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JUSTICE PROJECT QUARTERLY REPORT

THIRD REPORT: JANUARY – MARCH 2009

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FOREWARD

DAI is pleased to present the 3rd 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 first quarter of calendar year 2009, from January through March 31, 2009, and includes within it the activities undertaken by the Project with institutions of the Justice Sector.

ACRONYMS

CSJRM	Commissioner for the Support of Justice Reform and Modernization
CSJRM – AU	Analysis Unit
CPRI	Criminal Procedure Reform Implementation Committee
CPC	Criminal Procedure Code
DAI	Development Alternatives, Inc.
JDCAO	Judicial Career General Administration Office
HRMO	Human Resources Management Office (of the Attorney General’s Office)
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 third quarterly report, covering the period of January-March 2009, compiles all activities developed by the USAID Justice Project (Project), which were undertaken with the participation and creativity of numerous counterparts of the Judicial Branch, Attorney General's Office, Public Defender's Office and the Commissioner for the Support of Justice Reform and Modernization (CARMJ). During this quarter, the activities of the Project were guided towards the implementation of the activities stated within the Work Plan, with an emphasis on the conformation of Interagency Coordination Boards (ICB) in the Judicial Districts of Santiago de los Caballeros, La Vega, and San Francisco de Macorís. The ICBs are intended to promote a proactive and positive environment, in which the communication and interaction among judges, prosecutors, defense attorneys and administrative staff enables the transformation of a stove piped work culture into a collaborative vision, while respecting the singularity of the functions of each operator. The first activity consisted on promoting the understanding and knowledge of each of the institutional management models, which resulted in a meeting of the members of the justice sector within a space of reflection of common problems and possible solutions for the daily criminal procedure operations and standards.

The establishment of the ICBs necessitated the design and implementation of 3 Workshops on understanding the Management Modules for three institutions: the Prosecutor's Office, Criminal Courts (*despacho penal*)¹ and Public Defense. In addition to 14 working meetings in the aforementioned Judicial Districts, the designs—as well as the implementation—of the workshops, were the responsibility of the members of the ICBs with the support and technical assistance of the Project. A total of 151 participants from the three institutions attended the workshops, who, after understanding the management models of each institution, identified the day-to-day operational problems and proposed possible solutions for them. These activities were organized with the participation of representatives from the Judicial Branch, Public Defender's Office, Attorney General's Office and the National Police.

Regarding the implementation of the Management Model for criminal courts in the San Francisco de Macorís Judicial District, and after the beginning of the first preparatory activities to begin implementation (and by decision of the Judicial Branch, as a suggestion of the technical bodies) it was decided that the Management Models for criminal courts would be implemented this year in the Judicial District of Santiago.

Likewise, during this period, the Strategic Plan 2009-2013 of the Public Defender's Office (PDO) was developed with assistance from the Project. Using results of the National Meeting of

¹ 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.

Public Defenders, which included the participation of 120 members of the PDO and was supported by the Project, the PDO was able to identify operational malfunctions and formulate a strategy for improvement.

To support the strengthening of the National School of the Prosecutor's Office, the Project hired the technical assistance of two international consultants; Dr. Humberto Insfran, who is an expert in preparing methodologies for determining institutional training needs, and Félix Fumero-Pugliesi, who is an expert in the design of the evaluation systems for such courses, and has substantial experience in education and training of prosecutors in criminal policy, law and procedure. The contribution of both experts was seen by the Administration of the PDO as an important piece of the capacity-building process in for this specialized training center.

In assist in institutional strengthening of the National Judicial School (NJS), the Project hired an additional consultant, Esther Hierro, to provide technical assistance in designing of clear methodologies for adult training. The consultant helped design the workshops to be developed by the Project and NJS, as per the Work Plan.

Likewise, the expert in Public Defense, Alvaro Ferrandino, supported the PDO in the design of strategies to be undertaken during its transition from an institution subordinate to the Supreme Court to a completely autonomous institution. The process of growth, both in geographic coverage and the size of its staff, has been planned and strictly followed. All its members are qualified professionals, and the PDO has a very transparent administrative system for the hiring and appointment of their employees (paralegals, public investigators, social workers). All of this has been possible, thanks to the support of the President of the Supreme Court, and the assistance provided by the management model of the PDO administration. When the PDO becomes independent, it will move from the supervision of the SC Presidency and will be exposed to the political vacillations and scrutiny of Congress. Thus, in order to meet any possible scenario, the PDO should be equipped with the ability to identify the necessary strategies for the transition process, to minimize any harm that might befall such a valuable national service.

