

CRIMINAL JUSTICE SECTOR ASSESSMENT RATING TOOL

A U.S. Government Interagency Framework
to Assess the Capacity of
International Criminal Justice Systems

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CONTENTS

INTRODUCTION	3
CJSART Background.....	6
CJSART In Practice.....	10
Frequently Asked Questions.....	15
SECTION A: LAWS	17
• Criminal Code.....	17
• Criminal Procedure Code.....	18
SECTION B: JUSTICE SECTOR	21
• Judiciary Institutions	21
• Investigative Capacity	23
• Prosecution Services	24
• Private Criminal Defense	25
• Public Defender	25
• Trier of Fact	26
• Ethical Standards	26
SECTION C: LAW ENFORCEMENT	28
• Officer Selection and Professional Training	28
• Command and Control	29
• Investigative Capacity	30
• Patrol Functions	31
• Special Police Units	33
• Administrative Functions	34
• Oversight and Internal Affairs	36
SECTION D: TERRITORIAL BORDER SECURITY	38
• Border Protection and Security	38
• Command and Control	40
• General Investigative Capacities	41
• Specialized Investigations	42
• Administrative Capacity	42
• Professional Training	44
• Oversight and Human Rights	45
SECTION E: CORRECTIONS – PRISON CAPACITY	47
• Corrections – Prison System Capacity	47
• Administration	50
• Training and Academy Development	52
• Accountability/Oversight/Human Rights	53
• Rehabilitation Programs	54
SECTION D: INTERNATIONAL COOPERATION	56
• International Agreements	56
• Overall International Cooperation	56
• International Criminal Investigations	57
• International Organizations	57
• Combating Priority Crimes	58
• International Instruments	59
• Participation in Resolving Transnational Issues	59
References	62
Acknowledgements	64

The Criminal Justice Sector Assessment Rating Tool: Assessor Information

**A PRODUCT OF THE INTERAGENCY WORKING GROUP
ON CRIMINAL JUSTICE SECTOR EVALUATION**

INTRODUCTION

The events of September 11, 2001 demonstrated the direct and lethal threat posed to U.S. national security by a state that openly exploits its dearth of democratic processes and lack of legitimate rule of law. Recognition of the serious threat posed by states that previously were thought largely incapable of directly harming the United States has required a substantial examination of, and alteration in, national security strategy.

As the U.S. government adjusts tactics for fighting the long war against terror and other transnational crime threats, effective tools are needed to systematically expand the use of “soft power” to assist and develop fledgling nations’ rule of law institutions. There is growing recognition of the high correlation between effective criminal justice systems in democratic nations and their ability to be reliable, long-term international partners for peace, stability, and prosperity.

U.S. assistance in Afghanistan and Iraq has underpinned the need for a whole of government paradigm to promote rule of law. The United States Government (USG) now spends billions of dollars each year on rule of law assistance programs. A fundamental and vital component of rule of law development is instituting a vigorous and impartial criminal justice sector. Proficiency in how to effectively use and measure this foreign assistance, however, continues to develop accompanied by the requirement to organize complex efforts into transferable knowledge for all of USG policy makers and implementers.

The Criminal Justice Sector Assessment Rating Tool (CJSART) is designed to assist policy makers and program managers to prioritize and administer host-nation criminal justice sectors needing assistance. Once the assistance programs are underway, the CJSART is a systematic tool designed to measure progress and accomplishments against standardized benchmarks. Used in its entirety, the CJSART holistically examines a country's laws, judicial institutions, law enforcement organizations, border security, and corrections systems as well as a country's adherence to international rule of law standards such as bilateral and multilateral treaties.

Policy makers have long understood the end-state goals of lowering crime rates and providing access to justice, but the intermediate steps toward reaching those goals were not well defined. The CJSART is the first USG attempt to comprehensively identify the crucial components of a healthy criminal justice system, assess them, and create a framework for improving rule of law over the long term. The CJSART can be used to increase efficiency, conserve finite foreign assistance resources, and help to ensure that our efforts are cost-effective and transparent. The components CJSART captures of healthy systems are international principles, not U.S. practices. The framework in this tool takes into consideration those components universally necessary for democratic rule of law, while remaining sensitive to the customs, traditions, and social structures of the world's myriad forms of democracy and their individual levels of development.

This Criminal Justice Sector Evaluation focuses its efforts on a subset of the security sector: criminal justice systems. For the purposes of this framework, a criminal justice system is comprised of the following elements:

- **Laws** – A nation's Criminal Code and Criminal Procedure Code;
- **Judicial Institutions** –Judges, the Public Prosecution Service, and the Defense Bar (including both private attorneys and public defenders);
- **Law Enforcement** – Policing, investigations, and forensics;
- **Border Security** – Points of entry, Customs, and Security, whether land, marine, or air;
- **Corrections System** – Prison system and detention facilities, both pre and post conviction confinement; and

- **International Cooperation** – Treaties relevant to criminal justice to which a nation is a signatory and membership/participation in conventions, agreements and international organizations.

Standardizing these six components allows for progress to be tracked over time. Prior to CJSART, the status of a country's criminal justice system was often determined through consideration of an ad hoc, often expedient, assortment of considerations or via the personal expertise of individual program managers. Because the collection of factors considered was not consistent, or always reflective of USG assistance priorities, it was often not possible to affirm definitively when progress was made within a state's criminal justice system. CJSART, therefore, attempts to advance the field's ability to reliably and systematically evaluate criminal justice sector assistance.

Theory and practice within the field of rule of law is deepened by CJSART's holistic approach. Criminal justice systems often break down because of difficulties at the vulnerable intersections of the various justice sector disciplines. For example, poor police-prosecutor cooperation in investigations can often result in a justice system unable to convict its criminals. Or, prisons might be overcrowded because a country's legislature has not passed laws allowing for bail, alternative sentencing, and parole. CJSART includes indicators specifically designed to encourage assessment of interdisciplinary issues. This, combined with the structure of a CJSART assessment, which sends sector experts out as an integrated team, results in a more complete understanding of what may be weakening or strengthening a state's rule of law. The challenges criminal justice systems face are often complex, crossing many sectors, so it is crucial that the USG have a consistent tool for designing programs which do the same.

The CJSART ultimately strives to drive program performance by enabling policy makers to design multi-faceted programs based on defined needs and vulnerabilities. This framework can lead to further evaluation and analytical integration with other security sector reform projects. As performance information continues to be collected and analyzed, policy makers are able to make informed decisions on the efficacy of development approaches with international criminal justice systems, thus strengthening the first line of defense against the encroachments of both local and international criminal elements and helping to reduce the likelihood that a country will become an incubator for international terrorism.

SECTION I: CJSART BACKGROUND

CJSART began early in 2004 when experts from the Department of State, Agency for International Development, Department of Justice, and the Department of Homeland Security formed an inter-agency working group and began to outline a systematic criminal justice assessment paradigm. Although INL assumed a coordinating role in this interagency exercise, the bulk of each sector's indicators were developed by the relevant expert agency. Approaching three years of exploration, coordination, and research, CJSART now has active intellectual contributors, collaborators and mentors from dozens of bureaus, in both the civilian and military departments and agencies. To date, CJSART assessments have been conducted in Georgia, Guatemala, and Sudan. The tool's framework has been also used by myriad of evaluators in other parts of the globe such as Liberia, Indonesia and Nepal.

Methodology

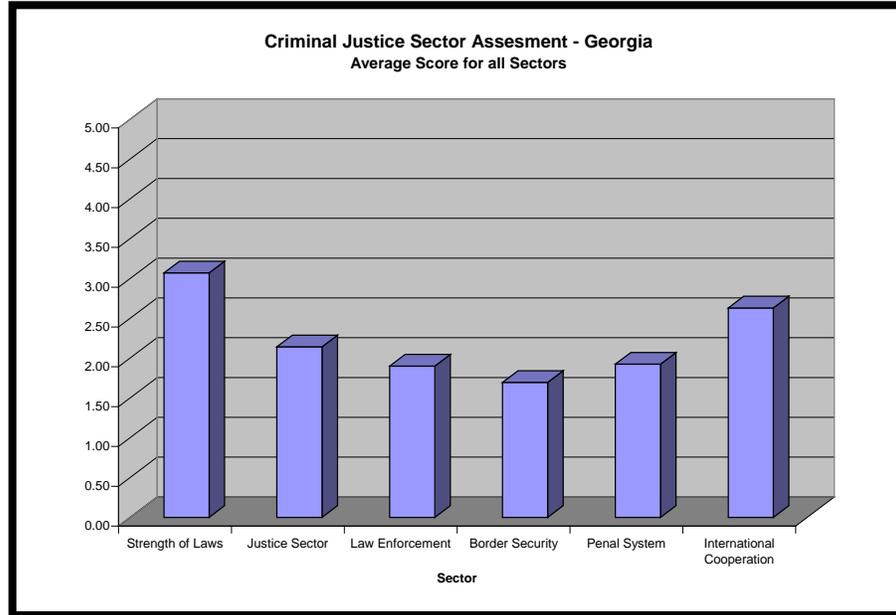
A CJSART assessment begins with a comprehensive desk study. The desk study reviews the relevant literature and considers broader questions, such as: What is driving insecurity in the country? Who supports reform and who opposes it? These questions are outlined at the beginning of each section as "Context Questions."

The in-country portion of a CJSART assessment consists of dozens of interviews and facility visits often accumulating to interviewing over a hundred officials. Assessors work to determine a yes or no answer to each of the 700-plus indicator statements. Arriving at a simple "yes" or "no" requires synthesizing input from multiple actors and ensuring capabilities are demonstrated, not only discussed.

Depending on how many questions an assessor answered in the affirmative, he or she assigns a numeric ranking that show the stage of development of various aspects of a criminal justice system. All the indicators have been written so that they describe positive attributes that should be in place in a criminal justice system. The actual calculations are accomplished with the use of a spread sheet, but the system is pretty basic and easy to understand. If a country meets between 0% and 20% of a certain performance capability, it is ranked as a Level 1; for 21-40% it is Level 2; 41-60% is Level 3; 61-80% is Level 4, and 81-100% is Level 5 for that specific capability. Essentially experts proceed through the queries of their respective discipline scoring the information gleaned from the interview in one of the five categories for each applicable capability.

The final calculations for the various performance “functions” is done in Washington by the CJSART team. Calculation is straightforward as each capabilities builds into a performance function, which then build into score for that discipline. Normally the calculations are simply straight percentages;

however, certain fundamental USG priority indicators (which are underlined throughout the query battery) must be met in order for a country to score above Level 2 in any



performance capability. Thus; a country which answered “yes” for three out of a possible five measurement indicators, might be expected to be a Level 3 (41-60%); however, if one of the two “no” indicators was underlined, therefore fundamental, the country would only achieve scoring in the Level 2 category.

The possible permutations for each capability score is almost limitless; however, below is a brief description of what assessors might expect to see at each level:

- **Level 1 (0-20%)** Country is essentially nonfunctional in this capability area and/or progress data is totally unavailable, or the country is not able to verify any meaningful progress in this area. This is likely a rebuilding country or lower where broad day-to-day developmental assistance/expertise is required to operationalize in this measurement indicator. At the upper end of this range there may be some minimally palpable progress of capability/concept building demonstrated within this competency function.
- **Level 2 (21-40%)** Some minimal development was observed in capabilities in line with the required competencies, but documentation of progress is mostly anecdotal. This is probably a developing country where hard evidence of capacity building and

progress is very limited or; competency improvements are being planned but mostly not yet implemented/funded; and, where there is considerable developmental work still required for implementation of capacity improvements. In most cases a Level 2 country will not yet meet Millennium Challenge (MCC) criteria.

