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JUSTICE PROJECT FINAL REPORT

FINAL REPORT: JULY 2008–JULY 2012

JULY 2012

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BACKGROUND

This is the Final Report for the Justice Project pursuant to contract number DFD-I-07-05-00220-00/07 between USAID-DR and DAI, which is based in turn on the bilateral agreement signed between the Government of the Dominican Republic and the United States Government.

The report covers the period from July 1, 2008 through July 7, 2012, and includes a review of the activities and projects undertaken in coordination with the principal institutions of the justice sector.

ABBREVIATIONS

CAF	Common Assessment Framework
CAP	Commission for the Application of Operating Protocol in MCI's
CARMJ	Commission for the Support of Justice Reform and Modernization
CARMJ-UA	Analysis Unit
CONAEJ	Commission for Implementation of the Criminal Procedures Code
CPP	Criminal Procedure Code
CP	Penal Code
DAI	Development Alternatives, Inc.
DGCJ	General Directorate of Judicial Careers
DGH	Directorate of Human Resources (PGR)
DGT	General Technical Directorate (PJ)
DTI	Directorate of Information Technologies (PJ)
ENJ	National Judicial School
ENMP	National School of Public Prosecution
INACIF	National Institute of Forensic Science
MAP	Public Administration Ministry
MCI	Inter-Agency Coordination Roundtables (<i>Mesas de Coordinación Interinstitucional</i>)
OAI	Access to Information Office
OJSAP	Judicial Offices of Customer Service
ONDP	National Office of the Public Defender
PGR	Prosecutor General of the Republic (or Attorney General of the Republic)
PC	Participación Ciudadana
PJ	Judicial Branch or Judiciary
PMP	Performance Monitoring Plan
The Project	The USAID Justice Project
SCJ	Supreme Court of Justice
SII	Institutional Integrity System
SIS	Sectoral Integrity System
USAID	United States Agency for International Development

INTRODUCTION

The USAID-Dominican Republic strategy for the 2002-2007 period, extended through 2008, was focused on ensuring the independence and effectiveness of the criminal justice system, while improving access to justice for all Dominicans, the poor in particular. A main challenge of reforming the justice system during that period—besides the transformation of the old criminal procedure system into a modern adversarial system--was to gain the buy-in of citizens by delivering independent, effective and ethical justice, administered by impartial, highly qualified justice professionals. During 2008-2013, the USAID strategy shifted to implementation of the reforms, building on the past successes. This shift is illustrated in the table below.

USAID Strategy	General Approach	Example of Results
2002- 2008	Independence and effectiveness in the justice system, and improved access to justice.	Creation of institutions like the ONDP, and building up the strength of the ENJ and ENMP. CPP legal and regulatory framework
2008-2012	Implementation of regulations and new Judicial structures Increasing the effectiveness, transparency and fairness of the justice institutions	Management Models at criminal courts, offices of the public prosecutor and the public defender, Inter-agency coordination in the criminal justice sector Institutional Integrity System. Community Justice Houses.

As a result, the 2008-2012 USAID Justice Project (Justice Project), building on the achievements of earlier USAID justice programs, was able to design and implement initiatives to promote far ranging institutional and sector-wide changes, through a combination of technical assistance, policy making support, training, study tours, provision of equipment and other areas of support, all aimed at helping to achieve specific improvements in the Judicial Districts identified by the key justice sector institutions themselves.

The Justice Project played a role in the planning and implementation of virtually all of the steps in this implementation process, including the following:

- The analysis of the key documents relating to the first and second waves of judicial reform, and the strategic plans developed by justice sector institutions;
- Ensuring continued support in terms of resources and the development of skills both locally and regionally;
- Development of viable approaches to the sharing of knowledge and skills;
- Continuous evaluation of the Project's impact and results against the Project Performance Monitoring Plan – PMP;

- Active involvement of judges, prosecutors, administrative staff, relevant civil society organizations, justice system users in the process;
- Sharing of best international practices through international study tours, as in the cases of the Constitutional Court and the Witness Protection System of Colombia, and others;
- Reaching a comprehensive agreement with all the national counterparts, clearly establishing responsibilities for each of the proposed activities;
- Promoting coordination and dialog as a mechanism for inducing an inter-agency agreement; and
- Sharing information and coordinating with the civil society coalition in the interest of justice reform, with ongoing support from USAID.

NATIONAL CONTEXT

The starting point for our contextual analysis of the modernization of the Dominican justice sector over the last ten years is the reform of criminal procedure system, the pursuit of which led all the branches of government and civil society to work together to bring about the proposed changes. International cooperation played an important role, particularly following the financial crisis in which the country found itself embroiled in those years, which held up the allocation of necessary funds for implementing the legal reforms.

A two-year period of *vacatio legis* was established (2002-2004) temporarily deferring the entry into effect of the new Criminal Procedures Code. Important contributions were made by the National Judicial School, and technical assistance was offered by the USAID justice program in place at the time, for both the design of a training plan for key actors in the criminal justice system, as well as the development of content and training of instructors for in-class and distance learning courses, a shared challenge taken on by the National School of Public Prosecution.

In 2004 began the challenge of ushering in the necessary cultural change, a challenge faced both by the operators of the Dominican criminal justice system and citizens alike. In spite of resistance to the change, Dr. Jorge Subero Isa, the President of the Supreme Court of Justice at the time, took on a key leading role in pushing through criminal procedure reform, exhibiting both responsibility and leadership. His leadership facilitated the process of moving away from the old Criminal Procedure Code, making room for the new code to be implemented, which he deemed “a painstaking task” for all operators in the system.

Thanks to the institutional stability enjoyed through 2012 by the Judiciary (PJ) and the National Office of the Public Defender (ONDP), both of these key institutions were able to complete one by one each step set out in their respective strategies for implementing the criminal justice reform process.¹ The Public Prosecution (*Ministerio Público* or MP), was dealt a blow by political changes in the executive branch and because its budget was reduced. Nevertheless, the institutions of the criminal justice sector were able to show important accomplishments, including improved understanding by personnel of the approaches that lead to specific reform results, implementation of the National Judicial School (ENJ) and National School of Public Prosecution (ENMP), establishment of the national public defense system, implementation of the Management Model for Criminal Court Offices, inter-agency coordination of

¹ Strategic Focuses and Strategic Plan of the Judicial Branch, 2001-2005 and 2009-2013, respectively.

actors in the criminal justice sector, the Office of Customer Service for Judicial Services in line with procedural guideline requirements, implementation of the Management Model for Public Prosecutor Offices and Public Defender Offices, and adapting physical space to house the three institutions.

Unfortunately, the executive and legislative branches have not allocated the necessary annual budgetary allocations for the justice system institutions, negatively impacting the implementation of criminal procedure reform. For instance, of the MP's 921 prosecutors, only 72% are career prosecutors, while 22% entered the field through a public competitive evaluation by the ENMP.²

A change in political party within the executive branch resulted in new policies and distribution of power between the branches of government, specifically with regard to the judicial branch, culminating in the constitutional reforms of 2010 which focused on reining in the powers of the Supreme Court of Justice and established the Judicial Council (CPJ) and the Constitutional Court (TC). Additionally, the reforms repositioned the Office of the Office of the Public Defender and the Office of the Public Prosecutor constitutionally, as justice system bodies with “functional and administrative autonomy.”³

The new Constitution gives more power to the National Council of the Magistrature (CNM), giving it an additional member representing the Executive Branch. This constitutional body evaluates the performance of, appoints, confirms and removes the judges in the nation's upper courts, a chance its members seized upon to appoint a number of new Supreme Court of Justice (SCJ) judges. As of July 2012 the Plenary of the SCJ had been completely re-staffed, with three judges being confirmed. Of these, two have assumed their functions, while the third, the former President of the SCJ, resigned before his confirmation as a judge (he was not to be the President of the SCJ).

As a result, although 75% of the current SCJ judges are career judges, as of mid-2012, judicial policies are in flux, as the new authorities form an understanding of what direction the criminal justice reform process is headed, and what challenges they will have to face. There is an understanding that the reform process started with legal reforms, and that other important aspects of the reform, including cultural change, the structural component, technology, inter-agency coordination and others are also needed. All of this cannot be consolidated without a clear public policy being put forth, which lays out the path for Dominican justice system reform process. It is hoped that such a policy will be clearly formulated by the new authorities so that the reform process keeps its momentum.

I believe that an assessment, at this point in time, of the implementation of the Code of Criminal Procedure in the Dominican Republic would be highly positive. The results are there: key structural principles established constitutionally have been firmly cemented. But the establishment some equally important principles, such as the presumption of innocence or the right against self-incrimination, was uncertain, and the judges were able to make them a reality. I think we all need to celebrate the implementation of the Code of Criminal Procedure and to sincerely thank USAID, which was a driving force from the start in the implementation of the Code. Dr. Jorge Subero Isa, Former President of the Supreme Court of Justice.

² FINJUS: Assessment of the Status Report on Processes of Selection, Promotion and Discipline in the Judicial Branch and in the Public Prosecutor. 2011. Page 64.

³ Constitution of the Dominican Republic. Arts. 176 and 170.

EXECUTIVE SUMMARY

This report presents a summary of the achievements of the USAID's Justice Project during a 45-month period between September of 2008 and July 7, 2012. The Project, implemented by DAI and subcontractor Tetra Tech DPK, successfully effected changes in inter-agency coordination in the Dominican criminal justice system, contributing to the implementation of the nation's criminal procedure reform.

As discussed above in the Introduction, the Justice Project was designed to implement the USAID Dominican Republic strategy for 2008-2011: achieving an increase in the effectiveness, transparency and fairness of the Dominican criminal justice system. The Project team designed and implemented technical assistance and training activities that supported the four major result areas established by USAID:

- a) Technical and management capabilities of selected justice sector institutions to process critical cases improved;
- b) Mechanisms established and strengthened for internal and external supervision of justice sector reform and operations;
- c) Institutions and procedures that support justice sector independence and impartiality strengthened; and
- d) Capacity within the justice sector to coordinate and manage reform efforts and improve operations developed and reinforced.

To achieve these results, work plans were developed for each year of the Project's implementation, drafted with the involvement of all justice sector counterparts and coordinated with other donors in order to achieve a better utilization of available resources and avoid overlapping efforts.

With the annual work planning phase complete, the Justice Project shifted focus to carrying out planned activities for the year. Our team worked closely with counterparts from the judiciary, the public prosecution and the public defense and other national institutions such as the Committee to Support the Reform and Modernization of Justice, and benefited from the creativity and determination of staff members and officials at all levels of these institutions.

The overall focus of the Justice Project's activities was on institutional strengthening, improving the skills of justice sector officials, judges, prosecutors and public defenders and inter-agency coordination—in order to optimize the functioning of the criminal justice system. This focus reflects the goals of USAID support to the Dominican justice system over the last ten years.

The Project's technical team worked closely to train and support staff from the judiciary, the public prosecution and the public defense after successfully delivering technology tools to the counterpart institutions. This ensures that the jointly run programs will remain sustainable.

Still, it is important to remember that USAID's more than 10 years of continuous support to the justice sector through the Justice Project and the preceding USAID project was always focused on the implementation of the new Code of Criminal Procedure. Some examples of the steps in bringing about his successful implementation include the following:

- a. Closing the pending cases that had been brought under the previous, repealed Code of Criminal Procedure;
- b. The design, development and implementation of “management models” for each of criminal courts, public prosecution offices and public defender offices;
- c. The structural and functional design of the National Judicial School and the National School of Public Prosecution;
- d. Strengthening the technical capabilities of key justice sector personnel through the specialized judicial training centers;
- e. Technical support in implementing the Judicial Career, the Public Prosecutor Career and the Administrative Career systems;
- f. Improving technical criminal investigation skills through the training of key personnel;
- g. The implementation of measures to improve access to public information, through the design and implementation of the Office of Access to Public Information under the Office of the Public Prosecutor (PGR), which was used as a model for other state institutions;
- h. The design and implementation of the Institutional Integrity System at the National Office of the Public Defender and the Judicial Branch, and
- i. Other initiatives carried out through civil society organizations, such as Participación Ciudadana's Community Justice Houses project, which has helped increase access to justice for poor and vulnerable populations.

Consequently, the USAID Justice Project 2008-2012 supported and helped complete a cycle of institutional strengthening for the Dominican criminal justice sector. The Project effectively supported the national goal of completing “first and second waves of reform and modernization of Dominican justice,” in order to effectively implement the Code of Criminal Procedure in effect since 2004 in the country.