Regarding the grant to Citizen Participation (CP) for the sustainability of community justice houses in Cienfuegos and Herrera, the programmatic and financial implementation reports were received each month, as scheduled for first quarter of implementation.

In conclusion for this quarter, we can mention that the Project is developing its activities as established in the Work Plan. Given the level of implementation we assess that according to the current work progress all the predicted goals will be met.

RESULT AREA 1

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

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

Management Model for Criminal Courts

As has been expressed in previous reports, the Management Model for Criminal Courts (as well as the management models for Prosecutors), was designed within the Justice and Governance Project (*Justicia y Gobernabilidad*), and was fully implemented in the Judicial District of La Vega and Moca.

This Management Model includes the understanding and establishment of four components: a) standards, b) operational processes and procedures, c) human resources, and d) infrastructure. It has also four keystones: training, technology, interagency coordination and continuous improvement and monitoring.



It is important to highlight, as an example of empowerment, that for the implementation of the criminal courts model in Santiago, the Judicial Branch is developing all components with its own institutional resources, including also all the keystones on training and technology. Thus, the Project is focusing its efforts on interagency coordination. Institutionally, the Judicial Branch decided to prioritize the creation of the criminal courts model in the Judicial District of Santiago; so the Project carried out the administrative procedures corresponding to that purpose, leaving the capacity-building of San Francisco de Macorís for Year 2. Currently, the Project, together with the Judicial Branch, is evaluating the possibility of improving the technology equipment and furniture for the Joint Secretary in Santiago.

To complete the documentations of the manuals in which the management model for criminal courts is described, the Project funded the diagramming and publication of volume IV regarding the Sentencing Enforcement Manual for Judges. *Book/publication (Product No. 9)*.

Management Model for the Offices of Public Prosecutors

As stated in the second quarterly report, the Project continues to facilitate the design and vetting of the management model for large prosecutors offices, beginning with the vetting of the operational model of the Prosecutor's Office in the Judicial District of Santiago. This assistance is carried out together with the Management Unit of the Office of the Attorney General (AGO). This Unit, as stated in the previous report, is seen as visible progress in the institutional strengthening of the Prosecutor's Office with assistance from USAID.

The Project collaborates with this Unit in the strengthening, vetting, and implementation of Management Model number II, which includes the operational model for large prosecutor's offices in Santiago (the National District) and the Province of Santo Domingo. This model for large prosecutor offices is attuned to greater needs in its capacity to respond, particularly as they face sizeable geographic coverage and larger populations. The response capacity is designed to meet citizen needs in terms of processing forms, organizational forms and handling of felonies and other crimes. Therefore, the Project is developing the following stages: a) a conceptual foundation for the model, and b) vetting of the information obtained from the counterparts. The Management Model for the smaller prosecutor's offices respond to smaller populations, and have limited territorial jurisdiction. Based on these parameters, the models for the prosecutors' offices have been classified as either large and small. For example, the Prosecutor's Office of the Province of Santo Domingo serves a population of 1,817,754 inhabitants, with a geographic coverage of 1,296.35 square kilometers; Santiago serves a population of more than 908,259 inhabitants with a coverage of 2,836.51 square kilometers, and the National District serves a population of more than 913,504 inhabitants with a territorial coverage of 104,44 square kilometers.

Three Workshops were carried out at the Prosecutor's Office in the Judicial District of Santiago to vet the processes and procedures, ensuring inclusion of staff within each institution.

The following processes were reviewed:

- Basic design of the Prosecutor's Office
- Receipt of complaints and accusations / direct statements
- Investigation of restraining orders, preliminary hearing
- Management Model for Criminal Courts

Management Model for Offices of Public Prosecutors

As a result of the visits carried out during the last quarter, initial activities have been coordinated regarding the needs of furniture and equipment to implement the Management Model at the PDO in the Judicial Districts of Bonao, Constanza, Cotui and Moca.

Also, the proposal for the *Manual of the Management Model for the PDO* was also updated. The revision was conducted to match the numerous changes and improvements in the institutions' forms and procedures, among others. The revised manual was a product of the strategic planning process assisted by the Project (which included the participation of 25 members) that analyzed the strategies necessary for undertaking the transition process necessary to implement Act No. 277-04, which establishes that within 5 years the PDO will become a body permanently ascribed to the Supreme Court. The end of this term of implementation is November 2009.

Integrated Models for Interagency Coordination.