- **Level 3 (41-60%)** Capacity improvements are verifiable, being implemented and democratic reforms are in the early stages of implementation. This may be a transforming country where the momentum of reform is adequate -- more likely is a sustaining partnership country. Capacity building is well along in the implementation stage and some encouraging, real and documented progress is evident. Improvements are being achieved; and progress can be verified with program trend data as well as anecdotal records, and evidence of improvement is easily demonstrated.
- **Level 4 (61-80%)** Capacity building is unmistakable to the observer team and the program element is functioning with results at a highly satisfactory level of accomplishment. The component is demonstrating and achieving the intended purpose in nearly all important areas; there has been significant, obvious and verifiable progress in implementing the components of the program. At the lower end this could be a sustaining partnership country but more likely is a reforming country where the measurement indicators being evaluated strongly indicate programs accomplishing milestones and meeting objectives. Evidence of sustainable progress is well documented and some measurement management feedback/analysis is evident.
- **Level 5 (81-100%)** Compelling and convincing evidence demonstrates that this program element has attained an enviable level of achievement. A country performing constantly at the Level 5 will have its programs firmly established, and best-practices will be thoroughly institutionalized; there is documented evidence that programmatic outcomes have been implemented in a wholesale fashion; there is considerable confidence that skills of this measurement indicator illustrate the capacities of the very best sustainable law enforcement programs and/or this is a Criminal Justice Sector institution that is comparable to the most sophisticated in the world.

These rankings are then depicted graphically (see: Georgia graph¹) to help program designers visualize areas of strength and weakness in a country's criminal justice system.

¹ Overall Sector ratings from Interagency CJSART assessment of Georgia, 2006.

How does this all work in practice?

CJSART assessments, as well as most modern Rule of Law or Justice Sector reviews, frequently arise because of a need to address an apparent problem, or to provide responses to policy makers or to adjust programmatic priorities in the wake of budgetary or priority shifts. The focus of the CJSART expert is to collect data using a rigorous, defined and replicable framework categorized in a prearranged system. Once the country data is collected and catalogued it can then be analyzed out of country; applying such intelligence, contextual guidance, demographic facts, local insight or diplomatic priorities as needed.

At the outset, CJSART experts need to remind themselves that their evaluations are primarily focused on a country's criminal justice sector. Unlike more narrow reviews and audits fashioned to focus on aspects of a particular government program or donor project, the CJSART interdisciplinary assessment is designed to assess and help to analyze the interlocking key components of the criminal justice sector, their integral procedures and how well (or poorly) they work together to ensure a responsive, just and transparent system. Because the rigor of CJSART is in part dependent on its holistic approach, eliminating key components from an assessment can have an eroding effect on the usability of its findings. As tempting as it can be to focus on more familiar programmatic mechanisms, it is important that the assessment team keep the holistic, country-level methodology in mind.

From the perspective of the CJSART expert assessor (interdisciplinary experts in the areas of Laws, Judicial Institutions, Law Enforcement, Border Security and Prisons), the operation of the Tool takes place in three stages:

- Pre-visitation administration and country research;
- Visitation and the in-country assessment; and,
- Final analysis, quantification and editing of the analytical country report.

During each of these phases the interdisciplinary CJSART criminal justice sector experts will be assisted and guided by the Team Leader and/or a CJSART Tool Administrator from the Bureau for International Narcotics and Law Enforcement.

The first stage, pre-visitation, begins with the initial tasking by a country or functional bureau policy maker. The initial tasking can precede the actual visitation stage by as much as six months, but the norm is closer

to 90 days. During this stage much of the logistic work is done and the research for the desk study is also accomplished. Further, specific experts in each of the disciplines are identified, recruited and briefed. Upon the request of the individual experts, the desk study is tailored to address areas of concern, and together with the Washington staff, an interviewee list is assembled. Near the end of the first phase, the interviewee list and travel logistics are coordinated with the USG in-country mission to help streamline the in-country visit and allow as much assessment exposure as possible.

The second, most visible, aspect of the CJSART process is the in-country assessment visit by the team of interagency experts. Depending on the country and the complexity of the assessment, the assessment visit will run from one to two weeks. During this period, the experts of interagency assessment team will function semi-independently of each other, conducting up to 7 assessment interviews and facility visits each day. The task of the CJSART team is to return with short narratives and composite scores for each of the 100 or so performance measure capabilities. Although there are a sizeable number of categories, each expert is generally only responsible for a far more manageable number of 15-25 performance measures, consisting of approximately 100 individual inquiries in their professional discipline.

Most experts find it useful to capture the information as they conduct each interview, and then compile the record each evening along with their narrative impressions and the scores for the categories addressed that day. Of course, not every interview or facility visit will address all the categories – indeed most will allow a look at a only segment of a discipline. So, experts will need to track which capabilities they need additional information and begin to solicit answers in those areas.

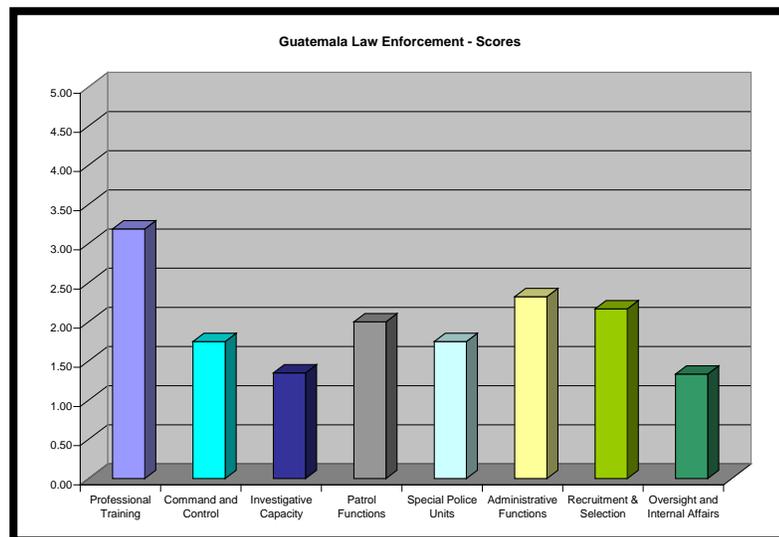
As the accumulation of interview and scores build up, the experts can expect to see a pattern or, more likely, a series of patterns. Additional patterns will develop as individual experts begin to compare their finds and typically cross-cutting patterns will emerge. For instance, a country that has trouble paying its police may also have trouble paying its border security. Or, a country which has no effective ethical oversight mechanism for its judiciary, may also show signs of lack of oversight for police, prison security and others. Typically these findings will become evident rather quickly during comparisons across disciplines as experts identify and pinpoint cross-cutting factors or cross-disciplinary impediments. The experts are encouraged to pursue these, as well as to offer their expert opinions on possible solutions, whether small and local, or large and systemic.

With assistance of the Team Leader or Tool Administrator, the individual CJSART experts will accumulate their notes, generally containing:

- Narrative observations directly addressing the performance measures from their interviews and facility visits.
- Numerical scores from the same CJSART performance measures.
- Any cross-cutting, interdisciplinary concerns or issues they have detected.
- Specific recommendations regarding priorities for further assistance including solutions to interdisciplinary problems or other complex remedies.
- Any other topics they feel should be captured, such as: lessons learned, paradigms worthy of emulation, or innovative solutions they observed.

The last stage (typically an additional 4-6 weeks from completion of the in-country assessment visit) takes place back in Washington, where the notes, narratives, scores and initial recommendations of the CJSART experts are compiled into an analytical country report. The data previously collected in country is used to calculate performance measure scores which are

fed into the spreadsheet, producing separate, more detailed, bar-graphs (see: Guatemala graph²). These bar-graphs depict the internal component levels for *each* of the six criminal justice sector disciplines and are inserted into the final report



to help program directors better visualize areas of weakness or strengths. The data is also cataloged for future reference by follow-on country

² Law Enforcement section scoring from Interagency CJSART to the Republic of Guatemala, 2006.

evaluators. Once the data has been collected, assembled and catalogued for computation, the experts will write their respective analytical reports, relying on their data and amplifying and explaining their findings through anecdotal illustrations as well as their analysis. At this final stage is where the CJSART team is encouraged to rationalize and explain the various demographic, budgetary, political or other dynamics which may be shaping or hindering criminal justice sector progress.

The individual expert reports are assemble in a final document, but before the final draft of the report is approved for distribution, it is sent back to the experts to ensure it captured their thoughts and assessments, as well as to offer an opportunity for any additional observations they may wish to include. Finally, the foreign assistance recommendations of the team are inserted in the analytical country report, so planners and policy makers have a clearer picture of the logical paths forward. Once fully reviewed and edited, the final country report is distributed, usually about six weeks after the assessment team returns from the country being assessed.

Assessors will draw on a range of interviews and facility observations in determining how to rank each component within CJSART's holistic, sector-wide assessment structure. Below is a, far from exhaustive, list of some of the groups and officials that should be consulted when appraising each section:

Laws and Judicial Institutions

High- and mid-level prosecutors
Public and private defense attorneys
High- and mid-level justices
Traditional/customary legal professionals
Ministry of Justice representatives
Bar Association representatives
Law school faculty
Human rights organizations

Law Enforcement

Ministerial level and regional, mid-rank police officers who can speak to:
Administration, operation, finance, criminal activity, & training
Non-governmental security firms
Agencies that track crime statistics
Forensics and investigative officials

Border Security

Ministerial level and regional, mid-rank customs officials
Airport security officials and technical support
Border guards

Seaport Authority and Security

Corrections

Ministerial and mid-level prison administration officials

Prison guards

Rehab and inmate retraining/integration officials or NGOs

International Cooperation

Appropriate Ministry

USG Legal Attaché at the Embassy

United Nations

Other Donors

Interpol

International NGOs

Local NGOs

Other interdisciplinary Institutions

Media, both indigenous and international bureaus

Non-governmental Organizations with a country presence

Governmental or non-governmental donors with operations

USG Program Officers

Faith based organizations provide Justice sector assistance

Frequently Asked Questions

- **Do I have to ask all 700 questions?** No! Both you and the interviewee would be fast asleep before you ever got that far. The individual queries are designed primarily to frame the conversations and although experts should be able to answer each query, every question need not be asked. Experts will be able to deduce the answers to many queries simply from their facility observations, as well as from the context of the interviewee's answers to previous questions. The exercise is framed by the 100 or so "Capabilities," after which CJSART relies heavily on our criminal justice experts to "see around corners" and provide insight on the causes and effects they have observed.
- **Are there any questions that *MUST* be asked?** Yes! Throughout the Tool are several dozen underlined queries. These must be asked directly if the information is not reliably ascertainable during the course of the interview. These particular questions have been deemed essential USG interests or are basic criminal justice building-blocks. Typically these questions are those that involve human rights and/or are of a very fundamental nature.
- **Is one assessment tool used world-wide?** Yes. The emphasis is on a rigorous, replicable measurement of justice sector maturity and institutional performance *within* a specific country. Predominantly, the criminal justice institutions are measured against themselves using a common, standardized yardstick to ensure that ongoing institutional reform may be reliably quantified. The goal of the tool is to help establish foreign assistance priorities *within* a country using a reliable, orderly and established benchmarking system. Assessors are encouraged to rely on their experience but are discouraged from making direct country to country comparisons excepting to typify proposals for further assistance and development.
- **Does the Tool measure political will?** Experts have long labored to measure the important, but oft ill-defined, *political will*. There is no doubt that political will, the willingness of a government to actually do something, is a vital factor if there is to be any hope of sustainability in a nation's criminal justice sector. CJSART is based on operationalized concepts as well as functional institutional capacity and does not attempt to quantify political will outright. In essence, CJSART primarily focuses its energy in trying to quantify political will's footprints. Nonetheless, experts should be ever vigilant for signs that a country's will to act does not match their rhetoric. Further, before the experts travel, the desk study often will bring together what authoritative analysis is currently available regarding a country's political will.

