



# Research Study Evaluating functioning of Criminal Justice Coordination Committees in Khyber Pakhtunkhwa

Final Report

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In Collaboration

with

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## **EXECUTIVE SUMMARY**

A research study to evaluate the performance and functioning of the Criminal Justice Coordination Committee (CJCC) in two select districts (Peshawar and Swat) of Khyber Pakhtunkhwa was undertaken in November-December 2015. Detailed interviewed were conducted with members of the CJCC to gauge the performance of the CJCC with a focus on the successes, challenges and future scope of the Committee.

## **KEY FINDINGS OF THE EVALUATION**

- The CJCC is functional in both the selected districts and meets regularly once a month. Interviews also revealed that the members had been attending CJCC meetings in other districts at their prior postings, implying the committees were active across the province.
- Increased Coordination: The CJCC has led to increased trust and coordination between actors in the criminal justice system. This coordination is more pronounced in Swat where policies related to Medico-legal reports; executive magistrates and police-prosecution coordination have been explored.
- Inadequate support staff: The Committee does not have any independent staff of its own, rather members rely on departmental staff, even in cases of work/research related to the committee.

- Recurring Issues: Challenges in the criminal justice system crop up cyclically in meetings implying that measures taken by the CJCC are stop-gap and not aimed at structural reform. More research and input is recommended in this sector.
- The district of Swat is functioning without a Parole Officer (whose need is further diminished by a lack of a functional prison in the district) while the CJCC in Peshawar does not invite the Parole Officer. Interviews revealed that some members believe parole to be an executive function, and therefore, not requiring attendance before the CJCC. This approach is problematic as the purpose of the committee is to bring members of the judicial and executive arm of the state together for increased coordination.
- It is recommended that efforts should be made to introduce timelines and expectations (of and from members) to address recurring problems that arise in CJCC meetings. The goals and expectations set in these timelines should be realistic with the aim to overcome these problems in the medium-long term.

## I. INTRODUCTION

This document serves as the final report of the ‘Research Study evaluating functioning of the Criminal Justice Coordination Committee (CJCC)’ [the Project] undertaken by Mr. Hammad Saeed and Mr. Aiyan Tariq Bhutta. The contents of this report are in line with the shared Terms of Reference and include critical analysis of the functions and practice of the Criminal Justice Coordination Committee in two (agreed) districts of Khyber Pakhtunkhwa: Peshawar and Swat.

## II. CRIMINAL JUSTICE COORDINATION

Coordination efforts in the criminal justice system are aimed at increasing efficiency, performance and public trust in the coercive arm of the state. Realizing that the institutions of the judiciary, police, prosecution, corrections all function independently, yet are inherently interconnected whereas change in one is likely to effect significant change in the others is essential; these mechanisms offer a platform for engagement, discussion and policy formation.

### **Need for CJCCs**

The 1970’s saw the emergence of Criminal Justice Coordinating Councils to systemically target emerging patterns of overlapping challenges faced by local jurisdictions, such as jail-crowding and domestic violence.<sup>1</sup> However, the councils, due to lack of structural guidelines and proper organisations were not sustainable.

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<sup>1</sup> Nugent-Borakove, Elaine, M., and MareaBeeman. Fostering and Sustaining Criminal Justice System Reform: The Potential of Criminal Justice Coordinating Councils. Tech. *The Justice Management Institute*, 2013. Web.

Now more than ever, local jurisdictions are faced with the same acute “jail problem” which is system wide and requires an intergovernmental and interagency response.<sup>2</sup>

The problem, at its very basis, is quite simple. Budget cuts and limited resources on the state level have a trickle-down effect, down to the local governments, counties (districts in the case of other countries) and cities. These scarce resources need to be allocated more cost-effectively. The resources allocated to the local governments are not spent as efficiently as they should be and this is due to a lack of local criminal justice coordination, which in turn has a cyclical effect which snowballs into the emergence of additional complications. Overcrowding of jails very aptly illustrates this conundrum e.g. the National Institute of Corrections (NIC) consultants who provide onsite technical assistance to local governments throughout the United States have reported that “many of the corrections-related issues that trigger requests for technical assistance are rooted in underdeveloped local justice system(s).”<sup>3</sup> Another example of a very simple but pervasive problem is duplication of data, and consequently effort, which in turn increases the overall costs of local services.<sup>4</sup>

The main areas of focus highlighted in Cushman’s seminal report that can help alleviate some of the problems include: “planning, analysis, and coordination capabilities”, and “crime prevention, crime control, and improvement of the administration of justice”<sup>5</sup> tasks which rest largely with the local governments. The solution lies in a local approach that is tailored to and targets the localities specific problems. Consequently, it is very clear that the lacunas present in local justice

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<sup>2</sup> Cushman C. Robert, Guidelines for Developing a Criminal Justice Coordinating Committee, *U.S. Department of Justice National Institute of Corrections*, 2002.

<sup>3</sup> Ibid., pg. 15

<sup>4</sup> Ibid., pg. 11

<sup>5</sup> Ibid., pg. 15

planning also require a methodical analysis of data, which is dependent then on efficient data management systems.

### **Structure of CJCCs:**

Criminal justice coordinating committees are an all inclusive, loosely defined term. The case studies of Baltimore City and Pinellas County will show that CJCCs are fluid structures that also vary in their titles. This term applies to both formal and informal committees that provide a structure and platform for key stakeholders belonging to the different hierarchies, both vertically and horizontally, to come together and discuss the widespread issues prevalent in all spheres of the criminal justice system.

The membership and key players in all CJCCs vary according to the localities' needs, however there are some common essentials comprising of both "local elected officials of general government and elected and appointed criminal justice agency administrators from within the county's geographic boundaries".<sup>6</sup> Ideally, of course, the CJCCs membership should also aimed to include personnel belonging to a mix of non-justice agencies and private citizens. However, one must keep in mind that CJCCs operate in an economic, political and social milieu and therefore these factors directly influence and tailor the makeup of the committees and the targets they desire to achieve.

As the CJCCs evolve over a period of time, they fine-tune to the political and societal needs and it has been observed in successful CJCCs (e.g. Baltimore City and Pinellas

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<sup>6</sup> Ibid., pg. 40



County) that they evolved into city-to-county partnerships, organizationally and administratively independent, but working together on projects that require attention in the specific state and local jurisdiction. Another commonality with evolved CJCCs seems to be the further funnelling and identification of specialized topics that are delegated to sub-committees that report to the organization as a whole. These subcommittees are usually, but not necessarily, governed by by-laws, but due to the needs-based thematic work mandated to these smaller committees it is also not uncommon for them to be formed on an ad hoc basis.<sup>7</sup> Ideally, by-laws should be developed to “govern the day-to- day business of the CJCC and to delineate the specific powers and duties of the CJCC, its members, and its staff...(t)he development of bylaws formalizes the process of creating a skeleton of an agreement that can serve as the basis for a CJCC.”<sup>8</sup>

### **Benefits of Local Justice Planning and Coordination:**<sup>9</sup>

- Improved analysis of problems.
- Improved communication, cooperation, and coordination.
- Clear goals, objectives, and priorities.
- More effective allocation of resources.
- Improved programs and services.
- Improved capacity and quality of personnel.

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<sup>7</sup> Nugent-Borakove, Elaine, M., and MareaBeeman. Fostering and Sustaining Criminal Justice System Reform: The Potential of Criminal Justice Coordinating Councils. Tech. The Justice Management Institute, 2013. Web.

<sup>8</sup> Ibid., pg. 40

<sup>9</sup> Ibid., pg. 18

### **Mandate of Planning & Coordination:**

As already discussed, the CJCCs vary in the scope of their mandates, which are also dictated by different formal and informal agreements. For some, the mission statements are defined legislatively, whereas others are self-defined internally. The activities and task lists of the councils are all encompassing and fully dependent on what the membership feels should be delegated to the mandate. Activities include criminal justice budgeting, grant distributions, tracking and analyzing legislations, providing feedback and setting policy agendas, honing methods of collection and integration of data management systems and tackling recurring problems with the help of inter-agency solutions.

A challenge that is faced is lack of communication between elected officials, citizens and justice agency heads on policy issues. It is obvious that “the different agencies must interact (they share the same clients and workload), they often do so only when absolutely necessary—and then with little apparent concern for the “system” of which they are a part.”<sup>10</sup> This difficulty can only be overcome by establishing the necessary linkages across the different stakeholders that form the synthesis of the criminal justice system.

### **Information Sharing, Data & Technology**

The criminal justice system, by design, is fragmented between the Executive and the Judiciary. However, at an operational level these two institutions must work closely in order to provide safety and security to society. A key element of working together is the effective and timely sharing of information. Traditional government structures

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<sup>10</sup> Ibid., pg. 20

have organized the capture, use and management of information along agency lines: known as ‘information silos’ that are not useful in a dynamic environment<sup>11</sup>.

Whilst each department collects information specific to its own purposes, an integrated data sharing mechanism can make policy making more reflexive and allow indirectly affected departments to formulate priorities and plans that can avoid duplication of efforts and delays.

The use of technology by CJCCs to collect, process and distribute data between key stakeholders then is crucial. Several committees have undertaken projects to launch and run integrated data processing systems that allow real time numbers on number of prisoners in jail, pending cases, arrests, warrants etc. that then allow for reflexive policy making.

### **Case Studies**

In order to give substance to the theoretical underpinnings of the Criminal Justice Coordination Committees/Councils, two successful programs running in the United States were also reviewed. They have been chosen in light of their age and subsequent evolution from moving towards broad principles to specific need-based policy making. As such, they can serve as long term models of how Criminal Justice Coordination Committees in Pakistan can be made more effective.

#### **Baltimore City.**

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<sup>11</sup>Inter-organizational Information Integration in the Criminal Justice Enterprise: Preliminary Lessons from State and County Initiatives (2004)

The Criminal Justice Coordination Committee (CJCC) of Maryland state's largest city, Baltimore, was formed in 1999, by the key criminal justice stakeholders at the city level with a mandate to "address systemic problems and issues affecting criminal justice."<sup>12</sup> Initially, the CJCC's larger aim was to identify areas of reform and work towards the expedition of criminal case processing by bringing together players from the criminal justice system together. Gradually, by 2001, the Council collectively decided to further target strategic focus areas by creating various subcommittees relevant to the more pertinent issues being faced and addressed by the Council. Other additions over the past decade have included an expanded membership which has allowed for a more cohesive and connected criminal justice community. For example, in 2008 the Secretary of the Department of Juvenile Services was added to the council's membership.<sup>13</sup>

In addition to a CJCC Chair (historically a Circuit Court judge in charge of the criminal docket) and two permanent staff members of the council; the council's diverse make-up is inclusive of 19 members from different tiers and professional capacities across the board. Broadly speaking, the council members come from a diverse 3 layered tier comprising of major actors from the state level, city level and actors from state/government agencies. Maryland is represented by the Governor, Attorney General and the US Attorney for District of Maryland. Baltimore City's representatives include the Mayor, the President of the Baltimore City Council, Public Defender, the State's Attorney, a member of the Bar Association of Baltimore and the Sherriff and Interim Baltimore Police Commissioner. An administrative clerk and an administrative judge from both the Circuit and District level are also members of the

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<sup>12</sup> "History." Baltimore City Criminal Justice Coordination Council. 2013. Web. <<http://www.baltimorecitycjcc.org/history.html>>.

