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USAID/MEXICO JUSTICE AND SECURITY PROGRAM ANNUAL REPORT – 2011

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ACRONYMS

AG	Attorney General
AJCs	Alternative Justice Centers
AJMs	Alternative Justice Mechanisms
ANCP	National Association of Citizen Participation Councils
CASEDE	<i>Colectivo de Analisis para la Seguridad con Democracia</i>
CCC	<i>Centro de Colaboración Cívica</i>
CEAMPAJ	Executive Commission for Updating and Modernizing the Administration of Justice
CEEAD	Center for Studies on Teaching and Learning Law
CEJA	Justice Studies Center of the Americas
CIDAC	Center of Research for Development
CIDE	Center for Economic Research and Teaching
CJDH	<i>Centro Jurídico para la Promoción de la Justicia y los Derechos</i>
CJR	Criminal Justice Reform
CJS	Criminal Justice System
CONATRI	National Commission of the State Supreme Court
CONAVIM	National Commission for the Prevention and Eradication of Violence against Women
CONSEGU	National Committee for Citizen Participation in Public Safety
CPC-PGR	Citizen Participation Council of the Federal Attorney General's Office
CPCs	State Citizen Participation Councils
CSOs	Civil Society Organizations
GoM	Government of Mexico
HR	Human Rights
ICESI	Citizen Institute for Insecurity
IMCO	Mexican Institute for Competitiveness
INACIPE	<i>Instituto Nacional de Ciencias Penales</i>
INCLE	International Narcotics Control and Law Enforcement
INSYDE	National Institute for Security and Democracy
MSI	Management Systems International
NAS	Narcotics Affairs Section
NCJS	New Criminal Justice System
NGOs	Non-Government Organizations
OSI	Open Society Institute
OTN	Oral Trials Network (<i>Red de Juicios Orales, La Red</i>)
PGJ	State Attorney General's Office
PGR	Federal Attorney General's Office
PTS	Pre-Trial Services
Reintegra	<i>Fundación Mexicana de Reintegración Social</i>
RENACE	The RENACE Institute, a leading CSO in the Oral Trials Network
RFTOP	Request for Task Order Proposals
SEGOB	Ministry of Interior (lit. Secretariat of Governance)
SEJAP	State System of Alternative Justice Centers
SETEC	Technical Secretariat of the Criminal Justice Implementation Commission
SIJUPE	Executive Commission for the Nuevo Leon Criminal Justice Reform
SOPs	Standard Operating Procedures
SSP	Secretary of Public safety
TA	Technical Assistance
TiP	Trafficking in Persons
ToT	Training of Trainers
TSJ	State Supreme Court
UMECA	Precautionary Measures Unit for Juveniles
USAID	United States Agency for International Development

EXECUTIVE SUMMARY

Annual Achievements

This annual report marks the completion of the second full year of the USAID/Mexico Rule of Law (ROL) III Program, also known as the Justice and Security Program (JASP) or, in this document, the Program. The Program is implemented by Management Systems International (MSI). As of July 29, 2011, following the signing of a contract modification (Modification 5), the Program adopted a new results framework (RF) that emphasizes institution building, enactment of reform legislation, and capacity building for civil society to foster reform implementation. The previous RF had activities in many of the same areas, but with different emphases and structures.

The new RF envisions achieving the following major results: 1) at the federal and state levels, there will be a legislative framework aligned with the 2008 constitutional reform; 2) Criminal Justice (CJ) institutions will be able to coordinate and implement the Criminal Justice Reform (CJR), including adapting the current organizational structure, working methods, and standard operating procedures (SOPs) to the new system and building the capacity of operators to be able to perform under the accusatory model; and 3) a cluster of civil society organizations (CSOs) and a select group of journalists will gain a better understanding of the new CJ system in order to foster and monitor its implementation.

Although much of the year was implemented under the old RF, this report is organized according to the new RF for two reasons. The first is that this will provide a better link to the future of the Program as opposed to the past. The second is that, because the new RF was approved in principle some months prior to the July contract modification, even before the RF was actually signed into force the Program was re-organizing personnel, functions, and activities to better implement the new framework.

This annual report for FY 2011 is organized as follows: 1) the Executive Summary, which includes an overview of the yearly achievements under each Objective; 2) breakdown by Objective, Task and Indicator/Target; and 3) Annexes, which include four Program success stories.

Legislative Achievements

The JASP is pleased to report a number of legislative achievements in FY2011. Foremost among them was President Calderon's submission of the Federal Criminal Procedure Code (FCPC) to the Federal Congress on September 21, 2011. This came as the result of continued JASP efforts over more than a year and represents a critical step in the process of establishing a federal legislative framework for the CJR. In 2010, the Program contributed to the drafting of the Code, ensuring that it was in accordance with the 2008 constitutional reform. JASP then worked with civil society organizations (CSOs) such as the Oral Trials Network (OTN) and legislators to advocate for the President to submit the draft FCPC to Congress. As a result of JASP technical assistance (TA), the bill follows a similar structure to the state criminal procedure codes that have been passed with JASP support, and includes human rights (HR) guarantees for defendants and victims. Since the FCPC's submission, JASP has set in motion a joint strategy with civil society partners to advocate for needed improvements to the draft, as well as the Code's eventual passage. The impact of this legislation cannot be overemphasized, as it sets the ground for the effective functioning of the new criminal justice system (NCJS) at the federal level. It provides the regulations that will determine how investigations are conducted and establishes the powers and functions of each justice system institution and operator. It institutes new rules for guaranteeing due process in accordance with international HR standards, and it sets the basis for the use of Alternative Justice Mechanisms (AJMs).

JASP also provided critical technical assistance that supported the passage of two key pieces of legislation this year: the Nuevo Leon Criminal Procedure Code and the Puebla Trafficking in Persons

Law. The Nuevo Leon Code was unanimously approved in May 2011 after months of technical assistance (TA) provided by the Program in support of its drafting and passage. It provides the initial legislative framework necessary for implementation of the new system in the state. In follow-up to the Code, JASP has continued delivering TA to begin drafting the necessary secondary legislation to support the Code and successful, comprehensive reform implementation. Additionally, JASP provided key support for the passage of the Puebla Trafficking in Persons (TiP) law in November 2010. TiP was an emphasis of the Program under its previous framework, and as such, this achievement came at the very beginning of FY2011 before the Program lessened its emphasis on this upon Mission request. Still, this legislation represents a significant result that provided Puebla with the necessary legislation to better guarantee the protection of HR as outlined by the 2008 constitution and international standards.

Also in FY2011, the Program began producing two legislative guides that will serve as pivotal resources for legislators and policy makers. These legislative compasses will contribute to the sustainability of reform implementation by providing justice institutions and legislatures with the tools that will enable them to draft legislation in line with the NCJS without JASP assistance. The first is a “how-to” guide for drafting criminal procedure codes. Four of 17 chapters have been completed thus far. Once finalized, it will provide legislators with the tools to ensure that criminal procedure codes comply with the Mexican constitutional reforms and international best practices. The second guide outlines the necessary aspects of secondary legislation for the protection of victims’ rights. Victims’ rights and assistance represents a key HR aspect of the 2008 constitutional reform, and as such, it is of utmost importance that states enact the necessary laws to protect these rights.

Institutional Strengthening Achievements

The Program focuses its institutional strengthening work in three areas: 1) building the capacity of inter-institutional committees to coordinate reform implementation; 2) building the capacity of justice system institutions to implement the CJR; and 3) building the capacity of justice system operators to fulfill their roles under the NCJS. This year the Program has produced significant achievements in each of these areas.

JASP conducted a field study to monitor reform implementation in the five states that have been implementing the reform for more than one year: Chihuahua, Morelos, Oaxaca, the State of Mexico and Zacatecas. Based on this study, JASP also began writing five state reports and one General Report that compares the data collected in each state and gives an overall evaluation of the reform in Mexico. These reports will assist the State Technical Secretariats of the Criminal Justice Implementation Commission (State SETECs, acronym in Spanish) to improve implementation by addressing the issues that have been identified as critical, and taking actions based on the recommendations made. JASP has completed the reports for Chihuahua and Oaxaca and has drafts for the other three states. Based on these state reports, JASP is currently developing a General Report with an overall analysis of CJR implementation in Mexico thus far. Similarly, JASP has coordinated with the Federal SETEC to conduct a citizen perception survey that will provide pivotal information on areas of need and will serve as a basis for comparison as reform implementation progresses.

In a shift in Program focus, this year the Program began strengthening the capacity of all justice system institutions to implement the reform. As such, it has worked with each institution in multiple areas of need and seen significant results across the system. Among achievements, JASP contributed to the opening of a Pre-Trial Services (PTS) Unit for Adolescents (UMECA, acronym in Spanish) in Morelos, a Victims’ Assistance Unit in Oaxaca, and six AJCs in Baja California (four) and Hidalgo (two), and has set in motion the opening of Women’s Justice Centers in Ciudad Juarez, Chihuahua and Mexico City. These Centers and Units support key aspects of the CJR that are new to Mexico and serve to ensure the protection of HR and more efficient and effective operation of the NCJS. Additionally, as the investigation process and the roles of investigative police and prosecutors are significantly different under the new system, the Program developed coordination protocols and SOPs to assist in the transition for

these operators and their respective institutions. The coordination protocols for prosecutors and investigative police are a key tool for justice institutions to establish agile and permanent collaboration between prosecutors and investigative police, explain the new roles of these operators as outlined by the new system and strengthen the overall operation and sustainability of the adversarial system. The SOPs, implemented in Baja California, address gaps in regulations related to areas such as: juvenile detention, report and investigation of the use of force, transporting of prisoners and police officers wounded in service, among others.

In FY2011, JASP significantly contributed to building the capacity of justice system operators in all target states. JASP capacity building efforts are pivotal for the sustainability of the reform as they provide justice system operators with the necessary competencies to properly fulfill their functions as outlined by the new system. Furthermore, by coordinating all trainings with the respective institutions, as well as through the Training of Trainers(ToTs), JASP gives the state institutions the resources, tools and skills necessary to reproduce the Program's comprehensive trainings in the future. This year JASP carried out 152 training seminars, including 20 ToT courses. In total, **2,634 justice system operators** (1,214 women and 1,420 men) were trained, including judges, prosecutors, public defenders, investigative police and mediators. Additionally, **3,093 other officials, others involved in the justice systems such as lawyers, and CSO representatives** were trained on key topics related to the NCJS. Per the Program training evaluations analyzed, 91.7% of trainees evaluated demonstrated increased competencies after completing JASP courses.

Achievements in Working with Civil Society

JASP has provided institutional and financial support to 44 CSO grantees working nation-wide on issues such as HR, the professionalization of justice sector operators, combating corruption, promoting transparency and accountability and training professors on teaching methods for the CJR. Forty-two of these CSOs signed their grant agreements with JASP in Q1 of FY2011, and have been implementing their projects all year. Twenty-four of the grantees will continue carrying out their projects into FY2012. These grantees have each carried out important projects with significant results. The achievements include: surveys conducted to gather key data on citizen understanding of the reform; indicators developed to measure citizen participation and governance and monitor government operations; manuals produced for teaching courses on the NCJS, TiP, and HR, among others.

JASP has provided training to 519 representatives of CSOs, building their capacity to gather and manage information pertaining to the CJR. These trainings, as well as additional Program efforts, have also contributed to increasing the ability of CSOs to monitor the reform. CSOs have adopted key Program progress indicators to better monitor the new system, and JASP is working with the RENACE Institute, a leading member of Mexico's influential Oral Trials Network, to form the *Observatorio Ciudadano de Justicia* (Citizen Justice Observatory), which will be an oversight group that monitors reform implementation and functioning of the NCJS in Nuevo Leon. Additionally, two projects being conducted by the Citizen Participation Council of the Federal Attorney General's Office (CPC-PGR) with JASP funds and assistance relate to reform monitoring: "Strengthening Citizen Leaders for the Implementation of the Criminal Justice Reform" and "Strengthening of CPC-PGR Centers for Reporting Crimes-Increase Transparency and Combat Corruption."

The Program has begun to work with journalists in order to increase their knowledge of CJR. The state of Durango was the first beneficiary of the Program's new work with journalists this year, as JASP conducted part of a certificate training course for 37 reporters there via teleconference. Through these training sessions, JASP aimed at enhancing the capacity of Durango journalists and opinion-makers to better inform public opinion on the CJR. The Program conducted eight hours of the certificate course, which focused on aspects of oral trials. The JASP modules covered topics such as the classification of crimes, crime rates, performance of the CJS, and how to communicate the achievements of the reform and respond to common criticisms of it. Following up on the success of this first course, JASP is now

developing an entire journalist training program to be able to build the capacity of at least five journalists per target state to report on the new system. Over the last few months of this year, the Program took critical steps to begin preparing for this effort by reaching out to possible collaborators and training beneficiaries.

RESULTS ACHIEVED BY OBJECTIVE AND TASK

Objective 1: Results Achieved

Task 1.1 – Key state and federal legislation for Criminal Justice Reform submitted to state and federal legislative branches

Under Task 1.1, the Program is able to report a number of achievements including the submission of the FCPC to the Federal Congress, TA delivered for the improvement of Puebla's legislative framework (Criminal Procedure Code, Victims' Assistance Law), TA provided for Nuevo Leon secondary legislation, and the continued development of two how-to legislative guides. Further details can be found below.

Task 1.1 is a new point of emphasis for the Program following the contract amendment of July 2011. As such, the Program will be in a better position to report on achievements for the related indicators in forthcoming quarterly reports. Nevertheless, achievements to date are explained in detail below.

Indicator and Target: At least 7 draft laws accompanied by technical analysis and subject to review by legislative committees receiving Program assistance (F)

In FY2011, the Program focused its efforts on building the capacity of many stakeholders, including the GoM, state legislators, SETEC and CSOs (such as the OTN) to ensure that the enactment of criminal procedure codes and secondary legislation was in line with the Constitution and international HR standards.

