

FINAL

**Mid-Term Evaluation of the
Justice Sector Reform Project**

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DICTIONARY OF ACRONYMS AND INSTITUTIONAL TITLES

Agentes	GOC Procuraduría legal representatives before administrative tribunals
AOJ	Administration of Justice
Barra	"Bar" or team of Public Defenders
Casa de Justicia	Spanish translation: "House of Justice": consolidated justice system facility
CSJ	Consejo Superior de Judicatura (Supreme Judicial Council): collegial body at head of Judicial Branch of GOC
CTI	Cuerpo Técnico de Investigación (Technical Investigation Corps)
DAS	Departamento Administrativo de Seguridad (Administrative Department of Security)
DNP	Departamento Nacional de Planeación (National Department of Planning)
FES	Fundación FES
Fiscalía	Prosector General's Office (PGO)
GOC	Government of Colombia
ICITAP	International Criminal Investigative Technical Assistance Program (under U.S. Department of Justice)
IRM	USAID's Information Resources Management Office in Washington, DC
JSRP	Justice Sector Reform Project
JURISCOL	Jurisprudencia Colombiana: Colombian jurisprudence database
MOJ	Ministry of Justice
OIE	Oficina de Investigaciones Especiales ("Special Investigations Office")
OPDAT	U.S. Department of Justice Office of Professional Development and Training
Personero	Municipality level representative of interests of citizens. No U.S. counterpart. Closest analogy is European "ombudsman"
PMAJ	Spanish acronym for "Programa para la Modernización de la Administración de Justicia, known in English as "Justice Sector Reform Project" or "JSRP"
Procuraduría	Public Ministry: GOC department, without close U.S. counterpart, responsible, among other things, for oversight of official conduct, including human rights abuse and corruption of justice system officials.
UPR	University of Puerto Rico
USAID	U. S. Agency for International Development
USAID/Colombia	USAID Office in Colombia
USG	United States Government

EXECUTIVE SUMMARY

Background

Throughout much of recent history, Colombia has been plagued by violence and lawlessness, which over the last two decades has been aggravated by the burgeoning narcotics trade. Further, the powerful and unscrupulous narcotics traffickers use bribery and intimidation to corrupt the justice system to their advantage.

Starting in the late 1970s, Colombian public dismay at the justice system's inability to deal effectively with the increasing incidence of crime prompted a private sector led movement for reform of the justice system. By the mid 1980s USAID had started providing modest but significant financial support for Colombian private sector initiatives in research and analysis of the justice system and pilot projects for testing measures to improve the system. By 1990 these activities had provided the base for extensive justice sector reforms within a new constitution finally adopted in 1991.

The U.S. Government, already providing substantial direct support for GOC military and police activities against the narcotics traffic, and including development of democratic institutions among its foreign assistance objectives, then decided to offer major support in the form of \$36 million grant for further development and implementation of justice sector reform.

Project Description

The purpose of the Justice Sector Reform Project ("JSRP") was "to improve the capability and efficiency of the Colombian criminal justice system, particularly the regional and selected prosecutorial units, and the regional and other selected criminal courts." The key outputs to achieve the purpose were identified as follows:

1. Improved effectiveness of the investigative function;
2. Improved effectiveness of the prosecutorial function;
3. Improved effectiveness of the operation and administration of the court system, with emphasis on the criminal branch to increase efficiency in the trial;
4. Improved access, fairness and public perception of the judicial system; and
5. Improved capability of the overall justice system in sector planning, judicial information systems, judicial research, judicial security and other selected areas."

Principal Findings and Conclusions

Project Design

The initial project design left open many of the details as to what would be done and when. Many of the constitutional reforms had yet to be elaborated in implementing legislation; the Fiscalía (Prosecutor General's Office) was not even organized until July 1992. A "rolling design" process, with a high level Executive Committee to determine policy and a lower level Technical Committee to work out subproject details has carried through to the present. But continual development and consideration of new subprojects up to a

current total in excess of 50 has tended to distract USAID/FES and GOC institutions from implementation with consequent delay therein.

The vagueness in project definition has left unspecified the GOC counterpart commitments to various subprojects. Further, it has led to some tension between the Colombians and the U.S. Government as to the expectations of the Project and how success thereof should be measured. Beyond the project outputs referred to above, the foreign policy priority of counter-narcotics measures causes a tendency in some USG quarters to look to convictions of drug traffickers as a principal measure of project accomplishment. While the Colombians are concerned for, and give high priority to, improving the effectiveness of their criminal justice system, that concern extends to the 90% of crime not related to narcotics as well as the 10% that is. Further the Colombians are engaged in comprehensive reform of the whole justice system. Some are at least equally concerned for weaknesses in the justice system's capability in handling labor, family, and juvenile matters. They argue that weaknesses there tend to fuel social conflict aggravating the load on the criminal system.

Project Accomplishments

For the output of improved effectiveness of the investigative function, substantial tangible results are slow in coming. Both police and prosecutors have received excellent instruction from ICITAP, including increased emphasis on training of trainers to help institutionalize a higher level of performance. However, improved quality of investigation does not necessarily lead to higher numbers of convictions; improved investigation is equally capable of producing evidence of innocence. Improved investigation should, however, increase rates of case disposition, and there is already some increase in the number of cases processed, although not sufficient to exceed the number of cases entering the system. Therefore the backlog continues to grow albeit at a reduced rate. Further the impact of better trained and equipped investigators is heavily dependent on appropriate use thereof by prosecutors.

Relative to improved effectiveness of the prosecutorial function, the JSRP has contributed significantly through design of the new Fiscalía organization, development of prosecutor "units" or teams and systems for measuring and motivating their performance, and the construction and equipping of appropriate facilities. There still remains much to be done, however, to support the difficult transition of most prosecutors from their former investigative judge's role, and within a completely new institution, the Fiscalía. This involves change in basic attitudes and culture which requires time. The qualities for good judges are not necessarily the same as for good prosecutors. There is critical need for the prosecutors to make better use of the improving investigative resources of the National Police, the DAS and the Fiscalía's own Legal Medicine and CTI units. Planned as a key factor in prosecutor development was U.S. Department of Justice input, particularly in the form of a resident prosecutor adviser. Such input is still substantially lacking, however; as of February 1995, nearly three years since the establishment of the Fiscalía in July 1992, the resident adviser still had not arrived. The team senses that for these retreaded judges, there is still a long way to go to convert change in name to change in fact.

The output of improved effectiveness in operation and administration of the court system has suffered from the weakest performance. The 1991 Constitutional Reform, intended to strengthen the independence of the judicial branch, made it fully responsible for its own administration and logistical support. At the same time, however, it created a new entity, the Consejo Superior de la Judicatura (Superior Judicial Council) including a constituent Sala Administrativa (Administrative Unit) which had the unfortunate effect of dividing and diffusing court administration responsibility among a group of people chosen for judicial rather than management ability. Also, the Consejo has been relatively ineffective in obtaining JSRP support in areas in which it is interested, including management information systems. Unfortunately, the Consejo Superior has not thus far shown much interest in introduction of professional court management. While

prosecution/investigation capacity rather than judicial capacity appears to be the major constraint in processing of criminal cases now, as the Fiscalía performance improves, the court's case processing efficiency also will have to improve to handle adequately an increased caseload.

Relative to improved access, fairness and public perception, the Public Ministry (Procuraduría) has been notably effective in attracting and using JSRP funds for reforming the provision of counsel to indigent defendants, enhancing the effectiveness of Public Ministry agencies concerned with addressing corruption and protecting human rights, and resurrecting the function of the ombudsman-like "personeros", in every municipality in the country, for protection of human rights at the community level.

The worst factor in unfavorable public perception of the justice system has been inordinate delay in processing of cases, i.e., "justice delayed is justice denied". The GOC with JSRP support seeks to relieve court congestion not only by improving the effectiveness and efficiency of the justice system's components as described above, but also by emphasizing conciliation as a means of resolving disputes before they become criminal and civil court cases, or at least at earlier stages thereof. The JSRP has supported development of educational materials, training of conciliators, and an MOJ conciliation promotion office. Among examples of impact, for the Public Ministry representation in administrative tribunals, the emphasis on conciliation appears to have produced significant results in moving the case load and moderating the image of GOC official arrogance and obstinacy with willingness to reason relative to matters in dispute. While increased use of plea bargaining in criminal cases has helped to relieve congestion, it has also become highly controversial because of perceived excessive leniency.

The JSRP has fostered the concept of "Casas de Justicia" with representation of prosecutors, the courts and conciliation centers, as well as the police in combined facilities at the community level. This innovation shows promise of improving justice system responsiveness to the needs of the people in some particularly needful localities, such as the lower income neighborhoods of Bogotá.

As to the output relative to justice sector planning, information systems, security, research and other selected areas, significant results have been achieved in strengthening the planning function among the constituent institutions and particularly in integrating such work into planning for the entire justice sector. In addition to the current annual and four year plans for each of the institutions, particularly significant is the recent preparation, in collaboration with the National Planning Office, of a four year plan for the entire justice sector. JSRP financed consultant services contributed significantly to this process. Some justice sector planning offices, particularly the Fiscalía's, still need substantial assistance in developing the planning function.

Although computer-based management information systems are the largest single JSRP input at \$5.125 million, because of the time required for design and procurement, these systems still have not contributed significantly to improved planning or other function of the justice system. The Public Ministry system, already in the design stage in August 1992, became fully operational in January 1995. By far the largest and most critically needed system, that for the Fiscalía, is just now ready for bidding. The diagnostic and training preparatory steps for information systems have already had significant impact in organizational development.

As to judicial security, ICITAP, the International Criminal Investigative Technical Assistance Program of the U.S. Justice Department, has provided useful and well received training and technical assistance. Also, JSRP funds have supplemented other USG funding sources in the provision of armored vehicles, radios and other security measures for particularly vulnerable prosecutors and judges.

Project Implementation

As to project implementation, the JSRP has suffered substantial delays, some avoidable. Compared to other USAID-supported Administration of Justice and Rule of Law projects, however, and particularly considering the infancy of two of the principal GOC institutions, the Fiscalía and the Consejo Superior, and the inexperience of the justice sector generally with the requirements of international financing, the pace of project implementation has been better than average. Further, the team was impressed that the delays are attributable to factors other than lack of GOC commitment to project objectives; in general the team found overwhelming evidence of strong GOC commitment to comprehensive justice sector reform.

The selection of FES as the implementing intermediary was well based on its prior participation in USAID-supported justice sector reform initiatives. Since the JSRP is a far larger program than the previous activities, FES has experienced some difficulty in developing appropriate implementation capacity. While commending the generally strong performance of FES, particularly as to project design, and the leadership of the FES General Coordinator toward sharper project focus, the team suggests that the pace of implementation might be accelerated by more management specific experience and expertise in a full time project director position. FES's status as a cooperative agreement grantee rather than an USAID contractor, has challenged USAID/Colombia within an implementation relationship often calling for negotiation and persuasion rather than direction. On the other hand, FES has helped protect the integrity of the project design from those eyeing it as a slush fund. In doing so FES has served as a useful buffer reducing the potential for direct GOC vs. USG/USAID confrontation in a politically sensitive area for foreign intervention. Also FES's technical expertise has contributed significantly to project substance.

Further, FES's role helps continue Colombian private sector involvement in justice sector reform. As Colombian governments and officials come and go with varying degrees of commitment to such reform, the continuing Colombian private sector leadership for justice reform, of which FES has long been a part, has been the most important single factor in initiating and sustaining it. In general, GOC institutions seem to respect FES in its role. A notable exception is the Consejo Superior because of Consejo-specific factors discussed below.

To the extent FES has managerial weaknesses, the team sees their remediation as both feasible and preferable to such other alternatives as contracting another entity, with attendant program disruption, or expanding implementation responsibilities of an already overburdened USAID staff.

As for USAID's role in implementation USAID bureaucratic requirements, and procurement regulations in particular, along with occasional performance flaws, have contributed to delays in JSRP implementation. However, USAID has made laudable efforts to educate FES on USAID procurement regulations, and overall USAID is to be highly commended for the collaborative manner in which the program has been developed and implemented so as to sustain the essential high level of Colombian proprietorship.

ICITAP's planning, coordination and training of trainers was deficient initially, but has improved much during the course of project implementation. Otherwise, as noted above, the quality of ICITAP training has been generally good.

As for GOC implementation performance, the most effective use of the JSRP under the previous GOC administration was by the Public Ministry with especially strong performance at both the leadership and program coordination levels. Fiscalía performance has suffered from understandable weaknesses of a nascent institution, and lack of continuity at both leadership and coordination levels. With strong commitment throughout the organization, however, and new leadership emphasizing management reform, the pace of implementation is picking up noticeably. The Ministry of Justice's participation has suffered from substantial discontinuity, with four ministers of justice within four years, and also from initial misconception of the purpose of the JSRP and the MOJ's role relative thereto. The Consejo Superior's lack of participation derives

from several factors. It is a new entity with inherent structural weaknesses for executive level decision-making as well as operational weaknesses at the coordination level. Further, there appears to be Consejo Superior institutional hostility toward FES's role as demeaning toward the Consejo Superior representing the judicial branch of the Government.

Principal Recommendations

- ▶ Following up on recent justice sector planning, and sharpening of project focus during the autumn of 1994, USAID/FES and GOC should agree on a detailed, comprehensive project description as a revised Annex 2 of the bilateral project agreement, including designation of subprojects to be funded, the amounts allocated thereto, and a detailed implementation plan through the end of project.
- ▶ Remaining JSRP resources should be focussed according to the following priorities:
 1. Strengthening the Fiscalía, especially its organization and management and its investigative resources, with particular emphasis on more efficient and effective use of investigators by prosecutors.
 2. Establishing professional management within the court system.
 3. Completing coverage of the Public Defender functions.
- ▶ Such a process should also be used to define and record at the GOC/USG bilateral project agreement level, specific GOC commitments in support of appropriate institutionalization of the various project components.
- ▶ To assist USAID/Colombia, FES and GOC, as may be needed in such a process, USAID should be prepared to: 1) send to Bogotá additional qualified USAID project design personnel, or 2) contract for such services from a qualified U.S. firm and/or individual(s), or 3) provide a combination of the two.
- ▶ After agreement on such project description and plan, development of additional subprojects for JSRP funding should be terminated and USAID/FES and GOC institutions should concentrate on implementation of existing subprojects.
- ▶ FES should continue in its present role. However, USAID should negotiate with FES to:
 1. Take necessary measures to strengthen supervision of project implementation.
 2. Amend the cooperative agreement to specify reporting and other documentation requirements considered important by USAID.
- ▶ USAID should take a more proactive posture in assisting FES with the larger, more important procurement transactions. USAID should also take steps to provide additional procurement training to FES personnel.

I. INTRODUCTION

A. Evaluation Purpose and Objectives

This mid-term evaluation of the Justice Sector Reform Project (No. 514-9002) was undertaken to assess the performance of the implementing agencies in achieving JSRP objectives. More specifically, the mid-term evaluation was to: a) assess progress towards the achievement of the strategic objective and the five project outputs; (b) assess the feasibility of continued pilot projects and/or application of pilot activities (or phased subprojects) as national models for reform; (c) make recommendations as to how project implementation and/or the project strategy may be improved; and (d) assess the quality and effectiveness of all inputs including technical assistance, training, commodities and other.

The scope of work for the evaluation is included as Annex 1. It identifies the specific study areas to be addressed.

B. Evaluation Methodology

A three person team went to Bogotá, Colombia for two weeks in early December 1994. The members included a former judge and a prosecution expert as leader, and an evaluation/methodology expert and an information systems specialist. The team used the two weeks to learn about the JSRP and the people who work on its implementation. Although substantive interviews were conducted and documents were reviewed, this was primarily an orientation period for the team.

The team returned to the United States during the end-of-year holidays. During this period, the team leader, who was experiencing health problems, was replaced by a former USAID Mission Director now in private law practice.

With the new leader, the team returned to Colombia in early January 1995. The team interviewed well in excess of the 25 key informants the contract required and reviewed a substantial number of documents provided by USAID, FES, and the various entities of the GOC. Nearly 15 focus groups were conducted and recorded, with related findings and observations incorporated into the text of the report. A survey of ICITAP was completed primarily through the use of focus groups and group discussions. Annex 2 contains the list of persons interviewed and Annex 3 contains a list of documents reviewed. Observational visits were conducted, most of which are summarized within the text of the report. Those not placed within the text are summarized in Annex 4. A telephone survey was used to help evaluate the training efforts of FES, the implementing intermediary for JSRP.

Chapter II provides the context for the project while Chapter III presents a project description and overview. In Chapter IV, the implementation framework for the project is described. Chapter V discusses project results in relation to the five key project outputs. Chapter VI deals with implementation performance while Chapter VII addresses special issues. In Chapters IV through VII, recommendations are highlighted in boldface type within the text. The report concludes with Chapter VIII which presents principal conclusions and all recommendations in a consolidated format.

II. ECONOMIC, POLITICAL AND SOCIAL CONTEXT OF PROJECT

A. Background

Colombia has a tradition, in its own way, of liberal, democratic government. It has had, essentially, a two-party system since the mid-1800s, although minor or splinter parties have almost always participated in presidential elections. The Liberal Party and the Conservative Party have each been controlled by factions of the "elite" class of wealthy, socially prominent and politically powerful people. Party loyalty is intense, from top to bottom of the social ladder. Following the election of a Conservative president in 1946, bloody clashes erupted between the followers of the two parties in rural areas. These clashes evolved into a brutal civil war, "la violencia," which lasted for about 10 years and resulted in the death of some 200,000 people.

La violencia finally ended about 1958, when a coalition government, the National Front, was organized. After approval by a plebiscite and a constitutional amendment, the presidency was alternated every four years, and power in the legislative branch was equally divided between the two parties. This arrangement ended in 1974 with the inauguration of Alfonso López Michelsen, a freely elected president.

Unfortunately, although some of Colombia's problems have been resolved, new ones, represented principally by the drug cartels and the on-going guerilla activity, have emerged and kept the country in turmoil. The Medellin drug cartel, under Pablo Escobar, terrorized the country with assassinations, indiscriminate bombing of both private and governmental buildings, kidnapping and other acts of brutality. With the demise of Escobar and the weakening of the Medellin cartel the very visible and crude terrorism has diminished; however, the very sophisticated Cali cartel has become dominant and has disrupted operation of all branches of the country's government, not by overt terrorism, but by bribery, threats and the use of complex illegal financial transactions. Guerilla activity, particularly in the outlying areas, has further contributed to the breakdown of law and order.

By the late 1980s it was apparent to most Colombians in responsible positions that something had to be done to make the justice system more responsive, more effective, and more efficient. In 1991, under the leadership of President César Gaviria, a new constitution was enacted and approved.

B. The New Constitution of 1991

The new Constitution has drastically changed the justice system of the country, and, together with other recent reform legislation, has provided for a large degree of decentralization of the government. Where formerly the governors of the departments (the equivalent of States) were appointed by the president, they are now, with a few exceptions, popularly elected, as are the mayors and municipal and departmental assemblies.

The justice system has been reorganized, particularly in the area of criminal procedure. An attempt has been made to change from the inquisitorial system based in large part on the Napoleonic Code to an adversarial system somewhat similar to that of common law countries. The prosecutors are now charged with the investigation of crimes, a function which was formerly performed by investigative judges, and the function which was, and continues to be, the most critical bottleneck of the criminal justice system.

A new criminal procedure code was adopted, which provides for oral, public trials (not yet implemented) in place of the traditional system where judicial decisions were made on the basis of written declarations and records. A jury system (later abolished, however) was also provided for.

In order to protect judges and witnesses from assassination, kidnapping, bribery and other attempts to disrupt the trial of the drug traffickers, regional courts of "faceless judges" were created. In these courts the identities of judges and witnesses are kept secret, witness statements are not signed, but instead are fingerprinted, and other means are employed to protect the trial participants. Such drastic (and sometimes controversial) measures are indicative of the seriousness of the problems Colombia faces, but also show the political will to correct them and the willingness to adopt innovative procedures to further that effort.

C. Preparatory USAID Assistance

In the mid 1980's USAID started to provide modest grant support to Colombian private sector initiatives for reform of the justice system. These initiatives dating back to the mid 1970's took the form of studies and pilot projects as the groundwork for the massive reforms to come. FES, with strong substantive leadership from Eduardo Aldana, served as the implementing grantee agency for the later USAID supported activities.

With the preparation and adoption of the new constitution and its accompanying reforms, USAID stepped in with larger amounts to assist the Government of Colombia (GOC) with the judicial transformation. An initial grant of \$450,000 was made to the Fundación FES to provide assistance, mostly educational, to facilitate the implementation of the new role of the Fiscalía as the director of investigations under an accusatory or adversarial system. Assistance was also given to Procuraduría for the establishment of the Defensoría del Pueblo (Public Defenders Office) and the enhanced role of the Public Ministry (Ministerio Público) as the defender of human rights.

Phase I assistance involved non-controversial activities, largely to help pave the way for Phase II. The pre-1992 activities were reviewed as part of a 1992 worldwide assessment of USAID supported administration of justice projects. Therefore this evaluation will focus on the period 1992 through 1994.

III. PROJECT DESCRIPTION AND OVERVIEW

A. Project Description

The strategic objective of the Justice Sector Reform Project ("JSRP") is "to improve the capability and efficiency of the criminal justice system, particularly the regional and selected prosecutorial units, and the regional and other selected criminal courts."

The key outputs to achieve the strategic objective were identified as follows:

1. Improved effectiveness of the investigative function;
2. Improved effectiveness of the prosecutorial function;
3. Improved effectiveness of the operation and administration of the court system, with emphasis on the criminal branch to increase efficiency in the trial;
4. Improved access, fairness and public perception of the judicial system; and
5. Improved capability of the overall justice system in sector planning, judicial information systems, judicial research, judicial security and other selected areas."

