LEGAL AND JUSTICE SECTOR REFORM PROGRAMME
MINISTRY OF JUSTICE AND ATTORNEY GENERAL’S DEPARTMENT

Workshop on
Case Management System Standard Operating Procedures (SOPS)

West Africa Regional Training Center
Marvel House

Date: 27th & 28th September 2016
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1. BACKGROUND
The Ministry of Justice and Attorney General’s Department (MOJAGD) with support from the UNDP developed targeted reforms titled the “Legal and Justice Sector Reform Programme”. The programme which is aimed at improving the quality of legal service delivery was informed by a baseline survey on the Justice Sector. The baseline survey was conducted to provide information on the levels of knowledge, experience and attitudes of the public to the sector in Ghana. The survey identified the level of transparency and the speed of the processes and proceedings in the formal justice system as the significant issues in the sector. Based on this, the Reform programme seeks to improve access to and the quality of justice delivery in the country.

In line with the project work plan, the Programme Management Unit (PMU) and the Ministry of Justice and Attorney General’s Department (MOJAGD) with funding support from the UNDP and the USAID organised a two-day workshop on Electronic Case Management System (CMS) and Standard Operating Procedures (SOPs) on the 27th - 28th September 2016 at the West Africa Regional Training Center, Marvel House, East Cantonments, Accra. The workshop was in line with the Legal and Justice Reform Programme’s (LJRP) strategies to strengthen the administrative efficiency and inter-institutional collaboration of Legal and Justice Sector institutions.

1.1 Objectives of workshop
- Enhance knowledge on best practices in case management processes
- Ensure consistency in application of processes and procedures
- Identify key areas for administrative efficiency, and institutional collaboration opportunities to improve the linkages across multiple agencies in processing cases
- Improve communication between staff and agencies
- Contribute to recommendations for the design of an integrated case management system
- Enhance knowledge of the Justice Sector Reform Programme and the Security Governance Initiative

1.2 Participation
Participants for the event were drawn from all the institutions participating in the reform programme and development partners (DPs). Notable personalities that attended the two-day workshop included the Hon Minister of Justice and Attorney General, Mrs. Marietta Brew Appiah-Opong, Justice Sir Dennis Adjei, Appeals Court Judge, UNDP Deputy Country Director-Programmes, the Chief Director of the MOJAGD, Heads/representatives of the key institutions, and institutional Focal Persons. Others included the Mr. Steve Hendrix, the USAID/Ghana Deputy Mission Director and delegation from US Government, Project Consultants, and members of the PMU. In all, a total of 56 people made up of 39 representatives from the participating state institutions and 17 persons from others drawn from USAID, PMU and project consultants. A gender disaggregation shows that there were 38 males (68%) and 18 females (32%) who participated in the sessions over the two days.
1.3 Forum Approach/Methodology

The two-day workshop involved a series of facilitated plenary sessions and one syndicate (group) session. The workshop adopted a participatory approach to enable cross discussions and expression of views by all participants. The plenary sessions focused on presentations by resource persons, case studies from participating institutions, and project consultants. The presentations were followed by interactive discussions involving questions, clarifications, suggestions and comments from participants as well as responses from the presenters. The syndicate session was organised as two clustered group dialogues, which sought to identify strategies through which the challenges identified could be addressed.

- Day one involved official opening, presentations by local and international experts, findings on SOPs by consultants and three key institutions [Police Prosecutors, State Attorneys, Economic and Organised Crime (EOCO) and Judiciary Registrars].
- Day two had presentations from Prisons and Legal Aid Scheme, a syndicate session and closing session.

This report highlights proceedings and key issues that emerged from the two-day workshop. It also includes as appendices: presentations, list of participants and programme outline.

2. OPENING

The opening session comprised a welcome address from the Hon Attorney-General and Minister of Justice, Mrs. Marietta Brew Appiah-Opong. This was followed by short remarks from Mr. Steven Hendrix of USAID, and Mr. Louis Kuukpen of UNDP. This set the stage for the commencement of the two-day workshop.

2.1 Welcome Address

In her address, Mrs Brew-Appiah-Opong, highlighted that the two-day workshop offers the opportunity for participating institutions under the LJSR programme to discuss the importance of the SOPs, and how its implementation will strengthen each institutions processes and procedures leading to efficient, consistent and fair justice delivery. She noted that the workshop also offered a good platform for participants to discuss the challenges hindering inter- institutional collaboration. These issues she stated will reflect the architecture of the expected integrated electronic case management system.

According to her, upon appointment as Minister for Justice and Attorney-General, His Excellency the President shared his vision to see a reformed justice and legal sector and therefore tasked her to draw up a plan to reform the justice and legal sector. She highlighted that the request was in response to the 2012 Baseline Survey of the Justice Sector which indicated the level of transparency and the speed of the processes and proceedings in the formal justice system very low.

She stated that to further Ghana’s development efforts, its legal service and justice delivery system must become more efficient and effective. According to her, to achieve any form of efficiency and effectiveness in performance, the staff and management must be conversant with
the workflow processes in their various institutions, and how it interacts with the other sector institutions for efficient justice delivery. Consequently, MOJAGD with support from UNDP developed a legal and justice sector reform programme through a consultative process to address the challenges. She thanked the UNDP for supporting the implementation of the reform agenda by assisting with the establishment of a Programme Management Unit with staff and necessary logistics, in addition to providing technical and financial support for the implementation of some of the key components of the reform.

On the integrated Electronic Case Management Systems (ECMS), the Hon Minister noted that this is central for the criminal justice system to achieve any level of efficiency, given the number of partners working together in the sector. She highlighted that part of the Reform is to provide specialised training programmes which will contribute to strengthening technical development capacity by improving competencies needed to make the institutions more functional.

