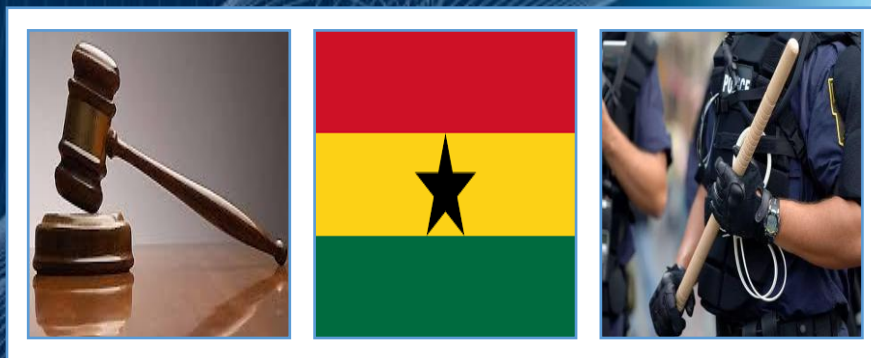


**Consultancy Services for the Development of a Training
Plan/Curricula for Criminal Justice Institutions**



ShawbellConsulting

**Volume II
Final Training Needs
Assessment Report:
Public Prosecution Division**

July 2016

Table of Contents

INTRODUCTION	3
SECTION 1: CURRENT STATE OF TRAINING IN THE PUBLIC PROSECUTION DIVISION	4
SECTION 2: FINDINGS, OBSERVATIONS AND GAPS EMERGING.....	6
A. GLOBAL-BEST PRACTICE REVIEWS	9
B. KEY ROLES IN THE PROSECUTIONS DIVISION.....	12
C. GAPS EMERGING FROM THE TRAINING NEEDS ASSESSMENT.....	13
SECTION 3: RECOMMENDATIONS AND PROPOSED TRAINING PROGRAMMES	15
A. RECOMMENDATIONS ON THE TRAINING NEEDS ASSESSMENT	16
B. PROPOSED TRAINING PROGRAMMES	17

INTRODUCTION

The United Nations Development Program (UNDP) in collaboration with the Ministry of Justice and Attorney General's Department (MoJAGD) engaged the services of ShawbellConsulting to develop a Training Plan for Criminal Justice Institutions of Ghana. The purpose of the Training Plan is to facilitate capacity building in a structured setting within the Criminal Justice Institutions.

An integral component of the Training Plan is a Training Needs Assessment (TNA). A **Training Need** exists when there is a gap between what is required of an individual or an entity to perform competently and what they actually know. Thus, we assessed the **Current-state of Training** in the Public Prosecution Division of the Ministry of Justice and Attorney-General's Department. We established training benchmarks based on: information from the Stakeholder engagements, expertise of our Institutional Reform and Legal Consultants and a review of global best-practice modules. This was the basis of ascertaining gaps between the Current-state and the Desired-state of training in the Public Prosecution Division. Consequently, we provided our recommendations on the Training Needs Assessment and Proposed Training Programmes for the Division.

This **Volume II** of the Training Needs Assessment Report is structured around three (3) Sections, as follows:

- **Section 1:** Covers the **Current-state of Training** in the Public Prosecution Division.
- **Section 2:** Provides our **Findings, Observations and Gaps** emerging from the Training Needs Assessment. In this Section, we established training benchmarks based on: information from the Stakeholder engagements, expertise of our Institutional Reform and Legal Consultants and a review of global best-practice modules. Consequently, we established gaps between the Current-state and the Desired-state, using the Benchmarks stated previously.
- **Section 3:** Provides details of our **Recommendations** on the Training Needs Assessment and **Proposed Training Programmes**.

SECTION 1: CURRENT STATE OF TRAINING IN THE PUBLIC PROSECUTION DIVISION

This Section entails the **Current-state of Training** for Staff of the Prosecutions Division of the Ministry of Justice and Attorney-General's Department (MoJAGD). The Prosecutions Division of the MoJAGD is headed by the Director of Public Prosecutions (DPP). The Division undertakes prosecution in the name and on behalf of the Attorney-General and principally assists the Attorney General in carrying out the constitutional duty of initiating and conducting criminal prosecutions. The Division also advises the Ghana Police Service and other state institutions on criminal matters, and handles international criminal matters on behalf of the Attorney-General.

