



**USAID**  
FROM THE AMERICAN PEOPLE

# JUSTICE PROJECT ANNUAL REPORT

**ANNUAL REPORT: JULY 2008 – SEPTEMBER 2009**

**OCTOBER 2009**

This publication was produced for review by the United States Agency for International Development (USAID) and prepared by DAI.

# JUSTICE PROJECT ANNUAL REPORT

**ANNUAL REPORT: JULY 2008 – SEPTEMBER 2009**

<b>Program Name:</b>	<b>USAID Justice Project</b>
<b>Sponsoring USAID Office:</b>	<b>USAID/Dominican Republic</b>
<b>Contract Number:</b>	<b>DFD-I-07-05-00220-00/07</b>
<b>Contractor:</b>	<b>DAI</b>
<b>Date of Publication:</b>	<b>October 2009</b>
<b>Authors:</b>	<b>Josefina Coutiño, Rosalía Sosa, Martha Contreras</b>

The views expressed in this publication do not necessarily reflect those of USAID or the United States Government.

# TABLE OF CONTENTS

TABLE OF CONTENTS .....	III
BACKGROUND .....	IV
ABBREVIATIONS.....	V
EXECUTIVE SUMMARY.....	1
<b>ISSUES PENDING FROM PREVIOUS REPORT .....</b>	<b>4</b>
<b>NEW ISSUES IDENTIFIED .....</b>	<b>5</b>
Context.....	5
<b>RESULT AREA 1 .....</b>	<b>6</b>
<b>TECHNICAL AND MANAGERIAL CAPABILITIES OF SELECT INSTITUTIONS OF THE JUSTICE SECTOR IMPROVED .....</b>	<b>6</b>
<b>RESULT AREA 2 .....</b>	<b>18</b>
<b>MECHANISMS FOR THE INTERNAL AND EXTERNAL SUPERVISION OF JUSTICE SECTOR REFORM AND OPERATIONS ESTABLISHED AND STRENGTHENED .....</b>	<b>18</b>
ACTIVITY 1: DEVELOP INTERNAL AUDITING CAPABILITIES .....	18
ACTIVITY 2: DESIGN AND IMPLEMENT AN OFFICE OF ACCESS TO PUBLIC INFORMATION .....	19
ACTIVITY 3: EXPANSION OF SYSTEMS OF INSTITUTIONAL INTEGRITY.....	19
<b>RESULT AREA 3 .....</b>	<b>22</b>
<b>INSTITUTIONS AND PROCEDURES SUPPORTING THE INDEPENDENCE AND IMPARTIALITY OF THE JUSTICE SECTOR STRENGTHENED.....</b>	<b>22</b>
ACTIVITY 1: USE OF STUDY TOURS TO OBSERVE IMPARTIAL JUDICIARIES AND DISTRICT ATTORNEYS OFFICES .....	22
ACTIVITY 2: IMPROVEMENTS IN MERIT-BASED SELECTION, PERFORMANCE EVALUATION, PROMOTION AND OTHER ASPECTS INVOLVING THE MANAGEMENT OF JUSTICE SECTOR ACTORS.....	22
ACTIVITY 2: INDEPENDENT NATIONAL PUBLIC DEFENDERS OFFICE .....	22
<b>INDICATORS .....</b>	<b>23</b>
<b>INDICATOR SUMMARY TABLE – JANUARY TO JUNE 2009 .....</b>	<b>27</b>
<b>GRANT UNDER CONTRACT .....</b>	<b>28</b>
<b>FINANCE .....</b>	<b>ERROR! BOOKMARK NOT DEFINED.</b>
Financial ACTIVITIES ..	<b>Error! Bookmark not defined.</b>
PIPELINE .....	<b>Error! Bookmark not defined.</b>

# BACKGROUND

This is the 1<sup>st</sup> Annual Report and serves as the 5<sup>th</sup> mandatory Justice Project quarterly report, as provided for in contract No. DFD-I-07-05-00220-00/07 signed by USAID/DR and DAI, which in turn is based on a contract entered into by the government of the Dominican Republic and the government of the United States.

This report covers the period from July 1, 2008 through September 30, 2009, and addresses all of the primary justice sector institutions.

# ABBREVIATIONS

CARMJ	Commission for the Support of Justice Reform and Modernization
CARMJ-UA	CARMJ Analysis Unit
CONAEJ	Commission for Implementation of the Criminal Procedures Code
CPP	Criminal Procedures Code
DAI	Development Alternatives, Inc.
DGCJ	Directorate General of Judicial Careers
DGH	Directorate of Human Resources (PGR)
ENJ	National Judicial School
ENMP	National School of the Attorney General (National Prosecutorial School)
INACIF	National Institute of Forensic Science
MCI	Bureaus of Inter-Agency Coordination
OJSAP	Office of Customer Service for Judicial Services
ONDP	National Office of the Public Defender
PGR	Attorney General of the Republic (Public Ministry)
PC	Participación Ciudadana (NGO)
PJ	Judiciary (Judicial Branch)
PMP	Performance Monitoring Plan
The Project	Justice Project
SCJ	Supreme Court
SII	Institutional Integrity System
SIS	Sectoral Integrity System
USAID/DR	United States Agency for International Development/Dominican Republic

# EXECUTIVE SUMMARY

Covering a period of 15 months between July 2008 and September 2009, this report provides a summary of the first year of activities of the USAID Justice Project.

The Project's primary objective is to respond to the USAID global strategy for increasing the effectiveness, transparency and impartiality of justice sector institutions by providing a broad spectrum of support and technical assistance to activities being implemented in USAID's four principal Result Areas: a) increased technical and management capacity of select justice sector institutions to prosecute critical cases; b) established and strengthened mechanisms for internal and external supervision of justice sector reforms and operations; c) strengthening of institutions and procedures that support justice sector independence and impartiality strengthened; and d) development and strengthening of justice sector capacity to coordinate and manage reform efforts and improve operations.

To obtain these results, an Annual Action Plan was developed on a participative basis by all justice sector counterpart entities, including prior coordination with other donor agencies in order to avoid a duplication of efforts in the implementation of similar projects.

Once the Work Plan planning and approval stage had concluded, the Justice Project proceeded to focus on implementing well-defined activities, with all work being carried out with the active participation and creativity of representatives from the Judiciary, the Office of the Attorney General, the National Office of the Public Defender and the Commission for the Support of Justice Reform and Modernization.

The overall implementation of Work Plan activities focused on strengthening the capabilities and coordination of justice sector institutions in their implementation of the Criminal Procedures Code – which in recent years has been the area receiving the greatest amount of attention and support from USAID – as well as on strengthening the development and consolidation of the justice sector's Institutional Integrity System (SII in Spanish).

Thus, of the total activities planned for the Year 1, approximately 98% were implemented, with the activity involving creation of the Justice Sector Mixed Commission pushed back for implementation in Year 2 of the Project, with the hope that political conditions will improve.

The year's most significant progress and achievements include the following:

## **A. Strategic planning:**

- a) **PGR:** Strategic plans were developed for the Office of the District Attorney for the National District, the National Prosecutorial School and the National Directorate of the Public Ministry were developed.
- b) **CARMJ:** The appropriate strategic plan was designed and developed jointly with key members of the staff of the Commission for the Support of Justice Reform and Modernization.
- c) **ONDP:** The 2009-2013 Strategic Plan that was prepared for the National Office of the Public Defender was based in part on the results of the National Public Defender's Conference, in which 120 national-level public defenders and 12 key staff of the ONDP participated. The objective of the Conference was to identify operational dysfunctions and develop strategies for improvement.

**B. Management models:**

1. **Management Model for Prosecutors:** A very significant activity for moving forward with the Management Model for Prosecutors was the provision of technical assistance for designing the operations of urban or large-sized District Attorneys Offices located in the Judicial District of Santiago, the National District and Santo Domingo Province.
2. **Management Model for Criminal Courts:** Expansion of the model for managing the Judicial District of Santiago is one contribution made by the USAID Justice Project that is of considerable importance to the Judiciary, inasmuch as it makes it possible, through the institutional program, to continue to extend the standardized operation of Criminal Courts to all areas of the country. With the inauguration of the Judicial District of Santiago de los Caballeros, the Judiciary now has in operation four Judicial Districts applying the same management model, with Santiago de los Caballeros being the third Judicial District<sup>1</sup> established with the direct support of USAID.
3. **Management Model for the Office of the Public Defender:** During this period, two Public Defenders Offices were opened in the Judicial Districts of Juan Sánchez Ramírez (Cotuí) and Espaillat (Moca), thus making it possible to so far extend public defender services to a total of 20 Judicial Districts.
4. **ONDP transition process:** The Project assisted the ONDP in designing strategies for transitioning from an institution attached to the Supreme Court to a fully autonomous entity. By virtue of its newly acquired autonomy, the ONDP will now come out from under the tutelage of the Office of the President of the SCJ, fully exposed to the political swings of Congress. Accordingly, aided by technical assistance provided by expert consultant Álvaro Ferrándino, the ONDP identified strategies aimed at ensuring the least possible negative impact on the provision of this valuable service.
5. **Model for Inter-Agency Coordination:** The design and implementation of the Model for Inter-Agency Coordination was made possible by the establishment of Bureaus of Inter-Agency Coordination (*Mesas de Coordinación Interinstitucional*, or MCI) in the Judicial Districts of Santiago de los Caballeros, La Vega and San Francisco de Macorís, thus facilitating a proactive environment in which, by virtue of communication and interaction among judges, prosecutors, public defenders and administrative staff, implementation of the Criminal Procedures Code can be strengthened. This model helps to transform the culture of “work in isolation” into a team-based vision, while still respecting the particular functional idiosyncrasies of each member institution. During this period, a total of 40 work sessions were held, making it possible to sign and implement nine project agreements and/or profiles and to provide training to 385 individuals on topics identified as priority by MCI members.