The Hon. Attorney-General further stated that she had followed the work of the consultants closely and therefore was expectant that the case management system SOPs and other knowledge products coming out of this Reform Programme will be used effectively. This she noted will require all the Heads of Institutions and the staff to take ownership of this reform and provide needed technical inputs.

In conclusion, the Hon. Minister encouraged the Heads of institutions to adopt the monitoring and evaluation systems incorporated in the SOPs to ensure that these products are used and reviewed consistently so they remain relevant. She further called on the participants to be open and frank about the opportunities and challenges that will affect the implementation of the case management system SOPs so that these issues could be discussed. She stated that there was greater collaboration among all the key actors to deepen the impact of the reforms. The Hon Attorney General ended her address by calling on the development partners present, to take active part in deliberations and support the Reforms to ensure Ghana attains a deserving and integrated case management system.

### 2.2 Remarks by USAID Deputy Director of Missions, Ghana

In his remarks, Mr Steven Hendrix cited his experience in Guatemala where after a long civil war, with several 1,000s of people killed; the signing of the peace accord in December 1996 highlighted the need for a reform of the justice sector as one of the key things to be done to put the country back on track to recovery.

He stated that when they started to work in Guatemala, they found out that the average cost to lose a case was just $10 and therefore a lot of the times, employees of the courts acted in ways to let this happen. According to him, in 1998 when the court came out with the CMS, the employees of the court who had benefitted from the system sabotaged it, and the Bar Association kicked against its implementation. However a year later they manage to implement a CMS which brought about improved customer service, well documented statistics, as was well documented clearly known work schedules of judges etc. He highlighted that by the third year of implementation the number of cases lost reduced to only 4 cases.
According to Mr. Hendrix, the Guatemalan experience offered valuable learnings to the USAID. For instance, to address the situation where court workers exploited the system and hence selected the judges they wanted to adjudicate their cases, a randomized system of selecting the cases for judges was adopted which made it impossible for them to do so.

Touching on the LJSR, he stated that Ghana was taking a very important task to address issues in the justice sector at a time when Africa needs some leadership. He stated that currently Africa does not have a country that can be said to be leading because many of the countries have had their time. According to him, the leadership has moved from Ghana, Nelson Mandela’s South Africa, Kenya and, Botswana. He highlighted that currently, if you look at Ghana it can provide leadership not just with elections but also good judicial system. To him, how that is going to be done will depend on reform programmes such as the LJSR which that country has started.

Concluding his remarks, Mr. Hendrix stated that for instance in El Salvador when a former guerrilla leader was elected as president and his appointees were mainly former guerrillas too, the new president during the transition sought advice from USAID and UNDP. He therefore commended the leadership of the Attorney-General for the initiative and stated that this is another moment for Ghana to claim leadership in Africa on justice delivery. He ended by stating that the USAID will play its small role to make Ghana achieve that.

2.3 Statement from UNDP Deputy Country Director

In a speech. Mr. Louis Kuukpen, the UNDP Deputy Country Director-Programmes, stated that his outfit was glad to witness the progress achieved so far by the Legal and Justice Sector institutions to improve institutional efficiency and collaborate to enhance Justice Delivery in the country. He highlighted that the initiative is unique as it seeks to strengthen the entire chain of institutions in the sector in order to establish the foundation for accountability and ensure administrative efficiency.

He stated that the case management system Standard Operating Procedures (SOPs) being one of the knowledge products of the reforms that will be fundamental to an integrated Electronic Case Management System is very critical. And I hope this workshop will move the discussions forward to the next logical step of establishing an integrated Electronic Case Management System.

According to him, the UNDP in order to achieve its mandate of sustainable human development with a focus on Poverty reduction is committed to strengthening inclusive and effective democratic governance. This, he noted cannot be achieved without supporting efforts to deepen core functions of democratic governance such as this Programme which seeks to address access to justice and rule of law.

Concluding his remarks, he thanked the Hon. Minister of Justice and Attorney General for her leadership and highlighted that the targeted reforms sought by the Programme requires more funding support than what the UNDP has offered thus far. He therefore called on other Development Partners (DPs) to come on board. He ended by commending the collaborative partnership between the Ministry of Justice and Attorney-General’s Department and the entire
Legal and Justice Sector institutions on one hand and the partnerships between UNDP, the USAID and US Embassy on the other hand, which are all geared towards successful reforms.

3. FIRST SET OF PRESENTATIONS

3.1 Case Management Best Practices by Bob Wiley

The United States Agency for International Development (USAID) Consultant Mr. Bob Wiley in his presentation indicated that to achieve effective Case Management Best Practices (CMBP), there should be a mechanism in place to track the progress of cases from arrest through to the sentencing stage. According to him, this gives credence to William Gladstone phrase that “Justice delayed is justice denied.” He indicated that the basic principles of good case management include: improving quality of justice through timely management of cases; creating predictable system; ensuring early and continuous control; use time standards, real-time status of each case and produce valuable data for management.

Mr. Wily disclosed that most justice-sector CMS projects fail due to some of the following reasons:

- Lack of political will
- Very expensive
- Over ambitious projects,
- Unsustainable projects,
- “Paving the cow path”, and
- Over-reliance on donor support.

To achieve success in justice sector CMS projects, there is the need for the project to have the full support of leadership; start small and use what you have, use open source software; know the true costs of automation, refine manual systems first; be in charge of your own destiny, and use donor funds wisely. Bob Wily emphasized that automation is not a silver bullet and therefore it was necessary for institutions to refine the manual system before any automation commences.

Citing Indonesia and Kenyan case studies, Mr. Wily disclosed that in the case of the former, the Judicial CMS projects started small and built on what they had and then followed it with an in-house Information Technology (IT) Department and creatively deployed it across their large judiciary. In Kenya the process of judicial CMS projects was not any different. They scaled back over-ambitious plans and started with the awareness creation of the need for accurate and timely data, leveraging on the existing assets.

