

–FINAL DRAFT NOT FOR DISTRIBUTION –

Adjustment and Validation of the Juvenile Justice Assessment Tool (JJSAT) Guatemala Juvenile Justice System Assessment

Report Prepared for TtDPK

by Partners for Democratic Change

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List of Acronyms

CEJUDEP	Juvenile Detention Center
CEJUPLIM	Special Center for Detention of Females
CEJUPLIV II	Special Center for Detention of Males 2
CEJUPLIV	Special Center for Provisional Detention of Males
CONJUVE	National Council on Youth
CRC	United Nations Convention on the Rights of the Child
JJS	Juvenile Justice System
LPINA	Act on the Comprehensive Protection of Children and Adolescents
NGOs	Nongovernmental Organizations
PNC	National Civil Police
SBS	Secretariat of Social Welfare
SEGEPLAN	Secretariat for Planning and Programming of the Presidency
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime

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Executive Summary

This report summarizes Partners for Democratic Change's (Partners) Guatemala juvenile justice assessment. Included in this project were a number of tasks and deliverables related to the analysis, adjustment, and validation of TtDPK's Juvenile Justice Assessment Tool (JJSAT). Partners was tasked with adapting the JJSAT to the Guatemalan context, validating it through field research and application and then presenting the findings of this process, both in the form of a juvenile justice assessment and action steps, and in the form of an adjusted JJSAT appropriate for repeated, future use in the Guatemalan context. This report includes:

- 1) A brief summary of the methodology and process used throughout the course of the project;
- 2) The assessment of the Guatemalan juvenile justice system;
- 3) A set of recommendations and action steps.

Additional deliverables related to the adjustment and validation of the JJSAT can be found in the report annexes. These include:

- 1) A juvenile justice system assessment literature review;
- 2) An assessment participants list;
- 3) A list of report references;
- 4) A JJSAT markup document that explains Partners reasons for various changes to TtDPK's original JJSAT;
- 5) A final, revised JJSAT document.

Guatemala confronts a myriad of challenges in the juvenile justice system sector. This assessment found that chief among those are: inadequate resource allocation; lack of intra and inter-institutional coordination and cooperation among juvenile justice sector system institutions; and a lack of a reliable and consistent data on which to base system strategies and operations. These challenges are compounded by dramatic demographic shifts in the Guatemalan population, yielding an exploding youth population without adequate access to educational and economic opportunities. In addition to this, Guatemalan youth are increasingly affected by the gang phenomenon, organized crime, widespread impunity, and weak governance.

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SECTION I: JJSAT ADJUSTMENT, VALIDATION, AND ASSESSMENT PROCESS REPORT

Partners' adjustment and validation of the JJSAT consisted of the following steps:

- 1) Background research on the Guatemalan juvenile justice system. This involved basic documentary research and provided a foundation for further assessment and analysis of the JJSAT.
- 2) Review and analysis of previous juvenile justice assessments in Guatemala and Central America. This involved comparing methodologies of previous juvenile justice assessments, evaluating trends in previous analyses, and identifying areas for improvement in assessment methodology.
- 3) Preliminary interviews and test sessions. This involved testing the original JJSAT through discussion with juvenile justice experts. Experts were asked to use the JJSAT to rate the Guatemalan juvenile justice system and were asked for feedback on the JJSAT's applicability.
- 4) Field research and application of the JJSAT. Partners consulted approximately 45 experts and operators through interviews and focus group discussions. Participants were asked to apply sections of the JJSAT to their respective areas of expertise then engage in open discussion of its content and of the juvenile justice system more generally.
- 5) Guatemalan juvenile justice system assessment report and JJSAT validation. Partners used its field research to compose its assessment of the Guatemalan juvenile justice system and made final changes to the JJSAT. These changes reflected the feedback of assessment participants.

I. Review of Relevant Juvenile Justice Assessment Literature

Partners began the review process by evaluating the JJSAT's relationship to relevant international law. This was done to ensure that the JJSAT met the highest standards of international best practices and provided a starting point for evaluation of Guatemala's normative framework. As a signatory to the Convention on the Rights of the Child (CRC)¹ and with a constitution that recognizes international human rights treaties as superior to domestic law, Guatemalan juvenile justice officials are legally bound by the CRC and the UN standards and rules that surround it.² In addition to these international regulatory documents, Partners reviewed literature relating to international standards for

¹ Full text can be found here: <http://www2.ohchr.org/english/law/pdf/crc.pdf>

² As stated in Chapter 1, Article 46 of the Guatemalan Constitution:
http://www.law.yale.edu/rcw/rcw/jurisdictions/amc/guatemala/Guat_Const_Span.pdf

juvenile justice system assessments and indicators. This review demonstrated a close relationship between the 30 factors listed in the JJSAT and the relevant international standards. The influence of certain standards specific to the United States of America was also apparent, and noted by the experts and operators during the assessment process.

The literature review served to supplement the existing Partners knowledge base, derived from related field work in Guatemala and throughout the region, with a survey of the publicly available juvenile justice assessments in Guatemala and Central America. This process provided insight not only in the form of compiled data, but also through the discovery of “blind spots” in available literature and resources on the subject. This review also included a number of relevant studies, including, among others, those mandated by the contract scope of work: “Legal analysis of the juvenile justice sector in Guatemala and Action Steps to monitor the political process and promote the implementation of initiatives that strengthen this sector,” by Marilyns Barrientos de Estrada and “Juvenile Justice in Costa Rica,” by Rigoberto Portillo. It also consulted the recommendations on how to strengthen juvenile justice systems in Guatemala, Honduras and El Salvador issued by the USAID-SICA Alianza Joven Regional Program.³ The summary of this literature review can be found in Annex I.

II. Preliminary Interviews

The purpose of the preliminary interviews was to ground the Partners review process in consultations with experts in Guatemalan juvenile justice. This allowed for a range of perspectives and experiences to be incorporated while simultaneously providing the assessment team with preliminary data derived from the JJSAT. Experts were asked to use the JJSAT’s methodology of rating various juvenile justice system performance standards and objectives on a scale of 1 to 3, and were then asked to provide qualitative support for their judgment. In addition, they were asked to rate the relevance of each performance standard or objective on a scale from 1 to 10, with one being irrelevant to the Guatemalan context and 10 being highly relevant. This offered an early measure of the JJSAT’s applicability to the Guatemalan juvenile justice system and provided Partners with an additional tool in adjusting it. A sample of the modified draft of the JJSAT used for these test interviews is included below:

Section I	Juvenile Justice Policies and Strategies		
Factor I	Juvenile justice laws and policies reflect modern standards and evidence-based practices	Score	Relevance
Performance Standards or Objectives (PS/O) Checklist		3 2 1	1 to 10

³ Alianza Joven Regional USAID-CICA, *Efectividad de los Sistemas Penales Juveniles: Un Reto del Triangulo Norte (Guatemala, El Salvador, Honduras)*, (2011).

Subtotals	0	0	0	0
Total Factor I Scores	0			0
<u>What Performance Standards/Objectives are missing? Need to be adjusted?</u>				
<u>What would be helpful benchmarks/indicators for each of these PS/O's in Guatemala?</u>				
<u>Relevant data sources for the Guatemalan context?</u>				
<u>General Comments:</u>				

Due to the length of the JJSAT, each interview addressed only those parts of the tool most relevant to their expertise. Scores and relevance ratings were used in concert with qualitative data from interviewees' comments to determine which changes to make to the JJSAT's sections, factors, performance standards, and objectives.

III. Field Research

The in-country research consisted of a number of interviews and focus group discussions with experts, operators, and civil society representatives. This process served three purposes: 1) to validate adjustments made to the JJSAT through exposure to Guatemalan juvenile justice system operators; 2) to provide further insight into the condition of the juvenile justice system for Partners' assessment; and 3) to solicit suggestions for recommendations and action steps to be included in a juvenile justice system strengthening plan. A list of all participants consulted can be found in Annex 3.

Individual and focus-group discussions with juvenile justice experts, operators and civil society leaders revealed a high degree of support for the standards exemplified in the JJSAT. Nonetheless, the uniformly low ratings that assessment participants assigned using the JJSAT called into question the applicability its more highly developed standards.

IV. Adjustments to the JJSAT

Overall, the adjustments made to the JJSAT represent the need to align it more closely with the Act on the Comprehensive Protection of Children and Adolescents (LPINA, for its Spanish Acronym) and best practices for juvenile justice assessments in developing nations. The U.S. orientation evident in the JJSAT represented too high a standard to be meaningfully applied to resource-poor juvenile justice systems confronting levels of crime and violence that far exceed those found in the U.S. At the same time, experts and operators reported that the structural framework represented by the JJSAT's division of

sections and factors needed to be altered to better reflect the primary institutional actors and divisions within the Guatemalan juvenile justice system. While these changes left the general structure of the JJSAT intact, they helped to make its analytical framework more intuitive in the Guatemalan context.

The adjusted JJSAT sections are the following:

Section 1: Juvenile Justice Sector Policies and Strategies

Section 2: Juvenile Court

Section 3: Public Defenders

Section 4: Prosecution

Section 5: Law Enforcement

Section 6: Dispositions

Section 7: Detention and Re-integration

Section 8: Service Continuum

Section 9: System Leadership and Coordination

Section 10: System Design, Management and Accountability

Within these sections numerous changes have been made to the factors, objectives, and standards that comprise the JJSAT. The details of these changes can be reviewed in Annex 4. Generally, these changes reflected an effort to streamline use of the JJSAT by reducing overlapping or redundant objectives, prioritizing the most important objectives within each factor (these objectives are marked in **bold** lettering), and providing new indicators, references, and data sources for use in assessment. It should be noted that indicators, references, and data sources are not exhaustive and will necessarily evolve as Guatemalan juvenile justice system research, data collection, and M&E improve over time.

Finally, It should be noted that this assessment of the Guatemala juvenile justice system is grounded in the feedback and comments received from assessment participants. Partners took seriously the contributions of juvenile justice system operators and experts in the field. Throughout the process of validating this tool, Partners considered what adjustments to the JJSAT would best serve future assessment teams, experts, and system operators as they work to improve juvenile justice in Guatemala.

SECTION II: GUATEMALA JUVENILE JUSTICE SYSTEM ASSESSMENT

Context

In 2011, the first National Youth Survey of Guatemala found that 70% of the population was under the age of 30. In 2012, it is projected that 7.2 million Guatemalans, or 47.7% of the total population, will be children and adolescents, with 2.6 million, or 17.2%, under the age of 5.⁴ In the near future, the majority of Guatemala's population will for the first time be located in urban centers. Within this rapidly urbanizing and predominantly young population, 53.7% live in conditions of poverty and 13.3% live in conditions of extreme poverty. Among Guatemalans age 15 to 29, only 23.4% have completed high school education with only 35% currently employed. While some predict a demographic window of economic opportunity in Guatemala beginning in 2029, the present day landscape of poverty, high unemployment, low education, urbanization, and a rapidly expanding youth population paints a different portrait defined by significant threats to the social fabric of Guatemalan society.⁵

Guatemala is not alone in the challenges it faces. Indeed, similar demographic trends throughout the region have combined with the aggressive emergence of transnational criminal organizations and the social phenomenon of youth gangs to make the “Northern Triangle” of Guatemala, El Salvador, and Honduras the most murderous region in the world.⁶ Given Guatemala's booming youth population and the lack of social, educational, and economic outlets available to them, criminal groups have been highly successful in recruiting youth, with an estimated 8,000 gang members in Guatemala.⁷ While the causes of this phenomenon transcend the realms of law enforcement and juvenile justice, rising insecurity, endemic impunity, and public conflation of youth gangs and the more dangerous transnational criminal organizations that employ them have led to calls for a more aggressive public security strategy. Frustration over the low rate of incarceration of child and adolescent offenders—in 2009 only 299 were in detention throughout the entire country—has given rise to vigilantism, torture, and extrajudicial executions of youths.⁸

A number of challenges for the juvenile justice system emerge in this context of endemic crime and public dissatisfaction. First and foremost, the sheer number of children and adolescents in conflict with the law in Guatemala far exceed the capacity of the

⁴ http://www.unicef.org.gt/l_recursos_unicefgua/publicaciones/Contamos7_Presupuesto2012.pdf

⁵ <http://www.armandopaz.com/ganar>

⁶ UNODC 2011 World Homicide Report. http://www.unodc.org/documents/data-and-analysis/statistics/Homicide/Globa_study_on_homicide_2011_web.pdf

⁷ de Leon-Escribano, Carmen Rosa. *La Juventud y el crimen: Maras y pandillas en Guatemala 1985-2011*.

Prepared for UNDP Guatemala (Authorized to quote by Dr. Linda Asturias).

⁸ Instituto de Estudios Comparados en Ciencias Penales de Guatemala, “*Diagnostico sobre Programas de Atencion Integral en los Centros de Privacion de Libertad para Adolescentes en Conflicto con la Ley Penal.*” (2009).

Guatemalan juvenile justice system, as demonstrated by its low incarceration rates. This is a natural outgrowth of the rapid increase in youth population, increasing rates of criminal behavior throughout Guatemala's demographic groups, and a history of underinvestment in essential public services in a country with one of the lowest tax bases in Latin America, at 11.2% of GDP.

Additionally, public perceptions disproportionately assign responsibility for Guatemala's security issues to minors who, while contributing to street crime, are not principally responsible for the more extreme and disruptive crimes perpetrated by organized criminal groups. This perception, when combined with a traditional inclination towards punitive, as opposed to restorative justice mechanisms, creates an adversarial environment for many of the standards and practices enshrined in international and Guatemalan juvenile justice law. Many consider high levels of impunity and lack of governance to be the main drivers of community lynching of youth in conflict with the law: if the formal juvenile justice system does not deal with them, then private citizens will. At the same time, the problem of lynching is not being monitored by any juvenile justice system institution or government agency at this point, further demonstrating the lack of a strong state presence on this front.

The challenge for juvenile justice policy makers and operators is to simultaneously increase prevention efforts, improve law enforcement, reduce impunity, and provide effective and appropriate services to minors in conflict with the law. Over-emphasis on law enforcement and public security risks leading to abuses and policies that stigmatize youth offenders, initiating a cycle of criminal behavior instead of a process of rehabilitation and re-socialization. Failure to improve public security while adequately explaining the value of progressive juvenile justice policies and practices risks public backlash and continued support for vigilantism. Finding the right balance will require increased political will to tackle issues of juvenile justice, along with coordinated efforts on the part of all juvenile justice policy-makers and operators.

Section I Juvenile Justice Sector Policies and Strategies

At the international level, juvenile justice sector policies and strategies emerge from a number of United Nations conventions, rules, and guidelines relating to children's rights. Articles 37 and 40 of the CRC, establish a general set of legal and social considerations that should be taken into account in dealing with children (defined as people under 18 years of age) in penal systems.⁹ While the Convention provides a legal framework for children's rights, three sets of UN rules provide more detailed guidelines for the actual operational standards for juvenile justice systems:¹⁰

⁹ United Nations Convention on the Rights of the Child. <http://www2.ohchr.org/english/law/crc.htm>

¹⁰ Mary Beloff, "Los Nuevos Sistemas de Justicia Juvenil en América Latina 1989-2006," in Justicia y Derechos del Niño, UNICEF (2006), <http://www.unicef.org/argentina/spanish/JusticiayDerechos08.pdf>

- UN Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines, 1990)¹¹
- UN Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules, 1985)¹²
- UN Rules for the Protection of Juveniles Deprived of their Liberty (1990).

Together, “these three sets of rules can be seen as guidance for a three stage process: firstly, social policies to be applied to prevent and protect young people from offending (the Riyadh Guidelines); secondly, establishing a progressive justice system for young persons in conflict with the law (the Beijing Rules); and finally, safeguarding fundamental rights and establishing measures for social re-integration of young people once deprived of their liberty, whether in prison or other institutions (the Havana Rules).”¹³

As a signatory to the CRC, and with a constitution that recognizes international human rights treaties as superior to domestic law, Guatemala is legally bound by UN rules concerning juvenile justice.¹⁴ For years following CRC ratification, Guatemala struggled to implement the Children’s and Adolescents Code, eventually replacing it with LPINA, which entered into force in 2003 as Decree Number 27-2003).¹⁵

LPINA establishes general regulations relating to individual, social, economic, and cultural rights enjoyed by children and adolescents,¹⁶ organizational regulations for institutions responsible for the social protection of children, and procedural regulations relating to the treatment of child and adolescent victims in conflict with the law.

LPINA provides a less reactive and more proactive framework approach for dealing with adolescents in conflict with the law in accordance with the CRC.¹⁷ This includes guarantees of due process specific to children, respect for human rights in arrest and detention procedures, limits on coercion measures, socio-educational sanctions, respect and consideration for the best interests of the child and adolescent, and deprivation of liberty as a last resort.¹⁸ In other words, LPINA establishes a specialized penal jurisdiction for minors in conflict with the law that is heavily geared towards re-entry and re-socialization.

¹¹ <http://www2.ohchr.org/english/law/juvenile.htm>

¹² <http://www2.ohchr.org/english/law/pdf/beijingrules.pdf>

¹³ Beijing Rules: The Background to the Beijing Rules. http://child-abuse.com/childhouse/childrens_rights/dci_bei1.html.

¹⁴ As stated in Chapter I, Article 46 of the Guatemalan Constitution: http://www.law.yale.edu/rcw/rcw/jurisdictions/amc/guatemala/Guat_Const_Span.pdf.

¹⁵ http://www.unicef.org/lac/JUSTICIA_PENALIngles.pdf.

¹⁶ The LPINA defines children as persons under the age of 13. Adolescents are defined as persons older than 13 and younger than 18 years of age. Collectively, the two groups are referred to as minors.

¹⁷ Ibid 7.

¹⁸ Análisis Jurídico de Leyes y Proyectos de Ley Relacionados con la Justicia Juvenil de Guatemala. PDF

LPINA establishes the following institutions as the main actors within the juvenile justice system: the Judicial Branch (represented by a specialized juvenile court system), the Juvenile Unit of the Institute of the Public Defender, the Office of Children and Adolescents of the Attorney General's Office, the Unit of Children and Adolescents of the National Civil Police, Prosecutor's Office for Juveniles and Children and the Social Welfare Secretariat of the Presidency of the Republic.

The law limits deprivation of liberty to specific circumstances and specialized detention centers for adolescents and children (Art. 159). It establishes two main categories of detention. A minor *provisionally* deprived of liberty (*Privación de Libertad Provisional*, Art. 182) cannot be detained for a period exceeding two months while an adolescent *deprived of liberty in a specialized detention center* (*Privación de Libertad en Centro Especializado de Cumplimiento*, Art. 222-3) can be detained for no more than six years following the conclusion of a legal judicial process. Juvenile justice experts and operators interviewed during this consultancy consistently noted that LPINA provides a strong legal framework in accordance with international standards. However, its actual implementation is weak and fraught with challenges. Principal among these are an inadequate court system with uneven distribution of coverage throughout the country, scarce financial resources, and a lack of specialized knowledge and training on juvenile issues among justice sector and law enforcement personnel.

The 2010 Guatemala Report on the Rights of the Child found that,

[T]here are 15 specialized jurisdictional courts on children and adolescents. There are 350 small claims courts in the municipalities of the country to which they extended powers to deal with cases of children and adolescents at the local level. However, these 15 courts are regional and are located in major urban centers of the country. Moreover, there is only one court of appeals and one for the enforcement of measures both located in the capital city, Guatemala City.¹⁹

This represents only one instance of the myriad ways in which the fundamental challenge of juvenile justice in Guatemala is the implementation of what, by almost all accounts, is an ambitious and progressive legal framework meeting international standards. The specific challenges and nuances of implementation will be explored in greater detail throughout subsequent sections.

Public Policy

Following years of delay, the National Council on Youth (CONJUVE, for its Spanish acronym) unveiled the National Youth Policy for 2010-2015.²⁰ This policy covers a broad range of youth issues, including juvenile justice, and makes commitments to education,

¹⁹ 3rd Report on the Convention on the Rights of the Child. Movimiento Social por Los Derechos de la Niñez. 2010.

²⁰ <http://www.conjuve.gob.gt/portall/pdfs/Politica%20nacional%20de%20juventud%202010-2015.pdf>

prevention, access to justice, and progressive legal principles enshrined in international standards. A number of related policies have been established and are at varying stages of implementation, including: the Policy for the Comprehensive Protection and National Action Plan for Childhood and Adolescence in Guatemala (2004-2015), the Policy Against Addictions and Illicit Drug Trafficking (2009-), the National Agreement for the Advancement of Security and Justice (2008-), and the Security and Rule of Law Policy (2008-).

While these policies represent a valuable effort to articulate a vision for Guatemala through a deliberate public policy development apparatus, the disconnect between the stated aspirations of government policy documents and the reality of conditions throughout the country is stark. Without extensive local buy-in and the resources necessary to realize these policies, such documents only further illustrate the government's struggles to provide services to the entire Guatemalan population.

Furthermore, it is worth noting that within the array of national policies addressing youth and justice issues, none is dedicated exclusively to juvenile justice. Operationally, juvenile justice is treated as a constitutive component of the larger justice system, while in policy it is most often addressed as a corollary to broader youth issues; in neither dimension is it accorded the resources or attention that it requires.

It would be unrealistic to imply that Guatemala's struggles with the implementation of LPINA could be resolved by the development of a national juvenile justice policy. Nonetheless, justices consulted during the course of the assessment attributed many of the problems they confronted and observed in the system to the absence of such a policy and the resulting lack of unified purpose among juvenile justice system operators. This results in limited funding, and development of programs of third level violence prevention, rehabilitation, re-entry and re-socialization for adolescents in conflict with the law. Thus, despite an array of policies related to Guatemala's juvenile justice laws, numerous experts and operators interviewed during this assessment attested to the fact that Guatemalan youth continue to fall victim to a profoundly unfair system that perpetuates conditions of poverty and leads them to a cycle of criminal behavior. As one of the interviewees explained, *"those who belong to gangs don't make long term-plans since their average lifespan ranges between 25-30 years of age. By that time, they know they will be dead."*

Crime and Violence Prevention Strategies

The Secretariat for Planning and Programming of the Presidency (SEGEPLAN, for its Spanish acronym) identifies ten policies relating to violence prevention and reduction, including the National Youth Violence Prevention Policy. Of these ten policies, only three have defined budgets. Youth crime and violence prevention strategies in Guatemala identify three levels of intervention: the first level addresses youth demonstrating antisocial behavior who can be identified as inclined toward conflict with the law; the

second level addresses youth with ties to gangs²¹ as well as other high risk youth; the third level addresses reintegration of at-risk youth and youth in conflict with the law through technical and educational training, as well as personal development.

Though prevention was a recurring and emphatically emphasized theme throughout interviews with experts and operators, current prevention policies and programs are inadequate and uncoordinated, with most efforts focusing on the second, instead of third level of violence prevention. As one of the justices asserted during a focus group discussion, *“We have several limitations in the re-entry system and we have to keep reminding ourselves that a component of the sanctions should be third level violence prevention. This implies that the system itself, through the enforcement of sanctions, is in fact working to prevent recidivism.”*

In recent years, Guatemala has witnessed a variety of innovative crime and violence prevention strategies, though they have not been implemented on a comprehensive scale and most have been the result of external financing. These included the Ministry of Education’s DIGEEX gang prevention program offering at-risk youth vocational training tailored to the employment opportunities in their community. Another innovative gang prevention strategy transported former gang members to a farm donated by the government for agricultural training, removing them from the violent environments in which they had operated as gang members.²² Yet another example is presented by Interpeace-Guatemala’s *12 Strategies to prevent youth related violence*, developed between 2009 and 2010 as a dialogue process that included several youth and civil society organizations with support from the UN system and international donors.

During the assessment, representatives from the UN-System Institutions in Guatemala that belong to the Inter-Agency Coordination Panel on Youth (UNESCO- UN Population Fund, UNICEF and the High Commissioner on Human Rights) spoke of their own institutional and inter-institutional strategies focusing on youth issues. Their programs place a particular emphasis on restorative justice, violence prevention initiatives, and the use of art and culture with at-risk youth, in partnership with the municipality of Guatemala and youth entrepreneurs.

²¹ Despite the common perception of youth gang participation as among the greatest threats to public security, statistics reveal a relatively low level of youth participation in homicides and other crimes of extreme violence. Still, it is likely that many violent crimes committed by youth go unreported and thus the primacy of youth gangs within the public consciousness cannot be disregarded. According to data provided by the Civil National Police (CNP), Guatemala has approximately 8,000 gang members, with 5,000 in the Guatemala City metropolitan area and the rest distributed throughout the country. Ibid at 4.

²² See: Cooper and Ward. *Prevention, disengagement and suppression: A systematic review of the literature on strategies for addressing young people’s involvement in gangs*. 2008. As well as: <http://www.iadb.org/en/news/news-releases/2006-05-04/idb-supports-violence-prevention-in-guatemala.3045.html>; <http://www.ceci.ca/en/where-we-work/latin-america/guatemala/violence-and-crime-prevention/>; and <http://www.rti.org/news.cfm?nav=6&objectid=22280DBF-B48D-6307-25C6D672C09DA0E8>.

According to experts from UNICEF-Guatemala, the most successful initiatives in recent years were the *Escuelas Abiertas* and *Escuelas Seguras* programs. These two programs operated at the nexus of citizen security and social services by approaching public security and violence prevention through educational programming. *Escuelas Abiertas* opened schools on weekends in order to provide extracurricular programming to engage youth during their free time. *Escuelas Seguras* introduced surveillance equipment, heightened police presence, and an anonymous tip line to improve school security. Both programs met with success and enthusiasm and generated high levels of buy-in and institutionalization within government agencies such as the Ministry of Social Development, Ministry of Interior, Ministry of Education and the National Civil Police. Despite these successes, the long-term prospects for these programs are unclear and subject to budgetary uncertainties in the changing political landscape.

It is still unclear what impact the election of President Oscar Perez Molina will have on the Guatemalan juvenile justice system. Juvenile justice experts and operators interviewed during the assessment varied in their opinions on the matter. Some believed he would keep his campaign promise of a more hard line (“Mano Dura”) approach to crime and push for a punitive juvenile justice system with longer detention periods for youth in conflict with the law.²³ Others maintained that his administration had already demonstrated interest in a more nuanced policy, having demonstrated a willingness to engage in dialogue and discuss these issues at a broader level. Regardless of the potential for policy change, there was general agreement surrounding the current lack of robust policy development, accountability, leadership, and coordination mechanisms.

Section 2: Juvenile Court

Following the framework laid out by LPINA, the Guatemalan legal system has established a special jurisdiction to deal with minors in conflict with the law. The judicial process is organized around the following key principles:

- The goal of the legal process is to establish whether the adolescent violated criminal laws;
- The importance of measures guaranteeing that the adolescent be physically present for court proceedings, as well safeguarding evidence and protecting the victim;
- The proper application of the due process of law, special guarantees that apply to the adolescent, in addition to the constitutional and human rights that apply to adults—including, among others, the principle of equality, gratuity of the legal procedures and services, non-discrimination, and the adversarial process;
- Enforcement of measures to ensure that any adolescent deprived of their liberty is supported by rehabilitation and re-entry programs when they return to their family and community.

²³ From 6 to 15 years of punishment, following the Costa Rica model.

The juvenile jurisdiction is comprised of the following Juvenile Court authorities:

- Small Claims Court or Justices of the Peace (*Juzgados de Paz*): These Courts are in charge of small claims cases (transit violations, crimes whose punishment is not more than 3 years of incarceration) involving adolescents in conflict with the law. If the Small Claims Court or Justice of the Peace receives a juvenile case when the Court with special jurisdiction over Children and Adolescents is closed, he/she will submit the case first thing during court hours the following day. There are approximately 350 Justices of the Peace distributed throughout the country).
- Court with exclusive jurisdiction over Children and Adolescents (*Juzgados de Niñez y Adolescencia*): These Courts are responsible for dealing with all cases involving minors accused of violating the criminal law (including civil litigation arising from this claim and any appeals of the Small Claims Courts' decisions), designing comprehensive re-entry and re-socialization measures for minors, exercising control over re-entry and provisional measures as established by the Court, and certifying the Public Prosecutor's decisions. There are 15 of these courts located in metropolitan areas throughout Guatemala.
- Court for the Enforcement of Sanctions (*Juzgado de Control de Ejecución de Medidas*)
This court is responsible for the supervision of minors' individual plans and educational projects (*plan individual y proyecto educativo*), in accordance with LPINA. The court must conduct a mandatory review meeting with the Public Prosecutor, Public Defender, and technical team responsible for the enforcement of the measure every 3 months to assess the minor's progress and make any necessary changes. The court is also required to conduct on-site reviews every 6 months of the juvenile detention centers to ensure the protection of the rights of the adolescents and children deprived of their liberty. There is one such Court located in Guatemala City.
- Chamber of Appeals with special jurisdiction over Children and Adolescents (*Sala de la Corte de Apelaciones de la Niñez y Adolescencia*)
This Chamber is responsible for the appeals process for lower juvenile courts' decisions, decides any conflict of competence issues that may occur during the enforcement of LPINA, oversees the judicial process, and ensures that juvenile justice actors respect the legal timeframes established by LPINA. The Chamber is also tasked with overseeing detention center compliance with the law and respect for the legal and constitutional rights of minors. There is one such Court located in Guatemala City.
- Criminal Chamber of the Supreme Court of Justice (*Camara Penal de la Corte Suprema de Justicia*). This Supreme Court Chamber is responsible for deciding the highest appeals to juvenile justice cases.

A wide-ranging focus group discussion with over 25 justices representing these juvenile courts touched on a number of pressing topics. Chief among the justices' concerns was the need for better funding, training, and coordination within the juvenile court system. The need for specialized juvenile justice training for justices of the peace—who are often the first judicial authorities to come into contact with minors—was especially important to juvenile court justices, as was the need to establish stronger coordination and communication with justices of the peace.

Justices also noted that juvenile court post-disposition involvement was inadequate, both due to a lack of resources—only one operational court in the capital is dedicated to the monitoring of sanctions and measures—and a lack of coordination with the Social Welfare Secretariat (SBS, for its Spanish acronym), the institution responsible for implementing the courts' dispositions. As one of the justices illustrated, *"I believe there has been good will from the Supreme Court to inaugurate a Second Court for the Enforcement of Judgment, of which I am in charge. However, the biggest problem has been the lack of funding, a technical team, and the structural resources needed to fully operate and function, preventing me from actually starting with the work."* The urgency of this situation is made apparent by information supplied by the Public Prosecutor's Office for Children or Adolescents, as it registered approximately 900 open cases with measures and sanctions under the three different schemes (open, semi-open and closed) that demand constant supervision from the Courts for the Enforcement of Sanctions.

Juvenile court justices also noted a need for greater supervision and monitoring within their own ranks, though the majority of their concerns pertained to inter-institutional coordination, monitoring and evaluation, and leadership at the system-wide level. One justice said, *"It is paramount to generate more leadership and inter-institutional coordination among the different actors of the juvenile justice system. We all criticize each other. Instead, we should do this by opening the channels of communication both at the higher strategic and operational levels. That way, we understand where the pitfalls are and once the adolescent enters the system, it is clear to him or her what is going on, what to expect, and we all provide a positive response geared towards the re-entry and re-socialization of youth in conflict with the law."*

Section 3: Public Defenders

Minors in conflict with the law or their parents can enlist the services of a private defender. If they are unable or unwilling to do so, the state is obligated to appoint a public defender to the case. The Institute of Public Defenders is responsible for providing these legal services and is obligated by LPINA to provide a core group of Public Defenders trained in matters of juvenile justice.

As legal representatives and advocates, public defenders' responsibilities include: intervening in the case as soon as the minor is taken into custody; maintaining constant communication with the minor and their family throughout the stages of the judicial

process; ensuring that the minor's legal and human rights are respected; ensuring that any deprivation of the minor's liberty is in accordance with the legal limitations and requirements of the law; and visiting the minor in detention to report any violations of their rights.

