



USAID
FROM THE AMERICAN PEOPLE

NATIONAL CENTER FOR STATE COURTS
International Programs Division
2425 Wilson Boulevard, Suite 350
Arlington, VA 22203
www.ncsconline.org

Mongolia Judicial Reform Program

ANNUAL REPORT 2008

Cooperative Agreement
No. #492-A-00-01-00001
March 30, 2009

This Publication was produced for review by the United States Agency for International Development. It was prepared by National Center for State Courts.

Table of Contents

A. EXECUTIVE SUMMARY.....	3
B. TASK-SPECIFIC PROJECT ACTIVITIES	4
OBJECTIVE 1: STRENGTHENING THE INDEPENDENCE OF JUSTICE SECTOR INSTITUTIONS THROUGH IMPROVED MANAGEMENT STRUCTURE.....	4
Activity 1.1: Reinforcing capacities to continue management improvements in courts and related key justice sector agencies	4
Activity 1.2: Strengthening system efficiency.....	7
OBJECTIVE 2: PROMOTING ACCOUNTABILITY AND ETHICAL BEHAVIOR OF JUSTICE SECTOR OFFICIALS THROUGH INCREASED PROFESSIONALISM	8
Activity 2.2: Developing the Mongolian Advocates Association	8
Activity 2.3: Developing the capacity of the National Legal Center to implement sustainable continuing legal education	9
Activity 2.4: Developing Otgontenger University as a model law school	10
OBJECTIVE 3: IMPROVING UNDERSTANDING BETWEEN JUSTICE SECTOR INSTITUTIONS AND THE PUBLIC.....	11
Activity 3.1: Strengthening public communication capacity of Justice Sector Agencies	11
OBJECTIVE 4: IMPROVING POLICE PRACTICES TO CARRY OUT INVESTIGATIVE AND FORENSIC FUNCTIONS CONDUCTED UNDER JUDICIAL OR PROSECUTORIAL CONTROL.....	12
C. ADDITIONAL ACTIVITIES SUPPORTED BY FINAL OBLIGATION OF FUNDS.....	13
1. Networking among justice sector institutions.....	13
2. Distance learning from mandatory CLE via the NLC	14
3. Anti-corruption training for prosecutors and courts	15
D. DONOR COORDINATION, MONITORING AND EVALUATION, AND PROJECT CLOSEOUT.....	15
E. CONCLUSION	16
LIST OF ATTACHMENTS	18
Attachment A: Memorandum to Supreme Court Research Center by Susan DiPietro, November 2008.....	19
Attachment B: Mongolia Technical Assistance Visit Findings and Recommendations, by James E. McMillan, NCSC Principal Court Technology Consultant, April 2008	32
Attachment C: Interim Assessment of the Activities and Capability of the National Police of Mongolia.....	51
Attachment D: Closing Conference Agenda, “Next Steps in Justice Sector Reform”	68

A. EXECUTIVE SUMMARY

Calendar year 2008 marked the last full year of activities of the Mongolia Judicial Reform Program. The project was extended twice during 2008. One modification extended the completion date from June 30, 2008 to December 31, 2008, and realigned the budget to fully fund the Cooperative Agreement. Another extension – this time a no-cost extension – was requested in October and subsequently approved, permitting the project to operate until March 31, 2009.

A number of management changes occurred during the year. In April 2008, Chief of Party Garry Ledbetter resigned to accept another position with a USAID-funded project. Heike Gramckow, home office project director since the project's inception, left NCSC for the World Bank around the same time, and was subsequently replaced by Tim Hughes. Kala Finn served as interim COP during May and June, when she was replaced by permanent COP John Carver, who remained throughout the remainder of the project.

Mr. Carver spent his first weeks in Mongolia assessing the capabilities of staff, status of the project budget, and progress towards completing the final 2008 Work Plan. It quickly became apparent that after seven years of experience, project staff had developed and proposed activities that were feasible, with cost assumptions that were realistic. However, it was also clear that a great deal needed to be done in a short time, especially in the area of planned software upgrades. Mr. Carver instituted a number of changes internally and with institutional counterparts to ensure that these demanding projects remained on track.

As 2008 came to a close, it became clear that all activities of the 2008 Work Plan would be successfully completed by project closeout at the end of March. A major upgrade in communications infrastructure – video conferencing – was successfully installed and was being used by the end of December. The most worrisome projects were the software upgrades for the management information systems used by Courts and Prosecutors, but close supervision of two software development contractors assured eventual success, despite delays. All planned public education activities had been completed by December. A detailed closeout plan was submitted for review in August, and all tasks were on track for an orderly phase-out of the project. Finally, a Closing Conference had been included as a final activity. Plans for this conference, “Next Steps in Justice Sector Reform,” were discussed with the Minister of Justice and Home Affairs during the last three months of the project. The Minister became actively engaged in planning for the event, using it to convene all of the top justice sector leaders for the purpose of taking stock of past achievements and planning priorities for the future.

This Annual Report summarizes activities planned and carried out in 2008. Since several activities – most notably software upgrades – were continued into 2009, they will be discussed as well, inasmuch as this will be the final annual report of the Judicial Reform Program.

B. TASK-SPECIFIC PROJECT ACTIVITIES

Since the inception of the project, JRP and other donors assisted the Mongolian government in improving the legislative framework for justice system operations in Mongolia. As the project evolved, the primary focus of JRP assistance shifted to supporting and strengthening the institutions responsible for implementing new laws structures. The focus for 2008 was to solidify the gains made in the previous seven years prior to closing the project.

OBJECTIVE 1: STRENGTHENING THE INDEPENDENCE OF JUSTICE SECTOR INSTITUTIONS THROUGH IMPROVED MANAGEMENT STRUCTURE

To further this objective in 2008, the JRP implemented a number of activities aimed at strengthening the main stakeholder organizations, i.e. the judiciary and the public prosecution service, as well as supporting related agencies and organizations, including the Ministry of Justice and Home Affairs (MOJHA), the National Legal Center (NLC), the Special Investigative Unit (SIU) and the Mongolian Advocates Association (MAA). The focus was on:

- *Reinforcing capacities to continue management improvements in courts and related justice sector agencies*
- *Strengthening system efficiency*
- *Support for adjusting priority elements of the substantive legal environment*

The following sections outline the JRP progress and results related to Objective 1.

Activity 1.1: Reinforcing capacities to continue management improvements in courts and related key justice sector agencies

Assistance to the General Council of Courts (GCC)

Result: 2008 Software Upgrade for Courts

The most significant assistance to the General Council of Courts in 2008 was JRP's support for upgrading the court's case registration and tracking software, previously known as *Judge2005* but henceforth referred to as *Judge2008*. The software was upgraded to reflect the changes in the criminal procedure code as well as to support good court management practices. It is viewed as an essential tool by senior court managers to monitor progress in meeting their caseload standards, adopted in 2007.

The upgraded software has much better search and report-writing capabilities, permitting court users to design custom reports. Occasionally, the leadership of court system or the Supreme Court requests specifically-tailored statistical reports from Aimag and Soum level courts for reporting to the Government of Mongolia, or for internal management purposes. Previously, these requests placed burdens on local courts, which would have to assemble the requested data manually. The new version of the software reduces this burden through flexible report-writing capabilities. To ensure that the software met the needs of users, managers, and the leadership,

JRP organized many workgroup meetings to review interface issues and to suggest improvements in functionality.

By the first quarter of 2009, all coding was complete. Training on the new application had been conducted and manuals distributed. The Judicial Reform Program turned over the completed application to the General Council of Courts during the final month of the project.

Result: Technical Assistance to the Supreme Court Research Center

In November, JRP brought back a consultant who had spent six months in Mongolia in 2006-2007 providing technical assistance to the Supreme Court Research Center (SCRC). Susanne DiPietro, a court administrator from Alaska, had previously worked on advising the court leadership on an improved performance evaluation system for judges. In October of 2007, the Supreme Court and the General Council of Courts adopted an expanded policy on measuring judicial performance. This two week return trip was designed to assess progress in the implementation of the new system, and update recommendations as deemed appropriate. Working with the Director of the Research Center and the six attorney staff members, the consultant concluded that the new evaluation process is a significant step forward, in that it explicitly recognizes the importance of judicial temperament and courtesy to the parties, along with an understanding of court management principles and the technical aspects of judging. However, the consultant also concluded that the evaluation format did not track well with the criteria adopted in 2007. Ms. DiPietro prepared a detailed memorandum with suggested indicators linked to the criteria in use. These recommendations can be found in Attachment A.

Result: Assistance provided to the General Council of Courts on Developing a new Judicial Strategic Plan for 2008-2015.

In accordance with JRP's 2008 Workplan, assistance was being provided to the GCC on developing their new Judicial Strategic Plan 2008-2015. The Executive Director of the General Council of Courts requested staff assistance in organizing and facilitating a small retreat at the end of September. Two JRP staff members were assigned to work with a small group of managers from the GCC. In December, a draft strategic plan was provided to JRP, along with a request for comments. Comments were provided verbally and in writing to the Executive Secretary of the GCC, and the working group that had produced the draft.

Assistance to the General Prosecutor's Office

Result: 2008 Software Upgrades for Prosecutors

Earlier in the project, JRP supported the automation of prosecutors' offices throughout Mongolia. In 2008, JRP began upgrading the old *Prosecutor2003* software. One of the design specifications was maintaining compatibility among justice sector institutions in order to permit future development of an automated exchange of criminal justice data among police, prosecutors, courts, and eventually corrections. The General Prosecutor's Office wanted to convert their current system to a web-based platform. JRP went through a careful procurement process to select a qualified IT firm to carry out these upgrades.

As with the similar effort supported in the General Council of Courts, JRP has encouraged the establishment of a working group to review progress with the new software and suggest improvements in the user interface. Weekly progress reports were required from the software developers to ensure that the project remained on track, and that the appropriate officials in the General Prosecutors Office were fully informed.

Though the automation upgrade project started late and experienced some delays, the coding of the various modules proceeded generally according to plan. Not surprisingly for IT projects, early timeframes proved overly optimistic, but by the end of December, it was clear that after a final testing period, JRP would be able to turn over the completed and well-tested software, along with all technical manuals.

Result: Strengthened Capacity of Prosecutors, Investigators and Judges on Evidentiary Principles and Anti-Corruption Investigations

The General Prosecutor's Office had previously requested specialized training for prosecutors aimed at bringing successful corruption prosecutions to court. The courts have little experience adjudicating cases involving financial forensics and other corruption scenarios. Therefore, JRP's 2008 workplan called for specialized training in this area for prosecutors, judges, police and investigators. It also called for training in evidentiary principles, given the fact that many cases are dismissed due errors in processing or maintaining evidence. Planning for these specialized training programs occurred during November when Delaware Attorney General Richard Gebelein traveled to Mongolia to interview officials and collect scenarios, fact patterns and materials in order to develop two multi-day training programs.

In early March, NCSC completed its planned assistance in this area when Mr. Gebelein returned to Mongolia to conduct the training. Coordinating with the Asia Foundation project, Mr. Gebelein prepared two training sessions designed to enhance the investigative capabilities of SIU investigators, as well as enhance the capacities of prosecutors, police and judges in handling these kinds of cases. The courses covered Evidentiary Principles and Anti-Corruption Investigations. In addition, instructors from the Police Academy attended in order to build these courses into future curricula for police officers.

Assistance to the Special Investigative Unit (SIU)

The JRP has provided the SIU with technical assistance, training and equipment since its establishment in September 2002. Prior to the creation of the ACA, the establishment of the SIU was the only concrete step by the Government of Mongolia to combat crime and corruption within the justice sector. Despite the advent of the ACA, the SIU's responsibility to combat abuse of power cases within the justice sector, especially cases involving police officers, remains.

Result: Special Investigative Unit Fully Trained and Equipped, and Handling Politically-Sensitive Cases

During 2008, JRP completed a multi-year effort to establish and train the Special Investigative Unit. In prior years, the JRP assisted by 1) bringing in an expert to assess the activities of the Unit and provide recommendations for management improvement and necessary training, 2) equipping the office with computers and developing software that allows investigators to log complaints, track cases, search for cases with similar histories, and produce reports, 3) providing materials on international best practices for developing cooperation protocols with other legal and law enforcement institutions, 4) consulting on public relations to make more people aware of their existence and how to make a complaint and 5) translating material on investigative techniques as requested.

Specialized forensics equipment used in crime scene investigations was provided during the year. JRP also provided training on investigating the use of excessive force by the police, securing and processing crime scenes, interviewing victims, witnesses and suspects, and maintaining chain of custody.

JRP has provided long-standing support to the Special Investigative Unit (SIU), an independent entity created to investigate wrong doing committed by police officers, prosecutors, judges, and staff of justice sector agencies. The Unit is an important institution designed to hold justice-sector officials accountable, and to reduce the incidence of excessive force by the police or abuse of power by prosecutors and judges. The establishment of this Unit was a concrete step of the Government of Mongolia to combat crime and corruption within the justice sector.

The independence of the Unit and the sufficiency of their training were put to the test following post-election disturbances on July 1, 2008 which involved fatalities. Despite considerable pressure, the Unit opened investigations and filed formal charges against a number of police officers. These actions led to angry protests and a take-over of the Director's office by relatives of those detained, but did not affect or influence the investigations.

Activity 1.2: Strengthening system efficiency

Strengthening caseload management

The year 2007 was a milestone for court administration in Mongolia. Following a significant period of technical assistance to work groups, study tours, and training, the Courts adopted and published their Caseload Standards. These Standards relied heavily on reference materials such as CourtTools from the National Center for State Courts. The adoption of Caseload Standards was significant, because it shows the commitment of the judicial branch to modern management techniques based on clear standards and goals. In 2008, JRP continued to support the Court through upgrades to case management software, and the publication of a manual on caseload management.

Result: Publication of Manual on Caseflow Management

An important activity designed to reinforce previous work of the Judicial Reform Program in support of better management of courts was the publication of a detailed procedure manual on court management, including caseflow, human resources, budget, finance, information technology, public information, and training. After a thorough review process, 2000 copies were printed, enough for every court employee throughout the country. The manual includes detailed information on caseflow management concepts developed by the National Center for State Courts, and illustrates the commitment of the leadership to performance-based management.

Result: Further Automation of Prosecutors' Offices

Most of the Prosecutor's Offices were automated prior to 2008. In 2007, 117 computers and related equipment were installed in 14 offices, bringing to 23 the number of offices fully automated. JRP continued to upgrade local area networks in 2007 and in 2008. During the 2008, the final year of JRP activities, a new network was installed in Darkhan-Uul Aimag Prosecutor's office. This, plus the purchase of anti-virus software, completed hardware-related support to the GPO. Software support for upgrading the Prosecutor's management information system, and moving it to a web-based platform continued throughout the second half of 2008, with final delivery in March, 2009.

OBJECTIVE 2: PROMOTING ACCOUNTABILITY AND ETHICAL BEHAVIOR OF JUSTICE SECTOR OFFICIALS THROUGH INCREASED PROFESSIONALISM

To achieve the second objective in 2008, the JRP implemented three activities.

- Developing the Mongolian Advocates Association
- Developing the capacity of the National Legal Center to implement sustainable continuing legal education
- Developing Otgontenger University as a model law school

Activity 2.2: Developing the Mongolian Advocates Association

The JRP has assisted the Mongolian Advocates Association (MAA) in a number of ways, most recently in the printing of two posters. A thousand copies each were printed on the Advocate's Role in a Civil Dispute and the Advocate's Role in a Criminal Case. The posters explain to the public how they can apply to advocates if they are involved in a civil dispute or become the accused in a criminal case. The posters contain information on how to contact the headquarters of the MAA as well as local Advocates' Councils. The MAA has distributed the posters to its Aimag Advocates' Councils to post in public places and smaller administrative units.

In 2008, JRP had planned to provide additional support to the Association through the publication of brochures and pamphlets. This was the only planned activity that was not completed. Despite repeated and increasingly urgent reminders to the Mongolian Advocates

Association, the text for the publications was never produced. As the project was closing, representatives of the Association attributed the lapse to internal leadership problems.