One of the components with the opportunity for substantial impact in the implementation of the criminal procedure code is the promotion of a culture of coordination among judges, prosecutors, public defenders, police officers, and administrative staff in the criminal justice sector; thus, several Interagency Coordination Boards (ICBs) were designed in the Judicial Districts of Santiago, San Francisco de Macorís and La Vega, whose objectives were defined by the members in each Judicial District.

In order to promote a team culture and guide the people working in the same courthouse to know each other and the specific tasks of each function, a workshop was carried out in each Judicial District to share the understanding and operation of three Management Models: criminal courts, prosecutor's office and public defense. These workshops had the following attendance:

<i>Judicial District</i>	<i>Number of attendees</i>
Santiago	47
La Vega	48
San Francisco de Macorís	56
Total	151

One of the most significant impacts in the implementation of these workshops is that the participants have been working in the same building or talking to each other on the phone; however, they have never had the opportunity to meet face to face. Another characteristic is that although there are clear task delineations and institutional mandates, it was proven that all of the individuals are not aware of the other institutions' tasks, which has a negative impact in the criminal justice process. However, it was evident that they can share common situations in a professional environment. The individuals were organized into working groups within these

workshops, and were asked to perform an analysis of each stage of the criminal process, helping detect where most of the common emerge in the three Judicial Districts; for example, defense abandonment; lack of communication of the Prosecutor to the Public Defender to request the restraining order; transfer of the accused; deputy judges providing consistent attention; access to restraining orders by the prosecutor’s office after working hours, or during holidays and weekends for the judicial authorization; and issues of discretion among the servers of the justice sector, among others.

It is important to integrate and practice the “value chain” concept in the activities implemented by the different actors, so the Project materializes the consensus of the members of the ITBs through agreements. A list of all procedures implemented in each stage of such process was compiled, to further identify best practices that need to be implemented among the institutions to receive and provide quality service.

Interagency Coordination Board (ICB) in the Judicial District of Santiago.

During this quarter, 7 ICB meetings have been conducted. The Project’s technical staff traveled to the Judicial District of Santiago to participate in several working meetings with their members where the following activities were carried out: a) creation and design of ICB, b) design and implementation of the workshop on understanding the Criminal Court Management Model of the three institutions (total of 47 participants, including judges, prosecutors, defenders, administrative staff, members of the National Police, and the Prison Management Office, among others); c) analysis of problems and proposals for solutions; d) design and development of profiles for projects to help resolve the identified problems; e) coordination and follow-up of agreements; f) organization of ITB meetings.

The project solicited evaluations from participant, who indicated the following responses to “was it useful to identify the common procedures to solve the problems that arise in the process”:

<i>Answers</i>	<i>Quantity</i>	<i>%</i>
Yes	35	91.42
No	0	8.58

In the process of analyzing the problems identified in the search for solutions, the ITB of the Judicial District of Santiago invited members of the Judicial Branch—such as the Judge President of the Criminal Chamber of the Court of Appeals of Puerto Plata, the General Director of the Judicial Career, the Technical Director of the Judicial Branch, and the Coordinator of the Examining Courts in the National District. The participants traveled to other jurisdictions to observe the process; they met with the Criminal courts and the Judges of Permanent Advisory Services in the Judicial District of Puerto Plata.

The ICB members also published *Newsletter No. 1*, with the purpose of disseminating the activities performed by the Board and sharing with its readers the initiatives developed to solve the problems identified by the ICB.

To date, the ICB of Santiago has developed the following products:

1. An agreement by the President of the Criminal Chamber of the Court of Appeals, the Prosecutor's Office of the Santiago, and the Public Defender's Office which includes commitments to:
 - a. Submit official documents subscribed by the Magistrate Prosecutor of the Judicial District of Santiago and the Magistrate President of the Criminal Chamber of the Court of Appeals to solve the lack of discretion and breach of information in preparatory stages, where they agree to: 1) limit access of employees to the area where the orders are prepared; 2) deliver authorizations of investigation orders in sealed envelopes; 3) hire a messenger to pick up the orders at the Judicial Office for Permanent Advisory Service (OJAS), after business hours (after 4:30 p.m.);
 - b. Inform the Directors of the Investigations Departments that they should allow the Defenders to take pictures of detainees / the accused.
 - c. Provide a physical area for the Defender to assist the accused at the Major Monetary Crimes Office.
2. A proposal for extending hours of operation at the OJAS, including holidays and weekends.
3. A proposal for solving criminal coercion in extended hours, including holidays and weekends.
4. Proposal for compliance with Resolution No. 2457, dated November 17, 2005, where the abandonment of the accused by defense lawyers is regulated.
5. Workshop on Understanding the Management Models that have been instituted.
6. Forty-seven members of the criminal justice sector understand the operations of the management models for the other targeted institutions.