Discussion with the Director of the Juvenile Unit of the Institute of Public Defenders addressed the limitations placed on defenders' activities by a general lack of resources and the institutional constraints of the juvenile justice system. Due to limited personnel, one public defender with juvenile expertise is assigned to work exclusively with each court with exclusive jurisdiction over children and adolescents. During the interview, the director reported, "*Since we have limited resources, I decided to take this measure to make sure that the defenders are not double booked to attend hearings in different Juvenile Courts.*" However necessary, this limits public defenders' ability to represent minors in conflict with the law who are not in close proximity to the regional, metropolitan centers in which juvenile courts are located. The USAID-SICA funded program "Alianza Joven Regional" reports that as of 2009, there were six public defenders for Guatemala City and twelve regional defenders with a total of eighteen for the whole country.²⁴ As of 2011, the project reported that there were 23 specialized public defenders (6 in Guatemala City and the rest of them spread out in 12 departments).

Another important issue raised by the Director was the serious need for training within the Institute of Public Defenders. As a result, the Public Defenders Institute training academy (UNIFOCADEP, for its Spanish Acronym) developed a training manual with support from the European Union on the legal framework covering the field of adolescents in conflict with the law.²⁵ It is now mandatory reading in the training of all public defenders assigned to these types of cases. This is of paramount importance because, as she explains it, "*by doing that we are not only remaining in compliance with what the law requires—specialized justice sector operators—but we are also sensitizing our public defenders to this very specific type of work and the level of immediacy it requires precisely because we are dealing with minors.*" However, challenges still remain on this front as the public defenders require more ongoing training as well as an effective case management system that supports monitoring and supervision of public defenders' cases.

Lastly, in discussing inter-institutional coordination, the Director acknowledged that even though there have been several efforts to begin dialogue with the most important actors of the system (including through participation in the USAID regional program Alianza Joven), gaps still remain on this front.

Section 4: Prosecution

²⁴ Alianza Joven Regional USAID-CICA, *Efectividad de los Sistemas Penales Juveniles: Un Reto del Triangulo Norte (Guatemala, El Salvador, Honduras)*, (2011).

²⁵ Instituto de la Defensa Publica Penal, "Principios, Derechos y Garantias de los adolescentes en conflict con la Ley Penal y su Procesamiento," (2009).

Prosecution in Guatemala is handled by the Attorney General's office, an autonomous body within the Public Ministry. Within this body, the Special Prosecutor's Office for Juveniles or Children handles cases involving minors in conflict with the law. It has a central office in the capital, and twelve regional offices that cover the interior of the country. The Public Prosecutor is responsible for the investigation and criminal prosecution of minors in conflict with the law. Prosecutors must attend the preliminary hearing of the minor and provide a statement on their legal situation, along with legal and psychological assessments of the victim, as needed. Furthermore, prosecutors must keep minors informed of the trial process throughout its development.

The Special Prosecutor's Office is hampered by insufficient economic resources and staff.²⁶ In 2009, there were only 7 officials within the Fiscal General who specialized in juvenile matters.²⁷ Aside from deficiencies in funding and coverage, the juvenile prosecutor's office has identified a number of key challenges to the effective prosecution of juvenile crime. Internal evaluations highlighted the lack of sufficient training and sensitivity of juvenile prosecution personnel in their interactions with users, while operators outside the prosecutors' office noted prosecutors' frequent requests for deprivation of liberty, despite its supposed role as a sanction of last resort in juvenile cases. During this assessment, experts noted that *"prosecutors' training and orientation is of a formal, legalistic nature, while the juvenile justice system, properly conceived and implemented, is of a socio-legal nature."* As such, prosecutors frequently fail to implement the principles of restorative justice enshrined in LPINA, as their mandate is to increase criminal prosecution.

On the inter-institutional level, weak coordination within the distinct prosecutors' offices delays or prevents the integration of prosecutors specialized in juvenile issues in adult cases that also involve minors. The Public Prosecutor in charge of the Office for Juveniles or Children affirmed during this assessment that there have been ongoing efforts at the different regional Special Prosecutor Offices to foster inter-institutional agreements, *"In 2011, the Prosecutor's Office of Santa Cruz del Quiche concluded memoranda of understanding with the Institute of the Public Defenders and the Judicial Branch in which they all agreed that all imposed sanctions on adolescents should integrate socio-educational measures."*

Nonetheless, inter-institutional coordination continues to be a primary obstacle to the effective prosecution of juvenile justice cases, particularly between the National Civil Police and prosecutors. Specifically, prosecutors noted the need for joint training of law enforcement and prosecution personnel on such basic issues as the chain of custody for evidence. In the absence of these capacities for more involved investigation, levels of

²⁶ 3rd Report on the Convention on the Rights of the Child. Movimiento Social por Los Derechos de la Niñez. 2010.

²⁷ Gomez, Dario. Diagnostico Centroamericano Justicia Penal Juvenil: Estandares Arts. 37-40 CDN. 2009. P. 49

impunity remain high as police and prosecutors must rely almost exclusively on prosecution of flagrant violations of the law.

LPINA also recognizes the Office of the General Prosecutor Attorney through the Office of Children and Adolescents. The Office of the General Prosecutor is an institution with the constitutional mandate to represent the State of Guatemala in all instances as determined by law and to provide legal counsel to government institutions. Through its Office of Children and Adolescents it also provides legal representation to children and adolescents. In reality, this institution has only a limited presence in departmental headquarters, very limited resources, and minimal expertise in addressing cases related to children and adolescents.

Section 5: Law Enforcement

Established in 1996 as a replacement for the National Police force responsible for thousands of human rights abuses during the civil war, the National Civil Police (PNC, for its Spanish acronym) is Guatemala's primary law enforcement agency. Consisting of approximately 22,000 police officers, the PNC has struggled to preserve basic public order and combat the high levels of violence that have come to characterize Guatemalan public life. In accordance with the 1996 Peace Accords, the PNC has a presence in every municipality in the country, though often only in the municipal seats. Additionally, the PNC struggles with corruption.²⁸

Though more than half of the PNC's original police officers were carried over from the National Police force that it replaced, the PNC is not as encumbered by a history of authoritarianism and human rights abuses as other Guatemalan security services.²⁹ PNC officers are provided training in human rights, community policing, gender-based violence, disciplinary procedures, and basic criminal investigation techniques. In recent years, efforts have been made to increase the professionalism and funding of the PNC and hundreds of corrupt officers have been purged from its ranks. Nonetheless, the PNC still suffers from weak public confidence and struggles to recruit and retain of well qualified officers.

Law enforcement challenges relating to juvenile justice include police abuses—including sexual abuse of minors—and extrajudicial killings of suspected gang members. These abuses further compromise PNC standing and community trust.³⁰ The PNC has no specialized unit for adolescents in conflict with the law.³¹ Its only unit related to juvenile

²⁸ <http://nsarchive.wordpress.com/2011/03/09/wikileaks-guatemala-corruption-and-crime-in-the-national-civil-police/>

²⁹ http://www.ghrc-usa.org/Publications/factsheet_nationalcivilpolice.pdf

³⁰ Guatemala Country Report 2011. Human Rights Watch. <http://www.hrw.org/world-report-2011/guatemala>

³¹ Gomez, Dario. Diagnostico Centroamericano Justicia Penal Juvenil: Estandares Arts. 37-40 CDN. 2009. P. 49

issues, the Unit for Children and Adolescents, is limited to an educational and advisory role, providing training to regular police officers and staff. Nonetheless, experts expressed concern over police abuse of minors, particularly during initial contact with police, when they are most vulnerable.

All interviewees expressed concerns that the PNC has yet to establish the capacities for effective community policing policies, a specialized understanding of adolescents in conflict with the law, and restorative justice processes.

Section 6: Dispositions

LPINA establishes two general categories of punishment for minors in conflict with the law: *deprivation of liberty* and *socio-educational sanctions*.

Deprivation of liberty has an exceptional character and is intended as a last resort for violent crimes and minors who pose a serious threat to public safety. Deprivation of liberty is therefore called for in crimes against life, sexual liberty, individual liberty and aggravated robbery and drug trafficking. Dispositions of this type can be applied for a maximum of six years for adolescents between 15 and 17 years of age and for a maximum of two years for adolescents between 13 and 14 years of age.

Deprivation of liberty is applied under the following schemes:

- Open regime: the adolescent resides at the detention center but all the activities related to the implementation of his or her individual and educational plan will take place outside the center;
- Semi-open regime: the adolescent resides at the detention center with some of the activities related to the implementation of his or her individual and educational plan will taking place outside the center and others within it;
- Closed regime: the adolescent resides at the Center and his/her individual and educational plan establishes that all socio-educational activities will take place within the Center.

Socio-educational sanctions are intended to reintegrate adolescents into their families, communities, and society without institutionalization at a detention center. These sanctions are enforced under supervision and assistance of multi-disciplinary technical teams specializing in juvenile issues and the development of social, personal and professional skills. These sanctions are applied to adolescents between the ages of 13 and 18 who have strong family ties or responsible legal guardians accountable for the adolescent and the enforcement of the sanction. All socio-educational sanctions are issued by the Juvenile Court System, as LPINA does not permit diversion schemes due to fears of police abuses if juveniles in conflict with the law are not immediately referred to a judicial authority. The three categories of socio-educational sanctions include: assisted probation; community service; orientation and supervision.

The SBS is responsible for carrying out and implementing all dispositions imposed on minors in conflict with the law through the *Under-Secretary for the Re-Entry and Re-Socialization of Adolescents in Conflict with the Law*. This Under-Secretary is in charge of managing and implementing both deprivation of liberty and socio-educational sanctions.

SBS responsibilities in the implementation of dispositions include:

- Managing and organizing the disposition programs established under LPINA;
- Providing therapeutic and psychological support services to adolescents and their family members in the process of socio-educational and custodial sanctions;
- Providing Juvenile Court Justices with periodic reports on the progress of re-entry and re-socialization processes;
- Managing and organizing the Special Custodial Centers and Centers of Enforcement of Deprivation of Liberty;
- Designing and implementing re-entry and re-socialization programs for juveniles in conflict with the law, in partnership with civil society organizations, local communities, and government institutions;
- Providing sufficient, competent personnel for the enforcement of sanctions and measures: educators, healthcare providers, social workers, psychologists, psychiatrists, and lawyers specialized in juvenile issues.

Due to SBS's extensive mandate and the resource-intensive nature of its work, the insufficient funding that affects all aspects of the juvenile justice system can be seen most acutely in the implementation of dispositions. SBS staff and operators within other institutions of the juvenile justice system reported that detention centers are stretched well beyond their intended capacity, in many cases holding ten minors to one cell; technical teams are overwhelmed, with SBS psychologists having 80-person caseloads; and follow-up and monitoring of dispositions is nearly non-existent. As one of the justices participating in the focus group discussion noted:

I have visited these centers and I can say that they are inhuman. They keep six to eight adolescents in one small room with no windows, access to daylight, or fresh air. They spent their days in reclusion without having proper access to psychologists and health services. Under these conditions, how can we expect that they will be able to work on their re-integration into society? How can they learn new skills as part of their individual plans of educational development and enter a third level prevention process so they don't get in conflict with the law?

Another significant challenge reported by the justices was the integration of different populations in the centers. Today, many of the centers combine adolescents who are still awaiting trial (pre-trial detention) with those who have already received sanctions. The only effective separation that exists is based on sex and gang affiliation.

Operators throughout the juvenile justice system acknowledged the central importance of SBS's role as the primary implementer of dispositions, point of ongoing contact with system-involved minors, and de facto source of system monitoring and coordination. In light of this, consistent reports of its inability to perform essential functions are of particular concern, though criticisms were not leveled against its staff or administration, but rather against the inadequacy of its resources.

Section 7: Detention and Reintegration

There are four juvenile detention centers in Guatemala. All of them are located in the department of Guatemala. Travel distance between the centers and the various juvenile court locations in Guatemala can range between 20 and 500 km. Due to the requirement that minors be present at each hearing held by the court, this can necessitate significant amounts of travel for minors in the juvenile justice system. According to official data provided by SBS, in 2009 there were 299 minors (280 male and 19 female) in juvenile detention centers. However, unofficial estimates provided by UNICEF during this assessment placed the current number of detained minors at 600. While it is assumed that the majority are of indigenous background, the current system does not adequately disaggregate data relating to the ethnicity of adolescents in conflict of the law, nor does it sufficiently address the gender dimensions and dynamics at work in each center.³²

The four Detention Centers are:

- Special Center for Provisional Detention of Males (CEJUPLIV)
- Special Center for Detention of Males 2 (CEJUPLIV II)
- Juvenile Detention Center (CEJUDEP)
- Special Center for Detention of Females (CEJUPLIM)

By law, detention centers must perform a re-socialization function within the juvenile justice system, providing male and female minors with comprehensive rehabilitation and support services appropriate to their developmental needs as minors. Centers are required to provide full realization of minors' human rights in this respect, regardless of the severity of the crime committed or of the disposition handed down. In order to achieve this, juvenile justice system operators must abide by and enforce regulations relating to detention center infrastructure and the provision of educational, medical, social, cultural, recreational, and psychological services.

The assessment found that juvenile detention centers fail to meet these standards. Though law mandates the separation of those still in the trial process and those already serving dispositions issued by the court, inadequate capacity and resources have led to the combined detention of minors at varying stages of the adjudication and disposition

³² For instance, even though the vast majority of the centers' populations are male, females do confront several challenges within a detention system that does not seem to respond to their particular situation and needs.

processes. Indeed, rising gang tensions in recent years have forced detention centers to separate minors according to gang affiliation, at times mixing adults and minors together, due to the added constraints presented by the threat of gang violence. The need for heightened security precautions have also diverted attention and funding for socio-educational services toward protective measures. This overcrowding at juvenile detention centers has also led to unacceptable sanitation and hygienic conditions.

Additionally, this lack of technical, human, and financial resources manifests itself in a lack of services and programming. One expert estimated the ratio of detained minors to psychologists in a particular center to be approximately 125:1. This same scarcity of resources and re-socialization programs is evident in the lack of adequate educational, vocational, social, and recreational services throughout the detention centers. As a result, the centers fail to adequately re-socialize minors and recidivism rates are high.

Section 8: Service Continuum

LPINA's preference for alternatives to deprivation of liberty requires a robust set of social services for system-involved minors outside of the detention centers. Furthermore, in Guatemala, youth involvement in crime is tied to numerous social forces including drug and alcohol abuse, domestic violence, and poverty, making the provision of youth-oriented social services necessary both to the preservation of public safety and the broader social order.³³

The range of socio-educational measures includes a variety of SBS-administered alternatives to deprivation of liberty. With variations in design and implementation, all programs include some combination of court supervision and the services of a technical team tasked with promoting the minor's social and personal development in order to prevent recidivism. While the supervision and technical assistance envisioned in LPINA is comprehensive, the lack of SBS human and financial resources, combined with the very limited resources of the Court for the Enforcement of Sanctions in Guatemala City, precludes effective oversight and service provision.

In the realm of community supervision, Guatemala has worked to address youth issues, though it has not achieved complete geographic coverage or empirically proven results. A pilot program begun in 1997, Municipal Boards for the Protection of Children and Adolescents (MBP), was designed according to the principles and policies outlined in Guatemala's Constitution, the CRC, and LPINA. Each MBP is formed by six community leaders and aims to protect children and adolescents in the municipality from violence or violations of their rights. MBPs lack any official jurisdiction and are coordinated by the departmental or municipal assistant of the Office of Human Rights. As such, they are not technically part of the juvenile justice system, though their role as advocates for children's

³³ Moser and McIlwaine. Violence in a Post-Conflict Context: Urban Poor Perceptions from Guatemala. 2001.

rights within communities comprises an important part of community supervision programming. 160 MBPs are organized throughout the country, representing approximately half of the total municipalities in Guatemala.³⁴

Still, juvenile justice in Guatemala has been called a “law without resources:”

*The system does not have the capacity to offer a response through [rehabilitation] programs which frustrates the justices, attorneys, and defenders because there is a high rate of repeat offenders, which is not to say that the adolescents are bad, but the issue is that the programs do not exist.*³⁵

This resource scarcity extends beyond support services to affect the functioning of basic case management, “financial and personnel limitations...cause the accumulation of cases pending in the courts of childhood and adolescence.”³⁶

There is no standardized intake and assessment process for minors in conflict with the law nor is there a structured decision-making process to determine minors’ risks and needs. Risk assessments do not drive placement decisions and as a result many adolescents are placed in programs that do not match their risk level and treatment needs. Juvenile court justices reported that “minors enter the system and remain in the system due to many reasons: lack of family commitment, lack of opportunities in the community and lack to access to services.”

Finally, rehabilitation efforts are hindered by widespread, punitive attitudes toward crime and punishment among employees working in the courts and in juvenile justice system institutions: “Another issue that does not allow the implementation and effectiveness of the law is the vision of childhood and adolescence that prevails within the employees working in the courts and in the institutions of the system.”³⁷

Section 9: System Leadership and Coordination

One of the principal problems the Guatemalan juvenile justice system confronts is a lack of leadership and coordination. Throughout the assessment, system operators were able to identify leaders within the system’s respective institutions, but no clear leadership body was apparent at the system-wide level. Personnel policies, database systems, strategic planning, and communications take place on an isolated basis and rarely cross institutional lines. Operators, particular juvenile court justices, consistently cited issues and tasks outside their official purview as impeding their ability to perform their own work,

³⁴ Report on the Convention on the Rights of the Child. Movimiento Social por Los Derechos de la Niñez. 2010.

³⁵ Guatemala’s Ley de Protección Integral de la Niñez y Adolescencia: One Year On. 2005. P. 12. <http://www.juvenilejusticepanel.org/resource/items/G/u/GuatemalaBrendanKolbayReportJan05.pdf>

³⁶ ³rd Report on the Convention on the Rights of Children. Movimiento Social por Los Derechos de la Niñez. 2010.

³⁷ “Another issue that does not allow the implementation and effectiveness of the law is the vision of childhood and adolescence that prevails within the employees working in the courts and in the institutions of the system.” Ibid.

demonstrating the inter-dependence of different juvenile justice institutions and the necessity of coordination.

While good-faith efforts at coordination exist among juvenile justice system actors, they fall short of the kind of institutionalized coordination required across all institutions as a matter of public policy. One such coordination effort exists between the Court for the Enforcement of Sanctions, the Institute of Public Defenders, the Public Prosecutor's Office, and the SBS to ensure minors' attendance at all court hearings.

The lack of inter-institutional coordination seems more apparent when looking at the trial stages of the case, primarily the preliminary stage and the enforcement of sanctions stage.³⁸

Preliminary Stage:

- 90% of juvenile cases result from flagrant violations of the law. As a result, police fail to follow proper investigative procedures and collect sufficient evidence;
- Weak operational coordination between the Public Prosecutor and the Police;
- Perceptions of widespread institutional weaknesses within the National Civil Police lead to a lack of credibility within the rest of the juvenile justice system actors;
- Lack of coordination protocols and joint trainings between the public prosecutors and the police impede effective investigation and prosecution.

Enforcement of Sanctions Stage:

- Lack of coordination between the Court for the Enforcement of Sanctions and the SBS with respect to compliance with the SBS responsibilities and mandate;
- Lack of administrative coordination between the technical teams of the Juvenile Court and the SBS;
- Lack of coordination between SBS technical teams and civil society organizations in identifying placement and re-socialization programs for adolescents.

Section 10: System Design, Management and Accountability

The system design process of the juvenile justice system was led in large part by UNICEF, within the framework agreement signed by the Guatemalan Supreme Court in April, 2000. As part of this agreement, UNICEF was made responsible for providing technical support, consultancy, and training as well as disseminating among justices, prosecutors, police, and public defenders the guidelines for the creation of a separate justice system for children and adolescents that would eventually lead to LPINA.³⁹ At the time of this assessment, UNICEF mentioned that they are still trying to institutionalize the visits of the justices to

³⁸ Efectividades de los Sistemas Penales Juveniles: Un Reto del Triangulo Norte (Guatemala-El Salvador-Honduras), Alianza Joven Regional, USAID-SICA

³⁹ Juvenile Justice Systems: Good Practices in Latin America. UNICEF. 2003.

the detention centers as a means to facilitate a more active supervisory from of the courts on the centers.

Since the implementation of LPINA, however, system design, management, and accountability mechanisms have lagged far behind institutions' and operators' needs. Though policies have been developed and articulated at the highest levels of government, there is a lack of integration of national public policies and action plans into the day-to-day functioning of juvenile justice institutions. As a result, these policies and plans are not reflected in any system-wide coordination of budgets or institutional work plans.

Efforts to address deficiencies in system management and accountability are severely impeded by a lack of reliable and standardized and disaggregated (gender, sex, age, type of crimes, types of measures and sanctions, ethnicity) data on juvenile justice, as every government institution uses different formats and recording systems, producing unreliable official data. Data gathered by juvenile justice operators does not allow for adequate cross-institutional analysis of important factors like gender, ethnicity, age, legal status, sanction, offense and detention center, among others).

Civil society organizations have played a leading role in efforts to monitor, evaluate, and develop reliable juvenile justice indicators. While these efforts have been beneficial and the system should work to further engage CSO's in M&E, advocacy, and public communications strategies, CSO contributions leave much room for improvement considering the isolated and uncoordinated nature of these efforts.

The fundamental lack of monitoring and evaluation throughout the system has a concrete impact on the allocation of resources and implementation of best practices, as services and programs are not data-driven.

SECTION III: JUVENILE JUSTICE SYSTEM STRENGTHENING RECOMMENDATIONS AND ACTION STEPS

This Section provides a set of recommendations for consideration as the starting points for the development and implementation of a *Juvenile Justice Sector Reform Strengthening Plan*. They emerge from consultations with over 40 juvenile justice system actors, experts, and civil society organizations in Guatemala during the application and validation of the JJSAT. These recommendations are also informed by the extensive analysis conducted during the review of national, regional, and international literature in this area. Overall, the following suggestions are based on the findings from the validation and adjustment of the JJSAT in the Guatemalan context that were highlighted in Section II of this report.

The plan is structured in three parts: 1) It proposes a set of guiding principles for a strengthening plan of the juvenile justice system in the country; 2) It outlines a set of recommendations with illustrative action steps; 3) It provides a set of illustrative indicators for programming in this area.

I. Guiding Principles

- **Increase resource allocation and funding with a comprehensive and long term vision.** There is an urgent need for greater financial and human resources. Every dimension of the juvenile justice system in Guatemala would benefit from greater financial investment that focuses on the system as a whole while also generating opportunities for the provision of a comprehensive service continuum.
- **Facilitate inter and intra-institutional coordination as a standard practice across juvenile justice sector institutions in order to foster leadership and accountability.** Improved inter and intra-institutional coordination represents an over-arching imperative that stands to benefit every institution and all dimensions of the juvenile justice system.
- **Invest in comprehensive crime prevention strategies and policies that focus on children and adolescents.** Prevention strategies and policies represent a critical and cost-effective component of the juvenile justice system that is highly linked to a broader social policy on youth.
- **Design and implement a sector wide management system that focuses on improving the capacity of juvenile justice sector institutions to gather disaggregated information and use it across institutions.** An improved design and management system will improve access to accurate, reliable, efficient information and research that improves the comprehensive case management system across institutions.

II. Recommendations

Juvenile Justice Sector Policies and Strategies

Guatemalan policy makers and juvenile justice system operators must establish a clear and achievable framework for implementation of juvenile justice laws. Currently, Guatemala's legal framework for juvenile justice receives consistently high marks while operators and experts criticize the system's failure to realize its normative framework in concrete programs and respect for minors' rights. While the National Youth Policy represents a step forward for Guatemalan policy-making capacity, it falls short of establishing a juvenile justice system policy that provides meaningful assistance to administrators and operators:

- A working group of representatives from key institutions within the juvenile justice system—including police, juvenile court justices, public defenders, prosecutors, detention centers, the SBS, civil society organizations, and community

representatives—should be tasked with formulating a comprehensive policy for the implementation of juvenile justice laws. The policy should focus on providing an achievable, short term set of policies that maximize the resources currently available to system operators, as well as providing a general blue print for longer-term policy.

- Operators consistently called for greater prevention efforts while noting the severely limited scope of violence prevention programs. Policy makers should focus limited financial resources on prevention programs due to their favorable cost-benefit ratio as compared to intervention, treatment, and incarceration. In order to maximize prevention impact and resources, outreach efforts should be made to community civil society organizations, community groups, and the private sector as partners and stakeholders in these efforts. Particular attention should be paid to the 1st level of violence prevention dealing with social risk factors for juvenile crime and the 3rd level of prevention that deals with a truly comprehensive reintegration of the minor back into society. Experts reported that these levels have been neglected by prevention programs despite the fact that they hold a strong potential for large-scale impact.

Juvenile Court

Juvenile court justices suggested a number of areas in which further capacity development is needed for the proper functioning of the court system:⁴⁰

- Justices in Charge of the Enforcement of Sanctions are the most severely understaffed and overwhelmed in the juvenile justice system. Whereas there had previously been only one justice in this position, a second was recently named though she has yet to receive a technical support team or funding for operations. Given the key role of these justices in the juvenile justice system and their involvement in every case processed in the system, the highest priority should be placed on funding this second justice.
- Following the establishment of this second court for the enforcement of sanctions, regional courts in charge of the enforcement of sanctions should be established to reduce the transportation of adolescents to court hearings from distant regions of the country.
- The Commission on Children and Adolescents should require the SBS to provide an updated report on the status of implementation of sanctions for adolescents currently within the juvenile justice system.
- Juvenile court justices demonstrated a high degree of expertise in international standards and best practices relating to juvenile justice. However, they reported uneven levels of comprehension of juvenile justice issues among justices of the

⁴⁰ Following focus group discussion with approximately 25 juvenile court justices, Supreme Court Justice Gustavo Adolfo Mendizábal Mazariegos forwarded this set of recommendations.

peace and some public prosecutors. Ongoing education and training programs should be strengthened or put into place to ensure that operators who come into contact with minors in conflict with the law understand the unique standards and objectives of juvenile justice. These efforts should take place via strengthening of initial training and education programs in the Judicial Training Academy, as well as through ongoing on the job training and consultation with juvenile court justices and SBS staff.

Public Defenders

Juvenile public defenders have been unable to provide sufficient access to justice for all minors in conflict with the law due to their limited resources and geographic coverage. As minors' advocates in the adversarial system of justice, public defenders represent a critical bulwark against abuse of minors, particularly in settings in which other justice system actors have not been adequately trained and educated in juvenile justice issues:

- Though fewer criticisms exist of public defenders' competence and specialization in juvenile justice, experts still reported deficient public defender training in juvenile issues. Public defenders should also participate in ongoing training in juvenile justice issues.
- Public defenders also lack the support of interdisciplinary technical teams to assist in their assessment and defense of minors in conflict with the law. As such, the Institute for Public Defenders should establish lines of communication with CSOs, community groups, and SBS personnel in order to supplement public defenders' limited human resources.

Prosecution

Challenges confronted by juvenile prosecutors are similar to those of the public defenders' office, with the added difficulty of reconciling principles of restorative justice and juvenile issues to the prosecutorial role. As a result, system operators reported a higher degree of prosecutorial antipathy toward juvenile offenders.

- Prosecutors should consult regularly with SBS staff and community representatives regarding the implementation of sanctions and services for minors in conflict with the law in order to remain informed of available post-disposition resources and the concrete implications of juvenile justice outcomes.
- Juvenile prosecutors should join other juvenile justice system operators in ongoing training related to juvenile justice issues.
- Juvenile prosecutors should strengthen inter-institutional cooperation across the different actors of the juvenile justice system.
- Leaders within the juvenile prosecutors' office noted a lack of intra-institutional coordination. Juvenile prosecutors should convene regularly, whether in person

or remotely, to review important case studies, issues, solutions, and other matters of professional relevance.

Law Enforcement

Weak police capacity presents a fundamental challenge to the overall integrity of the juvenile justice system. Additionally, this area represents a deficiency in the juvenile justice legal framework, with experts criticizing the weak provisions of LPINA with respect to police resources dedicated to juvenile justice. As has been discussed, the vast majority of minors in conflict with the law are taken into custody following flagrant violations of the law while investigative capabilities remain minimal. Though high levels of impunity undermine public confidence in law enforcement and encourage vigilantism, excessive pressure on the police to produce quick results risks precipitating police profiling and abuse of minors in conflict with the law:

- Reduction of rates of impunity and improved investigative capacity will be addressed through reform efforts throughout the whole of the PNC. Therefore, police efforts in the area of juvenile justice should focus on community policing strategies, youth violence prevention, and community outreach in areas with high levels of juvenile crime.
- As police capacity and commitment in these areas is low, the PNC's juvenile education and training unit should ensure that police understand the value of leveraging positive community relations and outreach for prevention and law enforcement purposes,
- The PNC should be more fully integrated into juvenile justice system coordination efforts. Though inter-institutional coordination is generally low, the assessment revealed an even lower degree of police integration into system-wide discussions, deliberations, and professional networks.
- The PNC should actively monitor how its personnel manage initial contact with adolescents and hold itself accountable to LPINA standards, including respect for the rights of all minors, promotion of minors' wellbeing and development, avoidance of any form of harm, and make prompt transportation of minors in custody to a competent judicial authority.

Dispositions

The assessment found that while LPINA maintains deprivation of liberty as a last resort, Guatemala currently favors the disproportionate use of severe punishments of minors.

- Due to the resource and personnel-intensive nature of disposition implementation—whether through deprivation of liberty or alternative measures—the SBS struggles to finance the numerous programs it manages. Increased funding in this area should be a priority while cost-sharing, public-private partnerships, and community outreach and ongoing engagement should be pursued

at every opportunity. This includes encouraging community organizations to assist in supervision of minors, vocational training programs in partnership with local businesses, and collaborations with universities in service provision. Models for this exist in various pilot programs like the use of University of San Carlos' social work graduate students for SBS programs and the use of donated agricultural facilities for vocational training. These types of programs should be evaluated for sustainability and scalability.

Detention and Reintegration

The conditions in Guatemalan youth detention centers represent the most concrete violation of minors' human rights in the Guatemalan juvenile justice system. Though detention centers should not be a cornerstone of the juvenile justice system, they are an unavoidable component of even the most progressive juvenile justice systems. The centers lack the appropriate staff to deal with adolescents, resources and the necessary infrastructure to achieve the re-integration of the adolescents into society.

- A high priority should be placed on improving conditions in juvenile detention centers, including basic necessities such as bedding, sanitation materials, and essential infrastructure.
- Following short term improvements to existing facilities, new capacity must be developed, whether through additions to existing facilities or through the development of new facilities.
- Detention centers should remain in constant contact with juvenile courts to expedite any ongoing adjudication proceedings to minimize time spent in detention. Conversely, juvenile courts and SBS personnel should perform regular inspections of detention centers.
- The SBS should have the resources to assign multi-disciplinary technical teams to each center to provide efficient case management in support of the re-integration processes of the minors.

Service Continuum

SBS service provision to minors in conflict with the law represents a sub-section of the implementation of all dispositions. As a result, SBS work in this area suffers the same set of challenges, including a lack of resources and supervisory personnel:

- Reforms in this area should follow the same principles of coordination, cost-sharing, private sector partnerships, university engagement, and community outreach in order to employ the full financial and social resources of Guatemalan society. Additionally, recidivism prevention programs should support families and parents with classes on how to deal with at-risk-children and youth, support

groups, and advice that help reinforce and preserve pre-existing social structures and resources in minors' lives.

System Leadership and Coordination

System leadership and coordination emerged as a fundamental weakness in the juvenile justice system that affected every aspect of system performance:

- Per the recommendation made in the Juvenile Justice Sector Policies and Strategies section, a leadership body should be convened to provide guidance for inter-institutional coordination efforts, responding both to concrete and discrete needs for inter-institutional coordination as well as setting general policies to facilitate operators' interaction across the range of system actors.
- This leadership body should also design advocacy and communications strategies aimed toward generating public support and political will for increased funding of the juvenile justice system.
- This body should formulate recommendations for the creation of a permanent juvenile justice leadership body with legal authority to set broad policies, influence budgetary allocations, and ensure a de-politicized process of juvenile justice system management.