B. Project Overview

The Fundación FES was chosen by USAID as implementing intermediary for about \$18 million or half the JSRP funds, with remaining funds being handled by ICITAP (about \$7 million) and USAID (the remainder). In 2½ years, the FES administered portion of JSRP has funded over 50 subprojects.¹

The subprojects fall under four major headings: Organization and Planning of the Sector; Investigation and Processing of Crimes; Operation and Administration of the Judicial Branch; and, Support Activities of the Justice Sector. In addition, the subprojects fall into 13 subcategories: Sector Restructuring; Planning System; Unified Information System; International Affairs Office; Regional Jurisdiction Prosecuting Attorneys' Units; Pilot Programs in Ordinary Jurisdiction Prosecuting Attorneys' Units; Judicial Protection; Training; Attorney General's Office; Administrative Development; Administration of Tribunals and Courts; Restructuring of Judicial Training School; and Multiplication of Conciliation Centers.

FES has 16 staff assigned to JSRP, and USAID has five staff who are involved with JSRP. See Annex 5 for a list of USAID and FES staff and a description of duties.

¹ FES and USAID/Colombia sometimes use terminology distinguishing between "subprojects" and "activities". "Subprojects" are described as having a direct relationship to the purpose and generally take more than one year to accomplish, whereas "activities" tend to have a less direct relationship with the purpose but lead to projects and generally take less than one year to accomplish. For purposes of this evaluation the distinction will not be observed; both categories will be referred to as "subprojects" of the JSRP.

IV. PROJECT IMPLEMENTATION FRAMEWORK

A. Rolling Design

As noted above at II.C, over a period of several years prior to the 1991 authorization of the JSRP, USAID had made a series of small grants to FES to help finance research, pilot projects, drafts of proposed legislation, etc., in support of justice sector reform. Thus USAID/Colombia and FES had become accustomed to substantial flexibility in drawing upon modest available funding sources for support of a variety of small scale initiatives as they arose, without a lot of pre-planning.

By 1990 the time had arrived for larger scale financing of major follow through activities in implementation of the proposed justice sector reforms. The conventional USAID project design process was initiated and drafts of project papers in varying amounts of detail were prepared with the help of a U.S. consulting firm. The adoption of the justice sector reforms within the new Constitution of 1991, the time consumed by such process, and the additional time required for drafting and enactment of implementing legislation, together with the exigencies of USAID funding, led to execution of a project agreement in 1991, before the reforms to be supported were fully determined, and to obligation of the first tranche of the \$36 million program in 1992 while implementation plans for the reforms were still far from complete. Indeed, the Fiscalía, the primary focus of reform and U.S. Government support, did not come into being until July 1992.

This situation resulted in the program's authorization and obligation of most of the \$36 million grant before it was feasible to determine in much detail what would be financed thereby. Accordingly, a flexible approach was adopted for detailing project components over time and the continuation of some funding for research and pilot projects to design and test alternative approaches in implementation of reform. This proceeded concurrently with substantial disbursements for training and information systems of project components which were ready earlier than others.

B. Roles of FES, Executive and Technical Committees

Whereas FES had a controlling role in the use of the pre-1991 USAID grants, subject of course to USAID concurrence, the JSRP called for more of a coordinating role for FES, with the Colombian decision making authority vested in the Executive Committee.

The Executive Committee consists of the heads of the participating justice sector institutions, and USAID and Embassy representatives in a nonvoting capacity, along with the FES project general coordinator as nonvoting secretary. The Technical Committee, chaired by that same person, includes the project coordinators for each of the participant institutions, along with a representative of USAID. Both committees act by consensus rather than by formal vote.

The function of the Executive Committee is to consider and approve general policy. Program workplans are prepared and approved on an annual basis. The Executive Committee hears and considers reports on the on-going projects and oversees their progress. Specific programs or activities are discussed within the institutions involved, and then submitted to the Technical Committee for approval, through the institution's coordinator, who would normally be a member of that Committee. From there, the proposal usually returns to the proponent for further refinement/modification to respond to guidance of the Technical Committee, often with the assistance of FES, which works out the details, makes sure that the activity is within the purview of the Project and coordinates it with USAID.

The establishment of the two committees, the Executive Committee and the Technical Committee, was an excellent idea. In AOJ projects in other countries with which the team is acquainted, USAID has urged and/or insisted upon the establishment of what is commonly called a "National Committee", or something similar, consisting of the leaders of the institutions involved in the administration of justice. Many of such national committees have failed to fulfill the duties expected of them because of personality differences among the members, domination of the committee by one powerful individual, or simply the inability or disinclination of high-level functionaries to spend the time necessary to go into the details of specific programs.

The bifurcated sector committee approach taken in the Colombian project allows the Executive Committee to deal with policy matters and broad outlines of activities without having to work out details. The Technical Committee is given that job, and, since it is composed of individuals who are directly involved with the day-to-day operations of their institutions, the programs approved are more likely to be practical and relevant.

A reading of the minutes of the Executive Committee shows that the members engage in spirited and serious discussions of on-going programs. There is little evidence of domination by any one member or group, and differences of opinion do not seem to reach a destructive level. This indicates a high degree of dedication on the part of the members toward achievement of the objectives of the project.

C. Role of FES Institutional Coordinators

Early in the development of the JSRP it was recognized that the participating GOC justice sector institutions would need some direct support from FES to help develop their subprojects and then help coordinate their implementation. This support is provided largely by and through the work of the FES institutional coordinators.

The FES Institutional Coordinators are employed by FES and paid with JSRP funds. The Coordinators are the primary representatives on the Technical Committee and the liaison between their respective institutions and FES. Their role as liaison is not clear. Right now only the Fiscalía and the Ministry of Justice have true liaisons (paid by USAID/FES, but working within the institution). The Consejo Superior de Judicatura (Supreme Judicial Council) refuses to have a FES employed liaison, and instead has the director of their planning department attend Technical Committee meetings. This person has a very limited relationship with FES. The Procuraduría has just hired away their coordinator who had only been on the job a few months. She will continue to supervise her replacement.

The Consejo Superior coordinator is clearly the representative of the institution he works for. The others are in the awkward position of being often viewed as "FES people" by the institutions they represent. Some Fiscalía staff complained that they wanted a direct contact with FES; they viewed the coordinator as not one of them and thus less capable of representing them².

The team finds that the coordinators' role is not clearly defined, nor is it otherwise clear what the program expects them to accomplish. Neither FES nor the institution represented really train or otherwise well prepare them for their job. The FES employed coordinators have divided loyalty, no real power or authority to make decisions, and are perceived as outsiders. The one employed by the institution represented is no longer the type liaison originally contemplated. All of the coordinators expressed frustration.

² It should be noted that they respected and liked their coordinator and thought she performed well on the projects. However, they want a more direct relationship with FES.

The team recommends that FES reevaluate and clarify the role of the coordinators/liasons. They should have clear and specific guidance. There should be written objectives which they are responsible to achieve and there should be periodic reviews to verify that they are being achieved.

The Executive Committee, with strong FES, and also USAID, participation should review the structure under which the coordinators work. They should decide whether FES should continue to employ the coordinators, whether the institution should absorb them as employees, or whether the compensation of the coordinators should be divided between FES and the institution. Whatever is decided, all four institutions should be required to follow the decision. There should be consistency among the coordinators as to their roles and responsibilities relative to the program.

The team suggests that the coordinators should be encouraged to offer more than representation of their respective institutions. The heads of the institutions are more than able to make their needs known to the program. Although the institutions do need a person to go to FES regularly to make clear their needs and help develop means for meeting needs, this alone is not an efficient use of the coordinators.

At least two of the institutional coordinators have expressed a strong interest in working more as a team in an inter-institutional manner. Rather than working exclusively to benefit their institution, they would like also to work to benefit the justice sector. This does not necessarily entail new inter-institutional projects. It does involve the four coordinators working together more than is currently the case. The current coordinators are goal oriented people who each want to see sector-wide change; they also have personalities capable of providing strong leadership.

The team suggests that USAID/FES and the represented justice sector institutions consider expanding the role of the Technical Committee to provide a working level forum for consideration of sectoral issues and opportunities. This could be part of a greater effort to foster communication among mid-level professionals at the justice sector institutions. Institutional leaders change, but mid-level professionals tend to stay. To institutionalize change more effort needs to be invested in involving these people, and the new leaders who may move up through the ranks, in the work of the JSRP. Many of the people the team spoke with wanted the ability to talk about the programs and how well they do or do not work, and why. They want a forum in which to have a voice. It may be a matter of improving internal communication within the institutions, but there is also a role for FES in fostering inter-institutional sector-oriented dialogue.

The team believes that in the subproject approval process, the more appropriate role for the Technical Committee is to make recommendations subject to Executive Committee final approval. The team also believes that a more implementation-oriented role for the Technical Committee may help speed up project implementation.

To support this implementation orientation, the team suggests consideration of expanding the membership of the Technical Committee to include a mid-level employee of the Public Ministry, a mid-level Fiscalía employee, such as a director of a Fiscalía Unit, an experienced judge but not with so much experience as to dwarf the others, and a mid-level representative of the Ministry of Justice. Their presence should add substantial operational insight and sense of practicality³.

³ Even the two coordinators working directly for the Consejo and the Procuraduría, are not people experienced with the day to day operational needs and problems of their institutions. Both hold positions relating to planning and institutional development. The two coordinators working directly for FES have never worked for their institutions and certainly not in roles that allow them to understand the people the projects are designed to help.

V. PROJECT RESULTS IN RELATION TO PROJECT OUTPUTS

A. Effectiveness of the Investigative Function

The Fiscalía prosecutors are responsible for criminal investigation, but they must depend heavily on police to do the work. Colombia has many police organizations. Some are very specialized in what they do; many are duplicative in the services they provide. The team studied only the three of them, the DAS, the National Police, and the CTI (Technical Investigation Corps), which serve as "judicial police". This means that they, upon request by the prosecutor in charge of the crime scene, send personnel to the crime scene to investigate and collect evidence. In the case of CTI, this is their only function; they exist to serve the Fiscalía. DAS, however, also serves an intelligence gathering purpose and has other functions such as the control of immigration. The National Police have judicial police powers, but view them as the least of their responsibilities. Their primary function is to protect the people and enforce the law. They also guard crime scenes to make sure evidence is not lost, damaged or stolen.

The team also studied the crime laboratories of four institutions: the three police agencies listed above and the Medicina Legal (Legal Medicine — the coroner's office and crime labs.) The three police agencies crime labs all try to perform as many functions as possible. This means that all three can do crime photos, all three can analyze certain elements, etc.. There is some specialization in that not all can do ballistics or voice analysis, but such specialization has not been zealously pursued and much duplication exists. Only the Medicina Legal, part of the Fiscalía, is more or less fully equipped to handle almost any type of crime lab analysis. However, the labs of all four organizations together are inadequate to meet Colombian needs.

1. ICITAP Training, Technical Assistance and Other Contributions

The team sought to determine whether (1) ICITAP is institutionalizing change in investigative practices, or merely training individuals in an untargeted manner; and, (2) whether ICITAP is functioning in a cost effective manner. The team reviewed documents from 1991 through the beginning of 1995; conducted interviews with the ICITAP Representative and with directors and staff of DAS, the National Police, the Fiscalía's own CTI, and Legal Medicine Department; held focus and discussion groups with investigators from those institutions and toured the involved institutions to identify equipment donations.

From 1991 until February 1995, ICITAP has trained more than 1,700 individuals from each of the four principal investigating institutions⁴. Courses included such areas as: Crime Scene Development, Instructor Development Course, Techniques of Protection, Financial Crimes Course, Investigative Techniques, Professional Responsibility/Integrity, Witness Protection Seminar, FBI Retraining Session, Photography, Serology, Case Management, Documents, Bombs, Police Management, Pathology, Trace Evidence, Drug Analysis, Forensics, Toxicology, Human Dignity, Judicial Protection, Color Film Processing, Stolen Vehicles, Hostage Negotiation, Blast Explosives, Principles and Techniques of Learning, Threat Assessment, Scientific Death Investigation, Curriculum Development, Curriculum Revision, Firearms and more.

a. *Legal Medicine (Medicina Legal)*

⁴ The break out by institution is as follows: 285 from DAS; 675 from the National Police; 584 from the Fiscalía; and, 158 from Medicina Legal. In addition, ICITAP has trained 120 from the Procuraduría and 130 from the Ministry of Justice. The latter two are discussed in other sections.

Medicina Legal is responsible for forensics medicine, laboratories, ballistics and other similar services of the Fiscalía. It employs medical doctors, scientists, technicians and similarly qualified people.

Medicina Legal is a truly impressive organization. Here ICITAP, together with other donors (particularly Germany), has contributed substantially to a real success story. The combination of ICITAP's skill in delivering quality training services and Medicina Legal's superior organization has produced outstanding results.

Medicina Legal has been under the same directorship for 13 years. The Director has insisted on depoliticizing the institution. Employment and promotion are based on merit. This has attracted quality employees who have been free to create and innovate⁵. It has also meant that people do not leave Medicina Legal, thus, providing continuity and improvement of skills, and enhancing institutionalization of good investigative practices.

A few examples of how ICITAP's training has been institutionalized most impressively are provided below.

Prior to one ICITAP internship for a young woman in Medicina Legal there was no Fiscalía system for dealing with natural deaths. Many people in Colombia have no regular medical care. Others die and their doctor cannot be found. There is no one to certify death, so they are brought to Medicina Legal for autopsy. This had accounted for up to one quarter of the cases handled by Medicina Legal. Such cases are a burden to the judicial system as they waste precious resources. After the ICITAP experience, Medicina Legal worked with the Fiscalía on a selection system for excluding natural death cases from autopsy.

Part of the ICITAP internship experience for another woman from Medicina Legal was to participate in an airport emergency simulation with her medical examiner counterpart. Impressed by the effectiveness of the simulation, she has begun to implement such simulations in Colombia. She also created an emergency alert team that is dispatched whenever there is a disaster. The group meets every 15 days for plans and discussion. In January 1995 the team was tested by a major airplane crash. They had everything ready; each person understood his or her role, how to deal with family members, how to engage the airline, and other issues. They were able to collect the dead in an organized manner, something they were previously unable to do.

The group also adopted a new system for identifying cadavers. Medicina Legal enters into its central computer data on unidentified decedents. Ordinarily the system does not immediately produce the specific name of the deceased, but it does narrow the field of inquiry. Medicina Legal may not always be capable of telling a family where their missing person is, but they can give the number of bodies matching the general description provided by the family and the location of those bodies. Then Medicina Legal staff call those locations, and with the help of the family members, tries to narrow the description further. Until the identification is narrowed, pictures are used rather than sending the families to different morgues⁶.

Years earlier Medicina Legal had tried to cooperate with the Fiscalía on such a system, but the Fiscalía wanted the computer to do more than was feasible. The internship provided the answers to those earlier problems.

⁵ As an interesting side note, it also seems to have permitted a large number of women to hold responsible positions. The Chief of Technical Development and Standardization is an outstanding example. A medical doctor, she not only directs her staff, but she also knows how every machine/equipment in the institute functions and has a deep technical understanding of all the different positions in the institute.

⁶ Before ICITAP, this was not the case. Families were required to go to each morgue and look at each body until the identification was made. And that was the good part. Before ICITAP there was no computer system and no way to know what bodies the other morgues had. The family was virtually on its own.

The Medicina Legal admits that their system has room for improvement, but it is far ahead of what existed prior to ICITAP assistance.

ICITAP has encouraged integration and/or closer coordination among investigative entities. Medicina Legal now has frequent interinstitutional meetings with the Fiscalía, CTI, DAS and the National Police. There are permanent working committees to deal with integration, management of corpses, the identification of cadavers, and other issues. Medicina Legal inputs information about cadavers in their possession nationwide and the other institutions input information about missing persons. Such collaboration and integration is crucial to a smooth running justice sector.

The chain of custody for evidence, a critical technique for preserving the integrity of the evidence, has been established after observing how it is done in the United States on an ICITAP internship.

Most important for institutionalization, upon adoption of the foregoing new procedures, Medicina Legal has put these procedures into brochures and pamphlets which they give to the other institutions. In addition to institutionalizing change in their own institution, they seek to promote it in other institutions. This has to be the ideal for a multiplier effect.

This impressive institution is professional, well equipped, and possesses some of the best forensic talent in Colombia. It takes everything positive that comes its way, adds 150% of its own, and turns it into something exceptional. They have grown much since ICITAP began to work with them.

The Chief of Technical Development and Standardization took a team representative on a four hour tour of Medicina Legal. The tour made clear that the GOC is committed to this institute. Medicina Legal was in the process of remodeling older sections, preparing specially equipped and sanitized labs, bringing in new equipment and preparing to enter new fields of forensic investigation. Medicina Legal is not perfect, it still lacks equipment and probably has some remaining training needs, but it is a shining success story. The Chief credits the ICITAP internships in the United States as the starting point for the major change in attitude that has made everything else possible.

The Chief has exercised skill in bringing in assistance from diverse sources, but has been careful to avoid duplication. No donor is allowed to overlap efforts with another donor. Not only does this avoid wasteful duplication, but it also allows each donor to attribute change to its particular effort. This is the reason the team has been able to credit ICITAP in the manner that it has.

ICITAP has largely worked itself out of a job with Medicina Legal. ICITAP could help Medicina Legal conduct a small study to determine its remaining needs. It may be that a few more strategically placed internships would help institutionalize more changes. It seems certain that the institute still needs more equipment. However, beyond these possibilities Medicina Legal should be able to continue its leadership in the sector with available GOC resources.

b. DAS (Departamento Administrativo de Seguridad; Administrative Department of Security)

ICITAP has trained 285 investigators at DAS. The JSRP evaluation team interviewed more than 20 of them. From these interviews it was readily evident that the students had been taught both theory and practice. Often the equipment students used for practice was donated to DAS by ICITAP. Further, it appears that such equipment has been well distributed between Bogotá and outlying cities, and that wherever the equipment was sent, it was entrusted to trainees who had learned how to use it. Those who had received ICITAP equipment were still using it, and, on a tour of DAS were able to point to those things which ICITAP had donated.

Slightly fewer than half of the DAS trainees stated that they were able to teach ICITAP courses. Those who could had taken the teacher preparation course and were teaching at the DAS Academy. Those who stated they could not teach said that they had only taken technical courses and not the teacher preparation course. It appears that, although these trainees do not teach at the Academy, they do share their knowledge with their colleagues on the job. All trainees knew exactly what a multiplier is and that it was their obligation to be one.

All of the trainees interviewed were specialists. They do not rotate; they are permanent in their positions. Everyone trained in technical subjects was in a job which required use of that specialized training. The trainees all felt that the training had changed how they do their jobs and that they in turn had changed how others work. They all thought that these changes would continue in their absence⁷; the changes were not dependent on any one personality.

The principal complaint about ICITAP was that it should do even more. The trainees want more technical classes offered more often and taking more students at one time.

One administrative complaint warrants attention. The trainees complained that ICITAP offers three part courses and then does one or more of the following: 1) allows students in part III who never took part I; 2) puts on Part I in December of 1992, Part II in January of 1993 and never puts on part III; 3) only offers the three part course once, so only a very few get to attend all parts. ICITAP explained that there is about one year between parts in a consecutive course because ICITAP requires that students use the new skills for at least one year prior to going on for more new skills. ICITAP says such preparation through experience with the more basic skills is necessary for mastery of the more advanced skills.

Also notable is that DAS trainees wanted judges and prosecutors to be trained with them in basic investigative techniques. They felt that this would help the judges and prosecutors to better understand the investigative process, help them learn what constitutes good evidence, and it would open up communications between investigators and judges/prosecutors. The DAS trainees were frustrated by their inability to communicate with the prosecutors they work for. They credited ICITAP with providing a mechanism for opening up communication⁸.

The students noted that DAS had tried through conferences and other techniques to explain to judges, prosecutors and other users of their system what services DAS provides. However, few prosecutors or other users showed up at DAS to take advantage of the services. Also, few prosecutors seem to know of DAS procedures for processing requests for assistance. The DAS trainees felt that there might be greater hope for communication at lower levels than at office director levels⁹. They felt that at the worker level they could convey how DAS functions and perhaps make it more user friendly.

DAS has contributed to the investigative process by listening to and implementing ICITAP recommendations. For example, ICITAP conducted an evaluation of DAS in 1994 and reported that the rotation patterns of DAS were detrimental to the success of ICITAP training efforts. DAS began to work on rotation problems and from then on sent only non-rotating staff to ICITAP courses. This policy was implemented nationwide. DAS

⁷ The "absence" referred to was a hypothetical situation created by the team. No DAS staff spoke of leaving their positions.

⁸ It is ICITAP's policy to mix people from different organizations in their classes in order to encourage communication and to foster new working relationships. One DAS trainee said that the only prosecutors she knows and feels comfortable talking to are those she met during training.

⁹ Directors of the core institutions meet routinely and exchange information and engage in planning. However, interviewees did not feel that the benefits of this were trickling down to them. They felt that it would be beneficial to establish communication at the lower level as well.

pointed out that rotation cannot completely end because often it is used to reduce vulnerability to corruption and to protect undercover police from being identified.

DAS' Criminology Department is also holding seminars to which DAS employees will be brought from around the country to review scene of the crime skills. They will then go back and work with their colleagues.

The DAS Academy is trying to make a contribution and has received assistance from ICITAP. However, it is seriously restricted in growth or reorganization by the inflexibility of the law which organizes it and the administration which runs it. The Academy has good facilities, a sound curriculum (thanks to ICITAP)¹⁰, and staff who care. The Academy is able to teach new recruits and to provide specializations to existing officers. The curriculum pays attention to the individual's personal, professional and physical development. There is an emphasis on human rights. In fact, a new group of officers is brought into the Academy every 15 days for human rights courses and other training. The Academy would like to professionalize and present degrees to its graduates.