The functions of the Prosecutions Division include the following:

- Handle criminal cases on behalf of the Attorney-General
- Represent the Attorney-General in court on criminal matters.
- Give advise to the Police in criminal matters.
- Advise all Government Departments and Agencies on criminal matters.
- Give advise to other investigative bodies such as the BNI, EOCO and National Security.
- Supervise and promote appropriate standards of practice by State Attorneys and other prosecutors duly authorised by the Attorney-General to prosecute criminal cases.
- Ensure adherence to the Prosecutors' Code

Training Programmes, workshops and seminars for Attorneys in the Prosecutions Division are typically delivered through collaborative efforts of Third parties, including: NGO's, Embassies, High Commissions and Donor Agencies. The Third parties usually provide funding for training delivered by Subject Matter Experts from the Bench, Bar and Academia. The capacity building initiatives may be delivered specifically for Attorneys in the Prosecutions or a wider group of stakeholders within the Criminal Justice value-chain.

SECTION 2

FINDINGS, OBSERVATIONS AND GAPS EMERGING

PUBLIC PROSECUTION DIVISION

SECTION 2: FINDINGS, OBSERVATIONS AND GAPS EMERGING

Following our review of the Current-state of Training for Attorneys in the Prosecutions Division, in Section 1, we put forward our **Findings, Observations and Gaps** emerging from the Training Needs Assessment (TNA) in this Section. The focus of this TNA is to determine the gap in capabilities of staff in Criminal Justice Institutions, with respect to the delivery of criminal justice in Ghana. Therefore, the results of the TNA would be used to determine what training need exist and if they do, the training required to fill those gaps.

We conducted a Training Needs Assessment of Attorneys in the Prosecutions Division of the Ministry of Justice and Attorney General's Department by reviewing their responsibilities, required skills and training to enhance their performance. This was achieved through stakeholder engagement that focused on the review of the mandate of the Division and skills required to effectively implement the mandate. Similarly, we analysed the job and task of staff using job descriptions, work schedules and level of seniority in the Division.

The purpose of conducting the TNA was to identify current and desired job performance, as well as existing and desired competencies and skills.

The Training Needs Assessment (TNA) would ensure:

- (a) Diversity in expectation of knowledge, skills and abilities of Attorneys at different levels in the Prosecutions Division are considered;
- (b) That there is an objective basis of determining employees who would require specific training to accomplish their assignments; and
- (c) The Development of the Comprehensive Training Plan.

We conducted the Training Needs Assessment on the basis of current observations to ascertain the number of staff to be trained and Roles that are core to the administration of criminal justice. The number of staff to be trained in the Greater Accra Region was segregated from the National total, for the purpose of a Pilot Project in the former. The Key Roles and number of staff to be trained are reported under the Key roles in the Prosecutions Division of the MoJAGD, in Section 2B.

The results reflect the training needs as they can be anticipated for the medium term (0-3 years) under this project.

The Results and Resources Framework for this Project indicates Year 2 and 3 Targets as follows:

- Year 2 Targets: Specialised Training Programme developed and implemented; and 30% of direct beneficiaries trained and applying the knowledge by the end of year 2.
- Year 3 Targets: 50% of direct beneficiaries trained and applying the knowledge by the end of year 3.

It is envisaged that the Training Plan to be developed out of this Project would be applicable in the Post-completion period of the Project.

On the following pages, we have provided our findings, observations and gaps emerging from the Training Needs Assessment of Attorneys in the Prosecutions Division of the Ministry of Justice and Attorney-General's Department.

Our findings, observations and gaps emerging are structured around the following Themes:

- **Global Best Practice Review of Training Programmes for Public Prosecutors;**
- **Key Roles in the Prosecutions Division that are core to the delivery of criminal justice; and**
- **Gaps Emerging from the Training Needs Assessment.**

A. GLOBAL-BEST PRACTICE REVIEWS

In this Section, we provided global-best practices in Training for Prosecutors within three (3) Jurisdictions of the Commonwealth of Nations, namely: (a) England and Wales, (b) Canada, and (c) Kenya.

A. The Crown Prosecution Service (CPS) - England and Wales

The Crown Prosecution Service (CPS) is the principal prosecuting authority for England and Wales. It was established as an independent body to prosecute criminal cases, work closely with the police, prepare and present cases for both the Magistrates' Courts and the Higher Courts.

The Director of Public Prosecutions (DPP) is the head of the CPS and operates under the superintendence of the Attorney General. The CPS comprises: 13 geographical Areas across England and Wales; three (3) Casework Divisions; a CPS Direct service; a CPS Proceeds of Crime service; and a Headquarters. A Chief Crown Prosecutor (CCP) leads each Area and is assisted by Deputy Chief Crown Prosecutors.

A CPS Capabilities Framework supports activities aimed at building the skills of Prosecutors to improve services to the public. The Prosecution College of the CPS offers a Legal Development Programme (LDP) which enables prosecutors to identify the most relevant solutions for their needs.