<sup>13</sup> Ibid.

Council. The third tier of government organisations comprise of three staff members of the Department of Public Safety and Correctional Services: Secretary, Regional Administration of Parole and Probation, and the Commissioner of Pre-trial Detention and Services.<sup>14</sup> As mentioned earlier, the Department of Juvenile Services Secretary is also a constituent of the council.

Commencing with a broad mission of addressing public policy questions and aiming for organised information dissemination, the counsel's aims and objectives have become more defined over a period of time. This is apparent from the creation of issue-specific sub-committees that target recurring, systemic problems pervasive in Baltimore City. An example showcasing this is the Domestic Violence Coordinating Committee (DVCC) which has shown, through issuing modified and easily identifiable bench warrants stamped with "DV", how the council improved and fast tracked the criminal justice system's response to domestic violence, as these stamps aided the Sheriff's Office and the Baltimore Police Department (BPD) in prioritising the servicing of warrants.<sup>15</sup>

In order to pursue the goal of timely, expeditious disposition of cases, policies are framed and the results discussed and dissected in the monthly CJCC meetings. Minutes from the February 13, 2013 highlighted how the State's Attorney's policy of assigning prosecutors to Community Prosecution Zones in order to target crimes committed in individual police districts has yielded increased conviction rates. This was possible due to the collaboration between the BPD and State's Attorney's Office.

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<sup>14</sup> "Members." Baltimore City Criminal Justice Coordination Council. 2013. Web. <<http://www.baltimorecitycjcc.org/history.html>>.

<sup>15</sup>Barranco, Kimberly. "Minutes from the February 13, 2013 Meeting" *Baltimore City CJCC*. 2013. Web.

Another illustration of the collaborative fashion of work between different agencies is the localised targets tailored to improve juvenile justice practices and initiatives. The results of the “Diversion Program” have shown how the policy-oriented option of diverting juvenile cause of actions to community based programs for resolutions has yielded a decline in juvenile petitions. This was a result of cohesive commitments through policy, practice, and program reforms.

### Pinellas County

Above the city level CJCC, one of the inaugural county level criminal justice coordination committees belongs to Florida, Pinellas County. Known as Public Safety Coordinating Councils, as per the Florida Statute initially dating back to 1987<sup>16</sup>, the council is now, according to Pinellas County’s official website, staffed by the Justice Coordination Office.

Accordingly, Public Safety Coordinating Council’s (PSCC) mandate extends to providing “a high level of research and development expertise, including monitoring and evaluation of present and future justice programs within Pinellas County to insure that the citizens of Pinellas receive the highest quality justice and public safety services.”<sup>17</sup> Unlike on a smaller city level, as previously observed in the case study of Baltimore, the PSCC being a more expansive organization only meets quarterly. The office is chaired by a member of the Pinellas Board of County Commissioners, and has no direct funding. Statutorily designated membership agencies are similar to Baltimore’s, including members from the State Attorney’s office, a Public Defender, Circuit and County Court judges, representatives from the Chief Correctional Office

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<sup>16</sup> “Pinellas County, Florida - Pinellas County Public Safety Coordinating Council.” National Association of Counties. Web

<sup>17</sup> Ibid.

and a State Probation Circuit officer. More inclusive members also include representatives from county/state job programs, staff members from the Board of County Commissioners, directors of any Local Substance Abuse Treatment Programs and County Probation or Pretrial Intervention Programs. Membership agencies are also appointed by the chairman, and vary to incorporate members working on juvenile justice, homelessness, community based treatment services, mental health services, substance abuse programs and local court administrators.<sup>18</sup>

As is apparent from the various stakeholders involved, it is clear that on a county level, Pinellas is involved with various committees and councils that broadly address and grapple with issues pertaining to health, juvenile justice, substance abuse and homelessness. The office of Justice Coordination's criminal justice information systems is deemed as one of the more successful multiple integrated data systems that includes crime mapping, and a "Data Collaborative" which integrates together criminal justice, health and other data systems.<sup>19</sup> Regular reports are created using these data observation systems which are then used on a county and state level to make better informed policy decisions with other benefits including the ability to exhibit systems trends to elected officials.<sup>20</sup> Some examples of data analysis includes statistics on the number of kids (under 18) who have received treatment for substances abuse, according to zip code of their respective residences. Other statistics allow for the county to better document trends relevant to juvenile delinquents who

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<sup>18</sup> Ibid.

<sup>19</sup> Wickmen, Aimee. "The Criminal Justice Coordinating Council Network: Mini-Guide Series: Three Approached to Integrated Data Systems" *The Justice Management Institute*: 16-22

<sup>20</sup> Ibid, 16

are arrested in a specific year and then later on incarcerated as adults by the next year.<sup>21</sup>

Strong and continual increase in the jail population in Pinellas County has caused major overcrowding problems which have naturally led to a need for increasing in jail capacity, majorly affecting the taxpayers<sup>22</sup>. To analyse this problem, the Public Safety Coordinating Council, along with 30 other agencies and 140 stakeholders came up with solutions by analysing various elements such as as the impact of Florida's State Policy and how different legislative changes had affected the court workload, jail population and resources available. Jail overcrowding is a great case study of how Pinellas County and the State of Florida have engaged all stakeholders involved in the criminal justice system, using modern data gathering and analysing systems to improve criminal system efficiency and effectiveness.

### **Improving Functionality**

Considering the diverse types of Criminal Justice Coordination Committees prevalent, both in terms of legislative frameworks and informal structures, certain baselines have been established that can allow the committee to create higher and more valuable outputs. In terms of improving the functionality of CJCC's the following key issues have been identified<sup>23</sup>:

1. Establishing a clear mission and role.
2. Developing a viable council structure.

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<sup>21</sup> Ibid, 19

<sup>22</sup> Kimmel and Associates. "Justice System Process Study: Executive Summary." Pinellas County, Nov. 2008. Web

<sup>23</sup>Improving Criminal Justice System Planning And Operations: Challenges For Local Governments And Criminal Justice Coordinating Councils. White paper by the US Department of Justice (2010)



3. Developing and using staff capabilities to support CJCC planning and policy development.
4. Acquiring and using information about system operations.
5. Fostering use of evidence-based practices in on-going operations.
6. Catalysing plans for system operations in the event of emergency.
7. Developing the capacity to shape budgeting and resource allocation decisions in a neutral and credible fashion.

### **The Ideal Criminal Justice Coordination Committee**

Considering the discussion above an ideal Criminal Justice Coordination Committee<sup>24</sup> would:

- Encompass broad representation, recognized authority, and adequate staff support.
- Include representation of city, county, and state levels of government operating within the geographic boundary of a county or region.
- Include representatives of all functional components of the justice system.
- Involve citizens on the CJCC, committees, or both.
- Be established by an intergovernmental agreement; its role would be spelled out in a written statement of purpose.
- Receive funding, in part, from each member agency to ensure a political and financial stake.
- Enjoy the support and willing participation of all members, who collectively carry great weight and prestige.

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<sup>24</sup> Cushman C. Robert, Guidelines for Developing a Criminal Justice Coordinating Committee, U.S. Department of Justice National Institute of Corrections, 2002

- Remain administratively independent so that no one jurisdiction or justice system component would control the organization.
- Ensure that the staff includes a sufficient number of professionals with criminal justice experience, technical skills, and analytical capabilities.

### **III. RESEARCH TOOLS AND DATA COLLECTION**

A number of academic articles, policy papers, white papers and justice sector reform reports have been reviewed to build a holistic understanding of the functions, powers and effectiveness of criminal justice coordinating committees. The seminal paper on this issue, which is relied upon, is a United States Department of Justice publication titled 'Guidelines for Developing a Criminal Justice Coordination Committee' by Robert C. Cushman.

For the purpose of this research document, primary research in the form of interviews of statutory members of the Criminal Justice Coordination Committee in Peshawar and Swat was undertaken. The interviews were semi-structured and followed the questionnaire(s) as annexed. 14 members of the CJCC's in Peshawar and Swat were interviewed for an average of 30 minutes each. The selection of interviewees was premised on acquiring information and opinions of personnel directly engaged with the CJCC and gauging the impact of increased coordination and policy making on individual departments as well as the criminal justice system as a whole.

Secondary research consisted of a thorough review and examination of the minutes of meetings of the Criminal Justice Coordination Committee in Peshawar and Swat. The timeline for minutes under review was from September 2014 to September 2015. Minutes of 9 and 11 meetings in Peshawar and Swat, respectively, were reviewed.

Interviews were conducted in Peshawar on the 24<sup>th</sup> and 25<sup>th</sup> of November while interviews in Swat were conducted on the 26<sup>th</sup> and 27<sup>th</sup> November<sup>25</sup>.

As per a notification issued by the Peshawar High Court, all minutes of the Criminal Justice Coordination Committee meetings are to be sent to the Registrar, Peshawar High Court. A request was submitted to the Registrar, Peshawar High Court for sharing of minutes of meetings of the Criminal Justice Coordination Committee by the Khyber Pakhtunkhwa Judicial Academy on behalf of the authors.

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<sup>25</sup>The transcripts of the interviews are available with the authors. They have not been attached with this report in the interest of anonymity and open discussion.

#### **IV. CRIMINAL JUSTICE COORDINATION COMMITTEES IN PAKISTAN**

Article 109 of the Police Order of 2002 introduced the Criminal Justice Coordination Committee (CJCC) in Pakistan. The CJCC is designed to serve, amongst other things, as the district-level policy making organ of the criminal justice sector, placing reliance on specialized input of key stakeholders.

Under Article 110, the members of the Committee represent all key actors of the criminal justice machinery, with representation from the Inspectorate of Police (operations and investigations), Directorate of Public Prosecutions, the Judiciary, and correctional services (Inspectorate of Prisons and Directorate of Reclamation and Probation).