DAS has also demonstrated leadership in reducing duplication in the judicial police education system. For a while, DAS was willing to take students from any other school in the country, and even a few foreign countries. However, as the Academy saw its resources dwindling it devised inter-institutional agreements wherein DAS provides educational services other institutions lack in exchange for DAS students receiving courses DAS does not teach. DAS has even taken this to an international level and is working on an agreement with Mexico. Currently DAS has a contract with the Red Cross to provide human rights courses on a national level.

A tour of the DAS Academy confirmed trainee views that it would need more support before it could be counted on as a trainer of trainers. The lack of full time teaching staff, stable and accountable administration, and the proper law to govern it, jeopardize its capacity to train directly, let alone serve as a trainer of trainers. Without further efforts to strengthen the Academy in those aspects, it will never be a sound trainer, much less a trainer of trainers.

The DAS Academy would benefit from continued ICITAP technical assistance to improve the administrative structure and help create a cadre of permanent teachers. In order to make some of these changes, revisions of its organic statute would be required.

The Criminal Division of DAS is shabby, but has some good capacities. They have forensic ballistics, a lab of applied ballistics; a forensic lab; a lab of applied documents; the capacity to compare voices, analyze tape recordings, etc.; forensic photography; the study of questioned documents; crime artists; and similar capabilities. DAS works both with prosecutors and judges and provides services in both the criminal and the civil courts.

The central and most developed laboratory is in Bogotá. However, the other four regional labs in Medellín, Cali, Baranquilla, and Cúcuta are not far behind Bogotá in terms of development. The Director is careful to ensure that equipment is sent to those labs as it becomes available. The regional labs tend to specialize around their own needs. For example, Baranquilla tends to deal primarily with alcoholism and crimes surrounding alcohol. Cali tends to work mostly with questioned documents. Medellín deals with drugs and arms. Cúcuta deals with a little of everything, but with special focus on trade problems since it is on the border with Venezuela.

¹⁰ In addition to helping design the curriculum, ICITAP also trained over 30 teachers for the Academy and helped teach specialization courses to existing officers.

The rest of the labs are sectionals and are located in other larger cities. They respond to the crime scenes and DAS has made sure that representatives from these labs have received training in the crime scene. They are authorized to take crime scene photos, develop the film, make preliminary reports and collect evidence for the regional lab that corresponds to them.

During an extensive tour of the Bogotá lab, the team representative observed that it has good equipment, although by no means complete. The Director had worked hard to keep old equipment functional and to keep new equipment coming in. She was in the process of purchasing computer software and hardware to facilitate some of their procedures. She had also enlisted the assistance of Germany which has donated equipment and technical assistance. Her staff was innovative and had devised some of their own equipment. DAS supplied the parts and the employees gave their time, labor and ingenuity.

DAS also has an equipment maintenance program. All problems with equipment are quickly repaired, and all equipment is examined on an annual basis to prevent problems. DAS also takes care of replacing all reusables. From time to time DAS has run into difficulty finding materials in Colombia, but has worked out deals with potential suppliers to import from suppliers in the United States.

The team was particularly impressed by the enthusiasm of the people who work at DAS. There is justifiable pride in what they have done, and clear vision of what they want to do. That there has already been change is undeniable. In 1992, DAS was the talk of the human rights groups. In 1995, DAS is talking human rights. It would be unfortunate to abandon this institution when it is struggling to make necessary reforms.

Although ICITAP has had definite impact at DAS, there is still much more to do. This institution lost good people during the "war" with Escobar, it is not well supported by the GOC and it is newly committed to institutionalizing change. ICITAP support to DAS could make the difference in a strategic campaign to reach enough investigators to make a true and lasting change, but it should be matched by GOC support.

The only reservation relative to the foregoing recommendations concerns the possibility that DAS will evolve into a strictly intelligence gathering agency. If this happens, ICITAP cannot work with DAS. It would also mean that past and future training and technical assistance would have been wasted. Before ICITAP proceeds further with this institution, DAS should be required to clarify its role in the justice sector and provide a time table for its possible reorganization. If it will retain a substantial judicial police capacity, then it should be considered for continuing support, especially for building the investigative training capacity of the DAS Academy.

c. Prosecutor General Technical Investigation Corps (CTI)

The Technical Investigation Corps, hereafter referred to as CTI, is the Fiscalía's own organic investigative service. Similar to the other institutions, trainees here said that they were able to directly apply the skills taught by ICITAP to their jobs. They also stated that ICITAP had made equipment donations and that they were not centralized in Bogotá, but were well dispersed to other towns and cities. However, the trainees alleged that the Fiscalía does not always provide the equipment to people who have been trained to use it. They said that sometimes the Fiscalía makes no effort to find out who should use the equipment. Other times, the Fiscalía will not release the equipment for fear that it will be lost or damaged.

ICITAP says that it provides explicit guidance about how the equipment is to be handled and who is trained to use it. ICITAP said it might be possible that the CTI is not being careful with delivery of the equipment to the proper department and that it was even probable that the Fiscalía was holding equipment so that it is "safe". ICITAP has no choice but to give the equipment directly to the institution. It does so with explicit

instructions as to where it goes and how it is to be used. If it were to be given to individuals, it would always remain with the individual rather than the institution.

The trainees explained that, unlike the DAS, the CTI works by rotation. There is a group of investigators that specializes and always works in the same job. However, by far the largest group in the CTI constantly rotate from job to job¹¹. The trainees felt that it was not a waste to train the rotators because they eventually come back to the task they were trained for, and some end up as coordinators capable of sharing their training. Furthermore, one who has not had ICITAP training is likely to ignore good evidence no matter what job they hold.

The primary trainee complaint with regard to ICITAP was that there are no objective criteria for selecting students and the CTI does not choose candidates based on merit or need. Thus, friends of people in power, or people who need to improve their resume to be promoted end up on the list.¹² They alleged that secretaries and body guards were taking such classes as financial crimes. However, no other institution supported this allegation. ICITAP says that every course has prerequisites and no student is admitted unless those prerequisites are met. The ICITAP Representative expressed concern that the CTI trainees felt this way and said he would look into the matter.

The trainees expressed concern that ICITAP does not follow up on its students. ICITAP responded that it always follows up with a survey, but that in a one man ICITAP/Bogotá office, there is not sufficient staff to personally follow up on the students.

The trainees were fairly unanimous in asserting that ICITAP does not adequately assess trainee capabilities and that as a result trainees do not get as much out of a class as they should. In response to this claim, ICITAP staff noted that the institutions always think they know more than they do. This may well be true, but it does not detract from the perception of the trainees that they are not being listened to. The CTI comments were so overwhelmingly negative that it is clear some problem exists. It would be worth the time of the ICITAP Representative to go to the CTI and hold an open meeting where he can address some of these issues directly.

Apparently ICITAP has much improved its courses. These trainees had very little good to say about courses offered in 1989-1991¹³, but were relatively satisfied with courses offered more recently. The trainees would like more human rights courses. One young investigator stated that ICITAP had sown a seed and that there was himself and the other trainees to cultivate the seed and share that which had been received.

The Fiscalía has made contributions of its own to investigative training for its CTI. The School of Criminal and Criminalist Investigation (Escuela de Investigación Criminal y Criminalística) of the Fiscalía is small, but, with the help of ICITAP, it has become capable of sophisticated teaching at a basic level. The School offers seminars on ethics and human rights that are fairly extensive and sends a signal to investigators that the Fiscalía cares about such rights and violators will be dealt with. Some of the materials used in those seminars

¹¹ This is done because the CTI believes that this is the only way it can make scarce human resources stretch to cover all the needs that arise. Also, as noted relative to the DAS, rotation can reduce vulnerability to corruption and help plain clothes detectives avoid identification.

¹² However, it should be noted that part of what they were complaining about was having to share class space with judges and prosecutors. They did not understand the need for this, but the team believes it is critical for judges, prosecutors and investigators to continue taking classes together. This may be their best opportunity to communicate and establish working relationships. Furthermore, it is important that judges and prosecutors understand what is involved in a criminal investigation.

¹³ ICITAP had no in-country representation until 1992. Before that the program was administered from Washington, D.C.

are authored by one of the School's permanent instructors. The School also offers specialized training courses which require extensive participation (one course requires 150 hours) and which seem to mirror ICITAP curriculum. Some of the special seminars are taken outside the school to the various sectional prosecutor units.

At this point, however, the School can have only limited effect. There are only 10 teachers to deal with all the existing and future investigators. Much like the DAS Academy, the School attempts to maximize its resources by coordinating with other schools and has also begun to use interinstitutional agreements.

On the one hand, ICITAP assistance has made a real difference in the Fiscalía School of Criminal Justice and Investigation. The School has completely institutionalized ICITAP's teacher training material. The course has been used to standardize all teaching and to maintain continuity and quality control, and all new professors are required to take it. Also, many of ICITAP's technical courses are now offered by the School. The ICITAP Representative has suggested that the School be used to provide generalized training to the rotating investigators and we agree. Thanks in large part to ICITAP, this has become a first rate school for providing the basics of investigation and providing a panorama of the skills necessary to perform various tasks. It is less clear that it is prepared to train experts.

On the other hand, there is no evidence that ICITAP has had substantial impact on the CTI investigators. ICITAP's success rate seems to correlate directly to the organizational strength of the institution with which it is working. Its support had more impact at Medicina Legal in large part because that institution is exceptionally well organized and its personnel depoliticized. Its low level of success with the CTI may be because the Fiscalía as a fledgling institution still suffers organizational weakness. The team believes that ICITAP could achieve significant impact if: (1) the Fiscalía would moderate its rotation policy to the minimum necessary and (2) ICITAP focuses on training experts and works in coordination with OPDAT to train prosecutors.

Since the Fiscalía is one of the most critical institutions involved in investigation and prosecution of crime, the team recommends that ICITAP be given more time and money to work with this institution. The team also suggests that OPDAT working with ICITAP can play a critical role in helping the Fiscalía restructure the use of investigators, not only within the Fiscalía, but within the criminal justice sector as a whole.

d. National Police

The National Police are the "cops on the street". They are responsible for protecting the rights of the citizen, preventing crime, and preserving crime scenes for the judicial police. The National Police also serve a judicial police function to support the Fiscalía, but it is not their primary function.

Ten ranking officers were interviewed with regard to ICITAP training. Each had been trained to be a trainer and understood the concept of being a multiplier.

One refreshing aspect of the two hour group interview was that the trainees themselves raised the importance of human rights. ICITAP was credited with having a very useful course entitled "Human Dignity" and the National Police Academy is duplicating it for their students. The course makes the trainee feel the sensations associated with lost dignity and it is very effective. Academy staff is trying to change the image of the police and they were impressed with the course as a means toward that end.

The teacher development course was considered useful. One officer said that until he took the course he had only wanted to work on the streets, but after the course he aspires to a full time teaching career.

The officers stated that ICITAP had changed how they think about law, people, and themselves and that the change in attitude should multiply. They pointed out that the National Police has 18 schools throughout the nation and that ICITAP trainees are dispersed throughout these schools.

Stories of changed procedure were also offered. One example is the officer who said that after taking ICITAP's Protection Techniques course he changed and modified procedures taught at the school. He also pointed out that the additional benefit of this course was the opportunity to visit and observe operations at other institutions, such as the Fiscalía.

The primary complaint of the officers was that there is not coordination among ICITAP courses and teachers. They said that in part I the teacher may say X, and in part II the teacher may point out the problems having to do with X and then move on to Y, and this is confusing to the trainees. In courses with two teachers, there have been occasions where the two teachers contradicted each other or even openly argued in front of students. The officers felt that ICITAP should make a greater effort to ensure that their materials are uniformly taught.

A secondary complaint was that often ICITAP brings a course designed for another country, like Ecuador, and does nothing to tailor it to the needs of the Colombians. They considered at least one course a waste of time because it was too basic. As this was also heard from the CTI trainees, the team urges ICITAP to look into the complaints. If they reflect erroneous perceptions of the Colombians, they should be refuted to avoid bad feelings and to make better use of the materials. No good will is spread by leaving people to think they do not matter.

The officers want ICITAP to continue its work. They said that there are many technical courses that none of them have had the opportunity to take and that one cannot teach what one does not know. They felt ICITAP has a responsibility to finish what it has started. They also pointed out that, as it currently stands, teachers are not excused from active duty. Thus, there is a need to train more teachers to stand in for those who return to active duty either temporarily or permanently¹⁴. They also pointed out that the National Police has over 120,000 officers. Without some more help there is no way the schools of the National Police can handle that kind of volume without additional assistance. They fiercely maintained that being an officer is a lifetime career and that ICITAP is not training people who will later leave.

With ICITAP help, the National Police has begun to change its image and the type of service provided, with more emphasis on public service and the protection of citizens' rights. The National Police appears to be an institution willing and desiring to make difficult changes. Such an effort is worthy of continued ICITAP support. Thus, the team strongly recommends that ICITAP provide continued support for strengthening the National Police Services which support the investigative function of the Fiscalía.

e. Other ICITAP Topics

- (1) **Cost Effectiveness** — Information on training costs was not made clear to the team. However, the team notes that there is seldom a time that ICITAP has not had at least one teaching team in

¹⁴ Currently the Academy pulls police from active duty for a three year tour with the Academy. At the end of the three years the teachers are returned to active duty. The National Police are now taking steps to change this policy and create a permanent staff of teachers.

Colombia, and among ICITAP's most effective interventions are the three month internships to the United States; each of which costs \$10,000. Every internship in Medicina Legal resulted in significant institutionalized change.

ICITAP's information about the cost of technical assistance was not clear. A list and description of such assistance was provided. A very general list is as follows:

- Judicial Protection Program
- Forensic Development
- Office of Special Investigation (OSI) Technical Assistance
- Witness Protection Assistance
- Financial Crimes Technical Assistance
- Curriculum Development
- Judicial Police Manual Development Assistance

Donations of equipment, including six pending donations, amount to \$975,497, about one-sixth of the money ICITAP has spent in Colombia.

ICITAP should improve planning and monitoring documents to better estimate and track costs.

- (2) **Restructuring Laboratories and Academies**—Certain Directors within DAS have suggested that they would welcome a reorganization of the country's many labs on a specialization basis. Currently DAS has a lab, the CTI within the Fiscalía has a lab, the Medicina Legal (another part of the Fiscalía) has labs and they are spread somewhat indiscriminately around the country. This amounts to no lab being fully equipped and the GOC having to divide scarce resources among the multitudes. The team recommends that the justice system leaders represented on the Executive Committee consider the economic and political feasibility of integrating or better coordinating the various crime laboratories and academies of the justice sector institutions. ICITAP has already suggested such integration to the Minister of Justice, who appeared to be supportive of the idea.

Reorganizing the labs and creating one primary Academy for all judicial police offers the potential for substantial impact. ICITAP and OPDAT could provide technical assistance to help realize that potential for more effective criminal investigation and more efficient use of limited GOC resources.

- (3) **Tracking**—The team feels strongly that ICITAP should do a better job of tracking its students and knowing how the training is being used. Without a tracking system or regular evaluations which track students over time,¹⁵ it is difficult to judge how best to direct funds. It should be pointed out that ICITAP is not alone in this deficiency; neither USAID nor FES track trainees. ICITAP also has the justification of insufficient staff for such activity. However, training is too important a part of ICITAP's work for it to proceed without a better understanding of accomplishments and problems. Therefore the team recommends provision of adequate ICITAP staff to operate an effective trainee tracking system.

B. Effectiveness of the Prosecutorial Function

1. OPDAT Training

¹⁵ ICITAP does do one survey per each course. The problem is that this is inadequate for knowing what happens to students over time. Furthermore, in its last survey, of the 502 surveys sent out by ICITAP, only 197 or 39% were returned.

Whereas ICITAP trains police and investigators, OPDAT trains prosecutors and provides a wide array of expertise on all aspects of criminal prosecution.

Unfortunately, OPDAT has not been in Colombia and will not begin operations until March 1995. The delay was due partially to recruiting problems, but also to USG-GOC counternarcotics policy tensions.

Whatever may have been the justification at the Washington end, the cost to this project and to the effectiveness of the Fiscalía in prosecuting crime has been significant. The resident OPDAT prosecution adviser is probably the most important project intervention in helping change the culture of the Fiscalía from "judging" to prosecution.

The team heard of potential merger of OPDAT and ICITAP because of their closely related missions. Regardless whether and when such merger occurs, the team strongly encourages OPDAT to cooperate, collaborate and communicate with ICITAP and take full advantage of ICITAP experience in Colombia.

It would be helpful if, in addition to the training OPDAT will provide, OPDAT would also provide some technical assistance with regard to decentralization of the Fiscalía and how to restructure the administration. OPDAT might also, through its training and technical assistance, gain some influence to moderate the overly generous plea bargaining of the recent past.

There are also some cautions with regard to OPDAT. A reading of some of their otherwise impressive seminars raises some concern that OPDAT might focus excessively on drug cases. Narcotics cases are critical, but they are not Colombia's only crime problem; indeed, less than 10% of Colombia's crime is drug related. Murder is the number one crime and most murders are not drug related. The sectional Fiscalía cannot be ignored; their cases also merit attention. Furthermore, the conversion of 3,000 prosecutors into keen advocates within an adversarial system needs to be tempered with awareness that there are only 300 public defenders. Most criminal defendants are unrepresented by legal counsel and are still at the mercy of the court.

2. USAID/FES Training Using the University of Puerto Rico

Substantively, little could be found wrong with the University of Puerto Rico training. On the whole, people's reaction to the training was positive.

The University of Puerto Rico was the first training experience outside of Colombia for the prosecutors and the first to combine theory with practical experience. The University provided excellent professors and the trainees were allowed to see everything "live." The trainees were able to spend one of their three weeks in Puerto Rico actively observing the operations of the courts.

There were problems along the way. For example, the University was supposed to video tape the entire three week training event. Generally, such an effort would cost around \$25,000, however, the University only budgeted \$3,000 and the resulting videos were unusable. FES tried to salvage them, but was unsuccessful. The tapes remain on a shelf, unused.

Also, there has been no follow up on any of the students, and thus no monitoring or evaluation of the impact of the training, how it has affected the way trainees do their jobs, and whether the trainees have become multipliers. Course evaluations were conducted at the time of the prosecutors training and the judges training. The prosecutors gave the course an 80% approval rate and the judges gave a 93% approval rating.

The candidate selection process could have been improved as well. The judges were not chosen on a nationwide representative basis. This makes replication more difficult.

One factor of concern with the UPR experience was that all three of the key people who involved USAID with the training project were at one time on the teaching roster of the University. One still remains there today. Such relationships can be bad for appearances and affect objectivity of decision making.

In justifying the choice one of the three key people argued that: (1) the University of Puerto Rico was the best place in the United States for this type of training, (2) it is easier to find Spanish speaking experts with experience in a justice setting similar to Colombia's in Puerto Rico than within the 50 U.S. states¹⁶, (3) the University of Puerto Rico has for six years, in a comparative law course, studied the laws of Colombia, (4) the University has one of the best Latin American Law Libraries. However, it was admitted that the UPR alone is not enough and that the program needs to seek out other models such as Italy, Paraguay, Bolivia, Costa Rica and Ecuador.

Budget constraints have also been a source of complaint. There are inadequate funds allocated for the purchase of books and work exercises. This forces the project to rely on foreign language donations which then must be translated. The utility and relative priority of following up, through replication or otherwise, of this approach to improvement of the Fiscalía should be considered in the project definition process discussed at VII.A.

3. Facilities Renovation

The Fiscalía is an immense institution spread throughout the cities and towns of the nation. In Bogotá alone there are more than five different structures which house different units of the Fiscalía. Without exception, these structures are located in the dirtiest, poorest and most dangerous sections of the city. The conditions are so bad that evaluation team members were not allowed to visit any Prosecutor Unit unescorted.

The interiors of these structures are no better. The stairways are dangerously deteriorated. All floors are bare cement. The color is a grimy, aged institutional grey. There is one medium-sized room for six to ten prosecutors. In some buildings there are no bathrooms. There is no privacy for phone conversations or interviews with victims, witnesses or defendants. And beyond the effect on the people who work there, such conditions undoubtedly affect respect for and confidence in the institution, thereby discouraging potential complainants and witnesses.

However, the JSRP has successfully remodeled and refurbished some of these structures. There is nothing lavish about these remade offices. Many of the walls used to create separate office spaces are just partitions which muffle noise and afford privacy, but they are bright, airy, clean, safe, spacious, professional looking and practical. Each prosecutor has his or her own small office. There are interview rooms which the prosecutors can use. The separate interview rooms allows the prosecutors to keep their files in their offices without concern¹⁷; none but prosecutors are allowed in that part of the floor. There are no dangerous

¹⁶ However, the team conducted a telephone survey of JSRP training, which included UPR trainees. The UPR students complained that Puerto Rico is not representative of their system and they did not get much out of the training for this reason. The UPR trainee sample was exceedingly small and not statistically significant, but it provides an alternative view to that expressed here.

¹⁷ Prior to the remodeling and reconstruction, all prosecutors had to leave work at the same time so that the unit could be locked and the files protected. Now each fiscal has his own door to lock and is free to leave when he or she likes.

conditions. There is a section for secretaries and clerks. The overall impression is of an organized, professional government agency.

To measure the impact of this project would require polling prosecutors, accused, victims, and witnesses to find a change in perception. It would also require observing changes in how quickly and/or how much better prosecutors have undertaken their work. The short evaluation period did not allow time for such a major study. However, the team did interview prosecutors who spoke of absolute relief provided by the remodeling. They used to hate to come to work. Many showed up late and left early. Many tried to work from home as much as possible. They felt less sympathetic towards the people they dealt with, because they felt no one was sympathetic towards them and their plight. Now it is reported that the vast majority of prosecutors in remodeled structures are showing up earlier for work (some as early as 6 a.m.) and leaving later (10 p.m.) because they feel so much better about their jobs.

The costs of remodeling financed within this project are estimated at about \$1 million to date. The advantages cannot be proved, but seem to be based solidly on common sense: when one works in a clean, safe, professional setting designed to meet one's needs, one is bound to have a better attitude and healthier approach to work. If one is in a condemned building, on the other hand, one does not think about respect—one thinks about desecration.