He concluded by stating that inter-agency coordination is very essential for judicial CMS projects. He therefore added that though each agency owns and manages its own data and CMS system, it is important for key case data to be standardized to facilitate information flow between agencies.
3.2 The Judiciary Case Management System-Scope and Lessons by Mr Robert Cudjoe - Director/ICT, Judicial Service

Presenting this case study, Mr Cudjoe disclosed that the Government of Ghana (GoG) has embarked on an ambitious effort to use Information Communication Technology (ICT) to improve efficiency and transparency of government functions. Under component three (3) of the World Bank supported eTransform Project, the GoG intends to apply part of the proceeds for the procurement of a first phase, turnkey Court/Case, administrative and financial Management System for the Ghana Judicial Service. The Judicial Service of Ghana (JSG) will therefore serve as the implementing agency for the project.

Mr. Cudjoe mentioned that the JSG is currently seeking proposals from qualified bidders for the supply, installation, integration, training, implementation and technical support of an integrated Court/Case, Administrative and Financial Management ICT solution, for 46 target High Courts in the newly constructed Law Court Complex (LCC) in Accra for the “proof of concept implementation”.

On benefits to be accrued from the system, he stated as follows:

- The system will enable Court Staff to effectively manage a large number of cases and improve timeliness, including maximizing early hearing and improving case disposal rate while reducing the number of cases “lost” in the system.
- The system will reduce hearing/trial time and improve the overall timeliness of case completion.
- Management reporting, with extended capability to analyse and research the data captured about cases and clients, will enable JSG to address trouble spots.

With regards to the lessons learnt, Mr. Cudjoe suggested that for ECMS to be effectively implemented, supporting infrastructure such as power, adequate and relevant networks among others must be in place. He also added that there should be an extensive communication with other players in the justice delivery system, to ensure integration into their respective case management systems. He further indicated that all this should be anchored on a good and effective change management system, ensuring IT readiness of supporting staff and Judges, testing system on pilot basis, and the buy-in of executive or leadership.

3.3 Consultancy for the Development of Standard Operating Procedures (SOPs) for Criminal Justice Institutions by Andrews Tetteh & Dr. Kwasi Boadi

In this presentation it was disclosed that institutions covered by the SOPs include Ghana Police Service (Legal & Prosecutions, and Investigations); Economic and Organized Crime Office (EOCO); Legal Aid Scheme, Office of Public Prosecution, Ghana Prisons Service (Legal/Remand) and Judicial Service of Ghana (Registry).
In terms of SOP format and content, Dr. Boadi revealed that the purpose; scope; responsibility; procedures, training requirements, collaboration, and referral mechanisms were considered. According to Dr. Boadi, in the area of case management, there is a linkage between the Legal Aid Service and the Attorney General’s (AG) Department, EOCO, the Prosecutions, Registry and the Police. Similar linkages also exist between the Legal Aid Service and Prisons. He disclosed that the gaps that have been identified within the criminal justice institutions include; lack of coordination among the criminal justice institutions, poor communication and sharing of information among many others. Dr. Boadi stressed that to ensure effective justice delivery system in the country, there is the need to make the SOPs living documents (evaluate, review & update). He added that there should an effort to continuously develop and share SOPs that foster interoperability and improve training for Criminal Justice Institutions officials.

### 3.4 Consultancy for the Development of SOPs for MoJAGD and its Agencies by Patrick Offei, Shawbell Consulting

In this presentation Mr. Patrick Offei stated that the UNDP contracted his firm (Shawbell Consulting) to develop Standard Operating Procedures (SOPs) for the Ministry of Justice and Attorney-General’s Department and its Agencies, namely: Legal Service Civil Division; Legal Service Legislative Drafting Division, Law Reform Commission and Council for Law Reporting. He pointed out that under the Terms of Reference for this project, the SOPs are aimed at enhancing efficiency and effectiveness in justice delivery within institutions under the Legal and Justice Sector Reform.

On the methodology adopted for the assignment, Mr. Offei stated that developing SOPs involves different phases of work. According to him, Phase I methodology focused on reviewing the Terms of Reference, project related documentation and relevant Legislation to establish project imperatives. This phase also reviewed the mandate of the Institutions, as well as their vision, mission, objectives and functions, which was used as the basis for developing the SOPs. Similarly, in-depth analysis of the operating procedures of the institutions to establish the internal workings and external linkages were carried out. Phase II examined existing SOPs of the MoJAGD and its Agencies to identify gaps that would be further
developed into recommendations. Deliberations and consultations with focal persons and key staff within MoJAGD were also done in this phase. Moreover, existing operating procedures at the MoJAGD and its Agencies for validation with internal and external stakeholders were catalogued.

Mr Offei further highlighted that, Phase III also dwelled on the assessment of desired interventions for efficiency and effectiveness to ensure that the SOPs developed would be robust and poised to address the salient requirements of justice delivery in Ghana. In this phase, gap analysis to elicit challenges and procedural gaps associated with the current operational procedures was conducted. This phase further identified the logistical support required for a paradigm change in operating procedures. Phase IV analysed and assessed modalities through which operating procedures in the MoJAGD and its selected agencies are aligned with the Legal and Justice Sector Reforms. This phase also developed recommendations based on findings, observations and gaps emerging from the assignment.

Touching on the purpose of the SOPs, Mr. Offei stated as follows:

- Develop and implement Institutional Standards to support new systems and procedures. Thus, the Standard Operating Procedures were developed through a comprehensive study of the formal procedures, actual practices and mandates of respective institutions.
- Establish the procedural guidelines for the functions of the Ministry of Justice and Attorney-General’s Department and its Agencies.