Activity 2.3: Developing the capacity of the National Legal Center to implement sustainable continuing legal education

Distance Learning for Mandatory CLE via the NLC

During the last half of 2008, the JRP technical team evaluated a number of web-based, e-learning software applications and selected an open source, free and widely distributed application known as “Moodle.” This package is specifically designed to help educators create online learning communities and deliver educational courses over the Internet. Working with the National Legal Center, the JRP provided training on the application, and imported the database of qualified attorneys into the application.

Web-based training is ideal for a country as large as Mongolia. With this final purchase of a server to host the application, and the configuration of the e-learning application, it is anticipated that web-based training will facilitate the expansion of mandatory Continuing Legal Education (CLE) for legal professionals, as well as serve the ongoing training requirements for judges, prosecutors, advocates, managers and others.

Early in 2009, a new server was purchased for the National Legal Center which will be used to host the new application. Licenses to “Soft Chalk,” a developer’s tool for e-learning, were purchased for the benefit of curricula developers in the National Legal Center, recently renamed the National Legal Institute. Documentation on the application has been translated into Mongolian, and the final configuration processes were completed by the end of February. During the final two months of the project, JRP technical staff conducted training of NLC staff and the association of trainers on how to develop curricula for delivery over the internet.

Training Video

Early in the project, JRP developed a training video on trial skills and the adversarial process. This video was used for over four years for trial skills trainings for prosecutors and judges. However subsequent changes in the Criminal Code and the Criminal Procedure Code rendered that video obsolete and an updated video was included as one of the deliverables in the 2008 workplan.

During the last two quarters, JRP completed production of a new training video on trial skills. Judges, prosecutors and advocates from the Capital City Court, district courts, and prosecutors’ offices developed fact patterns and scripts to illustrate techniques of effective trial advocacy. Filming was completed in December, followed by technical reviews, editing, duplication and distribution. The DVD was distributed to all Aimag Courts in January at the annual meeting of Chief Judges and Court Administrators. In March, after the DVD was screened at the seven regional aimags with video conferencing capabilities, a nation-wide roundtable discussion was held on trial skills, using the new video connectivity with the Supreme Court.

Activity 2.4: Developing Otgontenger University as a model law school

Result: Expansion of Clinical Legal Education

The Judicial Reform Program began working with the Law School at Otgontenger University in 2006 to promote improved standards of providing practical education. Otgontenger's Legal Services Clinic formally opened on December 22, 2006. This innovative program has been providing an opportunity for students to receive training in practical skills in representing clients while offering a service to the community by providing free legal advice to those that cannot afford legal representation. The JRP provided equipment and furniture for the legal clinic room.

The following year (2007) JRP, in cooperation with the USAID-funded Gobi Initiative project, sent students from Otgontenger's law clinic to 6 aimags (Zavhan, Hovd, Umnugobi, Uvurhangai, Bayanhongor and Arhangai) to provide free legal advice to herders and others. Clinic students went to the aimags to coincide with Gobi's Market Days and to assist herders and others in gaining an understanding of transactions relevant to their business activities. The students received relevant training prior to their departure from a Mongolian commercial law expert.

JRP assisted the Otgontenger University in cooperation with GCC, Supreme Court, GPO, MAA and the courts for piloting a course on "legal professional skills".

In late 2007, JRP brought an expert from Ukraine with experience in operating legal clinics through law schools. The expert conducted an assessment and training aimed at legal clinic professors and students. Based upon the recommendations of the expert, the teaching staff of the Law School developed a number of training manuals on the legal clinic setting. JRP funded the publication of following books for the Legal Clinic: *Compilation of the internal rules and procedures of the Legal Clinic*, *Structure and Management of the Legal Clinic* and two training programs for the professors and students of the Legal Clinic. These materials were distributed in early September.

With JRP support, professors of Otgontenger's Legal Clinic successfully conducted a 3-day training program for the lecturers of other law schools on Sept 11-13, 2008. Seventeen lecturers from 12 law schools participated in this training. Each participant received a set of the above-mentioned handbooks. A number of law schools expressed their intention to set up comparable programs, and one law school has already done so.

The prospects for sustained expansion of the legal clinic concept appear bright. Both the Minister of Justice and Home Affairs and the Minister of Education have called for the inclusion of clinical legal education in the curricula of law schools. The National Center for Standardization and Metrology passed a resolution in October of 2007 calling for legal clinics in all law schools, citing the benefits of practical legal experience. Law school faculties are eager to learn from the experience of the Otgontenger University.

The development of clinical legal education in Mongolia has been an example of how a small amount of USAID funding can have a lasting effect on legal education, and thus the future leadership of a country. Beginning with an experimental pilot program in a single law school,

the benefits to both students and citizens were demonstrated; the concept was endorsed by governmental and legal education leaders; and law schools are beginning to incorporate the innovation into their own curricula.

OBJECTIVE 3: IMPROVING UNDERSTANDING BETWEEN JUSTICE SECTOR INSTITUTIONS AND THE PUBLIC

Public understanding of the legal system is essential to public support for the rule of law. Only when citizens understand their rights and the role of the various justice sector institutions in protecting those rights can they insist on proper functioning and services from those institutions. Public understanding is also essential for ensuring support for independent justice sector institutions and for protecting them from undue interference from other branches of government. Public education has been an ongoing JRP priority to increase the public's understanding of the justice system and mobilize support for justice sector reform and independence.

Activity 3.1: Strengthening public communication capacity of Justice Sector Agencies

Result: Greater Public Access to Prosecutors' Offices

During 2008, the GPO requested JRP support to install Public Access Terminals in each prosecutor's office to allow access by the public to case decisions. The GPO wished to replicate the success of the Courts in providing more openness and transparency by setting up public access terminals in each court building. JRP proposed funding a pilot Public Access Terminal in one prosecutor's office to determine its effectiveness. JRP provided equipment and training for this pilot project. Based on the experience of the pilot, the GPO subsequently established Public Access Terminals in each of their offices – a significant demonstration of the viability and the sustainability of the concept.

Activity 3.2: Public Education

Result: Improved Internal Rules and Procedures within the Prosecutors' Offices

GPO has updated the internal rules and procedures related to the day-to-day supervisory work in order to avoid duplications. In connection to that the JRP has provided financial support on publication of two books *Compilation of Internal Guidelines* and *Compilation of all Resolutions* upon GPO's request.

Result: Increased Public Awareness through Popular Radio Drama Series

Public Education on the Justice System continued to receive project focus in 2008. Previous JRP-sponsored surveys show that rural residents receive information mostly from radio rather than from TV or newspapers. In 2008, the JRP completed its cooperation with Pact Mongolia to produce and air a radio drama series on legal issues. That series ended in March. A new radio drama series was produced directly with Mongolian National Radio. In September 2008, these

new 15-minute episodes on criminal law and legal issues began airing, and continued to air several times a week for the remainder of the year.

OBJECTIVE 4: IMPROVING POLICE PRACTICES TO CARRY OUT INVESTIGATIVE AND FORENSIC FUNCTIONS CONDUCTED UNDER JUDICIAL OR PROSECUTORIAL CONTROL

The JRP technical assistance to the police focuses on those processes that are carried out with oversight by the courts and the prosecution service, and was designed to complement the JRP's work with the courts and prosecutors. The assistance that has been provided includes: 1) an initial assessment of the activities and operational capacity of the police related to these targeted processes; 2) development of recommendations for improving related General Police Department (GPD) management policies and practices; 3) adjustment of police processes through software development and upgrades; 4) pilot automation of police stations; 5) training and 6) providing forensic kits for crime scene investigations to pilot police stations.

In February, an international police expert from Arizona, Steve Corich, came to Mongolia as part of a planned follow-up to a wide-ranging 2007 assessment of police policies, practices, and automation efforts. The expert met with various officials from the GPD as well as officials from JRP's two pilot police districts in Baganuur and Bayangol. During the course of his two week visit, the consultant reviewed data, spoke with many police officials, observed and documented current practices, and developed specific recommendations for improving the management of the General Police Department.

After discussing his observations and findings, the expert concluded the following, along with other conclusions:

“There is a compelling need to automate police processes within the GPD. In addition to assuring compliance with laws requiring judicial and prosecutorial oversight of police investigations, overall organizational effectiveness would improve significantly. This shift to technology must be partnered with an organizational restructuring that insures that the technology is used to further police services that are truly beneficial to Mongolian citizens and are fully embraced by the government of Mongolia. As mentioned above, automating an ineffective police function does a disservice to all Mongolians.

Police practices must be brought into the 21st century and aligned with automation that exists in the prosecutor's office and courts. Crime exists internationally and that crime impacts all citizens. Criminals are operating in a more sophisticated manner using technology. Mongolian police are hampered in investigating criminal offenses due to a lack of professionalism, institutional ineffectiveness and insufficient technology.

As a result, relatively sophisticated criminal activity will become pervasive and remain largely unchecked.

Since crimes today tend to be less restricted by international borders, it is imperative that sophisticated investigative techniques and communications with national and international agencies be developed. It is only through the automation of police records and the linking of all stations that the police administration can develop a clear picture of the effectiveness of the GPD.

An automated system for the GPD should be capable of assisting the police document their most critical responsibilities, including tracking requests for service, the documentation of criminal activity through automated incident reporting and the documentation of investigations of criminal activity. This system must also be capable of providing timely and useful information that will help the police to identify crime trends and respond more quickly and effectively to the citizens of Mongolia. Improved communications within the GPD will increase the department's ability to communicate with the other components of the Mongolian Criminal Justice System and will therefore improve managerial oversight and accountability.”

The full report can be found at Attachment C.

C. ADDITIONAL ACTIVITIES SUPPORTED BY FINAL OBLIGATION OF FUNDS

1. Networking among justice sector institutions

Over the course of the project, JRP has spent more than one million dollars for automating the courts, prosecutors and police. The project has supported the development of the specially designed software for case tracking purposes, creation of websites and unified databases for courts, and connection of courts and prosecutors' offices to Internet services with the ultimate goal to improve the effectiveness of the caseflow management. This is a significant step towards creating more efficient and timely processes, greater transparency and accountability. Automating each individual agency, even if it is just pilot stations as in the case of the police is a major accomplishment. However automation of individual agencies is not enough. The larger goal is interagency connectivity which will permit seamless information sharing among the different agencies.

In April, the Principal Court Technology Consult of the National Center for State Courts, Mr. James E. McMillan, came to Mongolia to assess the existing case management systems, review software development plans, and make recommendations both to the justice sector institutions

and to the JRP IT staff, responsible for overseeing the upgrades to software applications for prosecutors and courts.

Mr. McMillan's recommendation covered improved caseflow management, an improved case management system interface to focus on work by judges and court staff, and secure storage of documents. Many of these recommendations were subsequently implemented as JRP supervised the upgrades to the software applications of the courts and the prosecutors. The full report can be found in Attachment B.

One of the activities envisioned in the early 2008 request for no-cost extension was the installation of additional networking equipment, including servers and networking devices, to supplement earlier support to the two pilot police districts, and to expand the network capacity of the General Police Department.

During the final months of the project, JRP initiated this final activity from the 2008 approved workplan and budget, and completed the project in early March. As a result, the headquarters of the General Police Department are now equipped with a new and greatly improved local area network, with network connections in every office. Additionally, JRP added a third pilot district – Songinokhairkhan – to the two previous districts, Baganuur and Bayangol. In that district, JRP support established a local area connection with nine (9) computers. Previously, the district had a single computer which was used for case registration.

2. Distance learning from mandatory CLE via the NLC

Distance learning has great potential in a country like Mongolia, a vast country, much of which is linked by unimproved roads requiring several days to travel to the capital, Ulaanbaatar. As the communications infrastructure has improved, and a high-speed fiber optic network now linking almost all aimag (provincial) capitals, JRP planned two final upgrades to the communications infrastructure. One technology introduced to support distance learning, especially regarding mandatory CLE, was the e-learning application and server, described above in the section describing the activities in support of Objective 2. The second investment in communications technology was Video Conferencing.

A major milestone was achieved with the final installation of Video Conferencing equipment in the Supreme Court and in seven regional aimags. Chief Justice Batdelger of the Supreme Court of Mongolia inaugurated the newly-completed video conferencing system on December 30, 2008 in Ulaanbaatar. For the first time, the Chief Justice and the Director of the General Council of Courts were able to conduct a live meeting with court leaders, local judges, and support staff in seven distant regional courts, without spending court funds on travel. The Chief Judges of each court reported their year-end workload statistics, and discussed objectives for the coming year as if they were in the same room. Also participating in this historic meeting were the justices responsible for both the civil and criminal chambers of the Supreme Court.

Though installed in courthouses, the Video Conferencing technology is available to meet the training needs of all justice sector institutions. Though only recently installed, it is already being used for a variety of purposes. For example, the JRP-produced video on trial skills, described

above, was distributed for viewing to all aimag courts. A nation-wide seminar and roundtable discussion on trial skills was then convened in the seven courts connected to the Supreme Court. During the current economic downturn and budget tightening, this final USAID investment in communications technology will permit many training sessions to continue without the need for additional scarce funds for travel and lodging.

3. Anti-corruption training for prosecutors and courts

The General Prosecutor's Office had previously requested specialized training for prosecutors aimed at bringing successful corruption prosecutions to court. The courts have little experience adjudicating cases involving financial forensics and other corruption scenarios. Therefore, JRP's 2008 workplan called for specialized training in this area for prosecutors, judges, police and investigators. It also called for training in evidentiary principles, given the fact that many cases are dismissed due lapses in processing or maintaining evidence. Planning for these specialized training programs occurred during the previous quarter, when Delaware Attorney General Richard Gebelein traveled to Mongolia to interview officials and collect scenarios, fact patterns and materials in order to develop two multi-day training programs.

During the quarter and into early March, NCSC completed its planned assistance in this area when Mr. Gebelein returned to Mongolia to conduct the training. Coordinating with the Asia Foundation project, Mr. Gebelein prepared two training sessions designed to enhance the investigative capabilities of SIU investigators, as well as enhance the capacities of prosecutors, police and judges in handling these kinds of cases. The courses covered Evidentiary Principles and Anti-Corruption Investigations. In addition, instructors from the Police Academy attended in order to build these courses into future curricula for police officers.

D. DONOR COORDINATION, MONITORING AND EVALUATION, AND PROJECT CLOSEOUT

Donor/Stakeholder Coordination, Program Monitoring and Evaluation, Program Management

Early in the quarter, full-scale planning began for the closing conference. This activity was envisioned in the 2008 workplan. Its stated purpose was to present project accomplishments and results to key stakeholders, discuss lessons learned and most importantly, plan for next steps.

The timing for this event was opportune, as each institution was already developing strategic plans for the next five years. USAID has completed its 2004 to 2008 strategy, and a World Bank project was being considered for the justice sector. JRP's principal counterpart, the Minister of Justice and Home Affairs, was particularly interested in using this conference as a means for convening all of the justice sector leaders and developing a consensus for future work. Discussions with the Minister led to selection of the conference theme, "Next Steps in Justice Sector Reform."

Early in the planning process, the Minister issued a decree establishing of working group of representatives from all justice sector institutions. He agreed that all projects that have worked

in the sector should be included. The named sponsors were the Ministry of Justice, USAID, and GTZ. A conference venue was selected in a retreat-like setting. The working group proved to be invaluable in shaping the program and guaranteeing full participation from all institutions. Over 110 people participated.

The event exceeded expectations. The Minister of Justice personally moderated all plenary sessions, and the leadership of all the institutions participated throughout the conference. Five breakout groups produced a series of recommendations and priorities which should serve Mongolia well in the coming years. Before the conference closed, the Minister established another working group to compile all the recommendations and to synthesize the most important ones into a Memorandum of Understanding that will guide future justice sector improvement efforts. As JRP was closing the project, it was gratifying to see that USAID assistance over the past decade has led to tangible achievements and also to a strong commitment to strengthening and improving the reforms already realized.

E. CONCLUSION

The United States Agency for International Development (USAID) has been providing assistance to Mongolia since 1991, shortly after the withdrawal of all Soviet support. After several years of work to stabilize the energy sector and shore up the economy, Mongolia, with international help, began to focus on developing its fledgling democratic institutions and to take steps to strengthen the rule of law.