To date the JSRP and Fiscalía have remodeled 22 of the 31 units included in the JSRP. The Fiscal General has indicated that he does not believe this project to be a priority. On the one hand, it is true that designing an administration capable of moving the Fiscalía forward, training the prosecutors to move them closer to the accusatorial system they are supposed to promote, providing prosecutors with files, computers and other necessities and decreasing case backlogs certainly must take priority. While the team does not presume to substitute its own judgment for that of the Prosecutor General in such difficult balancing of competing interests, we must note that a safe, clean, professional environment for work is also one of the tools the prosecutors need, one which significantly affects the public image of the justice system, and which bears significantly on the morale of the prosecutors and their staffs, and thereby on their performance.

4. Decongestion Project of the Fiscalía

The most critical problem of the justice system is delay in resolution of cases resulting from "congestion" or the excess of incoming cases over the number disposed of. To eliminate the backlog, and build the capacity to process on a timely basis an ever increasing caseload, various measures are being taken to "decongest" the system. Highest priority is now being given to the investigative prosecution function of the Fiscalía because it appears to have the lower relative capacity such as to be the "bottleneck" of the criminal justice system.

The "decongestion" project involves ten prosecutor offices: five regional offices (Bogotá, Cali, Medellín, Barranquilla and Cucuta) and five sectional offices (Bogotá, Medellín, Cali, Barranquilla and Bucaramanga). The team was able to visit offices in Bogotá, Cali and Medellín.

The project to "decongest" the fiscalías has four stages:

- (1) Diagnostic: identify the causes of delay both external (such as problems with investigation and communication with other entities), and internal (such as transaction delays, logistical deficiencies, etc.).

This was done in the Bogotá Regional Fiscalía through a three day seminar, attended by all prosecutors. Each prosecutor was encouraged to identify the problems from his or her perspective

and to determine what was needed to resolve such problems. The prosecutors listed problems, prioritized them, proposed solutions and devised a work plan (see step 2 below).

- (2) **Action Implementation:** design and implement to solve the problems.

In the Bogotá Regional Fiscalía, innovations included inventory of cases and a new way to store data. Special forms were designed to standardize recordkeeping and facilitate data entry. The new forms also streamlined use of data. Before the forms, case files first had to go to the records office where they would linger for up to three days before being sent to the Secretariat for action. After the Secretariat took action on the case file, it had to be sent back to the records office before it was sent back to the prosecutor. Now, the new form goes to the record office and the case file goes directly to the Secretariat without delay. The biggest problem encountered here is that the computer system now used by the Fiscalía does not meet its needs¹⁸, but a new computer system is on its way. Currently 6,600 cases have been inventoried and put into the new format.

- (3) **Action Agreements:** signed by each prosecutor that he or she will achieve a certain goal of activity and productivity.

- (4) **Evaluation of Actions and Action Agreements:** periodic review to make sure both are moving as should be.

This will involve periodic review of the work of the prosecutors. It may be done by random sample or by trying to review a small portion of the work of each individual prosecutor. A Management Committee has been created to make plans and decisions with regard to the project. The Committee includes the Chiefs of the different units, the Chief of the Section and the Director of the Regional Fiscalía who serves as Chairman. This Committee will be the body to review the work of the prosecutors in an effort to achieve quality control. These reviews will form the basis for promotions and other incentives.

Also, for the first time, the Bogotá Regional Fiscalía has started to have staff meetings to improve work relations and to make work more effective.

The Bogotá Regional Fiscalía Units were studied during the period of January through May of 1994. The purpose was to determine the productivity levels of the fiscalía units and the impact of the newly introduced "unit", or team concept. The study included both qualitative and quantitative measures.

The quantitative indicators used include: (1) How many cases are carried by each prosecutor or by each unit, that have not been resolved (cases affected by suspension of investigation are not included here, but are analyzed separately); (2) How many cases have accumulated by the end of the month; (3) What is the capacity of the fiscal or fiscal unit to deal with the monthly accumulation?

The indicators further include the types of action taken on cases and the results obtained. Also included are appellate case results and another review of style and content on a more selective basis.

The study had three objectives: (1) determine the factors that influence the productivity of the prosecutor units; (2) determine causes of delay in processing cases; and (3) determine which delays are caused by inaction of prosecutors and which are due to other causes.

¹⁸ However, it is an older system chosen by the Fiscalía and not the JSRP.

Examples of causes of delay identified in one of the Fiscalía units include the following: (1) in only 16% of cases is there an identified suspect, the remaining 84% are cases where the prosecutor has to identify the suspect. This makes the prosecutor's job more difficult and results in cases being sent to other investigation units to seek evidence to identify the suspect. The majority of the cases have to be terminated due to inability to identify a suspect. As noted above relative to Medicina Legal, deaths by natural causes also account for case backlogs as they sit in the prosecutor's office until there is proof of the circumstances of death. The resources of the Fiscalía and the judicial police have been significantly wasted on natural cause deaths. In one unit, 12% of the cases corresponded to natural causes.

In other units delay was attributed to poor communication. A prosecutor would write to another institution for documentation or information, but would not be clear about the information required and thus would need to engage in an exchange of communications in an effort to clarify. Some units have solved the problem by sending a messenger to get documents, while others have resorted to direct examination on site.

Other delays are caused by prosecutors taking too long to make a decision even when they have sufficient evidence to do so. This accounts for about 27% of the delays.

The study goes into great depth in its findings. These results in turn are used to produce solutions. For example, the Bogotá Fiscalía plans to reorganize the sectional management within the Fiscalía, introduce mechanisms for planning and management and a 1995 work plan and a timetable for completing tasks.

This project gained a high level of Colombian participation. The prosecutors all understood the objective and were excited about achieving it. This had become a Colombian goal, not just a JSRP goal. The participants mastered the concept, designed solutions that suited their needs and worked together in a team environment to accomplish their goals over the long term. This project well demonstrated that the Colombians could and would accept and use indicators. Very talented people were assigned to this project, and they in turn involved all the prosecutors, not just the high level people.

The Bogotá Sectional Fiscalía has accomplished results. They have baseline data now and have a first year comparison basis; from here on they can demonstrate actual changes. The Bogotá Regional Fiscalía is just in its infancy with this project, as is the case with the Cali Regional Fiscalía¹⁹. But systems are now in place to track and to manage cases and caseloads.

Another rewarding aspect of this project is the Fiscalía's commitment to extend it nationwide with their own funds.

C. Improved Effectiveness in the Operation and Administration of the Court System

Not much has happened under the JSRP to improve effectiveness in the operation and administration of the court system itself as distinct from the prosecution and investigation functions.

Prior to the JSRP, the U.S. government supported two initiatives for improved court administration. With USIS financing, the Chief Administrative Officer of the Second U.S. Circuit visited Colombia on various

¹⁹ Cali is now working to clear out the old cases first. They are encountering difficulties because the old cases are so old that the evidence and witnesses have gone stale or disappeared. They plan to petition the Fiscal General for permission to dump those cases where there is no hope, which, according to their statistics is about 50% of the old cases.

occasions to discuss with leaders of the Colombian court system the possibilities for improved court efficiency through introduction of professional court management.

Also, about 1990-1991 USAID, FES, and the local private sector supported a pilot project to improve court administration in Itagui, an industrial suburb of Medellin. The project included refurbishing and re-equipping of facilities, automation of information, and administrative reorganization of the court. A report of a January 1995 site visit to Itagui by a member of the evaluation team is included in this report at Annex 4.

The JSRP project paper, at page 47, contemplated, on the basis of prior analysis of the court system's administrative weaknesses, that court administration would be a major focus of the project. Among the planned project elements were: (1) replication throughout the system of the Itagui model for "use of offices of common services by clusters of courts", along with other "modernized systems for data collection, planning and evaluation, personnel management, case tracking, asset management, and budgeting and financial management", and (2) "training and administrative and management aspects of the operation of the court system."

The JSRP has financed travel by Colombian judges to the United States for orientation on the use of professional court administrators within the U.S. justice system. Some participating judges commented favorably on those visits, but the team could find no evidence of follow up activities in Colombia. When questioned concerning this, the representatives of the Consejo Superior said they saw no need for foreign technical assistance in court management, and tended to think of court administration improvements in terms of "computerization".

Similarly, relative to the Itagui pilot project, despite the seeming efficacy of innovations introduced there in automation of case management and centralizing the judges' administrative support, the model does not appear to have been picked up by the courts, although the concepts have been used to advantage by the Fiscalía.

The team heard no sense of urgency from the Consejo Superior representatives concerning efficiency and effectiveness of court administration. They assert that the Fiscalía is the bottleneck in the criminal justice system and that the criminal courts have adequate capacity to deal with the current case flow. Also the increased budget for the judicial branch under the new constitution seems to have relieved any sense of urgency at that level, at least, in making more efficient use of available resources.

The team, on the other hand, senses that professional administration of the courts is an absolute necessity for proper operation of the judicial system. It is a truism that courts with defective management are likely to produce substandard justice. If court administration results in inordinate delays in case processing, justice is, in effect, denied; and as an undesirable side effect public confidence in the justice system is diminished, leading eventually, as it has in Colombia, to frontier style, self-help justice of the type practiced by the Hatfields and McCoys.

Courts can no longer afford the luxury of allowing themselves to be administered by judges with no expertise nor training in administrative matters. There are, or should be, two major administrative support components in the Central Administrative Office of the court system. The first is the component, usually a General Secretariat, which provides the judicial-administrative functions, such as receipt and tracking of case files, making appropriate docket entries, indexing parties and causes, etc.. In addition to the judicial-administrative function there should be a General Administrative Director who has charge of central planning, budget, personnel, financial, space and facilities, statistics, procurement, automation and all the other support systems that are involved in the running of a court system.

Judges are simply not trained to engage in these administrative activities, and they cannot oversee them efficiently without the establishment of a hierarchy of individuals who are experts in the various functions which are part of the system. In the case of Colombia there is little hope that a two-headed organization with ill defined divisions of responsibility can itself, without expert professional managerial assistance, fulfill the duties assigned to it by the law.

The problem for the JSRP relative to the Consejo Superior, is that over the short term the administrative inadequacies of the courts are somewhat masked by the Fiscalía bottleneck, and in the absence of crisis the judges don't know what they don't know about management. Apart from the CSJ leadership, however, the team found in the Supreme Court leadership a strong sense of urgency in the need for improved court administration. Accordingly the team recommends that USAID/FES explore further with the Consejo Superior and Supreme Court the possibilities for working on development of professional court management. In view of the hierarchical relationship between the Supreme Court and the Consejo Superior, the handling of such approach would require delicacy; but, if handled sensitively, perhaps the Consejo Superior would at least not stand in the way of useful assistance directly through the Supreme Court.

D. Improved Capabilities of the Overall Justice System in Sector Planning, Judicial Security, Judicial Information Systems, Judicial Research and other Selected Areas

1. Sector Planning

The planning function's importance derives from its identification of justice system needs and priorities, formulation of strategies to address them, and evaluation of results. For a country and system with limited resources, the planning function assumes added significance in order to justify access to, and make the most of, available resources.

The JSRP has supported justice sector planning capability in various ways. Development of computerized management information systems of course provides the planning function with essential data; however, more direct intervention has included provision of consultants and other support for an interinstitutional planning process, including the DNP as well as the planning offices of the Ministry of Justice, Fiscalía, Procuraduría, and Consejo Superior. This total process during the Fall and Winter of 1994-95 has produced 1995 annual plans and 1994-98 quadrennial plans for the sector and for each of the participating institutions.

The four year plans are the first ever for the sector and for any of the institutions. These plans, and particularly the sectoral plan, provide a firm conceptual basis for programming in detail, now, the remaining JSRP funds. Also of comparable importance they provide a firmer basis for seeking funds from other international development agencies as well as from GOC budgets for coming years. On the basis of such planning, the Interamerican Development Bank has already indicated interest in financing for the justice sector.

Also now pending for JSRP financing is a subproject to finance consultant services to help the Fiscalía design an appropriate planning system for that nascent institution.

Modest JSRP investment has produced good returns in improved sector planning. JSRP should support continued development of the Fiscalía planning function, and a revised project description should record GOC commitment to continued support for sectorwide planning for the justice system.

2. USAID and ICITAP Assistance to the Security Fund

Primarily assistance has been provided to the Security Fund (Fondo de Seguridad) which is a part of the Ministry of Justice. This office was created in 1989 to deal with the bombings, threats, and assassinations which were then plaguing the judicial sector. It had its beginnings during a state of emergency and was given a very small budget. The Fund struggled and underwent many restructurings; the last of which occurred in 1994. The Fund's organic law mandates that it contribute to and give protection and security to the public servants of the judicial branch. To accomplish this mandate, the Fund operates through a Consejo Directivo which consists of the Minister of Justice/Vice Minister; DAS; National Police; the Fiscal General/Vice Fiscal General; Procurador/Vice Procurador; Consejo Presidencial de Seguridad; and the President of the Consejo.

The Fund also operates through a Technical Committee which meets once a week. All of the same entities listed above are represented, but at a much lower level. This committee evaluates petitions for resources to protect judicial branch employees. The Committee studies each petition, assesses the level of risk involved, determines how the threat should be handled and the type of protection to be afforded. The National Police, the Fiscalía and DAS do the actual investigations necessary to make the determinations; although sometimes the people on the Committee also actively participate in the investigation.

ICITAP has provided training to the investigators who assess the risk, and to judges and prosecutors on how to react to the threat and deal with the resulting change in lifestyle. However, this assistance was not provided directly through the Fund, but instead was done through the involved police agencies. The Director pointed out that this training is critical as it is hard enough as an adult and a professional to become a prisoner in one's own home, but preparations and precautions also must affect spouses and children and friends, and their relationships.

The Fund was satisfied with ICITAP's participation, and looks forward to the seminar ICITAP has planned for March. All those who currently conduct evaluations will be at that seminar. Afterward they will go on to teach others how to do it. The Fund is trying to become as scientific as possible by unifying methodology and training teachers.

Otherwise, for the protection of particularly vulnerable justice system officials, USAID has financed the purchase of 50 armored vehicles together with replacement parts. Delivery of the last of the vehicles was expected by March 1995. Thereafter they will be distributed around the country according to need.

The Fund's Director is new, but said that she already enjoyed good relations with both USAID and ICITAP, and has found USAID to be supportive of the expansion of security activities.

The Fund would like further assistance from both ICITAP and USAID. They need computers, psychological assistance for families, more training and better technology. If physical intimidation is seen as a major continuing threat to the integrity of criminal justice, the Security Fund's needs warrant consideration relative to competing needs in the proposed project definition and implementation plan.

Although USAID experienced some difficulties in getting armored vehicles into the country, those vehicles are considered important by all interviewed.

3. Information Systems

Of the over 50 JSRP projects 11 are information projects or 20% of the total. Of the approximately \$10.5 million committed thus far, \$6.5 million are destined for information projects, approximately 63% of the total.

Information systems can be divided into two types: management and documentary. Further, relative to information systems within the JSRP, the team distinguishes between support for (1) feasibility study and system design, and (2) execution, consisting of two steps: first, the provision and application of a basic network of computers and software for office management; and second, the management of information.

Of the 11 JSRP-supported information system subprojects, eight have dealt with management. Of these eight, two have just completed the design stage, two are ready for bidding on procurement of hardware and software, three have completed delivery of the basic hardware and software, and only one is completed through the management information stage. In the other category, documentary database projects, there are the more general and comprehensive JURISCOL database and the more specialized criminal law database and constitutional law database.

a. *Documentary Databases*

(1) *JURISCOL*

The JURISCOL database of the Colombian justice system will include the country's constitution, laws, regulations and jurisprudence available for consultation by any person. Among its functions is to issue current and accurate information on the rules and regulations of the justice sector organizations themselves.

JURISCOL is still in the phase of transferring the laws, regulations, decrees, etc. to magnetic medium from the daily gazettes in which they are published. Development of the database was initiated by a department of information systems within the Presidency of the Republic which in 1992 passed it on to the Bank of the Republic (the Central Bank of Colombia.) Distribution of information at the national level will be done by telephone modem upon payment of a subscription fee which would cover training as well as right to use, and a monthly or quarterly rate according to usage.

The JSRP support for JURISCOL consists in financing the acquisition of an uninterrupted power supply (UPS), and conforming the data on magnetic medium to the original text of the current laws and high court opinions. For this latter purpose the services of various universities were contracted: The Universidad del Rosario has undertaken to document the revision of the laws from 1985 through 1993, starting in June of 1994, for completion in 1995; Universidad Externada de Colombia contracted in April 1994 for two months work starting in August 1994 to revise the jurisprudence to accord with high court opinions from 1988 to 1993; and the University of Santo Tomas contracted to review the decrees from 1985 to 1993 over a period of nine months.

The Presidency has not yet fulfilled its obligation to deliver all of the decrees, but the Bank of the Republic has nonetheless begun entering by scanner all of the remaining decrees. According to its 1995 plan, this would be done over a period of two years.

(2) *Specialized Databases*

The difference between the criminal law database and JURISCOL is that the criminal law database contains only laws and regulations which are related to criminal law and is accessible to specialized search. It allows research in specialized areas, through key words, making use of a specialized criminal law thesaurus, with capacity to add jurisprudential abstracts from prosecutors and lower level judges. For example, if one makes the search by the key word "contraband", all of the laws which deal with that subject will appear. The search is made section by section of the law. JURISCOL, on the other hand, includes all legal materials: criminal,

civil, labor, etc. The search is made by number, name of the law, or date. Whoever makes the search has to know what they are looking for.

The database for criminal law was completed in 1992 but has not been kept up. The JSRP is financing update by various Colombian universities.

(3) Impact

It is not possible at this early date to determine if the databases have improved the effectiveness of judicial proceedings. But a recent survey did measure the extent of use by the Fiscalía. Performed in October of 1994, the purpose of this survey was to help determine whether to purchase an update of the criminal law database. Database access had been installed in 335 units of 26 sectional fiscalía offices, and in four regional fiscalía offices. For the three regional offices which responded, database access was installed in 69 units. The frequency of use was classified as either "normal," "low" or "none". Of the 26 sectional fiscalías, nine reported normal use, 15 low use, one no use, and one didn't answer. Of the three regional fiscalías which answered the survey, two reported normal use and one no use. In the majority of replies, they stated that the use was inadequate because of lack of current data (the system having been installed in 1992 and the criminal procedure code substantially revised in 1993) and they asked for it to be updated.

The combination of these databases should improve the effectiveness of judicial operations, both as to timing and quality. In Colombia an excess of rules, regulations and laws makes it very expensive to supply a library for each court or prosecutor's office, and very difficult to carry out research without the help of an automated system. It is much more efficient to perform legal research via connection to a database, either directly or via compact disk.

Although the impact of the legislative and jurisprudence data banks is difficult to measure and much delayed, the implementation of JURISCOL should continue to receive support, and also the updating of the criminal law database, known as DERSIS. In JURISCOL this would include more personnel to load the system with the missing decree material in less than the two years estimated by the Bank of the Republic; in DERSIS, with resources to update or purchase the updating permanently.

b. Management Information Systems (MIS)

The information projects start with diagnosis of the institution, which includes elaborating organization charts, establishing procedures and manuals, and drafting the specifications for the particular institution's information system. Suppliers then submit proposals and design the system, the institution evaluates the offers and then submits its choice to FES for approval. USAID's Information Resource Management Office ("IRM") Office in Washington is involved in the development of an MIS that requires an investment of \$100,000 or more. An IRM representative can be involved in detailing MIS specifications, reviewing proposals to install or update the MIS and providing the other targeted technical assistance. The length of the process depends principally on the institutions involved and the extent and timing of intervention by IRM and FES's information coordinator in the process.

The diagnosis is the important step previous to the design of the information system whereby the people of the organization themselves determine what their duties are, what they have, and what they want to do. Manual systems must be analyzed and modernized before computerizing them; otherwise there is only computerized inefficiency. In the Colombian justice sector, the diagnosis process has helped sensitize officials to the form in which the institution is organized, take stock of their tools, establish or improve their procedures, look to the determination of goals and objectives to be achieved, and the evaluation of the process.

This has served to introduce the justice sector to a culture of organizational development as well as administration and information systems development. At the individual level, for most judicial officials, this has been their first experience working in a multi-disciplinary team in an empirical manner. At the professional level and at the level of the administrator it has given them knowledge in systems and their applications to administration of justice.

(1) Ministry of Justice (MOJ)

The JSRP supported the Ministry's feasibility study. This produced the information system strategic plan for the Ministry, which includes the following activities:

- ▶ Conciliation evaluation
- ▶ Design of the Security Fund information system
- ▶ Sociojudicial information models in which the JSRP help was limited to purchase of a central server computer
- ▶ National information system on prisoners and persons arrested
- ▶ Statistics and information handling system
- ▶ Constitutional and other thesauruses
- ▶ Support for the implementation of JURISCOL

When the MOJ's sociojudicial information models and statistics and information handling systems are fully operational, the MOJ will be ready to enter the next stage, which is the analysis of information—the legal and judicial research—to formulate sound criminal justice system policies. The data to be gathered should be tailored to the content area. For example, in the area of criminology, the most common crimes, what types of persons commit them, and geographic areas in which such crimes are most common. Analysis of the data should lead to specific recommendations. In the case of criminology, for example, recommendations can be made concerning the development of prevention policies.

The impact of the JSRP support on the Ministry is that it has provided the base upon which the MOJ has continued developing its own subsystems with its own resources.

(2) Public Ministry (Procuraduría)

This recently completed project began with a GOC-financed feasibility analysis and design already completed by mid-1992 and approved in August 1992 for JSRP financed implementation. The Public Ministry claims that delay in the FES and USAID/IRM approval process cost at least a year's delay and resulted in a more elaborate and expensive system than was needed. According to the correspondence between FES and IRM, which took too long, technical adjustments were needed, and, to deal with such situations, IRM suggested the contracting of an information coordinator in FES. The USAID/FES position is that the original design did not meet the program requirement of an open system, compatible with those of the sector. In any event, at USAID/FES insistence the project was substantially modified and not finally approved until February of 1994, with equipment and software delivered in summer 1994 and put into full operation in January 1995.

