

Technical Cooperation Document

I. BASIC INFORMATION

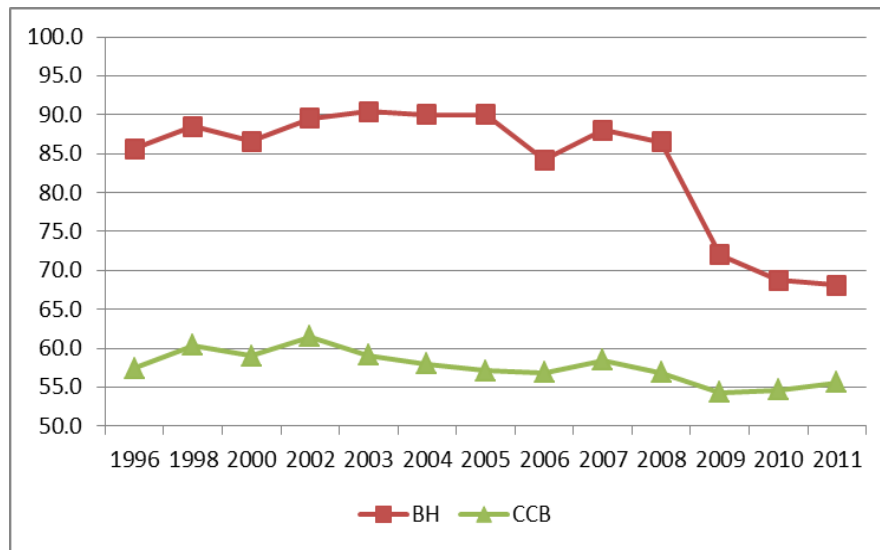
▪ Country:	The Commonwealth of the Bahamas
▪ TC Name:	Pilot Project for a Swift Justice System in the Commonwealth of The Bahamas.
▪ Project Number:	BH-T1037
▪ Team Members:	Robert Pantzer (ICS/CBH), Team Leader; Arnaldo Posadas (IFD/ICS); Wilshire Bethel (CCB/CBH); Syreta Roberts-Bournas (CCB/CBH); Blanca Torrico (IFD/ICS); y Javier Jiménez Mosquera (LEG/SGO)
▪ TC Taxonomy:	Client Support
▪ Date of TC Abstract:	July 17, 2013
▪ Beneficiary	The Commonwealth of The Bahamas
▪ Executing Agency and contact name	Inter-American Development Bank
▪ Donors providing funding	Special Program of Citizen Security Fund (CSF)
▪ IDB Funding Requested:	US\$250,000
▪ Local counterpart funding	US\$24,000 in kind
▪ Disbursement period (which includes execution period):	18 months
▪ Required start date:	November 15, 2013
▪ Types of consultants (firm or individual consultants):	Firms or/and individual consultants
▪ Prepared by Unit:	ICS/CBH
▪ Unit of Disbursement Responsibility	CCB/CBH
▪ Included in Country Strategy	Yes
▪ GCI-9 Sector Priority	YES. Contributes to the GCI-9 priority by strengthening institutions, improving efficiency and public spending. Furthermore, due to its focus on strengthening the Bahamas Judiciary branch this TC proposal also carries a regional relevance, since a strengthened judiciary branch helps to address the challenge of citizen Security and also makes the country more competitive in its dialogue with neighboring countries on those issues (“south-south dialogue”).

II. OBJECTIVES AND JUSTIFICATION

- 2.1 **Justification.** Today, few people doubt that sustainable development depends on the credibility of the legal system, the quality of the legal framework, the effective protection of property rights, and the honesty, effectiveness, and efficiency of the agencies in charge of applying the law to specific cases. In practical terms, this requires the existence of a functioning justice administration system that is independent, accessible and reliable as well as the presence of appropriate information and control systems. To properly perform its role a justice system should also be expeditious, which means that the system effectively completes cases in a reasonable time.