The operationalization of the MCIs is an important step forward in the implementation of the management models for the three institutions making up the Dominican justice sector, as set forth in the Inter-Agency Cooperation Agreement signed by the Supreme Court, the Attorney General, the National Police Force and the National Office of the Public Defender on August 9, 2006, during the USAID Justice and Governance Project. That Agreement

---

<sup>1</sup> The Judicial Districts of La Vega, Moca and Santiago were established with support from USAID, while the Judicial District of Santo Domingo Province was established using the Judiciary’s own funds.

establishes sectoral policies for coordination, information sharing and interconnectivity among the institutions of the sector; determines the technical orientation of the work to be carried out by the MCIs; and sets forth guidelines for the proposed interconnection of the *Justicia XXI* and *Supremo Plus* case management systems.

Another significant result emanating from the establishment of the MCIs is the change in attitude of the various actors participating in the monthly or bimonthly coordinating meetings convened to strengthen the proper application of the Criminal Procedures Code. When the meetings were first set up, these actors viewed themselves as mutually conflicting; today, however, they see themselves as co-workers brought together by common goals and with the strictest respect for their respective duties.

- C. **National Prosecutorial School:** To complement the strengthening of the ENMP, the Project contracted with two international consultants for the provision of technical assistance: Dr. Humberto Insfran, an expert in designing methodologies for detecting institutional training needs and systems for evaluating training impact, and Dr. Félix Fumero Pugliesi, an expert with broad experience in reviewing training program content and in providing training to district attorneys. The contribution of these two experts was deemed by ENMP management to be of importance for the current process of strengthening this specialized training organization.

Also, in support of ENMP institutional strengthening, the Project contracted with international consultant Dr. Jorge Chavarría for the provision of technical assistance. Dr. Chavarría has extensive experience in training prosecuting attorneys in the areas of criminal policy, criminal law and criminal procedure law. Dr. Chavarría continued to provide training to trainers in Management Models II, to the benefit of 88 prosecutors from the Extraordinary Training Program.

- D. **National Judicial School:** In support of the institutional strengthening of the National Judicial School (ENJ), Esther Hierro, a consultant with extensive experience in the design of simple adult training methodologies, was contracted to provide technical assistance. Ms. Hierro assisted in the design of the workshops conducted by the ENJ. Five workshops were held on the topics of Knowledge of the ENJ: Criminal Process and SII, for 11 new candidates for the position of Justice of the Peace (group II, graduating class of 2009: 3 men and 7 women) and 18 candidates for the position of Public Defender (9 men and 9 women). It is important to note that ENJ's strategy is to replicate the workshops for participation by all new judges and public defenders, as well as by candidates for positions such as social worker and paralegal and by ENJ administrative employees.
- E. **Institutional Integrity System:** The Institutional Integrity System (SII in Spanish) is considered by the Judiciary to be the key element for consolidating the process of institutional reform and modernization, as indicated in a full session of the Supreme Court in the latter's resolution No. 2006-2009 dated July 30, 2009, by means of which the Court approved all documents involved in the operationalization of the SII, with particular emphasis on approval of the Code of Ethics. In addition, the Justice Project provided support for the design and development of the SII dissemination program, with the implementation, as of the date of this report, of 137

workshops for 3,462 judicial public servants (2,123 women and 1,329 men)<sup>2</sup>. These summits conducted an in-depth exploration of the content of the Regulations governing the Judicial Administrative Career, which lay out institutional principles and ethical values. These judicial public servants have signed a letter in which they indicate their awareness of, and commitment to, the institution's policy of integrity. That letter is then attached to their personnel file.

- F. **Sectoral Integrity System:** The cross-cutting strategy for implementing the activities covered by the USAID Justice Project requires the promotion of a sectoral view of justice. Accordingly, six workshops were held – with the participation of 189 individuals – to provide an understanding of the Sectoral Integrity System (SIS in Spanish) in the context of the Bureaus of Inter-Agency Coordination (MCI) established in the Judicial Districts of Santiago de los Caballeros, La Vega, and San Francisco de Macorís. These summits promoted participant understanding of the importance of a cultural change toward the dispensing of justice focused on the user as the ultimate beneficiary, where judges, prosecutors, defense attorneys and administrative personnel see themselves as members of a team sharing a common goal.
- G. **Merit System:** An in-depth understanding of both the SII and the SIS involves the full development of all of their individual components (governing regulations, organizational culture, system of consequences, merits and discipline). The merit system is a positive, human approach that encourages institutions to promote among judicial public servants a spirit of belonging to the institutions of the sector. During this period, the project recorded progress toward the design and formulation of a proposal for a sectoral system of recognition and merits which, once approved, will be ready for implementation.
- H. **Supervisory Mechanisms:** Other significant components of the SII include its internal supervision and discipline mechanisms. In this regard, technical assistance was provided to the Customer Service Departments of the National Public Defenders Office and the Judiciary's Judicial Inspectorate, with training provided in the areas of Investigative Techniques and Processing of Disciplinary Cases to 11 individuals (7 men and 4 women), all of whom were members of the two above-mentioned institutions (3 representatives of the ONDP and 8 from the Judicial Inspectorate).
- I. **Performance Monitoring Plan (PMP):** The Justice Project developed the initial version of the Performance Monitoring Plan (Impact Monitoring System) based on USAID guidelines, after which a consensus was reached with national counterparts with regard to this System, as a result of which the Justice Project proceeded to conduct a baseline study in two areas: a) indicators for the progress recorded by Project activities, and b) identification of appropriate Judicial Districts that have not yet participated in USAID initiatives to be used for comparison against Project Judicial Districts.<sup>3</sup>

During this period, 29 products were successfully developed and delivered for the 5 Result Areas of the USAID Justice and Governance Program.

## ISSUES PENDING FROM PREVIOUS REPORT

The activities originally scheduled to be carried out during this first year but whose implementation remains pending for year 2 include the following: a) Management Models for Criminal Courts and

---

<sup>2</sup> Workshops conducted as of September 29, 2009.

<sup>3</sup> PMP dated October 2009, developed by the Project.

the Office of the Public Defender: inauguration of the Criminal Court in Santiago and delivery of the Bonaio Public Defenders Office; b) Management Model for large or complex District Attorneys Offices: delivery of the finalized conceptual design for District Attorneys Offices located in urban areas; c) Observation travel: travel for members of the Organized Crime Unit to observe best practices for institutional strengthening; d) Beatriz Arenas consultancy for the ENMP on the subject of asset laundering; e) SII in the Judiciary: complete SII and RAJ dissemination workshops and publication of the Code of Ethics; f) ENJ: workshop on the Management Model for the Criminal Courts.

## **NEW ISSUES IDENTIFIED**

### **CONTEXT**

During the implementation of Year 1 of the Justice Project, the Dominican justice system faced obstacles that impacted on the implementation of the second phase of judicial reform. One such obstacle was the global financial crisis, which had a negative impact on Dominican government revenues, which in turn caused budget amounts earmarked for the Judiciary, the Office of the Public Defender and the Office of the Attorney General to remain unchanged from their 2008 levels. Another obstacle was the constitutional reform initiative proposed by the country's President, which will affect organizational structures in the Judiciary: creation of a General Judiciary Council, a Constitutional Tribunal and a Contentious Tax Tribunal operating beyond the confines of the Supreme Court, thereby reducing the current authority of the Supreme Court and that of the Court's President. The constitutional reform proposal grants constitutional status to the Office of the Attorney General (Public Ministry) and to the Office of the Public Defender. The challenge now facing the country is the implementation of the constitutional reform; as of the date of this report, however, no strategic plans exist for such implementation.

### **CHALLENGES TO ACHIEVEMENT OF RESULTS**

Project challenges to achieving results, given the country's current political and financial environment, are as follows: a) Management Models: support the expansion of the Management Models for Criminal Courts, the National Office of the Public Defender (ONDP) and District Attorneys Offices located in urban areas; b) consolidate the model for inter-agency coordination through the MCIs and the creation of the Judicial Network (JurisBook); c) SII: increase awareness and disseminate the SII to the 3,000 members of the Office of the Attorney General (prosecutors and administrative personnel) and institutionalize the SII in Judicial Schools; d) institutionalize the training program for disseminating knowledge of the SII among the staff of the ONDP, the PGR and the Justice Project; e) SIS: expand the concept of integrity to the justice sector; and f) promote the development of sectoral policies through the implementation of the Mixed Commission.

