



## IBJ CRIMINAL JUSTICE SYSTEM SCORECARD<sup>1</sup>

ASSESSMENT OF: \_\_\_\_\_

ASSESSOR<sup>2</sup>: \_\_\_\_\_

PLACE: \_\_\_\_\_

DATE: \_\_\_\_\_

<i>ASPECT OF PERFORMANCE</i>	YES	NO	Training Required
<b>I. POLICING</b>			
<b><i>LEGAL and REGULATORY FRAMEWORK</i></b>			
Legislation exists that defines core responsibilities of the police force.			
Legislation assigns and distinguishes between the roles of different agencies in delivering police services.			
Police are trained on and bound by applicable human rights laws and standards.			
Updated laws, rules or regulations govern the powers and conduct of law enforcement officers.			
The law defines the grounds and threshold for the application of coercive powers, i.e. the concepts of “reasonable grounds,” “reasonable belief” “probable cause,” etc. exist and are defined.			
The use of police powers is limited to minimum reasonable force under the circumstances.			
The law establishes mechanisms for the monitoring and oversight of police conduct and performance, including a specific reference to corruption.			
The law provides a statutory right to make complaints against the police and provides a mechanism for making such complaints.			
Independent oversight over the complaints system exists.			
Differences in the roles of police in urban and rural areas are recognized in legislation, including the recognition of customary practices in rural areas.			

<sup>1</sup> This scorecard is used to assess the performance and needs of criminal justice systems. The scorecard is directive in that if the assessor answers any performance measure in the negative, it provides information as to how the system can be improved. It also allows IBJ to identify areas in which training is required, especially if there is a trend throughout a region showing that a particular practice is not properly performed. Finally, the scorecard can identify internal performance measures relating to IBJ training programs by administering the assessment instrument before a training program and then at set intervals throughout IBJ programming.

<sup>2</sup> To be completed by an IBJ representative. This form is to be filled out with the aid of interviews (of defenders, clients, other judicial actors), review of case assessment forms, and observations.

\* These aspects are particularly difficult to assess. However, the assessor should still attempt to make some general assessment based on behavioural attitudes, relationships between parties, and a defender’s practice as a whole (e.g. are there a lot of successful plea bargains?)

<i><b>ASPECT OF PERFORMANCE</b></i>	YES	NO	Training Required
<b><i>NATIONAL POLICING FRAMEWORK</i></b>			
A written, updated national policing plan or strategy exists.			
The national plan identifies core policing functions and assigns responsibility for delivering each function.			
The national policing plan gives guidance about delivering police services in local communities.			
Government policing priorities exist.			
Community policing strategies and priorities exist.			
Targets or performance measures have been set in relation to community policing priorities.			
Local police commanders have adequate information about policing demands within their areas (e.g. databases, paper records or other information sources indicating the number of calls for assistance from the public, crime levels).			
Formally defined and regularly timed mechanisms are in place allowing for consultation with the public, or their representatives, on local policing issues.			
A complaint system exists which enables members of the public to file complaints about the delivery of police services or the behavior of officers. The system is:			
<ul style="list-style-type: none"> <li>• Independent</li> </ul>			
<ul style="list-style-type: none"> <li>• Locally based</li> </ul>			
<ul style="list-style-type: none"> <li>• User friendly</li> </ul>			
<ul style="list-style-type: none"> <li>• Publicized</li> </ul>			
<b><i>NATIONAL INFRASTRUCTURE</i></b>			
Police commanders are given responsibility for managing their own budgets.			
Budgets and expenditures are subject to a national or local audit process.			
If necessary, local police can call for support from central reserves (i.e. in the case of large protests, international crimes, or special forensic investigations).			
<b><i>STAFFING</i></b>			
The police service is fully and adequately staffed.			
Staff completes a probationary period before being confirmed as an officer.			
A sufficient police budget exists.			
The staff salary structure is appropriate to the national average wage.			
Police officers and other staff receive their pay regularly and on time.			
Salary increases are based on merit.			