- 2.2 In The Bahamas, there is consensus about the limited institutional capacity of the justice system to respond to the public's demands. This situation is contributing to the recent dramatic increase in incidents of violence and crimes that remain unresolved amid an increasing judicial backlog and a diminishing number of convictions. Indeed, according to a recent study¹, during the period of 2005- 2009 only 5.1% of murder cases resulted in convictions. Within the last five years, 305 accused murderers have been released on bail. This situation can partly explain why The Bahamas, although superior to the regional average, has recently shown a marked decline in its values for the World Governance Indicator related to the Rule of Law, as shown in the graph below.

Figure II. 1 World Governance Indicator related to the Rule of Law



Source: World Bank

- 2.3 In this context, the Government of the Bahamas (GOBH) launched in May 2012 the 'Swift Justice Initiative' (SJI) with the stated intent of improving "the overall efficacy of the justice system within The Bahamas." The idea behind the SJI is to capture, prosecute and take immediate action on those found guilty of serious crimes. Once that is done, the trend of thought suggests it would make would-be criminals think twice about their actions. The SJI should also contribute to a better citizen perception regarding the overall crime situation in the country in helping to feel safer. Moreover, Police officers have often complained about having done their part in capturing criminals, but they feel that the system betrays them by giving bail to individuals accused of serious crimes like murder. Finally, the SJI is a plank in the government's "Safe Bahamas" anti-crime plan aimed at reducing the time it takes to bring criminal matters to court. The Initiative, a priority laid out in the Government's Charter for Governance, contemplates the integration of information systems of all major agencies involved in the delivery of justice in The Bahamas. Indeed, the SJI seeks a systemic approach to addressing the problems affecting the

¹ Reducing Murders in The Bahamas, Chaswell A. Hanna (2011).

justice administration system, implicitly acknowledging the limitations of narrow institutional approaches to issues affecting a multi-institutional sector where the linkages between the institutions comprising it is fundamental to successful reform. In order to ensure that the files are properly prepared from the investigative stage on to trial and thereby clear decades of backlog cases and strongly increase the country's conviction rate, the Attorney General's Office (AGO) is closely working with the police and the courts in all of the Swift Justice initiative. Evidence of such linkage between institutions is the Court Reporting Unit (CRU), located under the Office of the Attorney General, which is responsible for the day to day transcription and stenographic needs of the courts within The Bahamas' judicial system. Currently, the CRU provides to the Courts a generation of 'records of proceedings'. Those proceedings are more commonly referred as Court Transcripts and are required for a given case to advance from one hearing to the next and ultimately exit the judicial system. The information thus generated can also be used by the justice system to guide managerial decisions concerning aspects such as distribution of workloads, training of human resources and assignment of supervisory roles. Currently the CRU is associated with lengthy turnaround time. Victim of this situation is the Judiciary and its various courts which have been plagued by this overall inefficiency. In order to achieve a more expeditious and transparent functioning of the justice system it is therefore critical that these records are made available to all involved parties within a reasonable timeframe that is as prompt as possible without sacrificing either the accuracy or overall veracity of the finished product. The best way to make such records promptly available is to convert the system to digitalized technology. In The Bahamas, court reporting still consists of a transcriber, while the modern digital court reporting systems of today includes broadcast quality microphones and digital recorders capable of recording the voices of proceeding participants on separate audio tracks. This capability significantly reduces the risk of inaccurate transcriptions or delayed judicial processes.

- 2.4 Finally, the CRU is also suffering from an institutional weakness which is related to its two part staffing structure in place under which the unit is divided between those under government employ and those under the employ of a private contractor. This, along with an unclear understanding of the available career paths, and lack of 21st century methodologies for efficient administration of a Court Reporting Unit has led to what members of the unit are describing as an "uncomfortable" work environment and ultimately delays in the delivery of essential court transcripts. As part of its efforts to diagnose the system's institutional challenges the GOBH engaged in late 2012, with assistance from the Bank, the services of a consultant to evaluate the court reporting mechanisms and identify areas of inefficiency that currently inhibit the transcription process and therefore stymie the movement of cases through the justice system. The consultant's report made, among others, the following recommendations: (i) Identify opportunities to expand the court reporting capacity within the justice sector of The Bahamas; (ii) Update the current court reporting and transcript generation processes within the judicial system; (iii) Revamp the court reporting management and training systems; (iv) Outline a structure for the introduction of Audio Digital Court Recording (ADCR) within the

justice sector, and; (v) Update and improve the court reporting framework Suitably train court transcriptionists prior to the introduction of reform the program so that appropriate protocols and methodologies are established at the earliest opportunity.