System Design, Management and Accountability

The very process of assessing Guatemala's juvenile justice system revealed the total lack of standardization of data, monitoring, and evaluation within the system:

- The proposed juvenile justice system leadership body should undertake a comprehensive review of respective institutions' data collection practices and databases with the goal of standardizing and eventually unifying all data collection systems. Priority should be placed on standardizing collection of system user data, including key disaggregated demographic, investigation and case management information following international standards, such as the one developed by United Nations Office on Drugs and Crime (UNODC) for juvenile justice indicators.
- Additionally, program performance and outcome indicators should be integrated and standardized system-wide, allowing for improved system design and budgeting decisions.
- This juvenile justice system leadership body should coordinate with SEGEPLAN to ensure that international aid in the area of juvenile justice responds to needs articulated by juvenile justice system leaders and operators.

III. Action Steps

The recommendations made here fall into three general categories: coordination and strategic planning; prevention; and funding. Improvements in all three are essential to the proper functioning of the Guatemalan juvenile justice system. The following action items,

while not addressing each specific recommendation mentioned above, should serve as catalysts for system-wide improvement in a range of dimensions:

- 1) Assemble a provisional leadership and policy development body including representatives from key juvenile justice system institutions as well as civil society organizations and community groups.
 - a. Draft a short term, action-oriented plan for maximizing existing juvenile justice system resources. This can include improving coordination between institutions, cost-sharing of joint trainings, informal networking opportunities, among other initiatives that aim to improve system performance. As this is a problem-solving exercise and represents a continuation of certain inter-institutional coordination efforts already underway, it need not be overly formal or weighed down by bureaucratic processes. The goal is for system leaders to provide their staff with guidance and freedom to innovate as needed in pursuit of better juvenile justice outcomes.
 - b. Provide a longer-term blue print for a juvenile justice system policy, coordinating with SEGEPLAN, the Commission on Children and Adolescents, and CONJUVE, as necessary. This can be a summary document, meant to suggest the purpose and shape of a future juvenile justice policy without investing too many resources in the exercise.
 - c. In partnership with CSO's, formulate an advocacy strategy for juvenile justice, focusing on developing public awareness and acceptance of restorative juvenile justice principles as well as political will for increased juvenile justice funding.
- 2) Assemble a distinct data management and information-sharing body to assess internal M&E practices and capacities, facilitate information sharing among system institutions, and establish system-wide of disaggregated indicators for the juvenile justice system (disaggregated based on gender, age, ethnicity, type of sanction, detention center). A suggested set of sample indicators are provided below.
- 3) Fund the PNC's juvenile training unit to establish a clear policy and strategy for youth-centric law enforcement efforts that focus on community policing and outreach, with the juvenile training unit playing a key role in preparing police officers for the range of duties entailed in community policing operations.
- 4) Perform strategic outreach to the private sector, CSO's, and community groups to leverage external resources in support of first level violence prevention initiatives in high risk areas.
- 5) Allocate funds to SBS to support the improvement of the detention centers and the supervision and enforcement of measures and sanctions.

IV. JJSAT Suggested Indicators

As previously described, a major challenge confronted during the course of this assessment was the lack of available data on the juvenile justice system. The data that was available was often highly inconsistent, did not allow for deep and cross-institutional analysis, and could not be disaggregated.

The following table outlines suggested indicators corresponding to each section and factor of the JJSAT. This is an illustrative, not exhaustive, sample of indicators that attempts to respond to the assessment findings and recommendations as well as the process of validating and adjusting the JJSAT. They represent a mix of original JJSAT indicators, altered or adapted JJSAT indicators, and UNODC indicators.

It should be noted that as of today, all data required for these indicators may not be easily available in the Guatemalan juvenile justice system. However, these indicators provide a useful framework to take into consideration as part of any intervention aimed at strengthening the system in general, and the management of data within system institutions, in particular. Over time, improvements in data collection and management within juvenile justice sector institutions should ease indicator use and inform decision making in a strategic and accountable way. Whenever possible, indicators should be disaggregated based on key demographic factors within the Guatemala context (e.g., issues of ethnicity, background, gender, places of detention, court, type of measure or sanction, etc.) in order to maximize the utility of the indicators.

The importance of an efficient, consistent, and effective information management system is paramount. When government officials and the institutions making up the juvenile justice system do not have information either about the functioning of the system or the children who are in contact with it, abuse, violence and exploitation can occur with impunity, and the experience of the child is unlikely to be in his or her best interest. The need for accurate information and the requirement to ensure the protection of children in conflict with the law calls for the collection of information at the level of the individual child. Furthermore, sufficient information should be collected to allow for disaggregation (this requires details such as places and detention and courts, age, gender, ethnicity, category of charge recorded for each individual).⁴¹

⁴¹ UNODC, Manual for the Measurement of Juvenile Justice Indicators.

JJSAT Table of Sections and Indicators			
Factor #	Issue(s) Measured	Source/Priority Level	Corresponding Indicator(s)
Juvenile Justice Sector Policies and Strategies			
1	Specialized Juvenile Justice System	UNODC/CORE	Existence of a specialized juvenile justice system
2	Prevention	UNODC/Normal	Existence of a national plan for the prevention of child involvement in crime
3	School Enrollment	UNDP Human Development Indicators	Expected years of schooling and combined gross enrollment in education
4	Risk/Need Assessments	JJSAT	Percentage of cases w/ risk/need assessments and number of risk/needs assessment tools used system-wide
Juvenile Court			
5	Personnel caseloads, training requirements, and case management systems	JJSAT	Personnel caseloads, training requirements, total number trained, training hours, are appropriate. Case management system is adequate
6	Duration of pre-sentence detention	UNODC/Normal	Time spent in detention by minors before sentencing
7	Disposition review sessions	Original	Number of disposition review sessions per case
8	Adequate services for juveniles and inclusion of families in courts	Original	Family member satisfaction and juvenile justice process understanding levels
Public Defenders			
9	Public defender experience and caseload	JJSAT	Minimum number of years of experience and caseload for public defenders
10	Public defender coordination with other institutions	Original	Public defender familiarity with SBS and alternative measures to deprivation of liberty
Prosecution			
11	Prosecutor experience, caseload, and outcomes	JJSAT	Minimum number of years of experience, caseload, and disposition outcomes for public

JJSAT Table of Sections and Indicators			
Factor #	Issue(s) Measured	Source/Priority Level	Corresponding Indicator(s)
			defenders
12	Victim and witness services	JJSAT	Rates of victim and witness participation in support programs, number of witnesses attacked or killed
Law Enforcement			
13	Police resources per capita	JJSAT	Number of police officers, police budget, and police staff dedicated to juvenile issues per capita
14	Community policing and gang participation	JJSAT	Existence of community policing strategy and youth gang participation rates
15	Children in conflict with the law	UNODC/Core	Number of minors arrested during 12-month period per 100,000 minor population
Dispositions			
16	Duration of sentenced detention	UNODC/Core	Time spent in detention by children after sentencing
17	Alternatives to detention	JJSAT	Probation staff experience, caseload, training requirements, outcomes, etc.
18	Victims and families served	JJSAT	Victim and family satisfaction rates and community program participation
19	Reduced recidivism	JSJAT	Recidivism rates, supervision plan completion rates, program officer client contacts numbers
Detention and Reintegration			
20	Children in detention	UNODC/CORE	Minor deaths in detention, physical separation from adults, contact with families
21	Reintegration	UNODC/Normal	Percentage of children released from detention receiving aftercare
Service Continuum			
22	Program intervention effectiveness	JJSAT	Recidivism rates for program participants, program completion

JJSAT Table of Sections and Indicators			
Factor #	Issue(s) Measured	Source/Priority Level	Corresponding Indicator(s)
			rates
System Leadership and Coordination			
23	System leadership	JJSAT	Existence of leadership body, user, community, and operators satisfaction rates with leadership
24	Composition and mechanisms of leadership bodies	JJSAT	Institutions and personnel represented in leadership bodies, policy output of leadership bodies
25	System coordination	JSJAT	Number of coordination committees, joint trainings for staff, and links with community resources
26	Public outreach strategies	JJSAT	Existence of communications plan, rate of public awareness and support for juvenile justice policies
System Design, Management, and Accountability			
27	Personnel management	JJSAT	Training program statistics, personnel demographics, personnel perceptions
28	Transparency and accountability	UNODC/Normal	Existence of a system guaranteeing regular independent inspection of places of detention
29	Program evaluation	JJSAT	Tracking of outcome data, outcome-based budget allocation criteria, external program evaluations
30	System equality	JJSAT	Data on minority contact and discrimination and safeguard complaints

International Standards and Juvenile Justice System Assessment Literature Review

I. Introduction

The purpose of this literature review is to complement PDC's analysis of data on the Guatemalan juvenile justice system with a brief review of the relevant literature surrounding juvenile justice system assessments in Guatemala.

In the accompanying final report on the Guatemalan juvenile justice system, a range of sources, including published statistics, government reports, legal and legislative documents, and civil society research, have been aggregated and analyzed for the purposes of providing a more comprehensive picture of the state of the Guatemalan juvenile justice system. This, however, does not provide a sense of the intellectual and methodological patterns of juvenile justice assessments in Guatemala and its peer countries.

The present literature review, therefore, takes a more narrow view of the relevant sources of information in order to inform PDC's work with the JJSAT and locate it in the context of previous assessment efforts. The purpose of this literature review is not the empirical analysis of the conditions of the Guatemalan juvenile justice system. It is the meta-analysis of previous efforts to assess those conditions.

The review begins with the relevant international juvenile justice laws, standards, and guidelines, followed by a summary of international standards and best practices for monitoring and evaluation of juvenile justice systems. It then reviews a range of juvenile justice assessments from other countries in region, in order to provide a comparative basis for analysis of the Guatemalan system. Finally, it reviews the relatively limited number of juvenile justice assessments specific to Guatemala.

II. International Juvenile Justice Laws and Regulations

The CRC, ratified by Guatemala in 1990, establishes the civil, political, economic, social, health and cultural rights of children.¹ As Chapter I, Article 46 of the Guatemalan Constitution affirms the preeminence of international law in all matters relating to human rights, the CRC provides the normative foundation for the Guatemalan juvenile justice system.² While the CRC's prescriptions in the area of juvenile justice are quite general, it establishes a rights-based paradigm for the treatment of children, challenging centuries of precedent that regarded children as legal objects, not subjects. This shift in legal orientation would prove fundamental to the development of Guatemala's juvenile justice framework, particularly the LPINA.³

¹ Full text can be found here: <http://www2.ohchr.org/english/law/pdf/crc.pdf>

² Full text can be found here: http://www.law.yale.edu/rcw/rcw/jurisdictions/amc/guatemala/Guat_Const_Span.pdf.

³ Barrientos de Estrada, *Consultoría: Asistencia Técnica para el Análisis Jurídico de Leyes y Proyectos de Ley Relacionados con la Justicia Juvenil en Guatemala*. 2008.

The general nature of the CRC's prescriptions is complemented by the more specific documents recalled in the preamble, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules").⁴ These rules, which precede the CRC by 5 years and are not legally binding, nonetheless provide a comprehensive framework for the administration of juvenile justice systems and reflect an early international consensus surrounding best practices in the field. The Beijing Rules establish standards for specialized treatment of children throughout the criminal process, including the requirement of specialized police units and personnel, legal defense, alternatives to the deprivation of liberty, among others.⁵ Over the years, the Beijing Rules were supplemented by a wide array of United Nations rules, guidelines, and principles that helped to further solidify the sense of international best practices in juvenile justice:

- The United Nations Guidelines for the Prevention of Juvenile Delinquency ("The Riyadh Guidelines");⁶
- The United Nations Rules for the Protection of Juveniles Deprived of their Liberty;⁷
- The United Nations Standard Minimum Rules for Non-custodial Measures;⁸
- The United Nations Guidelines for Action on Children in the Criminal Justice System;⁹
- The United Nations Basic Principles on the use of Restorative Justice Programmes in Criminal Matters;¹⁰
- The United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime.¹¹

Taken as a whole, these exhaustive guidelines present national policy-makers and experts with an internationally sanctioned set of principles to apply to the full continuum of laws and programs related to juvenile justice. The literature asserts the necessity of guaranteeing juveniles a standardized criminal process that affords them the same procedural rights that adults receive, with additional, specialized treatment due to their special vulnerability and limited capacity.¹² The special developmental considerations that must be taken into account in

⁴ Full text can be found here:

<http://cidh.org/Ninez/pdf%20files/UN%20Rules%20for%20the%20Protection%20of%20Juveniles%20Deprived%20of%20their%20Liberty.pdf>

⁵ UNICEF. *Juvenile Justice Systems: Good Practices in Latin America*. p. 13.

http://www.unicef.org/lac/JUSTICIA_PENALingles.pdf

⁶ Full text can be found here: <http://www.un.org/documents/ga/res/45/a45r112.htm>

⁷ Full text can be found here: <http://www.un.org/documents/ga/res/45/a45r113.htm>

⁸ Full text can be found here: <http://www2.ohchr.org/english/law/pdf/tokyorules.pdf>

⁹ Full text can be found here: <http://www2.ohchr.org/english/law/system.htm>

¹⁰ Full text can be found here: <http://www.un.org/en/ecosoc/docs/2002/resolution%202002-12.pdf>

¹¹ Full text can be found here: http://www.unodc.org/documents/justice-and-prison-reform/Justice_in_matters...pdf

¹² UNODC Juvenile Justice Assessment Toolkit: http://www.unodc.org/documents/justice-and-prison-reform/cjat_eng/2_Juvenile_Justice.pdf

juvenile justice give rise to the heightened emphasis on preventive, alternative, and restorative models of justice that attempt to assure the continued, healthy development of juvenile offenders while respecting victims' rights and the demands of rule of law.

III. International Juvenile Justice Monitoring and Evaluation Standards

In addition to providing the regulatory and conceptual framework for juvenile justice systems around the world, various United Nations agencies have also provided guidelines and toolkits for the monitoring and evaluation of these systems:

- United Nations Office on Drugs and Crime Manual for the Measurement of Juvenile Justice Indicators¹³
- United Nations Office on Drugs and Crime Criminal Juvenile Justice Assessment Toolkit¹⁴
- United Nations Office on Drugs and Crime Criminal Crime Prevention Assessment Toolkit¹⁵
- United Nations Children's Fund Juvenile Justice Systems: Good Practices in Latin America.¹⁶

While standardized M&E procedures and indicators are essential even in high-performing juvenile justice systems, much of the impetus for international toolkits and manuals in this area has been the failure of national juvenile justice systems to successfully implement the rule, standards, and guidelines prescribed by international norms.¹⁷

The purpose for offering these universally standardized indicators for juvenile justice is three fold:

1. Firstly, indicators offer a clear global definition of 'baseline' information that every country should be able to produce...the use of standard indicators allows comparison of the situation in different countries.
2. Requiring local level institutions to develop, collect and report information about individual children for whom they are responsible, contributes to the protection of those children by ensuring that they do not 'slip through the net' and by causing the institution to consider and review its treatment of the child.

¹³ Full text can be found here: http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf

¹⁴ Full text can be found here: http://www.unodc.org/documents/justice-and-prison-reform/cjat_eng/2_Juvenile_Justice.pdf

¹⁵ Full text can be found here: http://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/09-82502_Ebook.pdf

¹⁶ Full text can be found here: http://www.unicef.org/lac/JUSTICIA_PENALingles.pdf

¹⁷ UNODC Juvenile Justice Assessment Toolkit, p. 1: http://www.unodc.org/documents/justice-and-prison-reform/cjat_eng/2_Juvenile_Justice.pdf

3. Measurement of the indicators also enables the existence of relevant policies to be assessed, both by local institutions and at the national level.¹⁸

Additionally, the information collection process should adhere to the five following principles:

1. Information collection should focus on the expeditious collection of information for at least five core indicators.¹⁹
2. Definitions should be consistent.
3. When possible, information should be collected at the level of the individual child and should include demographic information that allows for later disaggregation.
4. The collection process should focus on how results of indicator measurement can be used at all levels of the juvenile justice system.
5. The collection process should be carried out according to the highest ethical standards, respecting the rights and privacy of children.²⁰

With these goals and principles in mind, the UNODC manual establishes 15 indicators, 11 of which are designated as “Quantitative Indicators”, and 4 as “Policy Indicators”. The quantitative indicators yield easily compared statistics, often standardized as percentages or numbers of children per 100,000 of the country’s total child population. The Policy indicators assess “whether four features that are particularly important for effective juvenile justice are enshrined in national law or policy.”²¹ In addition to these categories, 5 indicators are highlighted as “Core” indicators that take priority in any collection process.

In addition to the provision of this relatively simple set of indicators, UNODC resources include more complex narrative and conceptual mechanisms. The UNODC juvenile justice assessment toolkit roughly divides assessment categories into “legal and regulatory framework,” “vulnerable groups,” and “management/coordination.” Judgments regarding the various components of these categories involve considerably more qualitative judgment and discretion on the part of the assessor than do the previously mentioned indicators. This approach yields a less standardized and universally comparable product but also allows for more in depth analysis of the conditions of a particular system.

Finally, UNICEF complements these UNODC resources with a study of its own laying out various examples of good juvenile justice practices within specific programs throughout in Latin

¹⁸ United Nations Office on Drugs and Crime Manual for the Measurement of Juvenile Justice Indicators, p. 3.
http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf

¹⁹ The UNODC Manual for the Measurement of Juvenile Justice Indicators divides its 15 indicators into two tiers with the first, “core” tier, representing the highest priority indicators.

²⁰ United Nations Office on Drugs and Crime Manual for the Measurement of Juvenile Justice Indicators, p. 4.
http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf

²¹ United Nations Office on Drugs and Crime Manual for the Measurement of Juvenile Justice Indicators, p. 6.
http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf

America. This case study-based methodology establishes its own set of benchmarks for inclusion in the study:

1. The positive impact of the practice on the targeted population;
2. The incorporation of the principles of non-discrimination, the best interests of the child, and the participation of adolescents;
3. The application of Articles 37 and 40 of the CRC, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, the United Nations Guidelines for the Prevention of Juvenile Delinquency, and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;
4. The development of alliances with civil society and the private sector;
5. The strategies employed in implementing programmes and in overcoming difficult obstacles; and
6. The sustainability of the practices.²²

These benchmarks clearly draw from international standards mentioned above while including benchmarks that more directly engage with questions of program innovation and development at a sub-system level.

IV. Regional Juvenile Justice System Assessments

There have been a number of juvenile justice system assessments in Guatemala's neighboring countries in recent years. This comes as no surprise given the dramatic increase in crime rates and Central America's return to levels of violence not seen since the civil wars of the 1980's. There remains, however, a tendency towards analysis on the part of assessors that addresses a common set of issues without standardized quantitative measures or easily comparable qualitative conclusions.

Despite their differences these assessments often share certain basic features. A review of the legal framework for juvenile justice is almost always included in juvenile justice assessments and often provides a starting point for evaluation. Due to the clarity of international law in this area, this dimension of juvenile justice system assessments is relatively straightforward and the body of literature demonstrates a marked consonance in this regard, despite a lack of formal, methodological coordination.²³ Additionally, this pattern of legislative focus could point toward

²² UNICEF. *Juvenile Justice Systems: Good Practices in Latin America*. p. 7
http://www.unicef.org/lac/JUSTICIA_PENALingles.pdf

²³ The following juvenile justice assessments begin with comparable sections concerning international and domestic legal frameworks: Herrero Escrich, Víctor, *Diagnostico Situacional: Justicia Juvenil Restaurativa y Prevención de la Violencia Juvenil, La Experiencia de Nicaragua*, 2008; Mejía Portillo, Rigoberto, *Strengthening the Juvenile Justice System in Costa Rica*, 2010; Galocha Morales et al., *Assessment of Juvenile Justice in Belize*, 2010; American Bar Association Rule of Law Initiative, *Estudio de Evaluación de la Justicia Penal de Adolescentes: Nicaragua*, 2010; *Evaluación del Sistema de Justicia Penal Juvenil de El Salvador: Informe Final, Conclusiones, Recomendaciones, y Buenas Prácticas*, 2008; *Diagnostico del Sistema de Justicia Penal Juvenil: Documento Resumen, Comisionado Nacional de los Derechos Humanos de Honduras*, 2005.

an implicit belief in the law as the essential basis for judicial system assessments. While this may be logical within a narrowly-construed legal-theoretical framework, it presumes the primacy of formal legal structures over factors like social conditions and institutional dynamics, despite their important role in determining juvenile justice system outcomes.

Following analysis of the legal framework, assessments often turn to a summary of the principal institutions and operators comprising the juvenile justice systems, including:

- Prosecutor's Office
- Public Defender
- Police/Public Safety Institutions
- Judges
- Relevant Government Social Service/Development Agencies

This analysis of institutional entities can take the form of a background section or of the principal means of system assessment. The former approach describes the most active institutions within the juvenile justice system before proceeding with a more thematically-driven assessment. The latter provides a more extensive evaluation of the system's institutional components that is followed by recommendations and conclusions that attempt to synthesize the institutional analysis at a systemic level.

Neither approach reveals a standardized methodology for discussing the role of institutional actors in the juvenile justice systems. Rarely are a transparent set of indicators used to measure comparable institutions' performance within the juvenile justice systems of their respective countries, preventing the sharing of experiences and best practices on a regional level. The Comisionado Nacional de los Derechos Humanos de Honduras provides one of the more comprehensive and transparent catalogs of indicators:

- Total population subject to process
- Total pending processes
- Proportion of processes managed in court
- Proportion of processes managed by judicial operator
- Total number of cases sentenced
- Number of adolescents with precautionary measures
- Number of adolescents with rehabilitative measures
- Number of complaints
- Conditions for receipt of the complaint
- Number of adolescents apprehended
- Proportion of cases investigated using scientific evidence
- Number of adolescents who benefited from technical assistance
- Cases where preventive measures are imposed, especially placement

- Cases resolved through procedural simplification concepts
- Average duration of the process
- Number brought before a judge
- Type of socio-educational measure requested and imposed
- Average duration of the preventive and socio-educational measures
- Type and quality of existing infrastructure
- Type and professional level of staff²⁴

In addition to this, the assessment includes an additional set of indicators for the implementation of measures. This use of quantitative indicators is helpful as it holds the promise of intra-regional comparisons, though the conceptual framework of the analysis is sufficiently distinct from that of the rest of the literature to impede easy comparison.²⁵

Beyond the tendency towards an accounting of the legal and institutional frameworks of the juvenile justice systems, the assessment literature contains a variety of unevenly applied tools.

The ABA's Nicaragua and Belize assessments both include a preliminary analysis of social perceptions of juvenile crime and justice and youth perceptions of law enforcement institutions. Both background sections help to place reform efforts in a broader context, one that is largely hostile to the policies and practices mandated by international law and standards.²⁶ While it is difficult to incorporate this into the methodology of assessment for the juvenile justice system, it helps to explain the ideological and political constraints on juvenile justice system performance.

Still, this focus on the discourse and attitudes surrounding juvenile justice neglects a more fundamental evaluation of the social conditions that are of paramount importance to any discussion of juvenile justice. In most cases, this sort of analysis is limited to statistics relating crime rates, without a fuller statistical or narrative account of poverty, education, psycho-social issues, domestic violence, and other factors that help to generate the juvenile justice system's caseload and affect the success of its interventions.²⁷

²⁴ Diagnostico del Sistema de Justicia Penal Juvenil: Documento Resumen, Comisionado Nacional de los Derechos Humanos de Honduras, 2005.

²⁵ Following its normative/regulatory analysis, the most common element throughout the assessment literature, the Honduran report categorizes the rest of its analysis as either "Análisis del Proceso" or "Análisis de Ejecución de Medidas," two categories not shared by other reports.

²⁶ In Nicaragua, the ABA report describes a "polarizing" debate surrounding the Childhood and Adolescence Code, with opponents asserting that it promotes delinquency. In Belize, the ABA report refers to an ongoing debate between punishment and rehabilitation, and the widespread perception that juvenile delinquency is the principal threat to public safety in Belize.

²⁷ The Alianza Joven Regional USAID-SICA report on El Salvador is representative of this broader trend in that its "Antecedentes" section only includes a summary of the recent history of law enforcement policy initiatives and a list of homicide rates in the years leading up to the assessment.

Methodologically, the ABA assessments of Nicaragua and Belize are of greatest relevance to the JJSAT. These assessments use ABA Rule of Law Initiative's Detention Procedure Assessment Tool (DPAT). Like ABA ROLI's Judicial Reform Index (JRI), from which the JJSAT more directly borrows its format and methodology, it consists of a section and factor-based structure, direct re-iteration of international standards, and qualitative "correlation" statements for each factor. Nonetheless, the substantive questions addressed by the JJSAT, with its focus on highly specific issues relating to juvenile justice, as well as its design for juvenile justice systems in the U.S., contrast with the DPAT and JRI's more procedural and international focus, preventing extensive comparisons.

V. Guatemalan Juvenile Justice System Assessments

Assessments of Guatemala's juvenile justice system often begin with discussion of the progression from a tutelary model of juvenile justice to the rights-based model supported by the UN Convention on the Rights of the Child.²⁸ While the primacy of the CRC is widely acknowledged, assessments trace the development of Guatemala's legal framework from the CRC's ratification in 1990, through the 13 years of legislative gridlock that prevented its enactment, to the passage of the Law for the Comprehensive Protection of Childhood and Adolescence (LPINA, for its Spanish initials). As with the regional assessments previously discussed, the Guatemalan assessments also rely heavily on analysis of the legal and public policy frameworks surrounding juvenile justice. The PAVI Project assessment performed by Marilys Barrientos de Estrada focuses almost exclusively on the legal framework while the Estuardo Sanchez's 2008 Creative Associates assessment includes more extensive discussion of implementation, though this also has a legal and structural emphasis, focusing more on the implementation processes within formal judicial settings than on probation, detention, law enforcement, among other juvenile justice issues that fall outside the traditional purview of the courts.

The multi-year Alianza Joven Regional USAID-SICA project has made significant strides toward integrating situational analysis and evaluation of key actors with the more legal analysis evident throughout the reviewed literature. The 2008 and 2011 Alianza Joven reports follow their preliminary analyses of legal and policy frameworks with a discussion of the constituent actors of the Guatemalan juvenile justice system: judges and courts; prosecutors and public defenders; police; and administrative institutions. Their assessment of judges and courts interweave surveys of recent legislative and procedural adjustments to the system's legal framework,

²⁸ The following juvenile justice assessments begin with comparable discussion of Guatemala's evolution from a tutelary to rights-based juvenile justice framework: Gomez Martinez, Elisa. *Análisis Comparado: Los Sistemas de Justicia Penal Juvenil en el Triangulo Norte Centroamericano: Guatemala, Honduras, y El Salvador*. Alianza Joven Regional USAID-SICA, 2008; Estuardo Sánchez, Efraín. *Análisis del Sistema de Justicia Penal Juvenil en Guatemala*. Alianza Joven Regional USAID-SICA, 2008. Barrientos de Estrada, Marilys. *Asistencia Técnica para el Análisis Jurídico de Leyes y Proyectos de Ley Relacionado con la Justicia Juvenil en Guatemala*. USAID-Justicia Contra la Violencia y la Impunidad, 2008.

reviews of the limited geographic distribution of its operators, and discussions of the specific ways in which issues of access to justice and case overload are expressed. The subsequent discussion of Guatemala's juvenile prosecutors and public defenders is limited to a critique of the limited funding and human resources that prevent adequate coverage throughout the country while the discussion of Guatemala's National Civil Police presents a criticism of the legal framework, noting the LPINA's inadequate mandate for the creation of an advisory and educational unit within the police force. Their discussion of administrative entities refers principally to the SBS, a crucial entity in the juvenile justice system that is often neglected in other assessments. The assessments offer similar evaluations of the SBS's role as a convener and coordinator of government and community resources, as an implementer of dispositions, and as the primary provider of social, psychological, medical, and educational services within the juvenile justice system.

VI. Conclusion

Review of international juvenile justice laws and regulations reveals a robust and comprehensive international normative framework guiding the Guatemalan juvenile justice system. Article 46 of the Guatemalan constitution asserts the primacy of international treaties—in this case the United Nations Convention on the Rights of the Child and the array of corollary rules and standards for the prevention and management of juvenile crime—in areas relating to human rights. Guatemala's LPINA, as an expression of these international standards, represents a highly progressive and advanced juvenile justice framework.

In support of these international standards there exists a set of recommendations and best practices put forth by the United Nations in the area of international juvenile justice monitoring and evaluation standards. These are intended to provide guidance in the complex task of performing M&E in a complicated and nuanced field. These systems also place a premium on easily replicable and standardized indicators, allowing for long term monitoring activities as well as international comparisons. As distinct from the actual normative framework advanced by the UN, states are under no formal requirements to implement these standards and practices. Nonetheless, these systems provide a transparent, accessible, and widely comparable set of indicators that offer useful guidance for M&E activities in resource and information-poor settings.

The literature of regional juvenile justice system assessments covers a range of countries and employs a variety of assessment methodologies. The principal, common characteristic throughout the literature was a focus on the countries' respective legal frameworks as a starting point of analysis. This provides an accessible starting point for these analyses due to the relative ease of data collection. The majority of assessments then proceed with an analysis structured around thematic issues within the field of juvenile justice or around the constituent actors in each respective juvenile justice system. Additionally, some assessments include a section addressing the social, cultural, and economic context in which the juvenile justice

system is located, discussing issues of class, race, and social disruption, among other relevant factors. While these patterns in the structures of assessments allow for a certain degree of comparative analysis, they lack in transparent, qualitative indicators and rely heavily on qualitative analysis based in each assessment team's determination of relevant factors.

Juvenile justice assessments in Guatemala have typically conformed to the patterns seen in assessments throughout the region, with a heavy emphasis on the legal framework, followed by discussion of key actors within the juvenile justice system. Recent efforts by the Alianza Joven assessment teams have brought needed attention to the crucial role of the SBS in the coordination of juvenile justice programs and the concrete realities of system users and affected communities. This perspective provides a necessary complement to the predominance of legal analyses that runs throughout the literature, bringing attention to the programs and facilities in which the majority of user-system contact takes place. Furthermore, the multi-year project life of the Alianza Joven project allows for comparison between the similarly structured 2008 and 2011 assessments. This form of standardized and longitudinal analysis most closely implements recognized best practices in M&E. Nonetheless, this methodology relies heavily on qualitative analysis and still lacks transparent, quantitative indicators.

Taken as a whole, this literature review reveals a somewhat piecemeal approach to juvenile justice assessments in Central American and Guatemala. The clarity and strength of international law in the area of juvenile justice is matched by a corresponding emphasis on legal analysis in system assessments. While legal analysis certainly deserves a place of high priority in the assessment literature, this review demonstrates that over-reliance on this approach has tended to limit the necessary attention on the actual implementation of juvenile justice services and programs, as well as implicitly assert that the appropriate analytic starting point for these assessments is the law when, in fact, a strong case could be made for the primacy of social conditions in determining the prospects juvenile justice systems. The most fundamental issue arising from this literature review is the paucity of transparent and comparable indicators. While the body of juvenile justice literature is emerging, the utility of the aggregated data is limited by each assessment's unique methodology and lack of standardized indicators. As a result, a meta-analysis of this literature provides no baseline and no reliable means of comparing experiences and practices across systems or years. Moving forward, juvenile justice assessments should account for these trends in the literature and work toward a more coordinated and standardized methodology that allows each assessment team a degree of discretion while at the same time ensuring that the sum total of external evaluation efforts provide the most useful data to juvenile justice policy makers and operators within the region.