- **Why does CJSART measure areas that aren't part of the country's USG assistance program?** Building on lessons learned from decades of justice sector assistance efforts, CJSART looks at the entire sector as an interrelated, integrated and, hopefully, coordinated whole – a holistic paradigm. CJSART establishes country-wide benchmarks as well as highlighting segments that are fertile for assistance – segments that may yet be beyond the current assistance program. The focus is on keeping a constant, holistic monitor on the integrated criminal justice sector so that deficiencies in one sector area do unexpectedly compromise USG assistance in another.
- **What do you mean by “holistic”?** CJSART is made up of interrelated, but separate justice sector disciplines: the laws, the judicial institutions, as well as the police, prisons and border security officials, are components of a whole. A holistic assessment considers the capacity of the entire criminal justice system rather than narrowly focusing only on prosecutors or police, etc. There are myriad factors which have an impact across the system and CJSART's holistic methodology invites the experts to concentrate on their individual areas of expertise, while pursuing cross-cutting influences.
- **Wouldn't it be better to spend money on programs not assessments?** We are operating in an increasingly results driven environment. In order to achieve meaningful results, policy makers need to know what would be the most effective use of funds. Demonstrating those results requires a certain investment. The dollar cost of a CJSART assessment is comparatively nominal and should pay for itself in helping to set assistance priorities and in providing policy makers with a standardized yardstick they can use with confidence. CJSART is like the instruments in a car: giving practitioners a solid idea where they are going and how well the machinery is working, and as accumulative data is assessed, how fast one is moving towards program objectives. CJSART's quantitative data and interview summaries also assist policy makers see where resources are getting slim, or where a program goal may need to be refined. CJSART is a yardstick designed to increase efficiency, to better focus finite foreign assistance resources and to help ensure that our assistance efforts are cost-effective and transparent.
- **Who should I contact if I have questions regarding this assessment program?** Feel free to call or email the Department of State, INL/RM.

James A. Walsh, 202-776-8505, walshja@state.gov

Lawrence F. Bird, 202-776-8558, birdlf@state.gov

Keira A. Goldstein, 202-776-8769, goldsteinka@state.gov

SECTION II: Assessment Instrument

SECTION A – LAWS:³

Laws, especially the criminal code and the criminal procedures code, form the basis of all criminal justice systems. These laws must clearly define crimes, the corresponding punishments, and how those accused of committing crimes must be treated. Protecting many human rights begins with establishing criminal procedure codes which prohibit discrimination and mistreatment. Citizens must have access to these laws in order to hold their government accountable. The specific authorities of an institution are often laid out in national legislation such as a police act or judiciary act. These are the kinds of issues examined in this section of the Criminal Justice Sector Assessment Rating Tool.

Context Questions

- How do the laws balance the good of society as versus the rights of individuals?
- Is there a demand for legal reform within the government?
- What is the relationship between non-state justice and law enforcement organizations? Are they recognized by law? Is the jurisdiction between the formal and informal system clear?

1) Function: Criminal Code

a) Capability: Content

i) Measurement Indicators

- Is there a criminal code?
- Does the criminal code clearly lay out the elements of most crimes?
- Do serious crimes merit appropriate penal sanctions (as opposed to monetary fines)?
- Are penalties (minimum...“to receive no less than” language) written in the law?
- Do less serious, or victimless, crimes receive appropriate/lesser sentences which are written in the law?

b) Capability: Access – Awareness

i) Measurement Indicators

- Are criminal laws drafted, publicly debated and passed in an open and transparent process?

³ NOTE: All queries in a sub-category that are underlined must be answered in the affirmative for a country to score above a two in that sub-category regardless of the proportion of other affirmative responses.

- Does the government make laws and the constitution publicly available at, for example, government information offices, local courthouses, government website, police stations, etc?
- Are new laws immediately available to the public once they are passed?
- Can a citizen easily obtain free copies of their Constitution or laws?
- Can the average citizen get information that explains in a clear and direct way what rights and obligations the Constitution and other laws contain?
- Does the court/court-system generally provide enough information about its services, procedures and decisions so that citizens, plaintiffs and defendants are aware of their requirements, proceedings and resources?
- Are there non-government sources of information for citizens about their rights under the constitution via, for example: television, newspapers, internet, NGOs, etc?
- Is the public aware of their civil/individual/human rights if arrested, detained, property is seized, etc.?
- Are basic civil rights and protections such as arrest procedures and individual protections taught to the country's students in school?

c) Capability: Equality

i) Measurement Indicators

- Do laws specifically prohibit discrimination?
- Do laws protect identified minorities, etc.?
- Are there conspicuous numbers of minorities/women in the police? Seated as Judges? Serving as Prosecutors?⁴

2) Function: Criminal Procedure Code

a) Capability: Content

i) Measurement Indicator

- Does the criminal procedure code and observable practice prohibit criminal justice officials from engaging in torture or inhuman or degrading treatment?
- Does the criminal procedure code and observable practice prohibit illegal slavery or servitude (trafficking in persons)?
- Are people punished for crimes that were not crimes (ex post facto) when they committed them?
- Is freedom of expression reasonably unrestricted? (Reasonable restrictions include national security, privacy, etc.)
- Is freedom of association reasonably unrestricted? (Reasonable restrictions might include curfews during looting, to preserve public order, or wartime; quarantines for illness, public health/safety, etc.)
- Are people allowed to practice the religion of their choice? (Or no religion if they choose)?

⁴ Note to Experts: Where countries track such statistics, make a note of the numbers they provide.

- Are there provisions for alternative sentencing such as alternatives to imprisonment or dispute resolution? If so, is there a possibility of formal judicial review of such alternative mechanisms?

b) Capability: Procedures

i) Measurement Indicators

- Is a person informed at time of arrest/detention of reasons for arrest/detention and charges against him/her if any?
- Is an Arrestee/Detainee brought promptly (48 hours) before a judge or judicial officer to decide on lawfulness of arrest/detention?
- If arrestee/detainee is charged with a crime, is s/he advised of her/his right to remain silent and right to an attorney?
- Is the time it takes from arrest/detention to initial appearance before the judge for review of arrest/detention predictable and proscribed by law?
- Is there standard proscribed amount of time from arrest/detention to trial for serious crimes (felony: rape, homicide, serious assault)?
- Are records kept to show how much of the total detained population is awaiting trial?
- Are the following measures of pretrial restraint viable options to pre-trial detention: Bail, House arrest, Surety, Personal Recognizance?
- Are criminal trials open to the public and media?
- Are criminal trials closed to the public only under special documented and legally provided for circumstances that maintain the procedural protections/rights of the parties?
- Are court decisions published and made available to the public?
- Do public authorities refrain from treating a suspect or defendant as if s/he were guilty prior to being tried in court (presumption of innocence)?
- Are persons able to receive private/paid counsel promptly after their arrest or detention?
- Are persons able to receive public/free counsel within a reasonable time after their arrest or detention?
- Are defense attorneys able to meet confidentially with their clients in pretrial detention facilities?
- Can the accused/defendant challenge his “confession” in court by alleging coercion and mistreatment as the reason for the “confession”?

c) Capability: Civil Protections – Ethical Enforcement

i) Measurement Indicators

- Do criminal justice officials refrain from inhuman or degrading treatment or punishment or excessive/inappropriate use of force occur (whether overtly or by acquiescence)?
- In the event that incidents of torture or degrading treatment or excessive/inappropriate use of force are identified, does the

government take meaningful corrective action to address this conduct (e.g., investigation, prosecution, firings, issue a public report, etc.)?

- Does slavery or servitude (trafficking in persons) occur, whether overtly by governmental acquiescence?

SECTION B – JUSTICE SECTOR:⁵

Judicial institutions play an important role in stabilizing the balance of power within a government and access to justice is fundamental to the protection of human rights. Courts are also important conflict resolution mechanisms for resolving disputes non-violently. This section focuses on judicial institutions and the key actors: judges, prosecutors, and defenders.

Context Questions

- How are judges and prosecutors appointed?
- What is the level of corruption in the judicial institutions? Is this being addressed?
- What are the size and coverage of the judiciary, prosecution, public defenders (e.g. number, variety, jurisdiction, and hierarchy of the courts)?
- What are the capacity limitations of the judicial institutions (human resource, financial, infrastructure)?
- What are the reliable authority and financial resources of the judicial institutions?
- What types of issues and disputes do non-state justice systems address?
- What is the relationship between traditional and formal systems for resolving disputes?
- Is there a demand for judicial reform within the government? What are the incentives and disincentives for reform?
- What is the relationship between civil society organizations and state and non-state justice providers?
- Which, if any, groups in society do not have access to justice?
- With which justice institutions (state and non-state) do poor people interact most? Are these experiences positive or negative?
- Are there military courts? Under what circumstances can they try civilians for criminal offences?

1) Function: Judicial Institutions

a) Capability: Judiciary

- i) Measurement Indicators
 - Is there a separation of powers between the judiciary and the other branches of government?
 - Are judicial decisions free from influence by the executive or legislative branch both under the law and in practice?
 - Are court decisions typically objective and based on the merits (objective arguments and evidence presented) of the case?

⁵ NOTE: All queries in a sub-category that are underlined must be answered in the affirmative for a country to score above a two in that sub-category regardless of the proportion of other affirmative responses.

- Are judicial decisions written and regularly available to both legal professionals and the public?
- Do judges of the highest courts in the land have lifetime appointments?
- Do judges receive appropriate salaries, commensurate with other justice sector officials?
- Can a judge be removed only for reasons of cause (breach of ethics, etc.)?
- Can a judge be transferred only with his/her consent?
- When the jurisdiction of the court to hear a case is contested, does the presiding judge decide?
- Do prosecutors generally respect the judge's authority and decisions?
- Does the judiciary have a budget adequate to carry out its responsibilities?
- Do judges have material and substantive resources (including statutes, codes, laws, copies of opinions, regulations, supplies, etc.) sufficient to perform their duties?
- Are judges selected, promoted and fired based on competence (knowledge/skills), fairness, integrity and experience?
- Are cases assigned randomly?

b) Capability: Judges

- i) Measurement Indicators
- Are the requirements for appointment to the bench public and transparent?
 - Must judges be qualified to hold office?
 - Do judges receive periodic training to stay current in the law?
 - Are the rules governing judicial ethics and conflicts of interest written down and made public?
 - Do judges accused of misconduct or improprieties receive written, documented explanation (including grounds) of accusation and the ability to appeal a disciplinary decision to an independent body?
 - Are judges judged by their peers (as well as any other tribunal) in these circumstances?
 - Is there a requirement that judges must file financial disclosure forms on a regular basis?

c) Capability: Court Administration and Record Keeping

- ii) Measurement Indicators
- Is there a designated/elected/appointed official (or professional office) empowered with the responsibility for court management? (At a national level, and at the level of each court)?
 - Is the case tracking system reasonably calculated to make sure that cases are accounted for (perhaps with the tickler file or other systematic alerting system) and that the court, attorneys, plaintiffs and defendants are notified of due/suspense dates?

- Is the case tracking information publicly available in a central database or repository to the prosecution, defense and judiciary or criminal justice officials directly involved in a case?
- Does the designated official or professional office have sufficient budget and staff to afford court users access to records and documents of ongoing and past cases?
- Are the following statistics compiled and reasonably available: Number of cases brought to court, withdrawn, cases diverted to programs, acquittals, convictions and other dispositions, sentences (including a breakdown of types of sentences used)?
- Are there statistics regarding how many people are sentenced to imprisonment during the course of a year or other time increment?
- Can statistics be further broken down by the following features: Gender/ race or ethnicity/ crime category/ geographical area?
- Is there statistical information about time intervals, for example, how long is the average time: between arrest and charge or release, between setting down of case and final resolution, average time spent in detention on remand?

2) Function: Investigative Capacity⁶

a) Capability: Investigative Skill

- i) Measurement Indicators
 - Do judges follow documented rule of evidence conventions and ensure that chain of evidence practices are followed?
 - Do judges⁷ have documented knowledge/management skills to oversee/manage:
 - Advanced investigative interviewing
 - Advanced investigative report writing
 - Advanced crime scene investigation/protection

b) Capability: Investigative Case Management Practices

- i) Measurement Indicators
 - Do judges ensure that a systematic, standardized case management system is used?
 - Do judges have the necessary case management skills to advise midlevel investigators on how to effectively handle multiple crime threats?
 - Do judges have the necessary skills to ensure active interaction/coordination with other law enforcement professionals

⁶ This sub-function is to be used in the overall calculation for either Judiciary or Prosecutorial service *only* in legal/CJS formats where the responsibility for managing, supervising or directing criminal investigations is assigned either to the prosecutor, investigative judge or magistrate or other officer under the court (as versus under the Law Enforcement management/leadership). For Law Enforcement investigations, use only the similar investigations subsection under the Law Enforcement segment.