At the beginning of this decade, Mongolia's justice sector, supported by USAID and the National Center for State Courts (NCSC), took a decisive step to modernize the justice system and strengthen the rule of law. Justice sector stakeholders, working with international organizations such as USAID and the National Center for State Courts, developed a long-range Strategic Plan to reform the justice sector. In retrospect, the importance of this Strategic Plan cannot be overstated. The Plan set forth clear, well-reasoned values, aspirational goals, specific strategies to reach those goals, and measurable objectives along the way. It became the road map throughout the decade for reformers, institutional leaders, and foreign donors alike.

During the eight year implementation period for the Strategic Plan, much of the justice system has been transformed. In assisting in this transformation, NCSC through the Judicial Reform Program (JRP) has followed a comprehensive approach, simultaneously recommending changes to the legal framework, building training capacity, raising ethical standards, introducing modern court management practices, and increasing public awareness about the workings of the justice system. Specific activities and strategies varied over the life of the project, but the basic components, the fundamental themes of the assistance, did not. This continuity of focus is undoubtedly one of the factors contributing to the success of the USAID's assistance program to Mongolia's justice sector.

Since its inception and continuing through its final weeks, the project has conducted scores of training sessions reaching thousands of individuals; organized study tours abroad to bring back ideas on best practices; purchased and installed over a thousand computers; produced a wide

variety of educational materials, television programs, public service announcements and radio episodes all designed to raise public awareness of the justice system. By all accounts, this long-running partnership between the United States and people and institutions of Mongolia has elevated the justice system to a higher level of professionalism. The judiciary enjoys respect within the community, greater independence, and is no longer viewed as simply an instrument of state power. Mechanisms designed to ensure high ethical standards among judges and prosecutors are in place. New institutions, such as the Special Investigative Unit and more recently the Anti Corruption Agency, have been created, equipped and trained to investigate wrongdoing among justice sector officials. No system is ever perfect, but Mongolia has made significant progress in creating the basic structures necessary to maintain the rule of law.

LIST OF ATTACHMENTS

Attachment A: Memorandum to Supreme Court Research Center by Susan DiPietro, November 2008

Attachment B: Mongolia Technical Assistance Visit Findings and Recommendations, by James E. McMillan, NCSC Principal Court Technology Consultant, April 2008

Attachment C: Interim Assessment of the Activities and Capability of the National Police of Mongolia

Attachment D: Closing Conference Agenda, “Next Steps in Justice Sector Reform”

Attachment A: Memorandum to Supreme Court Research Center by Susan DiPietro, November 2008

Memorandum
REVIEW DRAFT

To: JRP
From: S. DiPietro
Date: November 21, 2008
Re: Recommendations for Judicial Performance Evaluation by Supreme Court
Research Center

Introduction

I returned to Mongolia for two weeks to review the operations of the Supreme Court Research Center (“SCRC”) in the area of performance evaluation of judges. This memo summarizes what I learned about current SCRC activities in this area, and recommends ways in which the SCRC could improve the usefulness and efficiency of its work related to evaluation of judges.

Caveats: Although two of the SCRC employees have some English, their language skills were inadequate for me to understand and be understood at anything except a fairly basic conversational level. Although I am reasonably confident that what I have written here is correct, it is entirely probable that I have misunderstood or failed to learn some important items. Also, the SCRC staff are all fairly new in their positions, so errors or oversights may have arisen as a result of their relative inexperience with the workings of the Center. Finally, on several days members of the SCRC staff were unavailable to work with me because they were attending seminars or traveling outside of Mongolia, so my investigation was not as thorough as I would have liked.

SCRC Duties and Staffing

The SCRC Constitution lists all the duties of the SCRC and its staff. In addition to a number of other duties, it is charged with developing criteria to evaluate first instance and appellate judges, submit the criteria for approval, and introduce the results of the judicial evaluations.

The SCRC has six employees whose tasks are divided as follows: one person compiles statistics; one person (the senior researcher) supervises the other researchers, performs research at the request of the director, and is responsible for the judicial evaluation data; one person collects and disseminates to judges all laws and supreme court interpretations; one person analyzes criminal cases, one person analyzes civil cases, and one person analyzes administrative cases. All are lawyers and are relatively new to the SCRC (as is the director).

All of the SCRC staff accept research projects and assignments from the Director, and they also must respond to requests from any judge or justice. Much of their work appears to center around internal requests from justices and judges and requests from outside agencies and organizations (for example, NGOs interested in data about treatment of children in court and pretrial detention

and treatment of prisoners). Staff struggle with how to prioritize tasks when they have so many special requests in addition to their routine work.

Current Judicial Evaluation Procedures

In October of 2007, the Supreme Court and GCC adopted an expanded policy on measuring judicial performance. The policy was adopted in part based on judges’ feedback that they wanted judicial evaluations to continue, but that they wanted the process to be more open and transparent.

The annual evaluation process outlined in the October 2007 Resolution begins with a meeting of all the judges at each court location. At the meeting, the judges collectively decide whom they will nominate as the best judge among them. Once the nominee is chosen, that judge’s name and materials supporting the nomination are forwarded to the SCRC. The SCRC compiles the nomination information, evaluates it, and sends an analysis or recommendation to the Evaluation Committee. (The Evaluation Committee is the presiding judges of each chamber, the Supreme Court Chief Justice, representatives from GCC, and director of SCRC). After discussing all the nominations, the Evaluation Committee chooses four individual judges and one court location to win five prizes. The five prizes are: 1) best judge/trainer, 2) best judge/most skilled, 3) best judge/innovator, 4) best judge/leader and 5) best court. Winners receive a certificate and a cash prize.

The Resolution lists criteria that the Evaluation Committee must use to pick the winners. The following table summarizes those criteria.

Table 1 Summary of Judicial Evaluation Criteria (from GCC Resolution of October 2007)	
Best Judge - Trainer 8.1.1 Exceptional knowledge of theory of law 8.1.2 Outstanding skills in applying the law 8.1.3 Good legal reasoning 8.1.4 Continuously upgrades knowledge and skills 8.1.5 Shares knowledge and experience 8.1.6 Conducts legal research and studies	Best Judge—Most Skilled 8.2.1 Clear and logical oral communication 8.2.1 Clear and logical written decisions 8.2.2 Treats litigants with courtesy; acts w/patience & self control 8.2.3 Efficient delivery of decisions 8.2.4 Fosters productive work environment with judges and staff 8.2.5 Makes decisions independently and impartially 8.2.6 Efficiently uses simplified procedures
Best Judge—Innovator 8.3.1 Respect & loyalty to profession 8.3.2 Puts forward innovative ideas to improve court management 8.3.3 Input for promoting public confidence in the courts 8.3.4 Leadership to colleagues 8.3.5 Puts forward solutions to problems in the business	Best Judge—Leader 8.4.1 Competent case flow management 8.4.2 Quality preparations to court hearing 8.4.3 Control of courtroom 8.4.4 Issues decisions promptly 8.3.5 Efficient use of time 8.3.6 Good personal organization 8.3.7 Good writing skills

I was told that these criteria were chosen by GCC and the Supreme Court based on input from trial judges.

Appended to the Resolution on Judicial Performance Evaluation is a table listing the information each court location sends in support of its nomination (I'll call this the "nominee information form"). My English version of the nominee information form contains both quantitative measures of individual judge performance and qualitative measures of court performance. The quantitative measures include total filings, dispositions, number of pretrial incarceration decisions, number of cases resolved in excess of the time limits, and the number of cases that were dismissed or "changed" on appeal (with reasons for the dismissal or change). The qualitative measures deal mainly with court management issues.¹ The qualitative measures seem to be related to the "best court" competition and not to individual judicial performance evaluation (unless they are being used to evaluate the performance of chief judges whose duties include management functions?).

Note that the evaluation criteria in the table on the previous page and items in the nominee information form are not completely consistent. In other words, many of the evaluation criteria listed in sections 8.1 – 8.4 of the Resolution seem to me to be unrelated to the items that courts submit on the nominee information form. I will discuss this issue later.

Analysis and Recommendations

The new evaluation process is an improvement over the old in several ways. Most positive is the addition of new criteria and qualitative information beyond the narrow and overly legalistic ideas used before. This change signals what I would view as a very positive expansion of the court community's understanding of good judging.

Specifically, the new emphasis on court management, timeliness, efficiency, and innovation recognizes the importance of the judge's role as manager of his caseload. This idea aligns nicely with the court system's growing commitment to and understanding of court management principles and best practices. The mention of treating parties with courtesy recognizes the importance of judicial temperament, an item that appears regularly in judge evaluations in the US and other countries. (I personally would wish for more emphasis on temperament, but it is a good start). The mention of enhancing public trust and confidence is very important (and probably should be emphasized more) given the results of Sant Maral's 2007 Public Perception Survey showing that judge negatives have increased since 2005. Also important is the addition of independence and impartiality, an item in need of attention because the public believes that judges' decisions are improperly influenced by political and monetary considerations (*See Sant Maral 2007*).

¹ They are: Whether the judge took any actions that caused more cases to be resolved timely; Created internal monitoring and information structure; Extended the activities aimed at reviewing and resolving civil and administrative cases through simplified procedures; Accurately determined strategic tasks based on the court mission; Strategic plan tasks were carefully planned and the implementation was ensured; Created structure to monitor implementation process and results; Develops and implements human resources planning and development policy; Created healthy, safe and comfortable working environment; Status of proposing creative ideas and implementations to improve court hearing activities; Written and published summary recommendation [?]; Interviews given to media; Status of training at master or doctors level or depending scientific ranks.

Reviewing my April 2006 memo on Performance Evaluation Recommendations, I see that the new policy includes at least one reference to all the evaluation criteria there. Given that fact, I think the new policy is a solid start. I would suggest that the court system use these criteria for one or two years, then re-evaluate. The court might consider whether more emphasis could be given to issues such as temperament, impartiality, and integrity.

The issue now for the court system is implementation. I see three areas for improvement in implementation. First would be to improve the information submitted during the nomination process. Second would be to consider including information from sources outside the court system. Third would be to develop indicators for measuring each of the qualitative criteria. I discuss each item below.

*Step 1: Align Nominee Information Form
with Official Evaluation Criteria*

As mentioned above, a comparison of the evaluation criteria and the nominee information form reveals that the two do not track on all items. In other words, many of the criteria listed in sections 8.1 – 8.4 of the Resolution seem to me to be unrelated to the items that courts submit in support of their nominations. For example, one of the criteria for choosing the “best judge—trainer” is “shares knowledge and experience,” but there is no place on the nominee information form to explain how the nominee shares his knowledge and experience.

After the first round of evaluations last year, GCC and SCRC noted some of these problems with alignment between the evaluation criteria and the nominee information packet. In response to that experience, I am told that GCC and SCRC already are planning to clarify and improve the nominee information packet. I would suggest that GCC and SCRC 1) carefully compare the evaluation criteria to the nominee information form to ensure that each of the criteria in the Resolution is supported by at least one quantitative or qualitative data item; 2) decide what information is needed to complete the picture and make a plan for how the necessary information will be provided, 3) decide what information is not needed and delete it from the nominee information form. GCC and SCRC should be clear on how each item requested in the nominee information form relates to one of the official criteria.

And I have several questions about qualitative items on the nominee information form. For example, what evaluation criterion does “Accurately determined strategic tasks based on the court mission” relate to? Although completing strategic tasks is important, it doesn’t seem to fit with any of the criteria to evaluate individual judge performance. And what about “created healthy, safe and comfortable working environment”—how is that relevant to the individual judge evaluation criteria listed in the sections 8.1 – 8.4 of the Resolution? I am assuming that most of these go to the “best court” evaluation information. I did not spend much time on them, since the “best court” evaluation is different from individual judicial performance. However, I included a few ideas at the end of this memo.

Step 2: Clarify Procedures for Submitting Materials in Support of Nominations

Last year, in addition to the nominee information form, each of the courts submitted a short explanation of their nomination signed by all the judges. (In some instances, the judges recorded or transcribed their discussions and submitted it with their nominee information form.) GCC and SCRC staff thought this information helped fill in the gaps between the nominee information form and the evaluation criteria, but they worried that the courts that wrote the best or most complete explanations had an unfair advantage over courts that took a more minimalist approach. They also received feedback that some courts were confused about what kind of explanation they should submit.

The process could be improved either by amending the current nominee information form or by improving the format of the signed explanation document. It would be simple for GCC and SCRC to develop a template or form for the courts to use when explaining the reasons for their nomination. Either way, there are about 15 evaluation criteria that are not addressed by the current process:

Nominee for Best Judge – Trainer:

8.1.4 Continuously upgrades knowledge and skills, 8.1.5 Shares knowledge and experience, 8.1.6 Conducts legal research and studies (?).

Nominee for Best Judge—Most Skilled:

8.2.1 Clear and logical oral communication, 8.2.1 Clear and logical written decisions, 8.2.2 Treats litigants with courtesy; acts w/patience & self control, 8.2.4 Fosters productive work environment with judges and staff, 8.2.5 Makes decisions independently and impartially.

Nominee for Best Judge—Innovator:

8.3.1 Respect & loyalty to profession, 8.3.2 Puts forward innovative ideas to improve court management, 8.3.3 Input for promoting public confidence in the courts, 8.3.4 Leadership to colleagues, 8.3.5 Puts forward solutions to problems in the business.

Nominee for Best Judge—Leader:

8.4.2 Quality preparations to court hearing, 8.4.3 Control of courtroom, 8.3.6 Good personal organization.

Step 3: Consider Using More Sources of Information

A second weakness of the judicial performance review, at least from my perspective, is that none of the evaluation information comes from people outside of the court system. Speaking from my experience with the US judicial evaluation system, the public and court users always appreciate being asked for their input, they often provide a perspective that is different from ours, and the

information judges receive from them can be quite useful. Allowing lawyers and the public to comment on judicial performance also signals that the court system cares about public opinion.

As I explained in my April 2006 memo, many sources of information should be used in judicial performance evaluations. These include attorney surveys, court customer surveys, court observer reports, and public comment. Including these sources of information in the current evaluation system could be quite helpful, since several of the criteria are difficult to evaluate unless you've been in a judge's courtroom (for example, courtesy & patience, control of courtroom, public confidence, and quality preparations to court hearing).

I recognize that the Mongolian Court System may not be ready to include people outside the court system in its evaluation process. That stance is probably more consistent with the practices of courts in the civil law or European system. However, in the next few years I do believe that the court system should re-evaluate whether or how attorneys or the public could play a role in the evaluation of judges.

Another potential source of information for judicial performance evaluations is the information periodically collected by GCC when it goes out to inspect rural courts. I am not exactly sure how often GCC does those inspections (funding is an issue), or what is reviewed at the site, but to the extent that information could be helpful GCC and SCRC should develop a protocol for sharing the reports.

*Step 4: Develop Indicators
for Evaluation Criteria*

Another implementation problem is the lack of indicators for each criterion. The addition of qualitative criteria, while necessary to judicial performance evaluation, often presents problems of measurement. For example, how will the Evaluation Committee know which nominee for "best judge/innovator" has the most "respect and loyalty for the profession"? Without some kind of objective standard against which to measure, the Committee will be open to complaints that the process is not transparent. Below are some indicators that the Committee might consider using to evaluate the nominees (I am assuming that court users and the public will not be asked to provide information).

Suggested Indicators for Best Judge – Trainer	
Criterion	Indicator
8.1.1 Exceptional knowledge of theory of law	Reversal rate—percentage of cases varied on appeal divided by number of cases appealed
8.1.2 Outstanding skills in applying the law	Reversal rate—percentage of cases varied on appeal divided by number of cases appealed?
8.1.3 Good legal reasoning	Reversal rate—percentage of cases varied on appeal divided by number of cases appealed?
8.1.4 Continuous upgrading of	Number of hours of continuing legal

knowledge and skills	education classes taken over past year; Opinions of colleagues
8.1.5 Sharing knowledge and experience	Number of hours of teaching
8.1.6 Conducting legal research and studies	?