# RESULT AREA 1

## TECHNICAL AND MANAGERIAL CAPABILITIES OF SELECT INSTITUTIONS OF THE JUSTICE SECTOR IMPROVED

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

Under this Result, the Justice Project has provided throughout Year 1 specific technical assistance for implementing the priority programs of the various justice sector institutions. It is felt that, even though the Criminal Procedures Code has been in effect for four years and 11 months, its implementation has involved the study, review and adaptation of new or improved practices in the areas of work procedures, human resource management, infrastructure, technological improvements, administrative reorganization, files and systems for storage of evidence, and other items included in the management models developed for each institution. The latter activity has received sustained support from USAID, which has in turn made it possible to record the following achievements during this period: a) conceptual design of large-sized District Attorneys Offices, b) implementation of the management model for the Criminal Court in Santiago, c) installation of two Public Defenders Offices in the Department of La Vega (Judicial Districts of Moca and Cotuí), d) implementation of the model for inter-agency coordination, and e) sectoral activities: joint workshops designed to provide an understanding of the management models and the SIS, as well as to present a proposal for linking the *Justicia XXI* and *Supremo Plus* case management systems.

A total of 20 products resulting from the activities carried out by the Project under RA 1 were obtained.

### **Management Model for District Attorneys Offices and Strengthening of the National Directorate of the Public Ministry**

Sustained Project support has been provided in the form of technical assistance for designing and implementing management models for small-sized District Attorneys Offices and, for the moment, for District Attorneys Offices classified as large, complex or located in urban areas. As a byproduct of these activities, the institution created, within its internal organic structure, a Management Unit for the Office of the Attorney General of the Republic, an organization to which the Justice Project continues to provide support.

- a) **Management Unit:** As an example of progress recorded toward the institutionalization of the support received from and financed by USAID under the current Justice Project, a Follow-up Committee was created, by means of resolution dated October 16, 2008 handed down by the Office of the Attorney General, to oversee the management of the Public Ministry. The mission of this Unit is “to evaluate the management of Public Ministry operating units, as well as to promote activities that will ensure performance based strictly on the productivity, quality and ethical behavior of the members of the institution,” as a result of which it will be necessary to develop strategies to address the resolution, strengthening or modification of the situations identified. The fact that the institution now has within its internal organic structure a Unit focusing on improving technical and institutional management capabilities, particularly because it is the result of the work that has been long supported by USAID, is indeed a significant achievement. Operation of this Unit will make inter-agency coordination at the technical level a

reality, inasmuch as it can be the point of reference that will make it possible to create, in both the Judiciary and the ONDP, a Management Unit having these same characteristics and purposes.

**b) District Attorneys Offices that are large, complex or located in urban areas:** As regards this activity, the technical assistance provided by the Project involved the conceptual design and development of guidelines proposed for the operation of these offices, with the following achievements recorded to date:

**1. Testing of the conceptual model:** Management of the large or urban District Attorneys Offices for Santiago, the National District and Santo Domingo Province requires a greater response capability as regards service coverage and the size of the population being served, as well as an appropriate operating dynamic for the types of processing, organization and treatment of crime and criminal activities involved. In this regard, the Project supported the development of the following stages: a) conceptual basis for the model, and b) testing of the processes used by the Judicial District of Santiago.

**a) Conceptual basis for the Model:** Developed by expert consultant Jorge Chavarría and tested during the observation trip made to Costa Rica by the individual in charge of the PGR's Management Unit and the prosecutors in charge of the country's urban District Attorneys Offices (National District, Santiago and Santo Domingo Province), for the purpose of analyzing and discussing the potential for incorporating into the management structures currently being reviewed by the Institution's Management Unit the following three operating areas: a) rapid processing, b) criminal activities, by area of specialization, and c) organized crime or complex cases. To complement the conceptual model, during this trip designed for observational study and the exchange of experiences participants were able to assess institutional capabilities and visualize the importance of specialized units, where district attorneys can concentrate their efforts to prosecute organized crime.<sup>4</sup>

**b)** As a complement to the design of the model for District Attorneys Offices that are large or located in urban areas, the Project is supporting the **testing of the processes in use in the Office of the District Attorney for the Judicial District of Santiago**, through the implementation in that Office of three workshops to test those processes and procedures, with the active participation of the individuals involved. The following processes were reviewed:

- The basic design of the Office of the District Attorney
- The receipt of complaints and grievances / direct knowledge
- Measured investigation of coercion, preliminary hearing.

**2. Strategic planning for the DNMP and the Office of the District Attorney for the National District:** Another significant activity carried out during Year 1 of Project implementation was the development of strategic planning activities for the Office of the District Attorney for the National District<sup>5</sup>, requested directly of the Project by the District Attorney for the National District, Dr. Alejandro Moscoso Segarra, upon assuming this post.

---

<sup>4</sup> Product 1 – Management Model for District Attorney Offices in Urban Areas.

<sup>5</sup> Product 2 – Strategic Planning 2009 – Office of the District Attorney for the National District.

In addition, support was provided to the National Directorate of the Public Ministry for reviewing the activities carried out by that Directorate during 2008, as well as for planning activities for 2009, with the latter carried out in the Project offices with the participation of six members (4 technicians, the Director and the Director's assistant). The result of this activity was the design of the strategic plan for the National Directorate of the Public Ministry for 2009.<sup>6</sup>

### **Management Model for Criminal Courts**

As in the case of the model for the Offices of District Attorney and the ONDP, the Management Model for Criminal Courts is based on a design that enjoyed the support of USAID from the outset, and has been fully implemented in the Judicial Districts of La Vega and Moca. This management model requires the understanding and establishment of four components: a) governing regulations; b) operating processes and procedures; c) human resources; and d) infrastructure. It also involves four cross-cutting activities: training, technology, inter-agency coordination, and ongoing improvement and monitoring.

The Project reached an agreement with the Judiciary to support the installation of the management model in the Judicial District of San Francisco de Macorís. However, for strategic and budgetary reasons, the institution opted to continue work with the Judicial District of Santiago de los Caballeros. Accordingly, with work proceeding on a collaborative basis with the Directorate for Planning and Projects (a unit attached to the Judiciary's General Technical Directorate, the Management Model for Criminal Courts in the Judicial District of Santiago was implemented,<sup>7</sup> with implementation of the model in San Francisco de Macorís pushed back to Year 2, contingent on the Justice Project's availability of funds.

Activities in Santiago de los Caballeros included the following:

1. Identification of physical space in the Law Courts Center (*Palacio de Justicia*) premises where the joint Secretariat would operate, as well as design of the physical structure of the model.
2. Training of human resources in the processes and procedures applied by the joint Secretariat and oversight of the staff that will work there. This activity was carried out in its entirety by the institution as a counterpart contribution to the Project.
3. Installation of the technological component undertaken in its entirety by the institution through the installation of the *Supremo Plus* information system, designed and developed by the team from the Information Technology Directorate attached to the Judiciary's General Technical Directorate.
4. The inter-agency coordination achieved thanks to the Santiago MCI, which has served as a mechanism for communication and decision-making among the institutions involved in the criminal process, even before the installation of the model for the criminal courts, which ensured a better understanding of that mechanism.

It should be stressed that the Management Model for the Criminal Courts has now become a policy for institutional management to which the Judiciary assigns resources for its implementation. In addition, the Judiciary encourages other donor agencies to support expansion of the management model to other judicial districts, based on the same parameters employed in the USAID-financed

---

<sup>6</sup> Product 3 – Strategic Planning 2009 – National Directorate of the Public Ministry.

<sup>7</sup> Product 4 – Management Model for the Santiago Criminal Court.

design, as in the case of San Juan de la Maguana, which is being financed by the Spanish International Cooperation Agency (AECI).

As of the date of completion of this report, an agreement had been reached with regard to the inauguration of the Santiago Criminal Court on October 23, 2009.

In addition, and to complete the documentation of the manuals describing the Management Model for the Criminal Courts, the Project funded the layout and publication of Volume IV of the Manual for Sentencing Judges.<sup>8</sup>

#### **Management Model for the ONDP**

As a result of the implementation of management models for both the offices of district attorney and the criminal courts, the Justice Project, in collaboration with ONDP management, decided to expand and operationalize office space so that the public defenders service could operate more effectively in the Judicial Districts of Cotuí and Moca<sup>9</sup>, after having successfully managed for public defenders (2 coordinators<sup>10</sup> and 6 public defenders) and 2 administrative employees to carry out their daily activities in the Judicial District, toward which end they were duly trained and appointed.

An interesting issue, and one requiring attention, is the process of transition to full implementation of Law No. 277-04, which stipulates that for a period of five years the ONDP will remain organically attached to the Supreme Court. This five-year period will expire in November of 2009. Accordingly, assistance was provided to the ONDP in the area of strategy proposal and analysis, as well as in the annual strategic planning process,<sup>11</sup> with the full participation of 25 members of the institution.

In addition, the proposal for publication of the Manual for the Management Model for the ONDP was updated,<sup>12</sup> thus completing the technical documentation for the management models for all three institutions.