At the close of the 2011 fiscal year, the Program has provided assistance in the development of nine draft laws, as described below:

Submission of Federal Criminal Procedure Code to Federal Congress

This year, JASP provided extensive TA for the drafting, review and submission of a FCPC. As a result, on September 21, 2011, President Calderon submitted the FCPC to the Federal Congress. This represents a critical step in the process of establishing a federal legislative framework for the CJR. Starting in February 2010, the SETEC coordinated two separate committees to draft the FCPC. The first committee was comprised of governmental agencies such as the Federal Attorney General's Office (PGR) and the Federal Secretariat of Public Safety. The second committee was made up of CSOs, such as the OTN, prominent Mexican scholars from the *Instituto Tecnológico Autónomo de México* (ITAM), *Centro de Investigación y Docencia Económicas* (CIDE) and *Universidad Nacional Autónoma de México* (UNAM), and JASP. The second committee, meeting separately, reviewed and made comments on the draft developed by the first to ensure that it was in accordance with the 2008 constitutional reform. Most of the issues that were addressed by JASP and the second committee were incorporated into the final draft of the FCPC.

JASP then worked with CSOs such as the OTN and legislators to advocate for the President to submit the draft FCPC to Congress. JASP helped bring together public spaces for debate of the proposed federal legislation, notably the Third Annual Forum of the OTN in which President Felipe Calderón committed himself to present the FCPC to Congress. As a result of JASP TA, the bill follows a structure similar to the state criminal procedure codes that have been passed with JASP support, and includes HR guarantees for defendants and victims. With the beginning of the debate by the Lower House, JASP will continue to provide TA to Congress members to improve several issues it has identified in the current draft, such as excessive formalities for the investigation and Alternative Justice Mechanisms (AJMs), and the appellate

decision mechanisms that are not in accordance with an accusatorial system. Additionally, in August 2011, JASP developed a strategic plan to promote the passage of the FCPC during the August to December period. The plan involves civil society partners, including the OTN and the RENACE Institute.

The impact of this new legal instrument cannot be overemphasized because it sets the basis for the effective functioning of all the major participants in the federal CJS. The Code provides the rules that will regulate how investigations will be conducted and establishes the new roles of police, prosecutors, public defenders and judges. It institutes new rules for the implementation of due process in accordance with international HR standards, and it establishes new AJMs and diversionary programs. CSOs and other stakeholders had noted that the federal reform was suffering from slow-paced implementation, but with the formal presentation of the FCPC, it is expected that activities promoting the final approval of the Code will increase significantly and with the possibility that federal-level implementation will likewise speed up.

Technical Assistance for Nuevo Leon Criminal Procedure Code

The JASP provided TA to the Executive Commission for the Nuevo Leon Criminal Justice Reform (SIJUPE, acronym in Spanish) over roughly 11 months to draft the Code. Following Program recommendations some essential issues addressed included: Removal of excessive formalities from the investigation regulated in the draft, making the plea bargain process (*procedimiento abreviado*) more clear and agile, and narrowing of exclusionary rules. For more information please refer to section 1.2.

Technical Assistance for Nuevo Leon Secondary Legislation

Aimed at ensuring that legislative frameworks are comprehensive and lay a foundation for effective implementation, the Program has provided TA to the SIJUPE by highlighting issues that should be addressed in the state Attorney General's Office, Public Defenders' Office and Judiciary Acts to ensure that they are in line with the 2008 constitutional reform and international HR standards. In Q4, SIJUPE used Federal SETEC funds to award a one-year contract to the Autonomous University of Nuevo Leon to draft these laws. As drafts are developed, JASP will review them and provide SIJUPE with feedback and recommendations for improvements as long as they are shared within the Program timeframe.

Technical Assistance for Improvement of Puebla Legislative Framework

- **Criminal Procedure Code**

Puebla started the fiscal year as a Tier Two state, but was recently upgraded to a priority state. As such, JASP began to scale up activities there in August 2011. In terms of legislative assistance, JASP reviewed the Puebla Criminal Procedure Code and presented its recommendations for reforms to bring it in line with the 2008 constitutional reform and international HR standards to the Deputy State Attorney General's Office (PGJ, acronym in Spanish). As the Program was not able to provide TA for the initial drafting of the Code, JASP is taking advantage of the opportunity to assist in the reform of Puebla's legislative framework and hence improve inadequate CJR implementation thus far. The existing Code had numerous issues preventing it from introducing an accusatory system. After determining that it would be necessary to make amendments to the already existing Procedure Code, the Program provided various recommendations, particularly regarding the investigation and arrest phases, which lack the necessary tools to ensure due diligence during investigations. The Program presented the review to the Deputy Attorney General for HR, Crime Prevention and Social Outreach and the Director General of the Training and Professionalization Institute to begin the process of implementing those changes. In Puebla, Puebla, TA was provided to the State Attorney General, members of the Governor's cabinet and representatives from the state SETEC with the purpose of drafting a modification to the Puebla Criminal Procedure Code.

- **Victims' Assistance Law**

Assistance was also provided to begin drafting a State Victims' Assistance Law. Victims' Assistance represents a key HR aspect of the CJR that requires reforming state and federal primary and secondary legislation. As the Puebla law for Victims' Assistance was passed in 1998, JASP advised on the need to update it to bring it in line with the CJR. JASP has provided several TA sessions thus far to discuss necessary reforms to the law and to present the Program's operating model for Victims' Assistance. JASP has also sent the Puebla authorities a document outlining the status of the legal framework in terms of Victims' Assistance in the state and agreed to send a report on aspects to be included in the reformed law.

- **Attorney General's Office Act**

JASP set into motion a comprehensive plan to provide TA to draft the new Attorney General's Office Act (*ley orgánica*) in order for the Office to operate in accordance with the features of crime prosecution under the new system. The revision of this new law began in October 2011 and it is expected to be completed in Q1 of FY2012.

Technical Assistance for Tamaulipas Criminal Procedure Code

JASP began developing a comprehensive plan to provide TA for the drafting of a Tamaulipas State Criminal Procedure Code that is in line with the 2008 constitutional reform and international HR standards. This assistance began to be provided in October 2011.

Legislative How-to Guides

This year, JASP began work on two legislative guides that will serve as a key resource for legislators and policy makers, providing them with the tools to enact and pass legislation in line with the 2008 constitutional reform and international HR standards:

- *How-to Guides for drafting criminal procedure codes*

Four chapters of 17 have been completed thus far of a "how-to" guide to drafting criminal procedure codes. Those chapters are: Exclusionary Rules of Procedural Acts, Parties to the Proceedings, Evidence, and *Vinculación a Proceso* (similar to probable cause rulings).

- *How-to Guides for drafting legislation for the protection of victims' rights*

The first chapter of the guide for drafting secondary legislation for the protection of victims' rights was also completed this year. It included the introduction, the scope and definition of the term 'victim' and some general regulations with regards to victims' rights under the NCJS.

Ongoing legislative TA provided in Other Target States

JASP has also provided legislative TA to Baja California on the revision of its State Criminal Procedure Code and its legislative framework for Alternative Justice and Victims' Assistance. In Chihuahua, JASP has reviewed reforms recently passed to the State Criminal Procedure Code in order to identify aspects that are unconstitutional according to the 2008 reform and to provide recommendations for improvement. JASP has reviewed the state legislative frameworks in Hidalgo and Morelos in terms of Alternative Justice, and in Morelos, has also worked closely with the state authorities to reform legislation related to Pre-Trial Services and Victims' Assistance. In Oaxaca, JASP continues working to bring Alternative Justice and Victims' Assistance laws in line with the CJR.

Challenges and Opportunities

Challenges

One of the major challenges for the adoption of the Federal Code in 2012 will be the presidential and Congressional elections. Being an electoral year, it will be hard to reach consensus among the political

parties for the adoption of the Federal Code. Hence, the structural reforms to the Code would optimally be passed during this congressional session (September to December), because analysts concur that the electoral agenda will predominate in the next one. To address this issue, the Program developed a strategic plan to promote the passage of the FCPC, including an August to December timeline for its execution. The plan involves legislators, congressional advisors, and civil society partners, including the OTN and the RENACE Institute.

An additional issue that has to be taken in consideration is that the proposed FCPC has several features that may not be in accordance with the nature of the accusatorial process, mainly the fact that it establishes hearsay exclusions that are not reasonable in their scope. An example is the admissibility of police interviews and their entry as evidence without cross-examination. The reason these provisions still exist is that authorities are afraid that law enforcement agencies will not be able to comply with the requirements set up by the accusatorial system. To tackle this, several TA sessions have been provided to legislators, advisors, and CSOs engaged in advocating for the passage of the Code, to ensure that they understand and become knowledgeable on the CJS to prevent the approval of provisions that challenge the essence of the accusatorial system. Other features that also have to be reviewed are the excessive formalities set up for investigations, the restrictions of prosecutorial discretion, and the appellate system that allows appellate court to re-try the facts again when reviewing the case.

Opportunities for 2012

A major opportunity with regard to the passing of the FCPC has to do with the enormous support from CSOs. The OTN has been advocating for the passage of a Federal Code since 2008 and has been involved in the drafting discussions. The OTN leaders are aware of the pending issues that need to be tackled before the final adoption of the Code by Congress, and JASP is collaborating with them to promote the necessary improvements. JASP has already set in motion coordinated efforts with these civil society actors in advocating for the Code via workshops, seminars and forums to spur productive discussion.

Task 1.2 – State and federal legislation for criminal justice reform in line with international human rights standards passed by legislative branches

Indicator and Target: At least 5 draft bills and criminal procedures codes that have been passed by Federal or State Congress as the result of Program assistance

Under Task 1.2, the Program is able to report on a number of notable achievements including the passage of the Nuevo Leon Criminal Procedure Code and the adoption of a TiP law in Puebla. Both of these legislative milestones were made possible partly through JASP comprehensive legislative TA. Further details can be found below:

Nuevo Leon Criminal Procedure Code

On May 26, 2011, the Nuevo Leon Criminal Procedure Code was unanimously approved by the State Congress. This Code, which was drafted over roughly 11 months, includes a plan for the implementation of the CJR. Through JASP assistance, review mechanisms have been established, and indicators that measure progress in reform implementation have been developed. JASP will continue to provide TA to the SIJUPE and justice system institutions for improved reform implementation and to prepare operators to work under the new system.

The implementation of the Code will begin on January 1, 2012 and will be done gradually between 2012 and 2016 and by type of crime, that is, there will be an incremental approach every year, wherein new types of crimes will be added. An annual review mechanism will also be established, wherein the Governor, in consultation with SIJUPE, the State Treasury, the Judiciary and the State Attorney General, will evaluate the effectiveness and pace of the implementation by crime type, in order to consider adding

other types of crimes or to begin implementation by region. The passage of this Code represents a major success for the Program and the CJR, as it laid the groundwork for increased reform implementation. Since its passage, JASP has been able to significantly boost trainings for operators, provide assistance on secondary legislation drafting, and work to involve civil society in CJS monitoring.

Puebla Trafficking in Persons Law

JASP provided TA for the adoption of a TiP law in Puebla, which was passed in November and published in December 2010. This was a significant achievement resulting from four months of comprehensive legislative assistance given to the Puebla legislature. This legislation endows the framework for the protection of trafficking victims' rights as defined by the 2008 constitutional reform and international HR standards.

Challenges and Opportunities

Challenges

One of the biggest challenges in Nuevo Leon will be the methodology they have chosen to implement the reform. Instead of implementing by region, Nuevo Leon has opted to implement by type of crime. This approach is more complex because, for instance, public officials do not recognize the need to start drafting the secondary legislation that is required for proper functioning of the new system. In 2012, the first set of crimes to be addressed under the new system will enter into force, and there are no signs that the secondary legislation will be in place. SIJUPE has used some funds from the Federal SETEC to hire the local Nuevo Leon University to draft the Attorney General's Office, Public Defenders' Office and Judiciary Acts (*leyes orgánicas*). However, as they have given themselves a year to adopt the necessary structural changes to the main justice system institutions for proper reform implementation, the Program will advocate for a more expeditious implementation schedule.

In Tamaulipas, the main challenge will be the travel restrictions due to security constraints. To overcome this restriction, and in accordance with JASP's recommendation, the head of the Tamaulipas State SETEC has agreed to arrange for a state delegation to work in Mexico City to review the draft State Criminal Procedural Code.

Opportunities for 2012

Continued work with SIJUPE

Through consistent assistance and collaboration efforts from JASP, a strong working relationship has been built with Nuevo Leon's implementation commission, SIJUPE. They continuously seek the advice of JASP staff and heed the recommendations given. Currently, JASP is providing assistance for the review of the Victims' Assistance Law and has also set in motion the review process for the drafts of the Attorney General's Office, Public Defenders' Office and Judiciary Acts (*leyes orgánicas*) developed by Nuevo Leon University.

Political will in Puebla

Puebla has demonstrated the political will to review pending issues regarding the State Criminal Procedure Code and all the secondary legislation needed for proper reform implementation. JASP has completed a comprehensive review of the Puebla Code that was passed before the new administration took office and shared its recommendations with the Puebla stakeholders. The willingness of the recently elected state government to review and reform the legislative framework is key to successful implementation and represents a significant opportunity for JASP to assist them in this process.

Lessons Learned

It is very important to have contact with states that have already reformed their legislative framework and provide close follow-up about the way in which the reform has been operating. This practice enables the

continuous enhancement of the legislative framework and system functioning. It nurtures the possibility of reproducing sound legislation in other states through lessons learned while also providing the opportunity to propose changes in any aspects of legislation that have proved inefficient or ineffective.

Objective 2: Results Achieved

Over the last few months, the new RF led the JASP to begin taking the necessary steps to meet the goals established in the PMP, as described below. This included activities to strengthen technical secretariats at the federal and state level, as well as to reorganize justice sector institutions operates. These details are included under 2.1 and 2.2 task.

Task 2.1- Capacity of inter-institutional committees to coordinate implementation of the CJR improved

Task 2.1 is a new feature for the Program following the contract amendment of July 2011. As such, the Program will be in a better position to report on achievements for the related indicators in forthcoming quarterly reports.