Suggested Indicators for Best Judge—Most Skilled	
Criterion	Indicator
8.2.1 Clear and logical oral communication	Opinion of colleagues
8.2.1 Clear and logical written decisions	Evaluation Committee reviews one of judge's written decisions
8.2.2 Treating litigants with courtesy; acting w/patience & self control	Observations from in-court clerks?
8.2.3 Efficient delivery of decisions	Age of pending caseload
8.2.4 Fostering productive work environment with judges and staff	Observations of staff and judges
8.2.5 Ability to make decisions independently and impartially	Self evaluation: Write about a time when judge made a certain decision in spite of pressure from friends or family to make a different decision
8.2.6 Efficient use of simplified procedures	Statistics from SCRC: percentage of cases resolved using simplified procedures compared to cases resolved w/out simplified procedures

Best Judge—Innovator	
Criterion	Indicator
8.3.1 Respect & loyalty to profession	Opinions of colleagues (and lawyers?)
8.3.2 Putting forward innovative ideas to improve court management	Review innovative ideas and evaluate based on consistency with NCSC/USAID <i>Manual on Court Management</i>
8.3.3 Input for promoting public confidence in the courts	Self evaluation and observation of colleagues
8.3.4 Leadership to colleagues	Opinions of colleagues
8.3.5 Putting forward solutions to problems in the business	Committee reviews innovative ideas and evaluate based on consistency with NCSC/USAID <i>Manual on Court Management</i>

Best Judge—Leader	
Criterion	Indicator
8.4.1 Competent case flow management	Time to disposition, age of active pending caseload, clearance rate

8.4.2 Quality preparations to court hearing	Survey of litigants and lawyers?
8.4.3 Control of courtroom	Survey of litigants and lawyers? Or opinions of colleagues and in court clerks
8.4.4 Issuing decisions promptly	Time to disposition (statistics)
8.3.5 Efficient use of time	Self evaluation; Opinion of colleagues
8.3.6 Good personal organization	Self evaluation; Opinion of colleagues
8.3.7 Good writing skills	Evaluation Committee reviews one of judge's written decision for grammar, punctuation, clarity

Several of my suggestions involve the opinions of colleagues. The difficulty with using opinion data is how to measure it. Although the Committee may be comfortable with the signed explanation as a measure of colleagues' opinions, I would suggest that GCC and SCRC consider using a survey of judges. A survey could be sent around to all judges once a year (could they use an online service like Survey Monkey?) and the results used in the "best judge" competition. They survey could include a series of statements with an agree/disagree rubric on a scale of 1 to 5. (Example, please indicate your agreement on a scale of 1 to 5 with the statement "Judge Bold exhibits respect for the profession"). SCRC could tabulate the results.

The qualitative measures on the current nominee information form also would be more useful if they included indicators. (Even though most of the items seem to be related to the "best court" prize as opposed to individual judicial evaluation, I discuss them briefly here). Below are a few rough ideas for indicators or measures that the Committee can use.

Actions that caused more cases to be resolved timely: Can be measured by time to disposition statistic.

Created internal monitoring and information structure: I'm not really sure what this is, but perhaps a written description of the structure should be submitted so the Committee can evaluate whether it is consistent with guidelines set out in the NCSC Manual for Court Management (?).

Activities to resolve civil and administrative cases using simplified procedures: Number of cases resolved by simplified procedures divided by total number of cases resolved (information about use of simplified procedures is tracked by the SCRC statistics researcher).

Accurately determined strategic tasks based on the court mission: Court submits a list of strategic tasks; Committee evaluates.

Strategic plan tasks were carefully planned and the implementation was ensured: Committee compares completed tasks to mission statement. What percentage of tasks was completed within the prescribed time period?

Created structure to monitor implementation process and results:

Develops and implements human resources planning and development policy: Court submits a written policy; Committee reviews for consistency with guidelines set out in the NCSC Manual for Court Management

Created healthy, safe and comfortable working environment: Is environment consistent with guidelines set out in the NCSC Manual for Court Management?

Created efficient relations between the management and other court employees and judges: Could be measured through a survey of judges and court employees.

Has a system in place to monitor performance and results evaluation.

Uses technical and technological opportunities.

Public relations extended and enhanced: Could be measured through public opinion surveys, newspaper articles.

Needs based justified budgeting process applied: GCC audit of court finances.

Efficient and thrift budget disbursement: GCC audit of court finances.

Policies with regard to social issues developed and results achieved:

Data and judicial practice analyzed and applied to court operations: Self evaluation. Give an example of some information or data that judges or employees at court used to help understand a problem or improve a practice.

Summaries and recommendations for uniform understanding/correct application of law developed (appellate courts only?):

Records and documentation of adjudicative activities improved: GCC inspection of court records.

Step 5: Consider Proper Weight for Each Indicator

A final issue, related to the lack of indicators, is how to apply the indicators. For example, it is not clear to me whether the Evaluation Committee views all criteria as equally important or whether some are more important than others. GCC and SCRC should decide whether each criterion should be weighted the same. Of course, weighting all equally would be easiest, but is that the correct approach? The court must decide.

Miscellaneous

The current case filing system permits multiple criminal defendants to be included in the same case number (and their sentences are all included together in one judgment). That system causes

serious problems with the case processing statistics. For example, a judge in Aimag 1 may have 8 criminal cases with one defendant in each case, while a judge in Aimag 2 may have two criminal cases with 4 defendants in each case. When the judge in Aimag 1 sentences his 8 defendants, his statistics reflect 8 dispositions; however, when the judge in Aimag 2 sentences his 8 defendants, he only gets credit for 2 dispositions. This is unfair and must be changed. The court system should adopt the one case/one defendant rule that is used in most courts.

In Alaska 30 years ago we also allowed the prosecutor to file one case involving several defendants. Because of the problems explained above, the Alaska Court System proposed the one case/one defendant system. Court personnel sat down with the prosecutor's office and explained the proposal. At first, the prosecutors did not want to agree, but finally they did. Now the counting of cases is standardized and no one would consider returning to the old system.

A related issue involves how to differentiate complex cases from more routine ones. A performance evaluation system that relies on statistical case information is not as valid as it could be if easy cases count the same as hard cases. This is something that courts in the US have been working on, although it is hard to do. Resources might be available from the National Center for State Courts or the Federal Judicial Center.

Conclusion

Because the court has chosen so many evaluation criteria, and some of them are difficult to measure, the evaluation process could consume a fair amount of time of SCRC. SCRC should consider cooperating with GCC to create capacity within each trial court for evaluating its own performance statistics. If that capacity is created, it will help the SCRC reduce its workload. It also would enable judges to use the statistics for their own self-improvement.

Memorandum

To: JRP
From: S. DiPietro
Date: November 21, 2008
Re: Observations about Supreme Court Research Center Activities

Although the office has been expanded over the last two years (six researchers instead of three), and the SCRC has improved some of its statistical reports, I still think it has not reached its potential in terms of usefulness to court management. As the Mongolian Court System continues to professionalize its administrative and court management practices, it needs data. As I suggested in my 2006 memo, the SCRC should be developed to provide that information.

As a way to more fully align the SCRC's activities with the goals and objectives of the GCC and Supreme Court, I wonder if the SCRC director would be willing to develop its annual work plan in the context of the Objectives and Goals of the Concept on Court Management. (This may already have been done—if so disregard the following). To the extent that the SCRC work plan or mission includes activities that do not support the Concept on Court Management, the SCRC should review those items and in consultation with GCC and the Supreme Court, decide whether to continue those activities.

My quick review of the Concept suggests that SCRC could help on the following objectives:

- Administrative and Organizational: conduct research and studies for GCC (already does, I think)
- Caseload Management: develop model court decisions, and provide judges with summary case processing information from other courts;
- Judicial Information, Technology and Public Relations Management: Tally and analyze the results of the public opinion fill outs;
- Judicial Budget, Finance and Support Services Management: Help estimate the average cost per case;
- Research of Judicial Practice and Statistics: Study factors that influence court activities; improve workload study techniques; make recommendations to the Supreme Court or GCC regarding workload standards for judges and courts; and study court (judicial?) practices.

The SCRC's activities in collecting and analyzing statistical data also could be streamlined and improved.

First, the work of the statistical researcher could be streamlined. Currently, her main function seems to be collecting the statistics that are sent to the government statistics agency and published in the court's annual report. It appears that the statistical person compiles her data by hand tally, adding together the totals sent in periodically by all the different aimag courts. It appears that the aimag courts send their statistics either by fax or via email but few send Excel

spreadsheets. Couldn't the aimag courts email their statistics on Excel spreadsheets to the SCRC researcher? Even if some could submit the data in that format it probably would save time.

Also, all SCRC employees would be more efficient if they had desktop access to the Judge 2008 software. Each SCRC employee should be taught how to use the software. They could use the software to create the statistical reports published in the annual report, to create reports on court performance measures adopted by the Supreme Court and the GCC, and to assist with their "judicial practice" studies.

Third, the work of the person who compiles the legislative enactments could be streamlined. Currently, the employee in charge of compiling the laws is extremely inefficient because the workers at the Parliament refuse to send the new laws electronically (they send paper copies which the researcher then re-types into a Word document). She told me that the people at Parliament promised to start emailing the electronic versions after December, but the court system needs to make this a priority.

Finally, I note that the entire staff of the SCRC (and the director) is new within the past year. It appears that the SCRC is viewed as a brief stop along the way to better things instead of a destination. This turnover is a problem because much of the management support work that I think SCRC should be doing is quite specialized. Just having a law degree is not enough. For example, the last time I was here, I taught the SCRC staff about the trial court performance standards and other court management information ideas. The new staff have never heard of these things. I wonder if the SCRC director should develop a human resources policy designed to retain staff at SCRC. Another problem related to staffing is that none of the researchers has any training in statistics. This limits the types of studies they can reasonably do. (See attached job descriptions for examples of qualifications and duties of court analysts at state and federal courts in the US).

Attachment B: Mongolia Technical Assistance Visit Findings and Recommendations, by James E. McMillan, NCSC Principal Court Technology Consultant, April 2008

Mongolia Technical Assistance Visit Findings and Recommendations

James E. McMillan

Principal Court Technology Consultant

National Center for State Courts

April 2008

Introduction

This brief report summarizes my findings and recommendations based on a technical assistant visit to Ulaanbaatar, Mongolia, from March 30 to April 3, 2008. I greatly appreciate the time and hospitality extended by project staff, judges, and Mongolia Courts staff, as well as IT staff in the Prosecutors and National Police agencies. During my visit, I was able to meet with IT staff at the GCC Prosecutors, National Police, and the Research Directors' offices. I also had the honor of visiting a District and Municipal Court.

Resources

During my visit, I was able to pass along the following resource documents that should be of help in future project work:

- Conceptual Design Document for advanced Case Management Systems (CMS)
- Case Management Function Specification for Bosnia and Herzegovina (B&H)
- Database Entity Relationship and Database Design Document for B&H CMS
- User manual for B&H CMS
- A paper and supplemental materials on Case and Event Weighting
- A paper titled "Focus on Documents"
- A paper titled "The Myths of Automated Court Case Management Systems"
- A paper titled "Using CCMS to Combat Judicial Corruption"

At the GCC on Friday, April 4, 2008, we also produced a combined presentation for the Court and Prosecutor's IT staff. That presentation is attached as Appendix A.

Case Management Systems (CMS)

I was impressed by the software that has been developed to date by the Mongolian Courts. The CMS systems have considerable functionality is equal in scope to most systems in the USA and other parts of the world. All who participated in this effort should be proud of their accomplishment.

The overall future goal should be to take the system to a new level of functionality and make it an active rather than a passive system. In particular, enhancement of the events component and the addition of task/workflow improvements will provide the courts with additional benefits.

These benefits will include:

- Improve court case flow management since tasks and due dates will be a core part of the system functionality. Managers will be able to monitor case progress and easily determine when and what obstacles arise.
- More detailed case statistics with the possibility of automatic case weighting. This feature would indicate the complexity and provide a better indicator of the judge's actual workload and collectively, their court.
- Improve the usefulness of the overall CMS user interface so that it focuses on work to be done by the judges and court staff.
- Improve the ability to link document production workflows to the case event record.
- Position the CMS to be able to more easily respond to changes in judicial organization, procedures, and law.

I believe that similar benefits can be gained by the prosecution CMS as well.

Software Development Plans

Mongolian courts, prosecutors, and police have developed several unique systems using different software over the past decade. This is no different than nearly every other justice system in the world. It was explained to me that the current goal is to unify the software development

environment using the Microsoft Visual Studio and .NET framework². I support this plan for several reasons. First, a common development environment could benefit both the Courts and future Prosecutor IT projects. This is because many software modules (such as that built for Person, Organization, Document, and Task workflow developed by the Courts project) could be useful for the Prosecutors as well. A plan should be created so that software code modules could be shared by both projects, perhaps in a shared .Net Framework library. This approach also allows for adoption of the workflow found in Visual Studio and in Microsoft Workflow Foundation³ software toolsets facilitating the event/task actions in the programs.

Using the Microsoft development software tools will also facilitate interaction between the courts/prosecutor's data and the continual document production, which is the output for nearly every court work task. A goal of the next project phase is to help courts and prosecutors more easily create documents, and then store those documents securely so they can be quickly accessed. Electronic document copies should be stored within the system so they can be secure but also available for analysis as an additional data research resource.

In order to facilitate this work, it is recommended that the project consider sponsoring Microsoft certification training as appropriate for the GCC staff members and Prosecutors' offices.

Microsoft certification training for the courts and prosecution staff is needed. Such training as Microsoft Certified Application Developer⁴, Database Administrator, and Database Developer should be considered. Certification requires testing that can be tied to IT staff work requirements. This will provide court and prosecutor IT staff with skills and knowledge, which is needed to provide the highest level of capabilities and support. Certification training will decrease process time and increase the quality of the software applications.

² For more on Microsoft .Net Framework see: <http://www.microsoft.com/net/>

³ For more on .Net Workflow Framework see: <http://www.microsoft.com/net/WindowsWorkflowFoundation.aspx>

⁴ <http://www.microsoft.com/learning/mcp/mcad/default.aspx>

E-Mail

I recommend that courts and the prosecutors cooperate on planning and implementation of a Microsoft Exchange electronic mail system. I am suggesting Microsoft Exchange to maintain consistent software architectures with the CMS. In other words, Microsoft makes software programs to work with one another. Courts and prosecution should take advantage of that fact.

E-mail is a communication function that ideally should be an integrated part of the case management system. For example, if a document produced by a court only needs to be distributed to the court and a prosecutor, it could be done via the E-mail system. By controlling the internal E-mail system, it will be possible to provide secure messages since they will not be exposed to the Internet. It also provides backup and logging to verify that messages and documents have been sent. Similarly, tasks and appointment reminders could be sent automatically by the court's CMS to prosecutors and even external attorneys if the system were extended to a web-based service such as Windows Live Hotmail or a similar compatible system. It is my opinion that Mongolia has a legal system size that over time could replicate some of the best features of Singapore's LawNet⁵ system.

In the future, courts and prosecutors might wish to implement a completely secure encrypted messaging system. It would be possible to extend the Exchange E-mail system with Microsoft Rights Management Services to provide that capability.

Networking and System Redundancy

As court and prosecutor operations become increasingly dependent on a functioning computer system, additional planning should be made for server and network failures. For servers there are several options. First, if the network is functional, then the court with a server failure should be able to switch operations to either a national server that has received the court's backup data from the previous night. The national server, therefore, must have increased power to not only serve as a data warehouse for all of the court's data, but it should also have the capability to

⁵ <http://www.lawnet.com.sg>

serve as an emergency server for a failed court. Virtual machine software, such as that available from VMWare or Microsoft, may be helpful in this instance to separate the emergency system from the research system on the same server.

A second approach might be to provide each court with an external USB-connected backup hard disk drive. A 750 gigabyte USB attached disk drive is available in the USA for under \$200. The court's data would be backed up to the hard disk drive each night so there are redundant copies on both the primary server and the backup disk drive. In case of a failure, the backup disk drive, which would also be configured to be a bootable device, could be attached to a user's PC, rebooted, and act as a server until the primary server is repaired.

