator of the District Public Defender's Office, and a General and an officer of the National Police.
December 1, 2008	First Meeting of Constanza Judicial District : the Judge; President of the Associate Court, an Examining Judge, an Attorney Prosecutor, Deputy Attorney Procurator, Deputy Prosecutor, and a Supervisor.
December 11, 2008	Second Meeting of Santiago Judicial District : President of the Court of Appeals, the Coordinator of the Prosecutor's Office and the Coordinator of the Public Defender's Office in this District.

Appendix 1. Schedule and Attendance at Meetings in the judicial districts

<i>Date</i>	<i>Attendants at the Judicial District Meetings</i>
December 12, 2008	Second Meeting of San Francisco de Macoris Judicial District: the Judge, President of the Criminal Court, the First Deputy Judge of the Criminal Court, the Second Deputy Judge of the Criminal Court, three judges, Members of the Criminal Court, a representative of the Planning and Projects Division of the SC, the Coordinator of Public Defender's Office of this District, the Deputy Procurator of the Court, and a deputy prosecutor.
December 16, 2008	Second Meeting of the Cotuí Judicial District: the Judge, President of the Court, an examining judge, a Prosecutor and a representative of the National Police.

Appendix 2: List of Products

List of Products	
Product No.1	AR1.1 - Strategic Plan for the National District Prosecutor's Office (50% progress)
Product No.2	AR1.1 - Strategic Plan for the National Directorate of the Public Prosecutor's Office
Product No.3	AR1.1 - Resolution dated October 16, 2008 of the Attorney General's Office
Product No.4	AR1.1 - Memorandum of the Judicial Departments Meetings
Product No.5	AR1.1 - Guide of the discussions with judicial districts
Product No.6	AR1.2 - Strategic Plan of the National School of the Prosecutor's Office.
Product No.7	AR1.2 - Strategic Plan for the Members of the Commissioner for the Support of Judicial Reform and Modernization
Product No.8	AR1.2 - Terms of Reference for Hiring Consultants - Year 1

Appendix 3: Consultants identified for hiring – Year 1

<i>Consultant</i>	<i>Activity to perform</i>	<i>Reference</i>	<i>Implementation time</i>
Beatriz Arenas	Development of the Training Academic Program in money laundering. Institution: GA / ENMP	AR 1.2	February/09 March/09 April/09
Estela Pipermo	Bio-typology Tests Institution: JB Judicial Career Affairs Division	AR 1.2	April/09
Graciela Fillippi	Zulliger Test. Institution: JB / Judicial Career Affairs Division	AR 1.2	April/09
Jorge Chavarria	Strengthening of the technical and management skills of institutions selected from the justice sector. Prosecutor's Office. Institution: GA / PONS / JB	AR 1.1/AR 1.2/ AR 2.2	March/09 May/09
To be determined	Design of the Agenda for Candidates for administrative employees. Institution: JB / Judicial Career Affairs Division	AR 1.2	June/09
Rosemary Cruz (Ser Mas)	Expansion of the Institutional Integrity Systems. Institution: JB / GA / PDO	AR 2.3	January/09 February/09
Carlos del Pino (Ser Mas)	Expansion of the Institutional Integrity Systems. Institution: JB / GA / PDO	AR 2.3	January/09 February/09
To be determined	Diagnostic of the interconnection of Automated Systems of the Justice Sector. Institution: JB / GA / PDO	AR 1.1	June/09

Appendix 3: Consultants identified for hiring – Year 1

<i>Consultant</i>	<i>Activity to perform</i>	<i>Reference</i>	<i>Implementation time</i>
Claudia Chez	Evaluating and improving the Website and Communication Systems of the justice sector institutions. Institution: JB / GA / PDO	AR1.1/ AR 2.1/ AR 2.3	February/09 August/09
To be determined	Design of the Agenda for Candidates to Justices of the Peace. Institution: JB / Judicial Career Affairs Division	AR 1.2	June/09
Alvaro Ferrandino	Strengthening of the techniques and management skills of the Public Defender's Office. Institution: PDO	AR 1.2/ AR 3.4	February 2009
Humberto Hinsfran	Development of the System for the Detection of Training Needs and Assessment of their impact. Institution: GA / PONS	AR 1.2	March/09
To be determined	Diagnostic of the Judicial Branch Public Information Access Office. Institution: JB / CENDIJ	AR 2.2	July/09
Rosa Solis	Design and Evaluation of Merit system and Consequences. Institution: JB / GA / PDO		January/09 February/09
Ramonina Brea	Conduct a survey to assess the levels of internal user satisfaction within the institutions of the justice sector. Institution: JB / GA / PDO	AR1.3	May/09 July/09

Appendix 3: Consultants identified for hiring – Year 1

<i>Consultant</i>	<i>Activity to perform</i>	<i>Reference</i>	<i>Implementation time</i>
Ramonina Brea	Design of the Analysis Unit of the Commissioner for the Support of the Judicial Reform and Modernization. Institution: CSJRM	AR1.4	July/09
Félix Fumero - Pugliesi	Institutional Strengthening of the National School of the Prosecutor's Office and the Career of Public Prosecutor. Institution: GA / PONS	AR 1.2	March/09
Inma Marin	Strengthening and training of human resources of the key institutions of the Justice Sector. Institution: JB / NJS	AR 1.2	February del 2009
Mario Houed	Strengthening and training of human resources of the key institutions of the Justice Sector. Institution: JB-NJS	AR 1.2	April/09
To be determined	Strengthen of technical skills to PDO. Training for Trainers. Institution: PDO	AR 1.2	March/09