List of experts and operators consulted during the course of the assessment

Name	Title	Institution
United Nations Organizations		
Justo Solórzano	Oficial de Protección	United Nations Children's Fund-Guatemala
Linda Asturias de Barrios	Coordinadora, Programa Informes Nacionales de Desarrollo Humano y ODM	United Nations Development Program
Lucia Verdugo	Oficial Nacional de Programa Educación	United Nations Educational, Scientific and Cultural Organization
Carolina Naranjo	Asistente Técnico, Programa Cultura de Paz	United Nations Educational, Scientific and Cultural Organization
Ramiro Barriga	Oficial de Derechos Humanos	United Nations High Commissioner for Human Rights
Enrique Marin Pellecer	Analista Estratégico	United Nations Office on Drugs and Crime-Guatemala
Jose Roberto Luna Manzanero	Consultor en Educación y Juventud	United Nations Population Fund
Juvenile Justice System Service Providers		
Carlos Menchu	Coordinador, Unidad de la Niñez	Organismo Judicial
Carlos Soto	Coordinador, Programa de Medidas Socioeducativas	Secretaria de Bienestar Social
Gina Lorena Ortiz Lopez	Coordinadora de Fiscales de la Justicia Juvenil	Ministerio Publico
Maria del Carmen Baldizon	Coordinadora de Defensores la Justicia Juvenil	Instituto de la Defensa Pública
Judges Judicial and Support Staff		
Gustavo Mendizábal	Magistrado Vocal IV	Corte Suprema de Justicia
Matías Rodríguez	Asociado	Corte Suprema de Justicia
Nancy Fuñes	Magistrada Vocal V	Corte Suprema de Justicia
Brenda Gil	Juez	Organismo Judicial
Carol Yesenia Berganza	Juez	Organismo Judicial

Dina Mortensen	Juez	Organismo Judicial
Juan Edilmar Fuentes Garcia	Juez	Organismo Judicial
Miguel Ángel Giordano	Juez	Organismo Judicial
Rony Lopez	Juez	Organismo Judicial
Rossana Mesa	Juez	Organismo Judicial
Anabela Acevedo Estévez	Juez de Paz	Organismo Judicial
Ángel Horacio Ávila Gudiel	Juez de Paz	Organismo Judicial
Carolina González	Juez de Paz	Organismo Judicial
Darwin Marroquín	Juez de Paz	Organismo Judicial
Luis A. Campos Ramírez	Juez de Paz	Organismo Judicial
Marvin Giovanna Cermeño Mancilla	Juez de Paz	Organismo Judicial
Victor Hugo Pérez	Juez de Paz	Organismo Judicial
Carlos Pérez	Juez de Ejecución de Sentencias	Organismo Judicial
Verónica Galicia	Juez de Ejecución de Sentencias	Organismo Judicial
Maria Consuelo Porras	Sala de Niñez	Organismo Judicial
USAID Proyecto Contra la Violencia		
Amanda Hernández	Consultora	USAID Proyecto Contra de la Violencia
Cesar Parodi	Consultor	USAID Proyecto Contra de la Violencia
Gloria Biassini	Consultora	USAID Proyecto Contra de la Violencia
Hugo Saravia	Consultor	USAID Proyecto Contra de la Violencia
Marisela Velasco de Paniagua	Consultor	USAID Proyecto Contra de la Violencia
Max Marroquín	Consultor	USAID Proyecto Contra de la Violencia
Sandra Aldana	Consultora	USAID Proyecto Contra de la Violencia

Civil Society Organizations and Independent Consultants		
Estuardo Sánchez	Consultor	Alianza Joven Regional USAID-SICA
Isabel Aguilar	Coordinadora Regional, Programa de Juventud en Centro América	Interpeace Regional Office for Latin America
Marilys Estrada	Consultora	Independiente
Mary McInerney	Area Director and Associate Vice President	Save the Children
Nicolás Pacheco	Presidente	Movimiento Social por los Derechos de la Niñez, Adolescencia y Juventud en Guatemala
Orieta Zumbado	Consultora	Alianza Joven Regional USAID-SICA
Zoel Antonio Franco Chen	Coordinador	Instituto de Estudios Comparados en Ciencias Penales

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JJSAT Table of Sections and Factors		
Section	Factor	Description
Juvenile Justice Sector Policies and Strategies	1	Juvenile justice laws and policies reflect modern standards and evidence-based practices
	2	A effective multi-dimensional crime and violence prevention strategy is employed
	3	Schools and parents are effectively engaged and assisted
	4	Risk and needs assessments are effectively used as a core feature of system policies and practices
Juvenile Court	5	Juvenile justice jurisdiction, facilities, resources, and training are supportive of effective juvenile justice outcomes
	6	Juvenile court consistently follows intake and case processing procedures and practices that support best possible outcomes for juveniles, victims, families, and the public
	7	Appropriate post-disposition involvement
	8	The courts provide adequate services for juveniles in the delinquency process and provides a meaningful role for family and victims
Public Defenders	9	Public defenders effectively pursue juvenile justice outcomes that support the developmental needs of their clients
	10	Public defenders coordinate with relevant organizations and individuals in support of youths in conflict with the law
Prosecution	11	Prosecutors support juvenile justice outcomes that balance youth development needs and public safety
	12	Adequate victim and witness services
Law Enforcement	13	Law enforcement agencies have sufficient staff, facilities, resources, and other support
	14	Police effectively engage with the community in the implementation of public security programs
	15	In juvenile cases, police follow policies, procedures, and practices appropriate to the developmental differences between youth and adults
Dispositions	16	Graduated sanctions minimize use of detention and punitive measures.
	17	The Secretaria de Bienestar Social (SBS) has sufficient staff, facilities, resources, and other support to provide a range of alternatives to detention, including warnings, conditional liberty, community service, reparations, orientation and supervision, outpatient and inpatient treatment, and house arrest, among others.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

JJSAT Table of Sections and Factors

Section	Factor	Description
	18	Probation program staff follow intake and case processing procedures that support best possible outcomes for juveniles, victims, families, and the public
	19	Program officers coordinate a multi-dimensional approach to reduce recidivism
Detention and Reintegration	20	Government secure and non-secure detention facilities provide a safe and secure environment conducive to learning and the start of the rehabilitative process
	21	Effective and integrated re-entry and aftercare programs
Service Continuum	22	Programs meet principles of effective intervention and program integrity
System Leadership and Coordination	23	Overall juvenile justice system leadership is effective
	24	Appropriate juvenile justice leadership mechanisms are in place
	25	Inter-institutional coordination supports optimal outcomes and resource leveraging
	26	Public education, outreach, and advocacy strategies are utilized as needed
System Design, Management and Accountability	27	System-wide effective management and personnel systems and practices
	28	Appropriate transparency and accountability mechanisms are in place system wide
	29	Effective program evaluation is used at multiple levels
	30	The system works fairly for all groups and takes into account issues of ethnicity and gender



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Table of Combined JJSAT Scores		
Total Score 30 to 90 possible: <ul style="list-style-type: none"> · 76 - 90 = Model System · 61 - 75 = Standard System · 30 - 60 = Substandard System 		Juvenile Justice System and Assessment Date
1. Juvenile Justice Policies and Strategies		
Factor 1	Laws & policies	
Factor 2	Prevention strategy	
Factor 3	School & parent engagement	
Factor 4	Risk & needs assessment	
2. Juvenile Court		
Factor 5	Adequate jurisdiction, facilities, resources, and training	
Factor 6	Intake and case processing procedures	
Factor 7	Post-disposition involvement	
Factor 8	Adequate services and role for family	
3. Public Defenders		
Factor 9	Effective public defenders	
Factor 10	Coordination with other organizations	
4. Prosecution		
Factor 11	Support for effective juvenile justice outcomes	
Factor 12	Adequate victim and witness services	
5. Law Enforcement		
Factor 13	Law enforcement staff and resources	
Factor 14	Community policing strategy	
Factor 15	Appropriate policies and procedures for juveniles	
6. Dispositions		
Factor 16	Graduated Sanctions	
Factor 17	SBS has sufficient staff and resources	
Factor 18	Intake and case processing procedures	
Factor 19	Approach to recidivism	
7. Detention and Reintegration		
Factor 20	Detention facilities	
Factor 21	Re-entry and aftercare programs	
8. Service Continuum		
Factor 22	Program intervention and integrity	
9. System Leadership and Coordination		
Factor 23	Effective leadership	
Factor 24	Leadership mechanisms	



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Factor 25	Inter-institutional coordination	
Factor 26	Public education, outreach, advocacy	
10. System Design, Management and Accountability		
Factor 27	Management and personnel systems	
Factor 28	Transparency and accountability mechanisms	
Factor 29	Program evaluation	
Factor 30	System works fairly for all groups	



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 1	Juvenile Justice Policies and Strategies				
Factor 1	Juvenile justice laws and policies reflect modern standards and evidence-based practices		Score		
Performance Standards or Objectives Checklist			3	2	1
• There is system wide agreement to follow modern, cost-effective, and research-based juvenile delinquency policies and practices					
• The legal framework supports an effective juvenile justice system in line with research, modern theory, and best practices					
• Court decisions, injunctions, and decrees support effective juvenile justice policies and service delivery					
• Law and policies encourage effective prevention policies and programs					
• The system integrates critical best practices such as:					
• Graduated sanctions					
• Use of community over institutional alternatives for low and medium risk system involved kids					
• Strong preference for care, guidance, and control in the home and separation from parents as last option					
• Early and effective intervention with first-time system involved kids					
• Appropriate use of rewards and punishments, and					
• Focus on identifying and controlling the small group of serious, violent, and chronic juvenile system involved youths					
• A data-driven strategic planning process is followed with wide stakeholder involvement					
• Protocols and procedures are in place to ensure personnel system-wide follow principles of effective intervention					
• Laws on jurisdiction are flexible and support optimal outcomes in matters involving multiple systems					
Subtotals					
Total Factor 1 Scores					

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Comment [LM1]: PRIORITY STANDARD.

Comment [LM2]: Prevention policies are covered in Factor 2.

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Comment [LM3]: PRIORITY STANDARD.

Comment [LM4]: Moved from Section 10, Factor 28.

Comment [LM5]: This is important to emphasize and evaluate in the Guatemalan Juvenile Justice System (JJS). The prevailing problem is in the law's inability to ensure its full and proper implementation or to provide a clear and achievable set of goals for the system.

Comment [LM6]: Jurisdictional issues and conflicts are not as prevalent in the highly centralized Guatemalan JJS, in which the police force is national and courts cover large swaths of territory. Rarely do issues of jurisdictional flexibility arise.

Illustrative Benchmarks/Indicators

- UNODC Indicator 14 (CORE): Existence of a specialized juvenile justice system. Asks whether system exists and is protected by national law and policy.
http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf
 - Indicator 14 Description: p. 24
 - Policy Analysis Tool 3: p. 90

References

- United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules")



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

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Data Sources

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Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*

2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*

3. *Recommendations for change to laws, codes or procedures?*

4. *Recommended priorities for the project?* | _____

5. *Potential metrics, benchmarks or other M&E criterion?* | _____

6. *Other observations?*

Comment [LM7]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM8]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 1	Juvenile Justice Policies and Strategies		
Factor 2	An effective multi-dimensional crime and violence prevention strategy is employed		
Performance Standards or Objectives Checklist	3	2	1
• An adequate range of prevention programs exist that target known risk factors and youth at risk of delinquency, building on strengths as opposed to reacting to crime problems			
• A systematic, inter-institutional effort is made to identify and concentrate programs towards the biggest problem areas and underlying causes and drivers of crime and violence e.g. drug usage, community-level factors, unemployment, income inequality, gun availability, lack of positive adult supervision and educational opportunities, child abuse, and neglect			
• Innovative approaches are used to address localized roots of crime and violence e.g. public-private partnerships, restorative justice, gun exchange, gang intervention programs, initiatives to reduce quality of life crimes			
• A coordinated, long-term strategy is in place to strengthen fabric of communities and neighborhoods			
• Community development programs are linked to crime prevention and target risk factors e.g. housing, education, training, and employment programs			
- Civil society organizations are engaged in the development of prevention strategies and programs			
• Policies and programs address perceived social and economic injustices e.g. participatory political processes, programs to enhance government-community and intra-community communication			
• A Crime Prevention Impact Analysis of social and economic policies has been conducted			
Subtotals			
Total Factor 2 Scores			

Comment [LM9]: Almost every judge mentioned the importance of prevention. We should find a way to highlight that fact.

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Comment [LM10]: PRIORITY STANDARD.

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Comment [LM11]: Sufficiently addressed in previous objective.

Comment [LM12]: Judges comments on this factor emphasize need for coordination of prevention policies. Need to somehow emphasize inter-institutional coordination more.

Comment [LM13]: Community engagement and outreach is covered in Section 9, , System Design, Management, and Accountability.

Comment [LM14]: Section 9, System Design, Management, and Accountability, addresses impact analysis, as well as general M&E issues.

Illustrative Benchmarks/Indicators

- UNODC Indicator 15: Existence of a national plan for the prevention of child involvement in crime. Measures whether the state has a plan for the prevention of child involvement in crime. Assesses implementation of the principle that states should institute comprehensive plans for the prevention of child involvement in crime.
http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

- Indicator 15 Description: p. 25
- Policy Analysis Tool 4: p. 106

References

- United Nations Guidelines for the Prevention of Juvenile Delinquency (PJD)
- “12 Estrategias para prevenir la violencia relacionada con la adolescencia y juventud.” Interpeace, 2010. <http://www.interpeace-lao.org/poljuve/images/articulos/poljuve/estrategiasweb.pdf>

Data Sources

- Política Nacional de Juventud 2010-2015, Consejo Nacional de la Juventud (Conjuve) –Secretaria de Planificación y Programación (Segeplan).

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*

2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*

3. *Recommendations for change to laws, codes or procedures?*

4. *Recommended priorities for the project?* _____

5. *Potential metrics, benchmarks or other M&E criterion?* _____

6. *Other observations?*

Comment [LM15]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM16]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 1	Juvenile Justice Policies and Strategies			
Factor 3	Schools and parents are effectively engaged and assisted			
Performance Standards or Objectives Checklist		3	2	1
• Schools and parents are engaged to serve a meaningful role in juvenile justice issues				
• School staff and resource officers are prepared to provide help to families				
• Family strengthening is an integral part of juvenile justice responses, targeting both relationship normative and structuring monitoring/supervision elements				
• Programs facilitate discussions that promote family problem solving				
• Meaningful assistance to economically disadvantaged parents struggling with problem behavior				
• Schools employ individualized learning and remedial support programs are directed to socially and economically disadvantaged youth				
• Curricula focus on life skills, including parenting, sexual behavior and other areas of social development, are necessary—especially for disadvantaged families				
• Schools have effective protocols for monitoring and timely communicating behavior issues and problem signs to parents				
• Effective anti truancy and anti bullying programs are utilized				
• School curricula and programs are challenging and engaging for youth				
Subtotals				
Total Factor 3 Scores				

Comment [LM17]: While this factor was acknowledged as relevant, juvenile justice experts and operators offered relatively little feedback on this factor. More emphasis was placed on the family than the school.

Families are more directly involved in the legal framework of the JJS and the Guatemalan school system is woefully inadequate and decentralized. Also, Guatemala has relatively low rates of school attendance, so there are too many obstacles to schools playing a pro-active and well coordinated role in the JJS.

Comment [LM18]: PRIORITY STANDARD.

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Comment [LM19]: PRIORITY STANDARD.

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Comment [LM20]: Issues touching on large scale educational reform fall too far outside the control of JJS operators to serve a useful purpose in the assessment process.

Comment [LM21]: This degree of curricular development exceeds Guatemalan capacities to such a degree that it is not a useful metric. In some cases (sexual education) it presents significant cultural barriers as well.

Source: Orieta Zumbado Interview

Comment [LM22]: This also reaches too far into the field of educational reform to be of essential use to a Juvenile Justice System (JJS) diagnostic.

Illustrative Benchmarks/Indicators

- Expected years of schooling (of children under 7)—UNDP Human Development Indicators
- Combined gross enrollment in education (%)—UNDP Human Development Indicators

References

- “Contamos! Boletín No. 5: En donde están los ausentes?” UNICEF, 2011.
- “Percepciones 01: La violencia en los centros educativos” UNICEF, 2011.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Data Sources

- Guatemala Ministerio de Educación, Estadística: <http://www.mineduc.gob.gt/estadistica2011/>
- UNDP Human Development Reports: <http://hdr.undp.org/en/statistics/>

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*

2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*

3. *Recommendations for change to laws, codes or procedures?*

4. *Recommended priorities for the project?* _____

5. *Potential metrics, benchmarks or other M&E criterion?* _____

6. *Other observations?*

Comment [LM23]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM24]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 1	Juvenile Justice Policies and Strategies		
Factor 4	Risk and needs assessments are effectively used as a core feature of system policies and practices		
Performance Standards or Objectives Checklist	3	2	1
• Jurisdiction uses a standardized “system of assessment” – use of objective screening and assessment protocols at least at intake, predisposition, institutional commitment, reentry to assess risk levels and monitor improvement			
Standardized are normalized and validated risk/needs instruments are used to measure risk, need and response factors			
Assessment process is objective and standardized			
• Programs are properly matched to individuals based on appropriate risk and need assessment			
Dispositions, treatment plans, and program placements are based on analysis of risk and needs			
Validated risk, need, and mental health assessment tools are extensively utilized to identify risks and needs and develop individualized responses including matching system involved youths to appropriate programs			
• Risk assessment tools assess family and parenting; education/employment; peer relations; substance abuse; leisure and recreation; personality and behavior; and attitudes and orientation			
Assessments are administered properly—e.g. written questionnaires, interviews			
• Assessment results are used to inform ongoing policy and program development			
Usage of standardized measures of psychological development in adolescence, including measures of self-reliance, resistance to peer pressure, social perspective taking, future time orientation, and impulse control			
Subtotals			
Total Factor 4 Scores			

Comment [LM25]: Sufficiently addressed by first objective.

Comment [LM26]: Sufficiently addressed by first objective.

Comment [LM27]: PRIORITY STANDARD.

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Comment [LM28]: Sufficiently addressed by preceding objective.

Comment [LM29]: Sufficiently addressed by preceding objective.

Comment [LM30]: Sufficiently addressed by preceding objectives.

Comment [LM31]: Sufficiently addressed by preceding objectives.

Illustrative Benchmarks/Indicators

- Percentage of cases where risk/need assessment used
- Number of risk/need assessment instruments used system-wide



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

References

Data Sources

- Case files
- Interviews with Public Defender's Office
- Interviews with Secretaria de Bienestar Social
- Assessment instruments and procedural manuals

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*

2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*

3. *Recommendations for change to laws, codes or procedures?*

4. *Recommended priorities for the project?*

5. *Potential metrics, benchmarks or other M&E criterion?*

6. *Other observations?*

Comment [LM32]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM33]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 2	Juvenile Court		
Factor 5	Juvenile justice jurisdiction, facilities, resources, and training are supportive of effective juvenile justice outcomes		
Performance Standards or Objectives Checklist	3	2	1
The policy body for juvenile justice has adequate capacity, mandate, and powers to fulfill its role			
• Juvenile courts have a balanced mix of Jueces de Paz, Jueces de la Niñez y Adolescencia, Jueces de Control de Ejecución, Jueces de la Corte de Apelaciones, and other judicial authorities presiding over juvenile cases.			
• Juvenile courts have enough qualified and trained judges, judicial officers, probation officers, case management staff, intake staff, prosecutors, public defenders, and victims' advocates to provide adequate individual attention to cases			
• Judges and staff understand the interrelationships and complexities regarding delinquent behavior, victimization, trauma, abuse, and neglect			
• Courts have adequate court rooms, separate and safe waiting areas for victims and offenders, secure holding facilities, private meeting space for youth and counsel, and detention facilities that are both secure and non-secure.			
• Courts have adequate information technology, verbatim recording, funding for monitoring and evaluation, etc.			
Courts security is adequate			
Subtotals			
Total Factor 5 Scores			

Comment [LM34]: Covered in Section 1.

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Comment [LM35]: PRIORITY STANDARD.

Comment [LM36]: Covered in previous objective addressing security.

Illustrative Benchmarks/Indicators

- Juvenile court personnel caseloads are appropriate
- Existence of training requirements, total numbers trained, training hours, etc.
- Electronic case management system

References

- "Contamos! Boletín No. 7: Análisis del Presupuesto General de Ingresos y Egresos del Estado de Guatemala, aprobado para 2012." UNICEF, 2011.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

- Paz y Paz, Claudia y otros: “Manual de Derecho Procesal Penal” Tomo I, Instituto de Estudios Comparados en Ciencias Penales de Guatemala, Guatemala, 2003.
- Organismo Judicial, “Modelo de Gestión Basado en Audiencias para los Juzgados Civiles y de Familia”, Guatemala, 2008.
- Sanchez Montenegro, Efraín Estuardo: “Instructivo para los jueces y juezas de paz sobre aplicación de la Ley de Protección Integral de la Niñez y Adolescencia”, Proyecto Justicia Penal de Adolescentes y Niñez Víctima, Organismo Judicial-UNICEF: Guatemala, 2005.
- Urbina, Miguel Ángel: “Modelo de Gestión Judicial Basado en Audiencias”, Organismo Judicial – Instituto de Estudios Comparados en Ciencias Penales de Guatemala, Guatemala, mayo de 2005.
- “Workload Measurement for Juvenile Justice System Personnel: Practices and Needs.” USDOJ. <https://www.ncjrs.gov/pdffiles1/ojdp/178895.pdf>

Data Sources

- Código Procesal Penal
- “Curso: Los Procesos Establecidos en la Ley de Protección Integral de la Niñez y Adolescencia.” Escuela de Estudios Judiciales, Unidad de Capacitación Institucional del Organismo Judicial de Guatemala, 2008.
- Interviews with public defenders, prosecutors, and judges

Observations, Conclusions and Recommendations

1. Constraints and Limitations?

2. Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:

3. Recommendations for change to laws, codes or procedures?

4. Recommended priorities for the project? |

5. Potential metrics, benchmarks or other M&E criterion? |

6. Other observations?

Comment [LM37]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM38]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 2	Juvenile Court		
Factor 6	Juvenile court consistently follows intake and case processing procedures and practices that support best possible outcomes for juveniles, victims, families, and the public		
Performance Standards or Objectives Checklist			
	3	2	1
• Court procedures conform with model procedures for juvenile cases so as to ensure appropriate disposition, due process, minimal pre-trial detention, engagement of families and victims, etc.			
• Strict rules on case processing time e.g. hearing no more than 3 days after arrest for juveniles in detention; postponements beyond deadlines only for good cause			
• Evidentiary rules conform to criminal due process standards e.g., non-hearsay evidence required, right of cross-examination			
• Post-arrest intake procedures are fast, efficient, and appropriate			
• Weekend and holiday response is adequate			
• Appropriate handling of juvenile status offenders e.g., children in need of supervision CHINS			
• Juveniles, families, and their attorneys have timely access to documents such as risk/need assessment reports			
Subtotals			
Total Factor 6 Scores			

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Comment [LM39]: PRIORITY STANDARD.

Illustrative Benchmarks/Indicators

- UNODC Indicator 4: Duration of pre-sentence detention. Time spent in detention by children before sentencing.
- http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf
 - Indicator 4 Description: p. 13

References

- Ley de Protección Integral de la Niñez y la Adolescencia, Decreto No. 27-2003
- Código Proceso Penal (CPP), Decreto Numero 51-92 del Congreso de la Republica de Guatemala



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

- “Modelo de Gestión Judicial por Audiencias Jurisdicciones de la Niñez y la Adolescencia.” Escuela de Estudios Judiciales, Unidad de Capacitación Institucional del Organismo Judicial de Guatemala, 2009.

Data Sources

- Interviews with judges, public defenders, prosecutors
- User surveys
- Site visit
- Random audit – one procedural phase
- Case file reviews

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*

2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*

3. *Recommendations for change to laws, codes or procedures?*

4. *Recommended priorities for the project?*

5. *Potential metrics, benchmarks or other M&E criterion?*

6. *Other observations?*

Comment [LM40]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM41]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 2	Juvenile Court		
Factor 7	Appropriate post-disposition involvement		
Performance Standards or Objectives Checklist	3	2	1
A system of graduated sanctions is established that holds each system involved youth accountable, protects public safety, and provides programs and services that meet identified treatment needs			
Appropriate rate of post-disposition detention			
Standardized risk assessment results are critical factor in determining if a youth is a public safety threat and decision to detain			
The courts is active post-disposition, tracking outcomes and taking action when needed			
Courts support effective reentry for youth released from detention e.g. makes decisions with eventual return to community in mind, remains informed about progress of those juveniles placed in institutional care, timely preparation of reentry plans prior to release, and graduated sanctions used for post release violations			
Subtotals			
Total Factor 7 Scores			

Comment [LM42]: Moved to new Dispositions section, Factor 15.

Comment [LM43]: Moved to new Dispositions section, Factor 15.

Comment [LM44]: PRIORITY STANDARD.

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Illustrative Benchmarks/Indicators

- Number of disposition review sessions per case.

References

- The United Nations Rules for the Protection of Juveniles Deprived of their Liberty
- The United Nations Standard Minimum Rules for Non-custodial Measures

Data Sources

- CENADOJ Database
- Closed and pending case file survey
- Interviews with judges



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*

2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*

3. *Recommendations for change to laws, codes or procedures?*

4. *Recommended priorities for the project?* | _____

5. *Potential metrics, benchmarks or other M&E criterion?* | _____

6. *Other observations?*

Comment [LM45]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM46]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 2		Juvenile Court		
Factor 8	The courts provides adequate services for juveniles in the delinquency process and provides a meaningful role for family and victims			
Performance Standards or Objectives Checklist		3	2	1
Qualified and adequately paid counsel provided for juveniles				
· <i>In Loco Parentis</i> is provided for youth whose parents are not available				
· The court has access to adequate mental health, substance abuse, and education evaluation services				
· System staff engage parents and families at all stages to encourage participation fully in development and implementation of youth's intervention plan				
· Crime victims have access to all phases of the juvenile court process and receive all services to which they are entitled by law				
· Restitution is ordered in appropriate cases				
Subtotals				
Total Factor 8 Scores				

Comment [LM47]: Covered in Public Defender section.

Comment [LM48]: PRIORITY STANDARD.

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Illustrative Benchmarks/Indicators

- Family juvenile justice process understanding and satisfaction levels
- Percentage of cases in which family service referrals were made
- Victim impact statements are prepared prior to disposition decisions

References

- "Técnicas Psicológicas que Contribuyen a un mejor Abordaje de la Víctima en la Justicia." Grupo Ser, Proyecto Justicia Penal de Adolescentes y Niñez Víctima, Organismo Judicial-UNICEF, 2005.
- "Los Derechos de la Niñez Víctima en el Proceso Penal Guatemalteco." Rodriguez Barillas, Alejandro Proyecto Justicia Penal de Adolescentes y Niñez Víctima, Organismo Judicial-UNICEF, 2002.
- "Workload Measurement for Juvenile Justice System Personnel: Practices and Needs." USDOJ. <https://www.ncjrs.gov/pdffiles1/ojdp/178895.pdf>

Data Sources

- Case file survey



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

- Survey of family members
- Interviews with juvenile court personnel, public defenders

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*

2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*

3. *Recommendations for change to laws, codes or procedures?*

4. *Recommended priorities for the project?*

5. *Potential metrics, benchmarks or other M&E criterion?*

6. *Other observations?*

Comment [LM49]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM50]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 3	Public Defenders		
Factor 9	Public defenders effectively pursue juvenile justice outcomes that support the developmental needs of their clients		
Performance Standards or Objectives Checklist	3	2	1
· The public defender's office has sufficient staff and resources to allow adequate attention to cases			
· Public defenders are trained in the specific dimensions of juvenile justice law, including the LPINA and UN CRC			
· Public defenders are trained and experienced in juvenile law and issues such as mental health, development, education, substance abuse relating to youth, etc.			
· Public defenders attend all court hearings in juvenile cases			
Subtotals			
Total Factor 9 Scores			

Comment [LM51]: PRIORITY STANDARD.

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Comment [LM52]: PRIORITY STANDARD.

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Illustrative Benchmarks/Indicators

- Minimum number of years of experience for public defenders assigned to juvenile cases
- Number of cases per public defender

References

- "Principios, Derechos, y Garantías de los Adolescentes en Conflicto con la Ley Penal y su Procesamiento." Instituto de la Defensa Pública Penal, 2009.
- "Efectividad de los Sistemas Penales Juveniles: Un Reto del Triangulo Norte." Alianza Joven Regional USAID-SICA, 2011.
- "Workload Measurement for Juvenile Justice System Personnel: Practices and Needs." USDOJ. <https://www.ncjrs.gov/pdffiles1/ojdp/178895.pdf>

Data Sources

- Interviews and site visits
- Survey of prosecutors, defense counsel, judges, and other informed sources
- "Contamos! Boletín No. 7: Análisis del Presupuesto General de Ingresos y Egresos del Estado de Guatemala, aprobado para 2012." UNICEF, 2011.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*

Comment [LM53]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM54]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 3	Public Defenders		
Factor 10	Public defenders coordinate with relevant organizations and individuals in support of youths in conflict with the law		
Performance Standards or Objectives Checklist	3	2	1
· The public defender's office engages the Secretaria de Bienestar Social, the Procuraduría General de la Nación, and other key institutions responsible for juvenile justice service provision, diversionary measures, etc.			
· Public defenders engage families in the juvenile justice process			
· Public defenders are aware of all disposition resources available			
Subtotals			
Total Factor 10 Scores			

Comment [LM55]: PRIORITY STANDARD.

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Illustrative Benchmarks/Indicators

- Public defender familiarity with SBS programs and services
- Number of dispositions employing alternatives to privation of liberty

References

- "Principios, Derechos, y Garantías de los Adolescentes en Conflicto con la Ley Penal y su Procesamiento." Instituto de la Defensa Pública Penal, 2009.

Data Sources

- Interviews and site visits
- Survey of prosecutors, defense counsel, judges, and other informed sources



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*

2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*

3. *Recommendations for change to laws, codes or procedures?*

4. *Recommended priorities for the project?* | _____

5. *Potential metrics, benchmarks or other M&E criterion?* | _____

6. *Other observations?*

Comment [LM56]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM57]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 4	Prosecution		
Factor 11	Prosecutors support juvenile justice outcomes that balance youth development needs and public safety		
Performance Standards or Objectives Checklist	3	2	1
· Prosecutors have sufficient staff and resources to allow adequate attention to cases			
· Prosecutors are experienced with juvenile law and issues such as mental health, development, education, substance abuse relating to youth, etc.			
· Prosecutors appropriately assess cases for alternatives to detention diversion			
· Prosecutors are aware of all disposition resources available			
· Prosecutors attend all court hearings in juvenile cases			
Subtotals			
Total Factor 11 Scores			

Comment [LM58]: PRIORITY STANDARD.

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Comment [LM59]: Diversion not allowed by LPINA, alternatives to detention is appropriate replacement.

Comment [LM60]: PRIORITY STANDARD.

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Comment [LM61]: Sufficiently addressed by first objective.

Illustrative Benchmarks/Indicators

- Minimum number of years of experience for prosecutors assigned to juvenile cases
- Number of cases per juvenile prosecutor
- Number of dispositions employing alternatives to privation of liberty

References

- “Contamos! Boletín No. 7: Análisis del Presupuesto General de Ingresos y Egresos del Estado de Guatemala, aprobado para 2012.” UNICEF, 2011.

Data Sources

- Interviews with prosecutors, public defenders, judges



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*

2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*

3. *Recommendations for change to laws, codes or procedures?*

4. *Recommended priorities for the project?*

5. *Potential metrics, benchmarks or other M&E criterion?*

6. *Other observations?*

Comment [LM62]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM63]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 4	Prosecution		
Factor 12	Adequate victim and witness services		
Performance Standards or Objectives Checklist	3	2	1
· Prosecution staff are trained on victim rights and service issues			
· Appropriate and accessible victim-related community programs exist including shelters, psychiatric counseling, legal assistance, education, etc.			
· A functioning crime victim compensation fund exists			
· An effective witness protection program is in place			
· Victims and witnesses are notified when system involved youths are released, transferred, or escape			
Subtotals			
Total Factor 12 Scores			

Comment [LM64]: This is of relatively low priority in efforts to improve Guatemala's JJS. In resource-poor settings with high rates of crime and violence, this is not a viable program.

Comment [LM65]: PRIORITY STANDARD.