3.5 Questions/Responses/Comments/Suggestions

- Is there a system for tracking the status of remand prisoners/cases?
  - Presently there is no mechanism to monitor that so it will be good to consider it in the CMS if the court will allow. What is happening now is that the CJ has set up a unit with a judge assigned to monitor and report on remand cases. It is a manual system which is being implemented for the five top divisions of the court.
- Will the attorneys at the Prosecutions Department have opportunity to electronically access the status of cases from the Appeals and Supreme Court where most of the delays occur? In other words, will the court consider some linkages with other institutions in the sector to access some information without necessarily moving to the court as the CMS envisages?
  - What we have now is for the consumption of the judicial service. We understand that steps are being taken to start some form of integration. For the delays, one of the reasons is the fact that sometimes it is served on wrong persons. Moreover, in a situation where there are only two dedicated bailiffs to the State, it becomes very difficult to get service done in good time.
- What is happening with the attempt to deal with congestions in Prisons by using non-custodial sentencing?
Discussion have started to put a policy in place on the way forward. Some proposals have been made to ensure that it comes into fruition but we are at the preliminary stages. It has to be developed first before it goes to drafting and then to Parliament etc. It will take time but we have to hasten slowly.

4. SECOND SET OF PRESENTATIONS

4.1 The State Attorney Prosecution Division: Overview of SOPs and Reflections on Implementation by Mrs. Yvonne Obuobisa-Director Prosecutions

Mrs. Obuobisa disclosed in her presentation that in Ghana, it is the Attorney-General (AG) who is responsible for the conduct of criminal prosecutions and therefore any agency carrying out criminal prosecution is doing so on behalf of the AG’s Department. She indicated that in order to undertake effective and efficient prosecution, the Department has developed a Standard Operation Procedure (SOP) that must be followed by all state attorneys. She stated that in carrying out criminal prosecutions, an attorney is guided by this SOP.

According to Mrs. Obuobisa, the purpose of this SOP is to provide a guide to Attorneys and staff in the conduct of their work in the Division. However, this SOP must be used in conjunction with the Ghana Code for Prosecutors. In the light of this, attorneys and staff of the division should follow laid down procedures to ensure that dockets which are received are dealt with expeditiously. She stressed that to promote efficient criminal justice system, the SOP gives guidelines to attorneys in the conduct of their work as to how to uphold the principles of fair trial, rule of law, the protection of victims and ensure that justice is done in all cases.

She further highlighted that the SOP has stipulated a clearly defined lay down structures for the prosecution of cases by the AG’s Department. The Prosecutions Division is headed by the Director of Public Prosecutions (DPP). The Division is made up of attorneys of various ranks as follows: Assistant State Attorney; State Attorney, Senior State Attorney, Principal State Attorney and Chief State Attorney. The Regional Offices are headed by Senior Attorneys who report to the Attorney-General through the DPP. According to her the Division is organized into groups headed by group leaders who report to the DPP and that every group consists of seven (7) prosecutors. The group leaders generally supervise the work of the members in their group. She further stated that the DPP, on receipt of dockets, assign the dockets to the group leaders or individual attorneys directly under the supervision of their group leaders. It is the duty of group leaders to assign these dockets to group members with group members reporting to their respective group leaders in the course of their work.

Mrs. Obuobisa acknowledged that implementation of the SOP is faced with some challenges which include the following:

- Missing vital information for effective prosecution from police dockets
- Systems Delays/Delays caused by bureaucratic communications system between the AGs Department and CID/Ghana Police service
- Unnecessary delays in receiving documents on cases from the police (bureaucracy)
- Inappropriate charges proffered against accusers
- Inadequate prosecutors at the AG’s department
- Incomplete investigations by the Police:
• Delays caused by investigations caused by investigators due to lack of logistics
• Lack of clear cut procedures on which institution bears cost of forensic investigation e.g. medical examinations
• Lack of competent officers to investigate specialized crimes e.g. not enough trained financial analysis
• Delays at the court: “it is not just about the computerization - we need to change the laws too”

4.2 The Police Prosecutors: Overview of SOPs and Reflections on Implementation

In a presentation by Superintendent of Police (SP) Kwame Odame and Assistant Superintendent of Police (ASP) David Hukportie, the Police Prosecutors highlighted that the Police works closely with other institutions including the Ghana Judicial Service, Ghana Prison Service, Courts, and EOCO etc in criminal justice administration. They also established that in the investigation process, they collaborate with other investigative institutions such as FIC, EOCO and others. They indicated in their presentation that after the investigations stage, the docket is forwarded to the AG’s Department either for advice on how to proceed with the case in terms of the appropriate charges to prefer or for the AG’s Department to completely take over the prosecution of the case. However, according to the officers, in carrying out their work as investigators and prosecutors, they face a lot of challenges. The following are some of the challenges they outlined:

✓ Lack of skills, logistics, support services and coordination
✓ Delays in taking over prosecution of cases (e.g. moving a case from a lower court to a higher court. It takes a long time for the AG to come over to take the case
✓ Lack of coordination – failure to update Police with regards to changing trends and positions and laws. The AG should be able to train or educate Police on the changes.
✓ Turf-wars between police investigators and state attorneys from AG Department. sometimes it appears as if Police and State Attorney
✓ Start the case de novo anytime the judge is transferred, retires etc.

In their presentation, they stated that to promote effective justice delivery, there must be:

✓ Continuous training for prosecutors and investigators
✓ Enhanced collaboration (possibly getting attorneys involved from day one to help investigators seal loopholes and have a solid case
✓ Reducing non beneficial transfers of personnel (for e.g. somebody can be moved from patrols to become a prosecutor
✓ Provision of logistics to enhance efficiency
✓ Providing motivation for lawyers within the legal directorate as a means to retain them

In conclusion they stated that ensuring accountability through an effective monitoring process that gives information on the issues in court as well as decisions will go a long way in helping improve current situation.
4.3 Questions/Responses/Comments/Suggestions

- **What can be done by the Police Service to deal with the long chain of procedures that often causes delays?**
  - The CMS will help address some of the issues but it is imperative that the change must be initiated from the top and in the case of the Police through the IGP. The little I have gathered is that although the project sought to use change managers in the institutions to influence the reforms, it appears most of them are not doing much because of the power command structures that exist in their institutions. There should be a reform similar to the CJ forum on the Justice for All system so that leadership buy-in will drive the process.