Indicator and Target: At least 5 state SETECs trained in project development and management

As a prior step to working with SETECs in project development, the JASP has drafted institutional strengthening plans for two State SETECs thus far: Hidalgo and Puebla. These are due to be completed in Q1 of FY2012.

Institutional Strengthening Plans for State SETECs

JASP completed drafts of institutional strengthening plans for the Puebla and Hidalgo State SETECs. These plans form a critical part of JASP's assistance to improve the SETECs' ability to coordinate reform implementation and will serve as a foundation for assistance to other states. The Puebla plan focuses on assisting the State SETECs in establishing an internal structure that is optimal to coordinate reform implementation activities. Based on that structure, the plan provides tools to State SETEC members for designing and managing projects in the areas of training and reorganization. The Hidalgo plan aims to assist the State SETEC to strengthen its internal organizational model and to implement a sustainable training program for justice system operators: prosecutors, public defenders, judges and investigative police, and alternative justice staff. The final version of the plans will be delivered in Q1 FY2012.

Additional achievements related to Task 2.1 include a number of important initiatives to improve the capacity of the inter-institutional committees to coordinate implementation. The Program began the preparation of a nation-wide citizen perception survey on the reform in coordination with federal SETEC, and conducted a field study to monitor reform implementation in the five states that have been implementing the reform for more than one year: Chihuahua, Morelos, Oaxaca, the State of Mexico and Zacatecas. More detail can be found below.

Citizen Perception Survey

JASP is coordinating with the Federal SETEC to plan a citizen perception survey to be administered in the coming months. This survey will be administered nation-wide to justice system operators and users, as well as to the general public, to measure their understanding and opinion of the NCJS. This project is the result of a successful partnership between JASP and the federal reform coordination committee. The findings of the survey will provide insightful information on reform implementation thus far and identify areas for improvement. A Technical Council was formed by survey experts and CJR experts with representatives from both JASP and SETEC to develop the indicators, questionnaire, methodology and reach of the survey.

JASP has begun development of a guide for designing and managing institutional reorganization projects at the state level, which is scheduled to be completed and distributed in Q1 of FY2012. The Guide will be

implemented in all priority states through courses and workshops aimed at the staff of state SETECs and institutions, charged with designing and managing projects related to CJR implementation.

Institutional Reorganization Projects

JASP has begun drafting a Guide for designing and managing institutional re-organization projects at the state level. This tool will be shared with state SETECs to assist them in establishing an internal structure that is optimal for coordinating the CJR and will also provide them with the fundamentals to design and manage projects in a coordinated fashion with justice system institutions. Workshops and training sessions are planned to complement and apply the Guide.

Field Study to Monitor Implementation of the Reform

In FY2011, JASP conducted a field study to monitor reform implementation in the five states that have been implementing the reform for more than one year: Chihuahua, Morelos, Oaxaca, the State of Mexico and Zacatecas. Based on this study, JASP also began writing five state reports and one General Report that compares the data collected in each state and gives an overall evaluation of the reform in Mexico. This year, the Chihuahua and Oaxaca state reports were completed, as well as drafts of the Morelos, Zacatecas and General reports. These reports will assist federal and state-level SETECs to improve implementation by addressing the issues that have been identified as critical and pursuing actions based on the recommendations made. The General Report will contain an evaluation of the performance and impact of the new system, documented best practices and lessons learned, particularly with respect to transparency, rights of victims and the accused, and functioning of Attorneys General Offices and courts. The findings indicate that under the new system there is greater transparency and protection of the rights of the victim and the accused, although the document notes areas for improvement in the efficiency and quality of Victims' Assistance services. By comparing states with the new system and states without it, the findings show that the percentage of investigations resolved tends to double and in some cases triple in jurisdictions with the reform being implemented.

All reports are scheduled to be published and disseminated in Q1 of FY2011.

Task 2.1 Summary

This year, achievements under Task 2.1 contributed to a knowledge base for the Federal and State SETECs from which they can build. The findings of the field study will serve as a reference for the progress of reform implementation by demonstrating its status after one year of the new system's operation. Additionally, it identifies areas for improvement so that federal SETEC and other institutions involved in criminal justice reform implementation can address current issues and spur significant improvement in future implementation. Similarly, the citizen perception survey will provide information on areas of need and will serve as a basis for comparison as reform implementation progresses. These tools, together with the institutional strengthening plans, will enhance SETEC's capacity to coordinate the reform. Finally, the guide for institutional reorganization projects will serve as a key resource for SETECs to employ.

Challenges and Opportunities

Challenges

Challenges for strengthening the ability of Technical Secretariats to coordinate implementation of the CJR are related to political will influencing the level of coordination capacity among justice sector institutions. This has been addressed, at the federal and state level, by providing the Secretariats with technical assistance to ensure that technical criteria are taken into account by politicians when making decisions on implementation policies.

Opportunities for 2012

JASP Comparative Advantage

The Program has a comparative advantage in relation to SETEC, based on the experience of the past two

years. Specifically, at the federal level, the Program will continue working closely with SETEC in joint projects regarding training and competency profiles, key areas of implementation.

Developing Synergies with SETECs to Build their Capacity

A SETEC Master Training Program and a set of competency profiles for the four major operators (judges, public defenders, prosecutors and investigative police) will be concluded in coordination with SETEC. At the state level, the Program will provide assistance to technical secretariats on internal reorganization and project management to build their capacity to coordinate reform implementation.

Task 2.2 – Capacity of justice system institutions to implement CJR strengthened

Indicator and Target: At least 8 justice sector institutions implementing institutional strengthening plans.

Based on the assessments of the performance of the AJCs, the JASP has developed institutional strengthening plans for Baja California and Oaxaca. In addition, following Mission instructions in Q1 FY 2011, the Program began to shift from a heavy concentration on building the capacity of justice system operators to strengthening institutions:

- All justice system operators have been assisted through the development and completion of competency profiles, which will be used to improve recruiting, training, performance and evaluation of justice operators such as judges, prosecutors, public defenders, mediators, and Victims' Assistance Center directors and staff.
- SSPs have received Program assistance in a number of ways. This year, the Program developed and completed coordination protocols for prosecutors and investigative police. In addition, standard operating procedures were developed for police in Baja California and Nuevo Leon. Additionally, JASP coordinated an exchange between the Baja California and Hidalgo Police Training Institutes to encourage the sharing of best practices and cross-state learning. A success story can be found on Annex I.
- State Attorney General Offices and State Supreme Courts have received Program support through the creation and strengthening of AJCs. JASP has assisted in the opening of 6 AJCs and the strengthening of 41 through trainings, technical assistance and institutional strengthening plans. Performance evaluations of AJCs were carried out in Baja California, Morelos and Oaxaca. Based on these assessments, JASP has developed institutional strengthening plans for Baja California and Oaxaca.

Additional details on institutional capacity building follow:

All Justice Sector Operators

Competency Profiles

This year, JASP completed competency profiles (defined as desired professional requirements, experience and criteria of justice sector operators) that are congruent with the NCJS for judges, public defenders, prosecutors, mediators, directors of Victims' Assistance Centers and prosecutors and lawyers (who provide legal aid for victims) working in these Centers. These profiles are used to improve recruiting, training, performance and evaluation of justice operators. JASP has since begun updating its initial training programs to adapt them to the competency profiles and ensure that trainings address all the essential capacities that operators must have in order to fulfill their functions under the NCJS. The updated programs will significantly contribute to the sustainability of the reform as they will be shared with SETEC, to be used as part of its Master Training Program implemented nation-wide.

Secretariats of Public Safety

Coordination Protocols for Prosecutors and Investigative Police

JASP developed coordination protocols for prosecutors and investigative police which serve as a key tool for justice institutions to establish agile and permanent collaboration between prosecutors and investigative police, explain the new roles of these operators as outlined by the new system and strengthen the overall operation and sustainability of the adversarial system. In the process of developing these protocols, JASP: 1) identified activities carried out solely by investigative police; 2) reviewed the state criminal procedure codes of Baja California, Chihuahua, Durango and Morelos to compare tasks carried out independently by investigative police and the activities prosecutors request of them; 3) reviewed the criminal procedure codes of Baja California, Chihuahua, Durango and Morelos to identify communication channels used by investigative police and prosecutors; and 4) developed communication protocols to be used between the two operators. These protocols have begun to be implemented in Baja California, and implementation is planned for Q1 FY2012 in Nuevo Leon and Puebla. Additionally, these protocols serve as the foundation for JASP's joint training program for investigative police and prosecutors, which thus far has been conducted in Baja California and Nuevo Leon for a total of 168 operators.

Standard Operating Procedures for Police in Baja California and Nuevo Leon

This year, JASP, in coordination with the Institute for Security and Democracy (INSYDE) developed Standard Operating Procedures (SOPs) that have been implemented into investigative police departments in Baja California and Nuevo Leon to improve performance and efficiency while also contributing to the sustainability of the reform. The SOPs address gaps in regulations related to areas such as: juvenile detention, report and investigation of the use of force, transporting of prisoners and police officers wounded in service, among others. The SOPs serve to ensure that investigative police fulfill their roles and functions as outlined by the NCJS and are in line with international HR standards and that the rights of victims and the accused are protected during interactions with police. With the implementation of the SOPs in these two states, JASP has completed this project, and the documents can continue to serve as a reference for other states.

Indicator and Targets: At least 20 justice sector institutions have adopted training plans with Program assistance.

JASP has made key initial steps with the Federal SETEC and state justice system institutions to implement its initial training programs. As the Program finalizes the updates of its training programs in Q1, it will begin to implement them in the target institutions. Thus far, it has improved the current training programs of justice institutions by coordinating all trainings delivered with the respective institution.

In Q2, JASP began updating its training programs for prosecutors, public defenders, judges and mediators to adapt them to the competency profiles and completed this in June 2011. These programs will address all the essential capacities that these operators must have in order to fulfill their functions in the NCJS. Overall, these new programs put additional emphasis on practice and workshops that teach participants how to use the theoretical knowledge imparted. A draft of the revised curricula for prosecutors and mediators has been completed and the revised curricula for the remaining operators are scheduled to be concluded in Q1 FY2012. The updated programs will significantly contribute to the sustainability of the reform as they are being shared and discussed with the Federal SETEC, to be used as part of its Master Training Program implemented nation-wide.

Training Institutes Strengthened

This year, JASP has coordinated with the training institutes of justice system institutions to deliver comprehensive training programs for operators on their roles under the NCJS. These collaborative efforts aim to build the institutes' capacity to implement such programs independently, thereby contributing to the sustainability of the reform and of the Program's work. In Hidalgo, Nuevo Leon, Oaxaca, and Puebla states, JASP has initiated work to have its initial training programs (updated in accordance with the

competency profiles) officially adopted and institutionalized as a mandatory prerequisite to operating in the CJS. In the coming year, the Program plans to follow suit with the other target states that demonstrate political will for this initiative.

Training Institutes: Judicial Exchange between Baja California and Hidalgo Police

In August, to encourage the sharing of best practices and cross-state learning, JASP coordinated a study tour to the Hidalgo Police Training Institute in Pachuca for representatives of the Police Training Institute in Mexicali, Baja California. As the Hidalgo Institute has had great success in improving the capacity of its investigative police and implementing the reform, this trip was conducted to share its lessons learned with Baja California. As a result, Baja California is now restructuring its own institute in terms of training curricula, teaching methodologies and the recruiting and selection of personnel based on the Hidalgo model. For a full success story about this study tour, please refer to Annex I.

Master's on HR for SSP Officials

This year, JASP signed a Memorandum of Understanding (MoU) for the establishment of a Master's Certificate Program in HR and Security for 300 officers of the Federal SSP. The Latin American Institute of Educational Communication (*Instituto Latinoamericano de la Comunicación Educativa*) designed, is conducting and will evaluate (including participant assessment and certification) the Master's program, which is building the capacity of the 300 SSP officials (160 women and 140 men) in the promotion of and respect for HR. Graduates of this program are expected to apply their learning to the design, implementation and evaluation of public policies related to public safety and HR. In August, the list of the 300 enrolled investigative police was officially cleared by the U.S. Embassy vetting process and submitted to the Program. Consequently, the introductory course began in September.

Indicator and Target: At least 95% of adolescents complying with precautionary measures other than pre-trial detention.

The target is currently being reached, as described below.

The Pre-Trial Services Unit for Adolescents (UMECA)

The Pre-Trial Services (PTS) Unit for Adolescents (UMECA, acronym in Spanish) in Morelos, which is the first of its kind in Mexico and Latin America, was created in February 2011 with JASP assistance. Over several months prior to its opening, JASP collaborated with the Morelos State SSP to assist in the creation of this Unit. PTS represent a pivotal aspect of the NCJS that is based on the presumption of innocence, ensuring the rights of the accused and reducing prison overpopulation. Since UMECA's opening, JASP has continued to build the capacity of its staff by developing a curriculum guide for training and providing feedback based on performance evaluation. As a result, the Unit serves as a model for other Mexican states as well as the entire region. To monitor its progress, JASP evaluated UMECA's performance in July 2011. The evaluation showed that the Unit has been very successful: of the 600 cases (individuals) it has received, only 1.1% failed to meet guidelines and comply with terms of release. JASP facilitated a cooperative agreement between UMECA and six local CSOs and provided the organizations with a training workshop to prepare them for their collaborative work with the Unit. In August 2011, JASP began working in Morelos and Baja California for the establishment of PTS for adults in both states, replicating the UMECA model. As a result, a committee tasked with implementing these services for adults has been established in Baja California and is in the process of being established in Morelos, and the State SETECs of both states have agreed to collaborate in establishment of the adult units. Additionally, using the Morelos example, JASP and the Open Society Institute collaborated to develop a first draft of a manual on how to create PTS units that will first be used for the adults programs in Baja California and Morelos and then disseminated to the other target and secondary states. For a complete success story on PTS, please refer to Annex I.