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Illustrative Benchmarks/Indicators

- Rates of victim and witness participation in support programs
- Numbers of witnesses attacked or killed

References

- The United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime

Data Sources

- Survey of victims and witnesses
- Inventory of victim service offerings
- Statistics on witness protection program usage



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*

2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*

3. *Recommendations for change to laws, codes or procedures?*

4. *Recommended priorities for the project?* | _____

5. *Potential metrics, benchmarks or other M&E criterion?* | _____

6. *Other observations?*

Comment [LM66]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM67]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 5	Law Enforcement		
Factor 13	Law enforcement agencies have sufficient staff, facilities, resources, and other support		
Performance Standards or Objectives Checklist	3	2	1
· Law enforcement adequately investigates juvenile crimes			
· There are a sufficient number of qualified and well-trained police officers			
· Police, including school resource officers SROs, are trained in violence prevention, mental health, development, education, substance abuse, and related issues as they pertain to youth			
· Police have adequate capacity to address juvenile delinquency including specialized staff, programs, and policies relating to youth crime			
Subtotals			
Total Factor 13 Scores			

Comment [LM68]: PRIORITY STANDARD.

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Comment [LM69]: PRIORITY STANDARD.

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Illustrative Benchmarks/Indicators

- Police officers per capita
- Police budget per capita
- Police staff dedicated to juvenile issues per capita

References

- “Contamos! Boletín No. 7: Análisis del Presupuesto General de Ingresos y Egresos del Estado de Guatemala, aprobado para 2012.” UNICEF, 2011.

Data Sources

- Review of law enforcement staffing, training, budget, and resources
- Review of specialized policing programs and departments



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

- Constraints and Limitations?*
- Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
- Recommendations for change to laws, codes or procedures?*
- Recommended priorities for the project?*
- Potential metrics, benchmarks or other M&E criterion?*
- Other observations?*

Comment [LM70]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM71]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 5		Law Enforcement		
Factor 14	<u>Police effectively engage with the community in the implementation of public security programs</u> There is an effective community policing strategy in place			
Performance Standards or Objectives Checklist		3	2	1
· A well defined, significant community policing program that involves more than foot patrols and meets recognized best practices is in place				
Community policing is accountable for measurable results				
· Coordinated resources are aimed jurisdiction-wide but in high crime areas in particular				
· If there is gang activity, there is an effective gang intervention and prevention project				
· Police have established positive community relations such that members of the community meaningfully support police efforts to prevent, detect, and enforce youth crime and violence				
Subtotals				
Total Factor 14 Scores				

Comment [LM72]: Addressed by M&E issues in Section 9.

Comment [LM73]: PRIORITY STANDARD.

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Illustrative Benchmarks/Indicators

- Existence of formal community policing or community outreach strategies
- Rates of youth gang participation

References

- “Reflections on Community-based Policing Programming in Guatemala.” MSI, 2005.
- “La juventud y el crimen: Maras y Pandillas en Guatemala 1985-2011.” Programa de los Informes Nacionales de Desarrollo Humano y Objetivos de Desarrollo del Milenio, PNUD-Guatemala, 2011.

Data Sources

- Review of any written community policing strategy or policies
- Interviews with police, community members, journalists, etc.
- Política Nacional de Juventud 2010-2015, Consejo Nacional de la Juventud (Conjuve) –Secretaria de Planificación y Programación (Segeplan).



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

- Constraints and Limitations?*
- Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
- Recommendations for change to laws, codes or procedures?*
- Recommended priorities for the project?*
- Potential metrics, benchmarks or other M&E criterion?*
- Other observations?*

Comment [LM74]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM75]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 5 Law Enforcement		3	2	1
Factor 15	In juvenile cases, police follow policies, procedures, and practices appropriate to the developmental differences between youth and adults			
Performance Standards or Objectives Checklist				
	Police refer youth to diversion services as quickly as possible when appropriate instead of arrest			
	Upon taking a child into custody, the police must immediately notify the child's parents and present the child to an appropriate judicial authority			
	Juveniles are incarcerated only when charged with serious criminal violations and/or their parents cannot be located			
	Police, including school police, effectively engage in problem solving activities in addition to traditional crime enforcement			
	Police procedures balance the best interests of youth with public safety interests			
Subtotals				
Total Factor 15 Scores				

Comment [LM76]: Once police come into conflict with youth/take them into custody, they must take them directly to a judge. This is to prevent police abuses of youth. Therefore, this degree of police discretion re diversion is not permitted by Guatemalan law but does not represent a weakness vis-à-vis international juvenile justice best practices. Source: Estuardo Sanchez, Interview

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Comment [LM77]: PRIORITY STANDARD.

Illustrative Benchmarks/Indicators

- UNODC Indicator 1: Children in conflict with the law. Number of children arrested during a 12-month period per 100,000 child population.
http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf
 - Indicator 1 Description: p. 10
 - Information Collection Tool: p. 74

References

- “Datos sobre adolescentes en conflicto con la ley penal.” Instituto de Estudios Comparados en Ciencias Penales de Guatemala (ICCPG), 2010.

Data Sources

- Review of police policies and procedures
- Perception surveys of community members



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*

2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*

3. *Recommendations for change to laws, codes or procedures?*

4. *Recommended priorities for the project?* |

5. *Potential metrics, benchmarks or other M&E criterion?* |

6. *Other observations?*

Comment [LM78]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM79]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 6	Probation Dispositions			
Factor 16	Graduated sanctions minimize use of detention and punitive measures.			
Performance Standards or Objectives Checklist		3	2	1
· A system of graduated sanctions is established that holds each system involved youth accountable, protects public safety, and provides programs and services that meet identified treatment needs				
· Courts are allowed discretion in applying sentences and are not limited by mandatory minimum sentencing.				
· Appropriate rate of post-disposition detention				
Subtotals				
Total Factor 16 Scores				

Comment [LM80]: The Probation Section was replaced by a more comprehensive section on Dispositions. This section includes privation of liberty but focuses more on alternatives to complete privation of liberty and therefore covers the range of Guatemalan programs that most closely approximate probation.

Comment [LM81]: Within this newly configured section, this factor is new but borrows from objectives and standards included in other sections of the original JJSAT, including the Juvenile Court section.

Comment [LM82]: PRIORITY STANDARD.

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Illustrative Benchmarks/Indicators

- UNODC Indicator 5: Duration of sentenced detention. Time spent in detention by children after sentencing. http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf
 - Indicator 5 Description: p. 14

References

- “Guía Práctica sobre principios aplicables a la administración de justicia penal juvenil y a la privación de libertad de adolescentes en conflicto con la ley penal.” Programa de apoyo a la reforma de la justicia en Guatemala. Naciones Unidas, Oficina del Alto Comisionado para los Derechos Humanos, UNICEF y UNION EUROPEA, 2009.

Data Sources

- CENADOJ Database
- Interviews and site visits
- Review of policies, training programs, manuals, etc.
- Survey of system users e.g., defense attorneys



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*

2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*

3. *Recommendations for change to laws, codes or procedures?*

4. *Recommended priorities for the project?* |

5. *Potential metrics, benchmarks or other M&E criterion?* |

6. *Other observations?*

Comment [LM83]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM84]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 6	Probation Dispositions			
Factor 17	The Secretaria de Bienestar Social (SBS) has sufficient staff, facilities, resources, and other support to provide a range of alternatives to detention, including warnings, conditional liberty, community service, reparations, orientation and supervision, outpatient and inpatient treatment, and house arrest, among others.			
Performance Standards or Objectives Checklist		3	2	1
· Probation The SBS has adequate staff numbers in relation to workload				
· Program Probation officers are qualified and possess the necessary interpersonal skills to effectively assess and constructively engage client youths				
· Staff are trained in principles of effective intervention including use of assessment tools, individualizing services and sanctions, and referring youth to evidence-based programs				
· Probation Program staff are properly trained in violence prevention, mental health, development, education, substance abuse and related issues as they pertain to youth				
Probation officer salaries adequate to attract qualified applicants				
Does juvenile probation have the power to affect decision making and service delivery at every stage of juvenile justice processing and thereby to ensure that accountability is stressed at all points from initial entry through final discharge				
Subtotals				
Total Factor 17 Scores				

Comment [LM85]: PRIORITY STANDARD.

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Comment [LM86]: Sufficiently addressed by previous objective regarding officer qualifications.

Comment [LM87]: Role of operators in decision-making, policy development, and accountability mechanisms is addressed in Section 9.

Illustrative Benchmarks/Indicators

- Caseload of 25 clients per probation officer
- Average of 5 years of experience of probation staff
- Existence of training requirements, total numbers trained, training hours, etc.
- Proportion of cases closed completing all community service hours ordered
- Percentage of cases paying full amount of restitution

References

- "Juvenile Justice Systems: Good Practices in Latin America." UNICEF, 2006.
- Any applicable workload/ caseload standards for local probation staff

Data Sources

- CENADOJ Database
- Interviews and site visits
- Review of policies, training programs, manuals, etc.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*

2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*

3. *Recommendations for change to laws, codes or procedures?*

4. *Recommended priorities for the project?* |

5. *Potential metrics, benchmarks or other M&E criterion?* |

6. *Other observations?*

Comment [LM88]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM89]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 6	Probation Dispositions			
Factor 18	Probation program staff follow intake and case processing procedures that support best possible outcomes for juveniles, victims, families, and the public			
Performance Standards or Objectives Checklist		3	2	1
<ul style="list-style-type: none"> Probation officers utilize accepted risk/needs assessment instruments to evaluate youth upon arrest, to determine likelihood of the youth recidivating, and to tailor an individualized response including appropriate services 				
Risk assessment tools are used to monitor progress with respect to risks and needs				
Specialized assessment tools and probation services are employed that meet best practices, e.g. for sex offenders, drug abusers				
<ul style="list-style-type: none"> Case/supervision plans are used that assist system involved youths in overcoming problems, building on strengths, acquiring living/learning/working skills 				
Probation supervision contact standards have been adopted and are enforced				
<ul style="list-style-type: none"> Victims and families are engaged in probation- program procedures in a way that supports family strengthening and victim restoration 				
Subtotals				
Total Factor 18 Scores				

Comment [LM90]: Addressed in previous objective.

Comment [LM91]: Addressed in previous objective.

Comment [LM92]: PRIORITY STANDARD.

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Illustrative Benchmarks/Indicators

- Victim and family satisfaction rates
- Number of victims served by community programs

References

Data Sources

- Review of policies, standards, and procedures
- Case file survey
- Interviews with probation staff
- Perception survey of victims and families



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
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Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*

2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*

3. *Recommendations for change to laws, codes or procedures?*

4. *Recommended priorities for the project?* | _____

5. *Potential metrics, benchmarks or other M&E criterion?* | _____

6. *Other observations?*

Comment [LM93]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM94]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 6	Probation Dispositions		
Factor 19	Probation Program officers coordinate a multi-dimensional approach to reduce recidivism		
Performance Standards or Objectives Checklist	3	2	1
· Probation Program officers follow evidence-based strategies for reintegration and aftercare			
— Probation officers utilize behavioral interventions to address risks and needs in one on one meetings with clients			
— Case management strategies are designed to simultaneously reduce risk factors while strengthening protective factors			
· Probation Program officers proactively engage families, schools, community leaders, employers, and other pro-social contacts in design and implementation of case management plans			
— Probation officers effectively handle special cases e.g. technical probation violations, warrants, and youth pending placement			
— Modern tools and methods are employed to efficiently detect probation violations			
· Greatest probation officer effort is concentrated on serious system involved youths most likely to recidivate			
Subtotals			
Total Factor 19 Scores			

Comment [LM95]: PRIORITY STANDARD.
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Illustrative Benchmarks/Indicators

- Recidivism rates during and after implementation of disposition programs
- Proportion of cases in which juvenile successfully fulfills all requirements of the case/supervision plan
- Number of client contacts per month by disposition program officers

References

Data Sources

- Interviews of SBS staff and public defenders
- Surveys of community members
- Recidivism data
- Review of probation case file and case management plans
- Review of community supervision programs



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*

2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*

3. *Recommendations for change to laws, codes or procedures?*

4. *Recommended priorities for the project?* | _____

5. *Potential metrics, benchmarks or other M&E criterion?* | _____

6. *Other observations?*

Comment [LM96]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM97]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 7	Detention and Reintegration			
Factor 20	Government secure and non-secure detention facilities provide a safe and secure environment conducive to learning and the start of the rehabilitative process			
Performance Standards or Objectives Checklist		3	2	1
· Detention facilities offer a safe, clean, and healthy environment				
· Youth are separated by gender				
· Youth are separated by maturity level				
· Youth are separated by gender, maturity level, and risk level				
· Medical, substance abuse, mental health, and trauma screening and services are provided				
· Detainees have access to mail, telephone, and visitation by family, relatives and counsel				
· Education, employment training, and recreational programming are provided				
· Regular and appropriate inspections of the detention facility take place				
Cognitive behavioral therapy is offered for high risk system involved youths				
Subtotals				
Total Factor 20 Scores				

Comment [LM98]: PRIORITY STANDARD.

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Comment [LM99]: This standard has been divided into three separate standards because the JJS has varying degrees of compliance with each respective standard.

Comment [LM100]: PRIORITY STANDARD.

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Illustrative Benchmarks/Indicators

- UNODC Indicator 6: Child deaths in detention. Number of child deaths in detention during a 12 month period, per 1,000 children detained.
http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf
 - Indicator 6 Description: p. 15
- UNODC Indicator 7: Separation from adults. Percentage of children in detention not wholly separated from adults.
http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf
 - Indicator 7 Description: p. 16
- UNODC Indicator 8: Contact with parents and family. Percentage of children in detention who have been visited by, or visited, parents, guardian, or an adult family member in the last 3 months.
http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf
 - Indicator 8 Description: p. 17



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

References

- Diagnostico sobre Programas de Atención Integral en los Centros de Privación de Libertad para Adolescentes en Conflicto con la Ley Penal. Carlos Emilio López Hurtado. Instituto de Estudios Comparados en Ciencias Penales de Guatemala, 2009.

Data Sources

- Site visits
- User surveys
- Parent surveys

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*

2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*

3. *Recommendations for change to laws, codes or procedures?*

4. *Recommended priorities for the project?* | _____

5. *Potential metrics, benchmarks or other M&E criterion?* | _____

6. *Other observations?*

Comment [LM101]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM102]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 7	Detention and Reintegration		
Factor 21	Effective and integrated re-entry and aftercare programs		
Performance Standards or Objectives Checklist	3	2	1
· An integrated system of system-involved youth reentry programs exists, addressing as needed housing, employment training and placement, substance abuse, mental health treatment, education, community pro-social contacts, community-based incentives, and case management			
· Reentry provides continuity of treatment			
Community reentry centers and programs are family-focused and located in areas with highest concentration of at-risk youth			
· Appropriate transitional aftercare programs meeting standards exist are tailored to particular needs of youths (accounting for gender, ethnicity, etc.)			
Aftercare includes a focus on competency building, relapse behavior, and support for appropriate school placement			
· Aftercare is built on a well structured graduated sanctions system with “step-down” services and sanctions			
After care programs consist of the following elements: 1 short term transitional placement in secure confinement, 2 day treatment, 3 outreach and tracking, 4 intensive supervision, 5 routine supervision and 6 case closure			
Subtotals			
Total Factor 21 Scores			

Comment [LM103]: PRIORITY STANDARD.

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Comment [LM104]: Sufficiently addressed by previous reentry objectives.

Comment [LM105]: Sufficiently addressed by previous aftercare objective.

Comment [LM106]: Sufficiently addressed by previous aftercare objective.

Illustrative Benchmarks/Indicators

- UNODC Indicator 11: Aftercare. Percentage of children released from detention receiving aftercare.
http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf
 - Indicator 11 Description: p. 21
 - Information Collection Tool 3: p. 74

References

- Diagnostico sobre Programas de Atención Integral en los Centros de Privación de Libertad para Adolescentes en Conflicto con la Ley Penal. Carlos Emilio López Hurtado. Instituto de Estudios Comparados en Ciencias Penales de Guatemala, 2009.

Data Sources

- SBS program data
- SBS program user surveys



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*

2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*

3. *Recommendations for change to laws, codes or procedures?*

4. *Recommended priorities for the project?* | _____

5. *Potential metrics, benchmarks or other M&E criterion?* | _____

6. *Other observations?*

Comment [LM107]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM108]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 8	Service Continuum			
Factor 22	Programs meet principles of effective intervention and program integrity			
Performance Standards or Objectives Checklist		3	2	1
← Programs meet risk, need, and responsivity RNR principles including general and specific responsivity				
← Programs target Central Eight and Big Four risk/need factors e.g. focus on anti-social associates and personality pattern				
• Combination of treatment and surveillance/control strategies is employed				
• Appropriate staff to client ratios				
← Programs incorporate structured social learning where new skills are modeled, cognitive behavior, family situations				
← Programs skill train with directed practice use cognitive behavioral treatment methods				
• Programs engage ongoing support in communities settings				
• Programs promote healthy bonds with and respect for pro-social members within the juvenile's family, peer, school, and community network				
← Programs have consistent, clear, and graduated consequences for misbehavior and recognition of positive behavior rewards and punishers				
← Formal program exclusionary criteria are in place				
• Programs assess progress of implementation processes using quantifiable data, measure relevant processes/practices, and provide measurement feedback				
← Managers routinely measure staff practices attitudes, knowledge, and skills that are considered related to outcomes				
• Program directors and senior staff are well qualified				
• Staff have a wide array of ongoing interpersonal and communication skills relating to interactions between staff and system involved youths				
← Program length and intensity are correlated to levels and types of risk and needs				
• Programs treat low and high risk youth separately.				
• Programs treat male and female youths separately				
Subtotals				
Total Factor 22 Scores				

Comment [LM109]: Service continuum treatment programs in the Guatemalan JJS are still in development. As such, highly specified practices and terminology like this are not as applicable to a diagnostic process.

Comment [LM110]: Same as above.

Comment [LM111]: PRIORITY STANDARD.

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Comment [LM112]: Sufficiently addressed by previous treatment program objective.

Comment [LM113]: Sufficiently addressed by previous treatment program objective.

Comment [LM114]: PRIORITY STANDARD.

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Comment [LM115]: Sufficiently addressed by previous treatment program objective.

Comment [LM116]: Sufficiently addressed by previous treatment program objective.

Comment [LM117]: Sufficiently addressed by previous objective.

Comment [LM118]: Sufficiently addressed by previous treatment program objective.

Comment [LM119]: Need to include ethnic considerations here as well or a note making note of that.

Comment [LM120]: This has been separated from the previous question because Guatemala does treat male and female youths separately but does not adequately separate treatment programs for high and low risk youths.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Illustrative Benchmarks/Indicators

- Recidivism rates lower for program participants
- Program completion rates

References

- “Workload Measurement for Juvenile Justice System Personnel: Practices and Needs.” USDOJ. <https://www.ncjrs.gov/pdffiles1/ojjdp/178895.pdf>

Data Sources

- Program recidivism and other outcome data
- Client satisfaction surveys/ exit interviews
- Site visits and observation

Observations, Conclusions and Recommendations

1. Constraints and Limitations?

2. Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:

3. Recommendations for change to laws, codes or procedures?

4. Recommended priorities for the project? _____

5. Potential metrics, benchmarks or other M&E criterion? _____

6. Other observations?

Comment [LM121]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM122]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 8 Service Continuum				
Factor 22	An effective process is in place to periodically assess and improve services mix			
Performance Standards or Objectives Checklist		3	2	1
—Agencies and organizations that fund private program grants coordinate in decision making process to ensure an effective programming mix				
—Systematic planning cycle for program funding is in place and frequency of service continuum review and change is appropriate				
—Efficient process exists to assess program mix and relies on appropriate information sources e.g. research studies on what works, community assessments, grant funding planning process, IT databases, annual review of evaluation data, any audits or assessments of system or a subpart, etc.				
—Centralized, updated data on existing programs, type, size, clients served annually, funding etc. is maintained and publicly accessible				
—Program evaluation and outcome data are a factor in fund reallocation decisions				
—Program continuity, stability, and sustainability are priorities in programming and funding decisions				
Subtotals				
Total Factor 7 Scores				

Comment [LM123]: The objectives and standards of this Factor have been integrated into Section 9, Factor 25: "Effective program evaluation is used at multiple levels."

Illustrative Benchmarks/Indicators

- Formalized planning cycle that fosters community input
- Coordination meetings among different program funders

References

- Model systems e.g. San Francisco Department of Children Youth and Families' Community Assessment and Children's Services Allocation Plan

Data Sources

- Documentation on grant making planning process



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

- ~~1. — Constraints and Limitations?~~
- ~~2. — Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:~~
- ~~3. — Recommendations for change to laws, codes or procedures?~~
- ~~4. — Recommended priorities for the project?~~
- ~~5. — Potential metrics, benchmarks or other M&E criterion?~~
- ~~6. — Other observations?~~



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 9	System Leadership and Coordination		
Factor 23	Overall juvenile justice system leadership is effective		
Performance Standards or Objectives Checklist	3	2	1
· System leaders possess the needed knowledge, skills, and abilities to lead a dynamic, effective, and integrated juvenile justice system			
· System leaders are effective communicators and consensus builders who capably instill a common understanding and vision among system stakeholders			
· The role of system leaders and civil society is acknowledged in System leaders effectively advocating to public agencies and legislatures for needed policy changes and resources for both public and community-based institutions			
· Leadership has managed to create a depoliticized environment where decisions are guided by knowledgeable individuals in the field e.g. juvenile court judges body			
· Policies are developed and implemented based on performance, consensus-based outcomes, research, best practices, cost-benefit analysis, and other reasoned and objective factors			
· Juvenile judges and court staff Secretaria de Bienestar Social staff take action to ensure that the necessary community resources are available for children and families			
· Courts facilitate community programs to improve by organizing information sharing, exchanges with similar programs nationwide, etc.			
· Judges regularly appear in the community to promote better understanding and support and to inform the community of the court's goals and issues			
Subtotals			
Total Factor 23 Scores			

Comment [LM124]: PRIORITY STANDARD.

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Comment [LM125]: Sufficiently covered by previous objective re system leaders' skills.

Comment [LM126]: In Guatemala, civil society plays this role more than officials within the JJS.
Source: M. Estrada, Interview

Comment [LM127]: PRIORITY STANDARD.

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Comment [LM128]: Leaders are selected by Congress, leading to a strong and virtually inevitable political dimension. Nonetheless, this is an important goal.
Source: M. Estrada, Interview

Comment [LM129]: Sufficiently covered by previous objectives.

Comment [LM130]: This is not the role of judges in Guatemala's JJS.
Source: Juvenile Justice Judges, Focus Group Interview

Illustrative Benchmarks/Indicators

- Existence of clear leadership body
- User and community perception of system leaders
- System personnel's satisfaction with central leadership and guidance

References

- "Contamos! Boletín No. 7: Análisis del Presupuesto General de Ingresos y Egresos del Estado de Guatemala, aprobado para 2012." UNICEF, 2011.
- Política Nacional de Juventud 2010-2015, Consejo Nacional de la Juventud (Conjuve) –Secretaria de Planificación y Programación (Segeplan).

Data Sources

- Media articles
- Interviews with system leaders
- Review of form and content of budget advocacy initiatives
- Survey of system personnel, community stakeholders, and external policymakers



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*

2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*

3. *Recommendations for change to laws, codes or procedures?*

4. *Recommended priorities for the project?*

5. *Potential metrics, benchmarks or other M&E criterion?*

6. *Other observations?*

Comment [LM131]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM132]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 9	System Leadership and Coordination			
Factor 24	Appropriate juvenile justice leadership mechanisms are in place			
Performance Standards or Objectives Checklist		3	2	1
· Appropriate bodies with diverse membership have central leadership over juvenile justice system performance and improvement				
· Leadership bodies have adequate policy making and enforcement powers				
· The system has bodies tasked with research, training, development and oversight of compliance with standards, and legislative and policy analysis on juvenile justice issues				
Subtotals				
Total Factor 24 Scores				

Comment [LM133]: PRIORITY STANDARD.

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Comment [LM134]: PRIORITY STANDARD.

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Illustrative Benchmarks/Indicators

- Number of institutions represented in leadership bodies
- Diversity of personnel of central leadership bodies
- Policy and guidance output of leadership bodies

References

- Política Nacional de Juventud 2010-2015, Consejo Nacional de la Juventud (Conjuve) –Secretaría de Planificación y Programación (Segeplan).

Data Sources

- Observe leadership body meetings
- Review of results and outputs of leadership bodies



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*

2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*

3. *Recommendations for change to laws, codes or procedures?*

4. *Recommended priorities for the project?* |

5. *Potential metrics, benchmarks or other M&E criterion?* |

6. *Other observations?*

Comment [LM135]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM136]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 10	System Leadership and Coordination		
Factor 28	Strategic planning is used effectively		
Performance Standards or Objectives Checklist	3	2	1
—Data-driven strategic planning process is followed with wide stakeholder involvement			
—Appropriate system-wide strategy plan is in place related to juvenile justice and youth violence prevention with vision and mission statements, goals, and objectives			
—Strategy plan is used for planning, resource allocation, performance monitoring, and related purposes			
—Strategy plan is used effectively in regular community and other planning meetings			
—The role of various institutions, groups, and programs in juvenile justice is recognized e.g. job creation programs, economic and community development, membership organizations, businesses, etc.			
Subtotals			
Total Factor 28 Scores			

Illustrative Benchmarks/Indicators

- Cost analysis—jurisdictional analysis of costs allocated
- System-wide strategy plan
- Number of community-based organizations involved in juvenile justice planning and policy making
- Public perceptions of strategic planning processes
- Juvenile justice system and schools are interconnected

References

- Measuring What Really Matters in Juvenile Justice, APRI
- Training Program: Strategic Planning/ Evaluation, NJCSA
- Model Strategy Plans e.g. Connecticut Juvenile Justice Strategic Plan

Data Sources

- Any adopted strategy and action plans
- Planning body reports and meeting minutes
- Survey of informed stakeholders



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

- ~~1. Constraints and Limitations?~~
- ~~2. Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:~~
- ~~3. Recommendations for change to laws, codes or procedures?~~
- ~~4. Recommended priorities for the project?~~
- ~~5. Potential metrics, benchmarks or other M&E criterion?~~
- ~~6. Other observations?~~



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 9 System Leadership and Coordination				
Factor 25 Inter-institutional coordination supports optimal outcomes and resource leveraging				
Performance Standards or Objectives Checklist		3	2	1
<ul style="list-style-type: none"> There is systematic and effective coordination among different system institutions and groups, including community stakeholders. 				
<ul style="list-style-type: none"> Adequate coordination mechanisms are in place and effectively utilized e.g. multi-stakeholder task forces, steering committees, reliable notification systems, centralized computer system to check a youth's history in multiple systems 				
<ul style="list-style-type: none"> Information sharing guidelines are in place, staff are trained on the guidelines, and information is shared among system stakeholders in constructive ways that lead to improved outcomes while complying with privacy protections 				
<ul style="list-style-type: none"> Resources are consolidated as appropriate e.g. blended funding for coordinated programs 				
<ul style="list-style-type: none"> Community committees exist to coordinate and promote youth crime prevention e.g., through social development initiatives 				
Subtotals				
Total Factor 25 Scores				

Comment [LM137]: PRIORITY STANDARD.

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Comment [LM138]: Sufficiently covered by previous coordination objectives.

Illustrative Benchmarks/Indicators

- Number of joint task forces and coordination committees
- Joint training for staff of multiple agencies
- Links with community committees and groups

References

- Model information sharing systems e.g., Project Confirm in New York
- Model regulations on inter-institutional coordination e.g., Los Angeles County Integrated Information Sharing in Juvenile Justice Systems: Issues, Challenges, and Pitfalls, Denise Baer and Vincent Picciano

Data Sources

- Survey of system leaders
- Survey of system personnel about joint trainings
- Community organization survey reports



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

- Constraints and Limitations?*
- Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
- Recommendations for change to laws, codes or procedures?*
- Recommended priorities for the project?*
- Potential metrics, benchmarks or other M&E criterion?*
- Other observations?*

Comment [LM139]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM140]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 9	System Leadership and Coordination		
Factor 26	Change management. Public education, outreach, and advocacy strategies are utilized as needed		
Performance Standards or Objectives Checklist	3	2	1
A suitable change management strategy is employed when reforms are implemented to address any areas of change resistance			
· An effective communications strategy plan relating to juvenile justice reform is in place and followed			
Opposition to progressive reforms is addressed through systematic advocacy and public relations activities			
Public education programs build awareness of violence and crime prevention and reduction and to temper emotional but misguided responses to crime issues			
· Public and media relations and outreach is given priority and used strategically to build support for reforms, promote programs, and generally enhance juvenile justice outcomes			
Total Factor 26 Scores			

Comment [LM141]: Need to convince public of the value of less punitive system. Public believes youth are responsible for more public security issues than they are.

Comment [LM142]: PRIORITY STANDARD.

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Comment [LM143]: Most often done through civil society organizations. Source: M. Estrada, Interview

Illustrative Benchmarks/Indicators

- Written communication strategy and plan
- Public awareness of juvenile justice issues
- Media articles on juvenile justice reform issues

References

- Moser, Caroline, and Cathy McIlwane. "Violence in a Post-Conflict Context: Urban Poor Perceptions from Guatemala." 2001.
- "Advocacy Strategies Training Manual." Defensa de Niñas y Niños Internacional. 2009.

Data Sources

- Review of public relations initiatives
- Survey of system personnel about change management
- Public survey reports relating to juvenile justice



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

- Constraints and Limitations?*
- Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
- Recommendations for change to laws, codes or procedures?*
- Recommended priorities for the project?*
- Potential metrics, benchmarks or other M&E criterion?*
- Other observations?*

Comment [LM144]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM145]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 10	System Design, Management and Accountability		
Factor 27	System-wide effective management and personnel systems and practices		
Performance Standards or Objectives Checklist	3	2	1
· A formal data collection system is in operation in a cost effective manner e.g. in coordination with a local university			
· The jurisdiction has appropriate automated information sharing, financial management, recordkeeping, and database systems			
· Systems are effectively linked to support efficiency, coordination, and appropriate information sharing			
· Personnel policies and training programs support high organizational and program performance			
· Staff are hired based on personal qualities related to service delivery			
· Robust initial and ongoing training programs exist and are adjusted based on systematic training needs assessments			
· Contracting of services and grants programs are managed effectively following a coordinated and systematic plan			
· Service contracts are based on performance measures and achieve cost savings			
· The juvenile justice system is designed and managed to take advantage of funding opportunities and financial incentives			
· The system's design supports eligibility for federal, state, and private funding e.g. government subsidies for increasing use of community supervision instead of state detention			
· The system is designed optimally with respect to tax incentives, cost of medical insurance for system involved youths, etc.			
Subtotals			
Total Factor 27 Scores			

Comment [LM146]: PRIORITY STANDARD.

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Comment [LM147]: PRIORITY STANDARD.

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Comment [LM148]: Private contracting of services is not prevalent in Guatemalan JJS.

Comment [LM149]: Private contracting of services is not prevalent in Guatemalan JJS.

Comment [LM150]: Not relevant to Guatemalan JJS.

Comment [LM151]: Not relevant to Guatemalan JJS.

Comment [LM152]: Not relevant to Guatemalan JJS.

