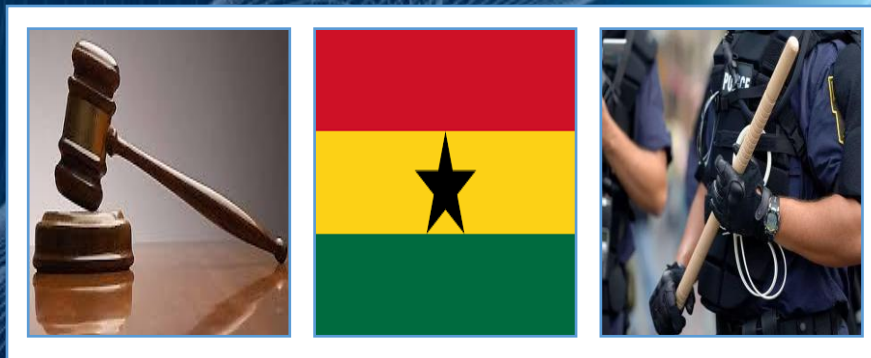


Consultancy Services for the Development of a Training Plan/Curricula for Criminal Justice Institutions



ShawbellConsulting

**Final Training Plan
Prosecutions Division**

July 2016

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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 Prosecutions 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 for the Prosecutions Division. Consequently, we provided our recommendations on the Training Needs Assessment and Proposed Training Programmes for the Prosecutions Division.

Following the Training Needs Assessment and curricula review, we developed a **Training Plan** which includes the following components:

Course Objectives to meet identified training needs

- Quantifiable measurements to accomplish the targets of the training programs, such as the percentage of direct beneficiaries trained and applying the knowledge and skills by a specified period.
- The targets provided for the Legal and Justice Sector Reform Programme would be used as the basis of explaining variances in targets and actual results.

Training to be delivered for identified positions and subjects or thematic areas

- Training of staff that are core to the delivery of criminal justice.
- Communication plans to be used before, during and after training.

Training schedule

- Master schedule of all the training programmes and timelines.
- Alternative or makeup schedule for trainees who may not be able to attend scheduled sessions.
- Logical progression for multi-part training ensures that trainees are well-prepared for successive training.

Appropriate training methods to meet the needs of staff and their institutions

- The usage of multiple training formats for each topic or thematic area to meet the needs of staff and their institutions.
- Use formats that are appropriate in delivering the content of training programs, to meet the objectives of the training program.
- A comprehensive list of training programs and delivery format in each session.

Implementation Plan, Monitoring and Evaluation Framework

- M&E Framework based on parameters contained in the Legal and Justice Sector Reform Programme, namely: Intended Outputs – Baseline and Indicators; Output Targets for Year 2 and 3; and Indicative Activities.
- M&E framework that will include: (a) an Implementation Action Plan – Activities, Responsibilities, Timelines and Resource, and (b) Evaluation – Key Indicators and means of Verification.

Report on the Final Training Plan

This Report on the Training Plan for the Prosecutions Division of the MoJAGDis structured around four (4) Sections, as follows:

- **Section 1:** The Current-state of Training in the Judicial Service of Ghana, as well as Curricula review of the Judicial Training Institute.
- **Section 2:** Training Programmes and Course Profiles.
- **Section 3:** Conclusions on the Training Plan.
- **Section 4:** Implementation, Monitoring and Evaluation Plan

SECTION 1: CURRENT STATE OF TRAINING IN THE PROSECUTIONS DIVISION

The Prosecutions Division of the Ministry of Justice and Attorney-General's Department is headed by the Director of Public Prosecutions (DPP). The Public Prosecution Division undertakes prosecution in the name and on behalf of the Attorney-General. The Prosecution Division principally assists the Attorney General in carrying out the constitutional duty of initiating and conducting criminal prosecutions. The Division advises the Ghana Police Service and other state institutions on criminal matters, as well as handling all 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

TRAINING PROGRAMMES AND COURSE PROFILES

PROSECUTIONS DIVISION

SECTION 2: TRAINING PROGRAMMES AND COURSE PROFILES

Following our findings observations from the Training Needs Assessment of Attorneys of the Prosecutions 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 Prosecutions Division of the MoJAGD.