A third approach would be to install servers with redundant processors, power supplies, disk drives, and network connection capabilities. These "industrial strength" servers are decreasing in cost over time and might be considered as part of the future equipment maintenance schedule.

Equipment Maintenance and Upgrades

It was very encouraging to hear that the courts are budgeting for computer equipment replacement. Even with excellent support, computers eventually wear out. With good care, business computers can now function for five or six years. I fully support plans for replacement equipment.

Training and Support

Mongolia is a geographically large nation. It is difficult and costly to travel to many locations. Therefore, courts and prosecutors should continue to investigate software that can facilitate training via computer networks. Two options that I have personally used and have found to be effective are:

- Windows Live Meeting - <http://www.microsoft.com/uc/products/livehosted.mspx>
- Cisco WebEx – <http://www.webex.com>

These systems allow for computer programs to be shown and demonstrated. They allow for PowerPoint slides shows and support student “chat” windows. If network speeds allow, both voice and video can be sent and received. We at the NCSC have used WebEx for many years. Earlier this year we used it for a worldwide demonstration connecting the USA, Indonesia, Abu Dhabi, and Bosnia and Herzegovina for a training event.

Videoconferencing

As with many technologies, videoconferencing is moving from expensive dedicated equipment to general purpose equipment such as laptop computers. The computer approach provides many additional potential benefits, such as those discussed in the section above. The power of a personal computer also allows for innovative technology such as Microsoft Round Table, which is a 360-degree video camera system. Courts in the USA currently use a mix of dedicated video conferencing systems and personal computer based ones. Dedicated systems are used with digital ISDN networks that were needed before installation of high speed IP computer networks. As IP computer networks increase in speed, more and more courts are moving to this technology in order to avoid costs of ISDN calls. Some alternatives to investigate are:

Microsoft Round Table -

<http://www.microsoft.com/presspass/features/2006/oct06/10-20officeroundtable.mspx>

<http://blog.tmcnet.com/blog/tom-keating/microsoft/microsoft-roundtable-review.asp>

Oovoo - <http://www.oovoo.com>

Sightspeed - <http://www.sightspeed.com/business>

Help Desk

As systems mature and become more sophisticated, there is an increasing need to create an organized approach to problems as they arise. In the initial phases of automation, technical staff is called on to deal with all manner of hardware, network, and software problems. I performed these functions for many years as systems were rolled out in my state court system in the USA. There came a time when we needed to create a dedicated help desk to answer questions, help users determine what, if any, computer hardware or software problems were being experienced, and make calls to appropriate technical resources.

Help desks also need software to collect and document problems so issues can be addressed in a systematic manner. For example, if a particular network connection has continual problems, the help desk software documents the problem and appropriate action can be taken whether it involves a network service provider (such as a billing adjustment) or network equipment.

Finally, help desk staff can be used as trainers as well as in the creation/maintenance of manuals and system documentation. Help desk staff should not necessarily be highly “technical” in skills, but they should have excellent written and verbal communication skills. Ideally help desk staff would have knowledge of court procedures and operations, to be able to produce easily understandable manuals for the nontechnical court staff. I have personally used this approach at many courts in various countries and have always experienced good results.

Integrated Justice

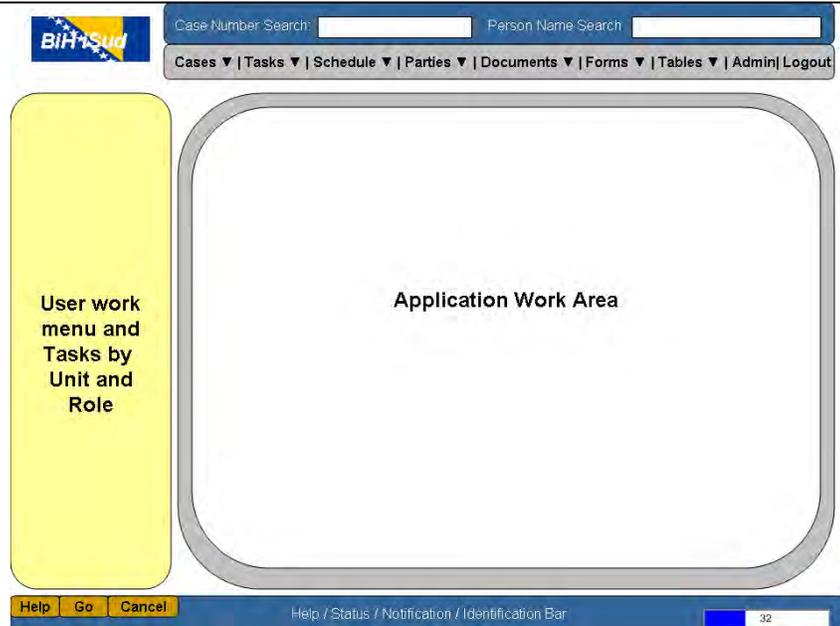
Finally, there is a desire to begin integrating the courts with prosecutors and police. This is a large effort that requires considerable planning. One possible place to start this effort is to map requirements for information sharing with the JIEM tool. This software design tool was created specifically for the justice market, and Mongolia will benefit from years of development and knowledge. I would suggest that an expert visit and work with Mongolia on this planning effort. Information regarding JIEM can be found at: <http://www.search.org/programs/info/jiem.asp>

Appendix A
Case Management System Presentation

Overall CMS Philosophy



**Tell me what work
I need to do,
and then help me
do it.**





Case Number Search: Person Name Search:

Cases | Tasks | Schedule | Parties | Documents | Forms | Tables | Admin | Logout

- Case Search...
- Assign Judge to Case
- List Cases by Date
- List Cases by Judge
- List Cases by Phase
- List Cases by Attorney
- List Cases by Location
- Set Case Default
- ...

User work menu and Tasks by Unit and Role

Help Go Cancel Status / Notification / Identification Bar 32



Case Number Search: Person Name Search:

Cases | Tasks | Schedule | Parties | Documents | Forms | Tables | Admin | Logout

Search

Case **Go >**

Year	Location	Case Phase	Case Number
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Person / Party **Go >**

Name	Type
<input type="text"/>	<input type="text"/>

Event **Go >**

Type	Text
<input type="text"/>	<input type="text"/>

Document **Go >**

Type	Text
<input type="text"/>	<input type="text"/>

Date **Go >**

Begin	End
<input type="text"/>	<input type="text"/>

User work menu and Tasks by Unit and Role

Help Go Cancel Help / Status / Notification / Identification Bar 32

BiH1Sud

Case Number Search: Person Name Search:

Cases ▼ | Tasks ▼ | Schedule ▼ | Parties ▼ | Documents ▼ | Forms ▼ | Tables ▼ | Admin| Logout

User work menu and Tasks by Unit and Role

Search results would allow user to checkbox select multiple cases or persons that would then be listed in their task menu to the left

Help Go Cancel

Status / Notification / Identification Bar 32

BiH1Sud

Case Number Search: Person Name Search:

Cases ▼ | Tasks ▼ | Schedule ▼ | Parties ▼ | Documents ▼ | Forms ▼ | Tables ▼ | Admin| Logout

Case Persons/Parties Events Documents

User work menu and Tasks by Unit and Role

Case Header / Assignment / Status / Case Age & Weight

Persons / Parties

Events / Hearings / Financial

Documents / Notes

Help Go Cancel

Help / Status / Notification / Identification Bar 32

Case Number Search: Person Name Search:

Cases ▾ | Tasks ▾ | Schedule ▾ | Parties ▾ | Documents ▾ | Forms ▾ | Tables ▾ | Admin | Logout

Case Persons/Parties Events Documents

Case Number: 10-2005-K-00001 **BIH v. Brkic**

Date	Event Code	Event	Text/Notes/Attachment
2005-2-1	KK1	Charge Document Filed	
2005-2-2	DH	Detention Hearing Held	

Events trigger workflow that create tasks – both immediate and future

Documents created in the system should be stored as events

Add Edit View Copy Print Insert

Help Go Cancel 32

Case Number Search: Person Name Search:

Cases ▾ | Tasks ▾ | Schedule ▾ | Parties ▾ | Documents ▾ | Forms ▾ | Tables ▾ | Admin | Logout

User Task Menu

- [Register Kp](#)
- [Register Kv](#)
- [Register Warrants](#)

Overdue Tasks

- None

Today's Tasks

- [2005-11-K-00023](#)
- [2005-11-K-00154](#)
- [2005-11-K-00239](#)

- more -

Feb, 2005

S	M	T	W	T	F	S
	1	2	3	4	5	
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

User Task Menu calls task specific data entry screen (XML?) and event workflow

Help Go Cancel Status / Notification / Identification Bar 32



Case Number Search: Person Name Search:

Cases | Tasks | Schedule | Parties | Documents | Forms | Tables | Admin | Logout

User Task Menu

- [Register Kp](#)
- [Register Kv](#)
- [Register Warrants](#)

Overdue Tasks

- None

Today's Tasks

- [2005-11-K-00023](#)
- [2005-11-K-00154](#)
- [2005-11-K-00239](#)
- [- more -](#)

Feb, 2005						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

Document1 - Microsoft Word

File Edit View Insert Format Tools Table Window Help Type a question for help

Normal + 14 pt Times New Roman 14 B I U

Microsoft Word Court Forms and Letters

Page 1 Sec 1 1/1 At 1.4" Ln 3 Col 1 REC TRK EXT JOUR English (U.S)

Help Go Cancel Status / Notification / Identification Bar 32



Case Number Search: Person Name Search:

Cases | Tasks | Schedule | Parties | Documents | Forms | Tables | Admin | Logout

User Task Menu

- [Register Kp](#)
- [Register Kv](#)
- [Register Warrants](#)

Overdue Tasks

- None

Today's Tasks

- [2005-11-K-00023](#)
- [2005-11-K-00154](#)
- [2005-11-K-00239](#)
- [- more -](#)

Feb, 2005						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

Calendar - Microsoft Outlook

File Edit View Go Tools Actions Help Type a question for help

Calendar March 07 - March 11

8 am 9 10 11 12 pm 1 2 3 4 5

0 Items Online

Help Go Cancel Status / Notification / Identification Bar 32

Recent Cases
 Favorite Cases
 Saved Sets

Recent Searches
 Recent Reports
 Tasks and Reminders

Illustration 23: Saved Case Sets

Application Foundation (jarris) - Microsoft Internet Explorer

2004.05.20 14:29:10

Address: http://dashboards13.apps.jp/pcn/jsp

Search Web 642 blocked

Links Google Yahoo!

NINTH JUDICIAL CIRCUIT

Home My Cases Tools Statistics

My Cases

Document Map

155 Cases

Last Refresh: 5/19/04 9:24:12 AM

Case History Link	Case Type	Judge Code	Filing Date	Case Status	Case Status Date	Age in Months	Age in Days	Parties Link
1997-CA-0001192-0	BREACH AGREEMENT CONTRAC	37	23 Oct 1997	SATISFACTION OF JUDGME	13 Apr 2004	78	2 401	Parties
1998-CA-0000272-0	OTHER	37	27 Apr 1998	SENT TO RECORDING	11 Feb 1999	72	2 215	Parties
2001-CA-0008735-0	MORTGAGE FORECLOSURE M/F	37	18 Oct 2001	SENT TO RECORDING	18 Oct 2001	31	945	Parties
2003-CA-0005322-0	OTHER	37	03 Jun 2003	SENT TO RECORDING	05 Aug 2003	11	352	Parties
2003-CA-0007348-0	CONDOMINIUM CONDO	37	04 Jun 2003	SENT TO RECORDING	09 Mar 2004	11	351	Parties
2003-CA-0005411-0	MORTGAGE FORECLOSURE M/F	37	05 Jun 2003	SENT TO RECORDING	05 Jun 2003	11	350	Parties
2003-CA-0005683-0	MORTGAGE FORECLOSURE M/F	37	11 Jun 2003	SENT TO RECORDING	11 Jun 2003	11	344	Parties
2003-CA-0005555-0	MORTGAGE FORECLOSURE M/F	37	11 Jun 2003	SENT TO RECORDING	01 Dec 2003	11	344	Parties
2003-CA-0005125-0	MORTGAGE FORECLOSURE M/F	37	27 Jun 2003	SENT TO RECORDING	27 Jun 2003	10	328	Parties
2003-CA-0004993-0	MORTGAGE FORECLOSURE M/F	37	09 Jul 2003	SENT TO RECORDING	31 Mar 2004	10	316	Parties
2003-CA-0005971-0	MORTGAGE FORECLOSURE M/F	37	11 Jul 2003	SENT TO RECORDING	13 Aug 2003	10	314	Parties
2003-CA-0005999-0	MORTGAGE FORECLOSURE M/F	37	14 Jul 2003	SENT TO RECORDING	14 Jul 2003	10	311	Parties
2003-CA-0006734-0	MORTGAGE FORECLOSURE M/F	37	17 Jul 2003	SENT TO RECORDING	17 Jul 2003	10	308	Parties
2003-CA-0006745-0	DECLARATORY JUDGMENT (DU)	37	17 Jul 2003	SENT TO RECORDING	27 Oct 2003	10	308	Parties
2003-CA-0005954-0	LIEN FORECLOSURE L/F	37	24 Jul 2003	SENT TO RECORDING	21 Apr 2004	9	301	Parties
2003-CA-0007120-0	MORTGAGE FORECLOSURE M/F	37	30 Jul 2003	SENT TO RECORDING	30 Jul 2003	9	295	Parties
2003-CA-0007395-0	MORTGAGE FORECLOSURE M/F	37	07 Aug 2003	SENT TO RECORDING	07 Aug 2003	9	297	Parties
2003-CA-0007485-0	MORTGAGE FORECLOSURE M/F	37	11 Aug 2003	SENT TO RECORDING	11 Aug 2003	9	283	Parties
2003-CA-0007352-0	MORTGAGE FORECLOSURE M/F	37	12 Aug 2003	SENT TO RECORDING	12 Aug 2003	9	282	Parties
2003-CA-0007173-0	RESCISSON	37	18 Aug 2003	SENT TO RECORDING	21 Apr 2004	9	276	Parties
2003-CA-0007993-0	RESCISSON	37	19 Aug 2003	SENT TO RECORDING	27 Jun 2004	9	275	Parties
2003-CA-0007924-0	MORTGAGE FORECLOSURE M/F	37	25 Aug 2003	SENT TO RECORDING	26 Sep 2003	8	269	Parties
2003-CA-0007645-0	TIMESHARE FORECLOSURE	37	26 Aug 2003	SENT TO RECORDING	21 Apr 2004	8	268	Parties
2003-CA-0008084-0	TIMESHARE FORECLOSURE	37	28 Aug 2003	SENT TO RECORDING	02 Mar 2004	8	266	Parties
2003-CA-0008111-0	MORTGAGE FORECLOSURE M/F	37	29 Aug 2003	SENT TO RECORDING	29 Aug 2003	8	265	Parties
2003-CA-0008256-0	MORTGAGE FORECLOSURE M/F	37	04 Sep 2003	SENT TO RECORDING	04 Sep 2003	8	259	Parties
2003-CA-0008258-0	TIMESHARE FORECLOSURE	37	04 Sep 2003	SENT TO RECORDING	09 Mar 2004	8	259	Parties
2003-CA-0008348-0	MORTGAGE FORECLOSURE M/F	37	08 Sep 2003	SENT TO RECORDING	08 Sep 2003	8	255	Parties
2003-CA-0008389-0	TIMESHARE FORECLOSURE	37	09 Sep 2003	SENT TO RECORDING	22 Jan 2004	8	254	Parties
2003-CA-0008712-0	TIMESHARE FORECLOSURE	37	15 Sep 2003	SENT TO RECORDING	01 Apr 2004	8	248	Parties
2003-CA-0008877-0	CONDOMINIUM CONDO	37	17 Sep 2003	SENT TO RECORDING	09 Mar 2004	8	245	Parties
2003-CA-0008729-0	MORTGAGE FORECLOSURE M/F	37	18 Sep 2003	SENT TO RECORDING	18 Sep 2003	8	245	Parties

All Cases Case Details Pending Cases Pending By Litigant Pending By Attorney

Application Foundation (jarris) - Microsoft Internet Explorer

2004.05.20 14:30:31

Address: http://dashboards13.apps.jp/pcn/jsp

Search Web 642 blocked

Links Google Yahoo!