UMECA Success Cases

- **Juvenile Charged with Organized Crime:** A juvenile was arrested with her boyfriend and other adults in a stolen vehicle in which the police found drugs. UMECA found that the juvenile was on the honor roll of her high school, that she worked at the school and that her teachers and family all supported for her pretrial release. The first decision issue was for pretrial detention because of a technical problem with the recommendation – the Director was not available to sign the opinion on time so the Deputy Director signed. The prosecutor argued that the Deputy Director was not legally authorized to sign, and thus the information could not be admitted in the hearing.

The defender asked for a review of the decision, and a week later an additional hearing was held with the UMECA recommendation now properly signed. As a result, the judge ordered pretrial release on home arrest. The juvenile was allowed to continue attending her classes and work, but had to be in her home at all other times. She complied with all her conditions. Upon sentencing, the judge issued a non-custodial decision for her release based on her compliance during the pretrial phase.

For additional UMECA and PTS success stories, please refer to Annex I.

Indicator and Target: At least 20% increase in the number of cases resolved through conciliation, mediation, and/or restorative justice.

On average for the states where there is official data, and specifically in the states of Baja California, Oaxaca and Nuevo Leon, the target is being reached. Updated numbers will be provided in Q1.

AJCs (AJCs) pertain to different institutions depending on the state: some form part of the state Supreme Court, while others are within the Attorney General's Office. Durango and Oaxaca, meanwhile, have AJCs associated with both institutions. This fiscal year, JASP worked with AJCs of the Supreme Court in Durango, Michoacán and Oaxaca, and AG Office AJCs in Baja California, Coahuila, Durango, Morelos, Nuevo Leon, Oaxaca, Puebla, San Luis Potosí and Tabasco.

AJCs Opened and Strengthened

In the life of the Program, JASP has assisted in the opening of 12 AJCs and the strengthening of 48 more through trainings, technical assistance and institutional strengthening plans. In FY 2011, six AJCs were created and 41 strengthened. These centers provide services that form a key part of the CJR as they represent a more efficient, economical and healthier means of conflict resolution. In addition, AJMs serve an important role in lessening the caseload of traditional courts. In particular, comprehensive support has been provided to the Baja California State Systems of AJCs (SEJAP, acronym in Spanish). JASP began working with SEJAP prior to its opening in July 2009, has contributed to the opening of new centers state-wide since then, and has provided SEJAP with continual technical assistance, training and capacity building. This year, JASP assisted the creation of four AJCs in Baja California and the strengthening of 11. For a complete success story of JASP work with SEJAP, please refer to Annex I.

As part of its effort to strengthen AJCs, JASP has conducted comprehensive evaluations of the Centers of Baja California, Morelos and Oaxaca. This entailed an extensive process for each state that involved surveys administered to Center staff and users, observation of AJM processes, and exams to test the knowledge of Center personnel. From these assessments, JASP has developed institutional strengthening plans for Baja California and Oaxaca and is in the process of completing one for Morelos.

JASP is pleased to report that i) a baseline has been established for the seven target states and ii) the three states that continue to be the main beneficiaries of Alternative Justice capacity building activities (Baja California, Oaxaca, Morelos) have shown significant increases in cases resolved through AJMs in Q3. As of April 2011, the status was as follows:

Percentage change in cases resolved through Alternative Justice Mechanisms Comparison: Monthly average July 2009-Sept. 2010 and Jan.-Apr. 2011

State	Jul 09 – Sep 10	Jan – Apr 2011	% change
Baja California	315	749	137%
Durango	587	ND	
Hidalgo	512	332	-35%
Morelos	67	ND	
Oaxaca	153	202	32%
Chihuahua	ND	ND	
Nuevo Leon	68	134	96%
Average	284.2	354.4	25%

Source: Directors from Respective State AICs

An update will be provided in the Q1 report, when official data will be available.

Indicator and Target: At least 4 Victims' Assistance Centers receiving Program assistance (Chihuahua, Oaxaca, Baja California and Nuevo Leon)

JASP provided extensive assistance to the Oaxaca Victim's Assistance Unit this year, achieving 25% of the target. In the coming year, the Program will provide this assistance model in three other states to meet the target of four jurisdictions. Details included below.

Manual on “How to Create a Women’s Justice Center” Adapted to the Mexican Context

JASP, in coordination with the National Commission for the Prevention and Eradication of Violence against Women (CONAVIM, acronym in Spanish), adapted the manual “How to Create a Women’s Justice Center” to the Mexican context. This work was initiated by the National Family Justice Center Alliance of San Diego CA. This manual, along with technical assistance provided by the Program, will serve as an essential tool for states to implement such Centers and provide Victims’ Assistance services in accordance with the 2008 Constitutional reform and international HR standards. The manual is currently being translated into Spanish so that it can be published and used by CONAVIM—a division of the Secretariat of Governance—to establish Centers nation-wide.

Victims’ Assistance Unit in Oaxaca

In November 2010, the Victims’ Assistance Unit (VAU) in Oaxaca, Oaxaca was opened with JASP TA . The VAU has also benefited from the implementation of the JASP Victims’ Assistance model. Through continuous support over the last year, JASP has been assisting the Unit to develop SOPs , information materials, and a plan for inter-institutional work with other justice institutions and the private sector. The VAU operates on the premises of the State Attorney General’s Office and provides legal counseling, as well as medical and psychological assistance to victims. The lessons learned and best practices applied in this Unit have turned it into a model for the rest of the country in ensuring victims’ rights and assistance as guaranteed by the 2008 constitutional reform.

At least 3 Women’s Justice Centers receiving Program assistance (Federal District, Chihuahua and Ciudad Juarez).

JASP has provided significant assistance for the comprehensive strengthening of the Women’s Justice Center in Chihuahua, Chihuahua, since its opening in March 2011, and the Family Justice Center in Nuevo Leon, primarily through TA by reviewing and making recommendations for protocols, assistance models, management and organizational structure, and staff trainings. Additionally, JASP provided key TA to support the opening of Women’s Justice Centers in Chihuahua, Ciudad Juarez, and Mexico City. In summary, four Women’s Justice Centers have been assisted (133% achievement).

Women’s Justice Center in Chihuahua, Chihuahua

JASP assistance contributed to the strengthening of the Women’s Justice Center in Chihuahua, Chihuahua

since its opening in March 2011. This Center will ensure that victims' rights are guaranteed as outlined by the 2008 constitutional reform and international HR standards. In the seven months, JASP has worked extensively with this Center, the Chihuahua Women's Institute and the State Attorney General's Office to improve victims' assistance services in the state and ensure victims' rights are protected by providing assistance for a Victims' Assistance model and manual, Standard Operating Procedures and trainings. In a state so greatly affected by violence, guaranteeing victims' rights and providing them with adequate resources and services is of utmost importance.

Women's Justice Center in Ciudad Juarez

The Program provided TA to develop a plan of action for the Institutional Strengthening and Operating Plan for the Women's Justice Center to be established in Ciudad Juarez, Chihuahua. JASP held coordination sessions with the Director General of the Chihuahua Institute for Women, the President of the Research Institute on HR and Gender, and the Special Attorney for Control, Analysis and Evaluation and Victims of Organized Crime. These four meetings took place with the purpose of shoring up support for Women's Justice Centers in Chihuahua and learning more about the needs of stakeholders in order to develop a comprehensive institutional strengthening action plan. Having learned that the Women's Justice Center in Ciudad Juarez will now be run from the Attorney General's (AG) Office, future training opportunities in collaboration with the Training Institute of the AG Office were discussed with the Special Attorney.

Family Justice Center in Monterrey, Nuevo Leon

JASP has provided comprehensive assistance to the Nuevo Leon Family Justice Center for its continual improvement to the point that it serves as a model for the rest of the country. This fiscal year, JASP delivered assistance through trainings for Center staff, development of SOPs and protocols, and evaluation of the Victims' Assistance model applied in the Center. Building upon these efforts, JASP will continue to extend assistance to the Nuevo Leon Family Justice Center for the development of an Operating Manual in FY2012 that incorporates the SOPs and protocols established this year. As the Center only has a very basic operating manual that it developed when it first opened in 1993, it urgently needs a comprehensive version that accounts for the changes in the CJS and in the Center's functions and model of assistance.

Women's Justice Center in Mexico City

This year, JASP collaborated with CONAVIM and the Mexico City Women's Institute to develop a proposal for the creation of a Women's Justice Center in Mexico City. This Center will provide critical services (such as psychological, social and legal) for women victims of crime, guaranteeing their rights as outlined by the 2008 constitution. JASP developed the proposal after assessing the needs in early August 2011. It then conducted working sessions with the two collaborating groups to discuss the proposal and make appropriate adjustments and additions, in order to then present the proposal to the Ministry of Interior and offer TA for its implementation. JASP also completed the Operational Plan for the Center. This Plan includes an evaluation of needs and short-, mid- and long-term recommendations. This will be shared with the Director General and the Public Policy Director of the Mexico City Women's Institute for review. The goal is to officially open the Center in December 2011.

Task 2.2 Summary

In a shift in Program focus, this year the Program began strengthening the institutions of the justice system. As such, it was worked with each institution in multiple areas of need. This approach serves to ensure that the reform is implemented completely and comprehensively to the benefit of the functioning of the NCJS. By establishing and strengthening units for victims' assistance services and pre-trial services, JASP assists in guaranteeing the HR aspects of the 2008 Constitution. Meanwhile, JASP promotes the improvement of the system operation by developing protocols, SOPs and competency profiles that are in accordance with operators' new roles as outlined by the NCJS, assisting them to fulfill their functions properly.

Challenges and Opportunities

Challenges

Coordination and comprehensiveness of reform implementation are the basis for a successful implementation of the CJR, and also the major challenge faced by justice system institutions when changing rules and creating new management and operation models. In order to increase coordination among the institutions and guarantee comprehensive reform implementation, the Program provides TA for reorganization according to the principles of the accusatorial system. The Program works to establish coordination mechanisms between the technical secretariats and the justice institutions to ensure sustainability and continuity to the technical assistance projects undertaken. These two strategies, assistance for reorganization and provision of coordination mechanisms, allow the institutions to improve channels of communication and organize around inter-institutional projects, which have a greater impact than working with institutions as separate agencies.

Opportunities for 2012

SETEC Need for Assistance

With regard to the reorganization and management of justice system institutions in order to adapt to the new system, states and federal SETEC requires assistance and JASP has the expertise to provide them support in this area. By working with both the institutions themselves and technical secretariats at the federal and state levels, JASP ensures coordination among the actors and contributes to the sustainability of the effort by providing the base capacity and tools for continually improved reform implementation.

Task 2.3 – Capacity of justice system operators to implement the CJR strengthened

In FY2011, JASP significantly contributed to building the capacity of justice system operators in all target states. JASP capacity building efforts are pivotal for the sustainability of the reform as they provide justice system operators with the necessary competencies to properly fulfill their functions as outlined by the new system. Furthermore, by coordinating all trainings with the respective institutions, as well as through the ToTs, JASP gives the state institutions the resources, tools and skills necessary to reproduce the Program's comprehensive trainings in the future. The ability to replicate these programs is the key to ensuring a sustainable system.

Indicator and Target: At least 1,500 justice sector personnel trained (F).

Approximately 175% of the target has been achieved as described below. This and other indicator targets are being re-examined in light of the Program re-orientation.

This year JASP carried out 152 training seminars, including 20 ToT courses. In total, **2,634 justice system operators** (1,214 women and 1,420 men) were trained, including judges, prosecutors, public defenders, investigative police and mediators. The participants represented all Tier One and Tier Two states and Mexico City, and also included some representatives of 19 other states. Subjects taught included: litigation in initial and intermediate hearings, trial advocacy, AJMs, criminal investigations under the NCJS, and directing and issuing rulings in hearings, among others.

Additionally, **3,093 other professionals and CSO representatives** were trained on diverse topics, including: introduction to the NCJS, AJMs, HR standards as related to access to justice and to adolescents in conflict with the law, prosecution of TiP and Victims' Assistance.

Since November 2010, according to JASP instructions, the number of trainees per month has been reduced significantly, while the percentage of justice sector operators trained has increased in relation to non-justice sector trainees. As such, from an average of 34% of trainees from the justice sector in Q1, the

percentage has increased to nearly 91% in Q4.

The justice sector operators trained are disaggregated as follows: 28% of the trainees were Prosecutors; 25% Investigative Police; 15% were public defenders, and 9% judges. There were also trained forensic experts (2%), mediators (10%), Victims assistance center's staff (2%) and court administrators (10%). From the justice sector, 2,006 trainees work in the Program's target states, 70 in Mexico City, 172 in second tier states, and 178 at the federal level.

Indicator and Target: At least 96 Program-assisted trainers who replicate teachings in their local institutions

The Program has formed a cadre the trainers and is beginning a program to monitor the teaching conducted by them. The first report will be presented in Q1.

Two hundred sixty four operators participated in the 20 ToT courses. Training trainers is a particularly critical capacity-building activity as this aims to create a cadre of knowledgeable and skillful trainers that will take the lead in training other justice system operators. In this way, ToTs contribute in a significant way to the overall sustainability of the CJR. Operators including prosecutors, judges, public defenders, investigative police, forensic experts and court administrators were trained on the subjects and teaching methodologies for courses on the NCJS, directing and issuing rulings in hearings, trial advocacy, litigation in initial and intermediate hearings and defense during the investigation, among others.

Indicator and Target: At least 70% of justice sector operators will have acquired competencies through Program-provided training

The pilots of the post-training evaluations show that 84% of the target has been achieved as described below. The Program will continue expanding post-training evaluations for all training in Q1 to continue demonstrating acquired competencies.