- **When police officers come for a remand prisoner from the custody of the prisons, does it end the work of the prison officers on that remand prisoner?**
  - Theoretically yes because the Prisons Service only holds the remand person in custody for the Police. However, there are times when the Prisons Service has been forced to follow up to make sure the person is taken to court.

- **What system is there at the Ghana Police Service to track the progress of cases at the Police Prosecution office?**
  - There is currently no system in place. Hence the development of the CMS will help get such information.

- **What method is there for police to track their investigations or give a prosecutor more information on the progress of the case?**
  - Currently there is no strong or effective system. When a case is filed situational report is prepared within 24 hours and sent to the Director of CID and then further updates follows.

- **In addition to improving the SOPs, can we have a directory of contacts so that the DPP can get in touch with some Police investigators and vice versa?**
  - To a large extent there are informal relationship between Police Investigators and Prosecutors at the DPP and this works. If the normal process is used for very urgent matters, there is no way the person will get it from the CID unless a personalized call or dispatch is made before it gets quick action. So if Attorneys want some information they use their personal contacts rather than the formal process which is likely to delay process.

- **Will an Email system work in the transfer of information to the Police?**
  - If we have a protected the email services for each of the institutions, then that could work so that confidential information is hacked.
4.4 Key issues that emerged from deliberations

- **Interlinkages**: The MOJAGD should lead the process of establishing the interlinkages especially since some of the institutions have confidentiality restrictions by their mandate.

- **Feedback to Heads of Institutions**: Need for representatives to send feedback to heads of institutions on the importance of developing linkages as part of the ECMS. For instance, it should be possible for say the Prisons to have access to some information from the courts on status of remand cases with a click of a button.

- **Assigned Judge for remand cases**: Given the situation with the remand cases, there is a recommendation that a special judge is allocated to handle tracking of remand cases and this could be followed.

- **DPP support for Police**: It is imperative for the system to be reviewed so that the State Prosecutors can support the Police in the collection of right information for prosecution. This could include having direct input into the investigative process so that they can guide the Police to gather the right information to avoid situations where cases are thrown out because of weak or poor evidence etc.

- **ECMS not bullet proof**: There is possibility of getting cases lost even in using the CMS and therefore the system currently being used by the DPP where group leaders are signed to follow up on cases should be used as a good monitoring strategies that will be beneficial to most of the institutions.

- **Changes in human behaviour and conduct**: The DPP showed what the work flow was and indicated that time limits have been set. In order to change the behaviour of the key actors there has to be some time limits.

- **Legal training for Police Prosecutors**: Regular training and mentoring of Police Prosecutors by the AGs Department to develop needed knowledge on laws as well as build capacity to gather right evidence for prosecution.

- **AG should liaise with IGP and Ministry of Interior to deal with some of the key issues raised**

- **Annual report on Work of Prosecutors**: Machines or computers by themselves do not change things so human beings have an important role. So having identified weaknesses from both sides, it is imperative to adopt a mechanism led by the AGs office to have a report developed on the shortcomings of cases from the Police investigators as well as the Prisons Service.

- **In the long term the AGs Department should be able to take the work of prosecution even if they are not lawyers. So that such people could help the same way Police Prosecutors are doing**
DAY TWO

The second day of the workshop commenced with a review of Day one activities by rapporteur, screening of CMS demonstration video by Mr Bob Wiley and sharing of update on the USAID Mission from Washington at the workshop. Mr Wiley used the video to demonstrate a Unified Court (www.courts.state.ny.us) CMS used by the New York State. The demonstration gave participation both pictorial and background information on the use of the system and the extent to which various users can access information on the system. For instance, data is categorized – internal data alone, share with other agencies in the justice sector, and what data will be made public. Again if you are an attorney on a case you can track it to at least know when the next hearing will occur. He indicated that the New York State Unified court system is an example of case tracking system and therefore the data or information in the system can be used to do lot things

Giving an update on their work in Ghana, Noelle Ojo, a Democracy and Governance Officer of USAID in Washington Office, indicated that the team is in the country to do an assessment that will enable them develop a tailored programme to pitch with counterparts in the USA for funding support if accepted.

5. THIRD SET OF PRESENTATIONS

5.1 Challenges/opportunities working with the Court Registrars and Police by Mrs. Baffoe Bonnie-Deputy Director Ghana Prisons

In her presentation Mrs. Baffoe Bonnie highlighted the role of the Prisons Service in the chain of justice delivery. She revealed that when a person is found guilty by the court, the Prisons Service uses incarceration and various treatment programmes to punish and correct the behaviour of the offender. She indicated that the core duties of the Ghana prisons have been broadly categorized into Records and Accountability; Security; Access To Justice; Protection Of Prisoners Rights; Good Order and Control, and Reformation and Rehabilitation.

On the challenges of justice deliver, Mrs. Baffoe Bonnie stated that the Justice System of Ghana is characterized by a number of challenges that undermine the effectiveness and efficiency of justice delivery in Ghana. She highlighted the challenges to include:

- lack of system to help identify prisoners biometrically;
- court registrars adjourning cases and renewing expired remand warrants without being heard by the court;
- difficulties in accessing commitment warrants for prisoners who have been given additional sentences,
- missing dockets for trial prisoners and inmates who want to appeal against their sentence; misrepresentation and wrongful documentation of orders of the court,
- doctoring of the proceedings of court, and
late service of court processes (hearing notices, endorsement of court books)

Further, Mrs. Baffoe Bonnie disclosed that almost all persons committed into prison custody by courts of competent jurisdiction are escorted to the prison by the Police. In the case of convicts, the job of the Police ends once they are brought into prison. However, the case is different when it comes to remand prisoners as they are to be picked up by the police on scheduled court dates. According to the Deputy Director of Prisons, their interaction with the Police comes with critical challenges. These challenges include:

- Delays in taking prisoners to court mostly due to non-availability of a Police escort;
- Renewal of remand prisoners’ warrants.
- Long delays in dealing with cases (renewal of warrants without taking remand prisoners to court).
- Non availability of Police to assist remand prisoners to execute bail bonds.
- Missing dockets of remand prisoners.
- Manual recording of bio data for prisoners.