Interagency Coordination Board in the Judicial District of La Vega.

During this quarter, the ICB carried out 5 working meetings. This required the deployment of the technical staff of the Project to the Judicial District of La Vega, to meet with its members and assist with the process. The following activities were carried out: a) creation and design of ICBs, b) design and implementation of Workshop for Understanding the Criminal Management Model of the three institutions (total of 48 participants, including judges, prosecutors, defenders, administrative staff, members of the National Police, and the Prison Management Office, among others); c) initiate analysis of problems and develop proposals for solutions; d) design of the workshop for the members of the National Police on filling out and completing required forms; e) organization of ICB meetings, among others.

The evaluation carried out by the participants regarding the usefulness of learning about and understanding the Management Models of the Criminal Courts, Prosecutor's Office, and Public Defender, reveal the following opinions:

<i>Answer</i>	<i>Quantity</i>	<i>%</i>
Very useful	43	94.64
I already knew about them	0	5.35

Until now, the ICB of the Judicial District of La Vega has developed the following products:

1. An agreement by the President of the Criminal Chamber of the Court of Appeals, the Prosecutor’s Office, and the Public Defender’s Office which includes commitments to:
 - a. Submit a document to the Attorney General containing instructions for the Prosecutor Offices to have meetings at least once a month, and provide training to the members of the National Police about how to complete the official documents.
 - b. Submit a request to the Attorney General that the AGO inform the Chief of the National Police of institutional commitments, specifically to provide follow-up assistance from law enforcement in immediate presentation of the accused before the Prosecutor’s Office, to then be presented before a Judge within a 24 hour period.
 - c. Submit a motion to the Secretary of the Office of Criminal Courts to drop the charges, and relay the decision to the Notification Unit, so that the accused and Public Defender are duly informed.
2. Workshop on comprehension of the implemented Management Models.
3. Forty eight members of the criminal justice sector understand the operation of the management models of the other institutions.
4. Proposal of the design of a workshop intended for the members of the National Police of Judicial District of La Vega on how to complete official documents.

Interagency Coordination Board in the Judicial District of San Francisco de Macorís.

During this quarter, the ICB carried out 2 working meetings with the Board, for which the Project’s technical team traveled to the San Francisco de Macorís to meet with its members. The following activities were carried out: a) creation and design of ICB, b) design and implementation of the Workshop on Understanding the Criminal Management Model of the three institutions (56 attendees, including judges, prosecutors, defenders, administrative staff, members of the National Police, the Army, and members of the Prison Management Office, among others); c) initiate the process of problem analysis and development of solutions; d) design of the workshop for OJAS; e) organization of ICB meetings, among others.

The participants filled out evaluations following their participation in the Interagency Coordination Board in the Judicial District of San Francisco de Macorís, and provided the following opinion regarding whether they will continue to participate in the ICB:

<i>Answer</i>	<i>Quantity</i>	<i>%</i>
Yes	56	100
No	0	0

To date, the ICB of the Judicial District of La Vega has developed the following products:

1. Agreement between the President of the Criminal Chamber of the Court of Appeals, Prosecutor’s Office and Public Defender’s Office in which they commit to:
 - a. Submit an order to all Prosecutors including the new format for court orders.
2. Workshop on comprehension of the implemented Management Models.
3. Fifty-six members of the criminal justice sector understand the operation of the management model of other institutions.
4. A proposal for the workshop design on the operation for the Judicial Office for Permanent Advisory Services.

With these initial activities implemented by the ICBs of the three Judicial Districts, we were able to prove the importance of opening spaces for interagency communication in which, in an informal but structured manner, the operational problems are analyzed and feasible strategies for solutions are presented; a space where all sectors that intervene in the criminal process can perceive the effect that their actions have in the service of carrying out criminal justice.

The challenge of understanding the tasks of each actor within the justice sector still prevails, but the creation of the ICBs reflects a step forward towards improving the technical capacities of the key institutions that make up the criminal justice sector.

ACTIVITY 2: INSITUTIONAL STRENGHTENING AND HUMAN RESOURCE TRAINING

Training

As noted in previous reports, the Project continues to support activities undertaken by previous projects funded by USAID, especially those regarding the strengthening of judicial training institutions and education of the actors that engage in the criminal justice process. During this quarter the Project began activities to strengthen the National School of the Prosecutor’s Office (NSPO) and provided technical assistance to the National Judicial School (NJS).