#### **Model for Inter-Agency Coordination**

The starting point for inter-agency coordination began with the approval of the Criminal Procedures Code in the Dominican Republic on September 27, 2002, the year in which the justice sector undertook the enormous challenge of its implementation. This task involved designing and installing in the various institutions management models focusing on the identification of best operating practices based on inter-agency coordination as a key element for improving the quality of the service provided by the criminal justice system and promoting a change in culture toward a systemic and sectoral understanding of criminal justice.

The conceptual framework for coordination, in addition to placing each of the primary actors in the Criminal Justice System in his/her appropriate role, focuses on the effective application of procedural principles in every act carried out by these primary actors in the criminal process, thus ensuring the quality of justice served as a function of the user viewed as the ultimate beneficiary.

The purpose of the management models developed in each institution with USAID technical assistance is the appropriate implementation of the Criminal Procedures Code, toward which end it was necessary to design, develop and put in place numerous defining components, including norms

---

<sup>8</sup> Product 5 – Manual for Sentencing Judges.

<sup>9</sup> Product 6 – Management Model for the Public Defenders Office in Moca and Cotuí.

<sup>10</sup> The Coordinator for each Public Defenders Office also serves as Public Defender.

<sup>11</sup> Product 7 – Strategic Planning for the ONDP – 2009-2013.

<sup>12</sup> Product 8 – Manual for the ONDP Management Model.

and operating regulations, operating processes and procedures, definition of human resource profiles, redesign of work-related structures and environments, development of technological tools, design of training programs and formalization of inter-agency coordination with the signing of the Framework Agreement dated August 9, 2006.

This Sectoral Agreement determined that one of the most challenging components would be the establishment of mechanisms that would ensure coordination among judges, prosecutors, public defenders, members of the police force and administrative employees working within the criminal justice sector, as a result of which, in order to promote a culture of service and teamwork and to facilitate functional communications within the operations defined by the various management models, the Project supported the establishment of Bureaus of Inter-Agency Coordination (*Mesas de Coordinación Interinstitucional*, or MCI) in the Judicial Districts of Santiago, San Francisco de Macorís and La Vega, with the Judicial District of Puerto Plata currently underway.

The methodology for implementing the Model for Inter-Agency Coordination involved three phases: a) design and implementation of MCIs for each Judicial District; b) “All-inclusive Session” (*Encuentro Mosaico*); and c) high-level meeting with authorities.

- a) The design and implementation of the MCIs, which were launched in three Judicial Districts, was achieved by means of systematic work sessions and joint workshops for public defenders, judges, prosecutors and members of the administrative staff, providing opportunities for dialogue that made it possible to gather valuable information for the development of proposals and projects in each Judicial District.<sup>13</sup>

Judicial District	Total meetings held, by MCI (per year)
Santiago MCI	17
La Vega MCI	11
San Francisco de Macorís MCI	13
Puerto Plata MCI	2
Total	43

- b) The “All-inclusive Session” (*Encuentro Mosaico*) was designed as an opportunity for joint reflection and a sharing of solutions of mutual interest, i.e., to obtain a true “ensemble of ideas,” as well as to analyze critical issues impacting on the dispensing of justice, as is the case with the postponement of previously scheduled hearings and the effect of discouragement and discredit that this systemic dysfunction creates in the user, not to mention its impact on the budget for the sector.<sup>14</sup>
- c) The third phase was designed as a high-level meeting with the principal sector authorities, providing an opportunity for accountability and progress in implementing established sectoral policies, as is the case with the Framework Agreement for Inter-Agency Coordination signed on August 19, 2006, by the President of the Supreme Court, the Attorney General, the Director of the National Public Defenders Office and the Head of the National Police Force.

This opportunity to meet with authorities represents a major challenge in the area of organizational development, involving the opening of formal, systematic and fluid lines of

<sup>13</sup> Product 9 – Exchange of Models for MCIs and Product 10 – Projects Developed by MCIs.

<sup>14</sup> Product 11 – “All-inclusive Session” (*Encuentro Mosaico*) for MCIs.

communication between the MCIs for each Judicial District, the individuals responsible for institutional management, and higher authorities, thus creating a culture of communication and coordination between the staff members at the base level who apply norms and implement policy, the managers of systems and processes, and the high-level authorities who set policies, make decisions and allocate resources.

The major challenge consists in achieving the operational sustainability of the model for inter-agency communication at the MCI level, as it is easily understood that the MCIs are the root from which the impulse for change will emanate, as a result of which the Project is offering its decided support for their promotion and development.

### Achievements Recorded by the MCIs

Each of the MCIs has successfully resolved the dysfunctions identified in its Judicial District, by developing profiles of projects to be implemented jointly by the institutions making up the local justice sector. Also, as a special guest of the MCIs, the Judicial District of Puerto Plata participated in the initial “All-inclusive Session” (*Encuentro Mosaico*), thus becoming a component element of this judicial network for inter-agency coordination.

### Shared Achievements and Outcomes

The experience with the exchange of viewpoints during the first “All-inclusive Session” (*Encuentro Mosaico*) of Judicial Districts highlights the importance of the ensemble of ideas and projects, as it facilitates spontaneous collaboration and support among participants, who are then able to successfully visualize common problems and common solutions which, when jointly addressed, as in the critical case involving the impact caused by the postponement of hearings, force them to commit to significantly reducing nonjustifiable causes.

Indicators of local functioning	Santiago	La Vega	San Fco. Macorís	Mutual interest	Shared solutions
Forms and formats for police reports	---	Developed	In process	✓	The Santiago MCI delivered to SFO all information, along with the appropriate file. This will be sent to the La Vega MCI.
Strengthening of the Office of Customer Service for Judicial Services and mandatory review of the extent of coercion by the <i>Juez de la Instrucción</i> (Investigative Judge)	Developed	---	Developed	✓	The La Vega and PP MCIs offer to provide assistance on the subject of the OJSAP to the Santiago y San Fco. de Macorís MCIs
Chain and custody of evidence	In process	In process	In process	✓	The Santiago MCI invites the other MCIs to view the operation of their System for Custody of Evidence
Discovery of evidence for the request involving Extent of Coercion	In process	---	Developed	✓	The La Vega MCI offers to provide advisory assistance on this subject
Citations and notifications	In process	Developed	Developed	✓	The La Vega MCI offers to provide advisory assistance on this topic. The SFM MCI will

					present this as a topic for the II “All-inclusive Session” ( <i>Encuentro Mosaico</i> ): the results of the implementation of the hearings project and effectiveness of notifications and citations.
Transfer of individuals who have been detained / charged / sentenced	Developed	Developed	In process	✓	The Santiago MCI will share this project with the other MCIs
Common agenda	In process	Developed	In process	✓	The La Vega MCI offers to provide advisory assistance on this subject. The Santiago MCI is currently implementing a pilot plan that will serve as a measuring stick.
Deadlines	In process	In process	In process	✓	---
Abandonment of technical defense	Developed	In process	In process	✓	The Santiago MCI can share its experience
Criminal information system	---	Developed	---	✓	This topic will be analyzed by the MCIs
Leakage of information	Developed	---	---	✓	
Means of communication	In process	In process	---	✓	
Security for the <i>Palacio de Justicia</i> (Law Courts Center)	Developed	---	---	✓	The Santiago MCI can share its experience

In addition to sharing experiences and project information, during the initial “All-inclusive Session” (*Encuentro Mosaico*), MCI members reflected on critical issues, sharing the following thought: “When we share with each other, the walls come tumbling down,” as well as on personal commitment, effectiveness and the sustainability of the MCIs and the benefits that come from participating in the Model for Inter-Agency Coordination, it having been agreed that this topic would be addressed with the high-level signatories of the Framework Agreement for Inter-agency Coordination.

### General commitments

1. Implementation and follow-up on the effectiveness of best practices for eliminating dysfunctions in the criminal process in order to render prompt and effective justice.
2. Joint effort of all actors: systemic view of justice.
3. Improvement of interpersonal relationships among the various actors involved in the criminal process.
4. Decrease in the levels of interpersonal conflicts and generation of a common vision of the rendering of justice to benefit the user as the ultimate beneficiary.
5. Maintaining the MCIs:
  - a) As an opportunity for discussion to identify solutions;

- b) As a way to break up logjams hindering communication among the various actors involved, in order to replace individualistic thinking with collective thinking;
- c) For the identification of common proposals and a search for rapid solutions;
- d) To evaluate the work of other actors in the system;
- e) As an opportunity to get to know one another, and bring about empathy among actors;
- f) As a means of communication: from a state of individual criticism to a state of shared dialogue / conversation;
- g) To change the face of justice so that it looks outward, thus promoting credibility in the justice system;
- h) Because they have the ability to resolve problems to the benefit of the user;
- i) For promoting team awareness: "Together we can do better";
- j) As a means of mediation for resolving conflicts among actors.

### Commitments by District

**San Francisco de Macorís MCI:** "To continue to meet in order to resolve problems in the Department. To put forth a greater effort in the conservation of the MCI, to strengthen its roots, to grow and add other Judicial Districts to the agreements already signed. We must continue to fertilize the tree in order to increase its foliage."