On the way forward for addressing the challenges, she highlighted the following:

- The launching of the Legal and Justice Sector reform is a welcome relief as the project will address, to a large extent the inter-institutional gaps in Justice Delivery as it focuses on improving the quality of legal Service and Justice Delivery in Ghana.
- The Standard Operating Procedures System create efficiency, consistency and reliability and fewer errors in all areas, a way to resolve conflicts among parties or stakeholders and above all ensures a healthy and safe environment.
- Establishment of a case management system to coordinate the various Standard Operating Procedures ensures a procedure for information handling and sharing.

5.2 Legal Aid Scheme (LAS) - what needs to improve? Relationship with Police, Courts, Prisons, and EOCO by Rasheed Saani

This presentation delivered by Mr. Rasheed Saani indicated that in order to have a quality justice system in Ghana, it is important to foster good working relationships among justice sector institutions. Similarly, the institutions must place much emphasis on building a strong database for all as well as improve human and financial resources.

**LAS & Police Service**

Concerning the interaction between the LAS and the Police, Mr. Saani stressed that Police should inform LAS immediately after an arrest has been made especially those who cannot afford the services of a lawyer/inform the suspect about the services of LAS. Again, he stated that where remand warrants (for those in police custody) expires, LAS should be notified. When the Police are dealing with juveniles, LAS should be contacted for assistance. Suspects should be brought to court regularly for necessary legal assistance by LAS.

**LAS & Courts**

With regards to the Courts, Mr. Saani admonished that courts should not cease to refer indictable offences and other serious offences especially for those who cannot afford the
services of lawyers to LAS. He pleaded with Registrars of the various courts to assist in expediting the filing of LAS cases. The Courts should desist from striking out LAS cases. He further suggested that the courts should not force LAS clients to continue cases by themselves simply because their lawyers are not available. According to him after committal proceedings in lower courts, court Registrars should send dockets to the High Court Registry on time, for LAS to take necessary action. Mr. Saani also encouraged the Courts to get enough interpreters to assist with proceedings at the courts. He added that Court processes filed by Attorney General, should be served on LAS on time.

**LAS & Prisons**
In order for LAS to give the necessary support to Ghanaians, Mr. Saani advised that the Prisons Service should inform LAS about prisoners whose warrant has expired for necessary action to be taken. The Prisons Service should also notify LAS about the remand prisoners who are yet to start trial. The prison officers should inform LAS to assist those who want to file for appeals. Mr. Saani further called on Prison officers to ensure that prisoners are brought to court regularly for necessary legal assistance by LAS.

**LAS & EOCO**
As part of measures to improve relation between EOCO and LAS Mr. Saani advised that Legal Aid should be informed after arrests (especially accomplices), who might not have the means to procure services of lawyers.

### 5.3 Case Management System - Challenges and Opportunities for the Economic and Organized Crime Office (EOCO) by Edward Cudjoe - Head of Legal, EOCO
Mr. Edward Cudjoe began his presentation by bringing to the fore the essence of CMS in justice delivery in Ghana. According to him, the CMS has a great propensity to improve security and reporting accuracy; transparency, information sharing, interface with other law enforcement agencies such as the Prisons Service, Legal Aid, and many other areas of justice delivery. However, in spite of the numerous benefits CMS is likely to bring, it is also anticipated to have certain challenges. These anticipated challenges include:

- Loss of dockets
- Difficulty in identifying assigned attorneys
- Integration with institutions with legacy employees
- Human Nature (BBC)
- Nonexistent classification culture
- Sabotage (wrong use of data/shared info)
- Unwillingness to share (trust deficit)

Mr. Cudjoe proposed the following solutions to the above anticipated challenges.

- Transmission of dockets and follow-ups by Executive Director
- Making additional copies of dockets
- Meeting attorneys in person and introducing investigators
Controlled access and in-put into CMS

5.4 Questions/Responses/Comments/Suggestions

- In matters of criminal justice, the parties are the Republic and the accused person so on the issue of transportation of accused what has been the practice and what is the way forward?
  - This is a big problem because it about institutional tussle, which has budgetary implications. The institution that has custody should be given the funds to deal with it.

- During the presentations it came to light that the advice from AG to Police in respect of cases delays. Why is it that they keep the advice and frustrate lawyers from knowing when the advice is in-favor of accused person?
  - Currently there is nothing in place. Sometimes the police hold on to try to get more evidence but that does not show fair trial. However, with the SOPs having been developed with timelines everybody must comply.

- I have seen posted on the court house the list of cases to be heard. Is there some way the list will be posted somewhere else other than court?
  - The court publishes it on its website and also available on the Court complex. In addition, the court now shares with the GBA every Friday so members can access from the Bar Association.

- It is coming out that the CMS is a tool, so where does the opportunity lie in developing an effective CMS?
  - It is necessary to have the CMS in place. How we handle cases and relationships will not change immediately. It is the different capacities that will have to change at the various institutions in order to get an effective system.

- Legal Aid has about only 22 lawyers in the country with only four (4) in Accra so how can they provide support even if they want to?
  - We have to revisit and advocate for the GBA to take up the issue of pro bono work by members of the Bar. In some countries the renewal of your license depends on the amount of pro bono cases you have handled. There are some private legal practitioners who want to help but the ability of the Legal Aid scheme to pay something around 20% is the challenge.