PROSECUTIONS DIVISION	
Technical Courses	
Courses	Attorneys
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 Other Emerging Crimes...	<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> • <i>State Attorney</i> • <i>Assistant State Attorney</i>
Generic Courses	
Courses	Attorneys
Computer Skills	<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> • <i>State Attorney</i> • <i>Assistant State Attorney</i>

On the following pages, we have provided the Profiles of Training Programmes/Courses in the Training Plan for Attorneys of Prosecutions Division of MoJAGD.

TECHNICAL COURSES

Criminal Procedures

The objectives of the course are to:

- Equip participants with fundamental values underlying criminal justice in Ghana;
- Enable participants identify the functions and objectives of criminal law;
- Illustrate processes involved in the discharge of duties with the legal system;

The table below summarizes the course content:

MODULE	UNITS
Criminal Procedure	<ul style="list-style-type: none"> • Drafting of prosecution documents
	<ul style="list-style-type: none"> • Pre-trial conference
	<ul style="list-style-type: none"> • Pre-trial interviews
	<ul style="list-style-type: none"> • Summary trial
	<ul style="list-style-type: none"> • Trial on indictment
	Mini-trial
	<ul style="list-style-type: none"> • Sentencing
	<ul style="list-style-type: none"> • Examination in chief
	<ul style="list-style-type: none"> • Cross Examination
	<ul style="list-style-type: none"> • Re-examination

Human Trafficking

By the end of this course, participants would have:

- Received an overview of human trafficking in Ghana.
- Reviewed the Human Trafficking Act.
- Acquired a greater understanding of the components of human trafficking;

The table below summarizes the course content:

MODULE	UNITS
Child and Human Trafficking	<ul style="list-style-type: none"> • Introduction to Human Trafficking
	<ul style="list-style-type: none"> • Laws and Policies
	<ul style="list-style-type: none"> • The impact on the victim
	<ul style="list-style-type: none"> • Migration, smuggling and the difference between trafficking and smuggling

Money Laundering

The objectives of the course are to:

- Enable Prosecutors identify money laundering offences;
- Distinguish the different stages of the money laundering process; and
- Recognize traditional and contemporary methods of money laundering

The table below summarizes the course content:

MODULE	UNITS
Money Laundering	<ul style="list-style-type: none"> • Understanding Money Laundering
	<ul style="list-style-type: none"> • The Stages of Money Laundering <ul style="list-style-type: none"> – Placement – Layering – Integration
	<ul style="list-style-type: none"> • Response of Ghana's Companies Code to Money Laundering

Maritime Law

The objective of the course is to;

- Improve knowledge of maritime offences under Ghanaian Law.

The table below summarizes the course content:

FINAL TRAINING PLAN

MODULE	UNITS
Maritime Laws	<ul style="list-style-type: none"> • Piracy
	<ul style="list-style-type: none"> • Use of force for preserving order on board a vessel
	<ul style="list-style-type: none"> • Abetment of mutiny or desertion
	<ul style="list-style-type: none"> • Abetment of Insubordination by Sailor
	<ul style="list-style-type: none"> • Relevant Offences under the Ghana Shipping Act, 2003 (Act 645)
	<ul style="list-style-type: none"> • Relevant Offences under the Ghana Maritime Security Act, 2004 (Act 675)

Fisheries

The objective of the course is to;

- Improve knowledge of fishing offences under Ghanaian Law.

The table below summarizes the course content:

MODULE	UNITS
Fisheries	<ul style="list-style-type: none"> • Poisoning and using dynamite in river
	<ul style="list-style-type: none"> • Relevant Offences under the Fisheries Act, 2002 (Act 625)
	<ul style="list-style-type: none"> • Fisheries Regulations, 2010 (L.I. 1968)

Environmental Laws

The objective of the course is to:

- Enable prosecutors to identify environmental laws, concerns and offences within the country

The table below summarizes the course content:

MODULE	UNITS
Environmental Laws	<ul style="list-style-type: none"> • Relevant Offences under the Environmental Protection Agency Act
	<ul style="list-style-type: none"> • Relevant Offences under Water Use Regulations LI 1692, 2001
	<ul style="list-style-type: none"> • Relevant Offences under the Abandoned Property (Disposal) Act
	<ul style="list-style-type: none"> • Relevant Offences under the National Wildfire Management Policy
	<ul style="list-style-type: none"> • Relevant Offences under the Rivers Act, 1903 (CAP 226)

Advocacy

The objective of the course is to:

- Build foundational skills you will need to try a case in a courtroom setting

The table below summarizes the course content:

FINAL TRAINING PLAN

MODULE	UNITS
Advocacy	• Code of ethics and standards
	• Duties and responsibilities of a Prosecutor
	• Communication skills and courtroom etiquette
	• Presenting a case in court
	• Raising and refuting objections in court
	• Oral presentation and closing statements
	• Writing skills and advice writing
	• Elements of an Offence
	• Burden and Standard of Proof in Criminal
• Specific Criminal Offences	

Extradition Proceedings

At the end of the course, participants should be able to:

- Understand the provisions of the Extradition Act and the new Bill
- Identify the provisions under UNCOC

The table below summarizes the course content

MODULE	UNITS
Extradition Proceedings	• Discussion of the Extradition Act and Bill in Ghana
	• Legal Basis for Extradition
	• Laws that governs Extradition
	• Rules and Procedures for Extradition
	• Examination of State to State Extradition Cases and International Extradition cases

Mutual Legal Assistance

The table below summarizes the course content

MODULE	UNITS
Mutual Legal Assistance	• Introduction
	• Legal basis for MLA
	• Scope of Mutual Legal Assistance in Ghana
	• Grounds for refusal of MLA
	• Handling MLA requests

Transfer of Convicted Persons

The table below summarizes the course content

MODULE	UNITS
Transfer of Convicted Persons	<ul style="list-style-type: none"> • Introduction
	<ul style="list-style-type: none"> • Legal basis for transferring convicted persons
	<ul style="list-style-type: none"> • Conditions under which persons can be transferred
	<ul style="list-style-type: none"> • Handling requests for transfer of convicted persons

Cyber Crimes

The objectives of the course are to enable participants;

- Familiarize themselves with the Electronic Transactions Act and the Electronic Communications Act

The table below summarizes the course content:

MODULE	UNITS
Cyber Crimes	<ul style="list-style-type: none"> • Computer Facilitated Crimes
	<ul style="list-style-type: none"> • Modes of Attacks
	<ul style="list-style-type: none"> • Conventions on Cyber Crime
	<ul style="list-style-type: none"> • Offences under National Communication Authority Act referring to cyber crime activity
	<ul style="list-style-type: none"> • Offences under Electronic Transaction Act
	<ul style="list-style-type: none"> • Sim box fraud cases
	<ul style="list-style-type: none"> • Role of Digital Evidence

Terrorism

The objective of the course is to:

- Introduce Prosecutors to relevant analytical frameworks, theories, and cases concerning terrorism.

The table below summarizes the course content:

MODULE	UNITS
Terrorism	• What is Terrorism
	• Causes and Objectives of Terrorism
	• Scope of Terrorism
	• Methods of Terrorism
	• Designation of persons
	• Obligations under the relevant UN Security Council Resolution
	• Terrorism Groups/Networks
	• Evidentiary requirement for Terrorism cases

Evidence

The objectives of the course are to:

- Lay down the rules of evidence in an easily comprehensible way.
- Enables attorneys to easily apply these rules of evidence in their work

The table below summarizes the course content:

MODULE	UNITS
Evidence	• Admissibility Of Evidence
	• Exclusion Of Evidence
	• Standard of Proof
	• Burden Of Proof
	• Judicial Notice/Presumptions
	• Types Of Evidence (Testimonial, Hearsay, Documentary, Circumstantial and Real)
	• Expert Evidence
	• Forensic

Offences in the Petroleum Industry

The objective of the course is to:

- Introduce Prosecutors to the Petroleum Industry and the relevant offences under the law.