**Santiago MCI:** "To guarantee the legitimacy of the MCI as a forum for discussion where solutions can be found. We commit to supporting the sustainability of the MCI through the commitment of its members. We commit ourselves to respecting users' rights by assuming an appropriate attitude and making available our capabilities to our users."

**La Vega MCI:** "We commit to taking joint actions among all actors involved in the criminal process in order to resolve all formal issues that prevent us from rendering justice appropriately, to the benefit of improved service to the user, who is the ultimate beneficiary of the supreme value of justice. To achieve this objective, we commit to holding regular meetings, to maintaining effective communications and to respecting the roles played by each actor."

As a sort of balance sheet for the work carried out by the three Bureaus of Inter-Agency Coordination, the Project deems the operation of the MCI for each Judicial District to be of considerable technical and service importance, as the creation of the MCIs has promoted a direct understanding by each of its members as to the benefits of communication and active listening, thus overcoming the culture of fragmentation and division among institutions through the coordination of activities and projects as a function of the improved rendering of criminal justice.

Participants in workshops held by MCIs during the 2008-2009 period

Name of workshop	Where implemented	Duration (in hours)	Number of participants		
			M	W	Total
Exchange of models	Santiago	4	17	30	47
Exchange of models	La Vega	4	21	27	48
Exchange of models	San F. Mac	4	33	23	56
SIS	Santiago	8	7	10	17
SIS	Santiago	8	13	19	32

SIS	La Vega	8	17	10	27
SIS	La Vega	8	11	22	33
SIS	San F Mac	8	12	13	25
SIS	San F Mac	8	16	9	25
Drafting of minutes	La Vega	4	29	1	30
OJSAP	San F Mac	4	22	23	45
<b>Total</b>			198	187	385

The element of these workshops that created the greatest impact is the fact that the participants share, discuss and get to know each other on a personal basis, a process that facilitates an understanding of the importance of the roles played by each. The workshops facilitate changes in both skills and attitudes, which in turn leads to the identification of best practices to be put in place by all institutions in order to receive and provide high-quality service.

In summary, the Project has promoted activities in which the joint participation of judges, public defenders, prosecuting attorneys and administrative personnel has been key to promoting inter-agency coordination. An example of these activities are the workshops held by the MCIs, as well as the promotion of inter-agency coordination through the provision of technical assistance aimed at promoting the interconnectivity of case management systems.

#### **Case Follow-up and Management System**

In order to diagnose the requirements for interconnectivity between the PGR Case Management System (*Justicia XXI*) and the Judiciary Case Management System (*Supremo Plus*), the Project contracted for the provision of expert technical assistance by Eduardo Spotorno who, in addition to working in collaboration with technical staff from each institution, conducted a broad diagnostic analysis of the high-level policies that the institutions will need to consider in order to ensure the functionality of system interconnectivity.

The proposed Action Plan stresses the importance of the following:

1. Institutional context: Need to implement a Technical-Level Coordinating Committee (*Mesa de Coordinación a Nivel Técnico*, or MCT). Regulatory framework for using the information tool.
2. Technological and infrastructure context: Design and development of a protocol for information exchange and message transmittal. Assessment of network infrastructure.
3. Proposal of a design for an inter-operability solution: support for user applications. Application maintenance. Training for application users.<sup>15</sup>

Also, as a technological tool the above-mentioned expert designed a judicial network applied to justice procedures, JurisBook, which will make it possible, among other sectoral activities, to: a) provide strategic support to plans being carried out by the MCIs, with the network to serve as a platform for collaborative and distributive work efforts; facilitate the channeling of group synergy and enthusiasm; and share projects, initiatives and solutions; b) generate a professional community

<sup>15</sup> Product 12 – Interoperability Proposal.

around the provision of justice; and c) disseminate the results of the provision of justice by publishing statistics on the provision of justice.<sup>16</sup>

## **ACTIVITY 2: HUMAN RESOURCE STRENGTHENING AND TRAINING**

The Justice Project understands that the training of judicial public servants must focus preferentially on judges, prosecutors and public defenders, using a career-strengthening approach. However, efforts have also been made to carry out activities focusing on the administrative staff of judicial and other institutions.

In addition, institutional strengthening has centered on supporting institutional training programs as defined by: a) the National Judicial School (ENJ) and b) the National Prosecutorial School (ENMP), with a focus on practical aspects of the new model and the different roles played by each actor, as well as special consideration for the training of facilitators or trainers who would then be able to replicate their newly acquired knowledge.

### **National Judicial School (ENJ)**

Support and assistance provided to the ENJ can be divided into two phases: a) technical assistance for designing a simple educational methodology suitable for adults, and b) implementation of the methodology designed in workshops, within the framework of the ENJ educational model as regards the subjects of management models, system of integrity, criminal process and functioning of the ENJ itself.

To conduct these activities, ongoing communications were maintained with members of the School's management; in addition, Esther Hierro<sup>17</sup> was contracted to provide her expertise in the conceptualization and design of interactive workshops as a teaching methodology. Given the success achieved by the ENJ, current plans are to extend this experience to the ENMP Project, subject to the availability of funds.

### **National Prosecutorial School (ENMP)**

Four institutional strengthening activities were carried out at the ENMP. The first involved the coordination and relative consensus as regards methodologies for evaluating the impact of training, while the second was designed to support the review of ENMP training programs. Both activities were carried out by international consultants, contracted by the Project, who, in coordination with the members of the management of the National Prosecutorial School (ENMP) and the School's technical staff, developed the following products:

1. Proposal for a system for detecting training needs and evaluating its impact on the training of prosecutors and administrative staff, as well as the design of a pilot plan for implementing the processes, taking into account the installation of a system based on previously existing elements but endowed with a new dynamic approach. The products are listed below:
  - a) Assessment of the current situation regarding the identification of training needs in the National Prosecutorial School and the PGR's Directorate of Human Resources.
  - b) Proposal for designing methodological strategies for the teaching staff working at the National Prosecutorial School.

---

<sup>16</sup> Product 13 – Proposal for Judicial Network – JurisBook.

<sup>17</sup> Product 14 – Manual of Simple Methodologies.

- c) Proposal for the design of a System for Identifying Training Needs.
  - d) Proposal for the design of a System for Evaluating the Impact of Training.
  - e) Implementation Plan and Timeline for both systems.<sup>18</sup>
2. Strengthening of the Public Ministry career path through the design, development and implementation of Public Ministry career path training programs developed by expert contractor Félix Fumero Pugliesi.<sup>19</sup>
  3. With the participation of members of the management of the National Prosecutorial School (ENMP) and the School's technical staff, expert consultant Jorge Chavarría developed the following products: a) proposal to modify the Public Ministry's disciplinary system; b) proceedings of the workshops held with the National Prosecutorial School; c) proceedings of the workshop held to organize criminal research; and d) proceedings of the workshop and proposal for reorganizing the Organized Crime and Drug Trafficking Directorate.<sup>20</sup>
  4. In addition, strengthening was provided to the ENMP regarding its function in the process of evaluating candidates by the expert consultant in human resource management, who supported the School in its efforts to strengthen the Public Ministry career path. With a view toward improving and increasing the transparency of this process of candidate evaluation, a web-based application will be developed that will enable the ENMP to regularly (on a yearly basis) conduct evaluations and select potential candidates for hiring by the Public Ministry, a process that will conclude in October 2009.

#### **Other Institutional Strengthening Activities: PGR, Judiciary and CARMJ**

1. **PGR:** With technical assistance provided by national consultant Rosa Solís, strengthening was provided to the PGR's Directorate of Human Resources as regards the 360-degree evaluation of the staff of the entire Directorate. In addition, the Evaluation Manual that the institution will use to improve its current system for selecting and evaluating performance was delivered.<sup>21</sup>
2. **Judiciary:** In the Directorate General of Judicial Careers, an entity pertaining to the Judiciary, the Project supported the strengthening of judicial and administrative careers through the review and development of instruments including the following: a) preparation of specific tests for multiple choice topics; b) preparation of topics and formulation of questions for the process of competitive bidding for positions as justices of the peace and members of the administrative staff; c) implementation of practical workshops with the participation of 14 judges and 11 administrative employees (in the second workshop, a total of 9 administrative employees were in attendance).<sup>22</sup>

The consulting services provided by Rosa Solís served to assist the Directorate General of Judicial Careers, generating the following product: proposal for the design of a professional development plan for administrative staff in support of the judicial administrative career.<sup>23</sup>

---

<sup>18</sup> Product 15 – Proposal for Methodological Training Strategies for the ENMP.

<sup>19</sup> Product 16 – Proposal for Public Ministry Career Path Training Programs .

<sup>20</sup> See report in Product 1 – Management Model for District Attorney Offices in Urban Areas.

<sup>21</sup> Product 17 – Selection [of Personnel] and Evaluation of Performance – PGR.

<sup>22</sup> Product 18 – Manual for the Design and Evaluation of Tests – PJ.

<sup>23</sup> Product 19 – Proposal for the Design of a Professional Development Plan – PJ.