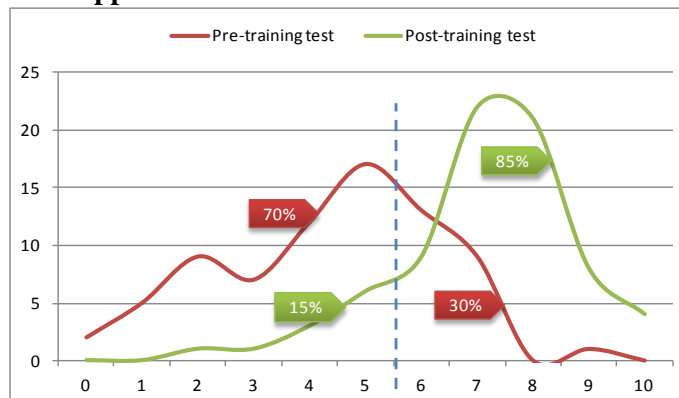
Of the 54 Police training courses, pre- and post-tests of 12 (22%) courses were examined. This evaluation included the analysis of 265 trainees, for which the pre- and post-training tests were compared and summarized. Also, three pilot pre- and post-training tests from Alternative Justice courses were analyzed. These tests from 75 trainees represent the first assessment of the impact of trainings on this subject. Another three tests from recent courses are being graded and will be analyzed shortly.

The 340 evaluations were graded on a scale from 0 to 10, 10 being the best possible grade. The average among the pre-training evaluations was 5.8, while the average for the post-training tests was 8.4, which is an improvement of 2.5 points. In other words, on average, trainees' grades improved by 43%.

Overall, on the pre-training test, 45.6% of individuals failed, while only 4.1% of trainees got a score of less than 6 points on the post-test. On the pre-test, only 2.4% of trainees got a perfect score of 10, while on the post-test 15.0% scored a perfect 10.

For Police tests, the average on the pre-training tests of 6.2 improved to 8.7 in the post-training exam. This represents an overall improvement of 40% in the scores. In the pre-training test, 39% of the trainees failed the test while in the post-training test only 1% failed (see graph 1). Thirty-eight percent more of trainees got a passing grade, changing the mode from 6 to 9, and reducing the standard deviation from 1.69 to 1.0. This means that post-training test results are closer to the mode and the average than the pre-training test results.

Graph 2. Frequency of grades and percentage of failed and approved exams for Alternative Justice trainees



For Alternative Justice tests, the average on the pre-training tests of 4.6 improved to 7.4 in the post-training exam. This represents an overall improvement of 59% in the scores. On the pre-training test, 70% of the trainees failed, while on the post-training test, only 15% failed (see graph 2). Fifty-five percent more trainees got a passing grade, changing the mode from 4 to 7.5, and reducing the standard deviation from 2.02 to 1.59. This means that post-training test results are closer to the mode and the average than the pre-training test results.

Challenges and Opportunities

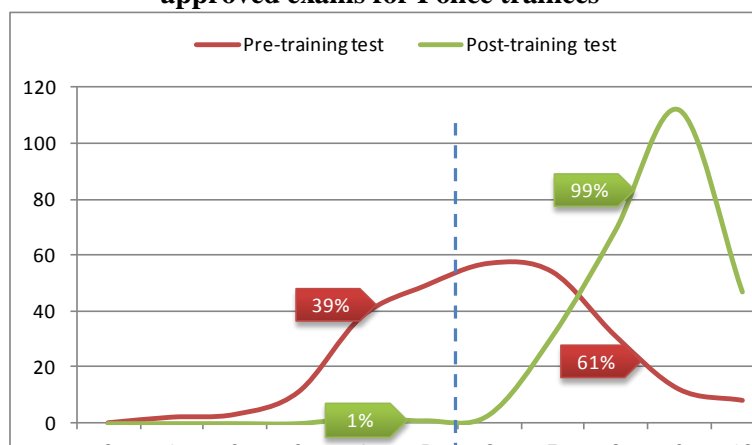
Challenges

The main challenge facing capacity-building activities are related to the will and commitment of the institutions to complete the necessary vetting procedures prior to trainings. Full-time availability of operators during the training sessions, as well as scheduling, are areas of further work with the counterparts. JASP will continue to conduct extensive outreach to these institutions to foster the will and coordinate schedules to overcome these challenges.

Opportunities for 2012

The next year offers wide-ranging opportunities for the Program. In Nuevo Leon, JASP has a core group of operators that have completed the initial training program and that will now participate in an advanced

Graph 1. Frequency of grades and percentage of failed and approved exams for Police trainees



course so that they are ready to operate under the new system when it begins to enter into force in January 2012. In Baja California, the Program will continue to prepare Ensenada operators for the extension of the new system to that jurisdiction in May 2012. As Puebla was recently upgraded to a Tier One state, JASP will begin to implement its comprehensive training programs there in January 2012. Additionally, the Program continues to work to fulfill the training needs in Chihuahua, Hidalgo, Morelos and Oaxaca.

Objective 3: Results Achieved

For the majority of FY2011, JASP work with CSOs was concentrated on the 44 Program grantees, the National Association of Civic Participation Councils (ANCPC, acronym in Spanish) and the Citizen Participation Council of the Federal Attorney General's Office (CPC-PGR) (an entity comprised of CSOs that is part of the Mexican Federal Attorney General's office). The RF adopted in July 2011 as part of Mod 5 has adjusted Program objectives, the scope of work with CSOs and journalists has broadened. As a result, the achievements below are primarily related to grantees, the ANCPC and the CPC-PGR, and the Program will be better positioned to provide results related to the new indicators in forthcoming quarterly reports.

Support for Program Grantees

JASP has provided institutional and financial support to 44 CSO grantees working nation-wide on issues such as HR, the professionalization of justice sector operators, combating corruption, promoting transparency and accountability and training professors on teaching methods for the CJR. Forty-two of these CSOs signed their grant agreements with JASP in Q1 of FY2011, and have been implementing their projects all year. Twenty-four of the grantees will continue carrying out their projects into FY2012. Notable achievements by grantees this year include:

- *Colectivo de Análisis de la Seguridad con Democracia*, (CASEDE): CASEDE administered a household survey to 7,416 people (47% men, 53% women) in six states that have been deeply affected by violence (Nuevo Leon, Chihuahua, Michoacan, Guerrero, Jalisco, and State of Mexico), Mexico City and at a national level. CASEDE presented to JASP the findings from this survey, which analyzed the effects of narco-trafficking-related violence on the social and political behavior of citizens and perception of the CJR. Preliminary results show that of those polled, at the national level, 71% of the population had not heard of the reform. Of those that were familiar with the reform, 57% in Chihuahua, 76% in Nuevo Leon, and 61% in the State of Mexico believe that it will improve the CJS. When rated on a scale of 1 (excellent) to 7 (poor), the justice system received an average grade of 4.8. In October and December 2011, CASEDE will conduct six roundtable discussions to analyze the results of the surveys in order to then produce a findings report, scheduled to be printed in December 2012.
- *Centro Jurídico para la Promoción de la Justicia y los Derechos*: Centro Jurídico published a manual for instructors conducting courses on the "HR Aspects of the Criminal Justice Reform," which aims to increase citizens' understanding of the new system and promote its implementation. In total, 500 hard copies of the manual have been printed for distribution nation-wide. It will also be available on the Centro Jurídico website www.reformapenalyderechoshumanos.org.mx. The manual will be distributed to CSOs that work in the promotion and defense of HR, with the intention of providing them with the tools to train citizens on this issue. The version on the website, meanwhile, provides an interactive medium to share public opinion and provides a space for CSOs' to advocate on behalf of the CJR. Additionally, as part of its project, Centro Jurídico has trained 109 individuals (45 from Mexico City, 64 from Pachuca, Hidalgo) in the HR aspects of the 2008 constitutional reform. Forty-seven of those trained represented CSOs, while the others came from justice system institutions, public entities and other institutions, as well as several independent lawyers.
- *Plan Estratégico de Juárez*: This grantee developed indicators to measure local development, citizen participation, and governance, as well as to monitor government operations in Ciudad Juarez, Chihuahua. In September 2011, *Plan Estratégico* presented its work, including the indicators and the data captured as a result, under the title "*Así Estamos Juárez*" ("Juarez, This is How We Are"). The findings aim to analyze the city's current situation in terms of development while identifying areas for continued attention and assistance. The presentation was divided into four sections: 1) *These are my rights*; 2) *This is my city*; 3) *This is how my economy is*; and 4) *This is how my government and citizen participation function*. Approximately 500 persons attended the presentation, as well as members of the media. The grantee also makes the results of its study available on its website: www.asiestamosjuarez.com.

- *Centro de Estudios para la Enseñanza y el Aprendizaje del Derecho (CEEAD)*: This project provides technical assistance to Mexican universities for the development and application of undergraduate law degree course syllabi related to the NCJSNCJS through providing trainings to law professors. In total, CEEAD has succeeded in training 329 law professors from 116 law schools in ten Mexican states. It is important to note that the majority of these trainings have been offered in conjunction with respective state judiciaries, which has provided an opportunity for judicial authorities to engage in the reform through law schools and has given state institutions an augmented role in the implementation of the NCJS.
- *Universidad Tecnológica de Cancún*: This grantee developed a manual for teachers giving classes on preventing Trafficking in Persons (TiP). This course was conducted for middle and high school students in a local school as part of a pilot program. The manual was then selected by the SEP to form part of the National Catalogue of Continued Education so that in any state in the country, local secretariats can request and its personnel can take this course at the cost of the SEP.

Task 3.1 – CSO capacity to inform public opinion and advocate to political decision-makers on behalf of the CJR enhanced

Under Task 3.1, the Program is able to report on a number of notable achievements: the training of 700 representatives from HR CSOs, including a joint certificate course for CSOs and justice system operators on AJMs; dissemination of findings from the field study that monitored reform implementation; and the development of indicators to monitor reform implementation process adopted by CSOs. Additional examples and further details can be found below:

Indicator and Target: At least 3 CSOs per target state with increased knowledge to gather and manage information pertaining to the Criminal Justice Reform

Three states have benefited from trainings for CSOs on the NCJS and AJMs. Trainings were delivered to 53 representatives of Baja California CSOs, as well as 10 representatives of CSOs in Nuevo Leon and 20 CSO representatives in Oaxaca.

CSO Trainings

JASP provided training to approximately 519 members of HR CSOs on the different components of the CJR. Of notable mention were two trainings given to CSOs in Nuevo Leon and Oaxaca. In Monterrey, Nuevo Leon, ten representatives from CSOs, including the RENACE Institute, a leading CSO in Mexico's influential Oral Trials Network, took part in a 28-hour course (Module One) of JASP's program on alternative methods of conflict resolution. This training will be particularly useful to RENACE in its creation of a Citizen Justice Observatory to monitor the implementation of the Criminal Justice Reform. In Oaxaca, Oaxaca, the Program trained both thirteen representatives of CSOs and members of the State Attorney General's Office in a 24-hour workshop on the NCJS and AJMs. This was a key opportunity to bring members of civil society to learn alongside state government officials.

Joint Certificate Course for CSOs and Justice System Operators on Alternative Justice Mechanisms

In Q3, JASP delivered a 140-hour certificate course on AJMs within the NCJS in Oaxaca. The 20 participants represented CSOs including: the Support Center for Street Children (*Centro de Apoyo al Niño de la Calle*), the Oaxacan Academy of Gender Studies and HR; and Women United on Gender, Equality and Vindication (*MUGER*). Mediators from the Restorative Justice Center of the State Attorney General's Office and the Mediation Center of the State Supreme Court also attended. The objective of the certificate course was to train participants in conflict resolution, AJMs, mediation and restorative justice. This was the first time the Program conducted training on AJMs with CSOs through the certificate course offered in Oaxaca. CSOs are key partners in disseminating information on the benefits of AJMs and more specifically in assisting communities in conflict resolution. The interest demonstrated by CSOs in learning about AJMs and their commitment to playing a role in the CJR, particularly with respect to reducing violence, were factors that contributed to the success of the course.

State Stakeholder Groups Formed in Collaboration with the ANCP

In FY2011, JASP coordinated and collaborated with the ANCP to form State Stakeholder Groups of leading CSOs in the target states. ANCP organizes networks of CSOs in each target state so that they can collaborate to work more productively on issues such as justice administration, public safety, education, health, culture, environment and sports. The ANCP has begun organizing these State Stakeholder Groups in preparation for the Security Dialogues to be conducted in FY 2012. The Security Dialogues will serve as a forum for civil society to engage with state governments on issues of transparency and public policies. Two Security Dialogues have already been conducted: one in Baja California with nine participating CSOs, and the other in Nuevo Leon with six participating CSOs.

Coordination with *Fundación por la Justicia* to Train CSOs

JASP has conducted coordination session with the *Fundación para la Justicia y el Estado Democrático de Derecho* to discuss possible collaboration. The *Fundación* is a CSO engaged in advocating for respect of HR, particularly with regard to victims' rights within the CJS. JASP aims to coordinate with the *Fundación* to provide trainings to CSOs on victims' rights and on litigating in the NCJS. Through collaboration with organizations such as the *Fundación*, JASP aims to train CSOs to use and litigate under the new system. In particular, the goal is to facilitate the capacity of CSOs to tackle the passage of unconstitutional reforms in Chihuahua and other states where counter-reforms are being considered. These trainings are scheduled to begin in Q1 of FY2012.

Dissemination of Findings of the Field Study that Monitored Reform Implementation

This year, after carrying out a field study that monitored reform implementation in five states, JASP conducted nine presentations and forums and published five articles to disseminate the findings. The study, which was conducted in Chihuahua, Morelos, Oaxaca, the State of Mexico and Zacatecas, addresses both areas of need with respect to reform implementation and improvements seen in the CJS due to the reform. By disseminating these findings, JASP aims to educate civil society on the CJR, the implementation process and the benefits it yields.

JASP Indicators to Monitor Reform Implementation Process Adopted by CSOs

Mexico SOS and *Mexico Evalúa*, two prominent CSOs in the country, adopted key Program progress indicators to monitor the implementation of the reform nation-wide. JASP developed indicators to measure the performance of the NCJS, particularly in terms of the performance of Attorneys General Offices, crime rates and case statistics. For example, the indicators assess issues such as percentage of investigations resolved, and acquittal and impunity rates. Additionally, *Mexico Evalúa* sought Program assistance to evaluate its performance index for the year to identify changes in trends in states implementing the reform.