Key to the success of the Justice Project is that we worked both on “top-down” with the leadership of the justice sector on national level initiatives and on a “bottom-up” basis directly with district-level judges and administrative support staff, prosecutors and public defenders. Many institutional reforms were actually developed by our team and counterparts at the local level and then gradually impacted national level policies. A good example of this would be the development the Inter-Agency Coordination Roundtables (MCIs) at the local level. These ended up impacting inter-institutional coordination at the national level as well. The other advantage of this combined top-down and bottom-up approach is the fact that our team was able to continue making progress at the district level even during periods of political change at the national level. The strength of the professional relationships and trust established by Chief of Party Josefina Coutino and the Justice Project staff at all levels of the justice system is also testimony to the effectiveness of this approach.

In order to ensure that the entire scope of the USAID contract was covered, the technical team subdivided the project into smaller projects working side by side to take on issues of greater complexity and scope, as shown below:

Strategic Planning	Management Models	Institutional Integrity System	Community Justice Houses
<ul style="list-style-type: none"> • Technical assistance to key justice sector institutions. 	<ul style="list-style-type: none"> • Expansion of the National Office of the Public Defender • Management Model for large Public Prosecution offices • Expansion of the Criminal Court Offices Management Model • Quality Model in the Justice Service • Inter-Agency Coordination Model • Constitutional Court Management Model • Study Tours 	Training reaching 5,496 judicial officers Proposal of the disciplinary system <ul style="list-style-type: none"> • Awards • Discipline 	<ul style="list-style-type: none"> • Expansion • Sustainability
Training as a cross-cutting activity			

The impact of the Justice Project can be measured in two ways: a) qualitatively, through the success stories and testimony of those inside and outside the Project contained in this Final Report, and the short video presentations produced for the Closing Event in July 2012 and b) quantitatively, through 405 actions planned and executed during the Justice Project, as set out in the USAID contract and annual work plans.

To sum up, the Justice Project team worked in a diligent, focused and effective way to meet USAID's expectations and project counterparts' requirements. Key achievements are summarized below:

- 1. Strategic Planning:** for key justice sector bodies including: a) the Prosecutor General of the Distrito Nacional; b) the Public Prosecution School; c) the Directorate of the Public Prosecutor; d) the Committee to Support the Reform and Modernization of Justice; e) the National Office of the Public Defender, among other operative organizations like the Inter-Agency Coordination Roundtables (MCIs) and the Commission for the Application of Operating Protocol in MCI's.
- 2. Management Model for Public Prosecution Offices:** The design of the Management Models for large public prosecution offices, which are responsible for combatting organized crime, was a major area of work for the Justice Project; both national and international experts contributed to the design process. This technical assistance led the Justice Project to develop conceptual proposal for a Management Model that could be instituted in the public prosecution offices for the Judicial Districts of Santiago, Santo Domingo Province and the Distrito Nacional, in accordance with institutional policies and the national level expansion program.
- 3. Criminal Court Offices Management Model:** The Justice Project contributed to efforts to expand the roll out of management models for criminal court offices, including in the Judicial Districts of

Santiago, Juan Sanchez Ramirez (Cotui), Puerto Plata, Valverde Mao, Monte Plata, and the Office of Customer Service for Judicial Services in San Francisco de Macoris, in accordance with the 2009-2013 Strategic Plan of the Judiciary. As of July of 2012, the Criminal Court Office Management Model has been successfully implemented in 8 out of 35 Judicial Districts, of which 6 were supported by USAID.

- 4. Territorial Expansion of Public Defender Services:** The National Office of the Public Defender has managed to expand the service to 22 out of 35 Judicial Districts. During the term of the Justice Project, three management models opened in the Judicial Districts of Juan Sanchez Ramirez (Cotui), Monsenor Nouel (Bona0) and Espaillat (Moca), which in turn strengthened the presence of the three management models (Criminal Court Offices, Prosecutor's Office and Public Defender) in these districts.
- 5. Quality Model in the Delivery of Justice Services:** In our view, it is essential to measure the impact of initiatives such as the development and roll out of Management Models. The Justice Project, together with the determined team in the Criminal Court Offices and the Offices of the Public Defender in the Judicial Districts of Santiago and La Vega, included the “Common Assessment Framework (CAF)” as a quality control component in each of these institutions’ Management Model, to measure and ensure the quality of the services received by criminal justice system users. On February 14, 2012, the Criminal Court Offices and Public Defender's Office of the Judicial District of Santiago were awarded the bronze and silver medal by the President of the Republic, in recognition of their efforts towards improving quality in the service of justice. This Prize is sponsored by the Ministry of Public Administration as an incentive for Institutions to commit to providing users with high-quality service. As a result, the National Office of the Public Defender (ONDP) and the Judiciary have shown interest in expanding the use of the CAF to all offices that have a management model in operation.
- 6. Inter-Agency Coordination Model:** The Inter-Agency Agreement signed in the year 2006 between the Head of the Judiciary, the Attorney General of the Republic, the Director of the National Office of the Public Defender and the Chief of the National Police established the framework for the development and implementation of the Inter-Agency Coordination Model. The Justice Project contributed to the conceptual design process and technical assistance in forming the Judicial Network (*Red Judicial*) through the organization of 12 Inter-Agency Coordination Roundtables (MCIs) in La Vega, Santiago, Puerto Plata, San Francisco de Macoris, Valverde Mao, Juan Sanchez Ramirez (Cotui), Espaillat (Moca), San Cristobal, Monte Cristi, Distrito Nacional, San Juan de la Maguana and Santo Domingo Province. The network was strengthened by the establishment of the Operating Protocol for the MCI Commission signed on June 3, 2011, with the technical support of the Justice Project.
- 7. E-Justice:** A significant new advance is the development and implementation of an e-justice project, JurisBook, as a pilot project in the Judicial District of Santiago. The scope of this pilot project includes the operation of technology applications for: a) requests by prosecutors and defenders for electronic authorizations from judges assigned to the Office of Customer Services for Judicial Services, made after regular hours, weekends and holidays; b) sending electronic summonses and notifications; and c) developing the common agenda for setting judicial hearings, for judges, prosecutors and public defenders.
- 8. National Public Prosecution School (ENMP):** The ENMP is responsible for training and implementing the career system of prosecutors, in accordance with the terms laid out in the Organic Law of the Public Prosecutor. The Justice Project provided support for the institutional strengthening of the ENMP by bringing in international experts, who worked alongside designated personnel by the Directorate of the ENMP to review and deliver the proposals on: a) A system to better identify and

address the training needs of prosecutors, b) Reviewing the content of ENMP training programs, c) Developing training programs in issues of criminal policy, criminal law and criminal procedure, and management models, and d) training of trainers, with 12 instructors trained in adult education techniques.

9. National Judicial School (ENJ): Continuing improvement and innovation is one of the main characteristics of the ENJ, now operating successfully for more than ten years, and it has contributed to strengthening the capacity of judges in the judicial career system and of judicial staff. During those ten years, USAID has directly supported ENJ's progress; specifically the Justice Project has contributed to the training of trainers (17) in modern adult education techniques. The introduction of this teaching methodology in training courses for judges and judicial officers is as a complement to virtual courses. The Justice Project supported seven training courses over the life of the contract.

10. In-Depth Studies of the Impact of Selected Activities: Another achievement of the Justice Project has been to support an in-depth study of the impact of the Institutional Integrity System on the Judiciary. This study was structured around the institution's need to know how well the SII has been internalized by the judges and judicial staff, and to identify improvements in the steps taken to transform the institutional culture and ensure that ethical values and principles are internalized. Additionally, this activity supported the ENJ's fulfillment of its requirements to secure accreditation as a Specialized Institute of Higher Learning by the National Council on Higher Education, Science and Technology, with the purpose of contributing to higher level instruction.

11. Training: The Justice Project, over its four year term, supported the professional development of 15,180 people (judges, prosecutors, public defenders and administrative personnel), through training programs focused on criminal justice topics and the development of technical skills such as criminal investigation and administrative management. This training took place at the ENMP, the ENJ and the MCIs in San Francisco de Macoris, Santiago and La Vega, through the delivery of 35 training workshops. 18 national and international experts working for the Project delivered these workshops over the four year life of the contract.

12. Institutional Integrity System (SII): In 2007, donor projects that preceded USAID initiated the design and conceptual development of the Institutional Integrity System in the Judicial Branch, the Prosecutor General of the Republic and the National Office of the Public Defender.

The Justice Project built on these early initiatives in the Judicial Branch and the National Office of the Public Defender, with the latter being the first to be able to manage its full implementation, as indicated in the evaluation by one of the experts hired in 2009.

However, that same year, the Plenary of the Supreme Court of Justice approved all of the documents that lay out the conceptual framework of the SII, the Code of Criminal Procedure and the Institutional Culture, through Resolution No. 2006-2009, allowing the implementation phase to move forward with the Project's support. Currently, the institution has 33 people (judges and administrative personnel) trained to implement and promote the SII within their institutions, after participating in two instructional and informational cycles given to all judges (614) and administrative officials (4,882), coming to a total of 349 workshops held at the national level. A study conducted at the ENJ details the path forward for the Judiciary to achieve the full implementation of the SII into its institutional culture. Due to legal and institutional changes within the Public Prosecution, it was not possible to begin the implementation phase within the National Office of the Public Prosecutor.

- 13. Administrative Career Regulations:** The Justice Project, together with the Directorate for Judicial Career Affairs, undertook actions to implement and conduct outreach relating to this important Regulation approved by the Plenary of the Supreme Court of Justice in 2008. This document covers the ethical values and principles in the Code of Criminal Procedure. The Justice Project supported the Judiciary in distributing copies of the Regulations to all administrative personnel in the institution (4,882 judicial officers).
- 14. Study Tours:** When properly designed and implemented, study tours can be an excellent tool for justice sector professionals involved in the reform process—they can share experiences and learn about good international practices. The Justice Project organized Observation Trips to California, Mexico and Colombia with the leadership of the justice sector institutions. The impact of these study tours can be seen in several initiatives that were subsequently implemented in the Dominican Republic, including: a) the pilot project in e-justice (electronic notifications) in the Judicial District of Santiago, b) international certification in adult-education methodologies for teaching the SII and training programs in ENJ and ONDP, c) Comparative study of operating models for the design of the Secretariat of the Constitutional Court, and d) comparative study for the design of the witness protection system.

GEOGRAPHIC SCOPE

The Justice Project’s work was conducted primarily in Santo Domingo and in the Cibao region, which covers the four Judicial Departments marked on the map below.



PROJECT ADMINISTRATION

The Justice Project was based in Santo Domingo, and the team was led by Chief of Party **Josefina Coutino Garcia** for its entire duration. The team included: **Rosalia Sosa**, Specialist in Judicial Sector Strengthening and Deputy Chief of Party, **Elizabeth Ventura**, Specialist in Building Justice Sector Management Capacity, **Martha Contreras**, Financial and Administrative Manager, and four full-time assistants, as shown in the chart:



The Justice Project team, together with the work teams designated by the justice sector institutions, was able to develop a highly participatory work culture with close and productive inter-agency coordination. Almost all of the senior staff of the Justice Project, including Chief of Party Josefina Coutino, had been members of the preceding USAID Justice and Governance project. As a result the team was able to develop strong, long-term relationships with counterparts, as well as a deep understanding of the underlying technical, social and political issues. The trust that developed between the Justice Project team and counterparts across the Dominican justice sector facilitated communication and collaboration—the doors of counterparts at all levels were always open.

Strong administrative support to the Justice Project was provided by DAI’s home office. Close administrative and technical collaboration between DAI and our subcontractor Tetra tech DPK was also central to the Project’s success.

Finally, we would like to acknowledge the unwavering support the Justice Project team received from USAID Dominican Republic, and from the Justice Project COTR Lissette Dumit in particular.

RESULTS AREA 1

IMPROVED TECHNICAL AND MANAGEMENT CAPABILITIES OF SELECTED INSTITUTIONS WITHIN THE JUSTICE SECTOR

ACTIVITY 1: INCREASE INSTITUTIONAL CAPABILITY THROUGH A SERIES OF FOCUSED ACTIVITIES

The strategy developed by the Justice Project to meet the goal to increase the technical capabilities of criminal justice sector institutions, and transmit knowledge and skills to the designated counterpart institutions work teams, involved developing the following:

- Strategic planning for key sector institutions.
- Expansion and implementation of management models,
- Designing, developing and implementing the “Judicial Network” as a model of inter-agency coordination,
- Design and development of e-justice technology solutions.