⁷ Use of term “Judge” is generic in this context for any of the three; the Prosecutor, Investigative judge or Magistrate, as well as other non-police officials filling this supervisory role in civil-law, hybrid or other systems.

and technicians leading to effective prosecutions and more convictions?

- Do judges ensure that case management practices are followed to facilitate criminal investigations?

c) Capability: Crime Scene Search/Collection Capabilities

- i) Measurement Indicators
- Do judges have the technical skills/knowledge to supervise Forensic and Legal Medicine technicians at the crime scene?
 - Do judges have appropriately qualified, certified or credentialed crime scene search/collection capabilities?
 - Do judges utilize chain of evidence practices?
 - Is the judge's technique and scheme of investigation reasonably calculated to produce data, testimony and/or information relative to the specific elements of the crime being investigated?
 - Does the investigative judge follow appropriate rules of evidence to ensure introduction during proceedings and in support of the theory of the case?
 - Do judges have access to specialized crime scene collection team/unit?
 - Do judges employ modern/contemporary fingerprint analysis and identification and photography capabilities?
 - Do judges have the necessary technical and professional expertise to supervise the following capabilities: crime scene sketch, firearms and tool marks, questioned documents examination, drug analysis, toxicology, trace evidence, serology/DNA, and pathology/forensic medicine?
 - Do judges coordinate with the Coroner's Office or equivalent institution?

3) Function: Prosecution Services

a) Capability: Prosecutors

- i) Measurement Indicators
- Are prosecutors selected, promoted and fired based on education, competency, testing, integrity, etc.?
 - Must prosecutors be trained as lawyers?
 - Is the primary role of a prosecutor clearly delineated, describing their relationship with respect to the interests of the state?
 - Does the prosecutor's office have a budget adequate to carry out its responsibilities?
 - Do prosecutors have sufficient material and substantive resources (including statutes, codes, regulations, supplies, etc.) to perform their duties?
 - Must prosecutors attend and receive periodic training to stay current in the law?
 - Must prosecutors always appear for court proceedings – both the pretrial and trial stages?

- Are the rules governing ethics and conflicts of interest written down and made public?
- Do prosecutors accused of ethical violations or other misconduct receive a written, documented (justified) explanation of accusation?
- Do prosecutors have discretion to decline bringing a case? (If so, is that decision reviewed internally by more senior prosecutors as opposed to by another body?)

4) Function: Private Criminal Defense Attorneys

a) Capability: Defense Attorneys

i) Measurement Indicators

- Are there requirements for a lawyer to appear before the court as a defense attorney?
- Do defense attorneys have a budget adequate to carry out their responsibilities?
- Do defense attorneys have sufficient substantive and material resources (including statutes, codes, regulations, supplies, etc.) to perform their duties?
- Must defense attorneys attend and receive periodic training to stay current in the law?
- Are the rules governing ethics and conflicts of interest written down and made public?
- Do defense attorneys accused of ethical violations receive written, documented explanation of accusation by a recognized bar or other legal association?
- Do the prosecutor and defense attorney have “equality of arms” in presenting their case/arguments?
- Must defense attorneys recuse themselves in cases posing a conflict of interest?

5) Function: Public Defender

a) Capability: Public Defenders

i) Measurement Indicators

- Is there a public defenders service?
- Is the entity that manages the provision of legal aid sufficiently independent?
- Is the public defenders program free from government interference and influence except for receiving government funding?
- Is there general parity between lawyers from the public defenders office and the prosecution with respect to resources and status?
- Is there adequate funding to provide public defenders for all appropriate cases?
- Are public defenders provided with and required to attend continuing legal education?

b) Capability: Public Defender Accessibility

i) Measurement Indicators

- Is the public defender's office adequately funded and adequately/professionally staffed?
- Does each public defender have a reasonable case load (to allow counsel to effectively prepare cases)?
- Do low-income persons and indigents have reasonable assurance of access to public defenders?
- Are indigent defendants represented in the course of the process from arraignment through the appeals hearing, not just at trial?
- Are private pro bono defenders available?
- Are minimal, waived or no court fees available for low-income defendants?

6) Function: Trier of Fact⁸

- a) Capability: Independence
 - i) Measurement Indicators
 - Is the Trier of Fact independent from prosecutors/defense?
 - Does the Trier of Fact have a secure and private location where they can deliberate?
 - Are the Trier of Fact member(s) generally protected from outside illegal influences, pressures, and intimidation as well as political manipulations?

7) Function: Ethical Standards

- a) Capability: Ethical Standards
 - i) Measurement Indicators
 - Do ethical codes exist and are provisions/guides generally available for all legal professionals?
 - Are ethical codes generally accepted and followed?
 - When the Ethical Code is violated, is it enforced and are violators held accountable?
 - Is the ethical code applied to everyone in the legal profession (including judges, prosecutors, legal defenders, etc.)?

- b) Capability: Anticorruption
 - i) Measurement Indicators
 - Are anticorruption laws widely promulgated?
 - Are anticorruption laws generally accepted and considered the standard for the profession?
 - Is Anticorruption ethical guidance accompanied by regular and mandatory training?
 - Can offenders also be prosecuted for the support/acquiescence of corruption, including money-laundering and obstructing justice

⁸ Trier of Fact may be a lay jury, panel of judges or the bench itself, but the primary consideration is whether the Trier of Fact can and does operate independently and without influence to its deliberations.

and are these laws applied to everyone (including judges, prosecutors, legal defenders, etc.)?

- Do anticorruption laws clearly define basic crimes of fraud including: bribery, the embezzlement of public funds, trading in influence, and the concealment and laundering of the proceeds of corruption?

SECTION C – LAW ENFORCEMENT: 9

Law enforcement is often the most visible part of the criminal justice sector and that which most directly affects people’s daily lives. In assessing this component of the CJS the following areas are considered: professional training, command and control, investigation capacity, patrol function, special police units, administrative function, and oversight and internal affairs. Human rights and community policing are addressed throughout these areas.

Context Questions

- Who are the main security providers (both state and non-state)?
- What is the division of responsibility between security providers?
- What role, if any, does the military play in civil security matters?
- What are the major problems of community safety?
- What types of injustices do people experience regularly?
- What is the law enforcement approach (e.g. community-based policing versus control and enforcement)?
- What tactics are taught for civil disturbance management?
- Are some communities under-served by police?
- What are the sources of law enforcement funding, both formal and informal?

1) Function: Officer Selection and Professional Training

- a) Capability: Minimum Qualifications/Standards and Testing
 - ii) Measurement Indicators
 - Does the program utilize standardized and/or documented practices and criteria for employment?
 - Do applicants undergo the following testing: general knowledge, physical fitness, health, and psychological testing?
 - Is there required police background screening for all new recruits?
 - Is the required police screening for all new recruits in compliance with the “Leahy Amendment” or a similar vetting standard?
- b) Capability: Formalized/In-Service/ FTO/Joint Training
 - i) Measurement Indicators
 - Is there required formalized training prior to initial deployment?
 - Is there required transition training?
 - Is there required refresher training?
 - Is patrol/crime prevention training provided?
 - Is traffic management and accident investigation training provided?
 - Is ongoing criminal investigation guidance provided?

⁹ NOTE: All queries in a sub-category that are underlined must be answered in the affirmative for a country to score above a two in that sub-category regardless of the proportion of other affirmative responses.

- Is there required, daily institutionalized roll call training?
- Does a field training officer program exist?
- Are distance learning programs provided?
- Is Joint training provided?

c) Capability: Training Curriculum

i) Measurement Indicators

- Does the training program fully prepare officers to maintain rule of law and abide by judicial and prosecutorial directives?
- Is human rights training incorporated throughout the training curriculum for officers?
- Are officers trained to handle known threats?
- Do officers receive regular human rights training in the course of their normal duties?
- Does the training curriculum utilize “skills based” environment and “on the job training?”
- Does the training curriculum promote human/individual/constitutional rights?
- Does training prepare police for dealing with crimes against women and how to interact with female victims?
- Does the training cover how to submit investigative material to the organization/facility providing forensic capabilities?

d) Capability: Academy/Training Center Management and Infrastructure

i) Measurement Indicators

- Does the Academy or other formal training center have: a mission statement, directives, SOPs?
- Does the Academy enforce student code and discipline policy?
- Does the Academy have instructor/curriculum development guidelines?
- Does an instructor rotation policy exist?
- Is there a yearly training plan?
- Does the Academy have sufficient human resources?

2) Function: Command and Control

a) Capability: Coordination with the Criminal Justice and Law Enforcement Community

i) Measurement Indicators

- Is there active and routine coordination between the Law Enforcement Community, Prosecutor Office, Corrections, and Border Patrol? Does this include the following:
 - (a) Means for court orders to be communicated to police
 - (b) Means for corrections to notify police of legitimate inmate release and illegitimate escapes
- Does a formal information sharing mechanism exist within the criminal justice system and is it used?
- Are inter-agency coordination and joint operations conducted on a regular basis?
- Are interagency threat assessments and extraditions coordinated?

- Are task forces and vetted interagency units used for mission-specific purposes?
- Is there active coordination or formal information sharing between the Law Enforcement Community and agencies that deliver public services such as social services, public health, and mental health?
- Is there a reliable liaison between the Law Enforcement Community and non-state providers of security operating under an official assignment?
- Is there a formal mechanism for oversight/coordination/regulation with any non-state security providers?
- Is there an operational liaison with international organizations contributing to the country's policing efforts?

b) Capability: Threat Assessment Capabilities

i) Measurement Indicators

- Do the following exist: Booking Station System, Property and Evidence Tracking System, effective criminal records management (of active cases), and centralized criminal archives (historical)?
- Are police incident reports reported in a uniform manner?
- Do the following exist: case tracking systems, police services tracking systems, traffic and vehicle databases?
- Does the following exist: Firearms control database, good conduct and police record certification?
- Are statistics on police service requests, crime reports, arrest and conviction rates used to conduct and measure threat assessments?

3) Function: Investigation Capacity

a) Capability: Investigative skills

i) Measurement Indicators

- Do law enforcement Officials have documented knowledge/skills in
 - (a) Advanced investigative interviewing
 - (b) Advanced investigative report writing
 - (c) Advanced crime scene investigation/protection
- Do law enforcement officials follow documented chain of evidence practices?

b) Capability: Case Management Practices

i) Measurement Indicators

- Is there systematic use of standardized case management practices?
- Do mid-level managers have the necessary case management skills to deal effectively with multiple crime threats?
- Does the case management system enable active interaction with prosecutors leading to more effective prosecutions and more convictions?
- Do case management practices facilitate police criminal investigations?

- c) Capability: Crime Scene Search/Collection Capabilities
- i) Measurement Indicators
 - Does the Forensic and Legal Medicine program have appropriately qualified, certified or credentialed crime scene search/collection capabilities?
 - Does the program utilize chain of evidence practices?
 - Does the program have a specialized crime scene collection team/unit?
 - Do modern/contemporary fingerprint analysis and identification and photography capabilities exist?
 - Do the following capabilities exist: crime scene sketch, firearms and tool marks, questioned documents examination, drug analysis, toxicology, trace evidence, serology/DNA, and pathology/forensic medicine?
 - Is there a Coroner's Office?
 - Does the law enforcement sector manage forensic information using a system such as the Automated Fingerprinting Identification/database System (AFIS)?
 - Does the law enforcement sector participate in crime scene reconstruction?
- d) Capability: Lab/Office Management
- i) Measurement Indicators
 - Do the laboratories have applicable SOPs and management directives?
 - Do laboratory workers meet standardized training and education standards?
 - Does the program utilize forensic evaluation and testing standards/practices?
 - Are forensic cases routinely used in all applicable criminal investigations?
 - Is there use forensic cases and analyses in criminal investigations/prosecutions?

4) Function: Patrol Functions

- a) Capability: Patrol
- i) Measurement Indicators
 - Does the police patrol function have a mission statement that clearly establishes their authority and responsibility?
 - Do police patrols respond to calls for service and crime threats in a timely fashion?
 - Are police patrol officers equipped with the transportation and tools to perform their responsibilities?
 - Are the police trained for and capable of resolving calls-for-service on the scene?