Development and Monitoring of Projects with the Citizen Participation Council of the Federal Attorney General's Office

Since March 2011, JASP has been providing technical assistance to the CPC-PGR to develop several project proposals for funding consideration. The four projects are:

- i) Strengthening Citizen Leaders for the Implementation of the Criminal Justice Reform;
- ii) Strengthening of CPC-PGR Centers for Reporting Crimes-Increase Transparency and Combat Corruption;
- iii) *Ciudad Posible Sí*: Creating a culture of mediation and justice in the public schools of Ciudad Juárez, Chihuahua; and
- iv) *Narrar Para Convivir* ("Telling Stories to Coexist"): Disseminating information on the CJS, HR, and justice in easy to understand language for indigenous communities in Oaxaca.

These projects will be managed through small procurements and will be based on pre-established budgets and work plans. To measure the results achieved, JASP is in the process of developing results indicators for each project to be implemented by the CPC-PGR. As of the close of Q4 FY 2011, the official green light by JASP to formally begin work and spending on the four projects was given to CPC-PGR. The project staff has been hired and virtually all office and communications equipment were purchased and put into operation.

Indicator and Target: At least 5 CSOs monitoring the Criminal Justice Reform

With Program support, from Mexico City but with a nation-wide scope, the Oral Trials Network is the leading CSO working in monitoring the Criminal Justice Reform. In Nuevo Leon, the RENACE Institute and *Consejo Civico de Instituciones de Nuevo Leon* (CCINLAC) have been spearheading debates that monitor reform implementation.

Oral Trials Network (OTN) and Federal Criminal Procedure Code

JASP has developed a strong working relationship with OTN over the last year, specifically on the issue of the FCPC. Joint working sessions were held on the development and review of a FCPC. Discussion seminars aimed at development recommendations on the draft Code were held in the Federal District, Nuevo Leon and Mexico State in September and October 2010. Several of the key recommendations addressed issues related to: the regulation of investigations according to the new criminal justice reform, the regulatory frameworks related to organized crime, alternative justice mechanisms, Habeas Corpus, precautionary measures, recourses, among others.

Third Forum Commemorating the Constitutional Reform of 2008

JASP, along with a coalition of CSOs including OTN, the RENACE Institute, and México SOS (Mexico Observation System for Citizen Safety), organized and carried out the event, with the participation of the highest levels officials from all three branches of government. During the Forum, judges, prosecutors, governors, lower and upper house members and political party leaders engaged constructively with journalists, civil society representatives, academic experts and opinion leaders in identifying challenges and opportunities for the reform, representing a major step in advancing government-civil society collaboration, as well as increasing the capacity of CSOs to promote and monitor the reform.

Since the submission of the FCPC by President Calderon on September 21, 2011, JASP has held a number of planning sessions with OTN to develop the strategy for promoting the improvement and approval of the FCPC in the Federal Congress.

RENACE Institute and the Creation of Citizen Justice Observatory

JASP has provided extensive technical assistance to the RENACE Institute to build its capacity to promote transparency and the Criminal Justice Reform. Additionally, in recent months, JASP has worked with RENACE to begin the formation of the *Observatorio Ciudadano de Justicia* (Citizen Justice Observatory), which will be an oversight group that monitors reform implementation and functioning of the NCJS in Nuevo Leon. This group, which will be made up of several local CSOs and universities, will play a key role in involving civil society in the CJS, advocating for its reform and monitoring its implementation. The launch of this observatory is designed as a pilot program that RENACE hopes to replicate in other target states.

Justice and Security Forum in Nuevo Leon

In the latter part of this year, JASP assisted in organizing and participated in the first Forum on Justice and Security in Monterrey, Nuevo Leon, taking part as experts on panels including "Criminal Justice Reform: Implementation and Community Impact" and "Criminal Justice Reform as a Response to Impunity." Organized and funded in collaboration with CSO partners, *Mexico SOS*, the RENACE Institute and *Consejo Civico de Instituciones de Nuevo Leon* (CCINLAC), the event brought together the general public and civil society groups to discuss the impact of the justice reform and victims' assistance and to compare implementation models. Approximately 315 people attended the five panels that comprised the forum, including high-level officials, such as the Governor, Attorney General and Assistant Attorney General of Nuevo Leon, the President of the Nuevo Leon Supreme Court and the Attorney General of Baja California, among others. This event marked an important step in advancing the participation of civil society in fostering reform implementation.

Challenges and Opportunities

Challenges

Challenges faced by most HR CSOs more specifically Program grantees, are related to their lack of experience in managing funds and in providing reports in a timely and accurate manner. JASP has addressed these issues through continuous institutional capacity building sessions, as well as via workshops, monitoring visits, e-mails and telephone calls. CSOs engaged in legislation passage are confronted with the usual mistrust between government and non-governmental organizations. This has been addressed through technical working sessions, where the CSOs demonstrate their knowledge on the subject, as a result of technical assistance previously provided by JASP.

The Program held conferences with CSOs on the NCJS this year in Mexico City and in Monterrey, as well as workshops in Hidalgo. At the Mexico City forum, President Felipe Calderon promised to submit to Congress his FCPC. Another challenge is that many CSOs dedicated to HR view the CJR as a new government policy to prosecute participants in organized crime and not a means toward the advancement of HR, focusing on issues such as permissible pre-trial detention, etc. A key challenge that the Project has continued to work on is overcoming this perception and continuing to work with HR CSOs so that they can better understand how international HR standards are embedded in the CJR.

Opportunities for 2012

Increased Interest among CSOs in CJR

The Program's progress in engaging CSOs on how to monitor the reform over the last year has been positive. A number of CSOs, including the OTN, the RENACE Institute, as well as Program grantees, are increasingly becoming more engaged, better informed, and more collaborative. The Program looks forward to continuing this positive trajectory into FY 2012.

With broadened CSO participation in Program activities related to the CJR, the organizations will continue to feel increasingly committed to its implementation. Starting in January 2011, the CPC-PGR projects will begin training CSOs on the NCJS in the seven priority states, which will significantly expand the impact of the Program.

Task 3.2- Journalists' knowledge and understanding of the CJR and their role within the justice system enhanced

Under Task 3.2, the Program has begun to explore opportunities to work with journalists in order to increase their knowledge of CJR through collaboration on a training course conducted by the Durango State Judiciary's Training Institute and the State SETEC. In addition, JASP has met with representatives from several media sources to discuss the journalist training program to be offered by the Program. Further details can be found below:

Indicator and Target: At least 5 journalists per target state demonstrating increased knowledge of the Criminal Justice Reform trained with Program assistance

The state of Durango has been the first beneficiary of the Program's new work with journalists, reaching 37 reporters.

Journalist Training in Durango via Teleconference

This year, Program staff carried out two teleconferences lasting two hours each as part of a 180-hour certificate training course for 37 journalists conducted by the Durango State Judiciary's Training Institute in coordination with the state SETEC. Due to security restrictions, JASP cannot travel to Durango, but

through creative measures has managed to still provide support for reform implementation there. Through these sessions, JASP aimed at enhancing the capacity of journalists and opinion-makers to better inform public opinion on the CJR. The certificate course, which focused on aspects of oral trials, was the second of a two-part program. The Program conducted eight hours of this second course and covered topics such as the classification of crimes, crime rates, performance of the CJS, and how to communicate the achievements of the reform and respond to common criticisms of it. Participants followed up the sessions with requests for additional information and interviews with Program staff.

Collaboration with National Media Outlets

JASP held several coordination sessions to identify possible collaborators for its campaign that will use media to reach Mexican society, increase understanding of the reform and promote the NCJS:

- ✓ Two sessions were conducted with the Center of Research for Development (CIDAC, acronym in Spanish). The think tank shared its work related to raising awareness about the CJR, and agreed to send JASP an official proposal and budget, which JASP is now reviewing. CIDAC's vision is to contribute to the development of a culture that promotes citizen civic participation, HR, and political policies that support these efforts. As it has a strong presence in the media nation-wide, CIDAC could potentially serve as a key partner in JASP's effort to promote the reform among citizens via traditional and new media.
- ✓ A session was also carried out with the *Instituto Mexicano de la Competitividad* (IMCO), a non-profit applied research center that studies economic and social phenomenon that affect competition in the context of a global economy. The IMCO director presented the group's current work related to the CJR (including proposals for improved public policies). IMCO also explained that it has a strong connection with several newspapers and magazines (including *Expansión*, *Reforma*, *El Economista* and *Este País*, among others), which would facilitate its ability to act as a Program collaborator for its creative media project soon to be implemented.
- ✓ JASP also conducted a session with representatives of the magazine *El Topo* in order to discuss avenues for collaboration, including JASP's journalists' training program that is due to be implemented in Q1 of FY2012. The *Topo* representatives shared information on the workshops they will carry out for journalists under JASP-funded projects of the CPC-PGR. This session served to familiarize JASP with the efforts being carried out in the area of journalism under the CPC-PGR grants in order to better provide support and assistance, as well as execute activities in a productive and complementary manner.

Challenges and Opportunities

Challenges

Lessons learned from activities carried out with journalists demonstrated that the challenges for setting up a capacity-building program for journalists include: 1) a common belief by journalists that they are in no need of new skills or training; 2) a resistance to changing the way they do their jobs; and 3) a lack of support from editors and news directors to allow their reporters to acquire new skills. To address these challenges, the Project is only recruiting experienced journalists – not lawyers or CSO leaders – to design and carry out journalist training on the CJR while also seeking meetings directly with directors of selected news organizations to convince them of the efficacy of this kind of training for their reporters.

Opportunities for 2012

Positive early results in working with journalists

Working with journalists is new objective for the Justice and Security Program included in the most recent RF. Since the inception of these efforts, however, the Program has been pleased with the connections made thus far and is optimistic that it will significantly advance efforts in FY 2012 in training journalists on the NCJS.

Better informed, better reports

It is generally acknowledged that too many articles and reports in the Mexican media on criminal justice and oral trials contain gross errors of fact, procedure or unfortunate choices of words and terms. More journalists who are informed about the CJR and who have acquired the tools to cover oral trials, using neutral forms of expression, will cause their readers and viewers – that is, Mexican citizens – to better understand and appreciate the new reforms and the HR on which they are based.

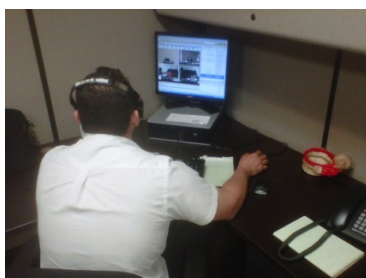
ANNEXES

Annex I. Success stories

Implementation of the NCJS in Mexicali, Baja California

In 2008, in Mexicali, Baja California, before the criminal justice reform was implemented, only 22% of investigations were resolved. Under the NCJS (NCJS) resolved investigations have increased to 49% (as of July 2011) and Mexicali has become the jurisdiction with the highest rate of solved cases in Mexico.

In August 2008, when the **NCJS** entered into force in Mexicali, the district court already had a team of operators prepared to fully comply with the obligations of the reformed State Criminal Procedure Code.



Public hearings are recorded with audio and video, and transcribed.

JASP contributed to the process of preparing the operators by implementing a program to strengthen justice sector institutions and to build their operational capacity. This comprehensive plan included providing technical assistance for the creation of procedural manuals; development of a set of indicators and objectives to measure progress of the reform; and training courses for judges, prosecutors, investigative police,

public defenders and mediators.



Gesell's cameras in Mexicali's "Judicial City"

Baja California's government built a modern and specialized infrastructure, including oral trial courtrooms equipped with microphones and cameras, rooms for protected witnesses, and secure rooms for the accused. Each justice sector institution has spaces specially adapted to perform their functions in a series of buildings known as "Judicial City". For example, the State's System of Alternative Justice (SEJAP, acronym in Spanish) is equipped with special rooms for mediation, and for the State Attorney General's Office (PGJ), Gesell's cameras¹ were built for taking statements.

In an effort to ensure proper coordination and collaboration, representatives from the Office of the Deputy Secretary for Legal Matters (*subsecretaría de enlace para asuntos de justicia*), the PGJ, the Public Defenders' Office, the Secretariat of Public Safety (SSP, acronym in Spanish) and the Judiciary meet every two weeks to revise laws, regulations and administrative issues; and to jointly discuss and solve legal and operational problems related to reform implementation. JASP has participated in these round tables to advocate for reforms to the State Criminal Procedure Code as well as for the development and revision of secondary legislation such as the Public Safety Law, Sentencing Guidelines, the Youth Justice Law and the Victims' Assistance Law.

¹ **Gesell's Camera**, is a room equipped to allow the observation of people. It has two compartments separated by a single glass-sided view, and is equipped with audio and video for recording.

Judiciary

"I wouldn't return to a traditional system," said one judge who experienced the change from the inquisitorial to the new system. In the NCJS, he said, evidence is introduced in open court before the judge, ensuring that he/she knows all the facts and can decide with greater objectivity and transparency than in the traditional system. Numerically, this is demonstrated in the reduction of exonerations from 2008 to August 2011: a rate of 4.8% to zero percent, showing that the miscarriage of justice (*error judicial*) has been virtually eliminated.



*Coaching session with judges.
Mexicali, August 16-21, 2010*

Since 2008, JASP has worked closely with the Judiciary and the Justice Administration Institute (*instituto de la judicatura*) to provide training to more than 100 judges and candidates to be integrated into the judicial staff according to the NCJS. In addition to the trainings, JASP has organized coaching sessions (coaching) and observations at hearings to provide constructive feedback on how judges carry out their work. Regarding technical assistance, JASP has given support to establish management systems according to the reform, such as operating manuals, regulations, etc. Additionally, the Judiciary is working towards an ISO 9000 certification, which designates a set of standards for continuous quality management and will

standardize the activities of staff; measure and monitor process performance; reduce duplication of processes; increase efficacy and/or efficiency of the organization in achieving its objectives; reduce errors in the provision of services, among others.