3. **Commission for the Support of Justice Reform and Modernization:** The launching of Justice Project activities coincided with the change in management in the Commission for the Support of Justice Reform and Modernization: Dr. Lino Vásquez, who requested directly of Mrs. Lissette Dumit, USAID COTR, the provision of technical assistance from the Justice Project with regard to their strategic plan for 2009. This activity enabled the Commission to carry out the following sectoral support activities.<sup>24</sup>

<b>List of RA 1 Products</b>	
Product No. 1	Management Model for District Attorney Offices in Urban Areas
Product No. 2	Strategic Planning 2009 – Office of the District Attorney for the National District
Product No. 3	Strategic Planning 2009 – National Directorate of the Public Ministry
Product No. 4	Management Model for the Santiago Criminal Court
Product No. 5	Manual for Sentencing Judges
Product No. 6	Management Model for the Public Defenders Office in Moca and Cotuí
Product No. 7	Strategic Planning for the ONDP – 2009-2013
Product No. 8	Manual for the ONDP Management Model
Product No. 9	Exchange of Models for MCIs
Product No. 10	Projects Developed by MCIs
Product No. 11	“All-inclusive Session” (Encuentro Mosaico) for MCIs
Product No. 12	Interoperability Proposal
Product No. 13	Proposal for Judicial Network – JurisBook
Product No. 14	Manual of Simple Methodologies
Product No. 15	Proposal for Methodological Training Strategies for the ENMP
Product No. 16	Proposal for Public Ministry Career Path Training Programs
Product No. 17	Selection [of Personnel] and Evaluation of Performance – PGR
Product No. 18	Manual for the Design and Evaluation of Tests – PJ
Product No. 19	Proposal for the Design of a Professional Development Plan – PJ
Product No. 20	Strategic Plan for the Year 2009 – CARMJ

<sup>24</sup> Product 20 – Strategic Plan for the Year 2009 – CARMJ.

# RESULT AREA 2

## MECHANISMS FOR THE INTERNAL AND EXTERNAL SUPERVISION OF JUSTICE SECTOR REFORM AND OPERATIONS ESTABLISHED AND STRENGTHENED

Technical assistance provided by the Justice Project in this area is scheduled to be phased in over the three-year life of the contract. Accordingly, during this period the approach to implementation is to continue to propose policies, procedures, processes and instruments – for use by justice sector institutions – that will promote sectoral transparency and integrity, improve operational management, and ensure that, in future years, civil society and the general public will have access to justice of a high-degree of quality and transparency.

To achieve this result, the Project has carried out technical assistance activities in three areas: a) improvement of the capabilities of the office of the internal auditor of the Judiciary, as well as for the Customer Service Department of the National Public Defenders Office, with the disciplinary system of the Public Ministry also subject to review; b) provision of technical assistance to the Judiciary's Office of Access to Public Information; and c) expansion of the System of Institutional Integrity as described below.

Six products resulting from the activities carried out by the Project in AR 2 were obtained.

### **ACTIVITY 1: DEVELOP INTERNAL AUDITING CAPABILITIES**

The Justice Project has promoted the use of a sectoral and systemic approach in all of its activities. It was therefore agreed that the technical expertise provided by Jorge Chavarría would focus on the members of the current offices of the Judiciary, ONDP and PGR who are assigned auditing duties, inasmuch as the first basic training workshop on the investigation of cases involving administrative disciplinary matters has now been completed.

Mr. Chavarría conducted activities in two stages: a) information gathering, and b) a training workshop on investigation techniques and processing of disciplinary cases.

In collecting the information, the consultant applied the following methodology: a) interview with the Director of the National Public Defenders Office; b) interview with the head of the Customer Service Department; c) meeting with Public Defender Coordinators; d) meeting with the Director of the Judicial Inspectorate; and e) design of the workshop to be held in the Public Ministry: proposal to modify the Public Ministry's disciplinary system. Significant observations set forth in the consultant's report include the need to distinguish between cases involving administrative discipline and actual criminal cases, since investigations are often conducted as though a criminal case were involved, and it should be clearly understood that this type of investigation differs considerably from the investigation of cases involving administrative misconduct.

Also, as regards the training workshop on investigative techniques and the processing of disciplinary cases, the other matters addressed were as follows: a) overview of the investigative process applicable to disciplinary cases, b) the proper way to prosecute a disciplinary case, c) criminal consequences arising out of the investigation of a disciplinary case or a case involving corruption or organized crime, d) importance of the disciplinary system for cases of corruption, e) disciplinary

investigation, f) identification of administrative responsibility, civil responsibility and criminal responsibility, and g) arrival at conviction.<sup>25</sup>

This program, which was provided to 11 individuals, had a total duration of 32 hours. One remaining challenge for the future will be to establish a mechanism for determining the impact of this type of program on judicial institutions.

#### **ACTIVITY 2: DESIGN AND IMPLEMENT AN OFFICE OF ACCESS TO PUBLIC INFORMATION**

As a response to the specific requirement of the Judiciary as regards the review and proper outfitting of the Office of Access to Public Information attached to the Judiciary and the General Law of Free Access to Public Information, Mr. Gustavo Montalvo, an expert consultant, was hired to conduct the appropriate assessment; the following key recommendations were submitted: a) review the profile of the officials currently working in the OAI; b) relocate the OAI to a location more accessible to the general public; c) develop policies and procedures for accessing public information or, in other words, document the processes used by the OAI; d) redesign the webpage; and e) promote access to public information as part of the SII.<sup>26</sup>

In addition, the consultant makes reference in his report to the need to support the institution in a future round of technical assistance that will make it possible to establish linkages between the OAI and regional offices, as stipulated by law; such an action would hold this institution up as an example of the proper application of the Law of Free Access to Public Information.

#### **ACTIVITY 3: EXPANSION OF SYSTEMS OF INSTITUTIONAL INTEGRITY**

The priority focus in the effort to expand the SII was on the Judiciary, an entity which, in accordance with a resolution (No. 2006-2009 dated July 30, 2009) handed down by the Supreme Court with all of its members present, sets forth the following objectives:

*“... [whereas] the Judiciary, in order to guarantee compliance with its institutional mission, as well as to ensure its strengthening, modernization and effectiveness, seeks to align all members of its staff of human resources along the road to integrity, transparency, and functional and institutional conscientiousness, all of which constitute the principles on which the service that the justice system is required to provide to society must be based.*

*Whereas to achieve this objective it is necessary to have in place and properly functioning regulations that will guarantee the effectiveness of these ethical principles and values.*

*Whereas the Judiciary needs to promote a change in culture among judicial public servants in order to strengthen the service vocation and mystique.*

*Whereas the Judiciary needs to effectively safeguard the transparency and equality of treatment, in both the internal and external contexts, of human capital and institutional management.*

*Whereas the Judiciary needs to apply a system of consequences that is consistent with functional performance and the institution’s ethical principles required of judicial public servants.*

---

<sup>25</sup> Product 21 – Processing of Disciplinary Cases.

<sup>26</sup> Product 22 – Proposed Design and Implementation of OAI – PJ .

*Whereas no process of reform and transformation can be sustainable in the absence of a systemic vision whose integrity is both understood and assimilated, as well as the commitments of those involved.*

*Therefore, the Supreme Court, in the application of its legal authority:*

**HEREBY RESOLVES:**

*First: To approve the documents making up the Judiciary's System of Institutional Integrity. Second: To authorize the publication of the Judiciary's System of Institutional Integrity. Third: To authorize delivery of the above-referenced documents to all judicial public servants. Fourth: To request that the Directorate General of Judicial Careers execute this resolution regarding the documents that make up the Judiciary's System of Institutional Integrity."<sup>27</sup>*

As a result of the above Supreme Court resolution, and in coordination with the Directorate General of Judicial Careers, experts from the Directorate of Judicial Career Affairs, the ENJ and the Project's technical team planned, facilitated and supported the design of the strategy for disseminating the Regulations governing the Judicial Administrative Career and increasing awareness of the SII. Through September 2009, a total of 137 4-hour workshops had been provided to 3,452 judicial public servants (2,123 women and 1,329 men)<sup>28</sup>, of a total 189 workshops scheduled, with the remaining workshops scheduled to be implemented in January 2010.

SII implementation activities led to the identification of facilitator training as a strategy for institutional ownership and improved utilization of resources. Accordingly, the Justice Project strengthened the capacity of the Directorate General of Judicial Careers through the design and implementation of a Facilitator Training Program having a duration of 16 hours and involving the participation of 20 employees from the Directorate of Judicial Career Affairs.<sup>29</sup>

The impact generated by the training of facilitators consists of Judiciary ownership of the SII, which has been verified through the implementation of workshops on dissemination and the publication in August of "El Judicial", a periodical devoted entirely to the System of Institutional Integrity, which affirms that the SII is the process by which the institution's reform and modernization are being consolidated.

The training of facilitators took place with assistance provided by a contract consultant, Rosa Solís, who used modern techniques for the training of adults, as well as follow-up by means of simulated workshops prior to the actual implementation of the 189 workshops scheduled.