Illustrative Benchmarks/Indicators

- Existence of training requirements, total numbers trained, training hours, etc.
- Number and type of training programs
- Public sector staff is diverse and has language skills corresponding to population
- Perceptions of performance of system personnel

References

- *Guide to Developing and Implementing Performance Measures for the Juvenile Justice System*, APRI
- JJIS information sharing system development initiatives



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Data Sources

- Observational site visits
- Staff Surveys
- Evaluation of system wide training programs
- Review of personnel systems and staff qualifications
- Interviews with informed observers

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*

2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*

3. *Recommendations for change to laws, codes or procedures?*

4. *Recommended priorities for the project?*

5. *Potential metrics, benchmarks or other M&E criterion?*

6. *Other observations?*

Comment [LM153]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM154]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 10	System Design, Management and Accountability		
Factor 28	Appropriate transparency and accountability mechanisms are in place system wide		
Performance Standards or Objectives Checklist	3	2	1
· Minimum performance standards have been adopted for service providers			
· Reporting requirements for system institutions are sufficient taking account of system size and conditions			
· The public has easy access to data on the system including financial, performance, etc.			
· Effective audit, inspection, and internal controls are utilized			
· Management information systems MIS support performance based monitoring and financial accountability as well as managers' data tracking, reporting, and other management responsibilities			
· Appropriate and efficient balancing of decentralized authority and discretion and accountability mechanisms e.g. community corrections entities need not go to court for every disposition			
· Effective accountability and oversight mechanisms are in place for police, and prosecutor, judge, public defender, detention facility, and SBS staff misconduct			
· Data on performance is meaningfully used for purposes of planning and funding decision making			
Subtotals			
Total Factor 28 Scores			

Comment [LM155]: It is not clear to whom they would report in the JJS. -M. Estrada

Comment [LM156]: PRIORITY STANDARD.

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Comment [LM157]: PRIORITY STANDARD.

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Illustrative Benchmarks/Indicators

- UNODC Indicator 13: Complaints mechanism. Existence of a system guaranteeing regular independent inspection of places of detention.
http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf
- Indicator 13 Description: p. 23

References

- The United Nations Standard Minimum Rules for Non-custodial Measures
- The United Nations Rules for the Protection of Juveniles Deprived of their Liberty

Data Sources

- Interviews of system personnel and informed observers
- Inventory of system data publicly available on the Internet
- Any local audit standards for juvenile justice institutions
- Audit, inspection, and other reports
- MIS content



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

- Constraints and Limitations?*
- Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
- Recommendations for change to laws, codes or procedures?*
- Recommended priorities for the project?*
- Potential metrics, benchmarks or other M&E criterion?*
- Other observations?*

Comment [LM158]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM159]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 10		System Design, Management and Accountability		
Factor 29		Effective program evaluation is used at multiple levels		
Performance Standards or Objectives Checklist		3	2	1
· Program providers are required to conduct appropriate monitoring and evaluation activities				
· Agencies and organizations that fund private program grants coordinate in decision making process to ensure effective programming mix				
· Systematic planning cycle for program funding is in place and frequency of service continuum review and change is appropriate				
· Programs are externally evaluated with methodology and frequency suitable for local conditions				
· Accepted outcome measures are used recidivism, restitution, case closures etc.				
· Reported outcome data meet scientific standards e.g. use of experimental research designs, data quality controls				
· Centralized, updated data on existing programs, type, size, clients served annually, funding etc. is maintained and publicly accessible				
· Program continuity, stability, and sustainability are priorities in programming and funding decisions				
· Performance evaluation results have actual consequences in program design and implementation and in funding decisions				
Subtotals				
Total Factor 29 Scores				

Comment [LM160]: M&E practices vary from institution to institution and from official to official. Evaluation occurs at certain points but rarely is ongoing monitoring conducted. M&E requires standardization. Source: Marilys Estrada, Interview

Comment [LM161]: PRIORITY STANDARD.

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Comment [LM162]: Extracted from factor previously in Services Continuum Section.

Comment [LM163]: Sufficiently covered by previous M&E objectives.

Comment [LM164]: Sufficiently covered by previous M&E objectives.

Comment [LM165]: Sufficiently covered by previous M&E objectives.

Comment [LM166]: Extracted from factor previously in Services Continuum Section.

Comment [LM167]: PRIORITY STANDARD.

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Comment [LM168]: Extracted from factor previously in Services Continuum Section.

Illustrative Benchmarks/Indicators

- Outcome data tracked for programs
- Relationship between funding increases and positive performance evaluations
- Number of external program evaluations system wide

References

- Correctional Program Assessment Inventory CPAI, Gendreau and Andrews
- Juvenile Justice Program Evaluation, Juvenile Justice Evaluation Center

Data Sources

- Interviews and site visits
- MIS data on program performance
- Program evaluation reports
- Funding entity program evaluation guidelines and manuals



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*

Comment [LM169]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM170]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 10	System Design, Management and Accountability		
Factor 30	The system works fairly for all groups <u>and takes into account issues of ethnicity and gender</u>		
Performance Standards or Objectives Checklist			
	3	2	1
· The system does not discriminate against indigenous or minority youths lead to disproportionate minority contact or bias			
· System enjoys public confidence that it works equally and fairly for all regardless of ethnicity, language, religion, gender, and political beliefs			
Specific strategies and policies are aimed at eliminating bias and racial disparities			
· System personnel are appropriately trained on minority and gender contact issues			
· Appropriate separate facilities are provided for female system involved youths and detention center personnel are female			
Subtotals			
Total Factor 30 Scores			

Comment [LM171]: These two categories need to be highlighted as they represent the primary targets for discrimination in Guatemala.

Comment [LM172]: PRIORITY STANDARD.

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Comment [LM173]: Guatemala's diversity of languages presents a key challenge to universal access to justice.

Comment [LM174]: Sufficiently addressed in previous objectives.

Comment [LM175]: PRIORITY STANDARD.

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Illustrative Benchmarks/Indicators

- National data on minority contact e.g., arrest, referral, detention, petition, waiver, adjudication, and placement rates
- Complaints relating to minority or gender discrimination

References

- "Justicia Penal Juvenil e Interculturalidad." INSTITUTO DE ESTUDIOS COMPARADOS EN CIENCIAS PENALES DE GUATEMALA, 2002.
- "Proyecto Niñez y Violencia Observatorio de Justicia Juvenil: Acceso a la Justicia." Instituto de Estudios Comparados en Ciencias Penales de Guatemala, 2007.

Data Sources

- Case processing data aggregated by ethnicity and gender
- Inventory of policies and training programs related to minority bias



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

- Constraints and Limitations?*
- Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
- Recommendations for change to laws, codes or procedures?*
- Recommended priorities for the project?*
- Potential metrics, benchmarks or other M&E criterion?*
- Other observations?*

Comment [LM176]: These recommendations are included in the attached Guatemala Juvenile Justice System Action Plan.

Comment [LM177]: Illustrative benchmarks have been included in the space above. A summary document with proposed benchmarks for the entire JJSAT is also included in the attached documents.

JJSAT Table of Sections and Factors		
Section	Factor	Description
Juvenile Justice Sector Policies and Strategies	1	Juvenile justice laws and policies reflect modern standards and evidence-based practices
	2	A effective multi-dimensional crime and violence prevention strategy is employed
	3	Schools and parents are effectively engaged and assisted
	4	Risk and needs assessments are effectively used as a core feature of system policies and practices
Juvenile Court	5	Juvenile justice jurisdiction, facilities, resources, and training are supportive of effective juvenile justice outcomes
	6	Juvenile court consistently follows intake and case processing procedures and practices that support best possible outcomes for juveniles, victims, families, and the public
	7	Appropriate post-disposition involvement
	8	The courts provide adequate services for juveniles in the delinquency process and provides a meaningful role for family and victims
Public Defenders	9	Public defenders effectively pursue juvenile justice outcomes that support the developmental needs of their clients
	10	Public defenders coordinate with relevant organizations and individuals in support of youths in conflict with the law
Prosecution	11	Prosecutors support juvenile justice outcomes that balance youth development needs and public safety
	12	Adequate victim and witness services
Law Enforcement	13	Law enforcement agencies have sufficient staff, facilities, resources, and other support
	14	Police effectively engage with the community in the implementation of public security programs
	15	In juvenile cases, police follow policies, procedures, and practices appropriate to the developmental differences between youth and adults
Dispositions	16	Graduated sanctions minimize use of detention and punitive measures.
	17	The Secretaria de Bienestar Social (SBS) has sufficient staff, facilities, resources, and other support to provide a range of alternatives to detention, including warnings, conditional liberty, community service, reparations, orientation and supervision, outpatient and inpatient treatment, and house arrest, among others.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

JJSAT Table of Sections and Factors		
Section	Factor	Description
	18	Probation program staff follow intake and case processing procedures that support best possible outcomes for juveniles, victims, families, and the public
	19	Program officers coordinate a multi-dimensional approach to reduce recidivism
Detention and Reintegration	20	Government secure and non-secure detention facilities provide a safe and secure environment conducive to learning and the start of the rehabilitative process
	21	Effective and integrated re-entry and aftercare programs
Service Continuum	22	Programs meet principles of effective intervention and program integrity
System Leadership and Coordination	23	Overall juvenile justice system leadership is effective
	24	Appropriate juvenile justice leadership mechanisms are in place
	25	Inter-institutional coordination supports optimal outcomes and resource leveraging
	26	Public education, outreach, and advocacy strategies are utilized as needed
System Design, Management and Accountability	27	System-wide effective management and personnel systems and practices
	28	Appropriate transparency and accountability mechanisms are in place system wide
	29	Effective program evaluation is used at multiple levels
	30	The system works fairly for all groups and takes into account issues of ethnicity and gender



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Table of Combined JJSAT Scores		
Total Score 30 to 90 possible: · 76 - 90 = Model System · 61 - 75 = Standard System · 30 - 60 = Substandard System		Juvenile Justice System and Assessment Date
1. Juvenile Justice Policies and Strategies		
Factor 1	Laws & policies	
Factor 2	Prevention strategy	
Factor 3	School & parent engagement	
Factor 4	Risk & needs assessment	
2. Juvenile Court		
Factor 5	Adequate jurisdiction, facilities, resources, and training	
Factor 6	Intake and case processing procedures	
Factor 7	Post-disposition involvement	
Factor 8	Adequate services and role for family	
3. Public Defenders		
Factor 9	Effective public defenders	
Factor 10	Coordination with other organizations	
4. Prosecution		
Factor 11	Support for effective juvenile justice outcomes	
Factor 12	Adequate victim and witness services	
5. Law Enforcement		
Factor 13	Law enforcement staff and resources	
Factor 14	Community policing strategy	
Factor 15	Appropriate policies and procedures for juveniles	
6. Dispositions		
Factor 16	Graduated Sanctions	
Factor 17	SBS has sufficient staff and resources	
Factor 18	Intake and case processing procedures	
Factor 19	Approach to recidivism	
7. Detention and Reintegration		
Factor 20	Detention facilities	
Factor 21	Re-entry and aftercare programs	
8. Service Continuum		
Factor 22	Program intervention and integrity	
9. System Leadership and Coordination		
Factor 23	Effective leadership	
Factor 24	Leadership mechanisms	



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Factor 25	Inter-institutional coordination	
Factor 26	Public education, outreach, advocacy	
10. System Design, Management and Accountability		
Factor 27	Management and personnel systems	
Factor 28	Transparency and accountability mechanisms	
Factor 29	Program evaluation	
Factor 30	System works fairly for all groups	



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 1	Juvenile Justice Policies and Strategies			
Factor 1	Juvenile justice laws and policies reflect modern standards and evidence-based practices		Score	
Performance Standards or Objectives Checklist		3	2	1
• There is system wide agreement to follow modern, cost-effective, and research-based juvenile delinquency policies and practices				
• The legal framework supports an effective juvenile justice system in line with research, modern theory, and best practices				
• Court decisions, injunctions, and decrees support effective juvenile justice policies and service delivery				
• The system integrates critical best practices such as:				
• Graduated sanctions				
• Use of community over institutional alternatives for low and medium risk system involved kids				
• Strong preference for care, guidance, and control in the home and separation from parents as last option				
• Early and effective intervention with first-time system involved kids				
• Appropriate use of rewards and punishments, and				
• Focus on identifying and controlling the small group of serious, violent, and chronic juvenile system involved youths				
• A data-driven strategic planning process is followed with wide stakeholder involvement				
• Protocols and procedures are in place to ensure personnel system-wide follow principles of effective intervention				
Subtotals				
Total Factor 1 Scores				

Illustrative Benchmarks/Indicators

- UNODC Indicator 14 (CORE): Existence of a specialized juvenile justice system. Asks whether system exists and is protected by national law and policy.
http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf
 - Indicator 14 Description: p. 24
 - Policy Analysis Tool 3: p. 90

References

- United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”)
- Barrientos de Estrada, Marilys. Asistencia Técnica para el Análisis Jurídico de Leyes y Proyectos de Ley Relacionado con la Justicia Juvenil en Guatemala. USAID-Justicia Contra la Violencia y la Impunidad, 2011.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

- Sánchez, Efraín Estuardo, Análisis del Sistema de Justicia Penal Juvenil en Guatemala. 2008. Alianza Joven Regional USAID-SICA.

Data Sources

- Ley de Protección Integral de la Niñez y la Adolescencia, Decreto No. 27-2003
- Convención Sobre los Derechos del Niño, Decreto numero 27-90 del Congreso de la Republica de Guatemala.
- Constitución Política de la Republica de Guatemala (CPRG), Asamblea Nacional Constituyente de 1986.
- Política Nacional de Juventud 2010-2015, Consejo Nacional de la Juventud (Conjuve) –Secretaria de Planificación y Programación (Segeplan).

Observations, Conclusions and Recommendations

1. ***Constraints and Limitations?***
2. ***Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:***
3. ***Recommendations for change to laws, codes or procedures?***
4. ***Recommended priorities for the project?***
5. ***Potential metrics, benchmarks or other M&E criterion?***
6. ***Other observations?***



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 1	Juvenile Justice Policies and Strategies		
Factor 2	An effective multi-dimensional crime and violence prevention strategy is employed		
Performance Standards or Objectives Checklist	3	2	1
· An adequate range of prevention programs exist that target known risk factors and youth at risk of delinquency, building on strengths as opposed to reacting to crime problems			
· A systematic, inter-institutional effort is made to identify and concentrate programs towards the biggest problem areas and underlying causes and drivers of crime and violence e.g. drug usage, community-level factors, unemployment, income inequality, gun availability, lack of positive adult supervision and educational opportunities, child abuse, and neglect			
· A coordinated, long-term strategy is in place to strengthen fabric of communities and neighborhoods			
· Community development programs are linked to crime prevention and target risk factors e.g. housing, education, training, and employment programs			
- Civil society organizations are engaged in the development of prevention strategies and programs			
Subtotals			
Total Factor 2 Scores			

Illustrative Benchmarks/Indicators

- UNODC Indicator 15: Existence of a national plan for the prevention of child involvement in crime. Measures whether the state has a plan for the prevention of child involvement in crime. Assesses implementation of the principle that states should institute comprehensive plans for the prevention of child involvement in crime.
http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf
 - Indicator 15 Description: p. 25
 - Policy Analysis Tool 4: p. 106

References

- United Nations Guidelines for the Prevention of Juvenile Delinquency (PJD)
- “12 Estrategias para prevenir la violencia relacionada con la adolescencia y juventud.” Interpeace, 2010. <http://www.interpeace-lao.org/poljuve/images/articulos/poljuve/estrategiasweb.pdf>



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Data Sources

- Política Nacional de Juventud 2010-2015, Consejo Nacional de la Juventud (Conjuve) –Secretaria de Planificación y Programación (Segeplan).

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 1	Juvenile Justice Policies and Strategies		
Factor 3	Schools and parents are effectively engaged and assisted		
Performance Standards or Objectives Checklist	3	2	1
• Schools and parents are engaged to serve a meaningful role in juvenile justice issues			
• School staff and resource officers are prepared to provide help to families			
• Family strengthening is an integral part of juvenile justice responses			
• Programs facilitate discussions that promote family problem solving			
• Meaningful assistance to economically disadvantaged parents struggling with problem behavior			
• Schools have effective protocols for monitoring and timely communicating behavior issues and problem signs to parents			
• School curricula and programs are challenging and engaging for youth			
Subtotals			
Total Factor 3 Scores			

Illustrative Benchmarks/Indicators

- Expected years of schooling (of children under 7)—UNDP Human Development Indicators
- Combined gross enrollment in education (%)—UNDP Human Development Indicators

References

- “Contamos! Boletín No. 5: En donde están los ausentes?” UNICEF, 2011.
- “Percepciones 01: La violencia en los centros educativos” UNICEF, 2011.

Data Sources

- Guatemala Ministerio de Educación, Estadística: <http://www.mineduc.gob.gt/estadistica2011/>
- UNDP Human Development Reports: <http://hdr.undp.org/en/statistics/>



Juvenile Justice System Assessment Worksheet

Project Name			
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System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

- 1. Constraints and Limitations?*
- 2. Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
- 3. Recommendations for change to laws, codes or procedures?*
- 4. Recommended priorities for the project?*
- 5. Potential metrics, benchmarks or other M&E criterion?*
- 6. Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 1	Juvenile Justice Policies and Strategies		
Factor 4	Risk and needs assessments are effectively used as a core feature of system policies and practices		
Performance Standards or Objectives Checklist	3	2	1
<ul style="list-style-type: none"> Jurisdiction uses a standardized “system of assessment” – use of objective screening and assessment protocols at least at intake, predisposition, institutional commitment, reentry to assess risk levels and monitor improvement 			
<ul style="list-style-type: none"> Programs are properly matched to individuals based on appropriate risk and need assessment 			
<ul style="list-style-type: none"> Risk assessment tools assess family and parenting; education/employment; peer relations; substance abuse; leisure and recreation; personality and behavior; and attitudes and orientation 			
<ul style="list-style-type: none"> Assessment results are used to inform ongoing policy and program development 			
Subtotals			
Total Factor 4 Scores			

Illustrative Benchmarks/Indicators

- Percentage of cases where risk/need assessment used
- Number of risk/need assessment instruments used system-wide

References

Data Sources

- Case files
- Interviews with Public Defender’s Office
- Interviews with Secretaria de Bienestar Social
- Assessment instruments and procedural manuals



Juvenile Justice System Assessment Worksheet

Project Name			
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System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

- 1. Constraints and Limitations?*
- 2. Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
- 3. Recommendations for change to laws, codes or procedures?*
- 4. Recommended priorities for the project?*
- 5. Potential metrics, benchmarks or other M&E criterion?*
- 6. Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 2	Juvenile Court			
Factor 5	Juvenile justice jurisdiction, facilities, resources, and training are supportive of effective juvenile justice outcomes			
Performance Standards or Objectives Checklist		3	2	1
<ul style="list-style-type: none"> Juvenile courts have a balanced mix of Jueces de Paz, Jueces de la Niñez y Adolescencia, Jueces de Control de Ejecución, Jueces de la Corte de Apelaciones, and other judicial authorities presiding over juvenile cases. 				
<ul style="list-style-type: none"> Juvenile courts have enough qualified and trained judges, judicial officers, probation officers, case management staff, intake staff, prosecutors, public defenders, and victims' advocates to provide adequate individual attention to cases 				
<ul style="list-style-type: none"> Judges and staff understand the interrelationships and complexities regarding delinquent behavior, victimization, trauma, abuse, and neglect 				
<ul style="list-style-type: none"> Courts have adequate court rooms, separate and safe waiting areas for victims and offenders, secure holding facilities, private meeting space for youth and counsel, and detention facilities that are both secure and non-secure. 				
<ul style="list-style-type: none"> Courts have adequate information technology, verbatim recording, funding for monitoring and evaluation, etc. 				
Subtotals				
Total Factor 5 Scores				

Illustrative Benchmarks/Indicators

- Juvenile court personnel caseloads are appropriate
- Existence of training requirements, total numbers trained, training hours, etc.
- Electronic case management system

References

- “Contamos! Boletín No. 7: Análisis del Presupuesto General de Ingresos y Egresos del Estado de Guatemala, aprobado para 2012.” UNICEF, 2011.
- Paz y Paz, Claudia y otros: “Manual de Derecho Procesal Penal” Tomo I, Instituto de Estudios Comparados en Ciencias Penales de Guatemala, Guatemala, 2003.
- Organismo Judicial, “Modelo de Gestión Basado en Audiencias para los Juzgados Civiles y de Familia”, Guatemala, 2008.
- Sanchez Montenegro, Efraín Estuardo: “Instructivo para los jueces y juezas de paz sobre aplicación de la Ley de Protección Integral de la Niñez y Adolescencia”, Proyecto Justicia Penal de Adolescentes y Niñez Víctima, Organismo Judicial-UNICEF: Guatemala, 2005.



Juvenile Justice System Assessment Worksheet

Project Name			
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- Urbina, Miguel Ángel: “*Modelo de Gestión Judicial Basado en Audiencias*”, Organismo Judicial – Instituto de Estudios Comparados en Ciencias Penales de Guatemala, Guatemala, mayo de 2005.
- “Workload Measurement for Juvenile Justice System Personnel: Practices and Needs.” USDOJ. <https://www.ncjrs.gov/pdffiles1/ojjdp/178895.pdf>

Data Sources

- Código Procesal Penal
- “Curso: Los Procesos Establecidos en la Ley de Protección Integral de la Niñez y Adolescencia.” Escuela de Estudios Judiciales, Unidad de Capacitación Institucional del Organismo Judicial de Guatemala, 2008.
- Interviews with public defenders, prosecutors, and judges

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 2	Juvenile Court			
Factor 6	Juvenile court consistently follows intake and case processing procedures and practices that support best possible outcomes for juveniles, victims, families, and the public			
Performance Standards or Objectives Checklist		3	2	1
• Court procedures conform with model procedures for juvenile cases so as to ensure appropriate disposition, due process, minimal pre-trial detention, engagement of families and victims, etc.				
• Strict rules on case processing time e.g. hearing no more than 3 days after arrest for juveniles in detention; postponements beyond deadlines only for good cause				
• Evidentiary rules conform to criminal due process standards				
• Post-arrest intake procedures are fast, efficient, and appropriate				
• Weekend and holiday response is adequate				
• Appropriate handling of juvenile status offenders e.g., children in need of supervision CHINS				
• Juveniles, families, and their attorneys have timely access to documents such as risk/need assessment reports				
Subtotals				
Total Factor 6 Scores				

Illustrative Benchmarks/Indicators

- UNODC Indicator 4: Duration of pre-sentence detention. Time spent in detention by children before sentencing.
- http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf
 - Indicator 4 Description: p. 13

References

- Ley de Protección Integral de la Niñez y la Adolescencia, Decreto No. 27-2003
- Código Proceso Penal (CPP), Decreto Numero 51-92 del Congreso de la Republica de Guatemala
- “Modelo de Gestión Judicial por Audiencias Jurisdicciones de la Niñez y la Adolescencia.” Escuela de Estudios Judiciales, Unidad de Capacitación Institucional del Organismo Judicial de Guatemala, 2009.

Data Sources



Juvenile Justice System Assessment Worksheet

Project Name			
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System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

- Interviews with judges, public defenders, prosecutors
- User surveys
- Site visit
- Random audit – one procedural phase
- Case file reviews

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 2	Juvenile Court		
Factor 7	Appropriate post-disposition involvement		
Performance Standards or Objectives Checklist	3	2	1
<ul style="list-style-type: none"> Standardized risk assessment results are critical factor in determining if a youth is a public safety threat and decision to detain 			
<ul style="list-style-type: none"> The courts is active post-disposition, tracking outcomes and taking action when needed 			
<ul style="list-style-type: none"> Courts support effective reentry for youth released from detention e.g. makes decisions with eventual return to community in mind, remains informed about progress of those juveniles placed in institutional care, timely preparation of reentry plans prior to release, and graduated sanctions used for post release violations 			
Subtotals			
Total Factor 7 Scores			

Illustrative Benchmarks/Indicators

- Number of disposition review sessions per case.

References

- The United Nations Rules for the Protection of Juveniles Deprived of their Liberty
- The United Nations Standard Minimum Rules for Non-custodial Measures

Data Sources

- CENADOJ Database
- Closed and pending case file survey
- Interviews with judges



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
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Observations, Conclusions and Recommendations

- 1. Constraints and Limitations?*
- 2. Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
- 3. Recommendations for change to laws, codes or procedures?*
- 4. Recommended priorities for the project?*
- 5. Potential metrics, benchmarks or other M&E criterion?*
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Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
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Section 2	Juvenile Court			
Factor 8	The courts provide adequate services for juveniles in the delinquency process and provides a meaningful role for family and victims			
Performance Standards or Objectives Checklist		3	2	1
· <i>In Loco Parentis</i> is provided for youth whose parents are not available				
· The court has access to adequate mental health, substance abuse, and education evaluation services				
· System staff engage parents and families at all stages to encourage participation fully in development and implementation of youth's intervention plan				
· Crime victims have access to all phases of the juvenile court process and receive all services to which they are entitled by law				
· Restitution is ordered in appropriate cases				
Subtotals				
Total Factor 8 Scores				

Illustrative Benchmarks/Indicators

- Family juvenile justice process understanding and satisfaction levels
- Percentage of cases in which family service referrals were made
- Victim impact statements are prepared prior to disposition decisions

References

- “Técnicas Psicológicas que Contribuyen a un mejor Abordaje de la Víctima en la Justicia.” Grupo Ser, Proyecto Justicia Penal de Adolescentes y Niñez Víctima, Organismo Judicial-UNICEF, 2005.
- “Los Derechos de la Niñez Víctima en el Proceso Penal Guatemalteco.” Rodriguez Barillas, Alejandro Proyecto Justicia Penal de Adolescentes y Niñez Víctima, Organismo Judicial-UNICEF, 2002.
- “Workload Measurement for Juvenile Justice System Personnel: Practices and Needs.” USDOJ. <https://www.ncjrs.gov/pdffiles1/ojjdp/178895.pdf>

Data Sources

- Case file survey
- Survey of family members
- Interviews with juvenile court personnel, public defenders



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
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Section 3	Public Defenders			
Factor 9	Public defenders effectively pursue juvenile justice outcomes that support the developmental needs of their clients			
Performance Standards or Objectives Checklist		3	2	1
· The public defender's office has sufficient staff and resources to allow adequate attention to cases				
· Public defenders are trained in the specific dimensions of juvenile justice law, including the LPINA and UN CRC				
· Public defenders are trained and experienced in juvenile law and issues such as mental health, development, education, substance abuse relating to youth, etc.				
· Public defenders attend all court hearings in juvenile cases				
Subtotals				
Total Factor 9 Scores				

Illustrative Benchmarks/Indicators

- Minimum number of years of experience for public defenders assigned to juvenile cases
- Number of cases per public defender

References

- "Principios, Derechos, y Garantías de los Adolescentes en Conflicto con la Ley Penal y su Procesamiento." Instituto de la Defensa Pública Penal, 2009.
- "Efectividad de los Sistemas Penales Juveniles: Un Reto del Triangulo Norte." Alianza Joven Regional USAID-SICA, 2011.
- "Workload Measurement for Juvenile Justice System Personnel: Practices and Needs." USDOJ. <https://www.ncjrs.gov/pdffiles1/ojdp/178895.pdf>

Data Sources

- Interviews and site visits
- Survey of prosecutors, defense counsel, judges, and other informed sources
- "Contamos! Boletín No. 7: Análisis del Presupuesto General de Ingresos y Egresos del Estado de Guatemala, aprobado para 2012." UNICEF, 2011.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
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Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
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Section 3	Public Defenders			
Factor 10	Public defenders coordinate with relevant organizations and individuals in support of youths in conflict with the law			
Performance Standards or Objectives Checklist		3	2	1
· The public defender’s office engages the Secretaria de Bienestar Social, the Procuraduría General de la Nación, and other key institutions responsible for juvenile justice service provision, diversionary measures, etc.				
· Public defenders engage families in the juvenile justice process				
· Public defenders are aware of all disposition resources available				
Subtotals				
Total Factor 10 Scores				

Illustrative Benchmarks/Indicators

- Public defender familiarity with SBS programs and services
- Number of dispositions employing alternatives to privation of liberty

References

- “Principios, Derechos, y Garantías de los Adolescentes en Conflicto con la Ley Penal y su Procesamiento.” Instituto de la Defensa Pública Penal, 2009.

Data Sources

- Interviews and site visits
- Survey of prosecutors, defense counsel, judges, and other informed sources



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Project Name			
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Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
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System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 4	Prosecution			
Factor 11	Prosecutors support juvenile justice outcomes that balance youth development needs and public safety			
Performance Standards or Objectives Checklist		3	2	1
· Prosecutors have sufficient staff and resources to allow adequate attention to cases				
· Prosecutors are experienced with juvenile law and issues such as mental health, development, education, substance abuse relating to youth, etc.				
· Prosecutors appropriately assess cases for alternatives to detention				
· Prosecutors are aware of all disposition resources available				
Subtotals				
Total Factor 11 Scores				

Illustrative Benchmarks/Indicators

- Minimum number of years of experience for prosecutors assigned to juvenile cases
- Number of cases per juvenile prosecutor
- Number of dispositions employing alternatives to privation of liberty

References

- “Contamos! Boletín No. 7: Análisis del Presupuesto General de Ingresos y Egresos del Estado de Guatemala, aprobado para 2012.” UNICEF, 2011.

Data Sources

- Interviews with prosecutors, public defenders, judges



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Project Name			
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Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
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Section 4	Prosecution		
Factor 12	Adequate victim and witness services		
Performance Standards or Objectives Checklist	3	2	1
· Prosecution staff are trained on victim rights and service issues			
· Appropriate and accessible victim-related community programs exist including shelters, psychiatric counseling, legal assistance, education, etc.			
· An effective witness protection program is in place			
· Victims and witnesses are notified when system involved youths are released, transferred, or escape			
Subtotals			
Total Factor 12 Scores			

Illustrative Benchmarks/Indicators

- Rates of victim and witness participation in support programs
- Numbers of witnesses attacked or killed

References

- The United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime

Data Sources

- Survey of victims and witnesses
- Inventory of victim service offerings
- Statistics on witness protection program usage



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Project Name			
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Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
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Juvenile Justice System Assessment Worksheet

Project Name			
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Section 5	Law Enforcement		
Factor 13	Law enforcement agencies have sufficient staff, facilities, resources, and other support		
Performance Standards or Objectives Checklist	3	2	1
· Law enforcement adequately investigates juvenile crimes			
· There are a sufficient number of qualified and well-trained police officers			
· Police, including school resource officers SROs, are trained in violence prevention, mental health, development, education, substance abuse, and related issues as they pertain to youth			
· Police have adequate capacity to address juvenile delinquency including specialized staff, programs, and policies relating to youth crime			
Subtotals			
Total Factor 13 Scores			

Illustrative Benchmarks/Indicators

- Police officers per capita
- Police budget per capita
- Police staff dedicated to juvenile issues per capita

References

- “Contamos! Boletín No. 7: Análisis del Presupuesto General de Ingresos y Egresos del Estado de Guatemala, aprobado para 2012.” UNICEF, 2011.

Data Sources

- Review of law enforcement staffing, training, budget, and resources
- Review of specialized policing programs and departments



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Project Name			
Assessment Date			
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Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



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Project Name			
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Section 5	Law Enforcement			
Factor 14	Police effectively engage with the community in the implementation of public security programs			
Performance Standards or Objectives Checklist		3	2	1
· A well defined, significant community policing program that involves more than foot patrols and meets recognized best practices is in place				
· Coordinated resources are aimed jurisdiction-wide but in high crime areas in particular				
· If there is gang activity, there is an effective gang intervention and prevention project				
· Police have established positive community relations such that members of the community meaningfully support police efforts to prevent, detect, and enforce youth crime and violence				
Subtotals				
Total Factor 14 Scores				

Illustrative Benchmarks/Indicators

- Existence of formal community policing or community outreach strategies
- Rates of youth gang participation

References

- “Reflections on Community-based Policing Programming in Guatemala.” MSI, 2005.
- “La juventud y el crimen: Maras y Pandillas en Guatemala 1985-2011.” Programa de los Informes Nacionales de Desarrollo Humano y Objetivos de Desarrollo del Milenio, PNUD-Guatemala, 2011.

Data Sources

- Review of any written community policing strategy or policies
- Interviews with police, community members, journalists, etc.
- Política Nacional de Juventud 2010-2015, Consejo Nacional de la Juventud (Conjuve) –Secretaría de Planificación y Programación (Segeplan).



