

**ACUERDOS BILATERALES/ BILATERAL AGREEMENT/
ACORDOS BILATERAIS/ACCORDS BILATERAUX**

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Nombre del Acuerdo:
Name of the agreement: Memorandum of understanding and technical assistance between the
General Secretariat of the Organization of American States and
Government of Jamaica for the creation and promotion of model-
Courts supervised treatment alternatives to incarceration

Nom de l'accord:

Nom de l'accord:

Nome do Acordo:

Materia:
Subject: Expansion and consolidation of a Program on Drug Treatment Courts
model that will enable the model to be institutionalized in Jamaica

Materia:

Partes:
Parties involved: GS/ Jamaica
Parties:
Partes:

Referencia:
Reference: Jamaica
Référence:
Referência:

Fecha de Firma:
Signature Date: August 14, 2013.
Date de la signature:
Data de Assinatura:

Fecha de Inicio:
Start Date:
Date du commencement:
Data de Início:

Fecha de Terminación:
End Date:
Date de résiliation :
Data de Rescisão :

Lugar de Firma:
Place of Signature: Kingston, Jamaica; Washington, D.C.
Lieu de la signature:
Lugar de assinatura:

Unidad Encargada:
Unit in Charge: Executive Secretariat of CICAD
Unité responsable:
Unidade Encarregada:

Persona Encargada:
Person in Charge:
Personne responsable:
Pessoa Encarregada:

Cierre del proceso:
Closure of proceedings:
Clôture des procédures:
Fechamento do processo:

Notas adicionales/Additional notes/Notes supplémentaires/Notas adicionais:

ORGANIZATION OF AMERICAN STATES (OAS)



INTER-AMERICAN DRUG ABUSE CONTROL COMMISSION

cicad

**MEMORANDUM OF UNDERSTANDING ON TECHNICAL ASSISTANCE BETWEEN
THE GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN STATES,
THROUGH THE EXECUTIVE SECRETARIAT OF THE INTER-AMERICAN DRUG
ABUSE CONTROL COMMISSION OF THE SECRETARIAT FOR
MULTIDIMENSIONAL SECURITY, AND THE GOVERNMENT OF JAMAICA,
THROUGH THE MINISTRY OF JUSTICE, FOR THE EXPANSION, CONSOLIDATION
AND PROMOTION OF MODELS OF COURT-SUPERVISED TREATMENT
ALTERNATIVES TO INCARCERATION (INCLUDING DRUG TREATMENT COURTS
FOR DRUG-DEPENDENT OFFENDERS) IN JAMAICA**

MEMORANDUM OF UNDERSTANDING ON TECHNICAL ASSISTANCE BETWEEN THE GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN STATES, THROUGH THE EXECUTIVE SECRETARIAT OF THE INTER-AMERICAN DRUG ABUSE CONTROL COMMISSION OF THE SECRETARIAT FOR MULTIDIMENSIONAL SECURITY, AND THE GOVERNMENT OF JAMAICA - THROUGH THE MINISTRY OF JUSTICE, FOR THE EXPANSION, CONSOLIDATION AND PROMOTION OF MODELS OF COURT-SUPERVISED TREATMENT ALTERNATIVES TO INCARCERATION (INCLUDING DRUG TREATMENT COURTS FOR DRUG-DEPENDENT OFFENDERS) IN JAMAICA

The Parties, the General Secretariat of the Organization of American States ("GS/OAS"), a public international organization headquartered in Washington, D.C. U.S.A, through its Executive Secretariat of the Inter-American Drug Abuse Control Commission ("ES/CICAD") of the Secretariat for Multidimensional Security ("SMS/OAS"), and the other party, the Government of Jamaica, through the Ministry of Justice, (hereinafter "the Parties"), have agreed to sign the present Memorandum of Understanding on Technical Assistance (the "Memorandum") for the expansion, consolidation and promotion of models of court-supervised treatment alternatives to incarceration (including drug treatment courts for drug-dependent offenders ("DTCs") in Jamaica.