NINTH JUDICIAL CIRCUIT

Home My Cases Tools Statistics

Case Management

Corporate Documents > Case Management

6 Document(s) in Case Management

Case History Domain Document From: jarris Date: 05/18/2004 09:58:18 AM Size: 19 K Edit Delete Properties

My Cases Domain Document From: jarris Date: 05/19/2004 09:51:39 AM Size: 81 K Edit Delete Properties

Party Details Domain Document From: jarris Date: 05/19/2004 01:12:19 AM Size: 25 K Edit Delete Properties

Inactive Cases

106 Inactive Cases

Case History Link	Case Type	Judge Code	Filing Date	Case Status	Age in Months
1999-AI-0000114-0	APPEAL	37	13 Apr 1999		169
1999-AI-0000202-0	APPEAL	37	20 May 1999		144
1999-AI-0000156-0	APPEAL	37	04 Dec 1999		137
1999-AI-0000101-0	APPEAL	37	13 Jul 1999		118
1997-CA-0008413-0	DISTRESS	37	04 Nov 1997		78
1999-CA-0000130-0	90 DAY EXTENSION MEDICAL	37	09 Sep 1998		68
2000-CA-0001476-0	INJUNCTION	37	01 Mar 2000		50
2000-CA-0001756-0	NEGLIGENCE NEG	37	27 Jun 2000		46
2000-CA-0000894-0	BREACH AGREEMENT CONT	37	21 Sep 2000	CLOSED	43
2000-CA-0002048-0	MEDICAL MALPRACTICE PM	37	01 Nov 2000		42
2001-CA-0000118-0	MORTGAGE FORECLOSURE	37	12 Jan 2001	SENT TO RECORDING	40
2001-CA-0001064-0	INJUNCTION	37	05 Feb 2001	SENT TO RECORDING	39
2001-CA-0001526-0	BREACH AGREEMENT CONT	37	05 Mar 2001	SENT TO RECORDING	38
2001-CA-0002055-0	90 DAY EXTENSION MEDICAL	37	13 Mar 2001		38
2001-CA-0002020-0	AUTO NEGLIGENCE AN	37	16 Apr 2001		37
2001-CA-0004922-0	BREACH AGREEMENT CONT	37	22 May 2001		35
2001-CA-0004615-0	NEGLIGENCE NEG	37	05 Jun 2001		35
2001-CA-0000200-0	AUTO NEGLIGENCE AN	37	24 Jul 2001		33

Available Metrics

Case Info | Judiciary Analytics

- Added
- Removed
- Refresh
- Purge

Cases Filed
 Disposed Case Count
 Disposed Cases Count
 New Case Count
 Criminal Cases
 New Case Count
 Civil Cases

Select an existing metric to edit or click on Add to Create.

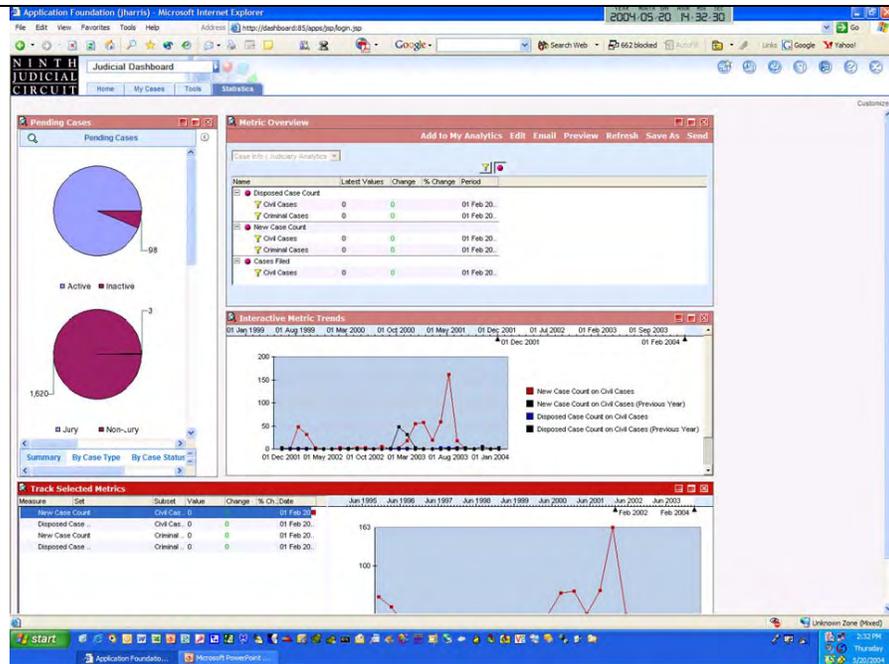
or any Cases Filed

Available Business Rules

A. S. Faber

test Alert

19 May 2004



CourTools Performance Measures

Measure 1 - Access and Fairness Survey

Measure 2 - Clearance Rates

Measure 3 - Time to Disposition

Measure 4 - Age of Active Pending Caseload

Measure 5 - Trial Date Certainty

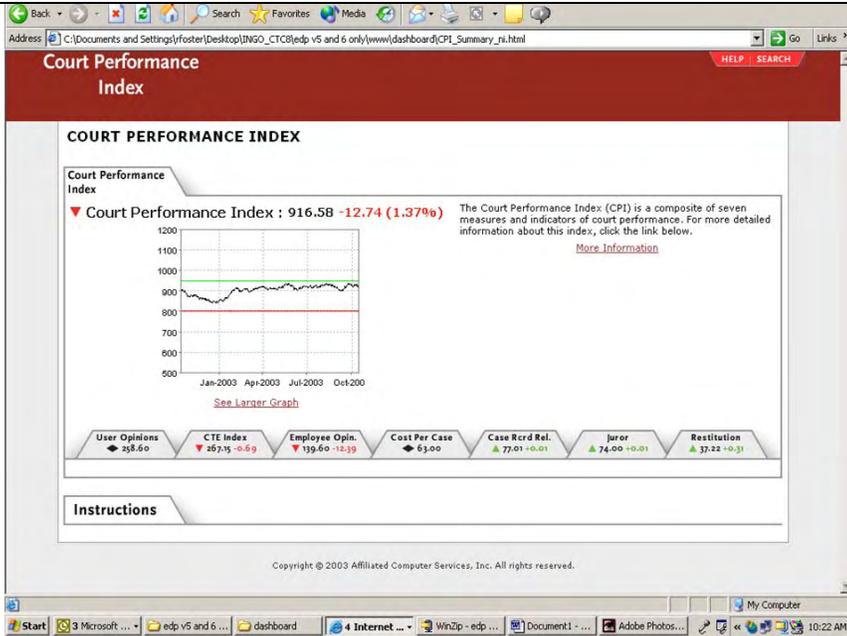
Measure 6 - Reliability and Integrity of Case Files

Measure 7 - Collection of Monetary Penalties

Measure 8 - Effective Use of Jurors

Measure 9 - Employee Satisfaction Worksheets

Measure 10 - Cost Per Case



Attachment C: Interim Assessment of the Activities and Capability of the National Police of Mongolia

**Interim Assessment of the Activities and Capability of the National Police of
Mongolia**

February 18, 2009

By Steve Corich

Introduction/Scope of Work

This report is a follow on to the *Assessment of Activities and Capacity of the National Police of Mongolia* prepared by Police Expert Irwin Bakin in 2007. Mr. Bakin's assessment covered a number of topics ranging from crimes committed by police to information flow management oversight and interaction with the Mongolian courts. The current scope of work relates more to the assessment of JRP sponsored automation efforts at two police stations and the implications of that automation on police management and investigative practices. Beyond the assessment of automation efforts and their management ramifications, this report will include recommendations based upon a Western model of best practices for overall improvement of Mongolian police services through processes as well as automation.

I was asked to meet with various officials from the GPD as well as officials from the Baganuur and Bayangol District Police Divisions to obtain insight into their efforts regarding JRP assistance provided as a result of the assessment by Mr. Bakin. Prior to my arrival in Mongolia I was provided a Pre-consultancy Update Report that was prepared by the JRP office in Ulaanbaatar. A baseline assessment of current capabilities and service delivery of the GPD, along with a fundamental understanding of the management principles and philosophy of police leadership will serve as the starting point of discussion and recommendations in this report.

Background

The assessment of the GPD by Irwin Bakin identified, among other things, the need to modernize police services through automation. Mr. Bakin recommended that two district police divisions be provided with computer work stations and that software be developed to assist these stations in automating certain aspects of their operation. He made additional recommendations concerning improving case flow and the accountability of officers and investigators in the course of investigations. As a result of these recommendations, two police stations, Bayangol District Police Station and Baganuur District Police Station, were each provided nine computer work stations by the JRP and USAID.

It is apparent in discussions with various police officials and members of the JRP that the GPD has adequate means and sufficient manpower to provide rudimentary police service to the citizens of Mongolia. The police appear to be anxious to move progressively toward a police model that incorporates international best practices and enact procedures that will benefit the citizens of Mongolia. In fact, several structural and organizational changes have been made since 2007, including;

- Reorganization of the police patrol unit in January of 2008
- Patrol posts in the newly reorganized sectors that allow for faster police response to emergencies
- Reorganization of the 102 Command and Control Center (similar to US 911) to better support the patrol function through improved supervision and coordination
- Reassignment of 68 rural division staff positions to areas within Ulaanbaatar with higher caseloads

- Increase by 125 the number of inspectors in district divisions with each khoroo assigned an investigator and criminal police officer in addition to its regular staff
- The transfer of 105 staff positions to the National Forensic Center
- A newly mandated command center designed and staffed to coordinate police response to public disturbances

All of these changes are positive and will improve police services to the people of Mongolia. The GDP, however, appears to be operating at a basic level in providing the services required of a modern police agency. Technology offers the GPD several tools that would greatly enhance their ability to better serve their customers. With the automation of the judicial arm of the criminal justice system nearing completion, it is apparent that the police must also modernize their operations if they are to interact effectively, share information and reach their potential in providing basic police services.

The ability to provide basic police service with the assistance of technology will be a significant step forward for the Mongolian National Police. However, as Mr. Bakin rightly points out in his assessment, it is but one piece of the puzzle as Mongolia moves toward a truly effective democracy; a democracy that values the rights of citizens and the rule of law.

Pre-consultancy Update Report

Prior to my arrival in Ulaanbaatar I was provided with a pre-consultancy update report entitled, *Assessment Report on the Activities of Two Pilot Police Districts*. This report was prepared by the local JRP office based upon interviews and on-site inspections at the Bayangol and Baganuur District Police Stations. The inspections were conducted in mid-January of 2009 and focuses on automation and software development efforts at each station.

The report also details the formation of the Department of Software Development and Networking (DSDN) by the GPD's Information and Research Center. According to the report, DSDN has taken impressive steps in police IT efforts, including the development of a general strategic plan, development of policies and procedures regarding information security and the development and upgrading of police software.

According to the Update Report the DSDN also has ambitious planned activities, including:

- Increasing networking capacity by connecting more police units to the VPN
- Researching wireless networking options to connect rural police units
- Development of a file registration system for official police documents
- Development of case registration software designed to work with the patrol police
- Development of a nationwide wanted person database
- Creation of a unified database of administrative offenses
- Development of a system to protect/safeguard all police electronic data
- The addition of the Patrol System Application as course material for the Police Academy
- The addition of bio-metric safeguards for sensitive data

- Development of various databases to track special cases such as suicides, accidental deaths, etc.

The report clarifies to some degree the individual efforts of district police IT personnel to design and implement an in-house automation solution. These efforts do not appear to be closely integrated with the work of the pilot stations or any centralized effort.

Observations and Findings

Meeting with Colonel Khorolsuren

I met with Colonel Khorolsuren and Colonel Ganbold at the General Police Headquarters. Colonel Khorolsuren is the foreign relations officer for the GPD and Colonel Ganbold works as chief of the community relations department. Both were very supportive of the efforts by JRP and USAID in the Mongolian Judicial Reform Project and were appreciative of implementation of pilot programs at the Bayangol and Baganuur District Stations.

In our discussions it was apparent that Colonel Khorolsuren welcomed a thorough assessment of the department's technology efforts and the opportunity to modernize the operations of the police department. Colonel Ganbold was assigned to assist me and facilitate my visits to various police stations in and around Ulaanbaatar.

Assessment of the Pilot Police Station in Bayangol

I met with Colonel Amarzaya, the district chief of the Bayangol Police District and Deputy Chief Batbayar. They expressed full support for my assessment of their automation efforts and provided unfettered access to the district station. They recognized the importance of selection to the pilot project and the need to automate police processes.

The Bayangol Police Station serves the Bayangol district which has a population of approximately 160,000 citizens. It is the third largest district in Ulaanbaatar with most residents living in apartment blocks. The district employs approximately 291 officers. Many of the officers have received special training in organized criminal activity due to the relative sophistication of the district's criminal element.

Chief Amarzaya is obviously proud of the efforts of his officers and staff and reported to me that of the 56 homicides committed in the district within the last three years, all were solved. Despite his successes the chief admits that he is seriously understaffed and under-equipped. He told me that he believes he should have twice as many officers as he currently employs. He has several current openings that are difficult to fill due to recruiting shortages. The chief confided that recruiting is difficult within Mongolia due to the low salary and benefits that police receive as well as the generally low public opinion of the police. On a positive note, Chief Amarzaya reports that due to the automation efforts within his department he has been able to reassign personnel from some administrative positions to enforcement duties.

In my assessment I primarily focused on those processes that tend to demonstrate overall efficiency within the police department. Most important are issues of accountability, both within and outside of the department, as well as service delivery.

Calls for police service are received within the district by one of three means: 1) a citizen can call the 102 Center or call directly to the district station if they know the telephone number, 2) they can walk in to the district station and make a report in person or 3) they can approach an officer in the district to make a report. If a call is made to the 102 Center a call taker will either dispatch a beat car or transfer the call to the appropriate district station for disposition. The receipt of telephone calls for service at the district is not automated and is entered into a running hand-written log manually.

Dispatching of many of the calls is done at the station by an officer seated near the desk officer position. This officer has radio contact with all beat officers as well as the 102 Center. There is a local area network (LAN) connection available within the station but it does not appear to be used at the call receipt or dispatch level. There is also wide area networking (WAN) in this station, allowing for computer contact between Bayangol District Police and the GPD, however it appears to be used only for the purpose of transmitting statistical data to the GPD.

In virtually all routine criminal incidents the officer(s) responding takes hand-written notes at the scene that document the name and address of the victim and offender (if known) as well as the facts surrounding the crime. No report is written by these officers. Instead they deliver the notes to a station officer and that officer enters the data into a synopsis that is sent each morning to the GPD. To this point only an internal (station) incident or control number has been assigned to the case.

In most criminal cases an investigator is assigned to the case and he documents his finding in a written report that is prepared on a typewriter. There is no automation of any police reports and no tracking of the incident to document the dates and times that actions were taken and by whom.

The criminal reports are forwarded to the prosecutor's office and it is at that point that a national case number is assigned to the case. The assigned prosecutor will review the case to determine if and when the case can be submitted for prosecution in the courts.

Assessment of the Pilot Police Station in Baganuur

I met with Chief Davaajav and Deputy Chief Gansukh of the Baganuur District Police. Both men were enthusiastic about efforts to automate the police function at their station and expressed gratitude to JRP and USAID for the work stations they received.

The Baganuur District Police station is located approximately 110 km east of Ulaanbaatar. This station reports directly to the Capital City Police in Ulaanbaatar. The district is home to approximately 26,000 people, most of which are employed by the nearby coal mine. The district employs 87 police employees and all but three of those employees are sworn officers. Chief Davaajav echoed the concerns of the Bayangol chief concerning manpower and equipment

shortages. The chief reported that he does not have enough officers to patrol the outskirts of the town which leave routes of criminal trafficking unchecked. He is also concerned that the criminal element appears to have better vehicles and better communication capability than his officers. Chief Davaajav told me that most of his enforcement activity is directed toward livestock thefts and incidents involving drunken behavior.