6. SYNDICATE SESSION

Participants were assigned to two groups to work (i.e. Heads of institutions and Focal/Technical person of institutions) to deliberate on the following key questions:

- Discuss the key challenges identified over the two-day workshop and the way forward for doing the CMS?
- Practical ways to improve inter-agency linkages
- Recommendations
Table 1: Summary of Group Presentations

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<tr>
<th>Group</th>
<th>Key Challenges</th>
<th>Recommendations</th>
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| HEADS OF INSTITUTIONS         | 1. Bureaucracy in communication – the CMS alone will not stop the delays. For instance how the police sends dockets through its process before it gets to AG department. it passes through so many hands  
   ✓ Proposal to use police internal communications system - Signals  
   ✓ Set timelines for officers | ✓ Need to have timelines so that people are held responsible at  
   ✓ Improve supervision  
   ✓ Each CMS should be made to fit into existing system/structure  
   ✓ Improve inter-connectedness i.e. Linkages with other related  
   ✓ Managing classified information  
   ✓ Seek approval for more lawyers or para-legals to support the work of under staffed agencies. The GSGDA should establish the public defender’s office but that has not worked out  
   ✓ Get non-lawyers to do some basic things similar to what was done with the legal aid. Pilot the para-legal system. We have tried it in the civil side – for example majority of prosecutions are done by non-lawyers  
   ✓ AG taking over the responsibility of training police/non lawyers to do some of the prosecution  
   ✓ Recruiting and training attorneys |
|                               | 2. What drives the bureaucracy – is it that a superior will have ultimate responsibility?  
   ✓ The bureaucracy is based on the structure. Command and control structures of security related organisations may not allow for certain things to happen.  
   ✓ Knowing the kind of personnel if we don’t put in some of these in-built mechanisms things can happen.  
   ✓ Chain of commands and build in notification and verification.  
   ✓ The reform system recognizes these lapses and that is why we have the SOPs development, change management etc if all those work aspects are made to work well then the CMS will achieve its aim  
   ✓ At the Practical level CMS should align itself to the structure – define lines |                                                                                   |
|                               | 3. Resource constraints  
   ✓ Lack of logistics (vehicles, investigation tools, cost of electricity supply, softwares & upgrades |                                                                                   |

Basis was to consider all the issues that have been highlighted and how to position self to benefit from.

The existing institutions have various lapses. Regardless of the bureaucracies if the SOPs and CMS are well developed and if there a good supervisions.
<table>
<thead>
<tr>
<th>FOCAL PERSONS/TECHNICAL</th>
<th></th>
<th>Deliberate strategy of government to recruit/increase lawyers</th>
</tr>
</thead>
</table>
| ✓ Human resource constraints – e.g. re-staff of state attorneys in order to  
  ✓ Technical capacity  
  ✓ IT facilities  
  ✓ Facilities for police to hold prisoners | ✓Deliberate strategy of government to recruit/increase lawyers |  |
| 4. Coordination between agencies |  |  |

**Police**

The information the police and other agencies require to enhance investigations

- Biographical information
- Place of arrest
- Charges
- Nature of alleged offenses
- The officer handling the case (the Name)
- The particular station handling the case
- Data of the area
  - Automate the log book
    - Action diary
    - Case number

There is the need to pilot CMS within investigations department at one police station (yet to decide) in Accra.

**Investigators and prosecutors**

*For some serious cases*

- The staff unanimously agreed that it is critical for all the heads of institutions in the justice delivery system to be on board in the adoption and implementation of the CMS. To achieve this, the following actions should be taken:
  - Both intra and inter-agency steering committees must be formed to discuss the challenges that will be faced in the implementation of the CMS.
  - Some practical demonstration of existing system of CMS must be shown to the heads for them to appreciate how it works.
  - Bring all the heads to forums such as this to make them appreciate the need to implement the CMS.
  - Court System – The court and attorneys should create a system that will accept filing and service by email. The system...
- Scan photos of accused persons and convicts.
- Photocopy documents to prevent the dockets from missing from the system.

**Prisons**
- Electronic calendar will have to be sent to the prisons (Court dates)

**Judiciary**
- Court dates must be made public and accurate.
- Specific phone numbers must be designated for the purposes of clients follow ups

**Registrars department**
- There should be a system in place to facilitate electronic filing of documents and payments of fees. (this can be done by amending the existing legal Instrument)
  
<table>
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<tr>
<th>Data needed</th>
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<tr>
<td>✓ Filling documents</td>
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<tr>
<td>✓ Type of services and processes</td>
</tr>
<tr>
<td>✓ Need to ask defense lawyers for their input</td>
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set up in a way that anybody that joins could have access. This is to deal with service. Start with a few courts. |This could be done by amendment to the laws

- Police – take an investigatory unit or police station – automate some of the diary of action -basic log information in pilot project of automating local police station and investigations unit. For instance, all investigators in one station or unit trained and resourced with equipment
  
- The only place that information can be obtained from the registrars’ office. The Registrar’s office publishes each week. This should be made available to other institutions
  
- Registrars office should have somebody to answer the phone

- For serious cases the practice of notification of AGs Department within 24 hours to guide investigation.

- Scan docket to store electronically
7. CLOSING REMARKS

Sharing her closing remarks, the Hon Minister thanked USAID and UNDP for supporting the two-day workshop, which according to her was very useful. She highlighted that the workshop gave more opportunities for the various institutions to open-up with their challenges and through that allowed others to offer some solutions to address them. She therefore commended the heads and all other participants for making it work. The Hon Minister ended by challenging the institutions to take steps to act on the recommendations especially those that can be dealt with within the shortest possible time.

On her part Joy Searcie of the USAID also thanked all participants for their efforts. She noted that the conversations that occurred over the course of the workshop has given more information and ideas that will help their work and also support the reforms in areas that may be most needed.