The system includes three areas:

- ▶ Operating system which includes administrative functions, developed with the Public Ministry's own resources.
- ▶ Functional: disciplinary management
- ▶ Communications: telecommunications and equipment.

The team finds that the system is already strengthening the administrative area which in turn supports the judicial area. This will improve its responsiveness to the public.

Already there have been special initiatives in the Public Ministry's Office of Special Investigations. Within a month of receiving training in word processing and electronic filing (begun in December 1994), they have adapted forms for word processing which take them toward the second phase, information management. They are demonstrating much enthusiasm for the time savings involved. For example, a case of embezzlement which used to require the typing of 1,200 forms soliciting information from all the banking institutions in the country now can be conducted much more efficiently using word processing equipment. Also the Public Ministry personnel concerned with the investigation of illicit enrichment cases commented on the ease with which errors can be corrected and cleaner work presented when using electronic files.

The Public Ministry disciplinary database currently includes the records of 134,000 sanctioned officials. Reference to this database is necessary for employment and promotion of public officials. In 1980, 2,500 annual record certifications were issued. In 1994, 250,000 certifications were issued. It now takes three days for issuance, and the lines are so long that the organization had to move to different facilities. The data is now being entered into the new program which will permit immediate issuance. Further, when the communication system is installed in Cúcuta, Bucaramanga, Senelejo, Medellín and Cartagena, certificates can be issued at those locations, thus eliminating the need to travel to Bogotá.

In the management area the investigation of a case of illegal enrichment or of human rights abuse now takes from 24 to 36 months. Actions not brought within five years of the event are barred by prescription. The Procuraduría needed better information management to reduce the time of the investigation and make the work more efficient. Through the improved management information system, and the strengthened supervision facilitated thereby, the prior ratio of four acquittals for each sanction has been improved to three sanctions for each acquittal. Through its capacity to produce and process useful statistics, the system has already advanced from the stage of office automation to the stage of information automation.

(3) Public Defenders

For the semi-autonomous Public Defender organization within the Public Ministry, the JSRP is supporting the development of an MIS addressing its special needs.

The proposed system includes:

- ▶ Control over the management of the public defenders.
- ▶ Effective control and follow-up relative to human rights cases.
- ▶ Improved control and follow-up of cases generally.
- ▶ Management support for its public education and information office and for its delegated defenders.

A USAID/IRM consultant evaluated this proposal in September 1994, but did not include the evaluation in his report. Since then USAID has held up the project for lack of IRM authorization. In January 1995 FES sent the necessary documentation to IRM in order to obtain authorization.

It is too early, of course, for the MIS itself to impact upon Public Defender operations, but already the MIS development process has had an effect. For example: As the advisor contracted by the JSRP developed a diagnostic, he introduced the methodology for establishing and revising procedures. As a result of this, the

institution staff has improved procedures and data flow and designed and implemented new formats for complaints.

In the Public Defenders complaint section, two types of complaints are processed: the urgent complaints (cases where life or person are seriously endangered), and the ordinary complaints which require verification. On the basis of a diagnostic study, institution staff inserted into the procedure a step for determining whether the complaint is immediate, urgent or ordinary. For each type of complaint there are different forms. They used to gather all complaints in narrative form without any methodology. Now, from the receipt of the complaint, the form is designed so as to have all the necessary data to permit efficient processing. The data is entered into the appropriate spaces, the complaint is passed to the appropriate person for processing, who in turn fills the spaces for results of the proceeding. The form is then passed to another person for entry into the database. In this form, when the system is in effect, the screen will show current data as entered throughout the process and thus save the need to enter the data more than once, or for any other person to be involved in a separate data entry process.

(4) *Fiscalía Regional Units—SIGA, a Case Management System*

As the Fiscalía embarks upon a major \$3.5 million management information installation, now in the bidding stage, it will be able to draw some advantage for its experience with SIGA, a 1992 vintage single user case tracking system installed in regional courts.

Due to the special character of the regional courts with their "faceless judges and prosecutors", this system was designed for confidentiality as well as efficiency. Personal computers were provided to the prosecutors for word processing, a separate computer for each regional prosecutor, in order to provide confidentiality for his or her work. The daily work of each prosecutor is then passed on to the regional prosecutor coordinator, who in turn passes it to the court secretary to make the necessary entries to update the data in the case tracking program. The regional prosecutors do not communicate through the system with the other prosecutors. None of them knows what cases are being handled by the other prosecutors. The General Secretary's Office handles the registration and management of the process.

The Fiscalía has now physically connected the previously isolated computers into a Local Area Network that permits more than one person to access and share the common data in the case management system. However, the existing software requires adaptation to the multi-user environment. The software fails if two persons simultaneously access and attempt to change the same file. Currently, a makeshift system of accessing backup copies of the data is used to fully recover the data that otherwise might be lost when such "system crashes" occur.

When confronted by this problem some offices decided to return to manual procedures, but within two months they were back using the network system, despite its deficiency. They have learned how to live with the flawed system. For example, they have set times for entering data and times for consulting data. If a prosecutor has to make an urgent consultation, he or she can telephone a request to suspend data entry.

For the present the Fiscalía has decided to leave the system as is pending installation of the new system for the entire Fiscalía, now at the hardware/software procurement stage. They will then adapt the flawed existing regional system to conform to the new system. This should be less costly in time, effort and money, since it is more difficult to make a design study and change a system, be it single user or multiuser, than to adapt a management program to a multiuser program already designed and executed.

At the time of the evaluation there had not yet been a study to determine the total amount of time savings between the manual system and the automated system. The SIGA system is managed in the common secretariat. Its principal benefit is in providing rapid and efficient consultation for the public. According to the focal group discussion, locating a case in the files manually could take up to an hour, and another 15 minutes to find the item sought within the case file, whereas even with the defective system, such a consultation does not require more than 3 to 5 minutes. Also, the regional prosecutor coordinator, the only person who has access to all cases, says it is significantly easier to supervise the work of the prosecutors with the help of the automated information system than through any alternative manual system. Further, the system facilitates reports and statistics on the cases which the regional fiscalía is handling. Also, the regional prosecutors interviewed were using the processors to record their opinions and decisions, which indicates an appreciable advance over use of typewriters.

Three positive results can be observed from this system²⁰: (1) people have become convinced that use of the automated system, even though not perfect, is better than the manual procedures; (2) the Fiscalía is determined to improve its systems; and (3) automation of case management at the collective secretariats of the regional Fiscalía offices provides more information on the cases before the regional tribunals, and the necessary information on specific cases can now be issued within 3 minutes. They are also able to produce necessary data for prompt periodic reports and statistics and the regional fiscal coordinator can supervise the production thereof.

SIGA has been a precursor of the other management information systems. The FES information coordinator is very knowledgeable of the defects and problems of SIGA, and subsequent systems will avoid the problems of SIGA.

The contribution of the JSRP was the multiple-user system. The network was implemented by the Fiscalía. Recognizing that the general objective of the project was to improve the performance of the regional offices of the Fiscalía, the team finds that it has been achieved by the motivation of personnel, by high level of use by the prosecutors, and by the diligent effort of the support staff to work with the network even though partially defective and requiring some improvisation.

(5) *Inter-institutional Justice Sector Coordination*

Especially for information systems, with the coordination of FES and consultancies of IRM, the JSRP has had a positive impact in inter-institutional planning by implementing a policy requiring projects to be designed as level systems with compatible hardware which permits interconnection and sharing of information among the various justice sector institutions.

c. *Training for Information Systems*

Training is essential to effective installation of information systems. The training will determine the use made of the system. For example, good training avoids constant demands upon the time of the supervisor in resolving problems.

The training that has been offered to the justice sector employees has had major impact on them. They not only feel that they are being given better tools to perform their work, but also that they are more efficient in performing their work, and are being integrated into technological progress in which the justice sector had not previously participated. Their morale is boosted significantly as they sense their viewpoints are

²⁰ Drawn from a sectional fiscalía focus group discussion in Medellín.

considered, and as they gain new understanding of their roles and higher efficiency in performing them. Currently, in Latin America, the computer is not seen as a threat to employment; rather the employee senses that to be trained in information systems provides a specialty to improve their career. At the Ministry of Justice the enrollments for the training courses are full through May 1995.

The general impact on the sector is that after the first phase of training in office automation, on their own initiative they try information automation and look forward eagerly to that second phase. As noted above, especially in the Public Ministry, this has led to initiatives for adapting forms for word processors, which in an indirect manner prepares them for the second phase of the project, which is the handling of the information.

There are still many persons in the justice sector who have yet to be offered training in information systems, mostly because of lack of equipment or because the funds available were insufficient to provide training for all personnel. The team is pleased to note, however, that those who have been trained have gone on to train others so that all the people in the system can be familiar with the equipment and the possibilities for the information systems.

The training of officials and employees of the justice system in information systems has awakened their creativity and, by liberating them from some of the more routine tasks, is giving them the capacity to dedicate themselves to more important work, which, in the case of information systems, is to analyze the information to formulate new policies or improve existing policies.

To gain maximum benefit from the heavy investment in information systems, a certain level of knowledge and understanding at senior management levels is essential. Therefore, arrangements should be made for the members of the Executive Committee, the Technical Committee and the management personnel in each one of the institutions to be offered seminars and roundtables about the basic information culture such as automation of offices, automation of information, analysis of information, communication, networks, etc.. And for management level people in such areas as criminology, administration, planning, etc., more advanced training workshops on the analysis of information, formulation of reports, interpretation of statistics, etc. should be offered.

d. Information Project Administration

(1) Role of the FES Information Coordinator

The team finds the following to be the responsibilities of the FES Information Coordinator: coordinate the information projects for all the participating institutions; advise the institutions; serve as liaison between the institutions and IRM; serve as liaison between the institutions and USAID; draw up bid documents, waivers, etc.; evaluate the specifications; participate in the IRM evaluations; participate in the ad hoc committee which reviews bids; and serve as information system support within FES.

In general, the FES Information Coordinator seems very efficient and, relative to the design of information systems, all the justice sector institutions working with the FES indicate respect for FES performance to date.

(2) Role of Institutional Information Coordinators

The justice sector information projects are administered in each participating institution by an information directorate. In some institutions the systems engineers were contracted first by the JSRP, and later the

institution took them on as permanent employees. In all the participating institutions such professionals were highly qualified, have earned respect for their competence, and enjoy the status of key permanent personnel.

In almost all cases, they work directly with many officials at all levels because from the initial feasibility studies through the final specifications, multidisciplinary committees have been created within the institutions. In general the professionals have a high level of understanding of legal concepts, at least those of importance to their respective institutions. In the Ministry of Justice there is a Direction Committee in which participate the Vice Minister and the General Directors of the Ministry, and the head of the Judicial Information Division, who is technically inferior in rank to all the others.

Between the institutional information coordinators and the FES information coordinator, there is a continuous informal relationship which permits access whenever necessary. The practice should be exercised with care, however, because there are times when, in the interests of economy of time and procedure, some important communications are not being properly documented.

Among the Information Coordinators of each of the institutions communication is deficient now. Although the Information Coordinator of FES is helping to prevent duplication of activity and to promote the replication of modules from one project to another, those functions are completely dependent on the FES Information Coordinator in the absence of alternative means for lateral communication and coordination among the institutional Information Coordinators. The JSRP should strengthen the communication among the management information offices of the various institutions of the justice sector so they may better share knowledge and benefit from the experiences of the other institutions and lay the foundations for better and expanded communications among the institutions.

Through the JSRP, FES, the National Planning Council of the GOC Executive Branch, or some other body should sponsor quarterly meetings for all the information management personnel of the justice sector. At such meetings they could make presentations concerning the projects as prototypes for those which are not yet implemented, or they could share experience through presentations and round tables in order that all could know of the activities of the others and of future projects. Also, they could invite information system specialists from other countries, especially from the United States, in order to make presentations and lead discussion groups concerning the most recent advances in technology of justice sector information systems, in this way enriching while also specializing this sector.

(3) *Role of USAID*

(a) USAID/IRM Approval

U.S. Government regulations require IRM authorization for any procurement of hardware of software in excess of \$100,000.

The JSRP procurement process flow charts²¹ do not establish the time for conducting the IRM consultancy. In practice, it has been done after approval by the Technical Committee, and before preparation of bidding specifications and conditions. The procedure used at the beginning was through telephone communications and FAX between the FES Information Coordinator and IRM.

²¹ Colombian Justice Sector Reform Program, Cooperative Agreement with FES revised procurement procedures. Annex I, Flow Chart No. 3, Page 12.

To make the process of IRM approval more efficient it was decided to have IRM review the pending projects on site in Colombia. So far the Procuraduría Systematization Project was delayed for about one year, and the Defensoría del Pueblo and the Fiscalía unit network took an average of 5 months to obtain IRM authorization. The approval process is improving, but it is still too slow.

Another factor is that the evaluation includes many subjects: program administration, project administrative details, technical requirements, etc., and therefore the report includes administrative as well as technical recommendations on the program, without following a checklist; all of which make compliance difficult.

The timing of IRM intervention has not been decided nor has the scope of the consultancy. For most of the projects, since the IRM intervention is necessary to execute the contract, this is the time for intervention. For the Fiscalía project, however, IRM was brought in at an earlier stage.

Although there are complaints concerning the delays implicit in the IRM review process, there is also recognition of its utility and there is mutual respect and appreciation for the manner in which consensus is sought in the formulation of recommendations (from the outset they describe the problem, present the IRM position, hear the objections to this position, discuss them, and seek agreement on a conclusion which will be recommended).

This IRM consultancy proposed the creation of the role of the FES information coordinator, has served as support to the FES information coordinator so that he does not have total responsibility and has helped institutionalize compatibility of justice sector information equipment and programs. As noted above, the recommendations of the IRM evaluator have generally reflected consensus gained by discussion with the respective justice sector information coordinators and the FES information coordinator. Useful in addition to discussion of other alternative hard and software supportable in Colombia, and compatible within the justice sector, has been the information on the latest technology used in the United States.

A recommendation to reconsider the need for and role of the IRM coordinator is included under VI.B below, relative to procurement policy.

(b) USAID/Contract Officer Approval

After having chosen the best offer, FES requests approval of USAID/Colombia, which in turn seeks concurrence of the USAID regional contracting officer in Quito. In practice USAID approval has taken from one to two months. USAID should reduce the time required for formal approval of contracts.

E. Access, Fairness and Public Perception of the Judicial System

1. Public Defenders

Compared to the \$8.055 million directed to support of the Fiscalía to improve criminal investigation and prosecution capability, the \$701 thousand from the JSRP to support provision of legal counsel for impoverished criminal defendants is modest indeed, but does contribute significantly to fairness of the system. Indeed, with the change from an inquisitive to adversarial criminal justice system, an effective right to such counsel is essential to fairness.

After poor experience with low paid, poorly qualified and unsupervised public defenders under the Ministry of Justice, the 1991 constitutional reforms transferred to the Public Ministry under the Defensoría del Pueblo, the function of providing legal counsel for indigent criminal defendants. A completely new system was

developed whereby teams or "barras" of 10 defenders would be supervised by academics learned and experienced in criminal law, with one supervisor to each barra.

The supervision of academics was considered desirable for several reasons:

- 1) The apparent disinterest of qualified people from private practice (not as much public conscience in Colombia as in some other countries);
- 2) Academics might bring access to university meeting rooms and libraries, among other facilities; and
- 3) Law students could assist in the handling of cases.

The system for compensating defenders was changed in order to attract and keep qualified lawyers. They are not employees, but rather contractors paid according to their performance and the number of processes and cases handled; their compensation averages about \$1,500 a month.

Following recruitment the defenders attend courses in criminal investigation and legal medicine. With JSRP support, they now publish a magazine called "The Barra," disseminating the results of relevant legal research and analysis and the benefits of experience in criminal defense. From an initial force of 110, the barras have now grown to a total of 330 lawyers with the number of defenders per team leader substantially increased to about 15 to 20. To restore the preferred 1:10 ratio, the program hopes to recruit new team leaders from among experienced defenders; also it appears that retired trial judges may be interested.

The team was informed that the coverage of the Public Defenders now reaches about half of eligible defendants, and the statistics indicate that the Defenders have reduced the period for processing of an average case by about a half, from eight months to four. In a recent survey of judges about 80% of them gave a favorable opinion of defender performance.

The Public Defender office held off on extensive publicity for its program until it is better able to handle adequately the demand. They are now seeking further assistance from the JSRP to cover the cost of a computerized management information system to support administration and planning as the size of the organization increases. See description at V.D.3.b above.

The team recommends continued JSRP support for the Public Defenders to develop their management information system and to provide additional training.

2. Personeros Municipales and Human Rights

Among the Public Ministry subprojects is "strengthening the system of "Personeros" to enhance protection of human rights among other purposes. Personeros, of which there is one in each of the Colombia's 1,043 municipalities, have no counterpart in the United States, the closest analogy being ombudsmen representing citizens' interests at the community level in some European and Latin countries. The personeros come from the old Spanish tradition, and were established in the new world originally to protect the interests of the indians. In the ensuing centuries they had been assigned so many duties, and their role had become so diffused, that it was difficult in fairness to hold them strictly accountable for any. Elected by municipal councils, they became dependent on the municipality for support, with no budget of their own, and were incorporated into the municipality officialdom, frequently as legal advisers to the mayor, rather than as representatives of the people.

The Public Ministry saw the reform movement of the early 1990s, and attendant municipal reform legislation, as an opportunity to strengthen the role of the Personeros at the municipal level, in extension of the role of

the Public Ministry at the national level. The Public Ministry sought to ensure provision for the Personeros in the municipal budgets, while providing guidance and counsel from the Public Ministry.

To support this latter role of the Public Ministry, a modest allocation of JSRP funds in 1992 financed personnel and equipment for a Personería support office in the Procuraduría, a survey of all Personeros relative to their communities and their situation therein. Follow-up support included a series of workshops for representative Personeros and preparation and publication of an operations-oriented manual for Personeros, including compilation of relevant laws, all in loose leaf binder form such as to be readily updated. Two additional publications in Phase II dealt more specifically with the Personero's role at the municipality level in requiring adequate performance by public utilities and respect for human rights by agencies of the state. These publications are to be distributed to all Personeros during a series of educational seminars nationwide during March 1995.

Phase II also includes supplemental intensive support for Personeros in a few selected communities to demonstrate the potential strength of the Personero's role within their communities. The first model, in a mining community, determined breach of child labor laws to be producing a miserable and self-perpetuating subculture of illiteracy, violence, substance abuse and breakdown of traditional families.

The Personeros help carry to a local level the Procuraduría function of enforcing appropriate performance by the justice system, among other government agencies and officials. As such, proper performance of their role helps to ensure effective access to the justice system of humble citizens in the most remote areas of the country.

Toward institutionalization of its new Personería Coordination Office, the Procuraduría is already financing three of six professional staff members of that office and will include all six in proposed legislation and budget process for 1995 to complete establishment of the office with essential staff.

Although it is early to determine impact of this subproject on the public generally, the impact on morale and motivation, and likely performance, of the Personeros themselves has been significant. Responding to the Procuraduría's interest in them and their situation, over 98% of the Personeros participated in the survey conducted by the Personería Coordination Office, and a comparably high percentage responded to the invitations to participate in the five workshops held thus far, giving reason to expect high attendance at the next round of educational sessions intended to reach all Personeros. As awareness grows of the Procuraduría's Personería Coordination Office and its role, a constantly increasing number of Personeros are consulting with its legal adviser by telephone and in person.

A modest JSRP investment appears to have produced significant returns in fairness of, and access to the justice system. A revised project description should record GOC commitment to provide adequate budget for firm institutionalization of the Personería's reforms.

3. Agents of the Public Ministry

The function of the Public Ministry "Agents" or "Agentes" is to represent the interests of the State in administrative proceedings. The Agents have the status and compensation of judges, but prior to the 1991 legal system reforms had been relatively unsupervised, and therefore undirected and uncoordinated.

The 1991 constitutional reforms brought the Agents under the Public Ministry, and in November 1992 Attorney General Arrieta obtained JSRP financing to provide counsel and supervision to the Agents from four expert lawyers, one of whom eventually became their official director. The Agents were then focused on

specific functions. High priority was given to recovery from public office malfeasors of the amounts of money paid by the State because of such malfeasance, a process called "llamamiento de garantía." Specific operational guidance for these proceedings was provided through a JSRP funded workshop for all Agents in March 1993. By 1994 1,205 cases had been initiated within the first eight months of that year, of which 25 have now reached the sentencing stage. Among the cases are those of 20 mayors involved in corrupt award of contracts. Many of these cases have received media coverage and helped to relieve the public sense of lawlessness or "impunidad."

In 1994 the Public Ministry added a second priority for the Agents to relieve the severe backlog of pending cases by negotiating settlement of disputes between the State and private parties. In addition to relieving congestion, this process generally produces savings for the State of about 25% on the amount of the claims. During the first eight months of 1994, and following a related second JSRP funded conference in March 1994, nearly 1,200 settlements were negotiated, or more than twice the number for all of 1993. Pursuant to this policy favoring negotiation of settlements, in November of 1994 the JSRP funded courses for 100 GOC officials directed at cultural change from official arrogance to willingness to exercise reason in dealing with private claims. This is intended to enhance the image of the official system as well as to relieve congestion.

The JSRP has also financed publication by the Agents of a quarterly bulletin to disseminate the results of relevant research and analysis and spread the benefits of experience among themselves, other prosecutors, judges and national and local officials.

This program has been approved for a third year of JSRP funding; but the Public Ministry proposes to institutionalize the supervisory system by legislation and budgeting in 1995 for establishment and full GOC funding of three full time Agent supervisors.