The table below summarizes the course content:

MODULE	UNITS
Offences in the Petroleum Industry	<ul style="list-style-type: none"> • Misappropriation of Petroleum funds
	<ul style="list-style-type: none"> • Petroleum (local content and local participation) Regulations, 2013 L.I.2204
	<ul style="list-style-type: none"> • Relevant offences under the Petroleum Exploration and Production Act 1984 (P.N.D.C.L 84)
	<ul style="list-style-type: none"> • Petroleum (Exploration and Production) Bill, 2014

Economic and Financial Crime

The objective of the course is to:

- Introduce Prosecutors to financial and economic crimes in Ghana.

The table below summarizes the course content:

MODULE	UNITS
Economic and Financial Crime	<ul style="list-style-type: none"> • Introduction
	<ul style="list-style-type: none"> • Types of Economic and Financial Crimes/Offences especially those prevalent in Ghana
	<ul style="list-style-type: none"> • Employee theft and payroll fraud
	<ul style="list-style-type: none"> • Corporate fraud
	<ul style="list-style-type: none"> • Tax Evasion
	<ul style="list-style-type: none"> • Corruption
	<ul style="list-style-type: none"> • Prosecution Constraints for financial crimes

GENERIC COURSES

Computer Skills

The objective of the course is to:

- Refresh and educate participants on relevant basic IT programmes/functions and emerging ones respectively.

The table below summarizes the course content:

TRAINING COURSE	MODULES
Computer Skills	<ul style="list-style-type: none">• Continuous education on ICT

SECTION 3

CONCLUSIONS ON THE TRAINING PLAN

PUBLIC PROSECUTION DIVISON

SECTION 3: CONCLUSIONS ON THE TRAINING PLAN

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. Thus, knowledge transfer has not been effected in a structured and standardized format.

The Comprehensive Training Plan 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. The Training Plan was developed to meet the diverse training requirements of the Prosecutions Division. Training would be delivered based on, class instruction, interactive discussions, skill-based training methodologies, role-plays, simulation exercises, *cold-case* projects and case studies. Under the Training Plan, we propose that course facilitators would be selected based on their Legal knowledge and practical experience. The rationale being that Participants must be able to demonstrate the benefits of training on-the-job.

SECTION 4

IMPLEMENTATION STRATEGY, MONITORING & EVALUATION PLAN

PROSECUTIONS DIVISION

SECTION 4: IMPLEMENTATION STRATEGY, MONITORING & EVALUATION PLAN

A. IMPLEMENTATION STRATEGY

The Implementation Strategy for this Project was developed to reflect: (a) the timelines to complete the Training Plan for the Criminal Justice Institutions; and (b) the Implementation period indicated in the Results and Resources Framework for 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.

This suggests that the Training Plan would be completed by June 2016 and implemented over two (2) years. Therefore the training will commence in the third quarter of 2016 and will end in the second quarter of 2018. 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.

The Table below depicts the Roles within the Prosecutions Division of MoJAGD that are core to the delivery of Criminal Justice, as well as 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
Total Number of Staff to Trained: 55		

IMPLEMENTATION STRATEGY –PUBLIC PROSECUTIONS DIVISION

Proposed Capacity building action	Target Group/Category of Staff	Objective of action and Strategy applied	Content/Focus of action	Timelines for implementation							
				Q3/16	Q4/16	Q1/17	Q2/17	Q3/17	Q4/17	Q1/18	Q2/18
Enhancing the capacity of Attorney of the Prosecutions Division	<ul style="list-style-type: none"> • Director of Public Prosecution • Chief State Attorney • Principal State Attorney • Senior State Attorney • State Attorney • Assistant State Attorney 	<p>Objective: Build the capacity of Staff Attorneys of the Public Prosecution Division by enhancing their skills and knowledge to effectively carry out the dictates of their roles and responsibilities.</p> <p>Strategy:</p> <ul style="list-style-type: none"> i. Specialised Training ii. Mentoring 	Specialised technical and generic training courses aimed at improving the delivery of criminal justice in Ghana.	X	X	X	X	X	X	X	X

B. MONITORING AND EVALUATION PLAN

Based on the indicators set out for Output 5 in the Programme document for the Legal Service and Justice Sector Reform, we present below the Monitoring and Evaluation Plan for the Judicial Service. Output 5 of the Reform focuses on “improved technical capacity, specialized knowledge and skills to deliver on the job” will be measured on the indicator “*number of direct beneficiaries trained*”.