We present below the results in each of these technical areas.

Strategic Planning:

- 1. Public Prosecution (PGR):** The Justice Project technical team assisted in the preparation of strategic plans in different operational areas of the PGR: a) the Prosecutor General of the Distrito Nacional,⁴ b) the National School of Public Prosecution, and c) the National Directorate of the Public Prosecutor.⁵ Technical capacity was successfully improved in each of the mentioned bodies for the development of strategic plans and annual action plans.
- 2. CARMJ:** Technical support was provided in the design and development of the strategic plan for the Committee to Support the Reform and Modernization of Justice (CARMJ) in the period of January-September 2009. The Justice Project technical staff utilized a methodology encouraging broad participation and training for key personnel in order to effectively transfer technical knowledge.⁶
- 3. Public Defense (ONDP):** As a guide during the institution's period of transition towards operating autonomously and independently, the Justice Project provided support for developing the 2009-2013 Strategic Plan of the National Office of the Public Defender,⁷ and three National Public Defenders Meetings held to identify operational and technical issues, and to formulate annual improvement

⁴ Product 1 – Strategic planning for the Prosecutor General of the Distrito Nacional.

⁵ Product 2 – Strategic Planning for the National Directorate of the Public Prosecutor.

⁶ Product 3 - CARMJ Strategic Planning.

⁷ Product 4 - ONDP Strategic Planning.

strategies. Both activities included the involvement of all members (340) of the institution at the national level, as well as all members of the ONDP management.⁸

Expansion of the Management Models:

The Justice Project met the goal of management model expansion as set out in the strategic planning and annual plans of the Judicial Branch, Prosecutor General of the Republic and the National Office of the Public Defender.

These key institutions in the Dominican criminal justice sector have followed effective strategies for implementing the Code of Criminal Procedure since its approval in September of 2002 and its taking into effect in September of 2004. The management models were designed and implemented started with the support of earlier USAID-funded projects.⁹

The former President of the Supreme Court of Justice, Dr. Jorge Subero Isa, in the Introduction of Volume I of the Criminal Court Offices Management Model, wrote, “The Criminal Court Offices Management Model is meant to ensure the Code is properly applied by the Criminal Court Offices, the overall strengthening and development of the Judicial Branch and increase the capability of the courts to serve users of the justice system.”

That same sentiment was expressed by then Attorney General of the Republic, Mr. Francisco Domínguez Brito, adding that, “the implementation of a new Management Model in Public Prosecution offices involves reorganizing day-to-day work processes, with the aim of decentralizing the public prosecution, and fundamentally providing citizens a more efficient service.”

For the National Office of the Public Defender, as its Director Laura Hernandez puts it, “This institutional management system is an invaluable manual that covers everything related to the National Public Defender System, strategic direction, the role of the public defender, the public defender organization and institutional culture, the philosophy of service, management indicators, institutional reports, service control system, and other institutional points. Additionally, it contains graphics and explanations about the role of the public defender in each phase of the criminal process. Thus a public defender can quickly ascertain his or her technical role as assigned under the Code of Criminal Procedure, in order to effectively perform that role.”

The expansion of the Management Model in each of the indicated justice institutions was one of the central focal points of the Justice Project 2008-2012, producing the following achievements:

Management Model in Offices of the Public Prosecutor, and Strengthening of the Public Prosecutor Management Unit.

The inclusion of the Public Prosecutor Management Unit within the PGR is a milestone in the institutional strengthening of the public prosecution. What began as simple technical assistance ended up becoming an established unit within the institution, for monitoring and tracking the management model set up in the 33 “small” public prosecution offices providing service at the national level.

⁸ Product 5 – Annual Public Defenders Meeting.

⁹ Justice Project and Governance, 2003.

The technical assistance in the design and implementation of the management models for 33 offices, and the proposed design for larger, more complex public prosecution offices, provided by the Justice Project was resulted in a number of successful results:

a) Management Unit: This is an area of progress in the institutionalization effort which can be credited to USAID support through the Justice Project. This Unit was created through the resolution dated 16 October, 2008, pronounced by the Attorney General of the Republic, with the mission of “evaluating the management in operating units of the Public Prosecutor, and promoting actions to ensure performance is geared toward productivity, quality and ethical behavior on the part of institution members, to which end it is to formulate strategies which provide solutions, reinforcement or modifications to analyzed situations.”

This Unit's operation within the MP has contributed to the monitoring and oversight of the performance of public prosecutors operating under the new management model, designed with support from the Justice Project.

b) Complex Public Prosecutor's Offices: In the Dominican Republic, there are three Judicial Districts of special importance because they send the highest number of cases to the criminal justice system, and should consequently have a greater operational capacity in terms of processing methods, organization methods and handling crimes or criminal acts.

To expand the management model to the Distrito Nacional, Santo Domingo Province and Santiago, the Justice Project hired three experts for technical assistance: Jorge Chavarria¹⁰, Beatriz Arenas¹¹, and Ana Montes¹², who participated, each in their area of expertise, in the development of a preliminary proposal for the conceptual design and basic guidelines for an effective criminal investigation. The methodology applied in this task involved organizing study tours to learn about the public prosecution systems of Colombia and Costa Rica; developing the conceptual basis for the Prosecutor's Office model; and the preliminary analysis for the development of a witness protection system for the Dominican Republic. Similarly, the Justice Project team organized training workshops covered specialized issues such as Case Direction by the public prosecutors, crime scene management, money laundering and witness protection for complex crimes.

1. Developing the Conceptual Basis of the Management Model¹³: This technical assistance was essential to analyzing and discussing the possibility of incorporating the operational areas involved in complex case investigations into the current organizational structures of Public Prosecutor's Offices classified as high complexity, with three situations considered: a) speedy processing of cases; b) criminal acts by specialized area; and c) organized crime or complex cases. The task was carried out by the Justice Project team with the support of its experts, and verified during the observation trips to Costa Rica and Colombia, together with the technical staff of the PGR Management Unit and the Public Prosecutors in charge of the prosecutor's offices and the PGR Specialized Units (Distrito Nacional, Santiago and Santo Domingo Province). The results of

¹⁰ Product 6 – Report from consultant Jorge Chavarria – Complex Public Prosecutor's Offices.

¹¹ Product 7 – Report from consultant Beatriz Arenas – Complex Public Prosecutor's Offices.

¹² Product 8 – Report from consultant Ana Montes – Complex Public Prosecutor's Offices.

¹³ Product 9 – Management Model for Complex Public Prosecutor's Offices.

the technical assistance is detailed in the reports of consultant Jorge Chavarria, and experts Beatriz Arenas and Ana Montes, included in the appendices of this report.

2. **Study Tours:** An agreement was reached with national counterparts to organize study tours to Costa Rica and Colombia, with the goal of: a) observing the Prosecutor's Office for Complex Crimes, its structure, communication, coordination and connection in the effectiveness of prosecuting transnational crime by organized crime organizations; b) sharing experiences with the Technical Investigation Team on training, links to the Prosecutor's Office, effectiveness and training; and c) revising the proposed draft law on witness and victim protection. For each study tour a detailed report was produced¹⁴ setting out the impact on change in the offices of the public prosecutor and the specialized units of the PGR.

Criminal Court Offices Management Model.

The development of a Criminal Court Offices Management Model, like the management model for public prosecution and defense offices, has been supported by USAID since 2005, following the enactment of the Code of Criminal Procedure (CPP). The development of a new case management model to ensure the proper implementation of the new CPP the Criminal Court Offices, offices of the public prosecutor and the public defender.

In this context, the Judicial Branch made implementing the model a strategic priority. Its implementation was actively supported by the Justice Project in the Judicial Districts of Santiago, La Vega, Puerto Plata, Espaillat (Moca), Sanchez Ramirez (Cotui), Valverde Mao, San Francisco de Macoris and Monte Plata. National budget or other donor funding supported implementation of the Management Model in Monsenor Nouel, Hermanas Mirabal, Santo Domingo, San Juan de la Maguana. This new management method now covers 43% of all criminal cases filed nationally, according to sources in the Directorate of Planning and Projects of the Judicial Branch.

A good summary of the impact of the Criminal Court Offices Management Model was provided by the Directorate of Planning and Projects, the body in charge of its implementation in the Judicial Branch:

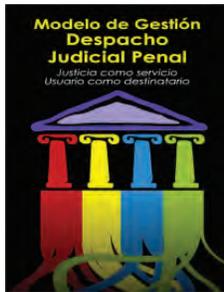
"The effects of implementing the Criminal Management Model translate into a modernization and substantial improvement of judicial management where it has been implemented, while also standardizing the organization, structure and procedures of the criminal courts, offering faster, more efficient and timely responses to its users. In addition, the centralization of administrative work has led to a specialization of activities by process, reduction of operating costs, improved efficiency and streamlining of procedures, and increased productivity by the court as a result of Judges being dedicated exclusively to holding hearings and producing sentences".

Directorate of Planning and Projects of the Judicial Branch.

¹⁴ See Product 44 – Observation Trip Costa Rica, Complex Public Prosecutors, and Product 45 – Observation Trip Colombia, Public Prosecutors.

In supporting the implementation of each Criminal Court Management Model, the Justice Project took the following steps:

1. Identify the physical space inside the courthouse (palace of justice) where the Joint Secretariat will operate, and the design of the model's physical structure.
2. Inter-agency coordination through the local MCI, which has served as an effective mechanism for communication and decision-making between the institutions involved in processing criminal cases, including before the criminal court office model is in place.
3. Deliver training on the Management Model for the personnel that will be involved; the trainees were previously evaluated and selected by the institution.
4. Training of human resources in regards to processes and procedures applied by the Joint Secretariat, and auditing of personnel who will be operating there.

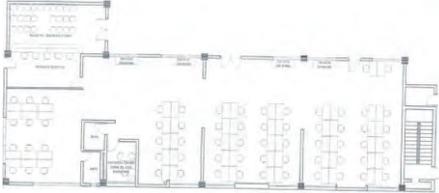
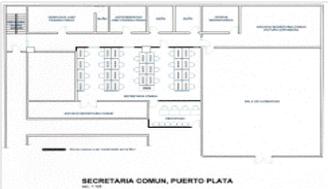
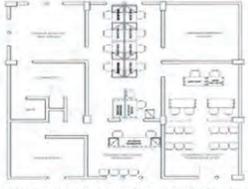


5. Remodeling of the physical structure, which was a commitment of the Judicial Branch as a counterpart.
 - a. Redesign of the area selected by the institution, purchase of equipment and furniture for work stations in accordance with the plans.
 - b. Signs and guidance for both internal and external users.

6. Installation of the information technology component, assumed completely by the institution through the establishment of the Supremo Plus computer system, designed and developed by the Directorate of Information Technologies team, attached to the General Technical Directorate of the Judicial Branch.
7. Inauguration Event.

Additionally, the Justice Project collaborated on and facilitated the strengthening of the Office of Citizen / Customer Service for Judicial Services in the Judicial District of San Francisco de Macoris. The OJSAP of this Judicial District initiated operations without the proper tools to assist and resolve criminal justice matters that cannot be delayed. Strengthening the OJSAP was identified by the MCI as one of the direct support projects for improving criminal justice system operations in that district. Adequate implementation has meant an increase in citizen access to justice, and improvement of the work environment of internal users. Also, the MCI project on telephone notifications with the written approval of actors in the system has been successfully implemented, thus increasing access and decreasing the number of cases of suspended hearings.

Plans and pictures of the redesigned workspaces in Criminal Court Offices supported by the Justice Project are presented below:

Judicial District	Workspace Design	Selected Pictures after Implementation
Santiago, 2009	 <p>DP Santiago</p>	
Cotuí, abril 2010	El Proyecto no trabajó estructura física.	
Puerto Plata, septiembre 2011	 <p>SECRETARIA COMUN, PUERTO PLATA</p>	
Valverde Mao, 2012	 <p>Secretaria in Courain y Sala de Audiencias QRSAP, Mao</p>	
Monte Plata, 2012	 <p>Secretaria Comun Monte Plata</p>	

San Francisco de Macorís	 <p>OJSAP, SFM</p>	En funcionamiento desde 2009.
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Management Model for the Criminal Court Offices of the Judicial District of La Vega- Innovare Award.