<b><i>ASPECT OF PERFORMANCE</i></b>	YES	NO	Training Required
Salaries do not discriminate between different people performing the same job.			
If private groups or organizations are involved in delivering police services:			
• They are held accountable.			
• Their allegiance is to the police and state structure.			
<b><i>RECRUITMENT</i></b>			
Appropriate recruitment procedures exist.			
Employment applications are open to all sections of the community.			
Vacancies are widely and publicly advertised.			
Recruitment is based on objective assessment and interview.			
The selection procedure is fair, transparent and objective.			
The police are representative of the community.			
• Police speak the local language.			
• Police live in the local community.			
Physical requirements (height, weight, sight) are attainable by all minority and ethnic groups.			
<b><i>TRAINING</i></b>			
Basic incoming training is given to all police recruits.			
Training focuses on practical policing skills and ethical behavior that is consistent with human rights.			
Individual officers can describe aspects of training relating to integrity, accountability and ethics.			
Officers receive ongoing refresher training.			
Training is provided on:			
• Control and restraint techniques			
• Use of weapons			
• Obtaining statements and confessions without the use of coercion, force or torture			
• New laws, regulations and procedures			
<b><i>CAREER DEVELOPMENT</i></b>			
Promotion is rewarded based on independent and objective assessment criteria.			
The promotion system is free from bias and favoritism.			
The selection process for work in specialized units is free from bias and favoritism.			
<b><i>CORRUPTION</i></b>			
Police do not receive direct payments or benefits from members of the public in exchange for special attention or additional protection.			
Police officers' lifestyles are compatible with their level of remuneration (no excessively large cars, etc.).			
Police are periodically tested with a polygraph and asked questions about dishonesty and corruption.			

<b><i>ASPECT OF PERFORMANCE</i></b>	YES	NO	Training Required
Police are periodically tested for substance abuse.			
Officers do not receive free items from shopkeepers or free food and beverages from bar or restaurant owners.			
Officers do not have inappropriate sexual relationships with witnesses, suspects or informants.			
<b><i>LOCAL POLICING STRUCTURES</i></b>			
Police stations are easily accessible by members of the public.			
Police stations are secure and include secure storage areas for evidence.			
Police stations have appropriate equipment (electricity, furniture, telephones, computers, etc.).			
Police stations are open to the public at all times.			
Members of the public are able to report a crime, make a complaint or make enquiries about lost property at police stations.			
Police stations have facilities where confidential matters will not be overheard by others.			
Visitors are not required to wait an excessive amount of time before being seen.			
<b><i>INVESTIGATIONS</i></b>			
There are enough investigators to handle the workload.			
Evidence is handled appropriately using latex gloves and sealable bags.			
A system exists to provide for appropriate preservation of evidence and to prevent tampering and contamination of evidence.			
Forensic examination facilities are available.			
The identities of informants are registered and kept confidential.			
<b><i>CUSTODY FACILITIES</i></b>			
Secure, clean cellblocks exist.			
Detainees are advised of their legal rights upon arrival.			
A written log exists of all incidents relating to a detainee's/prisoner's detention			
Detainees'/prisoner's medical needs are appropriately handled in a timely manner.			
Detention/imprisonment facilities include:			
• Toilet and washing areas			
• Separate areas for men, women and juveniles			
• Adequate lighting during the day			
• Adequate ventilation and heating			
• Recreation areas			
Detainees/prisoners are adequately fed on a regular basis.			
Detainees/prisoners are regularly released from their cells in order to exercise/receive fresh air.			