In addition, support has been provided to the institution in the form of design and printing of dissemination materials and equipment used in the workshops that took place in the Law Courts Center (*Palacio de Justicia*) operating in the various Judicial Districts of the Dominican Republic.

It is extremely important to stress that, during each workshop, facilitators collect from participants letters of personal awareness and commitment in which each judicial public servant affirms that

---

<sup>27</sup> Supreme Court Resolution No. 2006-2009, Dominican Republic.

<sup>28</sup> Workshops implemented as of September 29, 2009.

<sup>29</sup> Product 23 – Training of Facilitators for SII Implementation and Product 24 – Support Booklet for SII Training of Facilitators.

he/she has a knowledge of, and commits to fully complying with, the institutional culture defined in the Regulations governing the Administrative Career and the SII documents.<sup>30</sup>

### System of Sectoral Integrity

A sectoral vision prevails in all Project activities. Accordingly, in order to continue to push forward with expansion of the SIS, support was provided, within the framework of the work performed by the MCIs, for the implementation of six workshops to reflect on the impact of sectoral integrity.

The goal of these workshops on the topic of SIS has been to increase participants' awareness in order to instill in them the principles and values set forth in the Code of Ethics of each of the various institutions making up the sector, and in particular to request that, in pursuing their individual realization, all participants view themselves as public servants representing a single sector. The Project contracted with the firm of Ser Más for the provision of technical assistance for this activity.

Judicial District	No. of participants in SIS workshops		No. of hours per workshop
	MEN	WOMEN	
Santiago MCI	20	29	8
La Vega MCI	57	33	8
San Fco. Macorís MCI	28	22	8
Total	105	84	32

The MCIs have stressed the importance of continuing to hold workshops on the subject of SIS, as they have proven to be effective in opening lines of communication, through the use of a human approach based on understanding and greater sectoral coordination.

In addition, and of vital importance, was the design of the System of Sectoral Merits, a component described in Result Area 3.<sup>31</sup>

List of AR 2 Products	
Product No. 21	Processing of Disciplinary Cases
Product No. 22	Proposed Design and Implementation of OAI – PJ
Product No. 23	Training of Facilitators for SII Implementation
Product No. 24	Support Booklet for SII Training of Facilitators
Product No. 25	Letters of Awareness and Commitment –SII in the PJ
Product No. 26	Program of Training in SIS

<sup>30</sup> Product 25 – Letters of Awareness and Commitment –SII in the PJ.

<sup>31</sup> Product 26 – Program of Training in SIS.

# RESULT AREA 3

## INSTITUTIONS AND PROCEDURES SUPPORTING THE INDEPENDENCE AND IMPARTIALITY OF THE JUSTICE SECTOR STRENGTHENED

### ACTIVITY 1: USE OF STUDY TOURS TO OBSERVE IMPARTIAL JUDICIARIES AND DISTRICT ATTORNEYS OFFICES

The Project supported the conceptual design of large or urban district attorneys offices by means of a study tour that has enabled participants to observe positive international experiences as regards the development of appropriate solutions for key issues, such as the management model for large or urban district attorneys offices. This observation tour was to Costa Rica, and the results obtained are described in the Result Area 1 section of this document.<sup>32</sup>

### ACTIVITY 2: IMPROVEMENTS IN MERIT-BASED SELECTION, PERFORMANCE EVALUATION, PROMOTION AND OTHER ASPECTS INVOLVING THE MANAGEMENT OF JUSTICE SECTOR ACTORS

This activity forms a part of the system of consequences established in the SII, and is a key component for the organizational change currently being promoted in the justice sector. During this year, the Project commissioned the design of a sector-based merit system, which was carried out with the participation of focus groups formed by each institution.

The information thus gathered served to inform the design of the merit system proposal, which hopefully will be discussed and analyzed by the institutions involved prior to its implementation, with this result expected to be achieved in Year 2 of the Justice Project.<sup>33</sup>

### ACTIVITY 2: INDEPENDENT NATIONAL PUBLIC DEFENDERS OFFICE

The National Public Defenders Office (ONDP) was created by law on August 12, 2004, with the stipulation that in November of 2009 the ONDP was to consolidate its independence; accordingly, the Project has provided technical assistance in this area. The activities carried out jointly by ONDP management and the Justice Project include the following:

- Annual meeting of all members of the Institution.<sup>34</sup>
- Strategic planning for 2009-2013 focusing primarily on visualizing and planning appropriate actions for the transition toward an institution independent from the Judiciary.<sup>35</sup>
- Support the plan for expanding public defender services to two Judicial Districts, Moca and Cotuí. Toward this end a) the Project held meetings with the Director of the ONDP to discuss the need to put in place functioning public defenders offices to serve these communities and define the scope of Project support to be provided in this stage, and b) visits were made to each Judicial District in order to identify and assess the physical conditions of the sites where the

---

<sup>32</sup> Product 27 – Observation Tour to Costa Rica to Visit Urban District Attorney Offices.

<sup>33</sup> Product 28 – Manual for the System of Merits and Awards.

<sup>34</sup> Product 29 – National Workshop for Public Defenders.

<sup>35</sup> Product 7 – Strategic Planning for the ONDP – 2009-2013.

new offices would be located. A consulting services contract was signed with an architect, Marcelle Landrón, to make this office space operational.<sup>36</sup>

- Assist in the review, strengthening, finalization and publication of the Management Model for the ONDP.<sup>37</sup>

The interviews with judicial authorities highlighted a concern regarding the wisdom of separating the ONDP from the Judiciary, given the myriad difficulties that might arise in attempts to protect the institution from the forces of party politics and their clientelistic-oriented actions.

The potential risks of an unwise spinoff of the ONDP were one of the topics addressed during the Project-supported Annual Public Defenders Workshop. Toward this end, the Project contracted with expert consultant Álvaro Ferrándino, who in addition participated in the Institution’s strategic planning exercise.

The conclusions reached during the Public Defenders workshop served as input for the development of strategies for coordinating with other sector operators, in order to promote a culture of assuredness and gradually eliminate the flawed practices currently affecting the proper application of criminal procedural regulations, to the detriment of users unable to access the justice system.

In addition, support and facilitation were provided with regard to the review and publication of the Manual for the Management System of the National Public Defenders Office, which has been delivered in digital format.

During the April-June quarter, Project efforts involving ONDP strengthening were focused on expanding the service provided by the Public Defenders’ Office in the Judicial District of Moca.

<b>List of AR 3 Products</b>	
Product No. 27	Observation Tour to Costa Rica to Visit Urban District Attorney Offices
Product No. 28	Manual for the System of Merits and Awards
Product No. 29	National Workshop for Public Defenders

## INDICATORS

A consultant, Joel Arboleda, was hired to support the Project in its adoption of the new USAID impact indicators. The consultant worked with the counterparts, USAID representatives and the Project’s technical team to define the methodology underlying the new set of indicators. Some of the factors that were taken into consideration included: the efficacy of the indicators to measure the Project goals and objectives, the sources of information for the various indicators, the designation of the person responsible for collecting the information, and the frequency of the data collection.

An experimental design was set up with a treatment group (*grupo meta*) and a control group (*grupo control*). The table below shows the various Judicial Districts that are participating in

<sup>36</sup> Product 6 – Management Model for the Public Defenders’ Office in Moca and Cotuí.

<sup>37</sup> Product 8 – Manual for the ONDP Management Model.

the Project, as well as the technical recommendations for the selection of control groups that will help isolate the impact of the USAID Judicial Project in the participating districts (treatment group). Information will be collected in the following judicial districts: Santo Domingo Province, the National District, de La Vega, Santiago and San Francisco de Macorís.

Data collection for Indicator number 5 “Duration of the criminal process, measured by the number of days elapsed between the dates in which an individual is charged and first sentenced” relied on the same methodology applied in previous projects, involving a review of rulings in the judicial districts where the project has activities. However, the project collected additional data in comparison districts: Santiago compared with the National District and the Province of Santo Domingo; La Vega compared to Puerto Plata; and San Francisco de Macoris compared to Puerto Plata.

Judicial data is being collected with the support of the Planning Office of the Technical Directorate of the Judicial Branch to ensure that the selection of the control group meets the necessary statistical requirements.<sup>38</sup>

<i>Treatment Group Judicial Districts in which the MCI operates</i>	<i>Control Group Judicial Districts in which the MCI does not operate</i>
<i>Santiago</i>	<i>Santo Domingo Province, the National District, La Romana</i>
<i>La Vega</i>	<i>Españat, Juan Sánchez Ramírez (Cotui), Barahona, Puerto Plata, Monseñor Nouel (Bonaó), Constanza</i>
<i>San Francisco de Macorís</i>	<i>Azua, Villa Altagracia, Peravia (Moca) and Samaná</i>

#### 1. Management Models

- a) The Project planned to have at least 39 out of 105 criminal justice offices working under the new management model. During the first year, the Project exceeded the targets , with 14 (instead of 13) established from 2008-2009, with the breakdown as follows: a total of 29 prosecutors offices working with the new management model nationally, 2 Offices of the Public Defender (Cotuí, and Moca) that will be operational starting in November at the behest of counterpart institutions, and one criminal judicial office functioning as of October 23rd.
- b) Three Judicial Districts (La Vega, Santiago and San Francisco de Macoris) implementing the Bureaus of Interagency Coordination (MCI). The projected target was achieved.
- c) The Project planned to achieve the consolidation of 6 judicial districts, upon completion of the judicial department of La Vega. This goal was not achieved due to budgetary

<sup>38</sup> Preliminary data was elaborated based on the last National Census.

constraints and decisions by the institutions themselves. Only the Judicial District of Santiago was consolidated.

