

Terms of Reference

Criminal Justice Expert Attorney General's Office - The Bahamas

Background

The Government of The Bahamas is determined to provide efficient and effective justice delivery by underlining 'Swift Justice' as one of the priorities in their national crime agenda for justice reforms. The swift justice as contained in the "Bahamian Charter for Governance" - the document outlining the national action plan of the ruling party - is anchored on four "Effectives" i.e. Effective Crime Prevention, Effective Crime Detection, Effective Crime Prosecution and Effective Rehabilitation. Consequently, the Government of the Bahamas (GoB) has identified backlog of cases as one of the major factors inhibiting smooth, efficient and effective delivery and administration of justice and is therefore keen to execute measures that will effectively address the backlog and delays in the delivery of justice.

The GoB has demonstrated remarkable political will in ensuring the success of its justice reforms by developing some laudable initiatives towards elimination of the justice system procedural bottlenecks. These include, the introduction of four temporary criminal courts (to deal with the backlog of cases); establishment of a bi-weekly justice coordination meeting, establishment of case management and victims' care Units, and witness protection unit. As well intentioned as the above initiatives present themselves, they need to be coordinated by an expert to effectively address the identified challenges and yield the desired results.

Following a needs assessment mission conducted by the Commonwealth Secretariat, it became clear that the challenges facing the justice system of the Bahamas, included the following:

- The absence of an effective case management system both in the Department of Public Prosecutions and the Judiciary;
- Lack of an electronic database to track and monitor case flow management;
- Absence of an effective calendaring system to avoid conflicting dates by counsel thereby leading to adjournment.
- Inadequate protection measures for vulnerable witnesses and victims;
- Non-existence of a public defender system.
- Lack of clear procedural guidelines to assist prosecutors in filing charges,

Project Purpose and Goal

The foregoing being the case, the project seeks to address these challenges by strengthening the procedural rules and justice institutions of The Bahamas to ensure improved access to, and swift administration of justice. The desired changes or expected impacts of the project are procedural, legislative and system reforms, hitherto inhibiting administration and delivery of swift justice.

Approaches and Beneficiaries

The Secretariat will provide a Criminal Justice Expert with relevant knowledge and verse experience in the area of criminal justice systems and processes, to foster and sustain the initiatives already embarked upon by the Government of the Bahamas.

Given the nature of the project it is envisaged that the respective arms of government and, in particular, all law enforcement agencies, the Attorney General's Office, Prosecutors, Judges, Police, Court, Registrars, The Bahamas Bar Association, among others, will benefit from the project. By extension the ultimate beneficiaries would be the citizens of The Bahamas.

Scope of Work

Criminal Justice Expert:

- Refine and ensure the functionality and sustainability of the initiatives (case management, witness protection, data collection and management) currently embarked upon by the office of the Attorney General to improving swift justice.
 - Assessment of current initiatives;
 - Development of a road map towards improved processes;
 - Seek AG's approval on matters requiring change in processes, systems;
 - Lead implementation of agreed and improved processes;
- Design and maintain a system to remove the procedural bottlenecks contributing to the backlog of criminal cases.
 - Review current systems;
 - Design and develop strategies to improve efficiencies;
 - Consultation with Court Administration expert to ensure complementarity of case management (case file/flow) initiatives;
 - Establish baseline and report on improvements;
- Strengthening the framework and operationalization of the Public Defender's Office with supporting procedures and systems.
 - Consultation with relevant stakeholders and seek buy-in for recommended improvements;
 - Lead implementation of the recommended and approved changes;
- Development and implementation of a strategic framework governing the protection of vulnerable witnesses and victims and, where necessary recommend legislative changes.
 - Consultation with relevant stakeholders and seek buy-in for recommended improvements;
 - Lead implementation of the recommended and approved changes;
- Develop and implement a procedural liaison interface (with dedicated focal persons) between the police, prosecutors, the public defender service and the judiciary, to ensure seamless investigation and conduct of cases.
 - Stakeholder consultation;
 - Submitting case for same, request consideration and approval;
 - Lead implementation of initiatives;
 - Establish baseline and report on improvements;

- Develop and prepare a draft prosecutors guidelines in consultation with the Attorney-General, Director of Public prosecutions and any other person/s nominated by the Attorney-General,
- Provide and conduct training mentoring) as appropriate to enhance the capacity of justice officials (including prosecutors, police, case management unit, witness protection and victims care units).
 - Provision of structured training as required;
 - Ongoing mentorship as considered complementary to structured events;
 - Evidence of changes documented
- Documentation of all processes, procedures, systems and guidelines in reference to Criminal Prosecution and Case Management.
 - Production of procedure manuals, guidelines etc., developed and distributed to all concerned/affected staff;
- Source and recommend appropriate jurisdiction/s within the Commonwealth, with requisite capacity and specialism required in the Bahamas, to collaborate with the office of the AG's for ongoing support and assistance.

Reporting and transfer of Expertise

The Commonwealth Fund for Technical Cooperation attaches particular importance to the transfer of expertise and knowledge to assigned counterparts and champions within host institutions. The assigned expert will work closely with staff within the AG's Office, reporting directly to the Attorney General.

Required Experience and Qualification

- i. Advanced degree (LL.M) in law. A first Level degree (LLB) complemented with relevant experience may be accepted in lieu of LL.M.
- ii. Must have 20 years post qualification experience as a prosecutor or practiced or currently practicing as a prosecutor, in a Commonwealth jurisdiction for a minimum period of not less than 15 years.
- iii. Must have a sound knowledge and experience in Criminal Justice practice including international best practice/fit in criminal procedures and processes;
- iv. Experience in human capacity development by way of mentoring/training and, providing technical direction and guidance to professional and inexperienced staff is essential.
- v. Experience in Small states jurisdiction would be helpful;
- vi. Strong leadership and management skills, with ability to manage diverse teams and partner relationships;
- vii. Respect for diversity and ability to adapt to different cultural settings.