<i>ASPECT OF PERFORMANCE</i>	YES	NO	Training Required
<b>II. COURTS</b>			
<b><i>BUDGET AND ADMINISTRATION</i></b>			
An adequate budget exists to support court activities.			
Court employees, including judges and support staff, maintain regular work hours and are present during full court hours.			
<b><i>JUDICIAL COMPETENCE AND INDEPENDENCE</i></b>			
Judges demonstrate knowledge and understanding of applicable law, including relevant international human rights treaties/norms.			
Judicial decisions are made in a timely manner consistent with applicable laws.			
Judges comply with any legal obligations to conduct regular inspections of detention facilities.			
Judges conduct any regular review of cases pertaining to detained individuals required by law.			
Speedy trial requirements required by law are met.			
Judges maintain effective control of court proceedings, lawyers, staff, witnesses and public.			
Judges display independence and do not respond to interference, inducement or intimidation.			
Judges correctly apply laws regarding arrest and detentions:			
• They enforce laws regarding first appearance of the accused in court.			
• They comply with rules regarding orders to dismiss defective warrants.			
• They carry out appropriate remedies upon a finding of illegal detention.			
Judges enforce requirements regarding legal assistance:			
• They promote access of defense advocates during all phases of case.			
• They refrain from questioning unrepresented defendants who have requested counsel.			
Sentences are issued according to legally relevant grounds and not based on impermissible factors such as the race, gender, or ethnicity of the accused.			
Judges give individual attention to cases and decide them without undue disparity among similar cases.			
<b><i>STAFFING</i></b>			
The court hires and fires its own staff.			
A policy prohibiting nepotism exists.			
The most qualified applicants are hired for positions and a policy of non-discrimination exists.			
Court staff receive appropriate initial training for their positions.			
Ongoing training is available for court employees relating to skills, policies, professionalism, changes in the law and changes in court procedures.			
Staff are required to follow a code of ethics.			
Policies prohibiting corruption exist, and staff members who are proven to have accepted financial or other benefits from members of the public in exchange for special attention are appropriately sanctioned.			

<i><b>ASPECT OF PERFORMANCE</b></i>	YES	NO	Training Required
<i><b>COURT SERVICES</b></i>			
There is an information counter or other central location where members of the public can receive information about court cases and processes.			
Staff who speak local languages are available to provide information to the public.			
A court user may obtain a copy of a court order or judgment and court procedures and processes.			
Courts provide translation services for the accused, victims and witnesses in proceedings.			
Court proceedings are open to the public and media.			
Court fees are not prohibitive and do not prevent access by the public.			
Court calendars and schedules are accessible to the public.			
Cases are heard at the time they are set on the court calendar.			
Courts are perceived to be fair and equal by members of the public.			
<i><b>COURT FILES</b></i>			
Court proceedings are recorded or summarized in writing.			
Court files exist for all cases.			
Files are kept up-to-date.			
There is a court registry.			
An efficient filing system for case records exists.			
Court records are protected from theft and damage by natural causes, including the environment and insects.			
<i><b>CASE FLOW MANAGEMENT</b></i>			
Cases are begun and completed within applicable statutory time limits.			
There are no excessive backlogs of pending cases.			
Judges are assigned appropriate levels of cases.			
Judges are aware of how many cases are assigned to them.			
A plan for assigning incoming cases exists.			
Cases can be tracked throughout the legal system.			
<i><b>FACILITIES</b></i>			
The court is located where it can easily be reached by public transportation.			
Directions to the court facility are readily available to the public.			
The courthouse is clearly identifiable.			
The court is accessible to the disabled.			
Weapons and other security hazards are not allowed in the courthouse.			
Security personnel screen visitors.			
The courthouse is generally clean and well maintained.			
Visitors are assisted in a timely manner.			