The Judiciary's website (<http://www.pjbc.gob.mx/NSJP.html>) has integrated tools that facilitate access to information. As such, the daily hearings schedule and updated hearings statistics have been made public. Through this website, online users can also access information on trials and guided tours from August 2010 to date; the directory structure; and videos and interactive applications on the NCJS.



Interactive Chart in the page of the Judiciary, which explains the roles of the different judicial subjects during the hearings.

Public Defender's Office

Under the inquisitorial system, a public defender's work was poorly compensated and not sufficiently valued, because the prosecutor was the most important player in the trials. Under the NCJS, public defenders play an important role throughout the process simply because the new system is based on the presumption of innocence, the contradiction of the parties and respect for the rights of the accused and the victim. Public defenders now have better pay and recognition for their work as preservers of HR.

JASP has provided sustainable assistance through the training of public defenders in each stage of the hearing, and has carried out monitoring and feedback sessions with more than 170 public defenders and public defender candidates in Mexicali. In addition, the Public Defender's office has worked to raise civil society's awareness about the benefits of the NCJS through social media campaigns and the strengthening of relations with law schools and bar associations.



Seminar "International Experiences on the Accusatory System", to which 42 Baja California's public defenders attended. August 5, 2010

Through the practice of results-based management and the implementation of a monitoring system that allows for regular oversight of public defenders, this justice sector institution has become a model for other states. In fact, thanks to the good performance of the Public Defenders' Office in Mexicali, a regional agreement was signed with the Offices of Sonora, Sinaloa and Coahuila, for Baja California to advise them in implementing the new system.



Visit to document Mexicali PGJ success story. August 2011

Attorney General's Office

In the traditional system, the State Attorney General's Office (PGJ) was a bureaucratic and opaque body. The prosecutors maintained their positions not by merit but by seniority and, in some cases, due to personal connections. Since the implementation of the NCJS, a broad effort has been made to transform the PGJ into a more transparent and results-based institution. In this effort, JASP has played a key role.

JASP provided support for the reestablishment of the Judicial Inspection Office (*visitadurías*) that had disappeared years ago. With JASP assistance, this office now reviews the work of PGJ prosecutors based on abilities and skills required to perform their job functions. Through the application of competency profiles developed by JASP², the office has managed to make a better selection of new staff integrating into the institution, favoring merit and transparency in the allocation of positions. Moreover, since the last quarter, JASP has worked to create online training programs based on these profiles.

In terms of institutional strengthening, JASP has laid the groundwork for a successful reform implementation by training more than 370 prosecutors, including ten trainers to replicate the



Study tour to Albuquerque, New Mexico on crime scene investigations. August 22-September 18, 2010

courses in the state. In addition, the training curriculum was institutionalized thanks to the establishment of the training institute in 2010 under the Directorate of Human Resources, which guarantees the sustainability of the implementation of the reform by improving the skills of prosecutors. For about a year, the PGJ has been working on a career advancement service for prosecutors, which would enable prosecutors to seek promotions or salary increases based on the completion of certified training courses. The prosecutor's performance is evaluated periodically based on results.

As a prosecutor interviewed says: "The new system gives dignity to the work, and forces you to prepare and study the case carefully because it assigns you the responsibility of the work you do." In the NCJS, prosecutors must argue their case in a public hearing before the judge and the defense. "This new method", says the prosecutor interviewed, "allows the work to be better valued and motivates the prosecutors to be better prepared during the investigations."



Train-the-Trainer course for trainers of Hidalgo and Baja California's SSP. May 24-June 6, 2010.

² Competency profiles are defined as desired requirements, experience and criteria of justice sector operators that are in-line with the NCJS.

Investigations under the NCJS require not only a greater dedication on the part of the prosecutor, but also a scientific basis of the evidence in court. Therefore, it is necessary to have a team of experts working together with the investigative police and the prosecutors. In Baja California, the PGJ was outfitted with specialized equipment and a private space for forensic services. In addition, specialists were hired and trained in areas such as information technology, genetics, and criminology, etc. JASP has contributed to this broad effort by training of 42 experts, which includes a study tour on crime scene investigations to Albuquerque, New Mexico in August 2010 for six experts.



Electronic tracking system used by Baja California's SSP.

Public Safety Secretariat

The Secretariat of Public Safety (SSP) has made an efficient transition from the traditional to the new system. As of September 2011, the SSP already has manuals and Standard Operating Procedures (SOPs) developed by JASP in coordination with the Institute for Security and Democracy (INSYDE). Additionally, the SSP established the State Public Safety Academy, which trains members of the state, investigative, security, custody and prison police of Mexicali. In July 2009, JASP completed an initial training curriculum on the adversarial justice system and has trained over 1,000 police investigators, including 42 trainers to replicate the courses for the SSP. The curriculum consists of three stages of the new system: awareness (introduction and new police powers in the NCJS), internalization (chain of custody, crime scene preservation, arrests *in flagrante delicto*, Train-the-Trainer, etc.), and exercises (reinforcement workshops). In addition, the State's Public Safety Academy offers opportunities for continuing personal growth, such as facilities to complete secondary education for police officers and five certificate courses in: oral trials, theory and practice in oral trials, forensic science, criminal theory, and criminal justice reform.

The SSP has acquired specialized electronic equipment and software for tracking movements in real time as part of the precautionary measures established under the reformed Criminal Procedure Code. The electronic tracking system complies with federal and state standards of HR, as it respects the dignity and physical integrity of the accused.

Pre-Trial Services

JASP has worked since June 2010 with the SSP for the establishment of precautionary measures unit that will provide inputs to the parties and the judge to impose precautionary measures, as well as its oversight and monitoring. This effort has paid off, as the sub-committee for the implementation of precautionary measures has been successfully integrated in the state. As of October 2011, JASP, with the support of the Open Society Institute, will begin developing procedural manuals and protocols for the unit, replicating the model of the Pre-trial Services Unit for Juveniles (UMECA, acronym in Spanish) created in Morelos with support from JASP.

The implementation of the NCJS in Mexicali has shown that careful planning and the adoption of a set of indicators and objectives to measure the progress of the reform are key success factors. JASP's collaboration with the Government of Baja California has been comprehensive and invaluable. It has provided technical assistance in every aspect of implementation: legislative technical assistance to reform the Criminal Procedure Code and secondary legislation; development of regulations, procedural manuals for each of the justice sector institutions; introductory and specialized trainings; and monitoring and feedback for 2,580 justice sector operators (August 2011), including judges, prosecutors, public defenders, experts, investigative police, court administrators and mediators.

JASP continues to support the implementation of the reform in Mexicali, and has also begun training and technical assistance in Ensenada, the following judicial district of Baja California to implement the NCJS, which will commence in May 2012. With the support of JASP and Mexicali's justice institutions, Ensenada will be well-prepared to start reform implementation having benefited from the lessons learned in Mexicali and the substantive assistance that JASP has provided to Baja California since 2008.

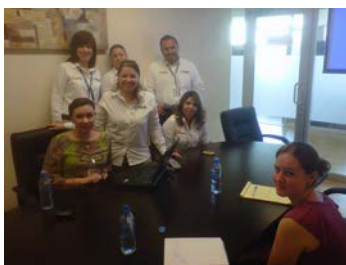
Baja California Alternative Justice System: Efficient and Healthy Mechanisms for Conflict Resolution

In June 2011, the Baja California State System of AJCs (SEJAP, acronym in Spanish) provided mediation services to a family torn apart by a car accident, thereby solving a conflict in a healthy and restorative way that traditional justice rulings never would have accomplished. JASP began working with SEJAP prior to its opening in July 2009 and has been significantly involved in every step of the process, including its design, inauguration and the training of its personnel. As a result, SEJAP has seen significant success in its mediation, negotiation and restorative justice processes, with 93% of the cases state-wide since February 2010 having been successfully resolved via alternative justice mechanisms. From July 2009-July 2011, \$16,775,912 Mexican pesos (\$1,235,090 USD) in reparations have been paid to 20,000 victims through the work of SEJAP.



Workshop on bullying given to local teachers by SEJAP

In February, 2011, Laura Elena was left paralyzed from a car accident in which Francisco, a family friend, was driving. Francisco, who prior to the accident had been considered by Laura Elena as almost a son, did not visit her due to his feelings of guilt and fear. Laura Elena was saddened that Francisco did not visit, but her family members blamed him for the accident and did not want to see him. Through the mediation efforts of SEJAP, the feelings of each individual were addressed and an agreement was reached whereby Francisco would visit regularly and help cover the victim's medical costs. In mediation, the mediator assists the parties to negotiate their own settlement. As is often the case after the use of alternative mechanisms of conflict resolution, at the end of this process, all parties felt better and satisfied with the outcome—a much healthier and productive outcome than would have been achieved through a lengthy and costly judicial process, which would have left at least one of the parties unsatisfied and possibly willing to test the judicial process another time on appeal.



Visit to SEJAP in August 2011

SEJAP mediators work to resolve disputes through dialogue and discussion, rather than through traditional court mechanisms. When a case is considered to have the proper criteria to be resolved via alternative justice mechanisms (AJMs), and once both parties have agreed to the process, a meeting is scheduled. Through this process, both parties have the opportunity for greater interaction and dialogue. The mediator or conciliator provides assistance with communication and negotiation, and then an agreement is reached between the two parties. This process contrasts sharply to the traditional justice system, where a judge issues a binding decision. In

mediation, no third party, including the mediator or the conciliator has the authority to impose an agreement, thus leading to collective decision-making between the parties.

AJMs have proven to be an integral part of the justice process and represent a more efficient, economical and healthier means of conflict resolution. In addition, AJMs serve an important role in

lessening the caseload of traditional courts. As the United Nations noted in a resolution adopted in 2002, “traditional criminal justice mechanisms do not always provide an appropriate or timely response... [Whereas], mediation and restorative justice measures, where appropriate, can lead to satisfaction for victims as well as to the prevention of future illicit behavior and can represent a viable alternative to short terms of imprisonment.”³

JASP trainings have played a pivotal role in SEJAP’s success. JASP has imparted three certificate courses on Alternative Justice Mechanisms and 18 workshops on topics such as: Mediation, Conflict Transformation, Restorative Justice, Negotiation, Domestic Violence and Crisis Intervention. From January 2010 to August 2011, a total of 125 individuals have benefited from JASP trainings, some of them from more than one. SEJAP mediators have also taken part in JASP Train-the-Trainer (ToT) courses on mediation and replicated those courses for their peers in Baja California, as well as in other target states such as Nuevo Leon, Hidalgo and Mexico State. ToT participants have described the countless benefits and skills they acquired, such as effective use of active listening and negotiation techniques, as well as the opportunity to design their own training programs. Each of the ToT recipients has taught approximately 25 courses since completing the Program training, with an average of 15 people in each.



JASP Training for Mediators in Ensenada, Baja California, September 5-20, 2011



Workshop on bullying given to local teachers by SEJAP

AJMs represent a new form of conflict resolution in Mexico, and they have faced significant resistance from the public and many justice system institutions and operators. Nevertheless, SEJAP has managed to become well integrated into the CJS as a viable—and indeed preferable – solution to certain crimes. The State Attorney General’s Office benefits from the AJCs in order to alleviate its own caseload and effectively solve many of the less serious crimes on an overcrowded docket. Through its outreach efforts and proven successes, SEJAP has become a model to follow for other states implementing the criminal justice reform.

Successful Exchanges: Cooperation between Hidalgo and Baja California for Improved police Training Capacity



Baja California Study Tour to Hidalgo

During the first week of August 2011, JASP conducted a study tour to the Hidalgo Police Training Institute in Pachuca, Hidalgo with three representatives from the Mexicali, Baja California Police Training Institute, including the Institute’s Director, Deputy Director and Human Resources Director, to share best practices and lessons learned during reform implementation. With JASP support, the Hidalgo Training Institute has established a university program for police cadets and now serves as a model for other states. This study tour for Baja California officials was a key judicial exchange between target states for improved reform implementation. Judicial exchanges allow for the development of synergies and create a forum for the rapid exchange of

³ *Official Records of the Economic and Social Council, 2002, Supplement No. 1 (E/2002/99).*

ideas and best practices to produce more immediate improvements to and results in institutional operation. As the Baja California Training Institute director expressed: *Es realmente invaluable en razón al aprendizaje que allí obtuvimos y que además estamos ciertos que ese aprendizaje será reflejado en el trabajo de fortalecimiento del Instituto de Capacitación y Formación Profesional a mi cargo* (“[The trip] was truly invaluable in terms of the knowledge acquired, and additionally, we are certain that these lessons learned will be reflected in our own work of strengthening the Professional Development and Training Institute of which I am director”).



Baja California Study Tour to Hidalgo

JASP has provided extensive technical assistance to the Hidalgo Police Training Institute and Secretariat of Public Safety (SSP, acronym in Spanish) for the development and implementation of a management and organizational model for investigative police, operating manuals and standard operating procedures (SOPs), all of which have been incorporated into the curricula for the degree in Public Safety and Police Investigations. This degree program, launched in January 2011, has elevated the standard of police recruiting and training. Previously, there were no educational profile



English Class at Hidalgo Police Training Institute

requirements for police cadets and only two to four months of training were mandatory. As a result of JASP capacity building, any entry-level police now has to meet various requirements, including holding a high school degree, and completing a five-year in-depth program that consists of academic courses, training sessions and hands-on experience in the field. The curricula cover seven subject modules, the first of which is “Legal Regulations,” focusing heavily on educating the students on the NCJS and the role of HR in particular.