They do possess a LAN that allows communication between station computers. The chief reports that this has greatly increased their efficiency at the local level and they are able to reduce the number of face-to-face meetings that are common in other stations. The LAN was developed within the police department. The chief has internet capability and uses the internet to communicate with peers and superiors in Ulaanbaatar.

The case initiation and case flow processes in Baganuur District are virtually the same as those in Bayangol District. Telephone calls for service or walk-in complaints are taken by a desk officer who is also responsible for the dispatching of calls to the beat officers. The station employs investigation officers and inquiry officers who are assigned cases by the chiefs on the day following their initiation. A pre-assessment inspection at this station did report that incoming telephone calls to the desk officer were recorded by a desktop computer, but I saw no evidence of that when I inspected the station.

The station was equipped with a WAN that linked the station to the Capital City Police but, since funding was recently cut by the JRP, that link has been disconnected. Since no WAN is available all communication between the district station and other police units is done by telephone or internet email. Station personnel do submit statistical reports to the GPD in the same format as the Bayangol District Station. Police reports, upon initiation, are issued an internal control number but, as in Bayangol, there is no documentation concerning what action was taken on the case outside of the officer's or investigator's report.

Overall, the Baganuur District Station appears to be much better organized and efficiently operating than the Bayangol Station. Since the Bayangol Station serves a population more than six times greater than that of Baganuur, with similar sized facilities, some of that discrepancy might be explained by the obvious difference in workload.

The most obvious deficiency with both pilot stations, from my perspective, is the limited amount of automation that has been achieved. Short of preparing statistical information and sending portions of that information to the GPD, there has been little progress toward significant use of available technology. The Baganuur Station has designed and implemented their own LAN and it appears to have improved and speeded internal communications, but the station itself is otherwise isolated from its parent station 110 km to the west.

Meeting with GPD IT Chief

I met with Captain Davaa at the GPD. The captain is the chief of the Information and Research Center which was centralized under the GPD in November of 2008. The unit provides oversight to the Department of Software Development and Networking as described in the Pre-consultancy Report Update section above.

Captain Davaa reported to me on several issues that were not mentioned in the Pre-consultancy Report Update. He told me that all 21 Aimags in Mongolia are now connected via fiber-optic cable which will allow connection via WAN in the future.

He also reported that his unit is in the process of collecting data for a “Patrol Database” that will include information on prostitution activity, children and homeless person issues as well as locations of criminal interest. This database will, under Captain Davaa’s plan, provide for an exchange of investigative information between patrol officers and investigators that will assist both elements in solving crimes. The database will offer various levels of intelligence information to those investigators, supervisors and prosecutors authorized to view it.

Another planned project is the implementation of an Information Security Management System (ISMS) under ISO 17779-2007 and ISO 27000-2005. These are international standards used by police and non-police entities as a systematic approach to handling sensitive information. Captain Davaa plans to use the ISMS as a platform to develop policy regulating data sharing both within the police department and with other governmental agencies, i.e., the courts, corrections and other ministries.

The Captain has ambitious plans within his unit that include the expansion of networking first within Ulaanbaatar and then to outlying districts, as well as development of software to track the complaint process, official documents and stolen property.

Some of the other planned projects for the DSDN include;

- The acquisition of a new server that is capable of processing and storing enough data to accommodate the planned ITS expansion. The current server is outdated for this purpose.
- Centralization of data at the 102 Command and Control Center with redundant data storage at the GPD.
- Linking of the Criminal Records Information database to the Administrative Offenses database.
- A link to the prosecutor’s office to allow for prosecutorial oversight on cases as required by Mongolian law.
- The automatic assignment of a national incident number for all police incidents at the point of initiation.
- Connection with the courts and corrections for sharing of data as applicable.

The captain also mentioned that there are plans to design dispatch software for use by call takers and dispatchers at the 102 Center. And finally he told me that his unit is working to outfit all patrol cars in Ulaanbaatar with GPS units that will allow for GIS mapping capability. The obvious benefit to a system like this is the immediate determination by dispatchers as to which available patrol units are closest to major emergency calls for assistance, allowing for a swifter response. Most progressive police departments in the US and Europe have implemented this technology within the past 10-15 years.

At the conclusion of his presentation the captain admitted to me that much of the work planned within his unit is stalled due to fiscal constraints. When I asked him if he was aware of the

availability of Computer Aided Dispatch (CAD) and police Records Management System (RMS) software through commercial international vendors, he told me that he was. He said that he would welcome the acquisition of such software for his department but was discouraged internally from pursuing that option. Detractors claim that by purchasing such software the police department becomes obligated to purchase expensive updates in the future and does not have full internal control of the programs.

My overall impression of the DSDN, despite what appears to be the best of intentions, is that they are responsible for a series of complex designs and implementations that are technically beyond their ability to successfully deliver. The department appears to be long on promises and short on results. They have also not demonstrated to this author any evidence of cooperation with the pilot police stations or any other police stations beyond GPD headquarters. In all fairness to the DSDN, there are few, if any, police departments in the US that employ ITS personnel capable of designing and implementing such a monumental project. It is for that reason alone that nearly every Western police agency contracts similar suites of products (software) from outside vendors.

Assessment of the Capital City Command and Control Center (102 Center)

I met with Colonel Baatarjav, Chief of the Capital City Police at the Capital City Police Station. The chief provided me with an overview of the services provided by his department. There are five divisions within his department including the Criminal Division, The Crime Prevention Unit, Public Relations, Finance and Administration and the 102 Command and Control Center. The 102 Center receives citizen calls for assistance and dispatches beat officers within four zones in the city. In any one of these zones there are 12-13 two-officer patrol cars in operation and available for calls for service.

Chief Baatarjav introduced me to Colonel Tumurbaatar who is the Chief of the Command and Control Center. Chief Tumurbaatar provided me with a tour of the 102 Center. The operation is housed in a single room with eight desks, four for the call takers and four for the dispatchers. Each pair of positions handles calls for service for one zone. The call takers are responsible for answering telephone calls for police service. If the information received from the caller rises to a certain level of criminal or disruptive behavior, the call taker will hand write the information needed for the dispatcher to dispatch a patrol officer to the call. The call taker then manually hands the information to the dispatcher. The dispatcher tracks the status and location of his patrol cars by placing colored pins in a Styrofoam rendition of the beats within the zone. Based upon the availability of the patrol cars, the dispatcher will direct the nearest officers to the call.

All handwritten communications between call takers and dispatchers are retained as records by the 102 Call center for a period of three years. Chief Tumurbaatar reported that the call center handles up to 500 calls per day.

The Chief also oversees a communications shop that provides service for all radio equipment in the Capital City Police inventory. When I toured that facility, his staff was working on a touch screen computer kiosk that will be placed in the lobby of the police station. The purpose of the kiosk is to provide information to citizens on the services offered by the police. Eventually the

police intend to introduce interactive programs to these computers that will potentially reduce the need to dispatch officers on certain low priority calls. There are plans to place similar kiosks in several of the city police station lobbies.

Interviews with Other Police Personnel

In the course of meeting with the various police units applicable to this scope of work I was able to speak with several other police personnel concerning their impressions of police service delivery, leadership capability, internal processes and other related issues. Since automation of processes only offers a tool for effective service delivery it is critical to examine the conditions under which service delivery must reside. Those conditions, in the form of organizational philosophy, professionalism, leadership and ethics, determine the true benefit of technology to the organization and to the citizens of Mongolia. If an organization, particularly a police organization, does not deliver a beneficial product to their customers, automation will only serve to deliver that substandard product more effectively.

Nearly all of the police personnel that I spoke with admitted that the police suffered from a lack of trust and respect by the citizens of Mongolia. My observations are that these public impressions originate from two historical realities. The first is rooted in the Soviet style of government (and de facto policing) adopted by the Mongolian government between 1924 and 1990. As Mongolia struggled to transition to a democratic form of government and a market economy, the police continued to operate under the Soviet model. Although the rights of citizens are now protected through national legislation, those laws have little meaning to victims of heavy handed police tactics that go unchecked.

The second factor influencing a distinct lack of trust and respect of police by Mongolian citizens involves police professionalism. Professionalism is lacking in the organization, particularly at the lower levels, due to several institutional practices. There appears to be a very low standard for the acceptance of candidates to the position of police officer. There are no significant educational requirements and background and psychological testing appears to be ineffective. There is a failure of the government of Mongolia to elevate the police profession through investments of money and resources as well as the payment of a living wage to low level police officials. The position of police officer is often viewed as temporary rather than as a career. Underpaid police officers will always be looking for a means to supplement their income and provide for their families, with corruption the likely outcome. Poorly trained and uneducated officers are more inclined to abuse the authority of their position without consideration of the consequences. In a 2008 study conducted by The Asia Foundation, researchers found that only 10% of citizens surveyed believed that police in Mongolia respected the rights and interests of all citizens.

Finally, there is no concerted effort by the government of Mongolia to provide modern and professional training to officers, supervisors, mid-level managers and the police administration. Police officers generally lack adequate social interaction and negotiation skills, often leading to unnecessary heavy handed techniques. There also appears to be ineffective and inconsistent managerial oversight of police functions which leads to a distinct lack of accountability. The country of Mongolia and the Mongolian National Police cannot simply adopt a Western policing model without significant investment in the process. It must be accompanied by mentoring and

training assistance from those most familiar with the concept-international donors. Although professional and ethics courses exist in current police academy training, there must be an organizational paradigm shift by the police that provides for zero tolerance of police corruption or human rights violations by any police official.

One of the more insightful meetings that I had was with Chief Galdaa, director of the Special Investigative Unit (SIU) under the General Prosecutor's Office. Chief Galdaa leads a department of 24 investigators charged with investigating all allegations of criminal wrongdoing by judges, prosecutors, investigators, inquiry officers, police officers and agents of the intelligence service. His department operates independently from the GPD but he reported to me that he depends upon the GPD to provide rank/pay structure to his investigators. This arrangement seems to run counter to his mission of independently investigating police crimes.

He told me that his office was responsible for the filing of 370 criminal cases in 2008. 270 of those cases were against police officers and of those cases, 60% were for excessive force crimes. The chief gave me several examples of process and training deficiencies within the police organization that have led to excessive force allegations and even deaths of persons under police care.

The chief told me that the police are trying to self reform and have support from a legislature that provides significant funding for equipment and training each year. He believes that there is a general recognition within the government and within the GPD that reform is needed but no consensus on the best means of achieving it. He told me that crime involving police has decreased over the past three years but is still much too high for the total number of officers employed by the GPD.

Another observation by Chief Galdaa concerns the bureaucratic processes within the GPD. The organization as a whole is very top-heavy in rank structure, another possible holdout of Soviet style policing. The chief told me that as a result of employing too many chiefs and other ranking officials, relatively small issues take inordinate periods of time to work themselves through the department and many of these issues are lost in the process. He also noted a culture of protectionism within the GPD that hampers his ability to investigate allegations of crime.

Conclusions

There is a compelling need to automate police processes within the GPD. In addition to assuring compliance with laws requiring judicial and prosecutorial oversight of police investigations, overall organizational effectiveness would improve significantly. This shift to technology must be partnered with an organizational restructuring that insures that the technology is used to further police services that are truly beneficial to Mongolian citizens and are fully embraced by the government of Mongolia. As mentioned above, automating an ineffective police function does a disservice to all Mongolians.

Police practices must be brought into the 21st century and aligned with automation that exists in the prosecutor's office and courts. Crime exists internationally and that crime impacts all citizens. Criminals are operating in a more sophisticated manner using technology. Mongolian

police are hampered in investigating criminal offenses due to a lack of professionalism, institutional ineffectiveness and insufficient technology. As a result, relatively sophisticated criminal activity will become pervasive and remain largely unchecked.

Since crimes today tend to be less restricted by international borders, it is imperative that sophisticated investigative techniques and communications with national and international agencies be developed. It is only through the automation of police records and the linking of all stations that the police administration can develop a clear picture of the effectiveness of the GPD.

An automated system for the GPD should be capable of assisting the police document their most critical responsibilities, including tracking requests for service, the documentation of criminal activity through automated incident reporting and the documentation of investigations of criminal activity. This system must also be capable of providing timely and useful information that will help the police to identify crime trends and respond more quickly and effectively to the citizens of Mongolia. Improved communications within the GPD will increase the department's ability to communicate with the other components of the Mongolian Criminal Justice System and will therefore improve managerial oversight and accountability.

During my interviews with various police officials and others I received information that DSDN officers and local officers in the two pilot police stations delayed implementation of software and other automation recommendations after receipt of the 18 computer workstations. These actions indicate the possible unwillingness or inability to make effective automation changes and improper supervisory oversight in the process.

Software development is under the direction of police officers with excellent ITS training and experience, but these officers do not appear to have skills needed to develop and implement a nation-wide criminal information database. They may also be inclined to develop software that does not fully meet the needs of the GPD or accurately reflect the philosophy of the GPD administration.

The anticipated benefits of a fully automated CAD system and a RMS for the GPD are extensive. The ultimate goal in automating police processes should be the smooth and instantaneous flow of information within the department with the ability to extract relevant data for statistical analysis. Automated CAD and RMS, if properly planned, will have several added benefits for the police, including

- The immediate assignment of a unique incident number for each call for police service whether initiated by telephone, walk-in or self-initiated by an officer.
- The ability by supervisors or other authorized personnel to track incidents to determine what action was taken on the incident and by whom.
- Less time spent by supervisors on routine internal investigations since actions by assigned officers can be audited electronically
- Improved officer safety since potentially dangerous person or location information would be immediately available to patrol officers and investigators

- Ability to track relevant customer service data such as police response times and selective enforcement results.
- Administrative efficiency through the ability to effectively reassign staff that would otherwise be involved in manual data extraction efforts.
- Linking the outlying districts with information crucial to national unified crime fighting efforts.
- Less time spent on routine investigations since inquiry data would be immediately available to Traffic and Patrol Police officers conducting investigations.
- Less time preparing reports by officers since data fields on automated reports have multiple drop-down fields and are generally easier to prepare than hand written reports
- Personnel management software that allows administrators the ability to monitor assignments, training, equipment, certifications, disciplinary action and commendations.

A brief comparison of the current police case flow process versus anticipated advantages gained through full integration of a basic RMS and CAD system will serve to clarify the advantages of automation.

Current Incident Initiation and Flow (Using limited automation)

Citizens report crime via telephone calls or by visiting a police station. From the 102 Call Center the incident is handwritten by a call taker and passed to a dispatcher. The dispatcher checks for available beat units and assigns the call with no procedures governing the priority of the call. In a walk-in situation the incident is initiated by a desk officer who makes a handwritten entry into a registration book. The desk officer either forwards the call to the appropriate dispatcher or, in some cases, dispatches the call himself.

From either 102 Call Center or district initiation of an incident stemming from calls for service, there is virtually no automation in the process. There is no supervisory ability to query the status of the incident or to determine what action has been taken by those involved. There is also no ability for management to determine the accuracy of reports and statistics from the district stations. This inability of supervisors to make inquiries into the status of incidents or the involvement of key police personnel results in a total lack of accountability within the organization. It also leads to high frustration levels among citizens who are often unable to determine the accurate status of their initial report.

Police do not generally write a report detailing their investigation. They simply take notes that are recorded by a third party and passed to an inquiry officer or investigator. The inquiry officer or investigator documents the incident using a typewriter and those records are manually hand delivered to supervisors and/or prosecutors.

Since there is no computer interface with the prosecutor's office or the courts, legislated prosecutorial oversight is impeded and relationships between police and prosecutors are strained. Since prosecutors must rely upon the quality of criminal investigations initiated by police and since decisions by police determine what cases are forwarded for prosecutorial review, lack of oversight can result in arbitrary case submission.

Case Flow Using Full Automation via CAD and RMS

Citizens would report crime via telephone call or by visiting a police station. The 102 Center, using CAD software, enters the data electronically and assigns an incident number. The call center dispatches the call based upon the priority response criteria assuring that the most important calls are handled first. The initiation, dispatch, arrival and clearance times are all automatically linked to the incident record. This record is available for supervisory review and can be organized for statistical analysis.