Under this international cooperation Memorandum, it is understood that the National Council on Drug Abuse (NCDA), the entity that represents Jamaica in CICAD, will serve as the institutional link for the activities to be carried out in coordination with the other parties involved in executing this activity, in particular the Ministry of Health, the Ministry of Justice and their relevant Departments and Agencies.

The GS/OAS is the central and permanent organ of the Organization of American States and is authorized to carry out relations of cooperation in accordance with Article 112(h) of the Charter and OAS General Assembly Resolution AG/RES. 57 (I-O/71).

Background

During the forty-eighth regular session of CICAD, held in Washington, D.C. in December 2010, ES/CICAD presented to the member states the programme on Drug Treatment Courts (DTCs) for the Americas. During that meeting, and subsequently at the fiftieth regular session of CICAD (Buenos Aires, November 2011), Jamaica was one of the countries that stated its interest in participating in this programme.

During 2011-2012, prior to the signature of the present Memorandum, ES/CICAD carried out a number of preparatory technical assistance and support activities. See Annex I for details.

The outcome of this sequence of activities and events is the signature of this Memorandum, which will facilitate the strengthening and consolidation of the DTCs in the Jamaica. For this purpose, the present Memorandum sets out the actions that will be taken in 2013-2014, along with a parallel process in the country, which will be accompanied by technical assistance from ES/CICAD as detailed below (Article 3. Commitments by ES/CICAD) in the present Memorandum.

Wherefore, in order to cooperate in the expansion, consolidation and promotion of models of court-supervised treatment alternatives to incarceration, including DTCs for drug-dependent offenders, in Jamaica, the Parties agree to enter into the present Memorandum:

Article 1. Purpose

The purpose of the present Memorandum is to agree on the technical assistance that ES/CICAD will provide for the expansion and consolidation of the DTC model that will enable the model to be institutionalized in Jamaica.

Article 2. Plan of Activities

2.1. Setting in place the human resources needed for the coordination, management, execution and evaluation of the project. This activity includes, inter alia:

- Formation of an Executive Committee
- Selection of a DTC project Coordinator in the country
- Selection of a Judge to lead the DTC project in the country
- Selection of the multidisciplinary team

2.2. In the Justice sector, review and validation of:

- The work plan design
- The needs assessment (judicial component)
- The legal and administrative framework
- The feasibility study (court component)
- The eligibility criteria
- The action protocols
- The training plan
- The referral process

- 2.3. In the Health sector review and validation of :
 - The work plan design
 - The needs assessment (health component)
 - The eligibility criteria
 - The action protocols
 - The training plan
 - The organisation of treatment services
- 2.4. With regard to the aftercare and re-entry of the person into society and follow-up on cases:
 - Formation of an interagency task force
- 2.5. Creation of a model for scientific evaluation of DTC in the country
 - Formation of an Evaluation Committee
 - DTC evaluation manual
 - Documenting the model
 - External evaluation (operational aspects and outcomes)
- 2.6. Human resources training and professional exchange visits
 - Curriculum development, production, selection and publication of training materials
 - Face-to-face training
 - Carrying out a programme of professional exchange visits
- 2.7. Development of an action plan for carrying out the various stages of implementation of the pilot projects
- 2.8. Expand and consolidate the DTC programme in Jamaica.

Article 3. Commitments undertaken by ES/CICAD

3.1. Provide technical assistance, depending on the limits and specific provisions set by the funds contributed to ES/CICAD for the programme on drug treatment courts in the Americas. ES/CICAD will provide technical assistance to the NCDA, and through it, to the other participating institutions, for at least the first two years of project execution (2012-2014), and specifically, to provide technical assistance on, *inter alia*:

- Cooperate with the Executive Committee in reviewing the action plan to expand and consolidate the DTC model in the country.
- Review and validate of the work plans designs for the court and health teams
- Review and validate the eligibility criteria
- Creation of a database (treatment services for the DTC)
- Design and execution of a plan for monitoring and scientific evaluation
- Review of action protocols (including roles, pre-court meetings, documents to be used, and forms)