National Judicial School

To carry out the anticipated activities with the National Judicial School, the Project had permanent communication with the school's administrative office to seek out an expert in adult learning and education. The project identified a consultant, Esther Hierro, who provided support in developing interactive workshops which would enable a transfer of information in a dynamic, practical, active and participatory manner. The training was oriented to judicial staff, public defenders, as well as members of the national legal community.

The products of this consultancy are still pending and have not yet been submitted by the consultant to the National Judicial School for its approval.

National School of the Prosecutor's Office

In previous quarters, the Project coordinated with the Directorate of the National School of the Prosecutor's Office (NSPO) and its technical staff to develop training and support plans for the NSPO. During this period, the Project recruited and hired the international consultants needed to undertake this work. The following activities were undertaken:

- a) Development of a system to assess training and training evaluation needs (including longer term impact of training) for educating both prosecutors administrative personnel. The consultant held workshops with NSPO staff, the office of Human Resources Management, and the Management Unit of the AGO in order to establish among them a clear understanding of the benefit of good management, through improved capacity of officers and administrative staff alike. Similarly, the consultant also provided advice that the training policies have to be consistent with the institutional policies in the extent that these may have impact on the performance of the Prosecutors and support staff. For this, the consultant stressed the importance of detecting the actual training needs applicable to the different behaviors, prioritized by regions, position groups and/or organizational structure. They agreed upon a design of a pilot plan for the implementation of the processes, considering the installation of system based on existing elements, but with a new dynamic approach. The products are listed below:
 1. Diagnostic of initial situation and determining needs at the National School of the Prosecutor's Office and office of Human Resources Management at the AGO.
 2. Strategy for the design of methodologies for instructors at the National School of the Prosecutor's Office.
 3. Proposal for the design of the System for Determining Training Needs.
 4. Proposal for the design of the System for Evaluating Training Impact.
 5. Implementation Plan and schedule for both Systems.
- b) Strengthening of the career path for public prosecutors through the design, development and implementation of training programs. The consultancy was planned in two visits. The first technical assistance included collecting information, interviews and *in situ* observations of daily operations of the Prosecutor's Offices in Santo Domingo (National District and Province) and Santiago. More than 40 prosecutors were interviewed regarding their training needs. As a result of the interviews and observation of the aforementioned Prosecutor's

Offices, the consultant recommended that the training programs developed by the NSPO should be focused less on theory, and should be directed towards a more practical training program.

The products of the consultancy will be delivered to the National School of the Prosecutor's Office at the end of the second visit, which complements the technical assistance provided by the first consultancy.

Commissioner for the Support of Justice Reform and Modernization

Currently, statistical information for the justice sector is only disclosed, but not understood or analyzed to facilitate improvements in the justice system. To assist in this process the Project hired Dr. Lino Vásquez to work with the Commissioner for the Support of Justice Reform and Modernization (CSJRM). During his consultancy, he coordinated the scope and content of his technical assistance activities to help design an Analysis Unit within CSJRM to make better use of the statistical information. This Unit would centralize the statistics gathered by all justice sector institutions and transfer them into projects to be developed.

RESULT AREA 2

MECHANISMS ESTABLISHED AND STRENGTHENED FOR THE INTERNAL AND EXTERNAL MONITORING OF JUDICIAL OPERATIONS AND REFORM OF THE JUSTICE SECTOR

During this period, the Project's technical assistance began for activities 2 and 3, as described below.

ACTIVITY 2: DESIGN AND IMPLEMENT ONE PUBLIC INFORMATION ACCESS OFFICE

This activity was designed as a response to the specific requirement of the Judicial Branch to review and make any necessary adjustments to the Public Information Access Office (of the Judicial Branch) to comply with the General Law on Freedom of Information (FOI), known as *Ley General de Libre Acceso a la información Pública*. The Project coordinated and verified the terms of reference of the consultant that will carry out the corresponding diagnosis for this activity.

Also, three local experts were identified, all of whom have vast experience and knowledge of the FOI law, as well with implementation of the Public Information Access Office in the Judicial Branch. The experts' CVs were submitted to the Technical Office of the Judicial Branch; Gustavo Montalvo was identified as consultant, and is now in the process of being hired for this consultancy.