Legal Development Programme (LDP)

A suite of learning products under the LPD includes:

- Casework Quality
- Victims and Witnesses
- Transforming Summary Justice
- Allocation and Sending
- Disclosure Foundation
- Forensic Science
- Communication Data
- Criminal Procedure Rules

The LDP provides a framework through which the CPS can identify its legal development priorities and commission the delivery of training to meet those needs.

B. The Public Prosecution Service of Canada (PPSC)

The Public Prosecution Service of Canada (PPSC) is a federal government organization, which fulfils the responsibilities of the Attorney General of Canada in the discharge of his criminal law mandate by prosecuting criminal offences under federal jurisdiction and by contributing to strengthening the criminal justice system. The PPSC School for Prosecutors offers annual training designed to promote professional development relevant to the prosecution function.

The School delivers three (3) courses, namely: (a) Level 1: Prosecution Fundamentals Course, (b) Level 2: Advanced Issues for Prosecutors, and (c) Legal Writing Course

Level 1 Prosecution Fundamentals Course

The Course is administered to Junior Counsel and focuses on Criminal Law topics, including the role of the Crown, the law and procedure on *voir-dires*, and the trial. The Course is delivered over two (2) weeks.

Level 2 Advanced Issues for Prosecutors

The Course is delivered to experienced practitioners. The Course focuses on issues related to wiretaps and complex cases. The goal of the training is to enhance the ability of experienced practitioners to analyse complex legal and operational issues that arise in federal prosecution practice. The Course is delivered over two (2) weeks.

Legal Writing Course

The teaching method is a combination of lectures, seminars, panel discussions, and small group problem solving and workshop sessions.

The Federal Prosecutor Development Program (FPDP)

This is a comprehensive program of training, mentoring, and on-the-job activities, designed to provide prosecutors with the opportunity to advance their developmental goals. The program has been effective in facilitating frequent interactions between participants and their supervisors.

C. The Office of the Director of Public Prosecutions (ODPP) - Kenya

The Office of the Director of Public Prosecutions (ODPP) was established as an independent constitutional office under Article 157 of the Constitution. The office was created to ensure a revamped, professional, and accountable prosecution service. It operates under the guidance of the Director of Public Prosecutions assisted by the Secretary Public Prosecutions.

We noted that a Public Prosecution Course was offered at the Kenya School of Government (KSG). This Institution was established under an Act of Parliament. The Objective of the KSG is to provide learning and development programmes, building capacity and inculcating public service values and ethics in Kenya.

The **Public Prosecution Courses** addresses the following areas:

- The Kenyan Legal Framework
- Concepts of Crime, prosecution and the role of the Attorney General in criminal prosecution
- Structure and criminal jurisdiction of criminal Courts
- Law of arrest, identification and apprehension of suspects
- Statement of recording and handling of witnesses
- The role of the investigations officer
- The evidence act
- Criminal responsibility
- Institution of criminal proceedings
- Conviction, sentencing and punishment
- Summons, warrants and affidavits
- Pleas and procedures of trials before subordinate Courts
- Investigate and interviewing skills
- Presentation of exhibition and drafting of charges
- Examination and questioning of witnesses
- Case file compilations

B. KEY ROLES IN THE PROSECUTIONS DIVISION

The Table below depicts the Key Roles in the Public Prosecutions Division that emerged as core to the delivery of Criminal Justice and the number of staff to be trained:

Key Roles in the Prosecutions Division	Number of Staff to be Trained (Approximate)	
	Greater Accra Region	National Total
• Director of Public Prosecution	1	1
• Chief State Attorney	5	7
• Principal State Attorney	4	6
• Senior State Attorney	7	10
• State Attorney	10	15
• Assistant State Attorney	11	16
Total	38	55

C. GAPS EMERGING FROM THE TRAINING NEEDS ASSESSMENT

Our review of the current state of training for Attorneys in the Prosecutions Division revealed that there was lack of regular training, as Attorneys are generally trained on the basis of institutional knowledge and practices on-the-job. While on-the-job training creates a strong link between legal education and practice, regular training for Attorneys would optimise their performance in the delivery of criminal justice. Similarly, some Attorneys have not been trained in emerging trends and specialised areas in Law. This suggests that continuous legal education is not a prominent feature in the development of staff in the Prosecutions Division.