- 2.5 **Objectives.** The purpose of this Technical Cooperation (TC) is to support the Government of The Bahamas in tackling the challenge of lengthy turnaround times associated with the generation of records of proceedings. The strategy of the TC will be two-pronged: (i) implement a pilot program addressing the challenges outlined in the consultant's report; (ii) contribute to a better integration among the various institutions comprising the country's justice system (such as the Police, the Judiciary and the Attorney General's Office) by establishing shared calendaring and filing among all relevant institutions. The results of this TC may serve as input in the preparation of the pending operation BH-L1033 (Citizen Security Program), scheduled to be approved in 2014. Finally, due to the decreased backlog and conviction rate, the implicit consequence would be a decrease in domestic violence and violence against women.
- 2.6 **Specific objectives.** The specific objectives of the TC are: (i) Improvement of court reporting and transcript generation through the introduction of an efficient digital recording system; (ii) supporting of the implementation of an Integrated Justice Information System (IJIS) with an efficient business model (maximizing efficacy within the institution and better coordination among relevant institutions) for calendaring court dates, filing legal documents and so on) and (iii) contribute to the reduction of the backlog of pending cases at the Supreme Court level².
- 2.7 **Alignment with Bank Priorities and operations:** Enhancing strengthened strategic planning capabilities of the criminal justice sector and improved perception of security are priority areas in the 2013-2017 Country Strategy with The Bahamas. The TC will also directly contribute to the GCI-9 priority by strengthening institutions, improving efficiency and public spending. Furthermore, due to its focus on strengthening the Bahamas Judiciary branch this TC proposal also carries a regional relevance, since a strengthened judiciary branch helps to address the challenge of citizen Security and also makes the country more competitive in its dialogue with neighboring countries on those issues ("south-south dialogue"). The TC is also consistent with the Citizen Security Initiative (GN-2660)³, the Operational Guidelines and with the Action Plan and

² The TC would, as a pilot program, focus on these issues at the level of the Supreme Court and may be followed by a larger operation focused on the lower, Magisterial Court system. The Supreme Court comprises only a handful of court-rooms and is ideal for a small and targeted pilot program as a precursor to a system-wide intervention.

³ Document GN-2660 underlines the need for implementation of reforms. Given the current trend in crime, and its increasing severity, effective implementation of reforms cannot be delayed, especially in the countries most affected by crime. The Citizen Security Initiative will make it possible to accelerate and facilitate these reforms, in response to specific requests, in the three areas where gaps have been identified,.

Operational Guidelines for More Effective Justice Administration Systems
(GN-2643)⁴

III. DESCRIPTION OF ACTIVITIES, PRODUCTS AND BUDGET

- 3.1 The technical cooperation includes the following three components:
- 3.2 **Component I: Improve Court Reporting and transcript generation (US\$110,000).** The objective of this component is to improve court reporting and transcript generation by introducing a digital recording system capable of generating courts' reports in a timely manner. It will be accompanied by an adequate training program to ensure that the required capacity is built among the members of the court reporting unit. The outputs expected after the completion of this component are: (i) a new system of digital transcription functioning at the Supreme Court level, (ii) the establishment of a thorough training course for court transcriptionists in this new operating system and (iii) One –day Seminar including government employ and those under the employ of a private contractor. Thus, in order to outlay all institutional issues which are delaying the delivery of essential court transcripts This seminar should result in a critical route for the government to solve this issue.
- 3.3 **Component II: Support the implementation of an Integrated Justice Information system with an efficient business model (US\$87,000).** This Component will be an important step in promoting a “joined up” approach to the issues the justice system faces. This multi-institutional approach acknowledges that strengthened co-operation, co-ordination and communication between the institutions in the sector such as the Attorney General’s Office, the Judiciary and the Police, are key to addressing many of the system’s challenges, particularly blockages and backlogs. In order to achieve its objective, the component will include the following activities: (i) an assessment of the pilot digital recording system established through component I, and (ii) introduction of calendaring and filing shared among all entities involved in handling matters at the Supreme Court.
- 3.4 **Component III: Contributing to the reduction of the Supreme Court’s backlog (US\$66,000).** This component will focus on designing actions towards the elimination of the current backlog of cases that are clogging up the Supreme Court and on modernizing court processes to speed case flow and ensure that backlogs do not develop again. Activities will include engaging expertise to recommend: (i) ways in which to effectively address the backlog (including conducting training and aggressive education for Judges, Magistrates, Attorneys, Court Reporters and Court Users); and (ii) a plan for the acquisition of new technology that can contribute to that goal.

