

Technical Cooperation Abstract BH-T1037

I. Basic Data

▪ Country:	The Commonwealth of the Bahamas
▪ TC Name:	Pilot Project for a Swift Justice System in the Commonwealth of The Bahamas.
▪ Project Number:	BH-T1037
▪ Team Members:	Robert Pantzer (ICS/CBH), Team Leader; Arnaldo Posadas (IFD/ICS); Wilshire Bethel (CCB/CBH); Syreta Roberts-Bournas (CCB/CBH); Blanca Torrico (IFD/ICS).
▪ Indicate whether: Operational Support, Client Support, or Research & Dissemination.	Client Support
▪ Reference to Request : (IDB docs #)*	_____
▪ Date of TC Abstract:	March 15, 2013
▪ Beneficiary	The Commonwealth of The Bahamas
▪ Executing Agency and contact name *	Inter-American Development Bank _____
▪ IDB Funding Requested:	US\$ 250,000
▪ Local counterpart funding	US\$ 24,000 in kind
▪ Disbursement period (which includes execution period):	18 months
▪ Required start date:	1 st of June 2013
▪ Types of consultants (firm or individual consultants):	Firms or/and individual consultants
▪ Prepared by Unit:	ICS/CBH
▪ Unit of Disbursement Responsibility	CCB/CBH
▪ Included in Country Strategy	Yes
▪ GCI-9 Sector Priority	YES. Contributes to the GCI-9 priority by strengthening institutions, improving efficiency and public spending. Furthermore, due to its focus on strengthening the Bahamas Judiciary branch this TC proposal also carries a regional relevance, since a strengthened judiciary branch helps to address the challenge of citizen Security and also makes the country more competitive in its dialogue with neighboring countries on those issues (“south-south dialogue”).

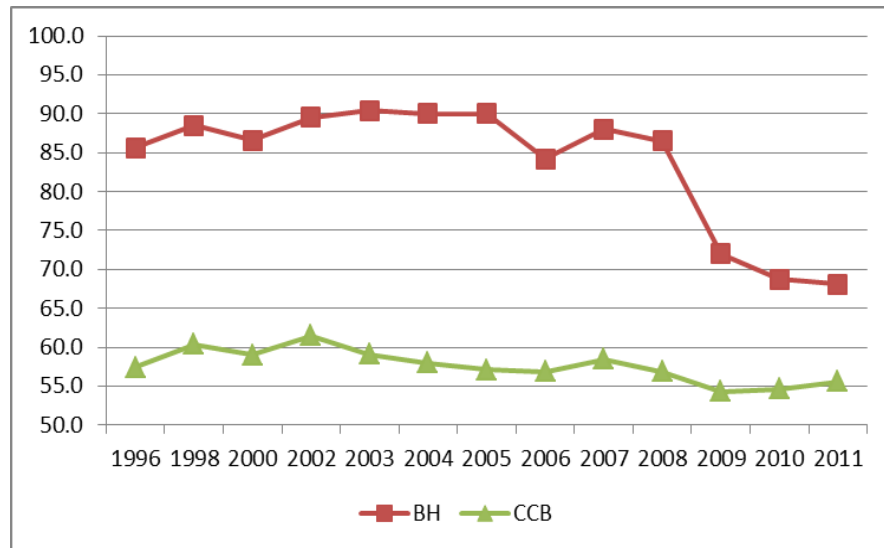
II. Objective and Justification

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

In The Bahamas, there is consensus about the limited institutional capacity of the justice system to respond to the public’s demands. This situation is contributing to the recent dramatic increase in incidents of violence and crimes that remain unresolved amid an increasing judicial backlog and a diminishing

*Because of their nature such documents are not available to the public

number of convictions. Indeed, according to a recent study¹, during the period of 2005-09 only 5.1% of murder cases resulted in convictions. Within the last five years, 305 accused murderers have been released on bail. This situation can partly explain why The Bahamas, although superior to the regional average, has recently shown a marked decline in its values for the World Governance Indicator related to the Rule of Law, as shown in the graph below.



Source: World Bank

In this context, the Government of the Bahamas (GOBH) recently launched the ‘Swift Justice Initiative’ (SJI) with the stated intent of improving “the overall efficacy of the justice system within The Bahamas.” The Initiative, a priority laid out in the Government’s Charter for Governance, contemplates the integration of information systems of all major agencies involved in the delivery of justice in The Bahamas. Indeed, the SJI seeks a systemic approach to addressing the problems affecting the justice administration system, implicitly acknowledging the limitations of narrow institutional approaches to issues affecting a multi-institutional sector where the linkages between the institutions comprising it is fundamental to successful reform.

Chief among the institutions within the justice administration system is the Judiciary and its various courts which have been plagued by the lengthy turnaround time associated with the generation of ‘records of proceedings’. These are more commonly referred to as Court Transcripts and are required for a given case to advance from one hearing to the next and ultimately exit the judicial system. The information thus generated can also be used by the justice system to guide managerial decisions concerning aspects such as distribution of workloads, training of human resources and assignment of supervisory roles.

In order to achieve a more expeditious and transparent functioning of the justice system it is therefore critical that these records are made available to all involved parties within a reasonable timeframe that is as prompt as possible without sacrificing either the accuracy or overall veracity of the finished product. The best way to make such records promptly available is to convert the system to digitalized technology. In The Bahamas, court reporting still consists of a transcriber, while the modern digital court reporting systems of today includes broadcast quality microphones and digital recorders capable of recording the

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

voices of proceeding participants on separate audio tracks. This capability significantly reduces the risk of inaccurate transcriptions or delayed judicial processes.