SECTION 3

RECOMMENDATIONS AND PROPOSED TRAINING PROGRAMMES

OFFICE OF THE PUBLIC PROSECUTION

SECTION 3: RECOMMENDATIONS AND PROPOSED TRAINING PROGRAMMES

Following the Training Needs Assessment, we have proposed Training Programmes and Curricula for the Prosecutions Division. The Proposed Programmes were crafted to meet the diverse nature and salient components of the Division. It is noteworthy that the findings, observations and gaps emerging from the Training Needs would be further developed into the Comprehensive Training Plan. This Plan would facilitate structured learning for Attorneys in the Prosecutions Division. Therefore, the Comprehensive Training Plan would enhance the capacity-building imperative of the Division and ensure that officers are equipped with the knowledge and skills required to deliver criminal justice.

In this Section, we present:

- (A) Recommendations on the Training Needs Assessment; and
- (B) Proposed Training Programmes for Attorneys in the Prosecutions Division.

A. RECOMMENDATIONS ON THE TRAINING NEEDS ASSESSMENT

Our review of the current state of training for Attorneys in the Public Prosecution Division revealed that there was lack of regular training, as Attorneys are generally trained on the basis of institutional knowledge and practices on-the-job. While on-the-job training creates a strong link between legal education and practice, regular training for Attorneys would optimise their performance in the delivery of criminal justice. Similarly, some Attorneys have not been trained in emerging trends and specialised areas in Law. This suggests that continuous legal education is not a prominent feature in the development of staff in the Public Prosecution Division. **Thus, knowledge transfer has not been effected in a structured and standardized format. We recommend a comprehensive Training Plan that would ensure a systematic and structured approach to capacity-building. This would provide Attorneys with updates on current Laws for enhanced performance in the delivery of criminal justice.**

In our assessment of special needs for persons with disability, we observed that the main challenges were in areas of logistical support such as equipment and tools for effective performance as Attorneys. This suggests that the special needs for persons with disability are not requirements for training or capacity-building. Nonetheless, the provision of logistical support would enhance the performance of persons with disability. **Therefore, logistical challenges and support for persons with disability must be addressed comprehensively in multi-institutional projects that focus on persons with disability.**

B. PROPOSED TRAINING PROGRAMMES

Following our findings observations from the Training Needs Assessment of Attorneys of the Public Prosecution Division of the MoJAGD, we propose Training Programmes for their capacity-building needs. The Training Programmes are classified as **Technical or Generic Training Programmes** based on the training requirements of Attorneys in the delivery of criminal justice.

Technical and Generic Training Programmes/Courses

The proposed Training Programmes/ Courses would be categorised as **Technical or Generic**. This categorization is based on the training requirement of a respective institution in the delivery of criminal justice.

Technical Training Programmes/Courses are directly linked to the mandate of an institution in matters relating to criminal justice. **Generic Training Programmes/Courses** may not be directly linked to the mandate of a particular institution. Nonetheless, the inclusion of Generic Training Programmes/Courses would ensure that staff are trained with the skills required to enhance their technical abilities. The delivery of training in this format would ensure that the training needs of all categories of staff are factored in the overarching goal of capacity-building for Criminal Justice Institutions.

A Training Plan for the Criminal Justice Institutions would be developed out of this exercise. It would be based on:

- (a) The knowledge of our Institutional Reform and Legal Consultants,
- (b) A comprehensive assessment of the needs of staff engaged in the Criminal Justice value-chain, and
- (c) Best-global standards to ensure that criminal prosecutions in Ghana are aligned to criminal legislations in Ghana, as well as international best-practices.

On the following pages, we have provided tables that depict a summary of Courses for Attorneys in the Public Prosecution Division of the MoJAGD.

FINAL TRAINING NEEDS ASSESSMENT

PROSECUTIONS DIVISION	
Technical Courses	
Courses	Attorneys
<ul style="list-style-type: none"> ➤ Criminal Procedure ➤ Evidence ➤ Extradition proceedings ➤ Money Laundering ➤ Terrorism ➤ Human Trafficking ➤ Cyber crimes ➤ Economic & Financial crimes ➤ Maritime Laws ➤ Environmental Laws ➤ Fisheries/Fishing Offences ➤ Offences in Petroleum Industry ➤ Mutual Legal Assistance ➤ Transfer of Convicted Persons ➤ Advocacy 	<ul style="list-style-type: none"> • Director of Public Prosecution • Chief State Attorney • Principal State Attorney • Senior State Attorney • State Attorney • Assistant State Attorney
Generic Courses	
Courses	Attorneys
<p>Computer Skills</p>	<ul style="list-style-type: none"> • Director of Public Prosecution • Chief State Attorney • Principal State Attorney • Senior State Attorney • State Attorney • Assistant State Attorney

Tables of Proposed Training Programmes for Attorneys in the Public Prosecution Division

From our analysis of the responsibilities, technical competencies, educational levels, years of experience and skills gaps, we have identified areas of training for Attorneys in the Public Prosecution Division.