This project has used modest amounts of JSRP support to help relieve congestion, diminish the fact as well as the image of "impunidad", and thus increase the effectiveness of the justice system. Now that the program of supervision and other guidance for Agents has proven its worth in economic as well as less tangible terms, the GOC should assume its full cost beyond 1995 without further support from the JSRP.

4. Casas de Justicia

The Casas de Justicia, or "Houses of Justice", are intended to make the justice system more accessible to the people by housing courts and offices of the various justice system agencies within a single facility conveniently located in or near large population centers of lower income people.

There is no way to evaluate this project at this stage. As of the mid-term evaluation, two casas are under construction, one in Bogotá and the other in Cali. The team was able to visit the casa in Cali. It is running just a little behind schedule in terms of construction, but should be ready for institutions to move in by the end of February 1995. The initial construction was paid for by the municipality. The JSRP financed completion of construction and all the interior work. The finished product is a handsome red brick, three story structure with first class office space for a large number of entities such as CTI, inspeccion de policia, Family Counseling, psychologists, social workers, attorneys, the Fiscalía²², conciliators, and other agencies

²² The Fiscalía is only temporarily housed in this casa. Eventually they will have their own fast response unit in another red brick building which will be built right next to the casa. The Fiscalía will include four sectional prosecutors; two local prosecutors; six judicial technicians to provide support to the prosecutors; three judicial assistants to provide information to the public; two people for drawing and plans; two technicians from the criminal lab; six investigators; four drivers; four escorts; and two doctors from medicina legal.

as well. The casas will be open 24 hours a day. There is an information center to help guide the public. A computer network is slated to be installed.

For the most part space is well used and each agency has adequate office space, secretarial space, filing space and meeting space. The overall effect of the casa is openness, airiness, and professionalism. The only spacial concern the team noticed is that the rooms for conciliators are much too small for that purpose. There is barely room for three people sitting on three chairs. However, quite often conciliation involves more than three people and concerned family members have no means to attend. Also, no spacial consideration has been given to the fact that people will often bring their children. There is no space set aside for children to play while they wait for their parents.

The facility is located in one of the worst and largest neighborhoods of Cali, with a population of 400,000. It will allow people who cannot travel into Cali to have access to the Fiscalfa. The Fiscalfa will have a large office there because they need a Fast Response Unit in that neighborhood. It will give the Fiscalfa access to people that previously have been shut off from them. They hope to be able to establish good relationships in the neighborhood.

The team interviewed representatives of two agencies which will be housed in the casa. Both looked forward to the new space, but neither seemed to fully grasp the concept of interinstitutional cooperation. They see the casa as more space for them, rather than as a means to work in a team setting. FES has stated that before the casa opens there will be training for all its inhabitants to teach them how to work as a team.

The most that the team can conclude is that the construction has been well done and that the concept is promising. Its true value will be determined by its use.

The construction has gone slightly over budget, which is not unusual. The Casa project is handling the financing creatively. The project is seeking assistance from the private sector, which has supported similar projects elsewhere, such as Itagui and Bogotá. This may be a real bonus in the sense that it will expand the participation in justice sector reform and will give the community a sense of ownership of the casa concept. The project is also looking at municipal financing, Fiscalfa financing and a variety of other sources.

More of a problem is the lack of JSRP/GOC funding for similar facilities elsewhere. If the Casa de Justicia concept proves its worth, it should warrant consideration for further JSRP financing.

5. Public Perception Polling

A contractor has been chosen to conduct a poll of public perception of the justice system. The poll will involve in-depth interviews with target groups including at least 6 reporters, 10 public defenders, 10 penal judges, 10 prosecutors, 10 conciliators, and others, all of whom will be located in Bogotá. This will allow for diversity of opinion among important actors in the administration of justice.

The poll was supposed to have been conducted in October 1994 and the final report was to have been completed in December 1994. However, the poll has been delayed by at least five months.

Since all of the indicators in the JSRP refer to either efficiency or effectiveness, it is important that at least one mechanism be used to try to measure quality. The survey does get at quality issues by requiring the participants to have had some contact with the judicial system and by including people who work in the system on a daily basis. However, the team questions the reliability of depending solely upon one methodology or mechanism for such critical information. While this poll, or any poll alone, is not an ideal means for

measuring perceptions of performance of the justice system, complemented by others it should be useful. It would be even more useful if supplemented by opinion polling of the Colombian press and private organizations such as Instituto SER and the Colombian Gallup affiliate. In many countries such media conducted opinion polls continued, over time, with some degree of consistency in questions and methodology, have become highly useful indicators of the dynamics of justice system perception.

The team recommends that the JSRP be used to develop and institutionalize sustainable measures for polling public opinion, through collaboration between the justice system, possibly through the MOJ, and the private sector, particularly the media.

VI. IMPLEMENTATION PERFORMANCE

A. Institutions

1. GOC Institutions

a. *Amount and Nature of Counterpart Contribution*

The Project Agreement provides that the GOC shall contribute at least \$10 million to the total cost of the JSRP. Of that \$10 million, \$4.2 million is allocated to the FES administered portion of the JSRP. GOC counterpart contribution consists principally in Payment of salaries, and rental, purchase or provision otherwise of facilities, such as classroom and office space. These have been appropriate and relevant contributions as they facilitated the execution of the related project activity. The Project Agreement specifically recognizes the cost of office space, training/conference space, salaries and other similar contributions. USAID/Colombia Mission Order No. 315, "Counterpart Contribution Monitoring and Reporting Requirements" states: "The counterpart contribution must be derived from non-federal (U.S.) funds, and may cover project operating and/or capital costs including: cash, capital goods, counterpart personnel related services and studies which are part of the project, rental or purchase of materials for the operations or construction of the project, administrative costs, fair market value of land contributed to the project and costs related to the above items." The GOC counterpart contributions have met these criteria.

The contribution of the GOC to the justice sector as a whole²³ has expanded sharply over recent years. In 1990 it spent about \$165,086. In 1995 the GOC plans to spend nearly \$918,051. In the Fiscalía alone, the GOC spent \$289,555 in 1994.

In monitoring GOC contribution to the FES administered components of JSRP, FES does not accept many things the GOC submits because they are not quantifiable. FES will accept salaries, structures, rent, etc., because they are capable of proof. FES will not accept public services, photocopies or salaries which have not been certified. Everything must be validated through a written document under seal from the GOC.

b. *Timeliness and Reporting*

On the whole, the GOC reporting has been timely and accurate. In 1992 project implementation was slow; since there was little to contribute to, GOC contributions were light that year. Reported amounts increased slightly in 1993. In 1994, as projects were fully underway, the GOC began to contribute much more heavily and covered outstanding arrears. Both FES and AID/Colombia consider the GOC to be on track with its contributions and reporting. Indeed, USAID has certified that FES has accurately kept track of the counterpart donation and that the GOC is on track to substantially exceed its ultimate \$10 million obligation.

In view of the massive current GOC investment in the justice sector and the seeming certainty that the \$10 million requirement will be greatly exceeded, it could be unduly bureaucratic and wasteful of limited project management resources to invest a lot of effort in detailed monitoring of GOC counterpart contribution. The

²³ "The Justice Sector" includes the following: Direccion Nacional de Accion Judicial; Consejo Superior de la Judicatura (after 1991); Corte Supreme de Justicia; Consejo de Estado; Administracion de Tribunales Y Juzgados; Corte Constitucional (after 1991); Tribunal Nacional Y Jueces Regionales; Administracion del Tribunal Disciplinario; Instruccion Criminal; Instruccion Criminal - Policia Judicial; Jurisdiccion De Orden Publico; and Fiscalia General de la Nacion (after 1991).

team recommends that AID and FES jointly consider the nature of counterpart monitoring required under current circumstances and adapt their procedures accordingly.

2. ICITAP

ICITAP/Colombia is currently a well run, well managed office. The ICITAP/Colombia Representative is well respected and well liked by both American and Colombian counterparts. Unlike some of his predecessors, he has established a good close working relationship with USAID. He is organized, concerned, creative and innovative and would be a strong candidate to manage the ICITAP/Colombia program if it is continued. The administrative assistant also is highly regarded; she is extremely bright, self motivated, talented and gets along well with both Americans and Colombian counterparts.

The team notes, however, some reservations about the ICITAP/Colombia operation:

- ▶ Neither the Bogotá nor the Washington office could respond effectively to team requests for routine program cost information.
- ▶ The Bogotá office is understaffed for the kinds of things it needs to be doing, such as tracking trainees, and, in collaboration with OPDAT, working with the GOC to restructure the police, their academies and laboratories. We see an expanded role for ICITAP, one requiring additional staff. At a minimum, an assistant for the Representative with a strong background in evaluation, police organization or similar areas is called for.

3. OPDAT

Since, as of mid-February 1995, OPDAT had yet to send a representative, it is difficult to assess management and personnel issues. The team has been told by the Fiscalía's Training Coordinator that there are concerns about logistical support and adequate support staff for the OPDAT Representative. It appears that there will be more movement on this issue once the OPDAT Representative is actually in Colombia.

4. FES

a. Management

FES has provided strong leadership in project development and the substantive direction of the JSRP, but has been less effective in moving day to day project implementation.

In terms of personnel, FES has some of the best talent the team has seen. There are times when some FES staff members are not 100% occupied, but such times seem to be the exception rather than the rule and part of an ebb and flow present in all project implementation offices.

The biggest problem with FES is that the staff is not sufficiently controlled. The reason is that a full-time rather than part-time FES manager is needed to see that necessary actions are promptly assigned, and assignments timely and adequately performed. One of the appealing things about FES is that it trusts its staff and treats them as the professionals they are. On the other hand, however, no one seems to know what anyone else is doing, there is no reporting system or known requirements for seeking authorization prior to proceeding with an action, there is no specific requirement for paperwork turnaround. In short, there are few known requirements or restrictions on employee action.

The FES should continue providing the excellent leadership it always has with regard to project development. However, the team suggests that another person needs to be added to FES management team to strengthen its performance in project implementation. This person should have the ability and time to supervise overall program implementation particularly management of procurement, tracking executing agency performance, and achievement of the strategic objectives through key outputs, together with relevant indicators.

The team suggests that clearer guidelines should state when FES staff must confer with USAID prior to taking action, and who the points of contact within USAID should be. The same types of guidelines should be established for actions within FES. Beyond this mild, but necessary change, the team feels that the staff should retain a substantial degree of autonomy. They are all experts in their field and having someone look constantly over their shoulders would do more harm than good.

One of the finer aspects of both the program itself and FES as an implementor was the friendly, cooperative team effort by which everything proceeded.

b. Information Systems

FES has very complete files on the JSRP, but they are not well classified, not even manually. FES now has a network which supports automation of the office for wordprocessing and electronic mail. Beginning in January 1995 they implemented the second phase, the application of which will consist of three activities: budget, contracts and evaluation of projects. These three activities will be related in such a way that they can emit payment checks provided for in the budget, once they have the information that determined contractual conditions have been complied with, which information has been registered through project monitoring. At the time of the evaluation the necessary data was being entered into the system. This second phase, the automation of information, will be very useful for improved administration of the JSRP.

The team recommends that FES add a filing classification automation module for automated filing within FES.

c. Overhead Costs

Questions have been raised concerning allegedly high overhead costs for FES project coordination and implementation services. In a study undertaken by Arthur Anderson and Company, three separate rates, based on three separate ways of generating information, were determined. This study was clear, followed established guidelines and was approved by USAID which verified the methodology. The three rates thus determined were: 17.77%, 15.78% and 13.17%. FES informs us that the rate actually used is 8.5% which is well below the range proposed by the study.

The team recommends that the USAID Contracts Office clarify these ambiguities and resolve the overhead issue with FES.

5. FES/USAID

The team senses three principal causes for implementation delay:

- ▶ As noted above, FES, although well able to design, plan and implement projects at a substantive level, seems to have difficulties with day to day management in such areas as monitoring, evaluation

and following USAID regulations, especially those involved in procurement. These difficulties are significantly slowing project implementation.

- ▶ USAID is inherently burdened with bureaucratic requirements, particularly as to procurement, which tend to cause delay. Such requirements and delays send the wrong kind of signals to other project participants (usually FES, occasionally GOC entities) unless USAID makes a special effort to assist those participants in dealing timely with those requirements. In this project, because of the major computer procurement elements, procurement problems are further aggravated by the need for IRM approval. See discussion at VI. B below.
- ▶ USAID and FES have had a troubled relationship. There is a notable excess of "us" and "them" attitudes between the two organizations. Within each entity there is a tendency to make the person or organization seem stronger by pointing to the weakness of the other. Both organizations need to work toward dispelling such destructive attitudes and encouraging an atmosphere of teamwork. If FES has administrative problems or has inadequate understanding of how to proceed, then USAID should pick up the slack while it helps FES get back on course. If USAID causes occasional delays due to a bureaucracy it is powerless to change, then FES's role is not to endlessly complain, but to pitch in to help keep things moving as rapidly as possible.

Although some work has been done in this area, the USAID and FES relationship needs further attention. There are no guidelines as to when USAID must be consulted, rules of operation between FES and USAID and other similar documents which create structure. The absence of this structure has led to breakdowns in communication and unnecessary and destructive tensions between USAID and FES. If the program is expected to accelerate, then this relationship must be improved.

There are avenues for communication between USAID and FES. However, communication between the two groups has not always been timely, clear and complete.

The team strongly recommends that USAID and FES address communication issues in a joint retreat to consider how they will work together in the remaining two and one half years of the project. In addition to team building and promoting better mutual USAID/FES understanding of respective institutional cultures, such retreat should clarify common goals in JSRP development and develop common working guidelines regarding information systems and procurement as has been done successfully in the area of participant training. The FES Vice President for Social Programs should participate in this meeting and any agreements reached as a result of the meeting should be committed to writing.

B. Procurement

Procurement has posed problems for the Colombian Justice Reform Project, as for many USAID financed projects. Although the project paper had originally proposed Code 941 procurement that would have allowed grant financing of goods and services with source and origin in Colombia and other less developed countries as well as the United States, the project authorization limited grant financing to USAID Code 000 procurement with both source and origin in the United States.

The Cooperative Agreement did, however, at Attachment 1, Page 6, permit Colombian source procurement of U.S. origin commodities up to \$100,000, professional services up to \$250,000 and construction services up to \$5,000,000. In addition, USAID regulations permit waiver of source and/or origin under specified circumstances pertaining to feasibility and practicality.

The Cooperative Agreement requires USAID approval of all contracts over \$50,000 which amount has been subsequently raised to \$75,000. Although occasionally resulting in annoying delay, this latter requirement has not posed significant problems.

Although FES had some experience with USAID and its procurement regulations under prior grant agreements, such grants were in relatively small amount and the procurement involved was of sufficiently small scale as to permit more flexible source and origin rules. It has taken FES some time to get accustomed to dealing with the more stringent requirements applicable to the JSRP grant. Indeed, FES still experiences difficulties in trying to follow USAID procurement regulations, and drafting source/origin waivers thereunder.

The most difficult procurement problems have been with computers, the value of the procurements being well over the \$100,000 ceiling on local procurement, and computers also requiring approval by the USAID Information Resources Management Office ("IRM") in Washington. The major computer installation in the Public Ministry was delayed nearly half a year waiting for IRM approval. As discussed above at V.D.3.d., the IRM consultant was knowledgeable and his suggestions were sensible, but considering the cost of delay of such magnitude, USAID should consider whether it is still necessary and worthwhile to require IRM approvals for computer installations in a country and city with local access to such relatively high levels of computer experience and expertise as Colombia and Bogotá, including, among others, the information specialists at FES and the justice sector institutions.

Apart from the IRM approval the other major problematical factor for computer procurement under the program has been the requirement of advertisement in the United States. Advertising in the United States requires an extended period of up to two months for notice to potential suppliers, and also implies a substantial administrative burden on FES in responding to many inquiries from suppliers who ultimately prove to be unqualified or uninterested in serious bidding. FES is permitted to require local representation including local availability of parts and service on the part of any computer supplier as a condition of the bid, and inevitably the bidders end up being the local representatives of the principal American firms. The USAID contract office argues that energy and time consuming as the process may be to advertise in the United States, it usually implies less time and trouble than the process of obtaining the necessary waiver.

The team suggests that in view of experience with computer procurement under this project and other projects in Colombia USAID should consider amending the project authorization to include Colombia as an eligible source and origin country for JSRP over the life of the project, and, if not for origin, at least for source.

In the effort to help FES deal with USAID procurement requirements, USAID contracted in 1992 for an experienced USAID program and project officer to come to Bogotá as a consultant to provide both oral and written guidance to FES concerning appropriate procurement procedures in compliance with USAID requirements. Written guidelines were approved by the contracts officer and legal advisor. The new contract officer has indicated to FES that these guidelines are unacceptable. Such contradiction in procurement guidance must be promptly resolved so that USAID/Colombia can effectively support JSRP activities.

Also USAID/Colombia contracted an experienced USAID officer under a personal services contract for two years to assist USAID and FES with project implementation generally, and with procurement in particular. The latter person is scheduled to leave in spring of 1995. The team recommends that USAID/Colombia consider whether additional measures should be taken, including continuance of staff/consultant services, and/or adoption of a more proactive posture in working with FES to anticipate the requirements of the larger, more important procurement transactions still pending under the program, particularly the major computer procurement for the Fiscalía.

VII. SPECIAL ISSUES

A. Need to Further Sharpen Project Definition

The JSRP now has the benefit of two and a half years of experience with project development and implementation. As described above at V.D.1., this experience includes JSRP support for strengthening justice sector planning capability, the results of which include a four year justice sector plan adopted by the incoming GOC administration.

The team endorses the view of many JSRP participants that the time has now come to define a more specific project description to be incorporated into a revised Annex 2 of the Project Agreement. Indeed substantial progress toward such sharpening of project focus was achieved by USAID FES and the GOC institutions during the fall of 1994. The revised project description and project implementation plan, should determine in specific terms within a more cohesive program what would be funded and when. There would then be no more subproject proposals coming before the Executive Committee and Technical Committee for approval. The project emphasis would shift to implementation of activities already designed and tested.

To do otherwise, to continue the current system of project implementation, risks potential for expenditure of limited project resources on activities of marginal importance, with insufficient funds left for timely implementation of higher priority activities. The constant preparation and consideration of new proposals, many of which are small and of marginal relevance to project purpose, together with the consequent increase in number of project management units, distracts the implementing institutions, including AID and FES, from focusing on timely implementation of higher priority activities which are now underway.

The revised Annex 2 should also be used to record at the GOC/USG bilateral project agreement level, as specifically as feasible, the substantive organizational and budgeting commitments of the GOC to sustain the procedural and institutional reforms initiated within the JSRP. For example, the Public Ministry's Personeria Support Office requires organic law revision and continuing GOC budget for full institutionalization. While such commitments are often incorporated into subproject documentation at the Technical Committee and Executive Committee levels, their incorporation into the bilateral project agreement via Annex 2 will give them more weight in assuring necessary support from future GOC administrations.

Such further definition of project design can be done within the existing project authorization; there is no need for investment in project paper amendment or other time and energy consuming bureaucratic procedures.

Such further project definition would, however, call for an intensive planning and negotiation process with FES and the participating GOC institutions. USAID/Colombia is rightfully apprehensive of the demands of such process on its small staff. Alternatives to address such manpower requirement include USAID provision from its own resources within USAID Washington and elsewhere and/or USAID could contract a U.S. consulting firm and/or individuals to provide necessary support.

In noting the likely need for such assistance, we are not suggesting that an outside team should take over the project design process. As noted elsewhere, the Colombian proprietorship in this project design has been a major factor in its success. Rather, outside consultants should be limited to a supporting, facilitating role in assisting USAID/FES and GOC to refine and record consensus on project priorities and implementation requirements.

Relative to program substance, the team recommends that remaining project resources be focused principally on the Fiscalía. The Fiscalía is the major bottleneck in the criminal justice system. This constraint is best addressed by further investment in management/ administration including case flow management and planning, and management information services in support thereof. Also needed is substantial further investment in training for police and prosecutors, especially the technical assistance from the U.S. Department of Justice.

The Public Ministry should continue to receive a modest level of support for (1) its important role as the watchdog of the justice system to detect and investigate corruption, abuse of human rights and other flaws in the justice system; and (2) the further institutionalization of the Public Defenders' legal counsel to indigent defendants because of its importance to the fairness of the justice system.

For the courts, in addition to "computerization" and to enhance the impact thereof, USAID/FES should continue to encourage and support measures to improve case processing efficiency. While the Fiscalía's case investigation/preparation capacity may be the bottleneck of the system now, the Fiscalía would not have to speed up very much to pass that onus to the courts. The introduction and institutionalization of professional court administration is vital to increased court efficiency.

For the Ministry of Justice the team recommends continued modest support for sector planning and further improvement of computerized management information systems in support of sector planning.

The team recommends that the remaining project funds be fully programmed now according to the priorities indicated above. However, it would be useful to reserve a small portion of the project funds for flexible response to requirements for relevant feasibility studies, research and analysis.

Relative to program implementation, the Executive Committee should continue as a useful forum for inter-institutional consideration of justice sector issues, especially in sector planning. The Technical Committee should continue to have its role of fine-tuning implementation of Executive Committee policies and decisions at the inter-institutional working level. The current Technical Committee role concerning subproject selection and approval would be substantially preempted by the comprehensive project description/implementation plan exercise recommended above. Further, as the program focuses on implementation of subprojects by individual institutions, there should be more use of the recently adopted practice of FES/USAID sessions with individual institutions concerning implementation of that institution's portfolio, rather than full inter-institutional Technical Committee sessions for such purpose.

B. Should FES Continue As Intermediary Institution?

This issue has arisen because of perceived slowness in program implementation, and some justice sector institution resistance to FES's role in the implementation process.

In considering these issues, the evaluation team has identified the following advantages of FES:

1. FES staff has acquired useful project implementation expertise and experience.
2. FES has served as a useful buffer and/or negotiating ally in USG relations with the Government of Colombia in an area of such particular political sensitivity as the administration of justice.
3. FES offers continuity of involvement in Colombian justice sector reform from its first stirrings in late 1970s, continuing through their work thereon with USAID-financed support since the mid-1980s.