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Project Name			
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Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
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Section 5	Law Enforcement			
Factor 15	In juvenile cases, police follow policies, procedures, and practices appropriate to the developmental differences between youth and adults			
Performance Standards or Objectives Checklist		3	2	1
· Upon taking a child into custody, the police immediately notify the child's parents and present the child to an appropriate judicial authority				
· Juveniles are incarcerated only when charged with serious criminal violations and/or their parents cannot be located				
· Police, including school police, effectively engage in problem solving activities in addition to traditional crime enforcement				
· Police procedures balance the best interests of youth with public safety interests				
Subtotals				
Total Factor 15 Scores				

Illustrative Benchmarks/Indicators

- UNODC Indicator 1: Children in conflict with the law. Number of children arrested during a 12-month period per 100,000 child population.
http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf
 - Indicator 1 Description: p. 10
 - Information Collection Tool: p. 74

References

- “Datos sobre adolescentes en conflicto con la ley penal.” Instituto de Estudios Comparados en Ciencias Penales de Guatemala (ICCPG), 2010.

Data Sources

- Review of police policies and procedures
- Perception surveys of community members



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
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Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
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Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 6	Dispositions			
Factor 16	Graduated sanctions minimize use of detention and punitive measures.			
Performance Standards or Objectives Checklist		3	2	1
· A system of graduated sanctions is established that holds each system involved youth accountable, protects public safety, and provides programs and services that meet identified treatment needs				
· Courts are allowed discretion in applying sentences and are not limited by mandatory minimum sentencing.				
· Appropriate rate of post-disposition detention				
Subtotals				
Total Factor 16 Scores				

Illustrative Benchmarks/Indicators

- UNODC Indicator 5: Duration of sentenced detention. Time spent in detention by children after sentencing. http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf
 - Indicator 5 Description: p. 14

References

- “Guía Práctica sobre principios aplicables a la administración de justicia penal juvenil y a la privación de libertad de adolescentes en conflicto con la ley penal.” Programa de apoyo a la reforma de la justicia en Guatemala. Naciones Unidas, Oficina del Alto Comisionado para los Derechos Humanos, UNICEF y UNION EUROPEA, 2009.

Data Sources

- CENADOJ Database
- Interviews and site visits
- Review of policies, training programs, manuals, etc.
- Survey of system users e.g., defense attorneys



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
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Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
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Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 6	Dispositions			
Factor 17	The Secretaria de Bienestar Social (SBS) has sufficient staff, facilities, resources, and other support to provide a range of alternatives to detention, including warnings, conditional liberty, community service, reparations, orientation and supervision, outpatient and inpatient treatment, and house arrest, among others.			
Performance Standards or Objectives Checklist		3	2	1
· The SBS has adequate staff numbers in relation to workload				
· Program officers are qualified and possess the necessary interpersonal skills to effectively assess and constructively engage client youths				
· Staff are trained in principles of effective intervention including use of assessment tools, individualizing services and sanctions, and referring youth to evidence-based programs				
· Program staff are properly trained in violence prevention, mental health, development, education, substance abuse and related issues as they pertain to youth				
Subtotals				
Total Factor 17 Scores				

Illustrative Benchmarks/Indicators

- Caseload of 25 clients per probation officer
- Average of 5 years of experience of probation staff
- Existence of training requirements, total numbers trained, training hours, etc.
- Proportion of cases closed completing all community service hours ordered
- Percentage of cases paying full amount of restitution

References

- "Juvenile Justice Systems: Good Practices in Latin America." UNICEF, 2006.
- Any applicable workload/ caseload standards for local probation staff

Data Sources

- CENADOJ Database
- Interviews and site visits
- Review of policies, training programs, manuals, etc.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 6	Dispositions			
Factor 18	Probation program staff follow intake and case processing procedures that support best possible outcomes for juveniles, victims, families, and the public			
Performance Standards or Objectives Checklist		3	2	1
· Probation officers utilize accepted risk/needs assessment instruments to evaluate youth upon arrest, to determine likelihood of the youth recidivating, and to tailor an individualized response including appropriate services				
· Case/supervision plans are used that assist system involved youths in overcoming problems, building on strengths, acquiring living/learning/working skills				
· Victims and families are engaged in program procedures in a way that supports family strengthening and victim restoration				
Subtotals				
Total Factor 18 Scores				

Illustrative Benchmarks/Indicators

- Victim and family satisfaction rates
- Number of victims served by community programs

References

Data Sources

- Review of policies, standards, and procedures
- Case file survey
- Interviews with probation staff
- Perception survey of victims and families



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 6	Dispositions			
Factor 19	Program officers coordinate a multi-dimensional approach to reduce recidivism			
Performance Standards or Objectives Checklist		3	2	1
· Program officers follow evidence-based strategies for reintegration and aftercare				
· Program officers proactively engage families, schools, community leaders, employers, and other pro-social contacts in design and implementation of case management plans				
· Greatest effort is concentrated on serious system involved youths most likely to recidivate				
Subtotals				
Total Factor 19 Scores				

Illustrative Benchmarks/Indicators

- Recidivism rates during and after implementation of disposition programs
- Proportion of cases in which juvenile successfully fulfills all requirements of the case/supervision plan
- Number of client contacts per month by disposition program officers

References

Data Sources

- Interviews of SBS staff and public defenders
- Surveys of community members
- Recidivism data
- Review of probation case file and case management plans
- Review of community supervision programs



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 7	Detention and Reintegration			
Factor 20	Government secure and non-secure detention facilities provide a safe and secure environment conducive to learning and the start of the rehabilitative process			
Performance Standards or Objectives Checklist		3	2	1
· Detention facilities offer a safe, clean, and healthy environment				
· Youth are separated by gender				
· Youth are separated by maturity level				
· Youth are separated by risk level				
· Medical, substance abuse, mental health, and trauma screening and services are provided				
· Detainees have access to mail, telephone, and visitation by family, relatives and counsel				
· Education, employment training, and recreational programming are provided				
· Regular and appropriate inspections of the detention facility take place				
Subtotals				
Total Factor 20 Scores				

Illustrative Benchmarks/Indicators

- UNODC Indicator 6: Child deaths in detention. Number of child deaths in detention during a 12 month period, per 1,000 children detained.
http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf
 - Indicator 6 Description: p. 15
- UNODC Indicator 7: Separation from adults. Percentage of children in detention not wholly separated from adults.
http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf
 - Indicator 7 Description: p. 16
- UNODC Indicator 8: Contact with parents and family. Percentage of children in detention who have been visited by, or visited, parents, guardian, or an adult family member in the last 3 months.
http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf
 - Indicator 8 Description: p. 17

References



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

- Diagnostico sobre Programas de Atención Integral en los Centros de Privación de Libertad para Adolescentes en Conflicto con la Ley Penal. Carlos Emilio López Hurtado. Instituto de Estudios Comparados en Ciencias Penales de Guatemala, 2009.

Data Sources

- Site visits
- User surveys
- Parent surveys

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 7	Detention and Reintegration		
Factor 21	Effective and integrated re-entry and aftercare programs		
Performance Standards or Objectives Checklist	3	2	1
· An integrated system of reentry programs exists, addressing as needed housing, employment training and placement, substance abuse, mental health treatment, education, community pro-social contacts, community-based incentives, and case management			
· Reentry provides continuity of treatment			
· Appropriate transitional aftercare programs are tailored to particular needs of youths (accounting for gender, ethnicity, etc.)			
· Aftercare is built on a well structured graduated sanctions system with “step-down” services and sanctions			
Subtotals			
Total Factor 21 Scores			

Illustrative Benchmarks/Indicators

- UNODC Indicator 11: Aftercare. Percentage of children released from detention receiving aftercare.
http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf
 - Indicator 11 Description: p. 21
 - Information Collection Tool 3: p. 74

References

- Diagnostico sobre Programas de Atención Integral en los Centros de Privación de Libertad para Adolescentes en Conflicto con la Ley Penal. Carlos Emilio López Hurtado. Instituto de Estudios Comparados en Ciencias Penales de Guatemala, 2009.

Data Sources

- SBS program data
- SBS program user surveys



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 8	Service Continuum			
Factor 22	Programs meet principles of effective intervention and program integrity			
Performance Standards or Objectives Checklist		3	2	1
• <i>Combination</i> of treatment and surveillance/control strategies is employed				
• Appropriate staff to client ratios				
• Programs engage ongoing support in communities settings				
• Programs promote healthy bonds with and respect for pro-social members within the juvenile’s family, peer, school, and community network				
• Programs assess progress of implementation processes using quantifiable data, measure relevant processes/practices, and provide measurement feedback				
• Program directors and senior staff are well qualified				
• Staff have a wide array of interpersonal and communication skills relating to interactions between staff and system involved youths				
• Programs treat low and high risk youth separately.				
• Programs treat male and female youths separately.				
Subtotals				
Total Factor 22 Scores				

Illustrative Benchmarks/Indicators

- Recidivism rates lower for program participants
- Program completion rates

References

- “Workload Measurement for Juvenile Justice System Personnel: Practices and Needs.” USDOJ. <https://www.ncjrs.gov/pdffiles1/ojdp/178895.pdf>

Data Sources

- Program recidivism and other outcome data
- Client satisfaction surveys/ exit interviews
- Site visits and observation



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 9	System Leadership and Coordination		
Factor 23	Overall juvenile justice system leadership is effective		
Performance Standards or Objectives Checklist	3	2	1
· System leaders possess the needed knowledge, skills, and abilities to lead a dynamic, effective, and integrated juvenile justice system			
· The role of system leaders and civil society is acknowledged in advocating to public agencies and legislatures for needed policy changes and resources for both public and community-based institutions			
· Leadership has managed to create a depoliticized environment where decisions are guided by knowledgeable individuals in the field			
· Policies are developed and implemented based on performance, consensus-based outcomes, research, best practices, cost-benefit analysis, and other reasoned and objective factors			
· Secretaria de Bienestar Social staff take action to ensure that the necessary community resources are available for children and families			
Subtotals			
Total Factor 23 Scores			

Illustrative Benchmarks/Indicators

- Existence of clear leadership body
- User and community perception of system leaders
- System personnel's satisfaction with central leadership and guidance

References

- "Contamos! Boletín No. 7: Análisis del Presupuesto General de Ingresos y Egresos del Estado de Guatemala, aprobado para 2012." UNICEF, 2011.
- Política Nacional de Juventud 2010-2015, Consejo Nacional de la Juventud (Conjuve) –Secretaria de Planificación y Programación (Segeplan).

Data Sources

- Media articles
- Interviews with system leaders
- Review of form and content of budget advocacy initiatives
- Survey of system personnel, community stakeholders, and external policymakers



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 9	System Leadership and Coordination		
Factor 24	Appropriate juvenile justice leadership mechanisms are in place		
Performance Standards or Objectives Checklist	3	2	1
· Appropriate bodies with diverse membership have central leadership over juvenile justice system performance and improvement			
· Leadership bodies have adequate policy making and enforcement powers			
· The system has bodies tasked with research, training, development and oversight of compliance with standards, and legislative and policy analysis on juvenile justice issues			
Subtotals			
Total Factor 24 Scores			

Illustrative Benchmarks/Indicators

- Number of institutions represented in leadership bodies
- Diversity of personnel of central leadership bodies
- Policy and guidance output of leadership bodies

References

- Política Nacional de Juventud 2010-2015, Consejo Nacional de la Juventud (Conjuve) –Secretaria de Planificación y Programación (Segeplan).

Data Sources

- Observe leadership body meetings
- Review of results and outputs of leadership bodies



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 9	System Leadership and Coordination			
Factor 25	Inter-institutional coordination supports optimal outcomes and resource leveraging			
Performance Standards or Objectives Checklist		3	2	1
· There is systematic and effective coordination among different system institutions and groups, including community stakeholders				
· Adequate coordination mechanisms are in place and effectively utilized e.g. multi-stakeholder task forces, steering committees, reliable notification systems, centralized computer system to check a youth's history in multiple systems				
· Information sharing guidelines are in place, staff are trained on the guidelines, and information is shared among system stakeholders in constructive ways that lead to improved outcomes while complying with privacy protections				
· Community committees exist to coordinate and promote youth crime prevention e.g., through social development initiatives				
Subtotals				
Total Factor 25 Scores				

Illustrative Benchmarks/Indicators

- Number of joint task forces and coordination committees
- Joint training for staff of multiple agencies
- Links with community committees and groups

References

- Model information sharing systems e.g., Project Confirm in New York
- Model regulations on inter-institutional coordination e.g., Los Angeles County Integrated Information Sharing in Juvenile Justice Systems: Issues, Challenges, and Pitfalls, Denise Baer and Vincent Picciano

Data Sources

- Survey of system leaders
- Survey of system personnel about joint trainings
- Community organization survey reports



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 9	System Leadership and Coordination		
Factor 26	Public education, outreach, and advocacy strategies are utilized as needed		
Performance Standards or Objectives Checklist	3	2	1
· An effective communications strategy plan relating to juvenile justice reform is in place and followed			
· Public and media relations and outreach is given priority and used strategically to build support for reforms, promote programs, and generally enhance juvenile justice outcomes			
Total Factor 26 Scores			

Illustrative Benchmarks/Indicators

- Written communication strategy and plan
- Public awareness of juvenile justice issues
- Media articles on juvenile justice reform issues

References

- Moser, Caroline, and Cathy McIlwane. “Violence in a Post-Conflict Context: Urban Poor Perceptions from Guatemala.” 2001.
- “Advocacy Strategies Training Manual.” Defensa de Niñas y Niños Internacional. 2009.

Data Sources

- Review of public relations initiatives
- Survey of system personnel about change management
- Public survey reports relating to juvenile justice



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 10	System Design, Management and Accountability		
Factor 27	System-wide effective management and personnel systems and practices		
Performance Standards or Objectives Checklist	3	2	1
· A formal data collection system is in operation in a cost effective manner e.g. in coordination with a local university			
· The jurisdiction has appropriate automated information sharing, financial management, recordkeeping, and database systems			
· Systems are effectively linked to support efficiency, coordination, and appropriate information sharing			
· Personnel policies and training programs support high organizational and program performance			
· Robust initial and ongoing training programs exist and are adjusted based on systematic training needs assessments			
Subtotals			
Total Factor 27 Scores			

Illustrative Benchmarks/Indicators

- Existence of training requirements, total numbers trained, training hours, etc.
- Number and type of training programs
- Public sector staff is diverse and has language skills corresponding to population
- Perceptions of performance of system personnel

References

- *Guide to Developing and Implementing Performance Measures for the Juvenile Justice System*, APRI
- JJIS information sharing system development initiatives

Data Sources

- Observational site visits
- Staff Surveys
- Evaluation of system wide training programs
- Review of personnel systems and staff qualifications
- Interviews with informed observers



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 10	System Design, Management and Accountability		
Factor 28	Appropriate transparency and accountability mechanisms are in place system wide		
Performance Standards or Objectives Checklist	3	2	1
· Minimum performance standards have been adopted for service providers			
· Reporting requirements for system institutions are sufficient taking account of system size and conditions			
· The public has easy access to data on the system including financial, performance, etc.			
· Effective audit, inspection, and internal controls are utilized			
· Management information systems support performance based monitoring and financial accountability as well as managers' data tracking, reporting, and other management responsibilities			
· Appropriate and efficient balancing of decentralized authority and discretion and accountability mechanisms			
· Effective accountability and oversight mechanisms are in place for police, prosecutor, judge, public defender, detention facility, and SBS staff misconduct			
· Data on performance is meaningfully used for purposes of planning and funding decision making			
Subtotals			
Total Factor 28 Scores			

Illustrative Benchmarks/Indicators

- UNODC Indicator 13: Complaints mechanism. Existence of a system guaranteeing regular independent inspection of places of detention.
http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf
 - Indicator 13 Description: p. 23

References

- The United Nations Standard Minimum Rules for Non-custodial Measures
- The United Nations Rules for the Protection of Juveniles Deprived of their Liberty

Data Sources

- Interviews of system personnel and informed observers
- Inventory of system data publicly available on the Internet
- Any local audit standards for juvenile justice institutions
- Audit, inspection, and other reports
- MIS content



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
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Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 10	System Design, Management and Accountability		
Factor 29	Effective program evaluation is used at multiple levels		
Performance Standards or Objectives Checklist	3	2	1
· Program providers are required to conduct appropriate monitoring and evaluation activities			
· Agencies and organizations that fund private program grants coordinate in decision making process to ensure effective programming mix			
· Systematic planning cycle for program funding is in place and frequency of service continuum review and change is appropriate			
· Centralized, updated data on existing programs, type, size, clients served annually, funding etc. is maintained and publicly accessible			
· Program continuity, stability, and sustainability are priorities in programming and funding decisions			
· Performance evaluation results have actual consequences in program design and implementation and in funding decisions			
Subtotals			
Total Factor 29 Scores			

Illustrative Benchmarks/Indicators

- Outcome data tracked for programs
- Relationship between funding increases and positive performance evaluations
- Number of external program evaluations system wide

References

- Correctional Program Assessment Inventory CPAI, Gendreau and Andrews
- Juvenile Justice Program Evaluation, Juvenile Justice Evaluation Center

Data Sources

- Interviews and site visits
- MIS data on program performance
- Program evaluation reports
- Funding entity program evaluation guidelines and manuals



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 10	System Design, Management and Accountability		
Factor 30	The system works fairly for all groups and takes into account issues of ethnicity and gender		
Performance Standards or Objectives Checklist	3	2	1
· The system does not discriminate against indigenous or minority youths			
· System enjoys public confidence that it works equally and fairly for all regardless of ethnicity, language, religion, gender, and political beliefs			
· System personnel are appropriately trained on minority and gender contact issues			
· Appropriate separate facilities are provided for female system involved youths and detention center personnel are female			
Subtotals			
Total Factor 30 Scores			

Illustrative Benchmarks/Indicators

- National data on minority contact e.g., arrest, referral, detention, petition, waiver, adjudication, and placement rates
- Complaints relating to minority or gender discrimination

References

- “Justicia Penal Juvenil e Interculturalidad.” INSTITUTO DE ESTUDIOS COMPARADOS EN CIENCIAS PENALES DE GUATEMALA, 2002.
- “Proyecto Niñez y Violencia Observatorio de Justicia Juvenil: Acceso a la Justicia.” Instituto de Estudios Comparados en Ciencias Penales de Guatemala, 2007.

Data Sources

- Case processing data aggregated by ethnicity and gender
- Inventory of policies and training programs related to minority bias



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*

JJSAT Table of Sections and Factors		
Section	Factor	Description
Juvenile Justice Sector Policies and Strategies	1	Juvenile justice laws and policies reflect modern standards and evidence-based practices
	2	A effective multi-dimensional crime and violence prevention strategy is employed
	3	Schools and parents are effectively engaged and assisted
	4	Risk and needs assessments are effectively used as a core feature of system policies and practices
Juvenile Court	5	Juvenile justice jurisdiction, facilities, resources, and training are supportive of effective juvenile justice outcomes
	6	Juvenile court consistently follows intake and case processing procedures and practices that support best possible outcomes for juveniles, victims, families, and the public
	7	Appropriate post-disposition involvement
	8	The courts provide adequate services for juveniles in the delinquency process and provides a meaningful role for family and victims
Public Defenders	9	Public defenders effectively pursue juvenile justice outcomes that support the developmental needs of their clients
	10	Public defenders coordinate with relevant organizations and individuals in support of youths in conflict with the law
Prosecution	11	Prosecutors support juvenile justice outcomes that balance youth development needs and public safety
	12	Adequate victim and witness services
Law Enforcement	13	Law enforcement agencies have sufficient staff, facilities, resources, and other support
	14	Police effectively engage with the community in the implementation of public security programs
	15	In juvenile cases, police follow policies, procedures, and practices appropriate to the developmental differences between youth and adults
Dispositions	16	Graduated sanctions minimize use of detention and punitive measures.
	17	The Secretaria de Bienestar Social (SBS) has sufficient staff, facilities, resources, and other support to provide a range of alternatives to detention, including warnings, conditional liberty, community service, reparations, orientation and supervision, outpatient and inpatient treatment, and house arrest, among others.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

JJSAT Table of Sections and Factors		
Section	Factor	Description
	18	Probation program staff follow intake and case processing procedures that support best possible outcomes for juveniles, victims, families, and the public
	19	Program officers coordinate a multi-dimensional approach to reduce recidivism
Detention and Reintegration	20	Government secure and non-secure detention facilities provide a safe and secure environment conducive to learning and the start of the rehabilitative process
	21	Effective and integrated re-entry and aftercare programs
Service Continuum	22	Programs meet principles of effective intervention and program integrity
System Leadership and Coordination	23	Overall juvenile justice system leadership is effective
	24	Appropriate juvenile justice leadership mechanisms are in place
	25	Inter-institutional coordination supports optimal outcomes and resource leveraging
	26	Public education, outreach, and advocacy strategies are utilized as needed
System Design, Management and Accountability	27	System-wide effective management and personnel systems and practices
	28	Appropriate transparency and accountability mechanisms are in place system wide
	29	Effective program evaluation is used at multiple levels
	30	The system works fairly for all groups and takes into account issues of ethnicity and gender



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Table of Combined JJSAT Scores		
Total Score 30 to 90 possible:		Guatemala January 2012
<ul style="list-style-type: none"> · 76 - 90 = Model System · 61 - 75 = Standard System · 30 - 60 = Substandard System 		40.66
1. Juvenile Justice Policies and Strategies		
Factor 1	Laws & policies	1.83
Factor 2	Prevention strategy	1.2
Factor 3	School & parent engagement	1.1
Factor 4	Risk & needs assessment	1
2. Juvenile Court		
Factor 5	Adequate jurisdiction, facilities, resources, and training	1.4
Factor 6	Intake and case processing procedures	2.4
Factor 7	Post-disposition involvement	1
Factor 8	Adequate services and role for family	1.4
3. Public Defenders		
Factor 9	Effective public defenders	1.25
Factor 10	Coordination with other organizations	2
4. Prosecution		
Factor 11	Support for effective juvenile justice outcomes	1.25
Factor 12	Adequate victim and witness services	1.25
5. Law Enforcement		
Factor 13	Law enforcement staff and resources	1
Factor 14	Community policing strategy	1.25
Factor 15	Appropriate policies and procedures for juveniles	1.5
6. Dispositions		
Factor 16	Graduated Sanctions	1.67
Factor 17	SBS has sufficient staff and resources	1.5
Factor 18	Intake and case processing procedures	2
Factor 19	Approach to recidivism	1.33
7. Detention and Reintegration		
Factor 20	Detention facilities	1.25
Factor 21	Re-entry and aftercare programs	1.25
8. Service Continuum		
Factor 22	Program intervention and integrity	1.67
9. System Leadership and Coordination		
Factor 23	Effective leadership	1.2
Factor 24	Leadership mechanisms	1
Factor 25	Inter-institutional coordination	1



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Factor 26	Public education, outreach, advocacy	1
10. System Design, Management and Accountability		
Factor 27	Management and personnel systems	1
Factor 28	Transparency and accountability mechanisms	1.375
Factor 29	Program evaluation	1.33
Factor 30	System works fairly for all groups	1.25



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 1	Juvenile Justice Policies and Strategies		
Factor 1	Juvenile justice laws and policies reflect modern standards and evidence-based practices		Score
Performance Standards or Objectives Checklist			3 2 1
• There is system wide agreement to follow modern, cost-effective, and research-based juvenile delinquency policies and practices			X
• The legal framework supports an effective juvenile justice system in line with research, modern theory, and best practices			X
• Court decisions, injunctions, and decrees support effective juvenile justice policies and service delivery			X
• The system integrates critical best practices such as:			
• Graduated sanctions			
• Use of community over institutional alternatives for low and medium risk system involved kids			
• Strong preference for care, guidance, and control in the home and separation from parents as last option			
• Early and effective intervention with first-time system involved kids			
• Appropriate use of rewards and punishments, and			
• Focus on identifying and controlling the small group of serious, violent, and chronic juvenile system involved youths			X
• A data-driven strategic planning process is followed with wide stakeholder involvement			X
• Protocols and procedures are in place to ensure personnel system-wide follow principles of effective intervention			X
Subtotals			3 6 2
Total Factor 1 Scores			1.83

Illustrative Benchmarks/Indicators

- UNODC Indicator 14 (CORE): Existence of a specialized juvenile justice system. Asks whether system exists and is protected by national law and policy.
http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf
 - Indicator 14 Description: p. 24
 - Policy Analysis Tool 3: p. 90

References

- United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”)
- Barrientos de Estrada, Marilys. Asistencia Técnica para el Análisis Jurídico de Leyes y Proyectos de Ley Relacionado con la Justicia Juvenil en Guatemala. USAID-Justicia Contra la Violencia y la Impunidad, 2011.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

- Sánchez, Efraín Estuardo, Análisis del Sistema de Justicia Penal Juvenil en Guatemala. 2008. Alianza Joven Regional USAID-SICA.

Data Sources

- Ley de Protección Integral de la Niñez y la Adolescencia, Decreto No. 27-2003
- Convención Sobre los Derechos del Niño, Decreto numero 27-90 del Congreso de la Republica de Guatemala.
- Constitución Política de la Republica de Guatemala (CPRG), Asamblea Nacional Constituyente de 1986.
- Política Nacional de Juventud 2010-2015, Consejo Nacional de la Juventud (Conjuve) –Secretaria de Planificación y Programación (Segeplan).

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 1	Juvenile Justice Policies and Strategies		
Factor 2	An effective multi-dimensional crime and violence prevention strategy is employed		
Performance Standards or Objectives Checklist	3	2	1
• An adequate range of prevention programs exist that target known risk factors and youth at risk of delinquency, building on strengths as opposed to reacting to crime problems			X
• A systematic, inter-institutional effort is made to identify and concentrate programs towards the biggest problem areas and underlying causes and drivers of crime and violence e.g. drug usage, community-level factors, unemployment, income inequality, gun availability, lack of positive adult supervision and educational opportunities, child abuse, and neglect			X
• A coordinated, long-term strategy is in place to strengthen fabric of communities and neighborhoods			X
• Community development programs are linked to crime prevention and target risk factors e.g. housing, education, training, and employment programs			X
- Civil society organizations are engaged in the development of prevention strategies and programs		X	
Subtotals	0	2	4
Total Factor 2 Scores	1.2		

Illustrative Benchmarks/Indicators

- UNODC Indicator 15: Existence of a national plan for the prevention of child involvement in crime. Measures whether the state has a plan for the prevention of child involvement in crime. Assesses implementation of the principle that states should institute comprehensive plans for the prevention of child involvement in crime.
http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf
 - Indicator 15 Description: p. 25
 - Policy Analysis Tool 4: p. 106

References

- United Nations Guidelines for the Prevention of Juvenile Delinquency (PJD)
- “12 Estrategias para prevenir la violencia relacionada con la adolescencia y juventud.” Interpeace, 2010. <http://www.interpeace-lao.org/poljuve/images/articulos/poljuve/estrategiasweb.pdf>

Data Sources

- Política Nacional de Juventud 2010-2015, Consejo Nacional de la Juventud (Conjuve) –Secretaría de Planificación y Programación (Segeplan).



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 1	Juvenile Justice Policies and Strategies		
Factor 3	Schools and parents are effectively engaged and assisted		
Performance Standards or Objectives Checklist	3	2	1
• Schools and parents are engaged to serve a meaningful role in juvenile justice issues			X
• School staff and resource officers are prepared to provide help to families			X
• Family strengthening is an integral part of juvenile justice responses			X
• Programs facilitate discussions that promote family problem solving			X
• Meaningful assistance to economically disadvantaged parents struggling with problem behavior		X	
• Schools have effective protocols for monitoring and timely communicating behavior issues and problem signs to parents			X
• School curricula and programs are challenging and engaging for youth			X
Subtotals	0	2	6
Total Factor 3 Scores		1.1	

Illustrative Benchmarks/Indicators

- Expected years of schooling (of children under 7)—UNDP Human Development Indicators
- Combined gross enrollment in education (%)—UNDP Human Development Indicators

References

- “Contamos! Boletín No. 5: En donde están los ausentes?” UNICEF, 2011.
- “Percepciones 01: La violencia en los centros educativos” UNICEF, 2011.

Data Sources

- Guatemala Ministerio de Educación, Estadística: <http://www.mineduc.gob.gt/estadistica2011/>
- UNDP Human Development Reports: <http://hdr.undp.org/en/statistics/>



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 1	Juvenile Justice Policies and Strategies			
Factor 4	Risk and needs assessments are effectively used as a core feature of system policies and practices			
Performance Standards or Objectives Checklist		3	2	1
<ul style="list-style-type: none"> Jurisdiction uses a standardized “system of assessment” – use of objective screening and assessment protocols at least at intake, predisposition, institutional commitment, reentry to assess risk levels and monitor improvement 				X
<ul style="list-style-type: none"> Programs are properly matched to individuals based on appropriate risk and need assessment 				X
<ul style="list-style-type: none"> Risk assessment tools assess family and parenting; education/employment; peer relations; substance abuse; leisure and recreation; personality and behavior; and attitudes and orientation 				X
<ul style="list-style-type: none"> Assessment results are used to inform ongoing policy and program development 				X
Subtotals		0	0	4
Total Factor 4 Scores		1		

Illustrative Benchmarks/Indicators

- Percentage of cases where risk/need assessment used
- Number of risk/need assessment instruments used system-wide

References

Data Sources

- Case files
- Interviews with Public Defender’s Office
- Interviews with Secretaria de Bienestar Social
- Assessment instruments and procedural manuals



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 2	Juvenile Court			
Factor 5	Juvenile justice jurisdiction, facilities, resources, and training are supportive of effective juvenile justice outcomes			
Performance Standards or Objectives Checklist		3	2	1
<ul style="list-style-type: none"> Juvenile courts have a balanced mix of Jueces de Paz, Jueces de la Niñez y Adolescencia, Jueces de Control de Ejecución, Jueces de la Corte de Apelaciones, and other judicial authorities presiding over juvenile cases. 				X
<ul style="list-style-type: none"> Juvenile courts have enough qualified and trained judges, judicial officers, probation officers, case management staff, intake staff, prosecutors, public defenders, and victims' advocates to provide adequate individual attention to cases 				X
<ul style="list-style-type: none"> Judges and staff understand the interrelationships and complexities regarding delinquent behavior, victimization, trauma, abuse, and neglect 			X	
<ul style="list-style-type: none"> Courts have adequate court rooms, separate and safe waiting areas for victims and offenders, secure holding facilities, private meeting space for youth and counsel, and detention facilities that are both secure and non-secure. 				X
<ul style="list-style-type: none"> Courts have adequate information technology, verbatim recording, funding for monitoring and evaluation, etc. 			X	
Subtotals		0	4	3
Total Factor 5 Scores		1.4		

Illustrative Benchmarks/Indicators

- Juvenile court personnel caseloads are appropriate
- Existence of training requirements, total numbers trained, training hours, etc.
- Electronic case management system

References

- “Contamos! Boletín No. 7: Análisis del Presupuesto General de Ingresos y Egresos del Estado de Guatemala, aprobado para 2012.” UNICEF, 2011.
- Paz y Paz, Claudia y otros: “Manual de Derecho Procesal Penal” Tomo I, Instituto de Estudios Comparados en Ciencias Penales de Guatemala, Guatemala, 2003.
- Organismo Judicial, “Modelo de Gestión Basado en Audiencias para los Juzgados Civiles y de Familia”, Guatemala, 2008.
- Sanchez Montenegro, Efraín Estuardo: “Instructivo para los jueces y juezas de paz sobre aplicación de la Ley de Protección Integral de la Niñez y Adolescencia”, Proyecto Justicia Penal de Adolescentes y Niñez Víctima, Organismo Judicial-UNICEF: Guatemala, 2005.
- Urbina, Miguel Ángel: “Modelo de Gestión Judicial Basado en Audiencias”, Organismo Judicial – Instituto de Estudios Comparados en Ciencias Penales de Guatemala, Guatemala, mayo de 2005.
- “Workload Measurement for Juvenile Justice System Personnel: Practices and Needs.” USDOJ. <https://www.ncjrs.gov/pdffiles1/ojjdp/178895.pdf>



Juvenile Justice System Assessment Worksheet

Project Name			
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System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Data Sources

- Código Procesal Penal
- “Curso: Los Procesos Establecidos en la Ley de Protección Integral de la Niñez y Adolescencia.” Escuela de Estudios Judiciales, Unidad de Capacitación Institucional del Organismo Judicial de Guatemala, 2008.
- Interviews with public defenders, prosecutors, and judges

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 2	Juvenile Court		
Factor 6	Juvenile court consistently follows intake and case processing procedures and practices that support best possible outcomes for juveniles, victims, families, and the public		
Performance Standards or Objectives Checklist	3	2	1
• Court procedures conform with model procedures for juvenile cases so as to ensure appropriate disposition, due process, minimal pre-trial detention, engagement of families and victims, etc.		X	
• Strict rules on case processing time e.g. hearing no more than 3 days after arrest for juveniles in detention; postponements beyond deadlines only for good cause	X		
• Evidentiary rules conform to criminal due process standards	X		
• Post-arrest intake procedures are fast, efficient, and appropriate		X	
• Weekend and holiday response is adequate		X	
• Appropriate handling of juvenile status offenders e.g., children in need of supervision CHINS		X	
• Juveniles, families, and their attorneys have timely access to documents such as risk/need assessment reports	X		
Subtotals	9	8	0
Total Factor 6 Scores		2.4	

Illustrative Benchmarks/Indicators

- UNODC Indicator 4: Duration of pre-sentence detention. Time spent in detention by children before sentencing.
- http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf
 - Indicator 4 Description: p. 13

References

- Ley de Protección Integral de la Niñez y la Adolescencia, Decreto No. 27-2003
- Código Proceso Penal (CPP), Decreto Numero 51-92 del Congreso de la Republica de Guatemala
- “Modelo de Gestión Judicial por Audiencias Jurisdicciones de la Niñez y la Adolescencia.” Escuela de Estudios Judiciales, Unidad de Capacitación Institucional del Organismo Judicial de Guatemala, 2009.