This incident number is provided to the complainant by the responding officer and can be used by him/her to make inquiries of the status of the investigation or court action. Supervisors have the ability to query incidents by number at any time to determine that current status, which officers were involved and which investigator or inquiry officer is assigned for follow-up. All time limits that assure due process are available and capable of automatic notification to supervisors, commanders, prosecutors, etc.

Police officers, inquiry officers and investigators would all have access to automated report writing software that is designed for ease of use. The report links directly to the existing dispatch record, to supplementary, connecting and witness reports, as well as records of evidence collected in the investigation. These functions insure a much more effective process of controlling and monitoring incidents from the point of initiation through adjudication in the courts.

There is a supervisory review component that insures the report is approved by first line supervision prior to submission to records, prosecutors or other stakeholders. The records retention software makes it easy to retrieve stored data as well as user-designed crime statistics reports. With fiber optic linking of all Mongolian police stations now possible (according to the DSDN) the software could reside on a discrete ISMS compliant network available to all police officers in the country.

Despite the ITS oversight concerns expressed by Captain Davaa, it is my experience that CAD and RMS vendors go to great lengths to insure that their customers are fully capable of independently operating the RMS and CAD software and are provided with 24 hour customer support. Those companies not offering a superior product in the competitive arena of automated police records management will not last long in the marketplace.

Recommendations

Efforts to improve the technological capability of the Mongolian National Police without accompanying reformation, i.e., a significant mentoring and training component, is destined to fail in providing the citizens of Mongolia with any semblance of professional police service. My recommendations are for a parallel effort of professional and technological reform within the Mongolian National Police. By making recommendations to simply improve technology within the Mongolian National Police, without consideration of the greater needs of the nation in developing a professional police organization, I would be doing a disservice to the sponsors of this assessment and to the people of Mongolia.

Professional reformation will involve an international effort similar to those currently undertaken by donors in Iraq and Afghanistan. The only international organization that is currently working to reform a portion of police service in Mongolia is The Asia Foundation. The Asia Foundation has, within the past few months, identified four khoroo police stations in two districts of Ulaanbaatar for a pilot program of intensive training and mentoring in Community Oriented Policing. This is an excellent initial effort.

True police reformation must consider all aspects of police professionalization, including training, police culture, rank and pay issues, policies, equipment, leadership values/practices and adherence to the rule of law. There must be a centralized and coordinated effort based upon a clear understanding of the needs of Mongolian society. One lesson learned from police reformation efforts in Southwest Asia is that uncoordinated multi-national efforts only serve to blur primary objectives and dampen the enthusiasm of those being reformed.

Significant planning is a crucial first step in any large-scale police reformation effort. That said, the US and other Western nations have, within the past decade, undertaken police reform projects in emerging democratic nations without adequate coordination and planning that includes an honest, partnered assessment of the needs of that host nation. It is the height of audacity to assume that we, as Westerners, know more about the specific needs of a society than the people comprising that society.

Reform the Mongolian National Police

I recommend, in addition to the suggested technological improvements mentioned below, that the Government of Mongolia initiate efforts to secure international assistance in a broad based, long term effort to reform the Mongolian National Police.

It is only through reformation that police services will be elevated to a professional level where citizen trust can be regained. Transition from Soviet style policing to a true Western model will require intense international training and mentoring efforts as well as diligent oversight by the GPD and national leadership.

The reformation project should be divided into three phases; an assessment phase, a planning phase and an operational phase.

The assessment phase is used to develop an accurate picture of police capability (manpower, equipment, training, funding, existing internal policies and relevant national policies), citizen support for the police and those elements that would hinder reformation efforts, such as terrain, weather, transportation, political opposition, physical conditions of facilities, etc. The assessment team must include Western police experts with experience in international police reform efforts and a component of Mongolian Police and government officials who are intimately familiar with the operations of the GPD. They should have access to relevant reports, surveys and studies previously completed by agencies such as The Asia Foundation. The assessment team prepares comprehensive reports of their findings that will be used in subsequent phases of the project.

The planning phase begins with a review of data provided by the assessment team. This team designs the operational plan and will determine donor funding and manpower needs based upon all of the information available to them. The planning team must also include a Mongolian contingent with knowledge of the political realities that exist throughout the nation. All planning must consider processes of citizen and community engagement in addition to the logistical needs. The planning team must design a comprehensive police training module based upon existing best practices. This curriculum must reflect core Mongolian national values and must be strongly supported by the Mongolian government and police command staff. Failure to garner this support for the curriculum will inevitably lead to a disastrous disconnect when theory is put into practice upon completion of training. The curriculum would necessarily contain a strong ethics and human rights component as well as training in the police technology proposed below. Considerations of the historical Mongolian police mindset, vis-à-vis traditional Soviet security practices, must also be considered in curriculum development and strategies to counter those practices properly integrated. Since supervisory oversight appears to be lacking at several layers of the GPD, significant leadership and supervision training and mentoring is critical in assuring that training is properly utilized.

The operational phase of international police reform tends to be the strong suit of Western governments. The US, Great Britain and Germany in particular have extensive experience over the past two decades in recruiting police and military personnel to carry out these efforts. Since Mongolia is not involved in any regional or national military conflicts and since all indications are that the government of Mongolia would widely embrace international efforts to reform the police, the high cost and angst associated with operating in a war zone would be avoided. Efforts toward police reform in Iraq and Afghanistan will continue to take precedence for the West. However, thoughtful consideration to Mongolia's strategic position, its warm relationship with the West and its movement toward a strong free market democracy should positively influence Mongolia's request for aid in the area of police reform.

Fully Automate the Police Function to Effectively Serve Mongolians

The overwhelming majority of processes within the GPF involve hand written communication. Hand written documentation is cumbersome to manage and difficult to distribute to those who need to see it. Accountability is almost non-existent. The efforts to automate a portion of the police function at the Bayangol and Baganuur District Police Stations has marginally improved effectiveness. Broader, nation-wide automation efforts will substantially improve the effectiveness of virtually all police functions. Automation saves time for officers. Once they are properly trained, they enter data faster and more effectively using prompts and drop-down menus. The police administration will have access to timely and relevant information on criminal activity, crime statistics and customer service levels. The police-prosecutor relationship should improve with greater communications between departments and automated compliance with due process reporting laws.

Overall, technological reform will be a relatively straightforward process for the GPD since adequate RMS and CAD solutions have already been developed and deployed in dozens of countries. Despite the impressive efforts by the DSDN and other ITS personnel within the GPD to automate police systems and design the myriad databases that accompany such a project, it is

apparent to this author that a commercially developed RMS and CAD system would better serve the needs of the Mongolian National Police.

I recommend that the GPD obtain bids for, and eventually acquire through the government RPS process, a Record Management System and Computer Aided Dispatch software that is capable of housing all of the required police functions, such as incident logs, dispatch logs, report writing, incident tracking, statistical analysis (crime statistics) and that all relevant information seamlessly link to the prosecutor's office and courts. The GPD should continue to develop a Mongolian Crime Information Center (MCIC) that can be linked to this system and provide immediate officer access to criminal data. It is imperative that all members of the police organization be properly trained, not just on the operation of the automated system, but also on the purpose behind its design. For an automated system of this scope to be effective it must be properly embraced by all users.

I recommend that current DSDN officers be retained in their positions to support the RMS and CAD software and work toward development of a comprehensive MCIC. DSDN or a similar department must be responsible for the extensive technical support that accompanies a large automation effort. Hardware will need to be acquired, configured and installed. Wired and wireless environments will need to be expanded and maintained and on-going training and technical support will need to be immediately available at all hours. Most of the software in use by the GPD has either been developed in-house or is pirated from major software companies such as Microsoft. It is crucial that all governmental offices within the Mongolian government, and particularly the police, use only licensed software.

I recommend that the reporting structure of the DSDN be assessed and placed in such a way that this unit reports directly to an upper administrative position that can ensure the proper and ethical maintenance of software, hardware and the services provided to the department.

National police automation efforts, coupled with meaningful police reform, will serve to significantly improve the stability and security of Mongolia. Police who efficiently serve citizens by acting in a professional and ethical manner will quickly gain the trust and admiration of those citizens. Citizens who believe that police will operate in the people's best interests are much more likely to report crime, cooperate with investigations and support enforcement efforts. Confidence in the police will build confidence in the justice system and the government as a whole.

The most visible representative of any government is its police. Governments that fail to recognize the importance of maintaining a professional police department will inevitably feel the results of citizen mistrust of all government institutions with the accompanying erosion of confidence in national leadership.

Attachment D: Closing Conference Agenda, “Next Steps in Justice Sector Reform”



Next Steps in Justice Sector Reform
Conference Agenda

Friday, March 13, 2009	
8:30 am	Departure from the Ministry of Justice and Home Affairs
9:00 am to 10:00 am	Check in and Registration at Ikh Tenger Conference Facility and Hotel
10:00 am to 11:00 am	<p>Opening Plenary Session</p> <p>ACCOMPLISHMENTS IN DONOR-SUPPORTED JUSTICE SECTOR REFORM Mongolian Perspective</p> <p>This panel will set the stage for the next two days by summarizing the State of the Judiciary from 2000 to the present. Panelists will give an overview of donor-supported projects, reviewing accomplishments and remaining challenges. What needs to be done to continue ongoing projects? What new projects or improvements should be initiated?</p> <p>Moderator: Ts. Nyamdorj, Minister of Justice and Home Affairs Presentations:</p> <ul style="list-style-type: none"> • Ts. Nyamdorj, Minister of Justice and Home Affairs • S. Batdelger, Chief Justice of the Supreme Court • M. Altankhuyag, Prosecutor General
11:00 am to 11:15 am	Break
11:15 am to 12:45 pm	<p>Plenary Session</p> <p>EFFECTIVENESS OF DONOR ASSISTANCE: WHAT HAS WORKED? WHAT HASN'T? WHY? Donor Perspective</p> <p>By all accounts, the justice sector has made significant progress over the past eight years. What are the lessons for international donors? For</p>

	<p>justice sector leaders? This panel will explore the factors that contributed to successful implementation of Mongolia's justice system objectives, and summarize lessons learned for both implementers and international donors.</p> <p>Moderator: Ts. Nyamdorj, Minister of Justice and Home Affairs</p> <p>Presentations:</p> <ul style="list-style-type: none"> • B. Primm, USAID Representative to Mongolia • L. Zaya, Project Leader, Ensuring the Legal Environment for Sustainable Economic Development, GTZ • J. Carver, Chief of Party, Judicial Reform Program • SC. D, Prof. Ts. Sarantuya, Project Leader, Hanns-Siedel Foundation • Dr. Heike Gramckow, International Development Consultant
<p>1:00 pm to 2:15 pm</p>	<p>Lunch</p> <p>Remarks: His Excellency Mark C. Minton, United States Ambassador</p>
<p>2:15 pm to 3:45 pm</p>	<p>Breakout Sessions</p> <p>1. TRAINING & RETRAINING</p> <p>Moderator: E. Ariunaa, Judge of the Chingeltei District Court, GTZ trainer</p> <p>Presentations:</p> <p>Court:</p> <ul style="list-style-type: none"> • B. Battseren, Judge, Capital City Court, JRP trainer • Ts. Urnundelger, Judge, Chamber for Civil Cases, Capital City Court, GTZ trainer • Kh. Batsuren, Judge, Capital City Administrative Court, Hanns-Siedel Foundation trainer • Ts. Amarsaikhan, Presiding Justice, Chamber for Civil Cases, Supreme Court • N. Erdenetsogt, Executive Director, Legal Education Academy, Hanns-Siedel Foundation <p>Prosecution:</p> <ul style="list-style-type: none"> • M. Enkhmandakh, Supervisory Prosecutor, GPO • Ts. Ariunbold, Assistant to General Prosecutor, Head of the Supervision Department over Execution of Punishment, GPO, JRP trainer <p>MoJHA:</p> <ul style="list-style-type: none"> • T. Ganchimeg, Director, NLC Training Center

- **U. Altantsetseg**, Senior Officer, State Administration Department, MoJHA

2. INSTITUTIONAL STRUCTURE, ORGANIZATION AND MANAGEMENT

Moderator: N. Dagva, Capital City Court Administrator

Presentations:

Court:

- **R. Mendsaikhan**, Head of the Court Administration and Organization Section, GCC
- **Ts. Tsogt**, Judge, Capital City Administrative Court

Prosecution:

- **D. Otgonbayar**, Supervisory Prosecutor, GPO
- **J. Oyunchimeg**, Assistant to General Prosecutor, Head of the Policy Planning and Foreign Relations Department, GPO

3. PUBLIC EDUCATION

Moderator: T. Altangerel, Head of the Policy Implementation Coordination Department, MoJHA

Presentations:

- **G. Zina**, Senior Officer, Policy Implementation Coordination Department, MoJHA
- **D. Batkhurel**, Head of the Administration and Human Resources Section, Capital City Court
- **Col. T. Sainjargal**, Head of the Public Relations Department, GPD
- **D. Bayanbileg**, Director, Legal Information Promotion Center, NLC
- **A. Delgermaa**, Project Manager, Ensuring the Legal Environment for Sustainable Economic Development, GTZ
- **P. Batzul**, Officer, Hanns-Siedel Foundation
- **S. Amarsanaa**, former Public Education Program Coordinator, JRP

4. COOPERATION AND COORDINATION MECHANISMS

(in terms of projects and counterparts, Government)

Moderator: Dr. H. Gramckow, International Development Consultant

Presentations:

- Decision making level officials
- **Ts. Munkh-Orgil**, Member of Parliament, former Minister of Justice and Home Affairs

	<ul style="list-style-type: none"> • N. Ganbayar, Executive Secretary, GCC • B. Tserenbaltav, Deputy Prosecutor General, State Deputy Legal Counselor
3:45 pm to 4:15 pm	Break
4:15 pm to 5:15 pm	Breakout sessions of the 4 groups - continuation
6:00 pm to 8:00 pm	Dinner
8:00 pm to 11:00 pm	Special program
Saturday, March 14, 2009	
7:30 am to 8:30 am	Continental Breakfast
9:00 am to 11:00 am	<p>Breakout sessions of 5 groups</p> <ol style="list-style-type: none"> 1. TRAINING & RETRAINING 2. INSTITUTIONAL STRUCTURE, ORGANIZATION AND MANAGEMENT 3. PUBLIC EDUCATION 4. COOPERATION AND COORDINATION MECHANISMS 5. LEGAL ENVIRONMENT <p>Moderator: G. Bayasgalan, State Secretary, MoJHA</p> <p>Presentations:</p> <ul style="list-style-type: none"> • Ts. Tsolmon, Head of the Legal Policy Department, MoJHA
11:00 am to 11:15 am	Break
11:15 am to 12:45 pm	Breakout sessions of the 5 groups - continuation
1:00 pm to 2:15 pm	<p>Lunch</p> <p>Remarks: His Excellency Pius Fisher, German Ambassador</p>
2:15 pm to 4:00 pm	Plenary Session

	<p>Moderator: Ts. Nyamdorj, Minister of Justice and Home Affairs</p> <p>The groups will report back to the plenary session:</p> <ul style="list-style-type: none"> Current situation Challenges Lessons learned Future priorities Recommendations
4:00 pm to 4:15 pm	Break
4:15 pm to 5:30 pm	<p>Plenary Session and Conference Wrap Up</p> <p>Navigating a Course for the Future</p> <p>This will be an opportunity for all participants to reflect on the ideas of the previous session, and come to consensus on most important priorities to continue the progress made since the Strategic Plan for the Justice Sector was published in 2000 and finalize the recommendations.</p> <p>Moderator: Ts. Nyamdorj, Minister of Justice and Home Affairs</p>
6:00 pm to 9:00 pm	<p>Closing Banquet</p> <p>Remarks:</p> <ul style="list-style-type: none"> • Ts. Nyamdorj, Minister of Justice and Home Affairs • S. Batdelger, Chief Justice of the Supreme Court • M. Altankhuyag, Prosecutor General