This is in sharp contrast to three different USAID directors in the past three years and at least four ministers of justice within the past four years.

4. FES is a strong, highly regarded private organization operating on a nationwide basis.
5. The FES role implies continuing Colombian private sector leadership and proprietorship in justice sector reform.

Available alternatives to FES include the following:

1. USAID/Colombia staff to deal directly with the Ministry of Justice and other implementing agencies in all aspects of project implementation.
2. USAID to contract with another Colombian organization to take the place of FES.
3. USAID to contract with a U.S. private consulting firm to serve as a project implementation agency.

Among the costs common to all alternatives to FES are the following:

1. Certain interruption/slowing of project implementation during a period, which could be quite extended, of termination with FES and initiating the selected alternative implementation mechanism. In this connection, substituting another Colombian organization or U.S. consulting firm would involve an extended process of selection, while FES's own implementation capacity would be impaired by staff demoralization and likely loss of key personnel.
2. Without the FES role as a political intermediary, a more direct relationship between AID and the GOC justice sector agencies implies increased risk of government to government confrontation on sensitive issues. Further, the last four years have seen frequent changes in the lead representatives of the GOC. FES has performed a useful stabilizing role in maintaining productive relationships during such changes.

As discussed above at VI.A.4.a., FES management difficulties are not incurable. USAID and FES should be able to agree on means of strengthening FES in its areas of weakness.

While the FES cooperative agreement relationship by its nature does imply need for persuasion and negotiation on occasion when direction would be easier and faster, it is suggested that, within limits, this is a reasonable cost relative to other factors in the situation. The 1992 USAID worldwide AOJ evaluation commended the Colombian program as having the best prospects for long term accomplishment because of the high level of Colombian proprietorship and initiative. This proprietorship extends to, indeed has been substantially increased and sustained by, the Colombian private sector, with FES playing a significant role since long prior to JSRP.

Furthermore, even as to the short term productivity of this project, whatever the situation might have been at project conception three years ago, changing implementation agencies and systems now in mid-project, would imply substantial disruption over the short term unlikely to be compensated over the period of project implementation. USAID and the GOC should consider negotiating an amendment to the cooperative agreement with FES to clarify objectives and management arrangements between the parties.

C. Performance Indicators

Defining and applying valid performance indicators has been a difficult area for administration of justice projects, particularly as to indicators of quality. Therefore in preparation for the Colombian JSRP, USAID

supported a special effort, involving the services of a U.S. consulting firm, MSI, for the development and use of valid indicators.

For the JSRP there are two sets of indicators: those that have been set for the entire JSRP and attempt to measure the impact of the strategic objective and outputs; and, those which exist with each institution and attempt to measure the impact of individual subprojects. Project-level indicators have been defined and data on those indicators collected. Subproject indicators have not been defined or if defined, data has not been collected because of the impracticality of data collection for such indicators.

1. Relevance

In most instances the indicators are relevant; they attempt to measure information that is useful. For example, one indicator is the number of preliminary investigations which result in findings that lead to convictions. This indicator is relevant as evidence of effectiveness of investigations. In a few instances, baseline data starts before the 1991 Constitution and the changes which it introduced. Obviously, change brought about between 1991 and 1992 cannot be attributed to the JSRP. Rather change between those two years would be attributable to the new system created by the Colombians, albeit with some modest earlier support from USAID.

2. Reliability

In all too many instances, the indicators, standing alone, provide information which should not be relied upon without a counterbalance indicator. Almost without exception the indicators look at efficiency and effectiveness. Yet, efficiency and effectiveness are not sufficient unto themselves. For example, one could say that Hitler was both effective and efficient in his efforts to commit genocide, but this would not address questions of fairness and justice and other qualitative issues as to whether such actions were for good or for evil.

The notion of good or evil not only addresses quality, it also provides a context. A context is provided for project-level indicators where project output indicators have had limited success; subproject indicators have no context. For example, when the numbers tell us that the Public Ministry has prosecuted more public officials for corruption, we do not know whether the office is doing its job well, or whether the Public Ministry has itself become corrupt and is abusing the office's power to demean political opposition. Similarly, focus on the number of cases addressed of the number of cases received by the Public Defenders ignores the question of how many people never received assistance in the first place.

In some instances, the information provided simply has no sense. For example, one indicator provides the percentage of favorable sentences for the defendants assisted by the public defenders. The number provided will be of some value; it provides an idea of how well that office is doing relative to other years. However, it can also be misleading without context. Are public defenders only valuable if they win for their clients? Are the police usually wrong, sometimes wrong, never wrong in who they arrest? If public defenders lose their cases more often is that an indicator that the police are doing a better job? When is it an indicator that the Public Defenders are not doing theirs?

One indicator which attempts to put a layer of quality over the multiple layers of quantity and which makes some effort to establish a context is public perception, which will be determined by polling in 1995. Most of this poll is directed at persons who have dealt with the judicial system within the past six months, a small portion polls people who work within the system. Once the poll is completed, the plan is to update it every six months, either within JSRP or separately by the Ministry of Justice.

What is called for, in addition to periodic polling, is a more stable, constant and continuous measure of quality and context. For example, the Bogotá Regional Fiscalía has established a committee that, among other responsibilities, will provide quality control information about its operations. The team suggests that FES work with the Fiscalía on establishing criteria/indicators for quality and then, if and as experience warrants, help establish similar quality control boards in the other institutions.

Such quality reviews would almost certainly have to be done on a random basis, as limited and resources time would not permit nor program evaluation purposes require a review of every employee. This may not be the perfect solution and different situations will call for different solutions; those who work every day with these issues will know best how to find solutions. The team suggests that, in choice of indicators, more attention be given to context, and to quality as well as quantity, of performance.

3. Practicality (Ease of use to collect and analyze data)

Practicality requires weighing the utility of data against the expense and effort of producing and analyzing it. Thus the principal problem expressed with regard to subproject indicators is that they do not, in every case, make sense. Apparently the indicators chosen for subprojects in 1992 and early 1993 were often too lofty and have proven to be impractical. People are still trying to use them while they take time to determine more practical indicators. Now, whenever a new subproject begins, it must begin with established indicators that the institution itself creates and the Technical Committee approves. In projects subjected to this discipline there have been few complaints about the indicators or how to use them.

4. Consistency and Clarity of Indicator Definitions

The output indicators may appear complex to an outsider because they require definitions and explanations and still do not come across clearly. However, the team has encountered no confusion on the part of those who must live with and use such indicators.

5. Overall Adequacy, Timeliness and Accuracy of Management Monitoring and Reporting Within the Project, USG and GOC

There is a debate as to when measurement should take place, what should be measured and what can be learned from it. There are people within FES and within the GOC who, at the beginning of the project, flatly refused to use indicators. They felt that at the beginning of a project there is nothing to measure, and, if measurement should be taken at all, it should be taken at the very end of an effort. Others have felt that one cannot change the entire justice sector by having justice sector projects alone, that such change can only come after efforts in many sectors and some social justice has been achieved. Still others felt that justice sector dynamics were being oversimplified, that true change takes many years to achieve and takes place in complex forms and is not every easy to measure. Some even feared that the indicators were a means for the USG to achieve control over the GOC.

Although this debate has not died, it has moved into the background and has allowed institutions to make efforts to measure impact. This was not the case in 1992 when USAID's Information and Evaluation Officer first started highlighting the importance of using indicators. He had to confront people who had no previous knowledge of evaluation systems and their usefulness. He received strong support from the then USAID Representative to discuss and negotiate the indicators but received little support to ensure that data was collected on those indicators.

USAID/Colombia's efforts to convince the GOC of the usefulness of such evaluation systems has produced important results. Government institutions have begun to accept and to utilize indicators. The new USAID Representative understands well the use of indicators and has been very supportive of augmenting their use in the JSRP. The team found that many GOC offices are now using indicators independently of the JSRP. USAID is supposed to be in the business of sustainability and governments will only sustain that which interests them and in which they see utility.

The development of the indicators and the establishment of baseline data were all delayed by this learning curve. This is a trade off, recognized in a deliberate USAID decision to take longer and build Colombian proprietorship. It would have been desirable to have baseline data from the beginning, but it would have been produced by USAID financed consultants instead of through justice sector initiatives, and would have come at the cost of a cooperative and collaborative atmosphere. Indicators that are actually used and which will continue to be used after USAID leaves, are the most effective. The Colombians have also benefited by watching how indicators change over time as the researchers' information and understanding have grown and improved.

D. Regional Courts And Due Process

The so-called "Regional Courts" were devised by the GOC to protect the judges, prosecutors, investigators and witnesses in types of cases, e.g., guerrilla activity and narcotics, wherein they were most likely to be subject to bribery or intimidation by powerful and unscrupulous parties. The approach taken was to conceal the identity of the judge, prosecutors and witnesses by arranging the proceedings so that their faces would be concealed from view, and, as necessary, their voices disguised, hence the characterization "jueces sin rostro", or "faceless judges". Such proceedings raise due process issues, particularly as to the right of cross examination where the witness's identity is unknown.

The system, then called the "Public Order", was created in 1987 by Presidential Decree. It was made part of the Constitution in 1991, but as a temporary fixture, subject to review after five years. The Regional/Public Order System has been altered several times by Presidential Decree, to provide habeas corpus rights to defendants and set limits on time in custody without trial.

Human rights groups and many lawyers have steadily criticized the system because the identity of the judge, prosecutor and witnesses were all secret, and access to evidence by the defense is limited. They argue that the combination effectively nullified due process rights. Recently they have been joined by many others questioning the necessity for the "Regional System" now that the murderous intimidation of the Medellin Cartel has subsided following the death of its leader, Pablo Escobar²⁴.

The debate has been clouded, however, by some prevalent misconceptions. One example of information that was never true is the notion that the Regional System was made permanent. The Constitution and statutes clearly provide for termination if their continuance is not found necessary by periodic review.

The human rights groups also claim there are people languishing in prison because their cases have not been dealt with. Early on, the law did permit cases to drag on and limited habeas corpus rights. In 1993,

²⁴ The Cali Cartel, with its less violent forms of corruption, continues powerful, however.

however, the laws were changed and the Regional Fiscalía now has tight deadlines for moving cases along. If these deadlines are missed, the Fiscalía loses the right to prosecute.

Another example of misunderstanding is the notion that the Regional System "expanded" its jurisdiction to take in public protesters and other civil disobedience. Unfortunately, it was not necessary for the jurisdiction to expand. From day one, civil protesters who add an element of violence or sabotage to their efforts have found themselves before this special jurisdiction.

Two problems are generated by this broad drafting of the legislation:

1. Ordinary people of limited means may be put through a system intended for organized crime. Although now, in most instances, such cases get transferred to the Sectional Fiscalía and ordinary jurisdiction²⁵, it is unlikely that all such cases get transferred.
2. Such broad jurisdiction overburdens the Regional Prosecutors. They themselves dislike the way the law is written, admit that it pulls in inappropriate cases, causes them extra work because they must transfer those cases after taking the time to prove that they merit transfer, and it adds to already excessive backlogs.

The evaluation team lacked time and resources to investigate two other criticisms raised by the Lawyer's Committee for Human Rights. These relate to judicial review (as opposed to a two-tiered review within the Fiscalía) and due process concerns at the investigative level, including the role of the military in remote rural areas where there is neither a Fiscalía unit or any form of judicial police.

The Lawyer's Committee suggests that the State should carry the burden of establishing a need for secrecy in each and every case. Depending on the manner in which implemented, this could defeat the purpose of the system to prevent identification of judges, prosecutors, investigators and witnesses with specific cases, but it does present the concept of an alternative or compromise system. The team senses that the prosecutors themselves would favor changing some laws, and be agreeable to change in other laws and procedures, so long as it allows them to remain faceless.

A number of safeguards already exist in the system. The Procuraduría reviews the judge's suitability to the case by looking for conflicts of interest and other problems. The Procuraduría also watches over every stage of the prosecutors' endeavors and is present for interrogations of the defendant. Provisions have been made for the defendant to question witnesses, while still protecting witness identity. These are obviously "least worst" solutions in addressing difficult and dangerous dilemmas.

That the prosecutors and judges find the system still necessary is beyond doubt. This is the most emotional issue the team encountered. These civil servants are terrified. Many of them have been through bombings, have had their children's lives threatened, have had close associates and best friends murdered for their efforts to end impunity in Colombia. Many prosecutors came close to tears when discussing their fears. They did not think they could do their job if they lost the protection of being faceless. When asked if they thought the

²⁵ The Telecom case is an example of such a transfer. Demonstrators at Telecom damaged the telecommunication system of the nation. The country was without any telephone service (international or domestic) for eight days, causing a panic in the country. At the time of the damage the telecommunication system was public property. At the time of arrest, the damage seemed to have been intentional. This brought it under the definition of terrorism and thus, under the regional jurisdiction. However, after a preliminary investigation, it was discovered that the damage was due to lack of maintenance, which in turn was due to the strike, but the damage itself was not intentional. This made it an ordinary jurisdiction case and it was transferred to the sectional fiscalía. This was all done as a matter of course. It did not even require the intervention of the Public Ministry.

system made a real difference, they responded that they knew of only one fiscal who had been murdered since the system was put in place, and it happened only because another fiscal identified him to the cartel.

More than 40 regional prosecutors were interviewed in addition to judges and police officers. There was no variation in describing how the system works. The team suggested that a day's worth of surveillance by the cartel would identify all the faceless prosecutors as they entered and departed work. The prosecutors allowed that their identity was not 100% secure. But the system works because it is an all or nothing proposition. Since the cartels cannot learn which prosecutor has which case, the cartel has to either bribe or murder the entire unit or leave the entire unit alone. But due to the system, it cannot pick off lone prosecutors without really working at it. The extra effort is wherein lies the protection.

The prosecutors state that the system has been equally effective against corruption. Before, a prosecutor had two choices: accept the bribe or be murdered. Prosecutors never turned each other in for corruption before, because who could blame a prosecutor for choosing life? Now they do not have to face such choices.

The prosecutors sense that they have so many outside agencies watching over their shoulders that there is very little room for human rights violations. They also comment that the human rights groups do little good by throwing loose accusations at the prosecutors. They are troubled that human rights groups take their information to Washington, rather than sit down with the prosecutors to find a way to make the system work better. They invite human rights groups and delegates from Washington, D.C. or anywhere else to come and observe them and to speak directly with them. They would like their perspective to be understood as well.

The prosecutors' dedication to ending narcotrafficking and guerrilla problems is obvious. They work under terrible conditions. They could earn twice as much money in the private sector, and they have watched their friends and colleagues give up their lives for the cause. They agree that problems exist, such as corrupt police officers who tamper with evidence, but that solutions can be found without dismantling the prosecutors' protection.

The team was informed that during the coming year the MOJ will carry out a study to examine the usefulness and efficacy of the regional courts and determine whether and how they should be continued. The Executive Committee should review the results of that study. If the regional courts are to continue and it is determined that JSRP should provide continued support, the Executive Committee should consider the due process issues, and how to minimize the impairment of defendant's rights consistent with essential protection of judges, prosecutors and witnesses.

VIII. CONSOLIDATED RECOMMENDATIONS

The evaluation team recommends that FES reevaluate and clarify the role of the coordinators/liaisons. (IV.C)

The Executive Committee, with strong FES, and also USAID, participation should review the structure under which the coordinators work. (IV.C)

The team suggests that the coordinators should be encouraged to offer more than representation of their respective institutions, and that USAID/FES and the represented justice sector institutions consider expanding the role of the Technical Committee to provide a working level forum for consideration of sectoral issues and opportunities. (IV.C)

The team suggests consideration of expanding the membership of the Technical Committee to include a mid-level employee of the Public Ministry, a mid-level Fiscalía employee, such as a director of a Fiscalía Unit, an experienced judge but not with so much experience as to dwarf the others, and a mid-level representative of the Ministry of Justice. (IV.C)

ICITAP should help Medicina Legal determine its remaining needs. Beyond these possibilities, however, Medicina Legal should be able to continue its leadership in the sector with available GOC resources. (V.A.1.a)

Before ICITAP proceeds further with DAS, the institution should be required to clarify its role in the justice sector and provide a time table for its possible reorganization. If it will retain a substantial judicial police capacity, then it should be considered for continuing support, especially for building the investigative training capacity of the DAS Academy. (V.A.1.b)

The ICITAP Representative should go to the CTI and hold an open meeting where he can address certain complaints directly. (V.A.1.c)

Since the Fiscalía is one of the most critical institutions involved in investigation and prosecution of crime, the team recommends that ICITAP be given more time and money to work with this institution. The team also suggests that OPDAT working with ICITAP should help the Fiscalía restructure the use of investigators, not only within the Fiscalía, but within the criminal justice sector as a whole. (V.A.1.c)

The team urges ICITAP to look into the complaints that there is not coordination among ICITAP courses and teachers and that often ICITAP brings a course designed for another country. (V.A.1.d)

The team recommends that ICITAP provide continued support for strengthening the National Police services engaged in criminal investigation with the Fiscalía. (V.A.1.d)

ICITAP should improve planning and monitoring documents to better estimate and track costs. (V.A.1.e.(1))

The team recommends that the justice system leaders represented on the Executive Committee consider the economic and political feasibility of integrating or better coordinating the various crime laboratories and academies of the justice sector institutions. (V.A.1.e.(2))

The team recommends provision of adequate ICITAP staff to operate an effective trainee tracking system. (V.A.1.e.(3))

The team recommends that USAID/FES explore further with the Consejo Superior and Supreme Court the possibilities for working together on development of professional court management. (V.C)

JSRP should support continued development of the Fiscalía planning function, and a revised project description should record GOC commitment to continued support for sectorwide planning for the justice system. (V.D.1)

If physical intimidation is seen as a major continuing threat to the integrity of criminal justice, the Security Fund's needs warrant consideration relative to competing needs in the proposed project definition and implementation plan. (V.D.2)

The implementation of JURISCOL should continue to receive support, and also the updating of the criminal law database, known as DERSIS. (V.D.3.a.(1))

Arrangements should be made for the members of the Executive Committee, the Technical Committee, and the management personnel in each one of the institutions, to be offered seminars and roundtables about basic information culture. (V.D.3.c)

For management level people in such areas as criminology, administration, and planning, more advanced training workshops on the analysis of information, formulation of reports, interpretation of statistics, etc. should be offered. (V.D.3.c)

The JSRP should strengthen communication among the management information offices of the various institutions of the justice sector so they may better share knowledge and benefit from the experiences of the other institutions and lay the foundations for better and expanded communications among the institutions. (V.D.3.d.(2))

Through the JSRP, FES, the National Planning Council of the GOC Executive Branch, or some other body should sponsor quarterly meetings for all the information management personnel of the justice sector. (V.D.3.d.(2))

The team recommends continued JSRP support for the Public Defenders to develop their management information system and to provide additional training. (V.E.1)

A revised project description should record GOC commitment to provide adequate budget for firm institutionalization of the Personería's reforms. (V.E.2)

Now that the program of supervision and other guidance for Public Ministry Agents has proven its worth in economic as well as less tangible terms, the GOC should assume its full cost beyond 1995 without further support from the JSRP. (V.E.3)

If the Casa de Justicia concept proves its worth, it should be considered for further JSRP financing. (V.E.4)

The team recommends that the JSRP be used to develop and institutionalize sustainable measures for polling public opinion, through collaboration between the justice system, possibly through the MOJ, and the private sector, particularly the media. (V.E.5)

The team recommends that USAID and FES jointly consider the nature of GOC counterpart contribution monitoring required under current circumstances and adapt their procedures accordingly. (VI.A.1.b)

The FES should continue providing the excellent leadership it always has with regard to project development. As the project emphasis shifts to implementation, however, the team suggests that another person needs to be added to FES management team to strengthen its performance in that area. This person should have the ability and time to supervise overall program implementation particularly management of procurement, tracking executing agency performance, and achievement of the strategic objectives through key outputs, together with relevant indicators. (VI.A.4.a)

Clearer guidelines should state when FES staff must confer with USAID prior to taking action, and who the points of contact within USAID should be. The same types of guidelines should be established for actions within FES. (VI.A.4.a)

The team recommends that FES add a filing classification automation module for automated filing within FES. (VI.A.4.b)

The team recommends that the USAID Contracts Office clarify ambiguities and resolve the overhead issue with FES. (VI.A.4.c.)