As outlined in Article 110 of the Police Order, 2002, the members of each district level committee are as follows:

- a. District and Sessions Judge (Chairperson)
- b. Head of District Police
- c. District Public Prosecutor
- d. District Superintendent Jail
- e. District Probation Officer
- f. District Parole Officer
- g. Head of Investigation (Secretary)

The functions of the Criminal Justice Coordination Committee, as elucidated in Article 111 are:

- a. Keep under review the operation of the criminal justice system and work towards the improvement of the system as a whole;
- b. Promote understanding, cooperation and coordination in the administration of the criminal justice system;
- c. Exchange information and give advance notice of local developments, which may affect other parts of the system;
- d. Formulate coordinated priorities and plans to give effect to locally agreed policies;
- e. Raise relevant issues with appropriate authorities;
- f. Promote the spread of good practices; and
- g. Review the implementation of any decisions taken by the Criminal Justice Coordination Committee.

## V. HISTORICAL ORIGINS AND ANALYSIS

The introduction of Criminal Justice Coordination Committees as part of the Police Order, 2002 was representative of a shift towards empowering the (then newly established) local government(s) and providing judicial oversight over the efficiency of the police force<sup>26</sup>.

Prior to the devolution, the office of the Deputy Commissioner retained significant, if not all, administrative powers to implement official government policy. The devolution of early 2000's led to the division of the powers of the Deputy Commissioner/Executive Magistrate between the District and Sessions Judge, District Nazim and DCO<sup>27</sup>.

With the devolution in force, the Police Order 2002 was introduced to create systematic checks on the police force in light of the needs of the polity as well as the shift from the Deputy Commissioner system to the local government one. This can be understood in the context of ancillary bodies such as the District Public Safety Commissions and Police Complaints Authority. The CJCC was to add another layer to these checks by (perhaps) looking to address challenges to overall criminal administration generally, and court related matters, specifically.

There is a dearth of academic literature or otherwise on committees created by the Government of Pakistan by notification for the purposes of criminal justice

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<sup>26</sup>Technical Annex: A Stocktaking of Recent Structural Changes towards Devolution in Pakistan to working paper prepared for the Pakistan 27-29 June 2003. Pg. 40

<sup>27</sup> ibid

coordination. The lack of any secondary data on this issue has been met by placing a reliance on non-academic texts to create a clearer picture of the legal circumstances that led to the introduction of criminal justice coordination committees.

Prior to 1996, District Magistrates held monthly meetings of a 'Crime Control Committee'. This Committee was the creation of a notification and not of any specific law. Police officials and Magistrates of the district attended the meeting to discuss the serving of notices, submission of police reports u/s 173 of the Code of Criminal Procedure and other such ancillary matters. Statistics on the nature and type of crime prevalent were also presented at such meetings.

With the passing of the Supreme Court of Pakistan<sup>28</sup> judgment separating the judicial and executive functions, the office of the District Magistrate was weakened. Post 1996, the Crime Control Committees began to be headed by the District and Sessions Judge as per notifications passed by the Government.

The Local Government Plan of 2000 included the provision for formalization of this committee. However, during the workings of the Task Force on Police reform, the Criminal Justice Coordination Committee became a part of the proposed Police Order, 2002. The cause of this shift has not been established from the available data.

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<sup>28</sup>*Government of Sindh v Sharaf Faridi* [PLD 1994 SC 105]



## **Police Reform and the Criminal Justice Coordination Committee**

The issue of police reforms in Pakistan was consistently identified from 1947 to 1995, however, no significant reform could be pushed through for a variety of reasons that included a lack of political will and unstable government.

In 1995, the United Nations Interregional Advisor for Crime Prevention and Criminal Justice visited Pakistan as part of a UN Mission at the conclusion of which recommendations on police reform were made<sup>29</sup>. The main thrust being the need for an effective, viable, independent and publicly accountable police force.

Subsequently, in 1996 a delegation of Japanese police experts led by the Director General of the National Police Agency observed that it was crucial that police reforms in Pakistan should be focused on building a relationship of trust between the people and the police, and that the police in Pakistan should adopt a public service concept<sup>30</sup>. Thus the ethos for the Police Order 2002 was centred around the “Japanese Model” of community policing to transform the police as a service-oriented and people friendly body to help the public and not merely to control them<sup>31</sup>.

In 1999, the Government of Pakistan set up a Focal Group on Police Reforms which submitted its recommendations in February 2000. Concurrently, the Government, through the (now defunct) National Reconstruction Bureau (NRB)<sup>32</sup>, was working on the good governance and devolution of powers program. A Think Tank on Police

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<sup>29</sup>Report of the UN Mission to Pakistan: Organized Crime, 1995 (Islamabad: UNDCP)

<sup>30</sup>Report of the Japanese Police Delegation on the Police System in Pakistan. 1996

<sup>31</sup>Javaid and Ramzan (2013). Police Order 2002: A critique. *Journal of Political Studies*, Vol 20, Issue – 2, 2013 141:160

<sup>32</sup>The National Reconstruction Bureau was an independent and constitutionally established federal institution tasked with economic recovery and development through the local government system.

reforms was constituted under the NRB which eventually drafted the Police Order 2002 after a series of consultations with all actors of the criminal justice system<sup>33</sup>. The members of the Think Tank included senior police administrators and consultants and submitted its recommendations, including a draft law that was finally promulgated on 14<sup>th</sup> August 2002.

This is not to say that the Police Order was without reservations. According to media reports, NRB overruled about 350 objections raised by the provincial governments and federal ministries and suggestions made by them to incorporate into the law<sup>34</sup>.

### **Other Committees**

Other smaller committees for the effective implementation of laws and coordination between actors in the criminal justice sector have also existed from time to time. The effectiveness of these committees can be called into question, as presently proposals are underway to have these powers subsumed by the CJCC.

One such committee exists under Rule 16 of the West Pakistan Probation of Offenders Rules, 1961. Titled as a 'Case Committee', these committees are to be constituted for each district having membership of the District Magistrate (Chairperson), all First Class Magistrates and the Assistant Director, Probation Department. The Case Committee is to meet at least once every three months.

Rule 17 delineates the functions of the Case Committee that include functioning as advisory bodies, receiving reports and updates from probation officers and making

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<sup>33</sup>Mohammad ShoaibSuddle. Reforming Pakistan Police: An Overview. Pg 102

<sup>34</sup>Dawn. 2002 8<sup>th</sup> August

recommendations and communications concerning probationers residing in the district.

As is apparent from a bare reading of these functions, the Criminal Justice Coordination Committee, that has members of both law enforcement and law adjudication, can more effectively play this role and reduce the overlap that exists between these committees.

Another example of overlap is the Parole Release Committee<sup>35</sup> constituted by the Government of Khyber Pakhtunkhwa that has resulted in centralized decision making on the release of parolees as opposed to a decentralized district-level mechanism.

The relative success of the Criminal Justice Coordination Committees began to be identified as early as 2004, only two years into their establishment. The CJCC were more effective in improving coordination between local justice institutions<sup>36</sup> as well as on the issues of production of witnesses and timely submissions of challans. However, it was also noted that the Committees were finding it difficult to exercise control over the police and check their abuses<sup>37</sup>.

In Khyber Pakhtunkhwa, the Peshawar High Court retains all records of meetings of Criminal Justice Coordination Committees through Notification (PHC No. 11534-57/Admin: Dated Peshawar 23.11.2002).

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<sup>35</sup>Parole Release Committee created vide Notification No. 5/18-SO(PRS)IID/09-Vol: 8 dated 30.09.2009.

<sup>36</sup>Devolution in Pakistan – Overview of ADB/DFID/World Bank Study (July, 2004). pg 10

<sup>37</sup>ibid. pg 11

Furthermore, in order to improve the performance of the Committee and to identify, raise and resolve issues of concern to the institution as a whole, the Peshawar High Court passed notification AJP/HC/43-A-37/2004 Peshawar, the 21st April, 2004 asking District and Session Judges to conduct internal district level meetings to put forth issues to be discussed before the CJCC.

## **VI. NORMAL FUNCTIONING OF CJCC**

The following paragraphs record how Criminal Justice Coordination Committees ought to function at the most basic level. This analysis is done by extending responsibilities from the Police Order, 2002 and normal business functions of similar organizations. The actual functioning may be slightly different in each district and any departures from this have been recorded in the district-wise analysis.

In terms of actual functionality, the Criminal Justice Coordination Committee is chaired and hosted by the District and Sessions Judge. The Secretary of the Criminal Justice Coordination Committee, the office of the Head of Investigations of the district, sends out the intimation letter informing all members of the date and time of the meeting as well as the agenda. The date and time as well as the agenda are decided through a consultative process, normally involving telephone calls to respective departments ensuring their availability. The departments are also asked if there are any specific issues they wish to place on the agenda of the meeting.

At the meeting, the Chair goes through agenda items one by one seeking input from all members. Issues are either resolved or reports are sought at subsequent meetings. The agenda is kept fluid and members are allowed to bring up new issues for

discussion that can be taken up for discussion once the predetermined agenda items are exhausted.

The Secretary prepares the minutes of the CJCC and after approval of the same by the Chairperson, shares them with all attending members. Members, depending on respective departmental policies, make available these minutes for their superiors and juniors. It is expected that representatives hold internal meetings within departments to discuss, amongst other issues, any specific items they would want the CJCC to discuss and address.

## **VII. DISTRICT PESHAWAR**

### **A. Introduction**

Peshawar is the capital of Khyber Pakhtunkhwa province, located at the north-west end of Pakistan, about 160 km west of the federal capital Islamabad. Until divisions were abolished as part of the local government reforms in 2000, the city was initially a part of the Peshawar Division. Under these reforms, Peshawar was given the status of a City District and divided into four towns. These towns are as follows:

- Peshawar Town I
- Peshawar Town II
- Peshawar Town III
- Peshawar Town IV

The city of Peshawar, as well as being the provincial capital is also the capital of Peshawar District. The area of Peshawar District is 1,257km<sup>2</sup>, and at the time of the 1998 Pakistan Census, it had a population of 4,650,000. The

District and Sessions Judge, Peshawar is the chief adjudicator of Peshawar District and also the Chairperson of the Criminal Justice Coordination Committee of Peshawar.

## **B. Membership and Participation**

The Criminal Justice Coordination Committee met 9 times over 13 months between September 2014 and September 2015<sup>38</sup>. On account of the unavailability of the District and Session Judge in Peshawar, one of the meetings was chaired by an Additional District and Session Judge.

Attendance of the members was regular with the exception of the District Parole Officer, who was never invited to any of the meetings of the CJCC, the District Police Officer (DPO), who attended four out of the nine meetings and the Superintendent Jail, who also attended four out of the nine meetings. The Senior Superintendent, Operations (SSP Operations) attended three of the meetings as a representative of the DPO while two meetings were not attended by either the DPO or the SSP Operations. The Deputy Superintendent Jail attended three meetings of the CJCC as a representative of the Superintendent Jail, while the Senior Assistant of the Superintendent Jail represented him in one meeting. The Inspectorate of Prisons was unrepresented in one meeting.