In 2010, Ex-President of the Supreme Court of Justice, Dr. Jorge A. Subero Isa, entered the Criminal Court Offices Management Model implemented in the Judicial District of La Vega in the contest sponsored by the Instituto Innovare in Brazil. The Model won 1st Place in the Innovare Awards. One of the criteria for this prestigious award was to be one of the best judicial practices put in operation by a Judicial Branch in Ibero-America, and the international recognition propelled the Judicial Branch to forge ahead with the criminal justice reform process to ensure quality service for Dominican society.



El ex-presidente de la Suprema Corte de Justicia, doctor Jorge A. Subero Isa, durante la presentación del trofeo correspondiente al 1er. lugar del Premio Innovare Internacional otorgado por el Instituto Innovare de Brasil, a la Suprema Corte de Justicia del país por haber desarrollado el Modelo de Gestión del Despacho Judicial Penal de La Vega



Mag. Jerez Mena, ex-presidente de la Cámara Penal de la Corte de Apelación del Distrito Judicial de La Vega y el equipo que conforma el Despacho Penal.

The Common Assessment Framework (CAF) Quality

Management Model.

The CAF Quality Management Model, used to assess and improve the quality of services within a government institution, was successfully incorporated into the Criminal Court Offices and the Offices of the Public Defender in both the Santiago and La Vega judicial districts.

This method has contributed to creating a culture of constant improvement of the services offered by the Dominican criminal justice system to citizens, facilitating “bench learning” among the justice sector institutions.

Under the CAF, an “Improvement Plan” was developed in each office, directed towards strengthening the following main areas:

1. Leadership in the sub-areas of directing the organization in carrying out its mission, vision and values; developing and implementing a system for managing the organization, performance and change;

managing relations with the political sector and with other stakeholders to ensure that they share in the responsibility.

2. Strategy and planning in the sub-areas of collecting relevant data on the present and future needs of stakeholder groups; strategy planning and planning throughout the entire organization.
3. Personnel in the sub-areas of planning, management and transparent improvement of human resources in accordance with the strategy and planning documents; identifying, developing and utilizing the skills of employees in concert with individual and organization objectives.
4. Alliances and resources in the sub-areas of developing and implementing relationships with key partners; developing and establishing alliances with the citizens/clients; managing the finances; managing innovation and knowledge; managing the facilities.
5. Processes in the sub-areas of identifying, designing, managing and improving processes and procedures; developing and providing services and products directed towards citizens/clients; innovating the processes with citizen/client involvement.
6. Involvement of citizens/clients in the results sub-areas of measuring citizen/client satisfaction; indicators used for measuring the involvement of citizens/clients.
7. Involvement of people in the results sub-areas of measuring participants' satisfaction and motivation; indicators of involvement of people.
8. Involvement of society in the results sub-areas of measuring groups of interest's perception of the social performance of the organization; social performance results established by the organization.
9. Key performance results in the external and internal results sub-areas: achievement of objectives in terms of products and effects.¹⁵

The Office of the Public Defender and Criminal Court Offices of Judicial Districts La Vega and Santiago opted to undergo a self-diagnosis under the CAF. This self-diagnosis¹⁶ was carried out by the Quality Committee of each office, with the technical assistance of institutions and experts hired by the Justice Project.

Thereafter, the offices decided to enter the Dominican Republic's Annual National Quality Award (for government institutions).¹⁷ The Silver medal was awarded to the Public Defender's Office of Santiago, and the bronze medal was awarded to the Criminal Court Offices of Santiago. The award recognition ceremony was held at the National Palace on February 14, 2012, with the awards handed out by the President of the Dominican Republic and the Minister of Public Administration. Obtaining this award is a great honor and illustrated recognition of the justice sector's hard work; the Justice Project's support played a key role in this success.

15 Product 10 – CAF Quality Management Model.

16 Product 11 – Self-Diagnoses and CAF Return Reports with Improvements.

17 Product - 12 Candidacy Application for the National Quality Award.



Milagros Rodriguez-Investigator ODP Santiago; Fernan Josue Ramos-Paralegal ODP La Vega; Ramona Curiel-Coordinator ODP Santiago; Ramon Ventura Camejo-Minister of the MPA; Marcia Angeles-Coordinator ODP La Vega; Gregorina Suero-Defender La Vega; Daysi Valerio-Defender Santiago; Juana María-Managing Representative ONDP.

The Public Defender's Office and the Criminal Court Offices of Santiago were congratulated by the justice sector institutional authorities as well as by USAID.¹⁸

Inter-Agency Coordination Model.

The launching of inter-agency coordination among the criminal justice institutions began with the enactment of the Code of Criminal Procedure in the Dominican Republic in 2002. That year saw the Justice sector take on the massive challenge of implementing the new code, which represented a major transformation in criminal procedure, including a move towards a modern adversarial system. As stated above, it was necessary to design and develop management models in all the justice sector institutions, with a focus on finding the best working practices, with a basis in inter-agency coordination as a key element to improving the quality of service in the criminal justice system, and bolstering a culture change towards a systematic, sector-wide understanding of justice.



Kemuel Francisco-Directorate of Planning and Projects for the Technical Directorate of the Judicial Branch; Josefa Disla Munoz-Presiding Judge in the Court of Appeals of Santiago; Ramon Ventura Camejo-Minister of the MPA; Ambar Diaz-Secretariat General Santiago; Marta Almonte-Hearing Management Unit Santiago; Maria Santana-Member Judge of the Criminal Division.

The conceptual framework for coordination, in addition to assigning a role to each major player in the criminal justice system, centers on the effective application of procedural principles in each action taken

¹⁸ Product 13 – Certificates and letters of congratulations to the ODP and DP of Santiago.

by the major actors in a criminal case, ensuring the quality of justice service with the user as its beneficiary.

The Management Models developed with the technical assistance of USAID within each Institution are meant to support the implementation of the Code of Criminal Procedure. As such, it was necessary to design, develop and implement the different components that define it, including: operating guidelines and regulations, operating processes and procedures, defining the roles of human resources, redesigning structures and work environments, developing information technology tools, designing training programs, and formalizing inter-agency coordination through the signing of the Framework Agreement of August 9, 2006.¹⁹

This justice sector-wide agreement established that one of the most challenging components would be to set up the mechanisms that allow coordination between judges, prosecutors, public defenders, police and administrative employees in the criminal justice system. Hence, in order to promote a culture of service, teamwork and fostering operational communication between the various management models in place, the Project supported the installation of Inter-Agency Coordination Roundtables (*Mesas de Coordinación Interinstitucional*, or MCIs) in the Judicial Districts of La Vega, Santiago, San Francisco de Macoris, Puerto Plata, Valverde Mao, Juan Sanchez Ramirez (Cotui), and Espaillat (Moca).

The methodology for implementing the inter-agency coordination model was conceived of in three distinct settings: a) Design and implementation of the MCI's within each judicial district; b) Joint MCI Conferences; c) High Level Meetings with Authorities.



- a) The design and implementation of MCIs (initially in three Judicial Districts and now present in 12), was accomplished through systematic work meetings and joint workshops including defenders, judges, prosecutors and administrative personnel²⁰, opening new dialogues for the exchange of invaluable information toward the formulation of proposals and projects in each Judicial District.²¹

19 Product 14 – Framework Agreement for Inter-Agency Coordination.

20 Product 15 - Sharing between MCI Models.

21 Product 16 - Projects developed by the MCI's.

- b) The Joint MCI Conferences (*Encuentros Mosaicos*) were designed as a setting for joint reflection and sharing solutions of common interest, that is, achieving a convergence of ideas, as well as analyzing critical points involved in the management of the justice service, including the delay of scheduled hearings and the discouraging and disheartening effect it generates in users, and its impact on the time of processes and the subsequent increase of cost.
- c) The third setting was planned as a Conference between the MCI's and the high justice sector authorities, for the purpose of sharing local experiences dealing with the improvement of the criminal process, with the aim of formulating judicial policies for the sector as called for in the Framework Agreement for Inter-Agency Coordination, signed on August 9, 2006 by the President of the Supreme Court of Justice, the Attorney General of the Republic, the Director of the National Office of the Public Defender and the Chief of the National Police. One example of this is the e-justice pilot plan implemented in the Judicial District of Santiago, and the operation of the Commission for the Application of Operating Protocol in MCI's as a body that oversees the implemented measures.

A big challenge continues to be achieving a continuing, high level of coordination, and the hope is that the creation of the Commission for the Application of Operating Protocol in MCI's, as a body linking the MCI's of Judicial Districts to the heads of the institutions and high authorities, will strengthen and implement a culture of communication and coordination between the ground level (criminal courts, offices of the public defender and public prosecutor) and the high authorities in charge of making policies, decisions and allocating resources.

For this reason, the Justice Project supported the development of the inter-agency coordination model in the understanding that force behind the change will come from the concerted effort of the MCIs in the Judicial Network, as demonstrated in the following important achievements:

1. Joint effort between all the actors: systematic approach toward the service of justice, keeping the user in mind as the final beneficiary.
2. Improve inter-personal relations between the different actors with roles in the criminal process, and reducing the levels of inter-personal conflict.
3. Operation of the Judicial Network formed by 12 MCI's, and regulated by the Operating Protocol²² signed on June 3, 2011, during the 4th Joint MCI Conference in Santiago, at which time the Commission for the Application of Protocol was established, with Magistrate Manuel Ramirez Suzana, Magistrate Francisco Jerez Mena, Treasurer, and Aylin Corsino N., Secretary, presiding.
4. Seven Joint MCI Conferences held, for the purpose of sharing projects and successful experiences in the jurisdictions, and promoting collaboration and good inter-agency practices. The Joint MCI Conferences were defined in the Operating Protocol as “Inter-Agency Summits” for the MCI's.

Conference	Date
Joint MCI Conference I: Sharing Solutions	July 31, 2009 in La Vega
Joint MCI Conference II: Consolidating Unity	October 30, 2009 in Santiago de los Caballeros
Joint MCI Conference III: United for Improvement	March 5, 2010 in the Distrito Nacional
Joint MCI Conference IV: Progress	June 11, 2010 in Puerto Plata

²² Product 17 – Operating Protocol for the MCI's.

Joint MCI Conference V: Challenge	October 22, 2010 in La Vega
Joint MCI Conference VI: Excellence	June 3, 2011 in Santiago
Joint MCI Conference VII: Innovation	December 2, 2011 in the Distrito Nacional

5. Foster training through the MCIs as a mechanism to strengthen key personnel within each institution in areas like: knowledge of the management models of each institution, Institutional and Sectoral Integrity System, change management, emotional intelligence and conflict resolution methods. 39 courses were delivered to 1,095 (430 men & 665 women) judicial officers from the three institutions.²³
6. Development of technological support tools in two specific areas: a) administrative communications of the Commission for the Application of Protocol (CAP) as a space for sharing documents, sending information and conversation forum accessed through the e-mail address mcicap2011@gmail.com, and b) development of the E-justice tool known as JurisBook, covered later on in this report.
7. The accomplishments of the Judicial Network towards resolving the issues identified in each Judicial District are listed in the chart in Appendix 2.

Case Tracking and Management System:

One of the initial requirements of the Justice Project made by USAID, the Judicial Branch and the PGR, was to develop a diagnostic method for defining the viability of inter-connection between the Case Tracking System in the PGR, Justice XXI, and the Case Tracking System in the Judicial Branch, Supremo Plus. The result of the technical assistance provided by expert Eduardo Spotorno reported that inter-connecting the two systems would require a collaborative effort between the two institutions, and consequently the project was shifted toward technological support for sending notifications, summonses and an electronic agenda for scheduling hearings. See JurisBook below.²⁴

Judicial Network Supremo Plus - JurisBook:

With the aim of inter-relating the agendas of the different actors, so as to make scheduling as effective as possible, while also improving on the system for summonses and notifications, the Judicial Branch, under the auspices of USAID and the coordination of the DGT, is implementing the project entitled “Supremo Plus Update,” in the Criminal Court of Santiago Judicial District, through which a common agenda, summonses and notifications can be set electronically.²⁵

Another important factor are electronic warrants, in a project sponsored by the Santiago MCI, with the primary objective of incorporating digital applications and issuance of court orders through email between the actors in the justice sector in the criminal jurisdiction of Santiago, ensuring citizen access to the service of justice.²⁶

23 Product 25 – Strengthening personnel through MCI's.

24 Product 26 – Presentations by Consultant Eduardo Spotorno.

25 Product 27 - Vision of Jurisbook Document.

26 Product 28 – Presentation and Protocol for Electronic Warrants.

ACTIVITY 2: STRENGTHENING HUMAN RESOURCES

Training has been a key element of earlier USAID support to the Dominican justice sector, and the Justice Project continued to focus on this important aspect of criminal justice reform. The delivery of effective, sustainable training was established by the Justice Project as a fundamental strategy in achieving success. Training was directed with priority to judges, prosecutors and public defenders, as well as administrative personnel with a key role in the effective operation of the Management Models, the SII and inter-agency communication, and especially those whose work improves the service of justice to Dominican society.