Output targets are based on the number of identified individuals trained in specialized areas of capacity building. Targets as outlined in the document for Output 5 are;

- For Year 2: 30% of total identified individuals trained and applying the knowledge and skills by end of 2015.
- For Year 3: 50% of total identified individuals trained and applying the knowledge and skills by end of 2016.

Below is a monitoring and evaluation matrix to be used in measuring the progress and performance of the implementation. Indicators to be measured are grouped under three (3) broad categories namely: pre-training monitoring, in-training monitoring and post-training monitoring. Descriptions for the categories are provided below:

Pre-training Monitoring: Indicators in this category will measure progress and performance made towards implementing the Training Plan. They include the acceptance of the Training Plan by all stakeholders and the procurement of logistics and trainers (where required) needed to undertake the training. This stage of the programme is deemed critical to the success of the entire programme. Monitoring should thus be detailed to ensure that any potential roadblocks are quickly identified and addressed.

In-training Monitoring: Indicators in this category will measure the progress and performance of the training itself. This will aim at determining whether the training methodologies and strategies are being effective. Training coordinators, facilitators and the beneficiaries themselves will play a vital role in ensuring that the objectives of the training are achieved. Results from this category will help inform mid-course adjustments and fine-tuning where required. It would also help in making the training programme better in the future.

Post-training Monitoring: The main indicator to be measured under output 5 of this programme falls under this category. The indicator seeks to measure the “*number of direct beneficiaries trained*”. Also, given that the aim of the programme is to improve the skills and knowledge of staff of the Judicial Service, we added a “skilled and knowledge acquired” indicator that will be measured through staff appraisals.

The Table below presents the Monitoring and Evaluation Matrix:

MONITORING AND EVALUATION PLAN - PUBLIC PROSECUTIONS DIVISION

Objective: To build the capacity of staff in the Public Prosecution Division through Specialised Training Programmes. The Objective is to impart the requisite skill and knowledge for effective execution of roles and responsibilities within the Criminal Justice value-chain.						
Indicators	Target	Data Collection Tool	Responsibility	Frequency	Reporting	Means of Verification
Pre-training Monitoring						
Acceptance of Training Plan	All Stakeholders	Meeting Minutes	Project Monitoring Unit (PMU)	Once	Data to be collated by the PMU and submitted to the Head of the Programme	Final Programme Report
Procurement of logistics (where required)	-	Procurement Invoice	Procurement Officer	Recurrent (as and when basis)		Procurement/Auditors Report
Procurement of trainers (where required)	-	Procurement Invoice	Procurement Officer	Recurrent (as and when basis)		Procurement/Auditors Report
In-Training Monitoring						
Training Attendance	30% of direct beneficiaries trained and applying the knowledge by the end of Year 2.	Designed Training Monitoring and Evaluation Toolkit	Training Coordinator	At the end of every training session	Data to be collated by all Department/Unit Heads and submitted to the Director HR	Training Reports
Effectiveness of Training Methodology and Strategy	50% of direct beneficiaries trained and applying the knowledge by the end of Year 3.	Designed Training Monitoring and Evaluation Toolkit	Training Beneficiaries	At the end of every training session	Data to be collated by all Department/Unit Heads and submitted to the Director HR	Training Reports
Post-training Monitoring						
<i>Number of beneficiaries Trained</i>	30% of direct beneficiaries trained and applying the knowledge by the end of Year 2.	Training Monitoring and Evaluation Toolkit	Training Coordinator	Quarterly	Data to be collated by all Department/Unit Heads and submitted to the Director HR	Training Reports
Skilled/knowledge acquired	50% of direct beneficiaries trained and applying the knowledge by the end of Year 3.	Staff Appraisal Tool	HR Department	Mid-term/Annually	Data to be collated by all Department/Unit Heads and submitted to the Director HR	Staff Appraisal Reports