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<sup>38</sup>The number of meetings of the CJCC has been extrapolated from the number of minutes shared with the authors. In the case of Peshawar minutes of 9 CJCC meetings were shared. The actual number of meetings may be higher.

	Attended in Person	Attended by Nominee	Absent
District and Session Judge	8	1	0
District Police Officer (CCPO)	4	3	2
Superintendent Central Jail	4	4	1
District Public Prosecutor	7	1	1
District Probation Officer	8	0	1
District Parole Officer	0	0	9
Head of Investigations	7	0	2

Moreover, judicial officers including Additional District and Sessions Judges, Judicial Magistrates and Civil Judges were part of all these meetings. The Chairman of the CJCC regularly invites government officers of concerned departments to discuss issues and gain input on issues that have been raised by permanent members. The invited officers include the following:

1. Additional District and Sessions Judges (9)
2. Judicial Magistrates (6)
3. Civil Judges (8)
4. SSP Operations (6)
5. SSP Security (2)
6. SSP Traffic (2)
7. DSP Traffic (2)
8. DSP Security (3)
9. DSP Headquarter (2)

10. Senior Assistant, Superintendent Jail (1)
11. Director FIA, Peshawar (2)
12. President Peshawar Bar Association (3)
13. Inspector Coordination, Judicial Complex (2)
14. MS, Police Services Hospital (3)
15. DMS, Police Services Hospital (3)
16. DGHS Health (2)
17. M.O Central Jail (1)
18. R.M.O Lady Reading Hospital (1)
19. Deputy District Public Prosecutor (4)
20. Reader, SSP Investigation (6)
21. ATO, DCA (1)
22. Manager Women Crisis Centre (1)
23. Superintendent Welfare Home for Child Beggars (1)
24. Public Health Coordinator, DHO, Officer (1)
25. AD(P), DGHS (1)
26. DDP, DGHS (3)
27. Deputy Superintendent Jail (4)
28. Additional Director (Legal), FIA (2)
29. Female Probation Officer (3)
30. DDHO Peshawar (2)
31. ADSP Traffic (1)
32. CMO, Services Hospital (1)
33. CPO/CPU Peshawar (1)
34. SMO (1)



35. DSP (1)
36. SMO, Services Hospital (1)
37. Security In charge, Judicial Complex (2)
38. RI/HO (2)
39. District Health Officer (1)
40. Child Protection Officer (2)
41. Sub Div. FIA KPK (1)
42. DD/Law (1)
43. S.O FIA, KPK (1)

### **C. Experience of CJCC Members**

All interviewed persons had at least over 2 years of experience attending CJCC meetings in a number of districts of KPK. All members, except the SSP Investigation, had attended CJCC meetings in their previous postings. The SSP Investigation has been deputed in his current post since November, 2013 and has been attending the CJCC meetings in Peshawar since then.

### **D. Agenda Setting, Minutes and Feedback**

Interviews with the members of the CJCC revealed that the Chairperson of the CJCC solely set the agenda of the meeting. The agenda, along with timings of the meetings, was communicated in writing by his office to the members 5-7 days before the meeting was to take place. Unfortunately, neither an invitation, nor the agenda the meetings was ever communicated to the District Parole Officer.

A review of the minutes of the CJCC meetings in Peshawar, along with interviews of the members of the CJCC, reveal that the minutes of meetings were recorded by a Civil Judge and approved by the Chairperson. This clearly contravenes Section 111(2) of the Police Order, 2002 which states that the Secretary of the CJCC is to record the minutes of the meetings. Therefore, it is apparent that the Head of Investigation in Peshawar has not been fulfilling his secretarial duties. According to the interviews of the members of the CJCC, the minutes of the meetings were shared with them 2-3 days after the meetings were held.

During interviews with the CJCC members, it was revealed that their concerned departments have monthly internal meetings prior to, or after, a CJCC meeting. These internal meetings provide an opportunity for the members of the CJCC to receive feedback from officials in their respective departments. Any relevant feedback/concerns that they receive in these meetings may be brought up in the next CJCC meeting. Moreover, these internal meetings provide an opportunity for the members of the CJCC to communicate any findings or directions of a previous meeting which are relevant to their department and require implementation.

#### **E. Staff Support**

All the members of the CJCC stated that the Committee did not have any dedicated support staff. Members of their own departmental staff, along with the staff of the Chairperson, were utilized for the smooth functioning of the CJCC. Moreover, all the members agreed that a dedicated support staff for the

CJCC would be beneficial for better coordination between the members and for smoother and more efficient functioning of the CJCC.

## **F. Training**

According to our interviews, none of the members of the Criminal Justice Coordination Committee have received any specialized trainings on their roles and functions in the CJCC. Out of the members interviewed, three members stated that such trainings would be beneficial to make the CJCC a more effective and responsive body catering to the needs of the public.

## **G. Deliberation, Debate and Policy**

Over the course of 13 months, the CJCC, Peshawar District discussed over 15 distinct issues in its monthly meetings. The following is a list of some of the issues discussed on a recurring basis in these meetings:

1. Security of the Judicial Complex
2. Attendance of witnesses during cases
3. Registration of cases so as to avoid recourse to courts for registration of criminal cases under 22-A Cr.P.C.
4. Non-production of case property during trials
5. Service of notices and execution of warrants
6. Timely submission of police reports (Challans) and provision of records in bail matters
7. Scrutiny of Challans and Police-Prosecution Coordination
8. Health facilities for the prisoners
9. Effective role of the Probation Department

## **1. Security of Judicial Complex**

The CJCC repeatedly dealt with the issue of the security of the judicial complex. In the minutes procured for the purpose of this report, this issue was first raised in September 2014 where the Chairperson stated that the security plan for the judicial complex was being updated and all available means have been exhausted for proper security. It was observed by the Chair that at least two security officials were required to be deployed on each storey of the Judicial Complex along with deployment of lady constables. It was directed by the Chair that overall supervisory control of the duty schedule should be given to high-ranking officers of the Police. SSP (Operations) committed with the CJCC to implement these decisions. The same minutes in relation to security of the judicial complex were repeated in the meeting of November 2014.

From January 2015 – September 2015, the Chairperson had repeatedly directed for the security of the judicial complex to be increased with the concerned officials giving repeated assurances that this direction would be implemented. Moreover in March 2015, the Chairperson had also directed the Security In charge of the Judicial Complex to submit a daily situation report to him so that he could remain apprised of the security situation of the judicial complex.

## **2. Attendance of witnesses during cases**

The issue of non-appearance of police witnesses during criminal trials came up on a recurring basis during the CJCC meetings. The Chairperson

repeatedly directed the SSP Investigation to ensure the presence of police witnesses as he stated that their absence causes inordinate delay in conducting trials. Repeated assurances were given by the SSP Investigation to ensure the presence of these witnesses. In interviews conducted with the District and Sessions Judge along with the SSP Investigation, they stated that the salaries of 456 police officers, who were not appearing as witnesses in criminal trials, were blocked in October-November 2015. This was done to ensure their presence when required during these trials, and deter them from further absences. Once these witnesses appeared to give evidence in cases, their salaries were released. Both the members of the CJCC were confident that such a strict measure would ensure the presence of witnesses and reduce delay in cases.

**3. Redress complaints so as to avoid recourse to courts for registration of criminal case under 22-A Cr.P.C.**

The issue of police officials' not registering First Information Reports thus compelling complainants to file applications u/s 22-A, 22-B Cr.P.C. came up during meetings. The Chairperson of the meeting stated that this issue caused the courts to be overburdened with work despite the fact that it is the statutory obligation of the police u/s 154 Cr.P.C. to register FIRs. Moreover, he added that if a complaint was found to be baseless and fabricated at the time of impartial investigation, penal provisions are present to deal with the complainant in accordance with the law.

The Police Department assured the District and Sessions Judge, Peshawar that these directions will be implemented in the future. In interviews with

members of the CJCC, they stated that this issue, while not completely resolved, has improved considerably as police officials are registering FIRs if they receive complaints regarding commission of cognizable offences.

#### **4. Procurement of case property during trials**

In the minutes of the CJCC meetings available to us, the issue of non-production of case property in criminal cases first arose in October 2014. The Chairperson of the CJCC stated that this issue demanded more attention as due to the non-availability of case property, the prosecution's case was considerably weakened. Moreover, the issue of destruction of case property was also taken up repeatedly where the Chairperson directed the police officials present to take action against the police personnel responsible.

Despite these directions, there is nothing on record in the minutes of the CJCC meetings nor was anything revealed during our interviews which would suggest that any action was taken to curb case property destruction or any substantial attention was given to increase availability of case property during criminal trials.

#### **5. Service of notices and execution of warrants**

Issues relating to service of notices and execution of warrants are another topic that came up during meetings of the CJCC. In the meetings held in September and November 2014, the CJCC was updated with relevant data

regarding the service of notices. According to the minutes of these meetings, the CJCC disagreed with the data provided in the meeting which stated that 98% of notices had been served successfully in the month of August 2014. The Chairperson directed that the DFC, the agency responsible for service of notices should be exempted from other duties, so as to facilitate them in focusing solely on their core duties.

There was no follow up on these directions although the data provided in the next two meetings, held in January and March, 2015, by the SSP Investigation showed that 99% of notices had been served by the process servers. According to the minutes of these meetings, the CJCC expressed satisfaction with these figures and did not give any directions for further improvement.

**6. Timely submission of police reports (Challans) and provision of records in bail matters**

Delay in submission of Challans and provision of records in bail matters were also issues which were taken up repeatedly by the CJCC. In September 2014, the SSP Investigation was asked to convene a meeting of investigating officers to address this problem as the data provided to the CJCC was said to speak volumes regarding the delays on their part.

In October 2014, no follow up was seemingly made by the CJCC regarding the outcome of the meeting with the investigating officers. The SSP Investigation provided data regarding submission of Challans while the Chairperson directed the District Public Prosecutor to ensure timely

submission of Challans to the trial courts, especially in cases of juveniles and women.

Delay in submission of Challans was discussed in all the remaining meetings of the CJCC. While repeated directions were given to the DPP and SSP Investigation to ensure timely submission of Challans, no drastic improvement seemed to have taken place and the issue remained recurring.

#### **7. Scrutiny of Challans and Police-Prosecution Coordination**

Since January 2015, issues relating to scrutiny of Challans and police-prosecution coordination were repeatedly brought up before the CJCC. The Chairperson directed the SSP Investigation and the District Public Prosecutor to improve coordination between the two institutions, and the DPP to carefully scrutinize the challans so that effective prosecutions may take place.