8. APPENDICES
8.1 List of Participants

<table>
<thead>
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<th>No:</th>
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<tr>
<td></td>
<td>Name</td>
<td>Affiliation</td>
<td>Phone Number</td>
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<tr>
<td>7</td>
<td>LOUIS KUUKPEN</td>
<td>UNDP</td>
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<td>8</td>
<td>FREDERICK ACQUAH</td>
<td>UNDP</td>
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<tr>
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<tr>
<td>14</td>
<td>ALEX BOATENG</td>
<td>Rapporteur</td>
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<tr>
<td>15</td>
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</table>
### 8.2 Programme Outline

**Legal and Justice Sector Reform Programme**  
**Ministry of Justice and Attorney General’s Department**  
**Workshop on Case Management System Standard Operating Procedures (SOPS)**  
**Venue:** West Africa Regional Training Center  
**Date:** 27th & 28th September 2016

<table>
<thead>
<tr>
<th>DATE</th>
<th>TIME</th>
<th>TOPIC</th>
<th>FACILITATOR</th>
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<tbody>
<tr>
<td>DAY 1</td>
<td>8:30am - 9:00am</td>
<td>Registration</td>
<td>PMU</td>
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| Tuesday 27 | 9:00am - 9:30am | Official Opening - Opening Remark-                        | Mrs. Marietta Brew-Opong- Minister for Justice & Attorney-General’s Department:  
<p>| September 2016 |               |                                                           | Steven Hendrix, USAID/Ghana Deputy Mission Director                        |
|            | 9:30am - 10:30am | Workshop Briefing: Training objectives                    | PMU/USAID                                                                  |
|            |                | Participants’ expectations;                               | USAID Consultant Bob Wily                                                   |
|            | a. Presentation on Best Practices in Developing an Effective Integrated Case Management System (15min) | Mr. Robert Cudjoe- Director, IT                                            |
|            |                | b. Judiciary Case management system-                      |                                                                            |</p>
<table>
<thead>
<tr>
<th>Time</th>
<th>Session Details</th>
<th>Speaker/Representative</th>
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<tbody>
<tr>
<td>10:30am - 11:00am</td>
<td>Q&amp;A Discussion</td>
<td>Mr. Suleiman Ahmed, Chief Director, MoJAGD</td>
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<tr>
<td>11:00am - 11:15am</td>
<td>BREAK</td>
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<tr>
<td>11:15am - 11:45am</td>
<td>The State Attorney-Prosecution Division Overview of SOPs and Reflections on Implementation</td>
<td>Mrs. Yvonne Obuobisa-Director Prosecutions/Representative</td>
</tr>
<tr>
<td>11:45am - 12:30pm</td>
<td>The Police ProsecutorOverview of SOPs and Reflections on Implementation</td>
<td>ASP David Hupkortie &amp; SP Addae-Director Legal-Police</td>
</tr>
<tr>
<td>12:30pm - 1:15pm</td>
<td>Q&amp;A Plenary Session Discussion on the challenges of implementing the SOPs, working across agencies, and opportunities in case management</td>
<td>Moderator – Mike Quinley, OPDAT</td>
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<tr>
<td>1:15pm - 2:15pm</td>
<td>Lunch Break</td>
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<tr>
<td>2:20pm - 2:30pm</td>
<td>The Judiciary Registrars Challenges/Opportunities dealing with Criminal Justice Institutions</td>
<td>John Bannerman, Chief Registrar Judicial Service/Representative</td>
</tr>
<tr>
<td>2:30pm - 3:30pm</td>
<td>Q&amp;A and Plenary Session Discussion on challenges/opportunities</td>
<td>Moderator Justice Sir Dennis, Appeals Court Judge</td>
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</table>
working across agencies and recommendations for developing an effective case management process

<table>
<thead>
<tr>
<th>DAY 2</th>
<th>Recap of Day 1</th>
<th>Rapporteur-Douglas Quartey</th>
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<tbody>
<tr>
<td>9:00am - 9:15am</td>
<td>Prisons- Presentation on Challenges/Opportunities working with the Court Registrars and Police</td>
<td>Mrs. Baffoe Bonnie-Director-Legal Prisons Service or Representative</td>
</tr>
<tr>
<td>9:15 am - 10:00am</td>
<td>Legal Aid Scheme- what needs to improve? Relationship with Police, Courts and Prisons, EOCO?</td>
<td>Mr. Seini Alhassan-Executive Director- Legal Aid Scheme</td>
</tr>
<tr>
<td>10:00am - 10:15am</td>
<td>EOCO- Challenges with Dockets at AG Department? Solutions?</td>
<td>Edward Cudjoe, Head Legal, EOCO</td>
</tr>
<tr>
<td>10:45am - 11:15am</td>
<td>BREAK</td>
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<tr>
<td>11:15am - 12:00pm</td>
<td>Q&amp;A and Plenary Session</td>
<td>Mr. Suleiman Ahmed, Chief Director, MoJAGD</td>
</tr>
<tr>
<td>12:00pm - 1:00pm</td>
<td>Recommendations – Way Forward in Developing an Integrated Case Management System • Prioritize the cross-agency data needed; desired information; plans</td>
<td>Moderator- Justice Sir Dennis, Appeals Court Judge</td>
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<tr>
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<td>Break-out Session</td>
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<tr>
<td>Time</td>
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<tr>
<td>1:00pm - 2:00pm</td>
<td>Lunch</td>
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<tr>
<td>2:00pm - 3:00pm</td>
<td>Continue Break out /Plenary Session on a Way Forward</td>
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<tr>
<td>3:00pm - 4:00pm</td>
<td>Present Recommendations to Senior Members of the Justice Reform Steering Committee</td>
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<td></td>
<td>Official Closing- Closing Remarks</td>
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- Identify next steps and an action plan for the development of an integrated case management system

Comments by Head of Institutions on expectations of Integrated case management system

Mrs. Marietta Brew-Opong- Minister for Justice & Attorney-General;