The team strongly recommends that USAID and FES address communication issues in a joint retreat to consider how they will work together in the remaining two and one half years of the project. In addition to team building and promoting better mutual USAID/FES understanding of respective institutional cultures, such retreat should clarify common goals in JSRP development and develop common working guidelines regarding information systems and procurement as has been done successfully in the area of participant training. The FES Vice President for Social Programs should participate in this meeting and any agreements reached should be committed to writing. (VI.A.5)

USAID should consider whether it is still necessary and worthwhile to require IRM approvals for computer installations in a country and city with local access to such relatively high levels of computer experience and expertise as Colombia and Bogotá, including, among others, the information specialists at FES and the justice sector institutions. (VI.B)

USAID should consider amending the project authorization to include Colombia as an eligible source and origin country for JSRP over the life of the project, and, if not for origin, at least for source. (VI.B)

Contradiction in USAID Regional Contract Office procurement guidance should be promptly resolved so that USAID/Colombia can effectively support JSRP activities. (VI.B)

The team recommends that USAID/Colombia consider whether additional measures should be taken, including continuance of staff/consultant services, and/or adoption of a more proactive posture, in working with FES to anticipate the requirements of the larger, more important procurement transactions still pending under the program, particularly the major computer procurement for the Fiscalía. (VI.B)

The team endorses the view of many JSRP participants that the time has now come to define a more specific project description to be incorporated into a revised Annex 2 of the Project Agreement. (VII.A)

Relative to program substance, the team recommends that remaining project resources be focused principally on the Fiscalía. The Public Ministry should continue to receive a modest level of support for (1) its important role as the watchdog of the justice system to detect and investigate corruption, abuse of human rights and other flaws in the justice system; and (2) the further institutionalization of the Public Defenders' legal counsel to indigent defendants because of its importance to the fairness of the justice system. For the courts, in addition to "computerization" and to enhance the impact thereof, USAID/FES should continue to encourage and support measures to improve case processing efficiency, particularly by the institutionalization of professional court management. For the Ministry of Justice the team recommends continued modest support for sector planning and further improvement of computerized management information systems in support of sector planning. The team recommends that the remaining project funds be fully programmed now according to the priorities indicated above. However, it would be useful to reserve a small portion of the project funds for flexible response to requirements for relevant feasibility studies, research and analysis. (VII.A)

USAID and the GOC should consider negotiating an amendment to the cooperative agreement with FES to clarify objectives and management arrangements between the parties. (VII.B)

The team suggests that FES work with the Fiscalía on establishing criteria/indicators for quality and then, if and as experience warrants, help establish similar quality control boards in the other institutions. (VII.C)

The team suggests that, in choice of indicators, more attention be given to context, and to quality as well as quantity, of performance. (VII.C)

The Executive Committee should review the results of Ministry of Justice's study of the Regional Courts. If the Regional Courts are to continue, and it is determined that JSRP should provide continued support, the Executive Committee should consider the due process issues, and how to minimize the impairment of defendant's rights consistent with essential protection of judges, prosecutors and witnesses. (VII.D)

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ANNEX 1

SCOPE OF WORK

ARTICLE I - TITLE

Justice Sector Reform Project (Project Number 514-9002) evaluation.

ARTICLE II - BACKGROUND

The strategic objectives of the JSRP will be achieved through the provision of technical assistance, training, commodities and related support to judicial sector institutions. The five inter-linked and mutually supportive project outputs which are expected to lead to accomplishment of the strategic objectives are:

- 1) improved effectiveness of the investigative function;
- 2) improved effectiveness of the prosecutorial function;
- 3) improved effectiveness in the operation and administration of the court system;
- 4) improved access, fairness and public perception of the judicial system; and
- 5) improved capabilities of the overall justice system in sector planning, judicial information systems, judicial security, judicial research and other selected areas.

The purpose of the evaluation being procured under this delivery order is to assess the performance of the implementing agencies in achieving the objectives of the Joint Sector Reform Project. This assessment shall give an objective, in-depth review and quantitative presentation of the agencies' progress in meeting the goals of the program.

ARTICLE III - OBJECTIVE

The specific objectives of this mid-term evaluation are (a) to assess progress towards the achievement of the strategic objective and project purpose and of the project outputs 1 through 5 identified above; (b) to assess the feasibility of continued pilot projects and/or application of pilot activities (or phased sub-projects) as national models for reform; (c) to make recommendations as to how project implementations and/or the project strategy may be improved; and (d) to assess the quality and effectiveness of all inputs including technical assistance, training, commodities and other

The evaluation will

(a) Assess progress towards the achievement of the Project objective and purpose and the five outputs identified above by addressing the following five basic questions- How well has the project contributed and how might it better contribute to -

- 1) the effectiveness of the investigative function within the Colombian criminal justice system?
- 2) the effectiveness of the prosecutorial function within the Colombian criminal justice system?
- 3) the effectiveness of the operation and administration of the court system especially within the Colombian criminal justice system?
- 4) the access, fairness and public perception of the judicial system, particularly of the criminal justice system?
- 5) the capabilities of the overall justice system in sector planning, judicial information systems, judicial security and other selected areas, such as monitoring and evaluation ?

(b) Examine the measurement indicators the JSRP management is using, which are presented in the Appendix C of this scope of work, to track performance of the project's strategic objective and outputs, and comment on their relevance, reliability and practicality of use (i.e., how easy is it to collect and analyze the data), consistency and clarity of their definitions, especially as they are used by the different agencies involved in implementation of the JSRP.

(c) Evaluate and comment on the overall adequacy, timeliness and accuracy of management monitoring and reporting within the Project itself, the United States Government (USG) and the Government of Colombia (GOC).

(d) Whether or not there is sufficient agreement, understanding, and coordination among the various implementing agencies - i.e. USAID/Columbia, the Foundation for Higher Education (FES), ICITAP, GOC Minister of Justice - with respect to the overall objectives of the Project. Whether or not there are improvements required in the coordination of activities, including the operations of the Executive Committee and the Technical Committee and the interaction between the two.

(e) Evaluate the impact, to date, and potential of the sector wide sub-projects funded by FES to determine whether or not they are effectively contributing to

improved capabilities of the overall justice system in sector planning, judicial information systems, judicial security and any other selected areas.

- (f) Determine the effectiveness of the strategy of implementing "pilot sub-projects" and advise whether or not the strategy should be continued, modified or discontinued and why. Have the pilot sub-projects produced "measurable" change? Is adequate measurement being made of comparable costs to assist replication decisions? Is there evidence of the political and economic will necessary to replicate and sustain successful pilots? Develop recommendations related to improving or replacing the pilot sub-project approach.
- (g) Determine the extent to which sub-projects, pilot (phased) sub-projects and other activities which have contributed to achievement of the strategic objective and purpose (i.e. have the desired impact). How best can this contribution be measured objectively? Are there lessons that can be transferred to other sub-projects or activities?
- (h) Identify and analyze the major implementation problems with respect to the design and execution of the Project and make specific recommendations for their resolution. Specifically, what are the management/work load implications of the large number of sub-projects which the JSRP is currently supporting?
- (i) Evaluate how well the FES General Coordination team - in cooperation with USAID/Colombia - has supported JSRP implementation and make recommendations for improvement. Comment on the staffing of FES, ICITAP, and USAID/Colombia relative to their individual Project responsibilities.
- (j) Evaluate each of the project inputs, especially training by ICITAP and by the University of Puerto Rico, to determine the impact and potential sustainability of each significant intervention. Evaluate all Counterpart contributions in terms of relevance, compliance with the Agreement, impact, and timeliness. Comment on Counterpart reporting/information systems. Review the proposed allocation of remaining funds in the pipeline of the original \$36,000,000 and make recommendations as to whether or not funds should be moved between the line items of the Project budget (i.e. between Training and Commodities) and why.
- (k) Ascertain whether or not there is a clear need for additional funding of this Project above the \$36,000,000 level and, if so, explain why, how much and in what specific areas of intervention.

METHODS AND PROCEDURES

In general, the present evaluation should be made using appropriate rapid, low-cost methods. According to the nature of the questions established above, the

following methods are suggested for use in the evaluation

1) Key informant interviews

Initially, the evaluation team should interview the Project Managers and Coordinators in USAID, ICITAP and FES; the Judicial Attache in the Embassy; and the Technical Coordinators and/or sub-project managers of the most critical JSRP sub-projects being implemented in the four participating institutions. Additionally, special interviews should be conducted with key officers of those institutions, with emphasis in the administrative, and information system areas.

2) Focus group interviews

The evaluation team should conduct special group interviews with active judges, prosecutors, public defenders, investigators, and others as identified by the team, who have participated in training and/or received technical assistance through the JSRP. Of particular interest would be to interview judges and prosecutors from the Regional Jurisdictions, with emphasis in Bogotá, and other selected investigative and forensic personnel trained by ICITAP.

3) Direct Observation

The evaluation team should go to the places where the most critical JSRP sub-projects are being implemented in the four participating institutions. As explained below, an initial activity of the evaluation will be to define with USAID, FES, and ICITAP which sub-projects are "critical". Mostly, for security reasons the visits will be conducted in Bogotá. However, members of the evaluation team may need to go to Barranquilla and eventually to another small size city in the country where JSRP resources are being expended. Travel to Medellín and Cali is currently prohibited for American personnel, but this restriction may be eased by the time of the evaluation.

4) Informal surveys

If necessary, the evaluation team will conduct informal surveys and collect performance data in order to answer the questions stated in the statement of work which may require quantitative answers. For any questions requiring a numerical answer, USAID\Colombia and FES, with the support of ICITAP, have developed the impact and performance indicators, presented in the Appendix C of this scope of work, which the evaluation team will need to review.

SPECIFIC TASKS

Based upon the above "Statement of Work", the evaluation will include the following tasks:

- 1- Review all appropriate Project documentation including, but not limited to, the Project Paper, as amended, Project Agreement, as amended, Project Implementation & Operational Letters, Action Plans and budgets of implementing entities, Project Monitoring & Evaluation Plan, the Cooperative Agreement with FES, as amended, the FES Procurement Plan, the PASA with OPDAT, Section 632A Agreement with ICITAP, Minutes of the Executive & Technical Committees, sub-project documentation, and general correspondence files.
- 2- Advise the USAID M&E Officer of any additional documentation or information needs, proposed research strategy, methods, and a specific timetable for the evaluation.
- 3- Identify the major issues to be covered in the key informant interviews
- 4- Prepare an interview guide for the interviews
- 5- Prepare an interview guide for use in the focus group interviews
- 6- Identify the various categories of key informants to be interviewed. Some possibilities suggested are: judges, prosecutors, investigators, well-known and respected defense attorneys, Attorney General, Prosecutor General, Defensor del Pueblo, Ministry of Justice personnel, U. S. Embassy personnel (especially the JUDATT, the USAID Representative, and other members of the AOJ Committee), and the current and prior members of both the Executive and Technical Committees as well as investigative and forensic personnel and persons involved with the Project in USAID, FES and the Embassy, especially the Judicial Attache.
- 7- Conduct at least five (5) focus group interviews. Write a summary of the group discussions for the five focus groups.
- 8- Conduct at least 15 to 20 key informant interviews on the basis of the interview guide. Write a summary of each interview conducted with a key informant, highlighting the issues covered, information and ideas provided, and the recommendations made.
- 9- Make observational visits as required. Write a summary of each one of the direct observation visits conducted, highlighting major observations, conclusions, and recommendations.
- 10- Write a summary of the survey results clearly indicating conclusions and recommendations.
- 11- Prepare a final report and other items as described under "IX Reporting Requirements" below.

ANNEX 2

LIST OF PERSONS INTERVIEWED

Government of Colombia

Court System

Dr. Bonavento, President of Consejo Superior
Dr. Gallego, President of Sala Administrativa
Dr. Jaramillo, President of the Supreme Court
Hernando Torres, Director of Planning/Institutional Coordinator
Ana Milena Cerón, Regional Judge
Luz Elena Montoya, Judge, Itagui

Ministry of Justice

José Tobías Betancur, Planning Director
Elsa Barón de Rayo, Director Law School
Claudia Cáceres, Information Officer
Aidemar Zanohoria

Fiscalía

Alfonso Valdivieso, Prosecutor General
Adolfo Salamanca, Vice Prosecutor General
Armando Sarmiento, National Director
Juan Carlos Cortes, Secretary General of the Fiscalía
María Cristina de Brigard, Adviser to Prosecutor General
Gabriel Silgado, Office of Planning
Jaime Granados, Training Coordinator
Hernan Gonzalo Jiménez, Director of CTI
Ana María Berenguer, Medicina Legal
Nestor Romero, Information Officer
Luis Fernando Orozco, Chief of the Terrorism Unit
Dr. Miguel Muñoz, Coordinator Regional Fiscalía
Joaquín Oramas, Coordinator Sectional Fiscalía
Carlos Guillermo Castro, Director, Bogotá Regional Fiscalía
Magda Rocío Moreno, Bogotá Regional Fiscalía (Decongestion Project)
Diran Blanco Julieta García, Chief, Regional Anti-Narcotics Unit, Bogotá Regional
Fiscalía
Capitán Arit Danilo Walteros, Head of the Police, Bogotá Regional Fiscalía's Anti-
Narcotics Unit
Eduardo Moreno Moreno, Chief, Kidnapping and Extortion Unit, Bogotá Regional
Fiscalía
Victor Marmolejo, Coordinator Cali Sectional
José Dimas Quevedo
Ernesto Cortes

Public Ministry

Alejandro Valencia Villega, General Director
Arelly Caro Fernández, JSRP Coordinator for Public Ministry
Olga Samper, Director Personería Office
Juan Carlos Henao, Director of Agentes
Miriam Avila Roldan, National Director of Judicial Proceedings
Alonso Bayona, National Director of Public Defenders
Jaime Córdoba Trivino, Public Defenders
Gorman Gongora, Public Defender Office

Administrative Security Department (DAS)

National Planning Directorate

Camilo Granada, Chief of Justice and Security Unit
Mauricio Londono, Chief of Justice Division

Other GOC Officials

Sonia Margarita Urueña, Director Security Fund
Rosario Penaloso, Director of JURISCOL
Dr. Jairo Medina, Office of Special Investigations
Ciro Amado, Investigator, Office of Special Investigations

FES

Oscar Rojas, Vice President
Adela Morales de Look, Director of Social Progress
Eduardo Aldana, General Coordinator, PMAJ
Cesar A. Solanilla, Assistant Coordinator, JSRP
María del Pilar Caicedo, Coordinator for Fiscalía
David Soto Uribe, Coordinator for Ministry of Justice
Annette Pearson de Gonzáles, Evaluation and Monitoring Coordinator
Beatriz Silva, Training Coordinator, PMAJ
Jorge Enrique Mejía, Administration
Juan Pablo Galeano, Legal Adviser
Luis Ernesto Salinas, Information Systems Specialist
José Quevedo

Other Colombians

Jaime Giraldo Angel, Director of SER Research Institute

United States Government

State Department

Fay Armstrong, Legal Adviser
Ann Wells, Colombia Desk Officer

Embassy/Colombia

Myles Frechette, Ambassador to Colombia
John Craig, DCM
Ana María Salazar, Legal Adviser
Armand Lara, Legal Attache

USAID/Washington

Norma Jean Parker, AA/LAC
Charles Costello, Global Bureau
Debra McFarland, Global Bureau (DI)
Paul Vakey, LAC/Democracy
John Schneider, LAC/SAM

USAID/Colombia

Lars Klassen, USAID/Colombia Representative
John Jones, USAID/Colombia Deputy Representative
Tom Bebout, USAID/Colombia Financial Management Advisor
Luis Alfonso Roa, USAID/Colombia Management Evaluation Officer
María Eugenia Valencia, USAID/Colombia Project Assistant
F. Mendoza, USAID Finance/Colombia
Monica Smiley, USAID/Colombia Project Management Assistant
Isabel García, USAID/Colombia Secretary
Allen Eisenberg, RCO/Quito

ICITAP

Bruce Hintz, ICITAP/Washington
Patricia Hock, ICITAP/Washington
Carl Rishein, ICITAP Representative

OPDAT

Tom Schrupp, Director OPDAT
Jorge Ríos-Torres, Attorney OPDAT

Focus Groups

Group of Fiscalía Headquarters Staff, including sectional prosecutors and CTI investigators
Prosecutors of the Bogotá Regional Fiscalía (about 15)
Two groups at the Medicina Legal (about 5 people each)
Information System personnel - Public Ministry
Conciliators at Bogotá (about 18)
Prosecutors at the Cali Regional Fiscalía (about 15)
Prosecutors at the Cali Sectional Fiscalía (about 10)
Conciliators at Cali (about 10)
Public defenders (about 15)
Investigators and other personnel of the Fiscalía (about 25)
Prosecutors at Medellín Regional Fiscalía
Prosecutors at Medellín Sectional Fiscalía
Casa de Justicia staff in Aguablanca
DAS investigators
National Police investigators

Discussion Group

PMAJ Technical Committee

Telephone Surveys

FES/AID program trainees
ICITAP program trainees

Site Visits

Regional Narcotics Unit
Medicina Legal
DAS Academy
DAS Laboratory Facilities
Colombian Casas de Justicia
Fiscalía School
Itagui Court facility

ANNEX 3

LIST OF DOCUMENTS REFERRED TO DURING EVALUATION

Advisory Team for Public Ministry Agents; Final Report; November 1994.

Arthur Anderson; Fundación Para la Educación Superior; FES Cálculo De La Tasa De Costos Indirectos (Overhead) Programa Para el Mejoramiento De La Administración, de Justicia En Colombia Por El Año Terminado el 31 de Diciembre de 1992; 1994.

Binder, Alberto M.; Perspectives of the Penal Reform Process in Latin America.

Comité Técnico, Minutes of Meetings, 1992-94.

Comité Ejecutivo, Minutes of Meetings, 1992-94

Consejo Superior De La Judicatura Sala Plena; Plan de Desarrollo De La Justicia: 1995-1998; November 1994

Consejo Superior De La Judicatura; Estudio De Duración De Procesos En Los Juzgados Regionales; Noviembre 1994.

Constitución Política de la República de Colombia, 1991.

Cooperative Grant Agreement between USAID and FES, with amendments 1 and 2.

Diario Oficial; Poder Público — Rama Legislativa Nacional; Modificaciones Al Código De Procedimiento Penal Ley 81 de 1993; Noviembre 2

Díaz, Angel M.; Colombia Justice Sector Reform Program, Project Procurement Process; November 1993

FES, Personnel Records

FES, Quarterly Reports of Program for the Modernization of the Administration of Justice; 1992 through 1994

FES, Annual Report 1993

Fiscalía General de la Nación, Programa Para la Modernización De La Administración De Justicia FES-AID, Proyecto De Descongestión

Fiscalía General de la Nación FES-AID; Programa De Descongestión Seccional De Fiscalías De Santa Fe De Bogotá

Fiscalía General de la Nación, Plan General de Desarrollo, 1995-1998.

Focus Group Transcripts

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Proyecto: Tesoros Constitucional y otros
Proyecto Apoyo para la Puesta en Marcha del Programa JURISCOL, June 12 1993
Proyecto Banco de Datos en Derecho Penal
Proyecto del Sistema de Información, Prevención y Conciliación
Proyecto Sistema del Fondo de Seguridad
Proyecto Thesaurus Criminal
Proyecto Dirección General de Fiscalía
Proyecto Sistema Integrado de Gestión Administrativa SIGA
Proyecto Sistematización de la Fiscalía General de la Nación
Proyecto de Sistematización de la Fiscalía General de la Nación, 25 October 1994
Proyecto de Desarrollo Informativo de la Procuraduría
Sistema de Información Administrativo y Financiero para la Procuraduría
Proyecto de la Oficina de Investigaciones Especiales
Proyecto de Sistematización de la Defensoría del Pueblo
Sistematización de la Corte Suprema de Justicia

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¹ For each project, the following documents:

Project
Executive Committee Act
Technical Committee Act
Diagnosis
Bases de licitación
Requerimientos de la licitación
Ofertas
Calificación de ofertas
Contrato con proveedor
Correspondencia
Informes de avance del proyecto
Acta de entrega a la institución
Informes y comunicaciones del IRM

ANNEX 4

SUMMARY REPORTS OF FOCUS GROUPS AND SITE VISITS

A. FOCUS GROUPS

All focus groups, upon which the report was substantially based, have been summarized within the text.

B. OBSERVATIONAL VISITS

All but the Medellin, Cali and Itagui trips have been summarized within the text. The Casa de Justicia observation in Cali is also summarized within the report itself. Brief reports of visits to the regional and sectional Fiscalía and the Regional Court of Cali and the sectional court of Itagui are set out below:

Cali: Regional Fiscalía

The team saw very little of the Regional Fiscalía of Cali. We passed through a security point and entered a large, open hall where we waited for our appointment. What caught our attention the most was the heat. Despite efforts to cool the room, the team was very uncomfortable. We also noticed that, like the other Fiscalía units we observed, the Cali unit was dim, old and run down; efforts were being made to expand use of available space, and the structure did not appear to be as dangerous as other units are. There were no conference rooms available, and our meeting took place in a hallway with people constantly passing.

Cali: Regional Court

The team saw even less of the space utilized by the regional judges. We saw the office of one judge and were astonished by how small, cramped, ill-equipped and hot it was. To bring in a second chair for one team member, everyone had to leave the office; there was barely space for the person carrying the chair. For three people to enter the room it was necessary to proceed single file. Once in, there was no room in which to move without knocking one of the other two occupants. We held our meeting with the judge in a restaurant to escape the heat and the close quarters.

Cali: Sectional Fiscalía

The sectional fiscalía of Cali had the same dim quarters as the other two agencies, but it, at least, had a nice room for group meetings. They lacked computers, files and other requisite equipment. All three were without the necessary elements to do their job well.

Itagui: Court Administration Pilot Project

A representative of the team visited the Itagui court facilities in January 1995, to assess the current status of the court reform project there. This project began as an initiative of the private sector of Itagui, an industrial suburb of Medellin, because of deficiency of local justice administration. Support was mobilized from the municipal mayor's office, the Supreme Court and USAID funds managed by FES before the 1992 start of the JSRP.

The judicial offices were allowed to be independent. A study on the logical handling of documents and proceedings was carried out by a local university and a shared secretarial unit was created to handle the

administrative process of the courts in messenger duties, reception and filing of documents, judicial assignment, service to the public, notifications, history and statistics. The case management program used is SIGA, also used by the regional prosecutors.

This information system model dates back to 1991 and was created as a single user system, which has proven difficult to convert into a multiuser system, because of which it should be redesigned for use with multiuser software. The Itagui model can be replicated as to its organizational structure, but as an information system model it is already four years old and information systems technology changes rapidly.

This pilot project has now been in operation for five years without further help from private sources and with little support from the CSJ, even though for that reason it has not been updated.

This project has been visited and considered as a potential model by members of the Venezuelan and Argentine justice administration sectors. However, whether because of ignorance, pride or lack of political will on the part of the Consejo Superior (CSJ), the Itagui model has not been replicated in full anywhere else in Colombia. It has, however, served as a model to some degree since the regional and sectional fiscalías are similarly organized for the use of a common secretariat responsible for administrative functions, such as notifications and consultations, as well as routine typing and filing, and use the same SIGA case management program.

Also, as a project, it is a model which has been followed in the JSRP with respect to the role performed by FES, the program of the regional fiscalías, the policy of project evaluation and use of performance agreements.