In interviews conducted with the DSJ, SSP Investigation and the DPP, they were all of the opinion that Challans are being scrutinized as required by the law and there is effective coordination between the Investigating Officers and Prosecutors for the strengthening of the prosecutions cases. However, they all agreed that much more needed to be done to improve in these areas.



## **8. Health Facilities to Prisoners at Central Jail, Peshawar**

Issues pertaining to the health of prison inmates were brought up in almost all the meetings of the CJCC. Representatives of the Health Department were present in these meeting so that these issues could be conveyed directly and action could consequently be taken.

Jail Officials made requests before the Committee to have specialist doctors (Cardiologists and Urologists) visit the Jail Hospital along with increased visits of doctors in general. Moreover, it was discussed that an X-ray plant and diagnostic center be established inside the Jail premises. Jail Officials also repeatedly asked for visits of female doctors to the Jail premises along with availability of vaccines for diseases such as Polio. The Jail officials also submitted a monthly report of doctor visits to the Central Prison in order to ensure the Committee that frequent doctor visits to the jail were indeed taking place.

## **9. Effective role of the Probation Department**

During the CJCC meetings, the Probation Officer regularly submitted data pertaining to the number of prisoners released on probation during the previous month. Moreover, the total number of individuals under probation in the District was also provided. From a perusal of the minutes provided it becomes apparent that in almost every meeting of the CJCC, it was discussed that more attention should be given to those prisoners who could be released on probation.

Unfortunately, it was revealed during the interviews that not much attention was given to the Probation Officer's concerns during these meetings. Moreover, it was also stated that during these meetings, a lot of what was said by the Probation Officer was not incorporated as part of the minutes.

## **VIII. DISTRICT SWAT**

### **A. Introduction**

District Swat is an administrative district of the Malakand Division in Khyber Pakhtunkhwa. Swat was a princely state till 1969 after which it became part of the then NWFP province. Swat has a predominantly rural population.

Swat saw a significant army operation in 2011 to regain administrative control of the area in the face of extremist threats. The area is now safely under the control of the government. The local population is supportive of the government intervention and there is new faith and rigor in improving state services for the local population.

### **B. Membership and Participation**

The Criminal Justice Coordination Committee met 11 times over 13 months between September 2014 and September 2015<sup>39</sup>. Two meetings were chaired by an Acting District and Session Judge, one on account of a transfer and one on account of the unavailability of the District and Session Judge in Swat.

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<sup>39</sup>The number of meetings of the CJCC has been extrapolated from the number of minutes shared with the authors. In the case of Swat, minutes of 11 CJCC meetings were shared.

Attendance of the members was regular with the exception of a District Parole Officer, with no officer having been nominated for this position by the Directorate of Reclamation and Probation. The District Probation Officer fulfils the duties of the Parole Officer, however, the District Probation Officer has been given an acting charge in 2 other districts, which are the likely cause of his absence from some meetings.

	Attended in Person	Attended by Nominee	Absent
District and Session Judge	9	2	0
District Police Officer	9	2	0
Superintendent District Prison	10	0	1
District Public Prosecutor	11	0	0
District Probation Officer	8	2	1
District Parole Officer	-	-	-
Head of Investigations	9	1	1

Additionally, the Criminal Justice Coordination Committee invites government officers of concerned departments to discuss issues and gain input on issues that have been raised by permanent members or are of significance to the district. The invited officers include the following:

1. The District Health Officer (3)
2. The Medical Superintendent, District Headquarters (2)
3. Additional District and Sessions Judges (8)
4. Judicial Magistrates (9)
5. The Female District Probation Officer (6)

6. The DSP (Legal)
7. Senior Public Prosecutor (1)
8. Chief Conservator Forest (2)
9. Additional Assistant Commissioner (4)
10. DFO Demarcation, Forest Department (1)

### **C. Experience of CJCC Members**

All interviewed members revealed that they had been attending Criminal Justice Coordination Committee members at their previous postings and thus were not 'new' to understanding the scope and purpose of these meetings. All interviewed persons had at least over 5 years of experience attending CJCC meetings in a number of districts. Some members informed us that the CJCC had started holding regular meetings after 2007.

### **D. Agenda Setting, Minutes and Feedback**

A review of the minutes of the meetings of the Criminal Justice Coordination Committee revealed that until June 2015, the minutes of meetings were prepared by a Judicial Magistrate and approved by the Chairperson. It remained unclear whether the Secretarial duties were being fulfilled by the Head of Investigations of the district of Swat in terms of agenda setting and sending out invitations to attend as well.

However, post June 2015, on the orders of the District and Sessions Judge as recorded in the minutes, the Head of Investigations (SP Investigations) was

asked to perform these duties as per statutory requirements. Subsequent minutes and interviews with CJCC members reveal that these tasks are now being performed by the SP Investigations in an extremely professional manner with telephonic calls to members for securing viable time slots when scheduling meetings as well as seeking out items to put on the agenda of the CJCC.

Additionally, while internal departmental feedback mechanisms are not part of the Criminal Justice Coordination Committee, they are crucial in making the CJCC more effective. Interviews with the District and Session Judge, SP Investigations, District Police Officer and District Public Prosecutor revealed that all departments have monthly, if not fortnightly, internal meetings where, amongst other issues, the findings of the Criminal Justice Coordination Committee are discussed, and new issues to be raised are identified. Such meetings serve as a crucial link between officers of these departments and the CJCC, and ensure that relevant issues are regularly brought forward for discussion and deliberation.

#### **E. Staff Support**

All respondents stated that the CJCC had no dedicated staff and they used their personal staff for work related to the CJCC.

5 out of 6 respondents said that it would be beneficial if the CJCC had dedicated staff members since deputing CJCC work to department officers meant that they were unable to perform department tasks in a timely manner.

The respondents also stated that since the CJCC was now looking to conduct research on specific issues, a dedicated staff would be extremely helpful.

## **F. Training**

None of the members of the Criminal Justice Coordination Committee have received any specialized trainings on their roles and functions in the CJCC or coached on how they can be more effective in these meetings.

4 out of 6 respondents said that trainings on better coordination through the CJCC would be beneficial for the members of the Committee.

## **G. Deliberation, Debate and Policy**

Over the course of 13 months the CJCC discussed over 15 distinct issues in its monthly meetings. Following is a list of recurring issues raised in the meetings:

1. Post-Mortem and Injury Sheets
2. Presentation of Case Property
3. Presentation of Witnesses
4. Forestry Cases and Executive Magistrates
5. (Re)Construction of District Jail Swat

## **1. Post-Mortem and Injury Sheets**

The CJCC repeatedly dealt with challenges faced by police officers in getting timely post-mortem reports and injury sheets. The issues were discussed both in the context of specific cases as well as general issues.

The DPO and SP Investigations informed the CJCC that post-mortem examinations were not happening at Tehsils and bodies were being referred to the District Headquarters. The issue of delayed conclusions on injury sheets was also raised, as a consequence of which police officers were unable to register FIR's with correct offences.

The CJCC invited the Medical Superintendent District Headquarters and District Health Officer to the subsequent CJCC meeting where these issues were discussed. A policy was framed wherein it was stated that post-mortem examinations should happen in Tehsils and cases should only be referred to the district headquarters as a last resort. The relevant departments were also asked to nominate two doctors for the purpose of medico-legal work to prevent any delays.

The MS and DHO were advised to ensure that properly trained staff was available for this purpose along with the staff being equipped with the necessary papers and materials. In addition, the District Public Prosecutor was also advised to review post-mortem reports at the time of submission of challans to his office.

The policy seems to have been implemented across the district. This was illustrated when a case of a violation by a medical officer was brought up, consequent to which the CJCC informed the MS and DHO of the violation of this policy and immediate action was taken against the medical officer.

## **2. Presentation of Case Property**

Identifying potential abuse of case property, especially cars, the Chairperson directed the DPO to ensure that the person from whom custody of the car was taken, was asked to sign a car inventory form. He also directed that car mileage be noted. At subsequent meetings, the inventory directive was complied with but the requested documentation of mileage was not. The issue was followed up until the directive was complied with.

Another challenge identified during the meeting was the presentation of vehicles as evidence before Courts when the cars were no longer roadworthy and could not be moved. The CJCC decided that in such cases Magistrates should proceed with the recording of evidence as per the relevant provisions of the Code of Criminal Procedure.

Noting the recurring nature of the problem, the CJCC also summoned a list of cases that were being delayed on account of non-production of case property for appropriate review and directions.



### **3. Presentation of Witnesses**

The issue of timely presentation of witnesses before trial courts was raised in terms of both private and formal witnesses. After discussion and deliberation, a new Summons and Warrants Cell was established in Swat in lieu of a directive of the Peshawar High Court – Letter No. 469-92/Admr dated 15.01.2015. The performance of this cell did not come up during subsequent meetings or interviews.

On the recommendation of a judicial officer, a specific instance of non-presentation of witnesses was highlighted where police witnesses had been away for training at Police Training Academy Hungu. The DPO assured the participants that he would write to the training officer to grant leave to relevant officers so that they may come and record their evidence.

### **4. Forestry Cases and Executive Magistrates**

The issue of Forestry cases and jurisdiction of judicial magistrates was raised in September 2014 as per the minutes and continued to be a recurring issue. The CJCC identified 6000 cases related to forestry that were pending as the power to try these offences vested with Executive Magistrates and none had been notified by the provincial government.

The Additional Assistant Commissioner and members of the Forestry department were invited to the CJCC to discuss this issue and it was resolved that the Commissioner would raise the issue of notifying judges with the provincial government at the earliest. However, no progress was reported and

it seemed that the CJCC opted to drop this issue as the decision rested with the Commissioner and provincial government.

However, in July 2015, a general directive was issued by the CJCC to the DPO that cases challaned to executive magistrates be stopped and all cases be sent to judicial magistrates in light of a judgment of the Peshawar High Court.

#### **5. Jail overcrowding and (re) construction of District Jail Swat**

The CJCC has persistently pushed for the reconstruction of District Jail Swat by asking the Superintendent Jail, Swat to follow up with the Inspectorate of Prisons.

The absence of a jail in Swat has meant that prisoners of the district are incarcerated at Timergara and Buner Jail, inflicting significant costs on the public exchequer in respect of transportation and security. In July 2015, the CJCC asked the Superintendent Jail, Swat to prepare a report citing the costs and risks of transporting prisoners in order to formulate a more persuasive proposal for the reconstruction of the jail in Swat.