<b><i>ASPECT OF PERFORMANCE</i></b>	YES	NO	Training Required
Work areas for court personnel are adequate and equipped appropriately with telephones, computers, furniture, etc.			
Courtrooms are well maintained and designed to be used for court-related purposes.			
<ul style="list-style-type: none"> <li>• Defendants can sit near counsel,</li> </ul>			
<ul style="list-style-type: none"> <li>• Workspace exists for completing court reports</li> </ul>			
Sufficient public seating exists in the courtroom.			
Judges chambers are adequate, appropriately equipped and secure.			
Courtrooms are not excessively noisy.			
<b><i>PRISONER TRANSPORT and CUSTODY</i></b>			
Men and women are transported to court separately.			
Children and adults are transported to court separately.			
Adequate holding facilities for detainees exist in the courthouse.			
Restraints are used only when necessary.			
<b>III. PRISONS</b>			
Prisoners are classified to determine the prison security level to which they should be sentenced (maximum security, minimum security, etc.)			
The penitentiary system focuses on the treatment of prisoners, the essential aim of which is their reformation and social rehabilitation.			
<b><i>PRISON MANAGEMENT</i></b>			
There is a consistent and regularly used system for receiving prisoners; personal information is kept about each prisoner.			
Prisoners are presented with a clear list of existing rules, regulations and disciplinary procedures and punishments.			
Prisoners' next of kin are informed of prisoners' admission to prison.			
Clear records are kept about the prisoner's time in jail (regarding medical needs, prison leaves, program participation, etc.)			
All prisoners are held under a valid court order and are released when the order expires.			
<b><i>LIVING CONDITIONS</i></b>			
The prison infrastructure is clean and well maintained.			
Sentenced prisoners are kept separate from detainees awaiting trial.			
Cell space is appropriate to the number of people housed.			
Each prisoner is given a bed to sleep in with sheets and blankets.			
Each prison area has adequate light during the day.			
Each prison area has adequate ventilation.			
Prisoners have access to fresh water.			
Prisoners have access to toilet and shower facilities.			
Prisoners receive adequate food (both in amount and nutritional value).			

<b><i>ASPECT OF PERFORMANCE</i></b>	YES	NO	Training Required
Prisoners have access to adequate medical care.			
There is an adequate supply of medicines and medical equipment.			
Adequate recreational facilities exist to which prisoners are given regular periodic access.			
<b><i>CONTACT WITH THE OUTSIDE WORLD</i></b>			
Prisoners are housed close to their communities.			
Prisoners have access to legal aid.			
Prisoners can receive regular visits from friends and family.			
Prisoners can receive mail and telephone calls.			
Prisoners have access to newspapers, magazines and televisions.			
<b><i>PRISON REGIMES and PROGRAMS</i></b>			
An organized daily program for prisoners exists.			
Prisoners have access to educational facilities (curricula, libraries).			
Prisoners have access to training and vocational programs.			
Prisoners have access to work programs.			
Prisoners are appropriately dressed and protected if they are performing work.			
The prison provides therapy and behavior modification programs.			
The prison provides recreational activities.			
The prison provides adequate religious services and activities (including for minority religions).			
The prisoners are appropriately prepared for release at the conclusion of their sentences.			
The prison helps prisoners find accommodations and work in preparation for release.			
<b><i>SAFETY and SECURITY</i></b>			
Prison security is adequate, including physical barriers such as walls, bars and movement detectors.			
Prisoners are classified on the basis of the risks they pose to themselves and others.			
Regular searches of prisoners' quarters are carried out to ensure prisoners' security.			
Searches of all visitors are carried out.			
Few, if any, serious incidents such as hunger strikes, riots, or protests exist.			
Specific punishments exist for prisoners who misbehave.			
Prisoners know what the punishments and procedures will be if they misbehave.			
There are maximum amounts of time prisoners can be housed in punishment units (lockdown, etc.)			
<ul style="list-style-type: none"> <li>• Punishment units have adequate light and ventilation.</li> <li>• Prisoners in punishment units receive at least one hour of exercise per day.</li> </ul>			