⁴ Document GN-2643 updates the Bank’s existing policy concerning the justice sector in order to help meet the GCI-9 targets and objectives. The new strategy, which calls for improving the policy framework and administrative culture; is embedding this TC and justifies its objective.

Table III. 1 Indicative Results Matrix

Component/Output/Outcome /Output/Outcome	Indicator	Baseline	Target	Date
Component 1: Transcript generation	Reduction in transcript generation time at the Supreme Court	TBD	25%	Q4: 2014
Component 2: implementation of an Integrated Justice Information System	Integrated calendaring and information sharing system implemented	0	1	Q4: 2014
Component III: reduction of the Supreme Court's backlog	Training program for Supreme Court judges implemented	0	1	Q4: 2014

Table III 2. Budget (US\$ dollars)

Component	Description	IDB Funding	Local counterpart	Total Funding
Component 1.	Consultancies and equipment: Reporting and transcript generation	100,000	10,000	110,000
Component 2.	Consultancies: Support for the implementation of an integrated justice information system through the implementation of an efficient business model	80,000	7,000	87,000
Component 3.	Consultancies and Equipment: Reducing the Supreme Court's backlog	60,000	6,000	66,000
	Administration	10,000	1,000	11,000
Total		250,000	24,000	274,000

IV. EXECUTING AGENCY AND EXECUTION STRUCTURE

- 4.1 Upon request of the Ministry of Finance of The Bahamas (see attached letter Annex 1), this TC is proposed to be executed by the Bank through the Institutional Capacity of the State division (IFD/ICS). As for execution, monitoring and evaluation of this TC: Swift execution should be ensured by The Bahamas Country office. Even though no baseline available, the implementación of a new technology will show immediate results in component 1. As for Component 2 and 3: integrated calendaring system among Courts, AG's Office and Police (comparable to an Outlook calendaring sytem with different users) : increase in eficiency is expected. Finally, main consultancy on Component 3, expert with excellent track record on this issue has already been hired through different funding and will be re-contracted in order to accomplish this task.
- 4.2 The lack of experience of the Attorney General's office with Bank procedures would make this the most suitable solution for a more successful project.

- 4.3 Procurement: All procurement of services will be carried out in accordance with the Bank policies applicable to TCs. For individual consultants, the Bank's Human Resources policies will apply (AM-650).
- 4.4 For consulting firms, the policies for the selection and hiring of consultants (GN-2350-9) using e-sourcing. For non-consulting services the Policy for institutional Procurement will apply (GN-2303-20)
- 4.5 Conditions to be fulfilled prior to first disbursement: No conditions to be fulfilled prior to first disbursement. Have been identified.

V. THE TCs RISKS

- 5.1 The risks identified for this TC and the respective mitigation actions are the following:

Table V.I Risks and mitigation actions

Identified risks	Mitigation actions
Government and Judiciary may be not sufficiently coordinated. Request for the TC was expressed and notified by the Government, while the beneficiary would be the Judiciary branch and its courts.	The consultancy financed by the Bank in 2012 revealed that there is universal consensus amongst all beneficiaries that the inhibitive court reporting process is inefficient and in need of reform. The recommendations laid out in the report were derived from wide consultations from members of all divisions including the Chief Justice, Attorney General, President of the court of Appeals, Chief Magistrate and various Magistrate Judges.
Difficult Interaction between the different government agencies	In-depth orientation and stakeholder consultations with all involved institutions

VI. EXCEPTIONS TO BANK POLICY

- 6.1 There are no exceptions to Bank policy.

VII. ENVIRONMENTAL AND SOCIAL CLASSIFICATION

- 7.1 No environmental or social risks are associated with the activities of this operation. Therefore this TC qualifies for classification "C".