- When responding to calls do police abide by established laws and strategies that protect human rights and serve the best interest of the public?
- Do the police conduct regular, proactive, organized patrols within assigned patrol zones or districts?
- Do the police conduct proactive, preventive patrols targeting specific tactical objectives?
- Are police patrol deployment and assignments allocated based on a patrol allocation model that maximizes the use of resources against the crime threat, using a spatial and temporal resource allocation model?
- Do police patrols use a problem solving approach to community problems and demonstrate the ability to permanently solve ongoing community problems as part of their mission?
- Do police have written patrol procedures and are they well trained in standard operating procedures, i.e. use of force and arrest procedures, crime scene protection, search and seizure, report writing, elements of a crime, etc?
- Are the police patrols generally viewed by the public to be in place to provide public safety, enforce laws equitably, and to maintain a public integrity with the citizens?
- Do the police patrols record their activities on approved legal and administrative documents and create permanent records of their activities and enforcement actions?

b) Capability: Traffic Control

i) Measurement Indicators

- Is vehicular traffic systematically regulated and is traffic flow facilitated?
- Are traffic accidents investigational and violators appropriately charged and prosecuted?
- Are there a sufficient number of trained traffic accident investigators?
- Are the police well trained in how to enforce traffic laws?
- Do the police have the basic equipment available to them to enforce and regulate vehicular traffic?
- Are statistics maintained and utilized to focus law enforcement on locations where injuries and deaths occur? Are these rates known and targeted as police performance measures?
- Do the police implement proactive, directed patrols which reduce traffic accidents and injuries?
- Is there interaction between the police and the traffic engineering functions that jointly address traffic issues?
- Are adequate laws in place to support traffic enforcement efforts?
- Are stolen autos aggressively targeted as part of the traffic enforcement strategy?
- Is the stolen auto recovery rate a performance measure of the police?

- c) Capability: Community Integrated policing and patrols/Developing Community Action Plans
 - i) Measurement Indicators
 - Is there substantial use of community integrated policing?
 - Do full-time police substations exist within most communities?
 - Are foot patrols and fixed posts utilized in community integrated policing?
 - Are bicycle patrols utilized within communities?
 - Do Emergency/Rapid Response Teams and 911 Units exist?
 - Is there a viable strategic plan to conduct community policing?

- d) Capability: General Community Outreach/Public Relations/Interaction with the Public
 - i) Measurement Indicators
 - Does the law enforcement program engage in community outreach activities, public relations activities, and/or other routine public interaction activities?
 - Does the program organize public awareness meetings?
 - Does the public have appropriate access to police statistics and crime data?
 - Is the police budget publicly disclosed?
 - Does the program include carrying out regular initiatives in schools?
 - Is there involvement by law enforcement with sports and recreation and other public events?
 - Is peace and understanding promoted in the law enforcement's public initiatives?
 - Does law enforcement coordinate with the public health officials to promote public health?

5) Function: Special Police Units

- a) Building/personnel/VIP security and Crowd control
 - i) Measurement Indicators
 - Do Police Services have the ability to ensure: building security, personnel security, and VIP security?
 - Do Police Services have the capability to manage normal civil disturbances without resorting to military support?
 - Do specialized units exist for building security, personnel security, VIP security and Crowd Control?
 - Are specialized units professionally trained, monitored, managed and equipped?
 - Does a National Riot Deployment Plan exist?
 - Does a Critical Incident Plan exist?

- b) Capability: SWAT/Police Reaction Group
 - i) Measurement Indicators
 - Does a specifically qualified and operational SWAT/Police Reaction Group with acknowledged effectiveness exist?

- Is the team equipped with appropriate arms for their mission?
 - Does the team undergo appropriate training to perform the missions for which they are assigned?
- c) Capability: Misc. Specialized Units
- i) Measurement Indicators
- Does the program have the following specialized units: Criminal Investigative units, an Intelligence unit, Background Investigative Unit, Special Operations Detachment or other tactically responsive unit?
 - Are there victim and witness support units within police stations?
 - Do victim and witness support units include the presence of female officers?
 - Are there government units or centers established to coordinate and communicate specialized crimes or threats between the pertinent officials?
- d) Capability: Organized Crime/Counter-narcotics Units
- i) Measurement Indicators
- Can law enforcement officials identify illegal narcotics?
 - Do law enforcement officials appropriately initiate and develop drug cases?
 - When seizures are made, is every effort made to exploit the intelligence and initiate a criminal investigation?
 - Are law enforcement officials able to conduct successful surveillance?
 - Do law enforcement officials use informants effectively?
 - Do law enforcement agencies plan effective raids?
 - Do law enforcement agencies conduct undercover activities to support case development?
 - Do law enforcement agencies conduct controlled deliveries?
 - Are law enforcement officials able to conduct successful conspiracy investigations?
 - In countries with clandestine laboratories: can CN law enforcement officials conduct safe investigations that identify and arrest violators and dismantle and dispose of the labs?
 - Do law enforcement agencies use all possible sources of information (wire tapping and phone analysis)?
 - Do law enforcement agencies have accurate information about international trafficking trends?
 - Do law enforcement agencies use chain of evidence practices?
- e) Capability: Financial Crimes Units
- Are law enforcement officials able to identify assets to be frozen and/or seized?
 - Do law enforcement officials have judicial authorization to track financial transactions?
 - Is there a financial investigations group?

- Is there Suspicious Transaction Reporting (STR)?
- Has the conversion, concealment, and disguise of the proceeds of money laundering been criminalized?
- Does law enforcement have a forensics program to analyze financial transactions and prosecute crimes?
- Does the country have regulations in place regarding wire transfers?
- Do the banks require businesses to keep accurate information on wire funds transfers?
- Does the country have policies and regulations in place regarding money transmitters and the monitoring of their activity?

6) Function: Administrative Functions

a) Capability: Strategy/Mission

i) Measurement Indicators

- Is there a wide-ranging written strategy/mission that addresses known crime/threats/incursions?
- Does the strategy establish appropriate timeframes for addressing the known threats?
- Does the strategy define specific outcome oriented goals with achievable, forward-leaning performance targets?
- Are mid-level officials able to state their strategies?

b) Capability: Funding

i) Measurement Indicators

- Does the program have funding sufficient to sustain and nurture a proficient agency?
- Are funding and budget decisions based upon the priorities, goals and targets set in the program strategy?
- Does funding provide for regular performance evaluations?
- Does funding allow for conditions and liabilities to be measured?

c) Capability: Intelligence Sharing/Collection of Crime Statistics

i) Measurement Indicators

- Are crime statistics collected in a reliable and generally accessible (digital or otherwise automated) criminal database?
- Are crime statistics used to guide resource decisions?
- Does the criminal database infrastructure collect and shares crime related data?
- Is there regular and consistent use of crime syndicates mapping?
- Is the criminal database/collection of crime statistics used for strategic analysis?
- Do operational units and officers have access to criminal intelligence?
- Is information compartmentalized or classified to protect sensitive information?

d) Capability: Infrastructure and Equipment

- i) Measurement Indicators
 - Is the infrastructure and equipment readily available for use, when needed?
 - Is operational infrastructure policy based upon strategic priorities, wear-out projections and known demands for consumable supplies and equipment?

- e) Capability: Supervision and Management
 - i) Measurement Indicators
 - Are Management/Supervisory structures considered robust and reliable?
 - Does the span of control promote/sustain command and control?
 - Does management have strong strategic and operational planning capabilities?
 - Do first line supervisor/managers receive leadership training?
 - Does executive/command/senior management receive development training?
 - Do senior level managers concentrate primarily on strategies and vision?
 - Do mid-level managers establish goals/objectives based on tactical risk assessments?
 - Are measures taken to ensure an appropriate degree of continuity at the senior management level?

- f) Capability: Personnel Administration
 - i) Measurement Indicators
 - Does the staff comprehensively and effectively administer policies, procedures, and training?
 - Does the staff comprehensively and effectively carry out operational management, support, and administrative duties?
 - Does the staff effectively support strategy goals and targets?
 - Do personnel represent diverse geographic locations?
 - Is administrative training provided?

- g) Capability: Standards
 - i) Measurement Indicators
 - Does the program have directives, SOPs, policies/written guidance?
 - Do the standards contain operational SOPs for coordination at central, regional and local levels, as appropriate, for the known security risk?
 - Do SOPs delegate sufficient authority to police at all levels to perform their duties without excessive reliance on clearing routine actions up through the chain of command?
 - Can police articulate and understand SOPs effectively enough to coordinate and communicate threat and risk conditions within local police?
 - Do Police have SOPs for coordinating with specialized technical/forensic units?

- h) Capability: Recruitment and Advertisements
 - i) Measurement Indicators
 - Does the program utilize a diverse recruitment policy (including, for example, targeted advertising and regional testing)?
 - Does the program utilize a proactive, non-discrimination policy in law enforcement recruitment?
 - Does the program devote a sufficient portion of the budget and manpower towards advertising open positions?
 - Does the program utilize a standardized application process?

- i) Capability: Personnel Practices
 - i) Measurement Indicators
 - Do personnel have a clearly recognizable and delineated rank structure?
 - Is there an appropriate manpower allocation for mission expectations?
 - Are police paid a “living wage competitive with the private sector?”
 - Are there awards and/or recognition practices?
 - Is the career progression non discriminatory?
 - Is career progression competitively based on merit?
 - Does a transfer and rotation policy exist?
 - Are there yearly evaluations of personnel?
 - Is the morale of personnel is high?
 - Is there a protocol to re-investigative personnel on a cyclical basis?
 - Are there retention practices for qualified personnel?
 - Is there a stable turn over rate?

- j) Capability: Support Practices
 - i) Measurement Indicators
 - Are there controls for infrastructure, inventory, and warehouses?
 - Do Police Support Equipment and Services exist (Transportation/Fleet Management, Armory, and Communications)?
 - Do Technology Equipment and Services exist (computers, Electronic Information Systems, forensic equipment)?
 - Are there practices/offices for: Budget, Finance, and Procurement?

7) Function: Oversight & Internal Affairs

- a) Capability: Office of Inspector General/Appraisal/ Corruption Unit/Tracking of abuses
 - i) Measurement Indicators
 - Is the Office of Inspector General utilized and generally effective in performing its mission?
 - Does frequent appraisal of all employees occur?
 - Does the following exist: Internal Affairs/Corruption controls unit; Audit, control, and/or Inspection Unit; Existence of Ombudsman’s Office?
 - Are human rights abuses identified, investigated and tracked?

- Does HR abuse tracking follow a nationally established policy memorialized in the country's body of law?
 - Does an Office of Professional Responsibility exist?
 - Is there documented evidence of internal review?
- b) Capability: Civilian Oversight
- i) Measurement Indicators
- Does a Civilian Review Board exist?
 - Is there a citizen complaint and information center that is utilized and generally effective?
 - Does civilian oversight of police activities exist?
 - Is security handled by CIVPOL rather than as a function of the military (with exception of naval assets function when coast guard functioning in a law enforcement role)?
- c) Capability: Public Perception
- i) Measurement Indicators
- Is there a high degree of public support (opinion) of the law enforcement program?
 - Is there evidence that the public generally feels secure?
 - Does the public believe that police are accountable for their actions?
 - Does the public believe the law enforcement departments are generally free from systematic corruption?
 - Is there a system for police consultation with local communities?

SECTION D – TERRITORIAL BORDER SECURITY CAPACITY: 10

Borders serve the dual roles of keeping dangerous and unwanted persons and objects out of a country while allowing the entry of legitimate goods and persons. Effective land, marine, and air border security is key to citizens' security as well as regional stability, trade, and country's development. Border control can also be an important source of revenue for a country and because of this border security personnel are particularly vulnerable to corruption.

Context Questions

- What are the main types of cross-border crime that are of concern (e.g. illegal immigration, arms trafficking, drug smuggling, trafficking in persons, money laundering, counterfeit goods or currency, merchandise smuggling)?
- What are the major security concerns affecting border areas and what are their causes?
- Does natural terrain play a role in the ability of the country to guard and protect its borders.
- Is there a history of inter-state conflict or local conflict in border areas?
- What type of border security is present in areas where commercial tariff collection is minimal.
- What do communities in border areas see as the priority to address?