As part of its efforts to diagnose the system's institutional challenges the GOBH engaged in late 2012, with assistance from the Bank, the services of a consultant to evaluate the court reporting mechanisms and identify areas of inefficiency that currently inhibit the transcription process and therefore stymie the movement of cases through the justice system. The consultant's report made, among others, the following recommendations: (i) Identify opportunities to expand the court reporting capacity within the justice sector of The Bahamas; (ii) Update the current court reporting and transcript generation processes within the judicial system; (iii) Revamp the court reporting management and training systems; (iv) Outline a structure for the introduction of Audio Digital Court Recording (ADCR) within the justice sector, and; (v) Update and improve the court reporting framework Suitably train court transcriptionists prior to the introduction of reform the program so that appropriate protocols and methodologies are established at the earliest opportunity.

Therefore, the purpose of this Technical Cooperation (TC) is to support the Government of The Bahamas in tackling the challenge of lengthy turnaround times associated with the generation of records of proceedings. The strategy of the TC will be two-pronged: (i) implement a pilot program addressing the challenges outlined in the consultant's report; and (ii) contribute to a better integration among the various institutions comprising the country's justice system (such as the Police, the Judiciary and the Attorney General's Office) by establishing shared calendaring and filing among all relevant institutions.

The results of this TC may serve as input in the preparation of the lending operation BH-1033 (Citizen Security Program), scheduled to be approved in 2014.

III. Specific objectives

The specific objectives of the TC are: (i) Improvement of court reporting and transcript generation through the introduction of an efficient digital recording system; (ii) supporting of the implementation of an Integrated Justice Information System (IJIS) with an efficient business model (maximizing efficacy within the institution and better coordination among relevant institutions) for calendaring court dates, filing legal documents and so on); and (iii) contribute to the reduction of the backlog of pending cases at the Supreme Court level.²

IV. Description of activities and products

The technical cooperation includes the following three components:

Component I: Improve Court Reporting and transcript generation (US\$110,000). The objective of this component is to improve court reporting and transcript generation by introducing a digital recording system capable of generating courts' reports in a timely manner. It will be accompanied by an adequate training program to ensure that the required capacity is built among the members of the court reporting unit. The outputs expected after the completion of this component are: (i) a new system of digital transcription functioning at the Supreme Court level, (ii) the establishment of a thorough training course for court transcriptionists in this new operating system.

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

Component II: Support the implementation of an Integrated Justice Information system with an efficient business model (US\$77,000). This Component will be an important step in promoting a “joined up” approach to the issues the justice system faces. This multi-institutional approach acknowledges that strengthened co-operation, co-ordination and communication between the institutions in the sector such as the Attorney General’s Office, the Judiciary and the Police, are key to addressing many of the system’s challenges, particularly blockages and backlogs. In order to achieve its objective, the component will include the following activities: (i) an assessment of the pilot digital recording system established through component I, and (ii) introduction of calendaring and filing shared among all entities involved in handling matters at the Supreme Court.

Component III: Contributing to the reduction of the Supreme Court’s backlog (US\$66,000). This component will focus on designing actions towards the elimination of the current backlog of cases that are clogging up the Supreme Court and on modernizing court processes to speed case flow and ensure that backlogs do not develop again. Activities will include engaging expertise to recommend: (i) ways in which to effectively address the backlog (including conducting training and aggressive education for Judges, Magistrates, Attorneys, Court Reporters and Court Users); and (ii) a plan for the acquisition of new technology that can contribute to that goal.

V. Budget

Component	Description	IDB Funding	Local counterpart	Total Funding
Component 1.	CONSULTANCIES AND EQUIPMENT: REPORTING AND TRANSCRIPT GENERATION	100,000	10,000	110,000
Component 2.	CONSULTANCIES: SUPPORT FOR THE IMPLEMENTATION OF AN INTEGRATED JUSTICE INFORMATION SYSTEM THROUGH THE IMPLEMENTATION OF AN EFFICIENT BUSINESS MODEL	70,000	7,000	77,000
Component 3.	CONSULTANCIES AND EQUIPMENT: REDUCING THE SUPREME COURT’S BACKLOG	60,000	6,000	66,000
	Administration	10,000	1,000	11,000
	Evaluation and Audit	10,000		10,000
Total		250,000	24,000	274,000

VI. Executing Agency & Implementation

The Attorney General’s office will be the executing agency for this TC with support of the IDB team at the Country Office in The Bahamas. In order to ensure seamless execution, the Bank will provide training to the executing team in IDB the rules and procedures for implementing IDB-financed operations.

VII. The TCs risks

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

Identified risks	Mitigation actions
Government and Judiciary may be not sufficiently coordinated. Request for the TC was expressed and notified by the Government, while the beneficiary would be the Judiciary branch and its courts.	The consultancy financed by the Bank in 2012 revealed that there is universal consensus amongst all beneficiaries that the inhibitive court reporting process is inefficient and in need of reform. The recommendations laid out in the report were derived from wide consultations from members of all divisions including the Chief Justice,

	Attorney General, President of the court of Appeals, Chief Magistrate and various Magistrate Judges.
Difficult Interaction between the different government agencies	In-depth orientation and stakeholder consultations with all involved institutions
Delays in execution due to the beneficiary's lack of knowledge and experience with IDB-financed operations.	Training in Bank policies and procedures. Very close "hands on" monitoring and support will be provided by the Country Office Team.

VIII. Environmental and Social Classification

No environmental or social risks are associated with the activities of this operation. Therefore this TC qualifies for classification "C". [IDBdocs# 37785964](#)