Jail overcrowding has also been highlighted in the minutes of the CJCC. A policy proposal was submitted and followed up on during the meetings that proposed that the prison population of Timergara and Buner be equalized. However, the Inspectorate of Prisons refused this proposal.

In addition, the following issues were raised and resolved within 2 to 3 meetings:

**1. Challenges faced by Probation Officer(s)**

The female probation officer asked the CJCC that all cases of female prisoners be referred for possible probation and the committee directed that this be done. The male probation officer highlighted how a lack of a government-sanctioned vehicle was a hindrance in the performance of duties, as he had to travel extensive distances. He also stated that there were cases in which probation should have been granted but judicial officers passed incarceration orders. The Chair asked the probation officer to prepare a report citing the previous three months of cases in which probation should have been granted but was not.

**2. Delayed production of arrested persons in Court(s)**

The CJCC identified the issue that prisoners were not reaching court premises on time due to which sufficient time was not available to the Courts to complete cause lists. The CJCC proposed that increased transfers be provided from Timergara and Buner jails. This included daily prison transfers from both Buner and Timergara. A proposal was sent to the Deputy Commissioner's office in this regard.

The Deputy Commissioner's representative informed the CJCC that it would not be possible to run daily transfers from Buner and Timergara, rather prisoners would be transferred for trial hearings 2 days a week from Buner and 5 days a week from Timergara.

### **3. Specific Case – Prisoner suffering from possible Mental Health Issues**

A specific case of a mentally unwell prisoner was also raised before the CJCC. The trial court judge submitted that as per his understanding the accused was fit and therefore the case be continued. However, one of the other members, in a subsequent meeting, raised the issue that the accused presented a risk to both himself and other prisoners. In light of this, the Chairperson directed that the accused be transferred to Peshawar for a thorough mental health examination.

### **4. Case file presentation policy in bails**

The CJCC also made efforts to ensure that case files in pre-arrest and post-arrest bails are deposited with the concerned courts a day before the scheduled hearing in order to prevent any delay on account of non-production of case files.

### **5. Police-Prosecutor Coordination**

The CJCC discussed the issue of prosecutors asking police officials to visit their offices to discuss problems with the investigation of cases. It was decided that such concerns would be routed through appropriate offices and direct summoning be discouraged as it was effecting the performance of police officials.

## **IX. EVALUATION**

### **A. Role of Institutions**

Member institutions have generally been supportive of the Criminal Justice Coordination Committee. In interviews conducted with the members of the CJCC, all respondents except one deemed the CJCC to be an effective forum where issues regarding their respective institutions were being addressed and resolved.

The analysis of primary and secondary data made it clear that a large number of issues pertain to investigation of cases. Therefore, the role of the SP Investigation and the input of his department in the running of the CJCC in both districts was found to be crucial.

Unlike Peshawar, the SP Investigation in Swat performs his secretarial duties diligently. Moreover, the SP Investigation and the District Police Officer in Swat actively used the forum provided by the CJCC to resolve issues relating to the refusal of medical staff to conduct post-mortem examinations in Tehsils of Swat.

The District Police Officer in Swat attended 9 of the 11 meetings held whereas the DPO in Peshawar attended only 4 out of the 9 meetings of the CJCC in person. In two of the meetings in Peshawar, the DPO was not represented by anyone at the CJCC whereas he was represented by the SSP (Operations) in three meetings. As mentioned earlier, matters pertaining to investigation were communicated mainly with the SP Investigation in both the Districts. In

Peshawar, the DPO and the SSP Operations were mainly communicated concerns pertaining to the security of the judicial complex and issues concerning the performance of the process servers.

The Superintendent Jail in Peshawar mainly communicated his concerns regarding the health of inmates. In the presence of officials of the Health Department, he actively urged the CJCC to arrange for more doctor visits and vaccinations for the inmates. Moreover, the Superintendent Jail regularly submitted details of under-trial prisoners, particularly those who were juveniles or those who were imprisoned solely due to their inability to pay diyat or fines awarded against them at the time of their sentence. Upon perusal of the minutes and responses received from the interviews, it was observed that the Superintendent Jail did not address the issue of overcrowding of prisons at the CJCC meetings. These concerns could have been communicated directly to the stakeholders present in the CJCC meetings as delays in trials, due to the inefficiencies of Investigating Officers, Prosecutors, Defence Counsels and Judges, leads to a large number of under-trial prisoners and overcrowded prisons.

The Probation Department seems to have an active role in the CJCC meetings in Swat. From a perusal of the minutes and interviews of the respondents, it becomes apparent that different issues concerning probation are brought up frequently by the Probation Officer. This helps the Probation Department to stay relevant in meetings in which the conversation is dominated by issues pertaining to the police and prosecution. However, in Peshawar, the situation

seems different. Even though the minutes of the Peshawar meetings repeatedly state that cases fit for probation need to be given priority, no progress is ever reflected over time in these minutes. Moreover, interviews of the Respondents made it clear that Probation is not a priority in the CJCC meetings and sometimes concerns of the Probation officers are not recorded in the minutes of the meetings.

The District Public Prosecutors in both Swat and Peshawar seem very content with the CJCC meetings. Both the Prosecutors claimed that issues pertaining to the Prosecution department are heard and addressed in these meetings. Particularly, issues pertaining to delayed submission of Challan by the Police are taken up repeatedly in CJCC meetings. Moreover, the DPP is repeatedly urged to direct his department to properly scrutinize Challans and coordinate actively with Investigating Officers for higher conviction rates. This seems to have borne some fruit particularly in Swat where conviction rates are very high which the DPP and SP Investigation attribute to a good working relationship between the two departments.

The District Parole Officer has been continuously absent from the CJCC due to no invitations to attend in Peshawar and due to a vacant position in Swat. The government of Khyber Pakhtunkhwa has only recently started granting parole again due to the efforts of the Directorate of Reclamation and Probation. It is important that issues of access to eligible prisoners, monitoring and release are brought up and discussed in the CJCC. A failure to incorporate

parole in the CJCC only serves to weaken a power vested in the executive by law.

## **B. Role of the District and Sessions Judge as Chairman**

The role of the District and Sessions Judge as the Chairman of the Criminal Justice Coordination Committee has had its benefits and costs.

In Swat, for example, discussions and deliberations have become more focused and reliant on evidence after June 2015. The Chairperson also ensured that each member institution was fulfilling their statutory role in the committee. These actions are representative of successful leadership wherein members are trusted to work efficiently and effectively, creating a natural institutional buy-in. Institutions exercising power, in the form of granting and fulfilment of responsibilities are likely to feel vested in the project, thus increasing positive outcomes for the criminal justice sector.

The District and Sessions Judge, using his authority as the chief adjudicator of the District, can ensure the presence of all the members of the CJCC and give direction to the agenda of the meetings. Due to the authority that he holds in the District, the DSJ can ensure that the members of the CJCC implement policies and measures agreed upon in the meeting.

However, a disadvantage of the authority that the DSJ holds in the CJCC is that the issues and grievances of other members pertaining to the judiciary, particularly in relation to delays in trials, are rarely brought up in these



meetings. Consequently, a major player in the Criminal Justice Sector is immune from criticism and accountability relating to his or her own performance.

### **C. Achievements**

- All respondents agreed that the CJCC operated as a ‘jirga’ of sorts: a consultative gathering of elders who attended the meeting not with the intention of placing the blame on others but to reconcile differences and work towards solutions. This is a significant departure from the prevalent mistrust that existed between different criminal justice actors and one which was signified by weak investigations and prosecutions.
- The CJCC has also been able to function as an inclusive institution, welcoming government functionaries who may not have statutory membership of the committee, but perform functions ancillary yet critical to the criminal justice system. Attendance of representatives of Forestry department, Commissioner’s office, treasury officials, health officials, child protection officers, representatives of the district bar, as well as welfare organizations has meant that the CJCC has been taking a holistic approach to solving problems prevalent in their districts as opposed to a limited one-directional approach. The invitation system has thus become effective and the fact that non-members are willing to attend and contribute to meetings displays a degree of faith in the institution.

- The CJCC can also be said to be working towards a more welfare-oriented approach. This is extrapolated from policy decisions taken to ensure trials work without delays and doctors and medical officials have increased access to the prisons.
- The respondents in Swat were unequivocal that the Criminal Justice Coordination Committee is an effective institution and the establishment of the CJCC has provided different actors of the criminal justice sector a shared forum for discussion, deliberation and coordination. Only 1 respondent out of 6 said that the tenor of the meeting could be made more conducive and that he felt issues raised by him were not taken very seriously. The 4 other respondents believed that the meetings were open, honest and allowed for healthy discussions.
- Better coordination between these actors, coupled with on-going reform and a general will to improve the criminal justice system in Swat, has led to extremely high conviction rates of between 80% to 90%. While these cannot be directly credited to the functioning of the CJCC, better coordination provides positive outcomes in investigations and trials.
- As an example of increased cooperation and coordination the District Public Prosecutor informed us that prosecutors were always available to help investigating officers with investigations. The SP Investigations and DPO also stated that the police and prosecutors worked closely to secure the ends of justice.

- The CJCC's in the reviewed districts also revealed a turn towards research and policy. The directions of the CJCC to calculate prisoner transport costs in order to make a more persuasive case for rebuilding the district prison in Swat are exactly the type of projects that the committee must delve into to solve problems at a structural level. Similarly, the CJCC's direction to the probation officer in Swat to review cases in which probation ought to have been granted but was not, can lead to informed policy making and directions for judicial officers.

#### **D. Challenges**

- 95% of the respondents were of the opinion that the CJCC faces no significant challenges and was performing its functions in a satisfactory manner. However, there exist broader strategic issues that the CJCC should be dealing with that the members seemingly did not prioritize.
- The recurrence and re-emergence of (the same) issues in the CJCC every few months is the foremost challenge in increasing the effectiveness of the committee. Recurrence of issues represents the deployment of stopgap arrangements in place of sustained institutional reform. This also prevents the CJCC from taking up new issues for deliberation and discussion, as the committee never truly resolves certain on-going issues. Delayed submission of challans, presentation of witnesses, and security of the judicial complex remain issues that continue to come up for discussion repeatedly.