1) Function: Border Protection & Security

a) Capability: Ports of Entry

i) Measurement Indicators

- Does an identified border exist and do countries on both sides of the border agree on its placement?
- Are there identifiable, controlled points (ports) of entry located along major border crossing routes?
- Are the physical points of entry appropriately staffed to perform all Territorial Border Security functions?
- Are the physical points of entry strategically designed to thwart known threats based on periods (e.g., time of day, season) or type (e.g., alien smuggling, contraband smuggling)?
- Is adequate space and equipment available to unload conveyances so the goods and conveyances can be thoroughly inspected?
- Is private space available to conduct personal searches and to detain violators?
- Is secure space available to store seized articles?

¹⁰ NOTE: All queries in a sub-category that are underlined must be answered in the affirmative for a country to score above a two in that sub-category regardless of the proportion of other affirmative responses.

- Is there an automated system that records when conveyances and people enter and leave the country and does the line officer have access to these records?
- b) Capability: Border/Frontier Surveillance and Checkpoints
- i) Measurement Indicators
- Do border checkpoints exist?
 - Are the border checkpoints staffed by trained border security officials?
 - Do border security officials have the authority to thoroughly search cargo, conveyances, baggage and people without the owner or agent being present?
 - Do border security officials have protection from liability if goods are damaged in the process of inspection?
 - Does air surveillance and patrol occur on a regular basis?
 - Does land surveillance and patrol occur on a regular basis?
 - Does sea surveillance and patrol occur on a regular basis?
 - Do border checkpoints have basic, rudimentary provisions to allow for:
 - (a) formal entry/exit of persons and goods traversing the border
 - (b) formal inspection of persons and goods traversing the border
 - (c) detection of known undesirables attempting to traverse the border
- c) Capability: Port of Entry Control/ and Coordination
- i) Measurement Indicators
- Does each controlled point of entry monitor who/what enters the country for Agriculture, Customs, Public Health and Immigration purposes?
 - Is it mandatory to verify the identity of people entering and exiting the country?
 - Is there mandatory documentation and inspection of agricultural products entering and exiting the country?
 - Is there comprehensive and non-fragmented liaison/coordination between agriculture, customs, immigration and other border authorities?
 - Does each port of entry utilize a database to identify and intercept known terrorists and other criminals?
 - Are verification/apprehensions/interdictions coordinated between border patrol, coast guard, agriculture, customs, and immigration, as well as specialty units such as counter narcotics?
- d) Capability: Airport Security
- i) Measurement Indicators
- Do airports provide intensive security screening of passengers and their baggage?
 - Do airport security officials inspect baggage and cargo by hand?
 - Do airport security officials have the authority to conduct patdowns, strip searches and cavity searches of passengers?

- Do airport security officials have the authority and equipment to do intrusive searches of baggage and items such as drilling and xraying?
- Do airport security officials have the authority to detain passengers for monitored bowel movements?
- Do airport security officials have the authority and equipment to search arriving and departing aircraft?
- Do airport security officials have the authority to check baggage and cargo without the owner, consignee or agent being present?
- Do the airports utilize bomb sniffing dogs and/or explosive detection equipment?
- Do airports utilize narcotics detection dogs?
- Is all baggage loaded onto the aircraft matched to passengers on board the flight; and, if not matched, is the baggage removed?
- Are only ticketed passengers allowed beyond the screening checkpoint?
- Do airports utilize Computer Assisted Passenger Pre-Screening System (CAPPS), or a similar type system to screen passengers?

2) Function: Command and Control

a) Capability: Intelligence Gathering/Threat Assessment

i) Measurement Indicators

- Are internal risk/situational assessments and intelligence gathering conducted on a regular and/or ongoing basis?
- Are threat assessments and intelligence gathering systematically updated?
- Is there capacity to analyze documents in local and frequently encountered languages?
- Is there capacity to intercept and analyze electronic communications?
- Is intelligence gathering/analysis a coordinated, shared interagency effort?
- Are there laws, regulations and/or standard operating procedures for collection, analysis and dissemination of intelligence and threat assessments?
- Are risk assessments and intelligence gathering systematically funded within the standing budgets?
- Do assessments include unmanned border crossing points and surveillance and technical monitoring to ascertain susceptibilities in frontier regions *between* manned land border crossing points?

b) Capability: Interagency Coordination

i) Measurement Indicators

- Does each organized point of entry have monitoring units and controls (over who/what enters the country) in place for: Agriculture, Customs, and Immigration?
- Is there mandatory documentation and verification of people entering and exiting the border?

- Is there mandatory documentation and verification of agriculture entering and exiting the border?
- Is there comprehensive and non-fragmented liaison/coordination between agriculture, customs, border security officials and immigration?
- Does each port of entry utilize interagency-accessible data to identify and intercept terrorists or deter other criminals and undesirables from entering?
- Are verification/apprehensions/interdictions coordinated between border patrol, coast guard, agriculture, customs, and immigration, as well as specialty units such as counter narcotics and other special operations detachments?

3) Function: General Investigation Capabilities

a) Capability: Investigative skills

i) Measurement Indicators

- Do Border Security Officials have basic knowledge/skills in
 - (a) Investigative interviewing
 - (b) Investigative report writing
 - (c) Crime scene investigation/protection
- Does the Border Security system have a forensic crime scene search/collection capability?
- Do the border agencies have knowledge of and a system for tracking chain of custody of evidence?
- Is an AFIS-like fingerprint collection and analysis system available at the borders?
- Do Border Security officials have access to an automated system like a National Criminal Data Base (NCDB)?

b) Capability: Case Management Practices

i) Measurement Indicators

- Is there wide-spread/consistent utilization of good case management practices?
- Do mid-level managers have the appropriate case management skills to deal effectively with multiple crime threats?
- Does the case management system enable effective interaction between prosecutors and investigators?
- Are case management procedures used in all instances?

c) Capability: Collection of Crime Statistics and evidence

i) Measurement Indicators

- Are crime statistics collected?
- Is there a well-maintained criminal/undesirables database?
- Are crime statistics used to drive resource decisions?
- Does the criminal/undesirables database infrastructure collect and share crime statistics or other data between post/patrol areas and between agencies?
- Is there crime syndicates incursions mapping by border security agencies?

- Do border security agencies utilize a Booking Station System, Property and Evidence Tracking System, criminal records management system and centralized criminal archives?
- Do border security agencies utilize case tracking systems, police services tracking systems, and traffic and vehicle databases?
- Is there a firearms control database?
- Does the Database/collection system include statistics on police service requests, crime reports, arrest and conviction rates?

d) Capability: Specialized Investigations

- i) Measurement Indicators
- Does the border security program have the following specialized units:
 - (a) Criminal Investigative units,
 - (b) Intelligence unit,
 - (c) Background Investigative Unit,
 - (d) Counter Narcotics Unit,
 - (e) Counter Terrorism Unit
 - (f) Internal Affairs Unit?

4) Function: Administrative Capacity

- a) Capability: Strategy/ Mission
- i) Measurement Indicators
- Does a thorough and comprehensive written strategy and mission exist for border security (at least at the ministerial level)?
 - Does the strategy/mission establish appropriate timeframes?
 - Does a National Plan of Territorial Border Security exist?
 - Is the National Plan based on systematic and frequent assessments of an up-to-date catalogue or database of border threats?
 - Does the Territorial Border Security strategy address known crime/threats/incursions while allowing for relatively unencumbered flow of commerce?
 - Does the Territorial Border Security strategy define specific outcome oriented goals with ambitious, forward-leaning targets?
- b) Capability: Funding
- i) Measurement Indicators
- Does the border security program have sufficient funding to accomplish its mission?
 - Are funding and budget decisions based upon the priorities, goals and targets set in the program strategy?
 - Does funding provide for regular job performance evaluations? Does funding allow for periodic internal and external evaluation of border security programs?
- c) Capability: Supervision and Management
- i) Measurement Indicators

- Are mid-level managers and supervisors trained in management techniques including human resources and budget management?
 - Are managers evaluated on their ability to effectively manage and support operations and perform administrative responsibilities?
 -
- d) Capability: Personnel Administration
- i) Measurement Indicators
- Can human resources/personnel staff effectively administer policies, procedures, and training?
 - Do personnel represent geographical diversity?
 - Is administrative training provided for personnel?
 - Is the personnel pay system effectively administered?
- e) Capability: Standards
- i) Measurement Indicators
- Does the border security program have written directives, SOPs, and polices guidance?
 - Do SOPs give field personnel sufficient decision making power to perform their responsibilities?
 - Are there operational SOPs for all levels of the organization?
 - Do border security officials have SOPs for coordinating and communicating threat information?
 - Do officials have SOPs for coordinating with specialized technical/forensic units?
 - Do Agriculture, Customs, and Immigration and other border agencies follow compatible SOPs?
- f) Capability: Recruitment and Advertisements
- i) Measurement Indicators
- Does the program utilize a recruitment policy that values diversity?
 - Does the program utilize a proactive, non-discrimination policy in Border Security personnel recruitment?
 - Does the program devote a meaningful portion of the budget and staffing towards advertising open positions?
 - Does the program utilize a standardized application process?
- g) Capability: Administration and Logistics
- i) Measurement Indicators
- Are there controls for Infrastructure, Inventory, and Warehouses security?
 - Do border security agencies have Equipment and Services support such as transportation/fleet management, armory, motor pool, and communications?
 - Do technological equipment and services support exist such as computers, electronic information systems, and forensic equipment?

- Are there Budget, Finance, and Procurement specialists in the border security agencies?

5) Function: Professional Training

a) Capability: Qualifications/Standards

i) Measurement Indicators

- Does the program utilize documented standards for employment eligibility?
- Are the employment/training standards for border security personnel in keeping with recognized professional practices?
- Do applicants undergo testing for general knowledge, physical fitness, health, drugs and psychological fitness?
- Is there required police background screening for all new recruits?
- Is the required screening for all new recruits in compliance with the “Leahy Amendment” or similar vetting standards?

b) Capability: Formalized/In-Service/and Interagency Training

i) Measurement Indicators

- Is there mandatory formal training for all new recruits?
- Is there mandatory transition training?
- Is there mandatory refresher training?
- Is patrol/crime prevention training provided?
- Is traffic and investigation training provided?
- Is there mandatory, daily roll call training?
- Are distance learning programs provided?
- Is Interagency training provided?
- Is team training involving line officers, supervisors, managers provided?

c) Capability: Training Curriculum

i) Measurement Indicators

- Does the training program fully prepare border security personnel to operate under the rule of law and abide by judicial and prosecutorial directives?
- Has a job task analysis been conducted to serve as a foundation for the training curriculum?
- Is human rights training incorporated throughout the training curriculum?
- Are border security personnel trained to handle known threats?
- Do border security personnel receive regular human-rights refresher training in the course of their normal duties?
- Does the training curriculum include skills based/practical exercise components as well as “on the job training”?

- Does the training curriculum promote respect for human/individual/ constitutional rights¹¹?
- Does the border security training curriculum provide necessary training and tools for graduates to facilitate the flow of admissible people and commerce while interdicting criminals and contraband?

d) Capability: Academy Management and Infrastructure

- i) Measurement Indicators
- Is there an Academy/training center?
 - Does the Academy/training center have written mission statement, directives, and SOPs?
 - Does the Academy enforce a student code and discipline policy?
 - Does the Academy have Instructor/curriculum development guidelines?
 - Does an instructor rotation policy exist?
 - Is there a yearly or education cycle training plan?
 - Does the Academy have sufficient professional manpower for its training mission?