In the same way, all training programs were designed to strengthen the judicial and administrative career systems. Training was coordinated through the institutional training programs defined by the National Judicial School (ENJ) and the National School of Public Prosecution (ENMP), with special consideration afforded the training of trainers who can effect a multiplier effect by ensuring that knowledge and training approaches are integrated into institutional training systems and are able to effectively inculcate the institutions with the skills and abilities of the experts hired by the Justice Project.

National Judicial School - ENJ.

Since its creation in 1998, the ENJ has been a success story for USAID Dominican Republic, which has long supported its institutional development. It is currently the headquarters of the Ibero-American Network of Judicial Schools, and is recognized for its capacity for innovation and managing change. Accordingly the Justice Project team, in coordination with the Directors of the ENJ, proposed collaboration between the Justice Project and the ENJ, in line with strategic objectives of both USAID and the ENJ.

We can point to two important achievements of this collaboration: a) Innovative actions in the ENJ teaching methodology, through the technical assistance of expert Ether Hierro²⁷, covering the conceptualization and design of an effective, engaging adult education approach, and b) the implementation through Workshops of topics like management models, integrity system, criminal process and the ENJ's own operation.

Similarly, international experts contributed to these workshops, including the following topics: Hector Chayer on Ethics and SII²⁸; Max Escalante on the topic of the Criminal Process²⁹; Armando Andruet on the topic of Methodologies for Investigations applied to Justice³⁰, conducted on a classroom and semi-classroom basis.

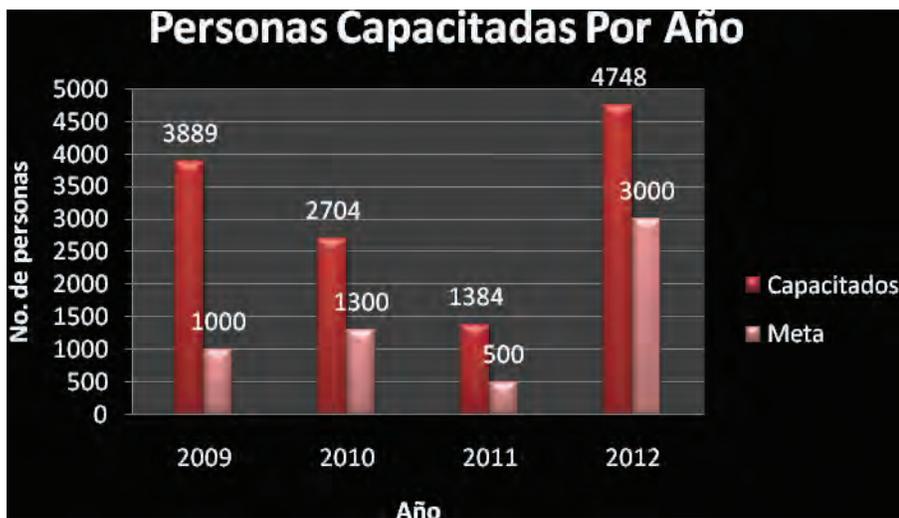
The training programs supported by the USAID Justice Project at the ENJ reached 167 Judges, 16 judicial administrative officials, 6 Defenders and 5 ONDP officials. Jointly with the ENJ, four modules were conducted on a classroom and semi-classroom basis on the topics of: Effective teaching methodologies for adults; Criminal Process Workshop; Judicial Ethics and SII; Methodologies for Investigations applied to Justice with the topic “Judicial Ethics in the Judicial Branch and Impact of the Institutional Integrity System,” see Appendix 3 and the website <https://sites.google.com/a/enj.org/investigacion-aplicada-enj/proyecto-implementacion/plan-de-trabajo>

27 Product 29 – Esther Hierro's Consultant Report – Fun Dynamics.

28 Product 30 – Hector Chayer's Consultant Report - Ethics and SII.

29 Product 31 – Max Escalante's Consultant Report - Criminal Process.

30 Product 32 – Armando Andruet's Consultant Report - Methodologies for Investigations applied to Justice.



National School

of Public Prosecution - ENMP

The story of the ENMP is much like the story of the ENJ. Currently, the ENMP is also the headquarters of the Latin American Schools of Public Prosecution, and it has been supported on a consistent basis by the earlier projects funded by USAID.

The Justice Project followed a strategy of institutional strengthening that involved coordination and consensus with regard to methodologies for evaluating the impact of training, and the review of training programs delivered by the ENMP. These activities were implemented with the support of international consultants contracted by the Justice Project, who worked in coordination with the Directors of the National School of Public Prosecution (ENMP) and its technical staff to share international best practices and experience and successfully strengthen the technical capabilities of the ENMP in developing the following systems and procedures:

1. Initial assessment of the needs of the National School of Public Prosecution and the Directorate of Human Resources of the PGR.
2. Design proposal of methodological strategies for instructors at the National School of Public Prosecution.
3. Design proposal of the Training Needs Detection System.
4. Design proposal of the Training Impact Evaluation System.
5. Implementation plan and time line for both systems.³¹

³¹ Product 33 - Proposal of Training Methodology Strategies for ENMP.

6. Modification proposal for the Public Prosecutor disciplinary regimen.
7. Workshops with the National School of Public Prosecution.
8. Workshop on organizing criminal investigations.
9. Workshop on the proposed organization of the Directorate of Organized Crime and Drug Trafficking.³²
10. Strengthening the ENMP in its candidate evaluation process with support from the expert on human resource administration, Rosa Solis, who also helped the ENMP in strengthening the Public Prosecutor career. With the aim of improving and making transparent said candidate evaluation process, a web application was made so that the ENMP could conduct annual evaluations and select potential candidates for admittance to the Public Prosecutor, which was finished in October of 2009.
11. Design of the Educational Model of the National School of Public Prosecution, with the participation of national and international experts, qualified professionals, which produced an updated Training Plan.³³

Other activities geared toward institutional strengthening, supporting the Public Prosecutor and Judicial careers:

1. **Public Prosecution (PGR):** The Justice Project, with technical assistance from national consultant Rosa Solis, developed a 360 degree total evaluation for personnel across the Directorate of Human Resources. This activity enabled the improvement of the selection system and performance evaluations applied to administrative personnel at the institution.³⁴
2. **Judiciary (PJ):** At the General Directorate of Judicial Careers in the Judicial Branch, the Justice Project carried out joint actions with the Directorate's technical personnel in relation to updating the instruments used in the selection of judges and administrative personnel, like: a) creating specific tests with Multiple Choice items; b) creating topics and lists of questions for public entrance exams given to candidates for justice of the peace and administrative personnel; c) development of practice workshops for personnel training (14 judges and 20 administrative workers), with the purpose of installing internal capabilities in the methodology for updating the reviewed instruments. This consultancy conducted with the support of national expert Luis Eduardo Dominguez.³⁵

Another action of significance in strengthening the administrative career system was the assistance provided by consultant Rosa Solis, together with the technical personnel of the Directorate of Judicial Career Affairs, who worked on a proposal of the plan for professional development of personnel.³⁶

32 Product 34 – Proposal for the Organized Crime and Drug Trafficking Organization.

33 Product 35 - Publication of the 2010 ENMP Training Plan.

34 Product 36 – PGR Selection and Performance Evaluation.

35 Product 37 – Luis Eduardo Domínguez's Consultant Reports.

36 Product 38 – Plan for Professional Development of Personnel at the PJ.

List of Products RA.1	
Product No.1	Strategic planning for the Prosecutor General of the Distrito Nacional
Product No.2	Strategic Planning for the National Directorate of the Public Prosecutor
Product No.3	CARMJ Strategic Planning
Product No.4	ONDP Strategic Planning
Product No.5	Annual Public Defenders Meeting
Product No.6	Report from consultant Jorge Chavarria – Complex Public Prosecutor's Offices
Product No.7	Report from consultant Beatriz Arenas – Complex Public Prosecutor's Offices
Product No.8	Report from consultant Ana Montes – Complex Public Prosecutor's Offices
Product No.9	Management Model for Complex Public Prosecutor's Offices
Product No.10	CAF Quality Management Model
Product No.11	Self-Diagnoses and CAF Return Reports with Improvements
Product No.12	Candidacy Application for the National Quality Award
Product No.13	Certificates and letters of congratulations to the ODP and DP of Santiago
Product No.14	Framework Agreement for Inter-Agency Coordination
Product No.15	Sharing between MCI Models
Product No.16	Projects developed by the MCI's
Product No.17	Operating Protocol for the MCI's
Product No.18	Joint MCI Conference I
Product No.19	Joint MCI Conference II
Product No.20	Joint MCI Conference III
Product No. 21	Joint MCI Conference IV
Product No. 22	Joint MCI Conference V
Product No. 23	Joint MCI Conference VI
Product No. 24	Joint MCI Conference VII
Product No. 25	Strengthening personnel through MCI's
Product No. 26	Presentations by Consultant Eduardo Spotorno
Product No. 27	Vision of Jurisbook document
Product No. 28	Presentation and Protocol for Electronic Warrants
Product No. 29	Esther Hierro's Consultant Report – Fun Dynamics
Product No. 30	Hector Chayer's Consultant Report - Ethics and SII
Product No. 31	Max Escalante's Consultant Report - Criminal Process
Product No. 32	Armando Andruet's Consultant Report - Methodologies for Investigations applied to Justice
Product No. 33	Proposal of Training Methodology Strategies for ENMP
Product No. 34	Proposal for the Organized Crime and Drug Trafficking Organization
Product No. 35	Publication of the 2010 ENMP Training Plan
Product No.36	PGR Selection and Performance Evaluation
Product No. 37	Luis Eduardo Domínguez's Consultant Reports
Product No. 38	Plan for Professional Development of Personnel at the PJ

RESULTS AREA 2

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

The constitutional reform of 2010 had a strong impact on the key institutions of the justice sector. As discussed above, in the last two years the Dominican Republic has undergone profound changes in terms of the organizational structure of the three key institutions: the Judicial Branch (PJ), the Public Prosecution (PGR) and the Public Defense (ONDP) and as a result the Justice Project planned activities with a scope guided by the constitutional reform.

The technical assistance of the Justice Project under this results area centered on the need to foster a culture of integrity and transparency, covering five aspects: a) improve capabilities of internal inspections in the Judicial Branch and the Office of Service Oversight in the National Office of the Public Defender; b) review disciplinary guidelines of the Public Prosecutor and Judicial Branch; c) Strengthen the Office for Access to Public Information in the Judicial Branch; d) Creation of the Office for Access to Public Information in the ONDP; and e) Expansion of the Institutional Integrity System in the Judicial Branch, PGR and ONDP.

ACTIVITY 1: DEVELOP CAPABILITIES FOR INTERNAL INSPECTION.

For a better understanding of the impact of technical assistance provided by the Justice Project, it is important to note there is a systemic link between the investigation conducted by the institutional departments in this role, and the SII Model. The disciplinary system, like the reward system, is an essential element in the enforcement system set out in the SII.

As a result, in order to improve the investigation capabilities of the Judicial Inspector within the Judiciary, the Public Prosecution (PGR) inspectorate services and the Office of Service Oversight of the ONDP, the Justice Project fostered activities carried out in two stages: a) Diagnostic, and b) Training on investigation techniques and processing disciplinary cases.

In the diagnostic stage, consultant Jorge Chavarria held interviews with top management, focus groups, and training workshops for Judicial Branch inspectors, personnel in charge of service oversight for the ONDP, and prosecutors.³⁷ The consultant highlighted the distinction between administrative disciplinary cases and criminal cases, since investigations are often carried out as though looking into a criminal case, which creates a climate of confusion among judicial officers.