Data Sources

- Interviews with judges, public defenders, prosecutors
- User surveys
- Site visit



Juvenile Justice System Assessment Worksheet

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System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

- Random audit – one procedural phase
- Case file reviews

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 2	Juvenile Court		
Factor 7	Appropriate post-disposition involvement		
Performance Standards or Objectives Checklist	3	2	1
<ul style="list-style-type: none"> Standardized risk assessment results are critical factor in determining if a youth is a public safety threat and decision to detain 			X
<ul style="list-style-type: none"> The courts is active post-disposition, tracking outcomes and taking action when needed 			X
<ul style="list-style-type: none"> Courts support effective reentry for youth released from detention e.g. makes decisions with eventual return to community in mind, remains informed about progress of those juveniles placed in institutional care, timely preparation of reentry plans prior to release, and graduated sanctions used for post release violations 			X
Subtotals	0	0	3
Total Factor 7 Scores		1	

Illustrative Benchmarks/Indicators

- Number of disposition review sessions per case.

References

- The United Nations Rules for the Protection of Juveniles Deprived of their Liberty
- The United Nations Standard Minimum Rules for Non-custodial Measures

Data Sources

- CENADOJ Database
- Closed and pending case file survey
- Interviews with judges



Juvenile Justice System Assessment Worksheet

Project Name			
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Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 2	Juvenile Court			
Factor 8	The courts provide adequate services for juveniles in the delinquency process and provides a meaningful role for family and victims			
Performance Standards or Objectives Checklist		3	2	1
· <i>In Loco Parentis</i> is provided for youth whose parents are not available			X	
· The court has access to adequate mental health, substance abuse, and education evaluation services				X
· System staff engage parents and families at all stages to encourage participation fully in development and implementation of youth's intervention plan			X	
· Crime victims have access to all phases of the juvenile court process and receive all services to which they are entitled by law				X
· Restitution is ordered in appropriate cases				X
Subtotals		0	4	3
Total Factor 8 Scores		1.4		

Illustrative Benchmarks/Indicators

- Family juvenile justice process understanding and satisfaction levels
- Percentage of cases in which family service referrals were made
- Victim impact statements are prepared prior to disposition decisions

References

- “Técnicas Psicológicas que Contribuyen a un mejor Abordaje de la Víctima en la Justicia.” Grupo Ser, Proyecto Justicia Penal de Adolescentes y Niñez Víctima, Organismo Judicial-UNICEF, 2005.
- “Los Derechos de la Niñez Víctima en el Proceso Penal Guatemalteco.” Rodriguez Barillas, Alejandro Proyecto Justicia Penal de Adolescentes y Niñez Víctima, Organismo Judicial-UNICEF, 2002.
- “Workload Measurement for Juvenile Justice System Personnel: Practices and Needs.” USDOJ. <https://www.ncjrs.gov/pdffiles1/ojjdp/178895.pdf>

Data Sources

- Case file survey
- Survey of family members
- Interviews with juvenile court personnel, public defenders



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
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Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 3	Public Defenders			
Factor 9	Public defenders effectively pursue juvenile justice outcomes that support the developmental needs of their clients			
Performance Standards or Objectives Checklist		3	2	1
· The public defender's office has sufficient staff and resources to allow adequate attention to cases				X
· Public defenders are trained in the specific dimensions of juvenile justice law, including the LPINA and UN CRC			X	
· Public defenders are trained and experienced in juvenile law and issues such as mental health, development, education, substance abuse relating to youth, etc.				X
· Public defenders attend all court hearings in juvenile cases				X
Subtotals		0	2	3
Total Factor 9 Scores		1.25		

Illustrative Benchmarks/Indicators

- Minimum number of years of experience for public defenders assigned to juvenile cases
- Number of cases per public defender

References

- "Principios, Derechos, y Garantías de los Adolescentes en Conflicto con la Ley Penal y su Procesamiento." Instituto de la Defensa Pública Penal, 2009.
- "Efectividad de los Sistemas Penales Juveniles: Un Reto del Triangulo Norte." Alianza Joven Regional USAID-SICA, 2011.
- "Workload Measurement for Juvenile Justice System Personnel: Practices and Needs." USDOJ. <https://www.ncjrs.gov/pdffiles1/ojdp/178895.pdf>

Data Sources

- Interviews and site visits
- Survey of prosecutors, defense counsel, judges, and other informed sources
- "Contamos! Boletín No. 7: Análisis del Presupuesto General de Ingresos y Egresos del Estado de Guatemala, aprobado para 2012." UNICEF, 2011.



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 3	Public Defenders			
Factor 10	Public defenders coordinate with relevant organizations and individuals in support of youths in conflict with the law			
Performance Standards or Objectives Checklist		3	2	1
· The public defender's office engages the Secretaria de Bienestar Social, the Procuraduría General de la Nación, and other key institutions responsible for juvenile justice service provision, diversionary measures, etc.			X	
· Public defenders engage families in the juvenile justice process			X	
· Public defenders are aware of all disposition resources available			X	
Subtotals		0	6	0
Total Factor 10 Scores		2		

Illustrative Benchmarks/Indicators

- Public defender familiarity with SBS programs and services
- Number of dispositions employing alternatives to privation of liberty

References

- “Principios, Derechos, y Garantías de los Adolescentes en Conflicto con la Ley Penal y su Procesamiento.” Instituto de la Defensa Pública Penal, 2009.

Data Sources

- Interviews and site visits
- Survey of prosecutors, defense counsel, judges, and other informed sources



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 4	Prosecution		
Factor 11	Prosecutors support juvenile justice outcomes that balance youth development needs and public safety		
Performance Standards or Objectives Checklist	3	2	1
· Prosecutors have sufficient staff and resources to allow adequate attention to cases			X
· Prosecutors are experienced with juvenile law and issues such as mental health, development, education, substance abuse relating to youth, etc.			X
· Prosecutors appropriately assess cases for alternatives to detention			X
· Prosecutors are aware of all disposition resources available		X	
Subtotals	0	2	3
Total Factor 11 Scores	1.25		

Illustrative Benchmarks/Indicators

- Minimum number of years of experience for prosecutors assigned to juvenile cases
- Number of cases per juvenile prosecutor
- Number of dispositions employing alternatives to privation of liberty

References

- “Contamos! Boletín No. 7: Análisis del Presupuesto General de Ingresos y Egresos del Estado de Guatemala, aprobado para 2012.” UNICEF, 2011.

Data Sources

- Interviews with prosecutors, public defenders, judges



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 4	Prosecution		
Factor 12	Adequate victim and witness services		
Performance Standards or Objectives Checklist	3	2	1
· Prosecution staff are trained on victim rights and service issues		X	
· Appropriate and accessible victim-related community programs exist including shelters, psychiatric counseling, legal assistance, education, etc.			X
· An effective witness protection program is in place			X
· Victims and witnesses are notified when system involved youths are released, transferred, or escape			X
Subtotals	0	2	3
Total Factor 12 Scores		1.25	

Illustrative Benchmarks/Indicators

- Rates of victim and witness participation in support programs
- Numbers of witnesses attacked or killed

References

- The United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime

Data Sources

- Survey of victims and witnesses
- Inventory of victim service offerings
- Statistics on witness protection program usage



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
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Section 5	Law Enforcement			
Factor 13	Law enforcement agencies have sufficient staff, facilities, resources, and other support			
Performance Standards or Objectives Checklist		3	2	1
· Law enforcement adequately investigates juvenile crimes				X
· There are a sufficient number of qualified and well-trained police officers				X
· Police, including school resource officers SROs, are trained in violence prevention, mental health, development, education, substance abuse, and related issues as they pertain to youth				X
· Police have adequate capacity to address juvenile delinquency including specialized staff, programs, and policies relating to youth crime				X
Subtotals		0	0	4
Total Factor 13 Scores		1		

Illustrative Benchmarks/Indicators

- Police officers per capita
- Police budget per capita
- Police staff dedicated to juvenile issues per capita

References

- “Contamos! Boletín No. 7: Análisis del Presupuesto General de Ingresos y Egresos del Estado de Guatemala, aprobado para 2012.” UNICEF, 2011.

Data Sources

- Review of law enforcement staffing, training, budget, and resources
- Review of specialized policing programs and departments



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
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Section 5	Law Enforcement		
Factor 14	Police effectively engage with the community in the implementation of public security programs		
Performance Standards or Objectives Checklist	3	2	1
· A well defined, significant community policing program that involves more than foot patrols and meets recognized best practices is in place			X
· Coordinated resources are aimed jurisdiction-wide but in high crime areas in particular			X
· If there is gang activity, there is an effective gang intervention and prevention project		X	
· Police have established positive community relations such that members of the community meaningfully support police efforts to prevent, detect, and enforce youth crime and violence			X
Subtotals	0	2	3
Total Factor 14 Scores		1.25	

Illustrative Benchmarks/Indicators

- Existence of formal community policing or community outreach strategies
- Rates of youth gang participation

References

- “Reflections on Community-based Policing Programming in Guatemala.” MSI, 2005.
- “La juventud y el crimen: Maras y Pandillas en Guatemala 1985-2011.” Programa de los Informes Nacionales de Desarrollo Humano y Objetivos de Desarrollo del Milenio, PNUD-Guatemala, 2011.

Data Sources

- Review of any written community policing strategy or policies
- Interviews with police, community members, journalists, etc.
- Política Nacional de Juventud 2010-2015, Consejo Nacional de la Juventud (Conjuve) –Secretaría de Planificación y Programación (Segeplan).



Juvenile Justice System Assessment Worksheet

Project Name			
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Observations, Conclusions and Recommendations

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2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
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Section 5	Law Enforcement			
Factor 15	In juvenile cases, police follow policies, procedures, and practices appropriate to the developmental differences between youth and adults			
Performance Standards or Objectives Checklist		3	2	1
· Upon taking a child into custody, the police immediately notify the child's parents and present the child to an appropriate judicial authority			X	
· Juveniles are incarcerated only when charged with serious criminal violations and/or their parents cannot be located				X
· Police, including school police, effectively engage in problem solving activities in addition to traditional crime enforcement				X
· Police procedures balance the best interests of youth with public safety interests			X	
Subtotals		0	4	2
Total Factor 15 Scores		1.5		

Illustrative Benchmarks/Indicators

- UNODC Indicator 1: Children in conflict with the law. Number of children arrested during a 12-month period per 100,000 child population.
http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf
 - Indicator 1 Description: p. 10
 - Information Collection Tool: p. 74

References

- “Datos sobre adolescentes en conflicto con la ley penal.” Instituto de Estudios Comparados en Ciencias Penales de Guatemala (ICCPG), 2010.

Data Sources

- Review of police policies and procedures
- Perception surveys of community members



Juvenile Justice System Assessment Worksheet

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Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
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Juvenile Justice System Assessment Worksheet

Project Name			
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Section 6	Dispositions			
Factor 16	Graduated sanctions minimize use of detention and punitive measures.			
Performance Standards or Objectives Checklist		3	2	1
· A system of graduated sanctions is established that holds each system involved youth accountable, protects public safety, and provides programs and services that meet identified treatment needs			X	
· Courts are allowed discretion in applying sentences and are not limited by mandatory minimum sentencing.			X	
· Appropriate rate of post-disposition detention				X
Subtotals		0	4	1
Total Factor 16 Scores		1.67		

Illustrative Benchmarks/Indicators

- UNODC Indicator 5: Duration of sentenced detention. Time spent in detention by children after sentencing. http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf
 - Indicator 5 Description: p. 14

References

- “Guía Práctica sobre principios aplicables a la administración de justicia penal juvenil y a la privación de libertad de adolescentes en conflicto con la ley penal.” Programa de apoyo a la reforma de la justicia en Guatemala. Naciones Unidas, Oficina del Alto Comisionado para los Derechos Humanos, UNICEF y UNION EUROPEA, 2009.

Data Sources

- CENADOJ Database
- Interviews and site visits
- Review of policies, training programs, manuals, etc.
- Survey of system users e.g., defense attorneys



Juvenile Justice System Assessment Worksheet

Project Name			
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Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
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Section 6	Dispositions			
Factor 17	The Secretaria de Bienestar Social (SBS) has sufficient staff, facilities, resources, and other support to provide a range of alternatives to detention, including warnings, conditional liberty, community service, reparations, orientation and supervision, outpatient and inpatient treatment, and house arrest, among others.			
Performance Standards or Objectives Checklist		3	2	1
· The SBS has adequate staff numbers in relation to workload				X
· Program officers are qualified and possess the necessary interpersonal skills to effectively assess and constructively engage client youths			X	
· Staff are trained in principles of effective intervention including use of assessment tools, individualizing services and sanctions, and referring youth to evidence-based programs				X
· Program staff are properly trained in violence prevention, mental health, development, education, substance abuse and related issues as they pertain to youth			X	
Subtotals		0	4	2
Total Factor 17 Scores		1.5		

Illustrative Benchmarks/Indicators

- Caseload of 25 clients per probation officer
- Average of 5 years of experience of probation staff
- Existence of training requirements, total numbers trained, training hours, etc.
- Proportion of cases closed completing all community service hours ordered
- Percentage of cases paying full amount of restitution

References

- "Juvenile Justice Systems: Good Practices in Latin America." UNICEF, 2006.
- Any applicable workload/ caseload standards for local probation staff

Data Sources

- CENADOJ Database
- Interviews and site visits
- Review of policies, training programs, manuals, etc.



Juvenile Justice System Assessment Worksheet

Project Name			
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Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
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Section 6	Dispositions			
Factor 18	Probation program staff follow intake and case processing procedures that support best possible outcomes for juveniles, victims, families, and the public			
Performance Standards or Objectives Checklist		3	2	1
· Probation officers utilize accepted risk/needs assessment instruments to evaluate youth upon arrest, to determine likelihood of the youth recidivating, and to tailor an individualized response including appropriate services			X	
· Case/supervision plans are used that assist system involved youths in overcoming problems, building on strengths, acquiring living/learning/working skills			X	
· Victims and families are engaged in program procedures in a way that supports family strengthening and victim restoration			X	
Subtotals		0	6	0
Total Factor 18 Scores		2		

Illustrative Benchmarks/Indicators

- Victim and family satisfaction rates
- Number of victims served by community programs

References

Data Sources

- Review of policies, standards, and procedures
- Case file survey
- Interviews with probation staff
- Perception survey of victims and families



Juvenile Justice System Assessment Worksheet

Project Name			
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Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
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Section 6	Dispositions			
Factor 19	Program officers coordinate a multi-dimensional approach to reduce recidivism			
Performance Standards or Objectives Checklist		3	2	1
· Program officers follow evidence-based strategies for reintegration and aftercare				X
· Program officers proactively engage families, schools, community leaders, employers, and other pro-social contacts in design and implementation of case management plans			X	
· Greatest effort is concentrated on serious system involved youths most likely to recidivate				X
Subtotals		0	2	2
Total Factor 19 Scores		1.33		

Illustrative Benchmarks/Indicators

- Recidivism rates during and after implementation of disposition programs
- Proportion of cases in which juvenile successfully fulfills all requirements of the case/supervision plan
- Number of client contacts per month by disposition program officers

References

Data Sources

- Interviews of SBS staff and public defenders
- Surveys of community members
- Recidivism data
- Review of probation case file and case management plans
- Review of community supervision programs



Juvenile Justice System Assessment Worksheet

Project Name			
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Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
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Juvenile Justice System Assessment Worksheet

Project Name			
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Section 7	Detention and Reintegration			
Factor 20	Government secure and non-secure detention facilities provide a safe and secure environment conducive to learning and the start of the rehabilitative process			
Performance Standards or Objectives Checklist		3	2	1
· Detention facilities offer a safe, clean, and healthy environment				X
· Youth are separated by gender		X		
· Youth are separated by maturity level				X
· Youth are separated by risk level				X
· Medical, substance abuse, mental health, and trauma screening and services are provided				X
· Detainees have access to mail, telephone, and visitation by family, relatives and counsel				X
· Education, employment training, and recreational programming are provided				X
· Regular and appropriate inspections of the detention facility take place				X
Subtotals		3		7
Total Factor 20 Scores		1.25		

Illustrative Benchmarks/Indicators

- UNODC Indicator 6: Child deaths in detention. Number of child deaths in detention during a 12 month period, per 1,000 children detained.
http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf
 - Indicator 6 Description: p. 15
- UNODC Indicator 7: Separation from adults. Percentage of children in detention not wholly separated from adults.
http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf
 - Indicator 7 Description: p. 16
- UNODC Indicator 8: Contact with parents and family. Percentage of children in detention who have been visited by, or visited, parents, guardian, or an adult family member in the last 3 months.
http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf
 - Indicator 8 Description: p. 17

References



Juvenile Justice System Assessment Worksheet

Project Name			
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- Diagnostico sobre Programas de Atención Integral en los Centros de Privación de Libertad para Adolescentes en Conflicto con la Ley Penal. Carlos Emilio López Hurtado. Instituto de Estudios Comparados en Ciencias Penales de Guatemala, 2009.

Data Sources

- Site visits
- User surveys
- Parent surveys

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
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Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
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Section 7	Detention and Reintegration		
Factor 21	Effective and integrated re-entry and aftercare programs		
Performance Standards or Objectives Checklist	3	2	1
· An integrated system of reentry programs exists, addressing as needed housing, employment training and placement, substance abuse, mental health treatment, education, community pro-social contacts, community-based incentives, and case management		X	
· Reentry provides continuity of treatment			X
· Appropriate transitional aftercare programs are tailored to particular needs of youths (accounting for gender, ethnicity, etc.)			X
· Aftercare is built on a well structured graduated sanctions system with “step-down” services and sanctions			X
Subtotals		2	3
Total Factor 21 Scores		1.25	

Illustrative Benchmarks/Indicators

- UNODC Indicator 11: Aftercare. Percentage of children released from detention receiving aftercare.
http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf
 - Indicator 11 Description: p. 21
 - Information Collection Tool 3: p. 74

References

- Diagnostico sobre Programas de Atención Integral en los Centros de Privación de Libertad para Adolescentes en Conflicto con la Ley Penal. Carlos Emilio López Hurtado. Instituto de Estudios Comparados en Ciencias Penales de Guatemala, 2009.

Data Sources

- SBS program data
- SBS program user surveys



Juvenile Justice System Assessment Worksheet

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Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
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Juvenile Justice System Assessment Worksheet

Project Name			
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Section 8	Service Continuum			
Factor 22	Programs meet principles of effective intervention and program integrity			
Performance Standards or Objectives Checklist		3	2	1
• <i>Combination</i> of treatment and surveillance/control strategies is employed			X	
• Appropriate staff to client ratios				X
• Programs engage ongoing support in communities settings			X	
• Programs promote healthy bonds with and respect for pro-social members within the juvenile’s family, peer, school, and community network			X	
• Programs assess progress of implementation processes using quantifiable data, measure relevant processes/practices, and provide measurement feedback				X
• Program directors and senior staff are well qualified			X	
• Staff have a wide array of interpersonal and communication skills relating to interactions between staff and system involved youths			X	
• Programs treat low and high risk youth separately.				X
• Programs treat male and female youths separately.			X	
Subtotals		0	12	3
Total Factor 22 Scores		1.67		

Illustrative Benchmarks/Indicators

- Recidivism rates lower for program participants
- Program completion rates

References

- “Workload Measurement for Juvenile Justice System Personnel: Practices and Needs.” USDOJ. <https://www.ncjrs.gov/pdffiles1/ojdp/178895.pdf>

Data Sources

- Program recidivism and other outcome data
- Client satisfaction surveys/ exit interviews
- Site visits and observation



Juvenile Justice System Assessment Worksheet

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Observations, Conclusions and Recommendations

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2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
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Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
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Section 9	System Leadership and Coordination		
Factor 23	Overall juvenile justice system leadership is effective		
Performance Standards or Objectives Checklist	3	2	1
· System leaders possess the needed knowledge, skills, and abilities to lead a dynamic, effective, and integrated juvenile justice system		X	
· The role of system leaders and civil society is acknowledged in advocating to public agencies and legislatures for needed policy changes and resources for both public and community-based institutions			X
· Leadership has managed to create a depoliticized environment where decisions are guided by knowledgeable individuals in the field			X
· Policies are developed and implemented based on performance, consensus-based outcomes, research, best practices, cost-benefit analysis, and other reasoned and objective factors			X
· Secretaria de Bienestar Social staff take action to ensure that the necessary community resources are available for children and families			X
Subtotals	0	2	4
Total Factor 23 Scores		1.2	

Illustrative Benchmarks/Indicators

- Existence of clear leadership body
- User and community perception of system leaders
- System personnel's satisfaction with central leadership and guidance

References

- "Contamos! Boletín No. 7: Análisis del Presupuesto General de Ingresos y Egresos del Estado de Guatemala, aprobado para 2012." UNICEF, 2011.
- Política Nacional de Juventud 2010-2015, Consejo Nacional de la Juventud (Conjuve) –Secretaria de Planificación y Programación (Segeplan).

Data Sources

- Media articles
- Interviews with system leaders
- Review of form and content of budget advocacy initiatives
- Survey of system personnel, community stakeholders, and external policymakers



Juvenile Justice System Assessment Worksheet

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Observations, Conclusions and Recommendations

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2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
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Juvenile Justice System Assessment Worksheet

Project Name			
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Section 9	System Leadership and Coordination		
Factor 24	Appropriate juvenile justice leadership mechanisms are in place		
Performance Standards or Objectives Checklist	3	2	1
· Appropriate bodies with diverse membership have central leadership over juvenile justice system performance and improvement			X
· Leadership bodies have adequate policy making and enforcement powers			X
· The system has bodies tasked with research, training, development and oversight of compliance with standards, and legislative and policy analysis on juvenile justice issues			X
Subtotals	0	0	3
Total Factor 24 Scores		1	

Illustrative Benchmarks/Indicators

- Number of institutions represented in leadership bodies
- Diversity of personnel of central leadership bodies
- Policy and guidance output of leadership bodies

References

- Política Nacional de Juventud 2010-2015, Consejo Nacional de la Juventud (Conjuve) –Secretaria de Planificación y Programación (Segeplan).

Data Sources

- Observe leadership body meetings
- Review of results and outputs of leadership bodies



Juvenile Justice System Assessment Worksheet

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Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
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Juvenile Justice System Assessment Worksheet

Project Name			
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Section 9	System Leadership and Coordination			
Factor 25	Inter-institutional coordination supports optimal outcomes and resource leveraging			
Performance Standards or Objectives Checklist		3	2	1
· There is systematic and effective coordination among different system institutions and groups, including community stakeholders				X
· Adequate coordination mechanisms are in place and effectively utilized e.g. multi-stakeholder task forces, steering committees, reliable notification systems, centralized computer system to check a youth's history in multiple systems				X
· Information sharing guidelines are in place, staff are trained on the guidelines, and information is shared among system stakeholders in constructive ways that lead to improved outcomes while complying with privacy protections				X
· Community committees exist to coordinate and promote youth crime prevention e.g., through social development initiatives				X
Subtotals		0	0	4
Total Factor 25 Scores		1		

Illustrative Benchmarks/Indicators

- Number of joint task forces and coordination committees
- Joint training for staff of multiple agencies
- Links with community committees and groups

References

- Model information sharing systems e.g., Project Confirm in New York
- Model regulations on inter-institutional coordination e.g., Los Angeles County Integrated Information Sharing in Juvenile Justice Systems: Issues, Challenges, and Pitfalls, Denise Baer and Vincent Picciano

Data Sources

- Survey of system leaders
- Survey of system personnel about joint trainings
- Community organization survey reports



Juvenile Justice System Assessment Worksheet

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Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
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Juvenile Justice System Assessment Worksheet

Project Name			
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Section 9	System Leadership and Coordination		
Factor 26	Public education, outreach, and advocacy strategies are utilized as needed		
Performance Standards or Objectives Checklist	3	2	1
· An effective communications strategy plan relating to juvenile justice reform is in place and followed			X
· Public and media relations and outreach is given priority and used strategically to build support for reforms, promote programs, and generally enhance juvenile justice outcomes			X
	0	0	2
Total Factor 26 Scores			1

Illustrative Benchmarks/Indicators

- Written communication strategy and plan
- Public awareness of juvenile justice issues
- Media articles on juvenile justice reform issues

References

- Moser, Caroline, and Cathy McIlwane. "Violence in a Post-Conflict Context: Urban Poor Perceptions from Guatemala." 2001.
- "Advocacy Strategies Training Manual." Defensa de Niñas y Niños Internacional. 2009.

Data Sources

- Review of public relations initiatives
- Survey of system personnel about change management
- Public survey reports relating to juvenile justice



Juvenile Justice System Assessment Worksheet

Project Name			
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Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
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Juvenile Justice System Assessment Worksheet

Project Name			
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Section 10	System Design, Management and Accountability		
Factor 27	System-wide effective management and personnel systems and practices		
Performance Standards or Objectives Checklist	3	2	1
· A formal data collection system is in operation in a cost effective manner e.g. in coordination with a local university			X
· The jurisdiction has appropriate automated information sharing, financial management, recordkeeping, and database systems			X
· Systems are effectively linked to support efficiency, coordination, and appropriate information sharing			X
· Personnel policies and training programs support high organizational and program performance			X
· Robust initial and ongoing training programs exist and are adjusted based on systematic training needs assessments			X
Subtotals	0	0	5
Total Factor 27 Scores		1	

Illustrative Benchmarks/Indicators

- Existence of training requirements, total numbers trained, training hours, etc.
- Number and type of training programs
- Public sector staff is diverse and has language skills corresponding to population
- Perceptions of performance of system personnel

References

- *Guide to Developing and Implementing Performance Measures for the Juvenile Justice System*, APRI
- JJIS information sharing system development initiatives

Data Sources

- Observational site visits
- Staff Surveys
- Evaluation of system wide training programs
- Review of personnel systems and staff qualifications
- Interviews with informed observers



Juvenile Justice System Assessment Worksheet

Project Name			
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Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
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Juvenile Justice System Assessment Worksheet

Project Name			
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Section 10	System Design, Management and Accountability		
Factor 28	Appropriate transparency and accountability mechanisms are in place system wide		
Performance Standards or Objectives Checklist	3	2	1
· Minimum performance standards have been adopted for service providers		X	
· Reporting requirements for system institutions are sufficient taking account of system size and conditions			X
· The public has easy access to data on the system including financial, performance, etc.		X	
· Effective audit, inspection, and internal controls are utilized		X	
· Management information systems support performance based monitoring and financial accountability as well as managers' data tracking, reporting, and other management responsibilities			X
· Appropriate and efficient balancing of decentralized authority and discretion and accountability mechanisms			X
· Effective accountability and oversight mechanisms are in place for police, prosecutor, judge, public defender, detention facility, and SBS staff misconduct			X
· Data on performance is meaningfully used for purposes of planning and funding decision making			X
Subtotals	0	6	5
Total Factor 28 Scores	1.375		

Illustrative Benchmarks/Indicators

- UNODC Indicator 13: Complaints mechanism. Existence of a system guaranteeing regular independent inspection of places of detention.
http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf
- Indicator 13 Description: p. 23

References

- The United Nations Standard Minimum Rules for Non-custodial Measures
- The United Nations Rules for the Protection of Juveniles Deprived of their Liberty

Data Sources

- Interviews of system personnel and informed observers
- Inventory of system data publicly available on the Internet
- Any local audit standards for juvenile justice institutions
- Audit, inspection, and other reports
- MIS content



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

- 1. Constraints and Limitations?*
- 2. Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
- 3. Recommendations for change to laws, codes or procedures?*
- 4. Recommended priorities for the project?*
- 5. Potential metrics, benchmarks or other M&E criterion?*
- 6. Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 10	System Design, Management and Accountability		
Factor 29	Effective program evaluation is used at multiple levels		
Performance Standards or Objectives Checklist	3	2	1
· Program providers are required to conduct appropriate monitoring and evaluation activities			X
· Agencies and organizations that fund private program grants coordinate in decision making process to ensure effective programming mix		X	
· Systematic planning cycle for program funding is in place and frequency of service continuum review and change is appropriate		X	
· Centralized, updated data on existing programs, type, size, clients served annually, funding etc. is maintained and publicly accessible			X
· Program continuity, stability, and sustainability are priorities in programming and funding decisions			X
· Performance evaluation results have actual consequences in program design and implementation and in funding decisions			X
Subtotals	0	4	4
Total Factor 29 Scores		1.33	

Illustrative Benchmarks/Indicators

- Outcome data tracked for programs
- Relationship between funding increases and positive performance evaluations
- Number of external program evaluations system wide

References

- Correctional Program Assessment Inventory CPAI, Gendreau and Andrews
- Juvenile Justice Program Evaluation, Juvenile Justice Evaluation Center

Data Sources

- Interviews and site visits
- MIS data on program performance
- Program evaluation reports
- Funding entity program evaluation guidelines and manuals



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Section 10	System Design, Management and Accountability		
Factor 30	The system works fairly for all groups and takes into account issues of ethnicity and gender		
Performance Standards or Objectives Checklist	3	2	1
· The system does not discriminate against indigenous or minority youths			X
· System enjoys public confidence that it works equally and fairly for all regardless of ethnicity, language, religion, gender, and political beliefs			X
· System personnel are appropriately trained on minority and gender contact issues			X
· Appropriate separate facilities are provided for female system involved youths and detention center personnel are female		X	
Subtotals	0	2	3
Total Factor 30 Scores	1.25		

Illustrative Benchmarks/Indicators

- National data on minority contact e.g., arrest, referral, detention, petition, waiver, adjudication, and placement rates
- Complaints relating to minority or gender discrimination

References

- “Justicia Penal Juvenil e Interculturalidad.” INSTITUTO DE ESTUDIOS COMPARADOS EN CIENCIAS PENALES DE GUATEMALA, 2002.
- “Proyecto Niñez y Violencia Observatorio de Justicia Juvenil: Acceso a la Justicia.” Instituto de Estudios Comparados en Ciencias Penales de Guatemala, 2007.

Data Sources

- Case processing data aggregated by ethnicity and gender
- Inventory of policies and training programs related to minority bias



Juvenile Justice System Assessment Worksheet

Project Name			
Assessment Date			
System Scoring	3 = Model System	2 = Standard System	1 = Substandard System

Observations, Conclusions and Recommendations

1. *Constraints and Limitations?*
2. *Opportunities for cooperation with other USAID projects, NGOs, CSOs, international donor projects and/or civil society stakeholders:*
3. *Recommendations for change to laws, codes or procedures?*
4. *Recommended priorities for the project?*
5. *Potential metrics, benchmarks or other M&E criterion?*
6. *Other observations?*