Consequently, we have presented Tables on the following pages that highlight:

- Ranks or Positions;
- Expected or Required Duties, Responsibilities, Core Competencies and Skills; and
- Proposed Technical and Generic Training or Courses

TABLE OF PROPOSED TRAINING/COURSES FOR ATTORNEYS OF THE PUBLIC PROSECUTION DIVISION

POSITION, TITLE OR RANK	EXPECTED OR REQUIRED RESPONSIBILITIES, CORE COMPETENCIES, SKILLS AND QUALIFICATIONS	PROPOSED TRAINING/COURSES
<ul style="list-style-type: none"> • <i>Director of Public Prosecution</i> • <i>Chief State Attorney</i> • <i>Principal State Attorney</i> • <i>Senior State Attorney</i> 	<p>DUTIES AND RESPONSIBILITIES</p> <ul style="list-style-type: none"> • Prosecute in all Law Courts. • Advise the Attorney-General on legal matters. • Handle Criminal Cases on behalf of the Attorney-General. • Advise on Dockets from Law Enforcement Agencies, such as the Police, Bureau of National Investigations (BNI), Economic and Organised Crime Office (EOCO) and the Narcotics Control Board on legal matters. • Handle Trials in the Courts. • Handle Appeals on behalf of the State. • Handle Petitions on criminal matters. • Serve on Investigative Boards in the Country. • Serve on Committees and Boards. <p>CORE COMPETENCIES & SKILLS</p> <ul style="list-style-type: none"> • Analytical ability • Attention to detail • Logical reasoning • Persuasiveness • Sound judgment • Writing ability <p>QUALIFICATIONS</p> <ul style="list-style-type: none"> • Chief State Attorney: At least 3-4 years of working as a Principal State Attorney • Principal State Attorney: At least 3-4 years of working as a Senior State Attorney • Senior State Attorney: At least 3-4 years of working as a State Attorney • At least a Bachelor’s Degree in Law and a Barrister at Law (BL) 	<p>Technical Courses</p> <ul style="list-style-type: none"> • Criminal Procedure • Evidence • Extradition proceedings • Money Laundering • Terrorism • Human Trafficking • Cyber crimes • Economic & Financial crimes • Maritime Laws • Environmental Laws • Fisheries/Fishing Offences • Offences in Petroleum Industry • Mutual Legal Assistance • Transfer of Convicted Persons • Advocacy <p>Generic Courses</p> <ul style="list-style-type: none"> • Computer Skills

TABLE OF PROPOSED TRAINING/COURSES FOR ATTORNEYS OF THE PUBLIC PROSECUTION DIVISION

POSITION, TITLE OR RANK	EXPECTED OR REQUIRED RESPONSIBILITIES, CORE COMPETENCIES, SKILLS AND QUALIFICATIONS	PROPOSED TRAINING/COURSES
<ul style="list-style-type: none"> • State Attorney • Assistant State Attorney 	<p>DUTIES AND RESPONSIBILITIES</p> <ul style="list-style-type: none"> • Prosecute up to High Courts. • Advise the Attorney-General on legal matters. • Handle Criminal Cases on behalf of the Attorney-General. • Advise on Dockets from Law Enforcement Agencies, such as the Police, Bureau of National Investigations (BNI), Economic and Organised Crime Office (EOCO) and the Narcotics Control Board. • Handle Trials in the Courts. • Handle Appeals on behalf of the State. • Handle Petitions on criminal matters. <p>CORE COMPETENCIES & SKILLS</p> <ul style="list-style-type: none"> • Analytical ability • Attention to detail • Logical reasoning • Persuasiveness • Sound judgment • Writing ability <p>QUALIFICATIONS</p> <ul style="list-style-type: none"> • State Attorney: At least 3-4 years of working as an Assistant State Attorney • Assistant State Attorney: Entry-level position • At least a Bachelor’s Degree in Law and a Barrister at Law (BL) 	<p>Technical Courses</p> <ul style="list-style-type: none"> • Criminal Procedure • Evidence • Extradition proceedings • Money Laundering • Terrorism • Human Trafficking • Cyber crimes • Economic & Financial crimes • Maritime Laws • Environmental Laws • Fisheries/Fishing Offences • Offences in Petroleum Industry • Mutual Legal Assistance • Transfer of Convicted Persons • Advocacy <p>Generic Courses</p> <ul style="list-style-type: none"> • Computer Skills