The training of key personnel was repeated in the first two years of the Justice Project, and went into depth about: a) outlook of investigating disciplinary cases, b) how to process a disciplinary case, c) criminal sanctions faced in investigation of disciplinary cases, corruption and organized crime, d)

37 Product 39 – Jorge Chavarria's Consultant Report.

importance of the disciplinary system in terms of corruption, e) the disciplinary investigation, f) identifying administrative liability, civil liability and criminal liability, and g) getting a conviction.³⁸

ACTIVITY 2: DESIGN AND IMPLEMENT AN OFFICE FOR ACCESS TO PUBLIC INFORMATION

Access to public information is a social right established in the Constitution of the Dominican Republic, in Article 8, Section 10, and the General Law on Free Access to Public Information No. 200-04, dated July 28, 2004, wherein it expressly states in Article 1 that the autonomous and/or decentralized bodies and agencies of the State are bound by said law.

To meet USAID's expectations and those of the Judicial Branch and the ONDP, the Justice Project contracted with two national experts with the expertise to assess and support the implementation of the Office for Access to Public Information – OAI, by both institutions.

With respect to the review and adaptation of the Office for Access to Public Information of the Judicial Branch to adhere to the General Law on Free Access to Public Information, expert Mr. Gustavo Montalvo undertook the initial assessment. His primary recommendations were the following: a) review the job functions of the officials currently working in the OAI; b) move the OAI to a space with better access for the general public; c) create policies and procedures on access to Public Information, or in other words, document the OAI's processes; d) redesign the webpage; and e) promote access to public information as part of the SII.³⁹

Today, the institution's website confirms that the comments and recommendations from the consultation were adopted, to such a degree that the November 2009 report shows that Judicial Branch moving up in its ranking, surpassing the 8th spot in the Report from the 4th Annual Monitoring over Application of the General Law on Free Access to Public Information (Law 200-04).

The ONDP has managed to create and implement its OAI, an accomplishment achieved with support from expert Zoraima Cuello. Through the institution's website one can observe that the OAI is in full operation in the institution.⁴⁰

ACTIVITY 3: EXPANSION OF INSTITUTIONAL INTEGRITY SYSTEMS

The Institutional Integrity System (SII) was initiated in 2007, as part of the process of USAID's Justice & Governance Project, with the diagnostic, design and development phases having been completed for the three key institutions of the criminal justice sector (ONDP, Judiciary and PGR). During this time the ONDP was the institution that achieved a 100% implementation of the SII.

Starting in 2008, the Justice Project recommenced USAID support to SII implementation (see chart below), with evaluation conducted by national expert Roberto Laver, to ascertain the status of SII implementation in the three main

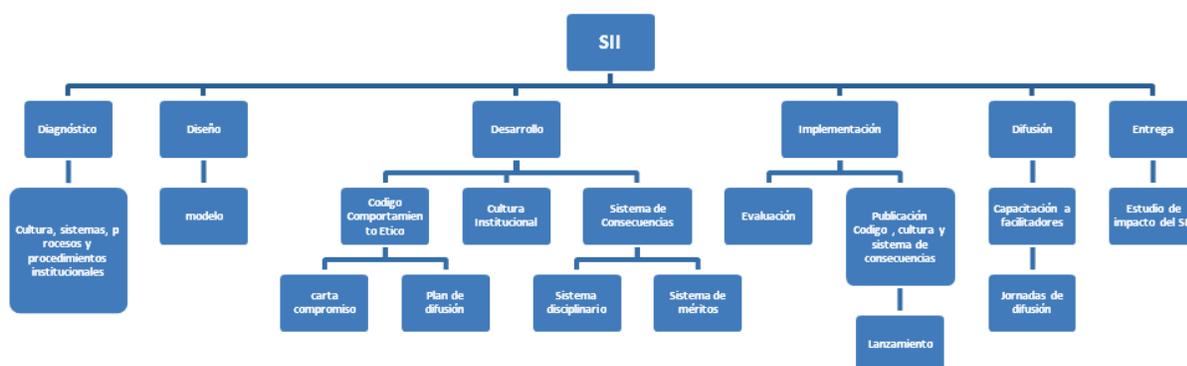
"...the Judicial Branch, to meet its goal of ensuring its institutional mission is carried out, strengthened, renewed and effective, is guiding the full extent of its human resources down the path of integrity, transparency and functional and institutional awareness, principles that lay the foundation for the kind of service the justice system owes to society."

38 Product 40 – Processing Disciplinary Cases.

39 Product 41 – Proposal, Design and Implementation OAI of the PJ.

40 Product 42 – Zoraima Cuello's Consultant Report.

criminal justice institutions. The results of the evaluation were shared with the institutions, so activities could be planned for the Justice Project. Emphasis was placed on the continued implementation of the SII in the Judiciary and the Public Prosecution.



The Plenary of the Supreme Court of Justice, through Resolution No. 2006-2009, dated July 30, 2009, approved the Code of Criminal Procedure and the document on Institutional Culture. Among its many objectives, this resolution stated the following priorities:

First: To approve the documents that shape the Institutional Integrity System of the Judicial Branch.

Second: To order the publication of the Institutional Integrity System of the Judicial Branch.

Third: To order the delivery of same to all judicial officers.

Fourth: To entrust the General Directorate of Judicial Careers to carry out the resolution herewith, containing the documents that shape the Institutional Integrity System of the Judicial Branch.”⁴¹

As a result of the resolution issued by the Supreme Court of Justice, and in coordination with the General Directorate of Judicial Careers, the experts from the Directorate for Judicial Career Affairs, the ENJ and the Project's technical team, took up planning, facilitating and collaborating to design the strategy for disseminating the Regulation on Administrative Careers and training on the SII. Through May of 2012, 153 workshops were held for 4,359 judicial officers (2,672 women and 1,687 men).

Within the Public Prosecution (PGR), the Justice Project provided support for the implementation and dissemination phases. However, because of the constitutional reform and the Organic Law of the Public Prosecutor, it will be necessary to review and update the Code of Ethical Behavior of the Public Prosecution, and re-plan this initiative. One lesson that must be taken into consideration for future projects concerns planning for the risk of legal changes. It is important to note that within the institution, high level personnel from the institution's Directorate of Human Resources were trained as instructors.

The involvement of civil society in the implementation of SII is another important element of this initiative. In response to a request from a Dominican NGO involved in justice reform, FINJUS, the

41 Resolution by the Plenary of the Supreme Court of Justice No. 2006-2009, dated July 30, 2009.

Justice Project helped establish effective communications between Judicial Branch and Public Defense facilitators and the technical personnel from FINJUS, in order to coordinate and facilitate SII training for civil society organizations based in the Santiago and Barahona Judicial Districts. A valuable part of this initiative was that the justice sector operators were put in contact with civil society, creating a setting for enhanced comprehension of the criminal justice system and the policy on integrity and transparency they support (see Appendix 6, SII in Place Video).



SIS Workshops in Santiago Judicial District

Justice Sector Integrity System– (SIS):

A justice sector wide vision prevailed in all activities carried out by the Justice Project, given the Project's scope and since the Project promoted the expansion of the SII in all the justice sector institutions. This Justice Project initiative was welcomed by the MCI's, through which six instructional days on the Sectoral Integrity System were held, with the participation of prosecutors, judges, administrative personnel and public defenders. The need for a justice sector-wide perspective and impact was discussed, and the Justice Sector Integrity System (SIS) was highlighted.

These “SIS instructional days” (*jornadas SIS*) were carried out with the aim of reaching out to the participants, to instill in their behavior the principles and values laid out in the Code of Ethical Behavior of each institution in the sector, as well as having the special feature of inviting the participants to view themselves as civil servants all working in the same sector. It is important to recognize that the MCI in Santiago Judicial District planned, carried out and measured the impact of a project about ethical sectoral principles and values.



The final phase of SII corresponds to transferring the system to the institutions. During the Justice Project's period of operation, the SII was handed over to the Judicial Branch⁴². This phase concludes with a study conducted by expert Armando Andruet, who was brought in by the Justice Project to work with the ENJ to implement an in-depth assessment on the SII's impact in the Judicial Branch.⁴³

the General Directorate of Careers also conducted an assessment aimed at measuring the results of the SII's implementation in the Judicial Branch. The institution evaluated the behavior of administrative judicial employees, based on data raised both before and after the SII Workshops corresponding to the number of imposed sanctions. The results (see table on next page) show that the number of sanctions on personnel decreased in the period shown in the table by some 31.15%, which may hint at a cultural shift among trained personnel.

SIS in San Francisco de Macoris



42 Judicial Branch Publication "El Judicial," August 2009, www.suprema.gov.do

43 Product 43 - Consultant Armando Andruet's Reports.

SUMMARY			
SANCTIONS:	BEFORE SII (OCT 2007- JUNE 2009)	AFTER SII (JULY 2009- MARCH 2011)	PERCENT CHANGE
VERBAL WARNING	239	259	8.37%
WRITTEN WARNING	433	334	-22.86%
FINES	223	2	-99.10%
SUSPENSION W/O PAY	62	82	32.26%
DISMISSAL	186	110	-40.86%
TOTAL	1143	787	-31.15%

List of Products RA.2	
Product No. 39	Jorge Chavarria's Consultant Report
Product No. 40	Processing Disciplinary Cases
Product No. 41	Proposal, Design and Implementation OAI of the PJ
Product No. 42	Zoraima Cuello's Consultant Report
Product No. 43	Consultant Armando Andruet's Reports

RESULTS AREA 3

INSTITUTIONS AND PROCEDURES THAT SUPPORT JUSTICE SECTOR INDEPENDENCE AND IMPARTIALITY STRENGTHENED

ACTIVITY 1: STUDY TOURS

Justice Project supported study tours were organized with the aim of observing international experiences on issues of interest to the Dominican justice system, and of developing local initiatives affecting issues such as designing a better approach for Public Prosecutor's Office to deal with complex cases involving organized crime and witness protection or gaining knowledge and skills on in educational innovation and institutional strengthening through the use of information technology. The study tours were also an excellent means of institutional strengthening for the Constitutional Court, in terms of the basic conceptualization for running the Secretariat of Plenary Support.

Below is a chart summarizing the issues and results of the Project supported study tours:

Issue	Study Tour Location	Selected Results
Organized crime and witness protection	Costa Rica, Complex Offices of the Public Prosecutor Colombia, Prosecutor's Office	Conceptual design of complex offices of the public prosecutor
Educational innovation	Cuernavaca, methods for team training and group dynamics.	Eight facilitators certified by Gerza.
International Conference	Trinidad and Tobago, Access to Justice in the Criminal Courts, Commercial Courts and International Tribunals in the western hemisphere.	Presentation on developments in the reform of Dominican justice, by the President of the Supreme Court of Justice, Dr. Jorge A. Subero Isa, before a select audience of high Latin-American courts
Court Technology	U. S., E.U.: Court Technology	E-Justice pilot project in Santiago and Puerto Plata.
	Information technology in the Supreme Court of Portugal	
Institutional Development	Colombia, Constitutional Court	Report on the Guidelines for the Conceptualization of the Secretariat of the Constitutional Court. Cooperation agreement between the Constitutional Court of Colombia and the Constitutional Court of the Dominican Republic.
	Trip to observe the Witness Protection System, Colombia.	Report on the Witness Protection System and recommendations (Ana Montes Consultant Report).

ACTIVITY 2: IMPROVEMENT OF MERIT SELECTION, PERFORMANCE EVALUATION, PROMOTION, AND OTHER ASPECTS OF MANAGING JUSTICE SECTOR ACTORS

The Sectoral Integrity System (SII) in the Dominican Republic establishes a system of merit recognition and sanctions as an essential component and a force for organizational change, so the Justice Project pushed for the conceptual design of the rewards system with a justice sector wide approach.

The proposal was implemented effectively by the ONDP, making it a permanent system in the institution for annually recognizing the defender or defenders worthy of an award (the “Pin of Integrity”), as can be seen in the bulletins published on its website (www.defensapublica.gov.do).

A highlight of the launching of the SII in the Judicial Branch was when the “Pin of Integrity” was awarded by USAID Director Richard Goughnour, to former Supreme Court President, Dr. Jorge Subero Isa. However the rewards system for the Judicial Branch was recently taken over by the Judicial Council, a body created under the constitutional reform of 2011. The Council faces the challenge of establishing adequate policies for implementing the consequences component of the SII, which means reviewing the disciplinary system and creating the rewards system.