6) Function: Oversight/Human Rights

a) Capability: Offices of Inspector General/Internal Affairs/Professional Responsibility

- i) Measurement Indicators
- Is the Office of Inspector General utilized and generally effective in performing its mission?
 - Is there regular appraisal/investigation of all employees?
 - Are there an Internal Affairs/Corruption controls unit, Audit, Control, and Inspection Unit or Ombudsman's Office?
 - Are human rights abuses identified, investigated and tracked?
 - Do investigations of alleged misconduct protect the rights of the accused and accusers?
 - Does an Office of Professional Responsibility exist?
 -

b) Capability: External Oversight

- i) Measurement Indicators
- Is there a civilian oversight commission/board that reviews actions of the Border Security Forces?
 - Is there a separate commission/board that receives complaints?
 - Is there documented evidence of civilian review?

c) Capability: Public Perception

- i) Measurement Indicators

¹¹ Where the term “constitutional” or “constitution” is used in this Tool, it is NOT to imply that a constitutional system must be used, or is even envisioned, but rather that the individual/human rights precepts and protections are anchored in the nation/state's body of law; whether it is a civil law system, sharia, common-law, constitutional, theocratic or even tribal traditionalist. The individual rights precepts are the question, not the form of the body of law that may enshrine/memorialize them.

- Is there a high degree of public support (opinion) of the Border Security program?
- Does the public feel secure?
- Does the public believe that border security officials are held accountable for their actions?
- Does the public believe the program is free from corruption?
- Does the Border Security program respect the security and safety concerns of those citizens living nearest to the border?

SECTION E – CORRECTIONS-PRISONS SYSTEM

CAPACITY:¹²

A prison system should both protect the public from harmful criminals and create a safe and secure environment for inmates and prison staff. A prison assessment, therefore, should examine security features and human rights protections. From the holistic criminal justice sector view, however, prison assessments also serve as valuable indicators about how the overall system is functioning. If police are arresting too widely or the courts are processing cases too slowly, these problems can be seen in the form of overcrowded prisons, for example. Assessors should maintain a dual focus on both prison conditions and how these are related to the broader environment.

Context Questions

- Under what ministry or government agency is the prison system administered?
- What is society's general opinion of prisons and the function of a prison system?
- What is the relationship between the prisons, the courts, and the police?

1) Function: Corrections-Prisons System Capacities

- a) Capability: Numbers of Prisons/Size of Cells
 - i) Measurement Indicators
 - Are there a sufficient number of holding services, jails, and prison facilities to accommodate all expected detainees without overcrowding?
 - Is the number of inmates appropriate for the rated capacity of the detention facility?
 - Does each inmate have his/her own sleeping area?
 - Do the inmates have a sufficient amount of unencumbered personal space for sleeping and the storage of basic personal property?
 - When confinement exceeds 10 hours per day, do the inmates have a sufficient amount of unencumbered personal space for sleeping, personal effects, and to maintain a healthy mental state?
 - Does the holding facility provide for adequate ventilation and natural and artificial light to prevent contagion and provide protection from the elements?

¹² NOTE: All queries in a sub-category that are underlined must be answered in the affirmative for a country to score above a two in that sub-category regardless of the proportion of other affirmative responses.

b) Capability: Prisoner Separation

i) Measurement Indicators

- Do the facilities separate non-violent offenders from the most violent?
- Are juvenile offenders segregated from adult offenders?
- Are prison facilities divided into low, medium, high, and maximum security sections?
- Are accused and post-arraignment detainees separated from convicted felons?
- Are there secure single cells provided for inmates who present an immediate threat of escape or injury to other inmates and staff?
- Are female inmates separated from male inmates?

c) Capability: Prisoner Treatment

i) Measurement Indicators

- Are prisoners treated in accordance with the human rights and fundamental freedoms set out in the UN Minimum Standard Rules for the Treatment of Prisoners and Juvenile Offenders?
- Do prisoners have adequate access to food and water?
- Are prisoners allowed due process and are they protected by habeas corpus?
- Are all details of arrests systematically recorded?
- Do juvenile offenders receive treatment that considers their age and legal status?
- Are accused persons subject to separate treatment/protections appropriate to their status as non-convicted persons?
- Are foreign detainees/prisoners promptly informed of their right to communicate with an appropriate consular post or diplomatic mission?
- Are prisoners free from being tortured or subjected to corporal punishment?
- Are restraints used only as necessary for security and not as a means of punishment or confinement?

d) Capability: Prison Facilities and Access

i) Measurement Indicators

- Are the prison facilities in good condition with an appropriate number of inmates assigned to each location, relative to the space allowed and guards available?
- Are the prison cell dimensions and living conditions appropriate to the national customs and best correctional practices adapted to the host nation?
- Are there sanitary restroom(s), food preparation areas, and healthcare facilities?
- Do the institutions conform to applicable fire safety codes?
- Does each facility have a manned fire alarm (or other alarm scheme), or an automatic fire detection system?

- e) Capability: Prison Security
- i) Measurement Indicators
- Is there adequate and reliable internal and external security relative to the security threat level of the prison?
 - Are prisons equipped with metal detectors and x-ray screening?
 - Can officers/guards demonstrate proficiency in performing custodial their duties?
 - Are there female officers available to guard female prisoners?
 - Do all inmates and personnel wear uniforms?
 - Are surveillance cameras and 2-Way radios used at the prisons?
 - Is there an adequate staff to prisoner ratio for the threat level presented by the inmate population?
 - Are there areas designated for solitary confinement/protective custody controlled movements at the prisons?
 - Has the prison system been generally free of assaults, murders, and escapes during the past year?
 - Is the physical structure secure from intrusion by unauthorized persons?
 - Is there a locked room for weapons as well as a secure place for keys, et cetera?
 - Is there a basic emergency response plan?
- f) Capability: Inmate Services
- i) Measurement Indicators
- Are professional food (appropriately sanitary and palatable) and healthcare services provided for inmates?
 - Is there documentation that verifies food service facilities, staff, and equipment meet the internationally established health and safety conventions?
 - Do prisoners have access to visitors/outside communication?
 - Can prisoners communicate freely with visitors?
 - Do all prisoners have access to the health services, regardless of their legal situation or financial status?
 - Do inmates have access to social workers and a Chaplain (or equivalent for their religion/faith/belief)?
 - Do prisoners have regular access to recreation in the open air?
 - Do prisoners have adequate access to legal counsel?
 - Are prisoners tried and given a definitive sentence within a reasonable time?
- g) Capability: Inmate/Prisoner Classification/Monitoring
- i) Measurement Indicators
- Are inmates photographed and fingerprinted upon entry and is the information recorded?
 - Is a classification system used in the prisons?
 - Are work release prisoners dependably monitored?
 - Are citizens released on probation heavily monitored?

- Do the prisons use Automated Fingerprinting Identification/database System (AFIS) or a similar-type system?
- Is there a record with the basic information and positive identification of all persons admitted or released?
- Are the inmate records kept in an orderly sequence/system to ensure straightforward retrieval?
- Do records include: inmate cell location, medical records, and family history?
- Is there a system in place to notify families of an inmate's transfer or death?

2) Function: Administration

a) Capability: Strategy/ Mission

i) Measurement Indicators

- Does a written/comprehensive strategy and mission statement exist for corrections-prisons system?
- Does the strategy/mission establish appropriate timeframes?
- Is there a National Plan for Corrections-Prisons Systems?
- Does the strategy clearly define specific outcome oriented, performance goals with progressive development targets?

b) Capability: Funding

i) Measurement Indicators

- Does the program have funding sufficient to sustain and nurture a proficient agency?
- Are funding and budget decisions based upon the priorities, goals and targets set in the program strategy?
- Does funding provide for regular job performance evaluations?
- Does funding allow for conditions and liabilities to be measured?

c) Capability: Supervision and Management

i) Measurement Indicators

- Are the Management/Supervisory structures adequate?
- Is the span of control appropriate to the managerial skills capability and mission?
- Are there strong strategic and operational planning capabilities?
- Do first line supervisor/managers/leadership/training exist?
- Does Executive/command/senior management development training exist?
- Do senior level managers concentrate on strategies and vision?
- Do mid-level managers establish goals/objectives based on tactical risk assessments?

d) Capability: Personnel Administration

i) Measurement Indicators

- Is the staff able to effectively administer policies, procedures, and training?

- Is the staff able to effectively carry out: operational management, support, and administrative duties?
- Is the staff able to carry out strategy goals, contingencies and long-range targets?
- Does the staff represent a diverse geographical region?
- Is administrative training provided for personnel?

e) Capability: Standards

i) Measurement Indicators

- Does the program have directives, SOPs, policies and/or written procedural guidance?
- Do the standards contain operational SOPs for coordination at central, regional and local levels (as appropriate) for the known security risk(s)?
- Are there SOPs for coordinating and communicating threat(s)?
- Are there SOPs for coordinating with specialized technical/forensic units?

f) Capability: Recruitment and Advertisements

i) Measurement Indicators

- Does the program utilize a diverse recruitment policy?
- Does the program utilize a proactive, non-discrimination policy in Corrections-Prisons System recruitment?
- Does the program devote a sufficient portion of the budget and manpower towards advertising open positions?
- Does the program utilize a standardized application process?

g) Capability: Personnel Practices

i) Measurement Indicators

- Do personnel have a rank structure?
- Is there an appropriate manpower allocation?
- Are salary and benefits competitive?
- Are custodial officers paid a living wage?
- Are there awards and/or recognition practices?
- Is the career progression non-discriminatory?
- Is career progression competitively based on merit?
- Does a transfer and rotation policy exist?
- Are there documented yearly evaluations of personnel?
- Is there evidence that the morale of personnel is high?
- Is there a documented protocol to re-investigative personnel on a cyclical basis?
- Are there retention practices for qualified personnel?
- Is there a low/stable turn-over rate?

h) Capability: Information Systems: Measuring Threat Assessment Capabilities

- i) Measurement Indicators
 - Do the following exist: Booking Station System, Property and Evidence Tracking System, Effective criminal records management, and Centralized criminal archives?
 - Are corrections officers incident reports reported in a uniform manner?
 - Is there a firearms control database/record?
 - Is there a good conduct and corrections officer's record certification?
 - Are statistics on custodial officer's incident responses, facility crime reports used to conduct and measure threat assessments?

i) Capability: Administration and Logistics

- i) Measurement Indicators
 - Are there controls for Infrastructure, Inventory, and Warehouses?
 - Do Corrections officers Support Equipment and Services exist (Transportation/Fleet Management, Armory, and Communications)?
 - Do Technology Equipment and Technical Support Services exist (Computers, Electronic Information Systems, Forensic Equipment)?
 - Are there document SOPs/practices/offices for: Budget, Finance, and Procurement?

3) Function: Training and Academy Development

a) Capability: Qualifications/Standards and Testing

- i) Measurement Indicators
 - Does the program utilize high standards for employment?
 - Do applicants undergo the following testing: general knowledge, physical fitness, health, and psychological testing?
 - Is there required background screening for all new recruits?
 - Is there required corrections officer screening for all new recruits in compliance with the "Leahy Amendment" or similar vetting institution?

b) Capability: Formalized/ In-Service/ FTO/ Joint Training

- i) Measurement Indicators
 - Is there required formalized corrections officer training?
 - Is there required transition training?
 - Is there a documented cyclical refresher training?
 - Is correction/crime incident prevention training provided?
 - Is inmate classification training provided?
 - Is there required, daily institutionalized roll-call training?
 - Are distance or auxiliary learning programs provided?
 - Is joint training provided?

c) Capability: Training Curriculum

- i) Measurement Indicators

- Is there some form of basic training for corrections officers and facility staff?
- Does the training program fully prepare corrections officers to maintain rule of law and abide by judicial, policy and prosecutorial directives?
- Is human rights training incorporated throughout the corrections officers' training curriculum?
- Do officers receive regular ethics/ human-rights training in the course of their normal duties?
- Does the training curriculum utilize "skills based" environment and "on the job training"?
- Does the training curriculum promote human/individual/ constitutional rights¹³?

d) Capability: Academy Management and Infrastructure

i) Measurement Indicators

- Is there a training academy?
- Does the corrections officer training academy (or equivalent) have: a mission statement, directives, SOPs?
- Does the Academy enforce student code and discipline policy?
- Does the Academy have instructor/curriculum development guidelines?
- Does an instructor rotation policy exist?
- Is there a yearly training plan?
- Does the Academy have sufficient manpower to accommodate training and mission contingencies?