JASP organized the study tour for authorities from the Mexicali Police Training Institute to acquire knowledge about the “Public Safety and Police Investigations degree program”, and learn about best practices from their Pachuca counterparts. Among other successes shared was the complex yet effective methodology that the Hidalgo Training Institute has developed for gaining access to government funds for training, which is an extremely difficult process. The three-day visit established a relationship between the two institutes and resulted in an agreement to continue collaboration. The Baja California Training Institute’s director explains: *De ello se deriva la planeación de llevar a cabo un intercambio de experiencias con Agentes Investigadores de Hidalgo-Tijuana, en temas estratégicos para enfrentar los nuevos retos y estar en la mejora constante de competencias, esto como primer acto de colaboración* (“as a first act of collaboration, an exchange of experiences began for investigative police agents from Hidalgo and Tijuana on strategic themes related to confronting current challenges and to promoting the continual improvement of abilities”). With the information gathered from the study tour, as well as through the continued communication with the Hidalgo Police Training Institute, Baja California plans to develop its own police organizational and training model similar to that of Hidalgo to better take advantage of federal resources. With this, Hidalgo will advance implementation of the criminal justice reform among its investigative police. Using the Hidalgo example as its model, Baja California has already begun restructuring its Police Training Institute in terms of training curricula, teaching methodologies and the recruiting and selection of



Baja California Study Tour to Hidalgo

personnel. JASP will continue to provide technical assistance and training to support them in this effort.

UMECA Success

Juvenile Failed to Comply due to Severe Domestic Violence: A juvenile was ordered on probation and had to deposit around \$150 pesos (less than \$15 USD) per month for a period of 6 months to repair damages. She was made the deposit the first two months, but in the third month, the UMECA supervisor detected that she had not deposited and had failed to report to the Court for her mandatory sign-in.

The supervisor conducted a home visit and discovered that her husband, an older male, had prevented her from going to the court and to work and was exerting pressure and psychological violence. The supervisor reported to the prosecutor and defense attorney, explaining that the



juvenile had intended to comply, but would not be able to do so due to her home situation. In a revision hearing, the defense attorney asked the judge for an extension and the prosecutor didn't oppose. Thus, the judge allowed her to continue in pretrial release. The juvenile was able to deposit two additional payments, but then was unable to do so for the final two.

Again, UMECA reported the situation to the defense attorney and prosecutor, stating that the juvenile would be unable to comply and was aware

of the consequences. UMECA assisted the juvenile to attend court for a revision hearing, as she did not have the means to get to court. During the hearing, the defense attorney petitioned for a dismissal of the case, informing the judge of her personal circumstances. The judge ruled that the juvenile had indeed intended to comply and that she was excused from the last two payments due to her personal circumstances. UMECA reported the domestic violence to the Attorney General's Office, so that they can begin a formal investigation.

Pre-Trial Services: A Money-Saving HR Aspect of the NCJS

Lorenzo has lived in Chihuahua, Chihuahua for 17 years. He is married, has three children and works as a factory night watchman. One day, while walking home from work around 7 am, he noticed some copper pipes on a property that appeared to be abandoned. The pipes were exactly what he needed for the room he was adding onto his home, so he climbed onto the roof that had the water installations and pipes he had seen, disassembled the pipes and stashed them in his backpack. As he was hiding the pipes, he was surprised to see several people walk out of the house as they had heard him working. Lorenzo jumped down and attempted to flee but was apprehended by the neighbors and police officers who were passing by. He was arrested and charged with theft.

Judges working under the former CJS (which still prevails in 25 states across Mexico), do not make decisions on whether the accused are remanded to custody or permitted to return to their families and communities to await trial. This is a decision made by legislators. Per Mexican criminal law under the inquisitorial system, there are certain crimes for which the accused is required to await trial from a jail cell and others which do not require pre-trial detention. Under this system, many non-violent and petty crimes require pre-trial detention. Specific circumstances, such as lack of a

previous criminal record, family stability, or strong ties to the community, do not play into whether the accused is held in prison or released under supervision.

Under the inquisitorial CJS, Lorenzo would have had to sit in a jail cell from the time of his arrest until a judge issued a final decision. The number of crimes requiring pre-trial detention under the previous CJS had increased over the years as legislators responded to rising crime rates with stiffer restrictions, fines and punishments. In Lorenzo's case, the previous criminal code stated that a theft that involved at least two of the twenty aggravating circumstances would be considered a serious crime that would make pre-trial detention mandatory. Lorenzo committed two of these aggravating circumstances: he broke into a house while its residents were home and "climbed" [onto the roof] to commit the crime. Had the previous legislation still been in effect, he would have been remanded to jail for five or six months. He would have been presumed guilty and kept locked up until the judge resolved the matter and reached the conclusion most observers would reach after fully analyzing the case based on the law and common sense: Lorenzo's theft was not a serious crime and should receive a minor sentence—five months in prison, which could be exchanged for a \$50 USD fine, plus repair of the damages: \$27 USD for the pipe, plus \$55 USD for labor to fix and reinstall the piping.

Had Lorenzo spent five months in jail, taxpayers would have had to pay \$1,750 for his stay (\$11.66 USD per day); he would have lost his job (his family's primary source of income); he would have faced the social stigma of being imprisoned and would have had a very hard time finding a new job; his family would have had to find money for his defense (about \$1,000 USD, on average) and for his meals and protection while in jail (another \$1,000 USD at the rate of \$6.70 USD per day). In addition, he would have been separated from his wife and three children and run an increased risk of severe illness, injury or death due to his time in jail.⁴

Fortunately, Chihuahua adopted a new Criminal Procedure Code in 2007. The new Code, which is of an accusatory rather than inquisitorial nature, establishes the presumption of innocence and the measure of being remanded to jail to await trial as an extraordinary provisional remedy when detention is the only way to guarantee that the defendant will appear at trial. In Lorenzo's case, the judge determined that it was highly unlikely that he would flee before his trial based on his job stability, a restraining order that forbade him from leaving the jurisdiction, his family situation and the nature of the facts reported. Lorenzo was able to face his trial as a free man, presumed innocent until proven guilty. In his judicial process, he opted for an alternative justice path (suspending the pre-trial procedure) by reimbursing the victims for the damages caused by his theft.

Today, there are still more than 95,000 people sitting in jail in Mexico while awaiting their trial, despite their presumed innocence under the reformed system. Although information is limited on this topic, analysts estimate almost 50 percent of these detainees would be eligible to await their trials as free men and women, as they represent low-flight risks and are not a danger to society (in addition to the fact that nearly nine percent of the prisoners that await trial while in jail are ultimately acquitted of the charges against them). The damages and human, social and economic costs resulting from abuses in pre-trial detention are very high. For example, homicide and suicide rates are respectively four and six times higher among prisoners awaiting trial than those rates reported for society in general.

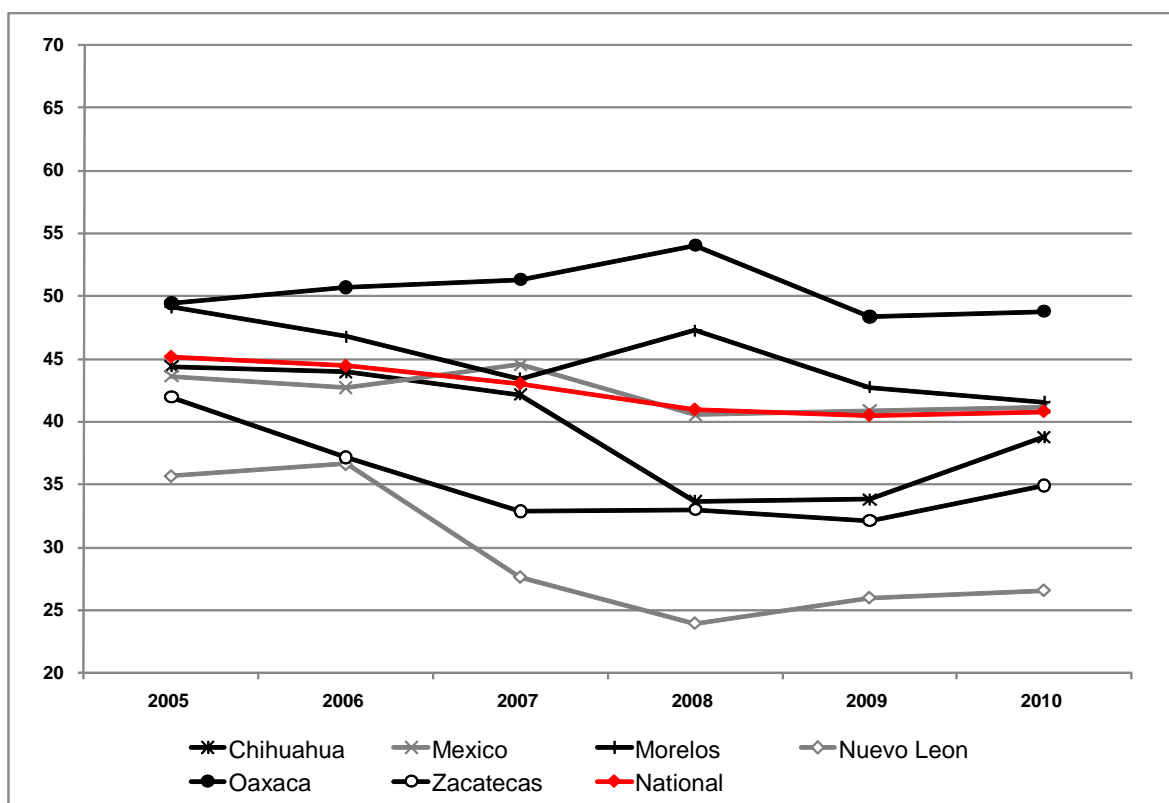
Mexico spends \$1.1 million dollars a day on room and board for prisoners pending trial. The new procedures and pre-trial services units that help judges to assess the accused parties' flight risk and to determine provisional remedies, have allowed the states that have adopted the new practices to report significant changes in preventative detention trends. The six states that have been

⁴ Calculations based on the Guillermo Zepeda Lecuona's book titled, *¿Cuánto cuesta la prisión sin condena? Costos económicos y sociales de la prisión preventiva en México (How much do prisoners awaiting trial cost? Economic and social costs of pre-trial detention in Mexico)*, Open Society Institute, Monterrey, 2009, pp. 113.

implementing the new accusatory system for at least one year have reported declining rates of remanding the accused to jail while awaiting trial both in terms of prison population percentages and prisoners pending trial (see graphs 1 and 2).⁵ It is estimated that nearly 15,000 people subject to criminal procedures in those states faced their trials as free men and women, presumed innocent until proven guilty, thanks to the existence of other less severe provisional remedies developed under the NCJS. This new model has represented a savings of close to \$31.5 million USD in jail operational costs, in addition to reducing social and human costs.

JASP is contributing to this change by providing technical assistance to develop the rules and procedures for pre-trial services in five of these six states, and has taught nearly 2,000 courses on the new system to officials and operators of the judicial system in these states. Furthermore, JASP has assisted some states, such as Morelos, in developing a Pre-Trial Services Unit for Adolescents (UMECA, acronym in Spanish) that provides for the application of a flight-risk evaluation tool, among other pre-trial services. The evaluation tool has been fundamental in assisting judges in making more informed decisions on the most suitable and less aggravated provisional remedy for each case. JASP is providing technical assistance for the implementation of Pre-Trial Services for adults in Morelos and Baja California, while also developing a manual to implementing these services to be used by other states.

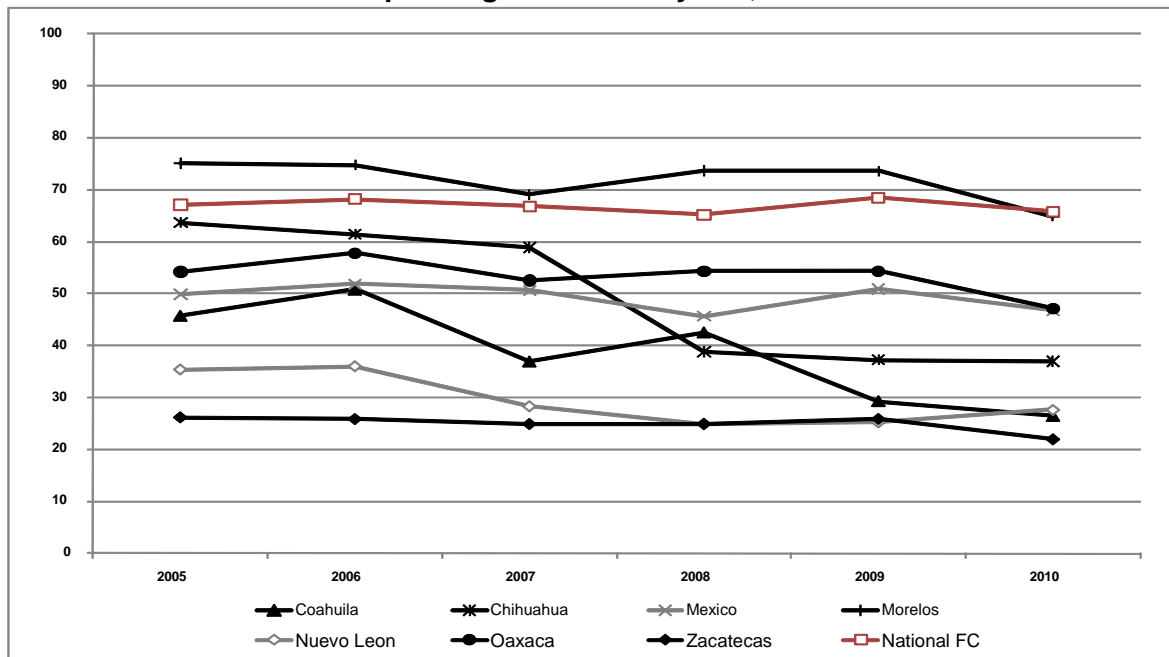
Graph 1.
Percentage of prisoners pending trial as related to the total prison population



SOURCE: with data provided by the Secretariat of Public Safety, at December of each year; 2010 data includes the month of April.

⁵ This trend is expected to grow as the states of Oaxaca, Mexico and Zacatecas transition from the old procedural model.

Graph 2.
Prisoners pending trial for every 100,000 residents



SOURCE: with data provided by the Secretariat of Public Safety, at December of each year; 2010 data includes the month of April.