ACTIVITY 3: EXPANSION OF INSTITUTIONAL INTEGRITY SYSTEMS (IIS)

During this quarter, the activities corresponding to the expansion of the IIS began in the Judicial Branch—together with the General Office of the Judicial Career and experts from the Office of Judicial Career Affairs—through the following activities:

- a) Design of the strategy for the disclosure of regulations covering the Judicial Administrative Career and the Institutional Integrity System. As a consequence of the approval of the regulation of the Judicial Administrative Career by the Supreme Court, a communications and dissemination plan for both the regulation and the IIS was designed for managerial staff. Forty-five workshops in the Judicial Districts of Santo Domingo, National District, Santiago, La Vega and San Francisco de Macorís will be carried out to assist in this campaign.
- b) Training of Trainers (TOT). To reinforce the skills of the Management of the Judicial Career, a 16-hour TOT workshop was designed and implemented. The workshop included the participation of 20 employees of the Office of Judicial Career Affairs. As a result of this workshop, the institution will have 20 facilitators to disseminate the regulation and IIS to approximately 6,000 administrative employees of the Judicial Branch. The workshop received the technical assistance of Rosa Solís, who brought to the workshops modern communication techniques and a methodology of facilitating learning in pairs.
- c) Design and printing of materials for dissemination. For the dissemination and internalization of the regulation of the Judicial Administrative Career, the Project anticipates hiring consultant Claudia Chez, who will work with the presentations to add dynamic and positive messaging to assist in the communication process. This product will be used by the facilitators to disseminate the new regulation and the IIS. Flyers and different materials will also be printed and placed at the courthouses of the different judicial districts across the country.

RESULT AREA 3

STRENGTHENING OF INSTITUTIONS AND PROCEDURES SUPPORTING THE INDEPENDENCE AND IMPARTIALITY OF THE JUSTICE SECTOR

In this quarter, the scheduled Activity 4 was developed accordingly with the support of the Public Defender's Office.

ACTIVITY 4: INDEPENDENT PUBLIC DEFENDER'S OFFICE

The technical assistance provided by the Project for the Public Defender's Office included the use of a tool that documents and provides references about a communication strategy for the organization (as well as management and organizational parameters). The following information describes the activities developed for this purpose:

Summit of Public Defenders from the PDO

As a result of the operational challenges presented by the Criminal Procedure Code (CPC), the PDO gathered a list of problems that the public defender face in providing quality service. These problems were analyzed at a Summit, in which 129 members of the Public Defender's Office participated in a two-day activity with the technical assistance of consultant Álvaro Ferrandino. Among the situations detected that hinder access to quality defense and violate citizens' rights are: a) problem of accessing patrols; b) inclusion of new evidence without informing the public defenders; c) excessive use of preventive imprisonment, d) difficulties in enforcement of the procedure to review restraining orders; e) lack of access to public defenders in detention centers; f) massive arrest warrants for failure to appear; g) obstacles for the enforcement of sentences; g) failure to follow procedures; h) baseless assertions; i) liberty from the courtroom (public hearing); j) main causes for suspension of public hearings; k) frivolous litigation; m) ethics of public defenders.

Strategic Planning 2009-2013

The Justice Project developed a Strategic Plan for the Public Defender's Office (PDO) during a workshop, where a clear and comprehensive action plan was established. This plan will help ensure a clear and structured process for the implementation of Act No. 277-04, which includes the founding of the Public Defense Service. There were 25 attendees, all officers from the institution, ranging from division coordinators, district coordinators, sub-directors, and the director. The Project also had the support of the consultant Álvaro Ferrandino for the strengthening of the technical skills and management capacities of the Public Defender's Office.

The first step was to review the existent Strategic Plan at the PDO in order to redefine it for the period 2009-2013. Following that review process, the Project worked with a smaller group (director, sub-director and coordinators) to develop the following products:

- a) Strategic Planning Manual 2009-2013. This manual contains the Strategic Plan, including the mission, vision, objectives and strategies.
- b) Strategic Plan design and development project profiles. The work on the project profiles is still in processes, as well as the budget and schedule for their implementation.

The conclusions defined during the Summit of Public Defenders provided key input to develop the coordination strategies with the other sector operators, promoting a culture of support and eliminating bad practices that affect the functionality of the criminal process, and places users at risk by not being able to access the justice system.

Review of the Management System Manual of the Public Defender's Office.

Together with the director, sub-directors and the 3 coordinators, the PDO's Management Manual was reviewed; a as result guidelines and standards were established. We are waiting for the approval of this document by the Administrator of the PDO in order to publish it.

GRANT UNDER CONTRACT

Grant activities for the Project began this quarter. The Project decided to use a simplified grant mechanism, through which the activities are supported by means of reimbursements requests presented to the project on behalf of the beneficiary, accompanied by the scheduled financial reports established in the agreement. During the first quarter, the reports corresponding to the months of January, February and March have been received and the reimbursements have been made as per the agreement.