- A significant challenge in making the CJCC more effective is the lack of capacity of the committee independent of its members. The CJCC presently has no staff and no research officers or tools at its disposal. As an institution empowered to form local policies that can make the criminal justice system more effective, the lack of support systems means that the CJCC cannot conduct any evidence-based research nor can it make evidence-based policies. Whilst it is true that policy making in Pakistan is rarely evidence-based, the proximity of the CJCC and the access it has as an institution means it is well placed to become the torchbearer in evidence-based policy making.
- It was also noted that the tasks of agenda setting and preparing minutes of meetings were being done by the judicial staff, possibly on behalf of the District Session Judge, Peshawar instead of the Head of Investigations of the district. It is important that each member of the committee realize and fulfil their obligations as per the scheme set out in the law. A failure to do so diminished the capacity and effectiveness of the CJCC.
- Understaffing (in Swat) and lack of understanding of the (complete) role of the CJCC have meant that all members have not attended the committee meetings as set out in the Police Order. The district of Swat is functioning without a Parole Officer (whose need is further diminished by a lack of a functional prison in the district) while the CJCC in Peshawar does not invite the Parole Officer. Interviews revealed that some members believe parole to be an executive function, and therefore, not requiring attendance before the CJCC. This approach is problematic as the purpose of the committee is to bring

members of the judicial and executive arm of the state together for increased coordination.

- Whilst, the CJCC has made substantial efforts to reduce delays in trials, their efforts are limited to ensure the availability of witnesses, evidence, judicial officers and the like. The CJCC is unable to ensure the presence of defence counsels at hearings, the absence of which is a key factor in delay. In this regard, the CJCC has invited the president of the District Bar Association to these meetings to discuss this crucial aspect of delay. However, the efficacy of this effort is still to be determined.

## **E. Comparative Analysis**

The CJCC was introduced in Pakistan more than a decade ago. As evidenced through the case studies of Swat and Peshawar, the passing of the Police Order led to the formation and growth of functioning CJCCs that attempt to synthesize reform by bringing together various stakeholders from the criminal justice system.

At a preliminary glance, it may seem like the root causes that catalysed the conceptualization and creation of the CJCC differ in the west in comparison to Pakistan. In the United States these committees were mostly born out of a need to resolve the overcrowding of jails. Conversely, in Pakistan the Police Order 2002 induced the creation of these committees stemming from an urgent need to foster the need for a system of checks and balances on the police force. However, a deeper analysis of both root causes shows that a Band-Aid

solution to deeply systemic problems in a multi-faceted criminal justice system begs for vertical and horizontal communication and inter-agency dialogue. Additionally, both problems are inwardly the same and demand a thorough self-analysis of the criminal justice system.

Whilst the evolution of the western models of CJCCs have attempted to remedy their initially gradual efforts by including all relevant players from the executive and judicial arm, it is observed that there is a clear need for us in Pakistan to follow suit as well. In contrast to the western case studies, it has been observed in Pakistan that the ethos of the CJCC at this stage, albeit only 13 years old is not evolving as fast as required.

The western model has illustrated how the creation of subcommittees successfully aided in tackling issue-specific problems. In doing so, the subcommittees systemically focused on resolving issues with only the relevant key players involved. Although the attendees to Pakistani CJCCs are great in number, perhaps a more funnelled approach, which would not require the attendance of all members in the subcommittees, could be implemented. In line with this, American CJCCs have clearly benefited from a dedicated support staff that helps streamline such administrative requirements, and there is a clear case that Pakistan could too. In turn, conducting training workshops for the support staff and members of the CJCCs becomes essential for a sustainable and evolving growth in mandate.

Another polarity evident, which will hopefully be remedied with time as it did in the US, is the overtly administrative mandate of the Pakistani CJCC. From the observations made through the agenda items made available in the case studies, it is clear that at present, recurring issues pertain to the attendance of witnesses and service of notices tasks that require police prosecution coordination. Perhaps we could borrow from the western model and consciously try to rope in provincial actors which would automatically incubate a necessary partnership on a district to provincial tier as it takes place in a county-state tier in the States. An illustration of how this would improve the effectiveness of the CJCC in Pakistan and foster substantive change is the issue of Forestry cases in Swat. No progress was reported on the pending 6000 cases related to forestry because the problem was not communicated properly to the provincial government responsible for notifying judges. Thus, the CJCC can definitely profit from a less static model and evolve to establish beneficial district to provincial partnerships. Discourse on and contribution to on-going legislative changes and parliamentary debates could also be beneficial in this respect.

Admittedly, these changes will only take place with time. However, it is clear that a mature and effective CJCC can only actualize through constant introspection. CJCCs observed in the counties and states of the US are not perfect and have failed or succeeded based on the factors mentioned above. A glaring problem encountered by countless CJCCs in America and Pakistan is being ill equipped with the proper tools to effectively tackle recurring issues. The solution to this is only this: to create a solid organizational framework that

is vested with the necessary powers to actually tackle issues head on. Data management and dedicated research, along with commitment from the executive arm of the state has been observed as bringing about increased coordination and effectiveness.



## X. RECOMMENDATIONS

Since most of the stakeholders expressed satisfaction with how the CJCC works, drastic changes in the functioning of the CJCC are not advisable. However, the following are our recommendations to make the CJCC a more robust, responsive and effective forum to address the problems plaguing the criminal justice system:

- Hiring of support staff for the Criminal Justice Coordination Committee. Most of the stakeholders agreed that a support staff dedicated exclusively to the CJCC would enable the Committee to work in a more streamlined manner. It would allow information to be shared between the stakeholders promptly. Moreover, the support staff can also be utilized for research and collation of data pertaining to the different issues that arise in the CJCC meetings. This will enable the stakeholders to rely on evidence-based research.
- Identifying specialized topics, particularly those that are deemed to be recurring issues in a District, which can be delegated to sub-committees that report to the CJCC. The District and Sessions Judge, in consultation with other members of the Committee, can form these sub-committees. The membership of a particular sub-committee can be dependent on the issue that has to be addressed. For instance, if the health of prisoners in a particular District Jail is a recurring theme demanding attention, a sub-committee comprising Prison Officials and representatives of the Health Department can be formed to resolve issues such as streamlining Doctors' visits, availability of vaccinations for the prisoners etc. Such sub-committees would help in quicker and efficient

resolution of issues that are brought up repeatedly in the monthly meetings of the CJCC.

- An introduction of an integrated data system that includes real time data and progress pertaining to all the institutions represented at the CJCC. Regular reports, pertaining to these institutions, can be generated using this data to make more informed policy decisions and effectively address the problems that affect the criminal justice system in that district.
- Efforts should be made to introduce timelines and expectations (of and from members) to address recurring problems that arise in CJCC meetings. The goals and expectations set in these timelines should be realistic with the aim to overcome these problems in the medium-long term.
- Efforts should be made to limit the number of non-members present at the CJCC meetings. From a perusal of the minutes, it was observed that some of the meetings were heavily attended with various representatives of a single institution present. In order to effectively conduct the meetings within the given time frame, it is recommended that not more than one individual from a particular institution/department should be present.
- Increased presence of an office holder of the District Bar Association. By interviewing the stakeholders and from a perusal of the minutes of the meetings, it was concluded that the absence of defense counsels at hearings was a major factor contributing to delay in trials. Representation from the

local bar association may create impetus to reduce delay on account of counsel not being represented.

- Regular trainings should be imparted to the members of the CJCC for their capacity building. The members should be trained regarding the main purpose and functions of the CJCC in order to ensure conceptual clarity of its power and functions. Additional follow up training on how there can be increased coordination and effective information sharing within the Committee.
- Contribution of all the stakeholders to the setting of the agenda should be required. During the interviews, it was found that the agenda was primarily set by the Chairperson while issues relating to the other members were primarily brought up during the meeting. If feedback is taken from all the institutions prior to the setting of the agenda, the CJCC meeting could be more effective with a more focused approach.
- A problem-solving approach to agenda settings needs to be introduced. It was found that broad agendas were set for the CJCC meetings leading to repetition in discussions that were held. A more organized approach intended to solve the various issues that come up needs to be introduced.
- Minutes should be accurately recorded. It was found that representatives of various departments were present as per the attendance recorded at these meetings. However, their presence was not reflected in the minutes of the meetings. Moreover, a particular member stated that his problems and

suggestions were rarely reflected in these minutes. Therefore, an accurate record of the minutes would be beneficial for all the stakeholders involved.

- The attendance and participation of all offices statutorily obligated to attend the CJCC meetings should be invited and urged to attend to meetings. Perhaps premature at this point but the CJCC can also potentially benefit from citizen participation.

## **XI. CONCLUSION**

The Criminal Justice Coordination Committees are an important addition to the scheme of administrative units working towards the improvement of the criminal justice system in Pakistan. They offer a unique opportunity to allow members of the executive and judiciary to work together, in an informal setting, towards making policies that address local challenges.

Whilst true that policy making in Khyber Pakhtunkhwa remains a top-down prerogative, these committees offer a two-fold opportunity to improving the criminal justice system: (a) the formulation and implementation of policy matters left to the discretion of districts and (b) the conceptualization and execution of evidence-led research that can feed into provincial institutions responsible for broader policy making.

The former function is one that is currently being executed by the CJCC in the reviewed districts while the latter is still nascent. However, the CJCC has substantially proved its usefulness in the criminal justice scheme of the state and it is only by addressing the challenges faced by the committee that it can be made more effective.

With all members of the CJCC showing an extremely high degree of satisfaction in its functioning, the need is to tweak the CJCC instead of considering any overhaul.

## Questionnaire (A) for Research on Criminal Justice Coordination Committee – Chairperson

Interviewee Name: \_\_\_\_\_  
Date: \_\_\_\_\_ Position: \_\_\_\_\_

Assalam-u-Alaikum. Thank you for agreeing to meet me. My name is \_\_\_\_\_ and I am conducting research on the Criminal Justice Coordination Committee on behalf of the Khyber Pakhtunkhwa Judicial Academy. As you are no doubt aware, you are an ex-officio member of the Criminal Justice Coordination Committee of \_\_\_\_\_ District. We have a few questions on the purpose, performance and challenges faced by these Committees and we feel your input can be extremely valuable in making recommendations that makes these committees more effective.

Please feel free to give in-depth answers.

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1. How long have you held your current post?
2. How many meetings of the Criminal Justice Coordination Committee have you chaired?
3. Were you also chairing CJCC meetings at your previous posting? How many meetings did you chair then?
4. Do you prepare for CJCC meetings by getting feedback from officers from your department that report to you? How often? Are these internal meetings formally called or is there an open-door policy?
5. Normally, how many days prior to a meeting do you send out intimations?
6. Do you face any scheduling conflicts with the CJCC meetings?

7. How do you resolve them?
  
8. Do you communicate meeting agendas before the CJCC meeting? Along with the meeting intimation or afterwards?
  
9. Do you send out requests for identifying issues that participants want to raise at the CJCC meetings prior to these meetings? As part of the meeting intimation or otherwise?
  