- d) The installation of the 3 MCIs has improved the Management Models in terms of enhancing both operational and coordination capacity for each of the institutions in the judicial districts. The MCIs were designed, organized and operate via agreements signed by its participating members. The secretary of the MCI records the results of projects and best practices are shared at quarterly meetings (Mosaic Meetings) for each of the three MCIs.
2. The duration of the criminal process, measured by the number of days elapsed between the dates in which an individual is charged and first sentenced, resulted in an average of 418.83 days, with the measurement period spanning September 2008 – August 2009 (the data has been consolidated from judicial districts measured: National District, Province of Santo Domingo, La Vega, Santiago, San Francisco de Macoris and Puerto Plata). To define this average a methodology was developed in which the Project identified judicial districts for comparison against the treatment districts affected by the work of the Justice Project.
3. The number of poor and marginalized individuals who have received legal assistance during 2009 was of 29,186 (23,623 men and 6,021 women). This information was obtained through official documentation issued by partner institutions. It surpasses the target set for this year.
4. The Project trained 4,277 members of the justice sector during 2009 (1,754 men and 2,523 women), surpassing the target of 1,000 projected for this year. The commitment to measure the impact of training (and the method by which this will be measured) is being developed collaboratively with counterparts.
5. To obtain the number of complaints received and processed according to newly adopted procedures, a formal solicitation on USAID letterhead was sent to the counterparts, dated 29 September 2009. At the time of this report the Project has not received the data; information on the number of complaints received and processed by the three institutions remains to be collected.
6. The Project achieved its target for compliance with the institutional integrity system (SII)—in the Judiciary, the National Office of the Public Defender, and the Attorney General of the Republic. The Judiciary’s ethical rules and standards were approved by the Plenary of the Supreme Court, and the Judiciary’s Organizational Culture Policy is in process. Also, the Project assisted in designing the system of merit and recognition; its implementation remains pending.
7. 4,071 individuals within the judicial sector were evaluated in 2009, disaggregated by institution as follows; Judiciary: 542 judges; PGR, 3,391 Administrative Staff; National Office of the Public Defender: 82 defenders and 56 administrative staff. The projected target of 2,174 was surpassed. The data reported was obtained from official sources.
8. Regarding the creation and implementation of the Interagency Coordination Committee (at the national level), the target was not reached due in part to a climate of constitutional reform in the country, and a lack of political opportunity to develop this committee.
9. In 2009, the Project’s grant for Community Justice Houses was able to obtain five signed agreements for the sustainability of the Houses. Subsequent to these agreements, 75% of the expenses of Community Justice Houses have been committed and covered by both public and private institutions. Similarly, an Interinstitutional Commission was formed to coordinate the expansion of Community Justice Houses in the National District and West Santo Domingo.

The following table is a summary of the Project's indicators of progress and impact. A revised and updated Performance Monitoring Plan has been submitted separately as an annex.

## INDICATOR SUMMARY TABLE – JANUARY TO JUNE 2009

AR 1. 1- Enhanced technical and management capacity of selected institutions for the management of critical cases	Baseline 2008	Target 2009	Target 2010	Target 2011
<ul style="list-style-type: none"> <li>• <b>Indicator 1:</b> Number of offices in the Judicial Sector with the new management model in operation.</li> </ul>	31	13	4	9
<ul style="list-style-type: none"> <li>• <b>Indicator 2:</b> Targets reflecting progress made in the implementation of the management and coordination model in the CPP.</li> </ul>		3	5	6
<ul style="list-style-type: none"> <li>• <b>Indicator 3:</b> Number of Judicial Districts that have been incorporated to the new integrated management and coordination model.</li> </ul>	1	6	7	9
<ul style="list-style-type: none"> <li>• <b>Indicator 4:</b> Number of inter-institutional coordination bureaus created in the Judicial Districts</li> </ul>	2	5	7	9
<ul style="list-style-type: none"> <li>• <b>Indicator 5:</b> Duration of the criminal process, measured by the number of days elapsed between the dates in which an individual is charged and first sentenced.</li> </ul>	197	180	160	120
<ul style="list-style-type: none"> <li>• <b>Indicator 6:</b> Number of individuals from low-income groups and marginalized communities that have received legal assistance through USAID.**</li> </ul>	19385	20166	21266	22316
<ul style="list-style-type: none"> <li>• <b>Indicator 7:</b> Number of individuals from the justice sector trained.</li> </ul>	1678	1000	1300	500
<b>AR 1. 2 - Mechanisms in place for the strengthening of internal and external supervision of the reforms and operations within the Judicial Branch</b>				
<ul style="list-style-type: none"> <li>• <b>Indicator 8:</b> Number of complaints filed and processed according to newly adopted procedures.</li> </ul>	TBD	TBD	TBD	TBD
<ul style="list-style-type: none"> <li>• <b>Indicator 9:</b> Targets reflecting progress made in the implementation of Institutional Integrity System in the Judicial Sector.</li> </ul>	2	4	6	7
<b>AR 1. 3 – Strengthening of institutions and procedures that support the independence and impartiality of the Judicial Branch</b>				
<ul style="list-style-type: none"> <li>• <b>Indicator 10:</b> Number of staff of judicial institutions whose performance was evaluated using institutional procedures.*</li> </ul>	1674	2174	2674	3174
<ul style="list-style-type: none"> <li>• <b>Indicator 11:</b> Number of prosecutors, judges and public defenders that are admitted into the career.*</li> </ul>	1116	412	90	90
<b>AR 1. 4 – Strengthening and capacity building within the Judicial Branch to coordinate and manage the reform efforts</b>				
<ul style="list-style-type: none"> <li>• <b>Indicator 12:</b> Inter-institutional Coordination Committee operational.</li> </ul>		2	5	6
<b>Sub-grant:</b>				
<ul style="list-style-type: none"> <li>• <b>Indicator 13:</b> Number agreements subscribed at the national and local levels to ensure the maintenance and expansion of Community Justice Houses.**</li> </ul>	6	2	2	
<ul style="list-style-type: none"> <li>• <b>Indicator 14:</b> Targets that reflect progress toward the expansion of Community Justice Houses. **</li> </ul>		2	2	
<ul style="list-style-type: none"> <li>• <b>Indicator 15:</b> Percentage of the costs of the Community Justice Houses that are paid by other institutions.**</li> </ul>	50%	80%	100%	

\* **Note:** Indicators 1, 6, 10, 11, 13, 14, and 15 need to reflect the official responses of responsible institutions. (Information request from USAID to each of the institutions is still pending).

\*\* **Note:** Data obtained via a phone interview with each of the institutions.

# GRANT UNDER CONTRACT

On January 10, 2009, DAI awarded a grant to Participación Ciudadana to support the sustainability of Community Justice Houses in Cienfuegos and Herrera.

The results during the first year are as follows:

1. The creation of three (3) support teams for sustainability and institutional development: The Support Group for the Community Justice House of Cienfuegos, The Support Group for the Sustainability of Community Justice Houses, and the PRO-Community Justice House Committee of La Vega, the latter via an interinstitutional agreement for the support of a new house.
2. The establishment of an agreement with the Commission for the Support of Justice Reform and Modernization (CARMJ) for the strengthening of financial sustainability of the houses casas, community capacity building and promotion of judicial reforms. The CARMJ also appointed a permanent liaison between that institution and Participación Ciudadana to coordinate activities related to the houses.

## **Santiago**

To support the activities in the community justice houses, the CARMJ authorized a six month contract of the person responsible the Reception and Information Desk of the Santiago branch. In addition, the land title was obtained for the lot designated for the construction of the new facilities of the Community Justice House of Cienfuegos in the Monte Rico area. The Solicitor of Santiago has agreed to the construction of the new facilities, which, in turn, depends on the award of the land title. Furthermore, public and private institutions have joined efforts for the opening of a second community justice house in Santiago, in the area of La Yaguita and Bella Vista. A meeting was organized with the Office of the Public Defender to facilitate the joint programming of activities.

## **La Vega**

The Community Justice House of de La Vega held a series of meetings as a part of the process of expanding the community justice houses, including one with the neighborhood associations and another one with the Governor, the Senator, and the Representatives of this Province. Community meetings were also held in several neighborhoods of de La Vega, with the participation of 70 community leaders. As part of the activities aimed at identifying sources of funding to ensure the financial sustainability of the community justice houses, the Project Coordinator, José Ceballos, and the Magistrate, Vianela García, met with the Executive Directorate of the Mining Funds Administration of the de La Vega Province. This institution agreed to provide financial support to various project activities, such as education, purchase of equipment and upgrading of the building to house the community justice house.