As a coordination mechanism and as a request from USAID, a meeting was held at the end of the first month of implementation. During this meeting, the need to make progress was shared in order to comply with the interagency agreements, which specify the cooperation of Participacion Ciudadana in the sustainability of the Community Justice Houses. Thus, the Coordinator for the Justice Houses presented the progress made with the Judicial Branch to obtain a fixed allocation of mediators for the Centers, as well as the actions with the City Hall of Santiago and the President of the Republic to acquire property and build a Justice House in Cienfuegos. He also attended the signing of an agreement on January 22, 2009 with the Commissioner for the Support of Justice Reform and Modernization to strengthen the financial sustainability of the Justice Houses, community training, and the promotion of the judicial reforms. The actions were carried out with international organizations, including Transparency International, the European Community and the Embassy of Japan, to obtain new funds for these Houses. *Product: Activity and Financial Quarterly Report corresponding to the quarter: January-March, 2009.*

ADMINISTRATION AND FINANCES

ADMINISTRATION

CONSULTANTS

In order to perform the technical assistance activities for Year 1 as described in the Project's Work Plan, the Project Team worked continuously to contact, negotiate, and manage the required consultants for this period. 19 consultants were envisioned during this quarter; of those, 10 consultants were hired, carrying out 52% of the total envisioned technical assistance. Currently, the Project is in the process of hiring the consultants that shall provide support to the activities scheduled for the next period as defined under in Work Plan.

FINANCIAL ACTIVITIES

The financial activities during the period January-March 2009 provided support to the implementation of Project activities planned for this quarter. The disbursements of the Grant began in January, 2009. 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 March 31, 2009.

Budget

DAI operated during the period under a total obligation of \$1,700,000.

Budgetary Expenses

During the period January-March 2009, the total amount invoiced was \$245,876.90. The monthly average invoice during this period was \$81,958.97.

The corresponding expenses for the workdays ordered came to a total of \$121,072.93. The total of Other Direct Costs was \$102,578.11 and the disbursement for the grant was \$12,340.36.

Annex 4 contains a chart showing the budgetary expenses for the Project through March 31, 2009. In percentages, the chart shows that 16.81% of the total contract ceiling amount has been spent; there is still 83.91% remaining.

Financial support activities and reports

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.

ANNEX

Annex 1. Schedule and Attendance of Meetings in the Judicial Districts

Date	Attendees at Meetings and Workshops in the Judicial Districts
January 8, 2009	Meeting at the Judicial District Meeting of Santiago: President of the Criminal Chamber of the Court of Appeals of Santiago's Judicial Department, Coordinator of the Public Defender's Office, and Technical Director of the Prosecutor's Office of the Judicial District of Santiago Mr. Stephen Brager from USAID participated in this meeting.
January 12, 2009	Meeting at the Judicial District Meeting of La Vega: President of the Criminal Chamber of the Court of Appeals of La Vega's Judicial Department, Coordinator of the Public Defender's Office, Prosecutor of the La Vega's Judicial District, 2 Deputy Prosecutors of the Court of Appeals, representative of the National Police and the National Army.
January 15, 2009	Workshop to Understand the Management Model of the Criminal Office, Prosecutor's Office and Public Defender's Office at the Judicial District of Santiago. Forty-seven operators (judges, prosecutors, public defenders, administrative staff of the three institutions, and police) attended this workshop.
January 20, 2009	Meeting at the Judicial District of Santiago: President of the Criminal Chamber of the Court of Appeals of Santiago's Judicial Department, Coordinator of the Public Defender's Office, Technical Director of the Prosecutor's Office of the Judicial District of Santiago
January 22, 2009	Meeting at the Judicial District of La Vega: President of the Criminal Chamber of the Court of Appeal of La Vega's Judicial Department, Coordinator of the Public Defender's Office, Prosecutor of the La Vega's Judicial District, 2 Deputy Prosecutors of the Court of Appeals, representative of the National Police and the National Army.
January 23, 2009	Meeting at the Judicial District of San Francisco de Macorís: President of the Chamber of Commerce of the Court of Appeals, 4 Judges, members of the Criminal Chamber, Director of the Public Defender's Office, Prosecutor of the Judicial District, Deputy Prosecutor, Attorney of the Court of Appeals and Deputy Attorney of the Court of Appeals.
February 4, 2009	Meeting at the Judicial District of Santiago: President of the Criminal Chamber of the Court of Appeals of Santiago's Judicial Department, Coordinator of the Public Defender's Office, Coordinator of the Examining Judges , Technical Director of the Prosecutor's Office of Santiago's Judicial District, President of the Criminal Chamber of the Court of Appeals of the Judicial Department of Puerto Plata, Examining Judge of the District.
February 10, 2009	Meeting at the Judicial District of La Vega: President of the Criminal Chamber of the Court of Appeals of La Vega's Judicial Department, Coordinator of the Public Defender's Office, Prosecutor of the La Vega's Judicial District, 2 Deputy Prosecutors of the Court of Appeals, representative of the National Police and the National Army.
February 21, 2009	Workshop to Understand the Management Model of the Criminal Office, Prosecutor's