10. Do members raise issues at meetings or communicate the same to the you before the meeting?
  
11. Does the CJCC have sufficient staff support?
  
12. How soon after the meeting are the minutes shared by you?
  
13. Do you share the minutes internally within your department?
  
14. Can you tell me about 3 issues that you identified for discussion before the CJCC on behalf of your department?
  
15. Can you tell me any 5 issues from memory that have been raised before the CJCC, by any of its members, during the times that you have been attending meetings?

16. How often are raised issues resolved at the same meeting?
17. On average, how many meetings does it take to resolve a raised issue?
18. Does the CJCC have a follow-up mechanism on decisions reached during the meeting? What is the mechanism?
19. How are unresolved issues dealt with?
20. Are unresolved issues taken up in subsequent meetings?
21. In your opinion, what is the purpose of the CJCC?
22. What type of 'coordinated policies and plans' is the CJCC is empowered to make? Can you give an example?
23. What are your expectations when you attend a CJCC meeting?
24. Do you believe there are any stakeholders missing or not a part of the CJCC?  
Who?
25. Do you believe the current discussions at the CJCC are constructive to the administration of criminal justice to the district?



26. Can you tell us of a direct benefit to your department that originated from the CJCC?
27. What type of discussions would you want to see in the CJCC? Can you provide an example?
28. What can be done to improve the functioning and performance of the CJCC?
29. What do you believe is the biggest challenge in making the CJCC more effective?
30. Do you believe the tenor of the meeting is conducive to open discussion?
31. Do you feel you are, in any way, at a disadvantage when compared to others attending the meeting?
32. Do you believe any members are at a disadvantage?
33. Identify one major problem in the functioning of the CJCC.
34. Identify one major success achieved through the functioning of the CJCC.
35. Have you attended any training to improve the capacity of CJCC?

Thank you for your time. Your answers have been insightful and most instructive for our research. If you would be interested, we can share the findings and the final report with your office at the conclusion of this research project.

## Questionnaire (B) for Research on Criminal Justice Coordination Committee – Member

Interviewee: \_\_\_\_\_ Name: \_\_\_\_\_  
Date: \_\_\_\_\_ Position: \_\_\_\_\_

Assalam-u-Alaikum. Thank you for agreeing to meet me. My name is \_\_\_\_\_ and I am conducting research on the Criminal Justice Coordination Committee on behalf of the Khyber Pakhtunkhwa Judicial Academy. As you are no doubt aware, you are an ex-officio member of the Criminal Justice Coordination Committee of \_\_\_\_\_ District. We have a few questions on the purpose, performance and challenges faced by these Committees and we feel your input can be extremely valuable in making recommendations that makes these committees more effective.

Please feel free to give in-depth answers.

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1. How long have you held your current post?
2. How many meetings of the Criminal Justice Coordination Committee have you attended?
3. Were you also attending CJCC meetings at your previous posting? How many meetings did you attend then?
4. Do you prepare for CJCC meetings by getting feedback from officers from your department that report to you? How often? Are meetings formally called or is there an open-door policy?
5. Normally, how many days prior to a meeting are you intimated of it?
6. Do you face any scheduling conflicts with the CJCC meetings?

7. How do you resolve them?
  
8. Is the agenda of the meeting communicated to you before the meeting? Along with the meeting intimation or afterwards?
  
9. Do you receive any requests for identifying issues you would want to raise at the meetings prior to these meetings? As part of the meeting intimation or otherwise?
  
10. Do you raise issues at meetings or communicate the same to the Chairperson before the meeting?
  
11. Does the CJCC have sufficient staff support?
  
12. How soon after the meeting are the minutes shared with you?
  
13. Do you share the minutes internally within your department?
  
14. Can you tell me about 3 issues that you identified for discussion before the CJCC on behalf of your department?
  
15. Can you tell me any 5 issues from memory that have been raised before the CJCC, by any of its members, during the times that you have been attending meetings?

16. How often are raised issues resolved at the same meeting?
17. On average, how many meetings does it take to resolve a raised issue?
18. Does the CJCC have a follow-up mechanism on decisions reached during the meeting? What is the mechanism?
19. How are unresolved issues dealt with?
20. Are unresolved issues taken up in subsequent meetings?
21. In your opinion, what is the purpose of the CJCC?
22. What type of 'coordinated policies and plans' is the CJCC is empowered to make? Can you give an example?
23. What are your expectations when you attend a CJCC meeting?
24. Do you believe there are any stakeholders missing or not a part of the CJCC?  
Who?
25. Do you believe the current discussions at the CJCC are constructive to the administration of criminal justice to the district?

26. Can you tell us of a direct benefit to your department that originated from the CJCC?
27. What type of discussions would you want to see in the CJCC? Can you provide an example?
28. What can be done to improve the functioning and performance of the CJCC?
29. What do you believe is the biggest challenge in making the CJCC more effective?
30. Do you believe the tenor of the meeting is conducive to open discussion?
31. Do you feel you are, in any way, at a disadvantage when compared to others attending the meeting?
32. Identify one major problem in the functioning of the CJCC.
33. Identify one major success achieved through or by the CJCC.
34. Have you attended any training to improve the capacity of CJCC?

Thank you for your time. Your answers have been insightful and most instructive for our research. If you would be interested, we can share the findings and the final report with your office at the conclusion of this research project.

## Questionnaire (C) for Research on Criminal Justice Coordination Committee – Secretary

Interviewee: \_\_\_\_\_ Name: \_\_\_\_\_  
Date: \_\_\_\_\_ Position: \_\_\_\_\_

Assalam-u-Alaikum. Thank you for agreeing to meet me. My name is \_\_\_\_\_ and I am conducting research on the Criminal Justice Coordination Committee on behalf of the Khyber Pakhtunkhwa Judicial Academy. As you are no doubt aware, you are an ex-officio member of the Criminal Justice Coordination Committee of \_\_\_\_\_ District. We have a few questions on the purpose, performance and challenges faced by these Committees and we feel your input can be extremely valuable in making recommendations that makes these committees more effective.

Please feel free to give in-depth answers.

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1. How long have you held your current post?
2. How many meetings of the Criminal Justice Coordination Committee have you attended as Secretary?
3. Were you also the Secretary for CJCC meetings at your previous posting? How many meetings did you attend as Secretary?
4. Do you prepare for CJCC meetings by getting feedback from officers from your department that report to you? How often? Are these internal meetings formally called or is there an open-door policy?
5. As Secretary, do you send out intimations for the holding for the meeting or some other office?

6. How many days before the meeting do you normally send out/receive intimations?
7. Do you face any scheduling conflicts with the CJCC meetings?
8. How do you resolve them?
9. Are you communicated meeting agendas before the CJCC meeting? Along with the meeting intimation or afterwards?
10. Do you send out requests for identifying issues that participants want to raise at the CJCC meetings prior to these meetings? As part of the meeting intimation or otherwise?
11. Do members raise issues at meetings or communicate the same to the you or the Chair before the meeting?
12. Does the CJCC have sufficient staff support?
13. How soon after the meeting are the minutes shared by you?
14. How soon after the meeting do you share the minutes with the Chair? Does the Chair have to approve them?

15. Do you share the minutes internally within your department?
  
16. Can you tell me about 3 issues that you identified for discussion before the CJCC on behalf of your department?
  
17. Can you tell me any 5 issues from memory that have been raised before the CJCC, by any of its members, during the times that you have been attending meetings?
  
18. How often are raised issues resolved at the same meeting?
  
19. On average, how many meetings does it take to resolve a raised issue?
  
20. Does the CJCC have a follow-up mechanism on decisions reached during the meeting? What is the mechanism?
  
21. How are unresolved issues dealt with?
  
22. Are unresolved issues taken up in subsequent meetings?
  
23. In your opinion, what is the purpose of the CJCC?
  
24. What type of 'coordinated policies and plans' is the CJCC is empowered to make? Can you give an example?
  
25. What are your expectations when you attend a CJCC meeting?



26. Do you believe there are any stakeholders missing or not a part of the CJCC?  
Who?
27. Do you believe the current discussions at the CJCC are constructive to the administration of criminal justice to the district?
28. Can you tell us of a direct benefit to your department that originated from the CJCC?
29. What type of discussions would you want to see in the CJCC? Can you provide an example?
30. What can be done to improve the functioning and performance of the CJCC?
31. What do you believe is the biggest challenge in making the CJCC more effective?
32. Do you believe the tenor of the meeting is conducive to open discussion?
33. Do you feel you are, in any way, at a disadvantage when compared to others attending the meeting?
34. Do you believe any members are at a disadvantage?
35. Identify one major problem in the functioning of the CJCC.

36. Identify one major success achieved through the functioning of the CJCC.

37. Have you attended any training to improve the capacity of CJCC?

Thank you for your time. Your answers have been insightful and most instructive for our research. If you would be interested, we can share the findings and the final report with your office at the conclusion of this research project.

## Questionnaire (D) for Research on Criminal Justice Coordination Committee – Others

Interviewee: \_\_\_\_\_ Name: \_\_\_\_\_  
Date: \_\_\_\_\_ Position: \_\_\_\_\_

Assalam-u-Alaikum. Thank you for agreeing to meet me. My name is \_\_\_\_\_ and I am conducting research on the Criminal Justice Coordination Committee on behalf of the Khyber Pakhtunkhwa Judicial Academy. Relying on your extensive experience of working in the criminal justice sector in Khyber Pakhtunkhwa and Pakistan, we have a few questions on the purpose, performance and challenges faced by these Committees and we feel your input can be extremely valuable in making recommendations that makes these committees more effective.

Please feel free to give in-depth answers.

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1. How long have you held your current post?
2. The Police Order 2002 calls for the establishment of Criminal Justice Coordination Committees in every district. What role do you believe the CJCC plays in working towards the improvement of the criminal justice system?
3. Were the CJCC's preceded by anybody or committee that served a similar purpose?
4. What do you envisage the CJCC's role as? What is the purpose of CJCC's?
5. What type of 'coordinated policies and plans' is the CJCC is empowered to make? Can you give an example?

6. Do you believe there are any stakeholders missing or not a part of the CJCC?  
Who?
  
7. Does the CJCC have sufficient staff support?
  
8. Do you believe the current system of CJCC's is constructive to the administration of criminal justice to the district?
  
9. What type of discussions should we be seeing in the CJCC? Can you provide an example?
  
10. What can be done to improve the functioning and performance of the CJCC?
  
11. What do you believe is the biggest challenge in making the CJCC more effective?
  
12. If in your knowledge, identify one major problem in the functioning of the CJCC.
  
13. If in your knowledge, identify one major success achieved through or by the CJCC.
  
14. Do you believe trainings should be conducted for CJCC participants to increase efficiency, capacity and effectiveness?

Thank you for your time. Your answers have been insightful and most instructive for our research. If you would be interested, we can share the findings and the final report with your office at the conclusion of this study.

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