Jorge A. Subero Isa, ex-presidente Suprema Corte de Justicia, Richard Goughnour, director de USAID

ACTIVITY 3: IMPROVED REPRESENTATION OF INDIGENT DEFENDANTS THROUGH AN INDEPENDENT NATIONAL OFFICE OF THE PUBLIC DEFENDER

The development of public defense services has long been supported by USAID, at the request of the Dominican government: improved representation of indigent defendants under the new criminal procedure system is an essential element of justice reform. A separate public defense service was first developed under the aegis of the CARMJ, and then it became part of the Judicial Branch. It was established as an independent national service, on August 12, 2004. The law stated that the ONDP should become fully independent by November 2009.

It was through the proclamation of the new Constitution of the Republic, on January 26, 2010, that the National Public Defense Service became part of the constitutional hierarchy. This signified the institution's entry into a period of adjustment of its budget, human resources, modification of the organizational structure based on territorial coverage, and the growth of the service's offering, among others.

The Justice Project facilitated this transition through technical assistance. This assistance included the technical support of expert Rafael Blanco. Blanco, in coordination with the institution's directors,

formulated certain considerations aimed at moving ahead the process of establishing the Public Defense as an autonomous entity, and its growth into other areas related to the recent constitutional reform, as well as analyzing the issues involved in internal strengthening to better meet the challenges posed by this new stage.⁴⁴ The Justice Project collaborated with the ONDP directors on the transition strategy and outreach to its staff to share information and ensure staff buy-in during the transition period. Some relevant activities involved:

- Three annual conferences with all members of the Institution.⁴⁵
- Strategic planning 2009-2013, with priority focus placed on visualizing and planning pertinent actions for the transition toward an institution independent of the Judicial Branch.⁴⁶
- Support the plan for expanding the defense service into Moca and Cotui Judicial Districts.
- Review, improvement, strengthening and publication of the Management Model for the ONDP.⁴⁷
- Strategic Planning and annual operating plan for years 2010 and 2011.⁴⁸
- Training of public defenders in oral court proceedings.⁴⁹
- Review and adaptation of the ONDP management model, and development of the manual on administrative, accounting, financial and auditing procedures, as a foundation for implementing the computer system of accounting, administration and finance; also applying the assessment of the ONDP's information access system, developed by the Justice Project with the support of national consultant Zoraima Cuello.⁵⁰
- Design and development of the Professional Training Unit for public defenders, aimed at achieving a quality criminal defense for users of the service.⁵¹

The above programming was instrumental in the transition of the ONDP into an independent institution and in ensuring that indigent defendants in the Dominican Republic get improved criminal representation.

44 Product 51 – Rafael Blanco Consultant Report - Public Defender as an Autonomous Entity.

45 See Product 5, Annual Public Defenders Meeting.

46 See Product 4 - ONDP Strategic Planning.

47 Product 52 – ONDP Management Manual CD.

48 See Product 4 - ONDP Strategic Planning.

49 Product 53 Presentations Oral Litigation Workshop.

50 See Product 42 – Zoraima Cuello's Consultant Report.

51 Product 54 – Rafael Blanco's Consultant Report – Professional Training Unit.

MEASURING IMPACT: SUMMARY OF PERFORMANCE MONITORING

In collaboration with USAID and counterparts, the Justice Project developed a detailed Performance Monitoring Plan (PMP) for each year of the Project. The PMP for the October 2011 to April 2012 is submitted together with this Final Report and should be consulted for a detailed presentation of the indicators, results and data collection methodology. Below we present a brief summary of how the PMP was developed and of the final results.

In order to get a baseline from which to monitor the scope of the Justice Project, and adapt to USAID's new format and system of impact indicators, the Justice Project team brought in expert Joel Arboleda for technical assistance. Arboleda, along with the counterparts, USAID representatives and the Project's technical team, reached a consensus on the methodology for raising pertinent information for use measuring the Project's performance, and presenting a quarterly report to USAID with the results on the development of the proposed indicators.

The expert designed a methodology adhering as closely as possible to USAID's requirements and the scope of the Justice Project, having identified the Judicial Districts that would be used for comparison with the Judicial Districts where the Justice Project intervened, namely La Vega, Santiago and San Francisco de Macoris. (See table).

Target Group Judicial Districts where the Justice Project intervened	Comparison Group Judicial Districts where the Justice Project did not intervene
Santiago	Santo Domingo Province, Distrito Nacional, La Romana
La Vega	Españillat, Juan Sanchez Ramirez (Cotui), Barahona, Puerto Plata, Monsenor Nouel (Bonao), Constanza
San Francisco de Macoris	Azua, Villa Altagracia, Peravia (Moca), Puerto Plata and Samana

INDICATORS SUMMARY CHART WITH DATA THROUGH THE END OF APRIL 2012

RA 1. 1 Improved Technical and Management Capabilities of Select Institutions within the Justice Sector for Processing Critical Cases	L /base 2008	Goal 2009	Goal 2010	Goal 2011	Goal 2012	Actual
Indicator 1: Number of Justice Sector Offices operating with the new Management Model.	31	13	4	9	15	21
Indicator 2: Milestones reflecting progress on implementing the Management Model and coordinating the Criminal Procedures Code. (# of Districts)		3	5	4	10	8
Indicator 3: Number of Judicial Districts incorporated under the Management Model and integrated coordination.	1	6	7	9	10	10
Indicator 4: Number of inter-agency roundtables created in the Judicial Districts	2	5	7	9	14	12
Indicator 5: Days it takes for a criminal case to be completed from the time a defendant is first charged to first sentencing.	197	180	160	120	120	93.74
Indicator 6: Number of people with scarce resources and underprivileged communities that have received legal assistance through USAID assistance.	19385	20166	21266	22316	24500	42,240
Indicator 7: Number of justice sector operators trained	1678	1000	1300	500	3000	4748
RA 1. 2: Established and Strengthened Mechanisms for Internal and External Supervision of Justice Sector Reform and Operations						
Indicator 8: Number of complaints filed and processed according to adopted procedures (Indicator Eliminated)						
Indicator 9: Milestones reflecting progress in the implementation of the Institutional Integrity System in Justice Sector	2	4	6	5	6	6
RA 1. 3: Strengthened Institutions and Procedures that Support the Independence and Impartiality of the Judiciary.						
Indicator 10: Number of people in the justice institutions with performance reviews through institutional mechanisms.	1674	2174	2674	3878	3878	2,908
Indicator 11: Number of prosecutors, judges and public defenders entering the profession.	1116	412	90	90	1000	282
RA 1. 4: Completed and Strengthened Training in the Judiciary on Coordination and Management of Reform Efforts						
Indicator 12: Inter-Agency Coordination Board operating.		2	5	6	5	5
Grant:						
Indicator 13: Number of national and local agreements signed committing to the maintenance and expansion of the Community Justice Houses.	6	2	2	2	3	4
Indicator 14: Milestones reflecting the level of expansion of Community Justice Houses.		2	2	2	4	5
Indicator 15: Percentage of costs covered for the Community Justice Houses by other institutions.	50%		80%	100%	100%	82%

DISCUSSION

The indicator summary chart reflects results from October 2011 through April 2012; the following changes can be observed:

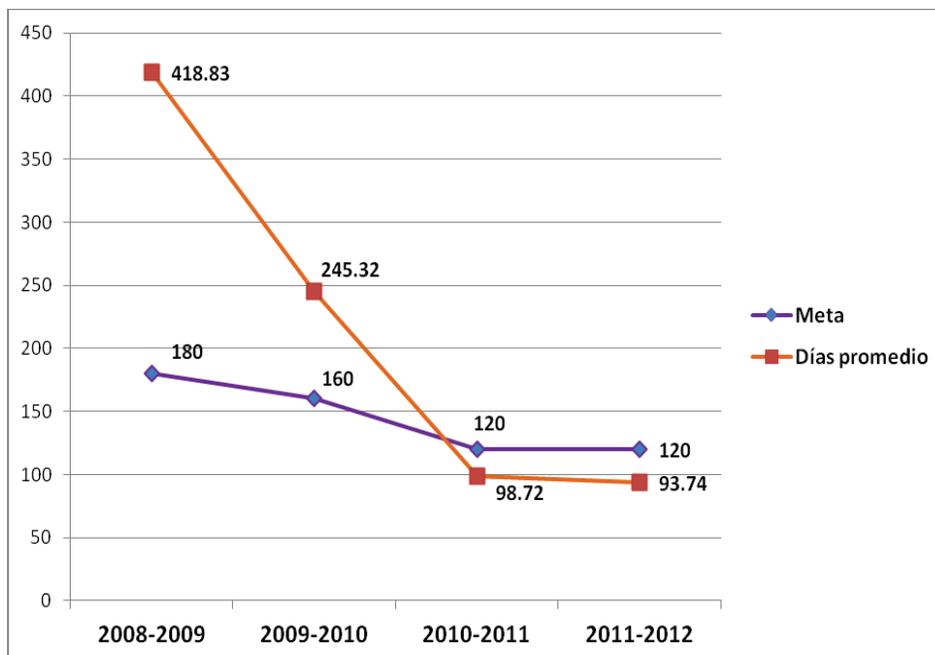
- a) Indicators 1, 3, 5, 7: the goals set out were reached and exceeded. These indicators refer to Management Models that are functioning in an integrated, coordinated way.
- b) Indicator 2. As of the closing date for this report, 2 MCI's have been added, promoted by the CAP for a total of 12 MCI's in Montecristi and San Cristobal. The CAP's strategic plan anticipates the addition of 2 more MCI's in the year 2013.
- c) Indicator 4 measures the coordination between the Justice Sector institutions at the local level, where the management model has been implemented in the 3 institutions. The MCIs were created as a mechanism for communication and monitoring best practices through the implementation of projects repeatable at the national level, such as: Electronic Court Order Protocol in Santiago Judicial District (Product 28); formation of the Judicial Network (Product 17), Recording of Oral Processes in the Judicial Department of Puerto Plata (Product 23).

Districts	Projects Designed	Projects Implemented	Projects with national level impact
Distrito Nacional	3	1	Justice in the classroom
Santiago	12	12	Quality Model in the ONDP and the Criminal Court Offices, electronic notifications and summonses)
Puerto Plata	2	1	Recording of hearings
Cotui	14	10	
Moca	15	12	
La Vega	9	5	Quality Model in the ONDP and the Criminal Court Offices
San Francisco de Macoris	6	4	
San Juan de la Maguana	5	3	Release from the courtroom
Total	66	48	

d) Indicator 5 reflects substantial progress in reducing the average time for a criminal case to be completed, from the time a defendant is first charged until first sentencing; the goal set was 120 days, and the current average is 93.74 days. The reduction in average time between the current period and the 2010-2011 period (98.72 days) represents a 4.98% reduction, a result which can be attributed to the following factors:

- a) Management Model in the Judiciary, the Public Prosecutor and ONDP, functioning in the Judicial Districts measured.
- b) Inter-Agency Coordination Roundtables operating in the relevant Judicial Districts

In the chart, we can observe the path of the average time reduction as it reaches a level exceeding the goal between the years 2008 and 2011.



The chart details by period and Judicial District, the progressive decrease in days and percentage of the time of the Penal Process from when the accusation is made to the first sentencing, over the life of the Justice Project.