<i><b>ASPECT OF PERFORMANCE</b></i>	YES	NO	Training Required
<b><i>COMPLAINT PROCEDURES</i></b>			
A working complaints system exists by which prisoners can submit written complaints to prison administration.			
Prisoners who complain are not punished or victimized by staff.			
Complaints are reviewed by an independent body.			
Complaints are confidential.			
<b><i>JUVENILES</i></b>			
There are separate courts for juvenile offenders.			
Juveniles are kept separate from adult prison populations.			
Juveniles receive special care in prison.			
Juveniles are given educational and vocational training.			
Juveniles may receive visits from their families.			
Juvenile records are kept confidential.			
<b><i>WOMEN</i></b>			
Women are kept separate from the male population.			
Women have equal access to the same activities and services available to men.			
Women's particular medical and hygienic needs are met.			
Pregnant and breast-feeding women's needs are met.			
<b><i>MENTALLY ILL</i></b>			
Mentally ill prisoners have access to psychiatric treatment.			
Prisoners are transferred to civilian treatment centers if necessary.			
<b><i>MANAGEMENT SYSTEM</i></b>			
The prison system is under civilian (not military) management.			
Corruption does not exist in the system.			
There is no prisoner hierarchy allowing prisoners extort money or other benefits or services from weaker prisoners.			
<b><i>IV. LAWS AND LEGAL PROTECTIONS<sup>3</sup></i></b>			
Domestic laws protect all citizens equally without distinction of any kind, such as race, colour, gender, language, religion, political or other opinion, national or social origin, property, birth or other status.			
Laws ensure equal rights of men and women to the enjoyment of all laws and legal protections.			
If the death penalty has not been abolished, the sentence of death is imposed only for the most serious crimes in accordance with laws in force at the time of the commission of the crime. Death penalty sentences are only carried out pursuant to final judgments rendered by competent courts.			

<sup>3</sup> These rights are established in the International Covenant on Civil and Political Rights.

<b><i>ASPECT OF PERFORMANCE</i></b>	YES	NO	Training Required
Death sentences are not imposed for crimes committed by persons below eighteen years of age.			
Domestic laws protect everyone from being subjected to torture or to cruel, inhuman or degrading treatment or punishment.			
Domestic law prohibits the use of statements and confessions obtained by means of coercion or torture.			
Domestic laws protect everyone from being subjected to arbitrary arrest or detention and from being deprived of their liberty except on such grounds and in accordance with such procedure as are established by law.			
Everyone who is arrested has the right to be informed, at the time of arrest, of the reasons for his arrest and the right to be promptly informed of any charges against him.			
Minimum and maximum prison sentences are prescribed for different crimes.			
Anyone arrested or detained on a criminal charge has the legal right to be brought promptly before a judge or other officer authorized by law.			
Everyone charged with a criminal offense is entitled to a trial within a reasonable time or to release.			
Persons awaiting trial are not as a general rule detained in custody. Instead, release is subject to guarantees to appear for trial or at any other stage of judicial proceedings or for execution of the court's judgment.			
Under domestic law, everyone is entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law in the determination of any criminal charge against him.			
All judgments rendered in criminal cases or in suits at law are made public, unless the interest of juveniles or guardianship of children requires otherwise.			
Everyone charged with a criminal offence is presumed innocent until proved guilty according to law.			
In the determination of criminal charges, domestic law accords everyone the following minimum guarantees, in full equality:			
<ul style="list-style-type: none"> <li>• To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;</li> </ul>			
<ul style="list-style-type: none"> <li>• To have adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing;</li> </ul>			
<ul style="list-style-type: none"> <li>• To be tried without undue delay;</li> </ul>			
<ul style="list-style-type: none"> <li>• To defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;</li> </ul>			
<ul style="list-style-type: none"> <li>• To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;</li> </ul>			
<ul style="list-style-type: none"> <li>• To have the free assistance of an interpreter if he cannot understand or speak the language used in court;</li> </ul>			
<ul style="list-style-type: none"> <li>• Not to be compelled to testify against himself or to confess guilt.</li> </ul>			
Everyone convicted of a crime has the right to have his conviction and sentence reviewed by a higher tribunal.			
No one is liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with applicable law and procedure.			

<i><b>ASPECT OF PERFORMANCE</b></i>	YES	NO	Training Required
Domestic law prohibits a finding of guilt of any criminal offence on account of any act or omission which did not constitute a criminal offence at the time it was committed.			
Internal and/or cross-border conflicts do not threaten or thwart human rights protections and democratic government.			