4) Function: Accountability/Oversight/Human Rights

a) Capability: Office of Inspector General/ Appraisal/ Corruption Unit/ Tracking of Abuses

i) Measurement Indicators

- Is the Office of Inspector General (or empowered equivalent) generally effective in performing its mission? Is the Office of Inspector General utilized?
- Is there frequent appraisal of all employees?
- Does the prison system have a structure in place to recurrently screen for problem issues such as employee fraud or corruption?
- When a problem area, such as corruption, has been identified, does the prison system have a procedure to mitigate any adverse effects on lawful operations at the earliest opportunity?

¹³ Where the term "constitutional" or "constitution" is used in this Tool, it is NOT to imply that a constitutional system must be used, or is even envisioned, but rather that the individual/human rights precepts and protections are anchored in the nation/state's body of law; whether it is a civil law system, sharia, constitutional, common-law, theocratic or even tribal traditionalist. The individual rights & precepts are the question, not the form of the body of law that may enshrine/memorialize them.

- Does the following exist: Internal Affairs/Corruption controls unit; Audit, control, and Inspection Unit; Existence of Ombudsman's Office?
- Are Human rights abuses identified, documented, investigated and tracked?
- Does identification and investigation of abuses follow a systematic national policy for rule of law?
- Does an Office of Professional Responsibility (or equivalent professionalism/ethics office) exist?
- Is there documented evidence of regular and recurrent programmatic review?

b) Capability: Civilian oversight

i) Measurement Indicators

- Does a Civilian Review Board exist?
- Is there a citizen complaint and information center? Is it generally effective and utilized?
- Does civilian (non-prisons) oversight of the corrections-prisons system activities exist?
- Is security handled by civilian police or custodial officers rather than as a function of the military?

c) Capability: Public perception

i) Measurement Indicators

- Is public opinion of the corrections-prisons system high?
- Does the public believe that corrections-prisons system employees are accountable for their actions?
- Does the public believe the corrections-prisons system is generally non-discriminatory, neutral and free from corruption?

5) Function: Rehabilitation Programs

a) Capability: Pretrial Services Parole Rehabilitation

i) Measurement Indicators

- Is there a functioning system of bail/bond for those detainees awaiting trial?
- Are there standardized criteria for paroling inmates?
- Does a parole board (or equivalent) exist and meet regularly to hear cases.
- Is there a systemized structure for policing, tracking or accounting for paroled inmates?
- Is there a functioning mechanism for pre-trial release where law enforcement has the capacity to monitor/oversee persons released during the pre-trial phase and/or on their own recognizance?
- Does the system have chemical rehabilitation facilities for inmates who may have chemical dependencies directly or indirectly contributing to, or incident to, their incarceration?

- Is chemical rehabilitation available as an alternative to incarceration for selected non-violent offenders and for pre-trial releases?
- Is probation used for inmates who may meet acceptable legal standards?
- Is there a structure for tracking or accounting for inmates on supervised probation?
- Are there rehabilitation services available through NGOs, and government based rehabilitation and treatment facilities?
- Does the system have a system of half-way houses or work-release programs to gradually assimilate inmates back into functioning society?

SECTION F – INTERNATIONAL COOPERATION:¹⁴

In an increasingly interconnected world, mechanisms for international cooperation can be important tools for maintaining rule of law within a country. International cooperation refers to how engaged a country is with the international community, and with the United States in particular. Beyond paper-participation in international agreements, is the country acting on those agreements? This section addresses capabilities with regard to major international crimes including narcotics, trafficking in persons, money laundering, and terrorism.

Context Questions

- Do domestic agencies seek international cooperation? With which countries? How successful is it?
- Do other countries request international cooperation from domestic agencies?
- Who are the main donors addressing criminal justice sector reform?
- What could strengthen donor coordination and national ownership?

1) Function: International Agreements

a) Capability: Participation

i) Measurement Indicators

- Is the country generally a member of applicable international agreements under the auspices of the United Nations or other international body with which the country is associated?
- Does the country pay all necessary dues required by the agreement to which they are a signatory?
- Is the country an active and regular participant in any potential bodies/forums created by the agreements to which they are a signatory?

b) Capability: Compliance

i) Measurement Indicators

- If a signatory, is there a good faith effort to comply with all aspects of the international agreement and conventions affecting the country?
- If the country is a party, does it comply with its binding legal obligations in international agreements?

2) Function: Overall International Cooperation

¹⁴ NOTE: All queries in a sub-category that are underlined must be answered in the affirmative for a country to score above a two in that sub-category regardless of the proportion of other affirmative responses.

- a) Capability: Coordination/ Enforcement/ Promotion of US National Security
- i) Measurement Indicators
- Does the country actively coordinate with counterpart US law enforcement agencies?
 - Does the country generally provide assistance and supportive enforcement of US federal criminal laws, as may have an impact on persons under U.S. jurisdiction within the country?
 - Does the country generally support/promote US national security priorities?
 - Does the country actively/voluntarily share intelligence with the US?
 - Does the country participate in joint operations with the United States?

3) **Function: International Criminal Investigations**

- a) Capability: INTERPOL
- i) Measurement Indicators
- Is it a member state of INTERPOL?
 - Does it pay dues?
 - Does it participate in all aspects?
- b) Capability: Cooperation with the U.S.
- i) Measurement Indicators
- Does the country have extradition or MLAT agreements with the U.S.?
 - Does local law enforcement cooperate with US law enforcement agencies?
 - Does the government cooperate with US law enforcement on requests for extradition?
 - Does the government respond to US requests for evidence, access to witnesses, etc.?
 - Is there a government office or person designated to cooperate with the US on such requests?
 - Does the government follow procedures outlined in any existing MLAT or treaty government bilateral cooperation with the US, or letters rogatory?

4) **Function: International Organizations**

- a) Capability: Participation
- i) Measurement Indicators
- Is the country an active participant and member of the following international organizations (pays dues, attends meetings, and participates in actions taken by the organization)?
 - (a) The UN
 - (b) World Bank

- (c) World Trade Organization and regional organizations
- (d) Contributes peacekeepers
- (e) Applicable regional organization

5) Function: Combating Priority Crimes

a) Capability: Drug Trafficking

i) Measurement Indicators

- Has the production, manufacture, extraction, preparation, distribution, sale, delivery, transport, importation or exportation of illicit narcotic drugs or psychotropic substances been criminalized?
- Has the organization, management, or financing of drug offences been criminalized?
- Is there criminal liability for businesses trafficking in narcotics?
- Are there special tools to facilitate investigation of drug trafficking offenses (such as use of informants, wiretapping, electronic surveillance or undercover activities)?
- Do customs and border control officials receive special training in counter narcotics?
- Do investigators and prosecutors receive specialized training in counter narcotics?
- Are sentences appropriate for trafficking offenses?
- Do the laws allow seizure and forfeiture of assets?
- Is there a witness protection program?

b) Capability: Trafficking in Persons (TIP)

i) Measurement Indicators

- Has the country signed and ratified the UN Convention against Transnational Organized Crime (UNTOC) and its Trafficking in Persons Protocol?
- Are there specific laws criminalizing trafficking in persons?
- Is illegal slavery or servitude (trafficking in persons) limited and occur only without governmental acquiesce?
- Does the country comply with the UN Convention against Transnational Organized Crime (UNTOC) and its Trafficking in Persons Protocol?
- Are there alternate legislative and regulatory measures which could also address trafficking, such as health laws, laws against fraudulent documentation, laws against minors working, etc.?
- Are there special tools to facilitate investigation of trafficking in persons (such as use of informants, wiretapping, electronic surveillance or undercover activities)?
- Are sentences appropriate for trafficking in persons offenses?
- Do the laws allow seizure and forfeiture of assets of traffickers?
- Do customs and border control officials receive special training in trafficking in persons?
- Do prosecutors, investigators and police receive special training in trafficking in persons?

- Is the State Department's Annual Trafficking in Persons Report ranking acceptable?
- Is there a witness protection program?
- Are there victim-witness services available?
- Are children victims given appropriate consideration?
- Are victims repatriated only with their consent?

6) Function: International Instruments

a) Capability: Instruments

i) Measurement Indicators

- Is the country party to the basic international human rights treaties (International Civil and Political Rights Covenant (ICCPR), International Economic, Social and Cultural Rights Covenant (ICESCR))?
- Has the country ratified the following:
 - (a) United Nations Convention against Transnational Organized Crime (UNTOC)
 - (b) Palermo Protocol to the TOC concerning Trafficking in Persons
 - (c) Anti-Corruption (regional or other)
 - (d) Berne Convention (IP)
- Has the government taken measures to bring laws/practices into compliance with international obligations?
- Are copies of the international agreements available to the public in the country's official language? Language of the predominant minority(ies)?
- Do schools teach the rights or substance of international instruments?

7) Function: Participation in Resolving Transnational Issues

a) Capability: Money laundering

i) Measurement Indicators

- Have the conversion, concealment, and disguise of the proceeds of crime been criminalized?
- Are there banking regulations in place to address money laundering?
- Is there a financial intelligence unit in the national police?
- Does the government require that banks file suspicious activity reports (SARs) when customers' deposits or transactions exceed a reasonable limit?
- Do investigators act on these SARs?
- Were there any investigations pursued last year based on filed SARs?
- Are investigators/prosecutors/judges trained to work with financial data?
- Is there a special unit or task force established to combat money laundering?
- Are there laws permitting the seizing and forfeiting of assets?

- Is there a regimen for securing and managing seized or forfeited assets?
- b) Capability: Intellectual Property
- i) Measurement Indicators
 - Is the country a signatory to agreements regarding intellectual property?
 - Does the country aggressively enforce laws regarding intellectual property?
 - Does the country comply with all international standards regarding intellectual property?
- c) Capability: Illegal Narcotics Trafficking and Transnational Crime
- i) Measurement Indicators
 - Are there documented measures to aggressively prevent illegal narcotics trafficking and transnational crime?
 - Has the country signed the 1972, 1981, and, most importantly, 1988 UN Drug Conventions? Has the country ratified/acceded to same? (Ratification or accessions is the formal, binding commitment to follow the treaty, etc.)
 - Is there bilateral and regional cooperation as well as cooperation within the framework of international organizations and institutions?
 - Is the country a signatory to and active participant in the UN convention against illicit traffic in narcotic drugs and psychotropic substances?
 - Is the country a signatory to the UN Convention against Transnational Organized Crime?
- d) Capability: Terrorism
- i) Measurement Indicators
 - Is there legislation in place criminalizing acts of terrorism, including accomplice liability?
 - Are appropriate measures in place to thwart the financing of terrorists?
 - Has the country ratified the major UN treaties concerning terrorism?
 - Is the country compliant with the Special Nine FATF Recommendations concerning the financing of terrorism?
 - Are there adequate laws and regulations regarding the weaponization of biohazardous materials, chemicals, nuclear material and other WMD?
 - Are there special investigative tools available (such as use of informants, wiretapping, electronic surveillance or undercover activities)?
- e) Capability: Environment

- i) Measurement Indicators
 - Is there documented evidence of attempts to comply with international environmental standards?
 - Is the country a signatory to and reliably complies with international agreements regarding the atmosphere, hazardous substances, marine environment, marine living resources, nature conservation, nuclear safety, freshwater resources?
 - Is there compliance with all international applicable environmental standards?

- f) Capability: Anticorruption
 - i) Measurement Indicators
 - Has the country signed and ratified the UN Anti-Corruption Convention or any multi-lateral anti-corruption convention (COE, Inter-American, etc.)?
 - Are there requirements for regular financial disclosure of assets held by elected officials, judges and high ranking officials?
 - Are there laws and regulations which criminalize corrupt activities, such as the offer or acceptance of a bribe or gratuity by a public official or judge?
 - Are there laws criminalizing corruption which is perpetrated by public officials?
 - Are there enforcement mechanisms such as inspector general offices, ombudsmen, Congressional committees, etc.?
 - Are there codes of conduct for public officials?
 - Is there a witness protection program?
 - Do articles appear in the media reporting corrupt activities of officials
 - Do people feel that their government officials are generally corrupt?
 - What is the country's rank in the Transparency International list?

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