	<p>Office and Public Defender's Office at the Judicial District of La Vega. Forty-eight operators (judges, prosecutors, public defenders, and administrative staff of the three institutions, police, and national army) attended this workshop.</p>
<p>February 23, 2009</p>	<p>Workshop to Understand the Management Model of the Criminal Office, Prosecutor's Office and Public Defender's Office at the Judicial District of San Francisco de Macorís. Fifty-six operators (judges, prosecutors, public defenders, and administrative staff of the three institutions, police, and national army) attended this workshop.</p>
<p>February 23, 2009</p>	<p>Meeting at the Judicial District of Santiago: President of the Criminal Chamber of the Court of Appeals of Santiago's Judicial Department, Coordinator of the Public Defender's Office, Examining Coordinator, Technical Director of the Prosecutor of Santiago's Judicial District, President of the Criminal Chamber of the Court of Appeals of the Judicial Department of Puerto Plata, Examining Judge of the National District.</p>
<p>March 10, 2009</p>	<p>Meeting at the Judicial District of La Vega: President of the Criminal Chamber of the Court of Appeals of La Vega's Judicial Department, Coordinator of the Public Defender's Office, Prosecutor of the La Vega's Judicial District, 2 Deputy Prosecutors of the Court of Appeals, representative of the National Police and 2 representatives of the National Army.</p>
<p>March 10, 2009</p>	<p>Inauguration of the Management Model of the Prosecutor's Office at San Francisco de Macorís. The Attorney General and representatives of USAID were present.</p>
<p>March 12, 2009</p>	<p>Meeting at the Judicial District of Santiago: President of the Criminal Chamber of the Court of Appeals of Santiago's Judicial Department, Coordinator of the Public Defender's Office, Coordinator of Examining Courts, Technical Director of the Prosecutor's Office of the Judicial District of Santiago</p>
<p>March 12, 2009</p>	<p>Validation of the Management Model for Large Prosecutor's Office Workshop: Director of the Management Office of the AG, Prosecutor of the Judicial District, Technical Director of the Prosecutor's Office of Santiago's Judicial District, Responsible for Organizational Development, 2 Litigation Directors, Prosecutor for Serious Crimes and 2 Deputy Prosecutors.</p>
<p>March 17, 2009</p>	<p>Meeting at the Judicial District of San Francisco de Macorís: President of the Chamber of Commerce of the Court of Appeals, Judge President of Associate Court, Director of the Public Defender's Office, Prosecutor of the Judicial District, Deputy Prosecutor, and Attorney of the Court of Appeals and Deputy Attorney of the Court of Appeals.</p>
<p>March 18, 2009</p>	<p>Meeting at the Judicial District of Santiago: President of the Criminal Chamber of the Court of Appeals of Santiago's Judicial Department, Coordinator of the Public Defender's Office, Technical Director of the Prosecutor's Office of the Judicial District of Santiago</p>
<p>March 24, 2009</p>	<p>Meeting at the Judicial District of Santiago: President of the Criminal Chamber of the Court of Appeals of Santiago's Judicial Department, Coordinator of the Public Defender's Office, Coordinator of Examining Courts, Technical Director of the Prosecutor's Office of the Judicial District of Santiago</p>
<p>March 27, 2009</p>	<p>Meeting at the Judicial District of La Vega: President of the Criminal Chamber of the Court of Appeals of La Vega's Judicial Department, Coordinator of the Public</p>

	Defender's Office, Prosecutor of the La Vega's Judicial District, 2 Deputy Prosecutors of the Court of Appeals, representative of the National Police and 2 representatives of the National Army.
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Annex 2: List of Products

List of Products	
Product No. 1	Judicial Districts Meetings Memorandum
Product No. 2	PDO Strategic Planning 2009-2013.
Product No. 3	Public Defenders' Summit Report
Product No. 4	Report by Consultant Álvaro Ferrandino
Product No. 5	Draft of Management Manual for PDO
Product No. 6	Report by Consultant Humberto Insfran
Product No. 7	Report by Consultant Rosa Solís
Product No. 8	Community Halls of Justice – Program and Financial Report January-March 2009