Judicial District (Where the three Management Models interact and have had technical assistance from USAID)	2008-2009	2009-2010	% comparison	2010-2011	% comparison	2011-2012	% comparison
	Average number of days from accusation to first sentencing	Average number of days from accusation to first sentencing		Average number of days from accusation to first sentencing		Average number of days from accusation to first sentencing	
Santiago	554.70	348.81	-37%	147.25	-42%	102.57	-31%
La Vega	321.59	222.9	-30%	97.1675	-43%	86.33	-12%
Juan Sanchez Ramirez (Cotui)	--	106.09	-	66.72	-62%	72.98	-16%
Espailat (Moca)	--	240.74	-	89.64	-37%	138.83	+109%
Puerto Plata	162.27	176.28	+8%	89.59	-50%	68	-25%
Average Time	418.83	245.315	-41%	98.72	-40%	93.74	-16%

- e) Indicator 6: According the CCJ and Public Defender reports for the period of October 2011 - April 2012, 42,240 people have received free assistance.
- f) Indicator 7: The goal (3,000 people), at the date of this report 4,748 people have been trained (2,937 women and 1,811 men), exceeding the goal by some 58.27%. With the accumulation over 4 years, the Project provided technical assistance in the training of 12,725 people (6,523 women and 6,202 men) in areas like the Institutional Integrity System, litigation, Scientific Investigation Techniques, Training and Teamwork, Leadership, Stress & Conflict Management, among others.
- g) Indicator 8: This indicator, in coordination with USAID, was rejected due to the complications presented by the collection of information.
- h) Indicator 9: The Rewards System has been designed and implemented by the ONDP, and partially by the Judicial Branch, without coming to be considered a system, as it needs review and approval by the Judicial Council. The Public Prosecutor is awaiting design and implementation due to legal and institutional changes.
- i) Indicator 10: The goal of evaluating the performance of (3,878) people in the justice institutions through institutional mechanisms, was 2,908 during the period of Oct. 2011 - April 2012. At the close of this project, no response has been received from the PGR.
- j) Indicator 11: The goal planned for this period was 1,000, due to the forecasted entry of new administrative personnel according to judicial career regulations. This goal was not reached because of the changes in the leadership and structure of the Judicial Branch. New members to the public prosecution career were zero, and only 23 justices of the peace, 91 administrative personnel members in the ONDP and 168 public defenders entered the career systems.
- k) Indicator 12: The High Justice Sector Commission did not find the political climate to be appropriate for the establishment of this board. The Dominican Republic finds itself in the midst of a process of structural reform of the justice system, so the emphasis was placed on inter-agency coordination through the installation of the MCI's, as a development toward reaching agreements for the implementation of judicial policies that foster coordination and the management of local plans within the Justice Sector.
- l) Indicators 13, 14 and 15 refer to the monitoring and tracking of the Community Justice Houses, through data reported on these indicators it can be observed that the goals already reached are:
- Four (4) agreements have been signed for sustaining the Community Justice Houses (CCJs), two at the end of last year and two during this year, and agreements are in the works with the City Halls of Tamboril, San Pedro de Macoris, Universidad Tecnológico de Santiago, Universidad de la Tercera Edad UTE, Hermandad de la Lalle, Strategic Plan of Santiago in Santiago Province.
 - According to the report from PC, one new CCJ was opened in the first half of the year 2012, in Santiago in La Joya, and the second half of 2012 should see the opening of the Distrito Nacional which is now undergoing remodeling.
 - 82% of CCJ expenses are covered by institutions, the remaining 18% only being covered by USAID.

SUB-GRANT UNDER THE CONTRACT: COMMUNITY JUSTICE HOUSES⁵²

By way of introduction, it is important to recount how the community access to justice service came to be, and recall that by 2005, the Dominican NGO Participacion Ciudadana had begun its new Justice program. In it, apart from its traditional line of action strengthening the Dominican judicial system, consolidating the reform process and supporting the emergence and development of new institutions like the Public Defender and the Ombudsman Office, it made one of its fundamental focuses for its actions, increasing access to justice, an indispensable element of the rule of law.

The difficulties found in the Dominican justice system that limit citizen access to justice were aggravated with the development of a climate of uncertainty and violence, pervasive in the essential structures of our society, that gave rise to law-breaking and impunity, endangering and abandoning the citizens to the detriment of human rights, peaceful coexistence and democratic stability.

As an attempt to effect change in this reality, the Community Justice Houses were created, seeking to empower citizens to exercise one of their essential civil rights, that of access to justice. At the same time, citizens took on duties and responsibilities in the justice effort in its formal version, and through new ways and methods that would facilitate a decrease of injustices found in all areas of our lives.

In the interest of strengthening these causes, a group of stakeholders under the auspices of the United States Agency for International Development, with technical assistance from the Justice and Governance Project (2005-2007), and the USAID Justice Project (2008-2012), developed and implemented the National Alternative Conflict Resolution Plan (RAC) in relation to the Community Justice Houses. Its purpose is to foster a culture of peace and promote conflict resolution capabilities, stimulating the construction of a society that favors dialogue and tolerance for resolving its conflicts, through the alternative methods that put it at the heart of conflict resolution.

As part of our responsibilities in the first stage of development of the National RAC Plan (2005-2007), commitments were made to open three Community Justice Houses in the country, with the first of them, located in Cienfuegos, considered a pilot initiative that would ensure the permanence, efficacy and sustainability of the project.

In the same way, the Community Justice Houses, assisted by neutral experts, certified mediators and representatives of the Public Prosecutor, would implement mediation and conciliation services in the vulnerable sectors where they were found. To effectively honor this commitment, it became necessary to have the presence of personnel trained for community and criminal mediation.

⁵² Product 55 – Reports from Community Houses.

Because of the characteristics of the Community Justice Houses model, we are committed to ensuring the institutional presence of the Justice sector in the houses that are up and running, and elevate the level of knowledge citizens have about their rights and the mechanisms that exist to ensure their access to Justice.

A detailed report⁵³ provides a sample of the results that were achieved, in detail, in meeting the commitments taken on through the National Conflict Resolution Plan (RAC), and the actions of continuity, through the support of the USAID Justice Project under grant agreement DFD-1-07-05-00220-00, during which efforts were focused on its institutional strengthening, and the definition and implementation of the strategies for expansion and sustainability.

Thus, the Community Justice House Project presents, in each one of its stages, a set of results that show its implementation to be a successful experience. Among these are:

- a) One important success for the consolidation, development and expansion of the Community Justice House model is the presence and permanence of assigned civil servants representing the justice system and the municipality. They make important contributions to the project's sustainability.
- b) The inter-agency contributions received by the project during the period rose to ten million two hundred two thousand one hundred nineteen Dominican pesos and 98/100 (RD\$10,202,119.98). The contributions come from the following sources: public sector 56.48%, United States Agency for International Development 21.82%, the private sector contributed 14.43% and civil society's own funds 7.27%.
- c) While the public sector contributions do not cover the majority of expenses, their growth and continuation remain as a substantial accomplishment.
- d) In their process of institutional strengthening, the Community Justice Houses have successfully installed and tested a monitoring and evaluation system, a procedures and functions manual for the work units and assigned personnel, and a digital record of users that allows program statistics to be issued.
- e) The Community Justice House Program, between January 1, 2009 and May 1, 2012, provided its services to a total of sixty one thousand four hundred sixty eight (61,468) users, which broken down by sex include some thirty three thousand three hundred fifty five (33,355) women and twenty eight thousand ninety three (28,093) men.
- f) This volume represents nearly 80% of the total received during the first 5 years of work, which rose to some seventy six thousand six hundred seventy two (76,672) citizens residing in our areas of influence.
- g) This period turned out to be an appropriate framework for the development and strengthening of the Network of Promoters of Rights to Justice and the Municipality the other areas of involvement in the Community Justice Houses.
- h) Currently and at the end of this project, the Community Justice Houses have three Advisory Councils, one in each municipality, three networks of promoters, three spaces for coordination with the OSC's and one link with more than three thousand trained community leaders.

53 Product No. 56 Community Justice Houses Report.

- i) Citizens from other areas come to the Community Justice Houses to partake of the services offered there. Sometimes they are drawn by positive reviews, other times by recommendations or referrals from other authorities like the police, judges and the Public Prosecutor.
- j) We conclude this second stage with 4 Community Houses providing services, two facilities set to open in Tamboril and Distrito Nacional.
- k) Each Community Justice House has its defined territory of influence, as well as its own target population of beneficiaries.
- l) A strong link between the program and the communities, and more than one hundred civil society organizations validate the experience.
- m) At the end of this second stage, we have clear-cut strategies and means for continuing and developing the economic aspects and the program's expansion.

LESSONS LEARNED

Below we present a summary of some of the key “lessons learned” from the Justice Project’s implementation.

1. **Expanding the “Management Models”:** To manage the expansion of the management models within the purview of the criminal justice system, the Justice Project met the strategic objectives of each institution, as well as the expansion plan developed by the technical departments in charge of implementing the management models that operate in the priority Judicial Districts. This led the Justice Project to develop the following action strategy:
 - a) Work in concert with the Directorate of Planning and Projects of the Judicial Branch, the Public Prosecutor Management Unit, and the Deputy Technical and Administrative Directorate of the ONDP. As a result, the service was successfully improved with a sectoral criminal justice approach.
 - b) Form the Judicial Network, which meant creating a climate of communication and inter-agency coordination at the local level (Santiago, La Vega, San Francisco de Macoris, Puerto Plata, Moca, Cotui, Monte Plata, San Juan de la Maguana). The results achieved were to develop a new working culture between judges, prosecutors, defenders, administrative personnel and other key actors like the local police, that enabled solutions to be found for the daily problems encountered in the criminal justice system.
 - c) The inclusion of methodologies for improving the quality of justice service in the Offices of the Public Defender and the Criminal Court Offices of La Vega and Santiago, culminated in several national and international awards, and awakened both institutions' interest in including the quality of service component in the management models in operation and those forthcoming. Both the ONDP and the Judicial Branch, through their technical units, have stated that they will modify their implementation processes to include this component.
 - d) The development of the operating protocol for the MCI's is the instrument that structures the Judicial Network's operation. It has its origin in the Inter-Agency Coordination Agreement signed by the Justice authorities in 2006. Both documents should be considered as the legal basis for forming the Judicial Network, since they contain the principles for its operation, and the Commission for the Application of Protocol is appointed to oversee the monitoring and tracking of the Judicial Network.
 - e) Training the local work teams through the MCI's is one of the most important components for the cohesion of the MCI members, and highlights the importance of inter-agency coordination. This was achieved through workshops covering topics like emotional intelligence, negotiation, team training, conflict resolution, and others.

However, there should always be more than one leader from each institution as members of the MCI, so as to avoid the negative effects on operation and functioning of the MCI's caused by absences or promotions of key personnel. For instance, in the MCI of La Vega Judicial District, where the Bureau President was promoted as a new judge for the Supreme Court of Justice. A change in leadership may create a climate of instability in the MCI, and a regression of the local agreements, as in the case of said Judicial District, where due to this leader's promotion, there was a marked performance drop off in

indictments, which will surely be reflected in the indicator measuring the average time for a criminal case to be completed.

2. Steps in Consolidating Integrity Systems: For a successful consolidation of the Institutional Integrity System SII, the Justice Project again took up phases that were developed earlier by other USAID projects in the ONDP and the Judicial Branch, entailing the preparation, design and implementation of the SII. Both institutions established strategic objectives of promoting and consolidating the SII, hence the Justice Project completed the following phases:

- a) Development of the SII promotion phase as a mechanism of consolidation and transformation toward a culture of integrity, transparency and institutional belonging, by training the personnel appointed by each institution. These actors took on the responsibility of holding workshops to promote understanding of the SII's significance, and obtaining letters of awareness of and commitment to the philosophy of institutional ethical principles and values.
- b) The monitoring and tracking phase of the SII in the Judicial Branch. A noteworthy lesson is the need to have a study of the institutional culture prior to the SII implementation phase, as was expressed in the qualitative report developed jointly with the ENJ. This report could be considered the foundation for planning future SII implementation actions in the Judicial Branch.

However, to achieve an effective implementation of an initiative as large as the SII, the effective support and political will of the high authorities is essential. In the Public Prosecution, where it was impossible to do work at the start of the deployment phase because of legal and political changes unforeseen at the project's outset, which forced a shift of priorities on the part of institutional authorities toward implementing the SII.

- 3. Close Collaboration with Counterparts:** It bears repeating that close collaboration with key stakeholders is essential to justice reform initiative success. As discussed in the Introduction, that collaboration was facilitated by the fact that the Justice Project team had worked continuously for many years with all the counterpart institutions. The completion and transfer of key Justice Project supported initiatives actions such as the Management Models and the SII was made possible by this long standing and close collaboration.
- 4. Working Both Top-Down and Bottom-Up.** As discussed in the Introduction, key to the success of the Justice Project is that we worked both on “top-down” with the leadership of the justice sector on national level initiatives and on a “bottom-up” basis directly with district-level judges and administrative support staff, prosecutors and public defenders. This combined top-down and bottom-up approach is the fact that our team was able to continue making progress at the district level even during periods of political change at the national level.

NOTE ON ISSUES FOR FUTURE REFORM INITIATIVES

NEW ISSUES IDENTIFIED

While all of the activities as defined and approved in the Project's annual work plans were successfully completed. However, there are still matters deserving of USAID's support, or that of another donor, including:

- Institutional strengthening of the newly established Constitutional Court as an essential body in the effort to improve access to justice and the protection of fundamental human rights.
- Strengthening Justice Sector Institutions in the fight against organized crime.
- Continuing support of the Judicial Network as a mechanism for inter-agency coordination at the local level towards its consolidation at the national level, creating favorable conditions for increased judicial independence.
- Publishing the final results of the Applied Investigation Project of the Institutional Integrity System by the Judicial Branch.