- Design and carry out a training plan
 - Introduce a strategy for the social integration of the person, and follow-up on cases
- 3.2. Conduct ongoing follow-up of progress in the execution of the project on DTCs for the Americas in Jamaica.
- 3.3. Together with the NCD, and through it, with the other participating institutions, develop a system for the monitoring and scientific evaluation of the model, to produce local evidence on its efficacy. The monitoring and evaluation will cover both the outcomes and operational details of the model. For this purpose:
- An Evaluation Committee will be formed, consisting of a professional team that shall include, at a minimum: ES/CICAD (Institution-Building and The Inter-American Observatory on Drugs (OID), and the task force on evaluation), NCD (through the observatory on drugs), and a university or research center. A university or external research center approved by this Committee will be responsible for conducting an outside scientific evaluation of the project.
 - Through the Inter-American Observatory on Drugs (OID) and the Institution-Building Section, supply an evaluation manual to serve as a reference guide for conducting the evaluation in Jamaica.
 - Foster a capacity for observing and documenting which methodological approaches are successful or not in implementing the model in the country.
- 3.4. Offer training and professional exchange visits with other specific countries on application of this model, including:
- Production, selection and publication of training materials for the development and execution of this initiative.
 - Training in person, on-line or blended for the teams that are working in the programme with at least two sessions of comprehensive multidisciplinary training in 2013 and 2014 (at least until April 2014).
 - Development and carrying out of programmes of professional exchange visits, which, on a horizontal basis, will foster an exchange of know-how and good practices with countries that already have such a model (such as Canada, and the United States).
- 3.5. Conduct awareness activities for the various institutions, the media and public opinion that will help foster a better understanding of the model.
- 3.6. Provide Additional Assistance
- In the form of:
- Drug Test Kits and Specimen Containers

- Computer Hardware and software
- Training equipment necessary for the proper functioning of the Drug Court Programme

Article 4. Commitments by the NCDA

4.1. The NCDA, as the liaison with the other institutions making up the Executive Committee in the country, undertakes with the support of the Ministry of Health and the Ministry of Justice along with their relevant Departments and Agencies to facilitate the provision of the financial, human and material resources needed for the expansion, strengthening and consolidation of the DTC programme, as described in the present Memorandum under existing budgetary allocations.

4.2. Human resources needed:

- Formation of an Executive Committee: Appointment of an Executive Committee that should include representatives of all branches of Government, and State agencies and institutions, whether from the central government or local governments, should be involved in decision-making on this programme.
- Selection of a DTC Programme Coordinator in the country.
- Selection of a Judge who will lead the process of starting the DTC project in the country. It is recommended that a second judge be appointed as an alternate to handle those cases for which the principal judge is not available. Experience in countries where a single judge has been appointed shows that there is a high risk that the programme will not be sustainable and that follow-up cannot be assured.
- Selection of the multidisciplinary team that will execute the programme in the country. The team shall consist of at least: two judges, a Public Prosecutor, a defense lawyer, a probation officer, an individual responsible for treatment services, an administrator/coordinator, and a police officer.

4.3. The Justice/Court system will review and validate:

- The work plan design for the court team.
- Needs Assessment (court/judicial component), to include existing needs: Description of the human and material resources needed for: expansion and consolidation in , 2013 and beyond.
- Selection of the courts in which the expansion and consolidation of the programme will be carried out.

- The eligibility criteria (criteria for selection of candidates for the programme). Number of candidates per year, type of eligible crimes, individual profile, laws covering this eligibility.
- The action protocols (roles, preliminary hearings, documents, forms)
- The design of a training plan for Jamaica, to follow up on the technical assistance received from ES/CICAD in the different areas described in Article 3., Commitments of ES/CICAD.

4.4. The health sector will review and validate:

- The work plan design for the health team.
- Needs Assessment (health component), including existing needs: Description of the human and material resources needed for: expansion and consolidation phases, 2013 and beyond.
- The eligibility criteria (criteria for selection of candidates for the programme). Number of candidates per year, drug(s) used, profile of the individual.(See details in Article 5., Timetable of Activities)
- The action protocols (role, documents to be used, forms, assessment and clinical diagnosis, tests, including, *inter alia*, urinalysis).
- The design of a training plan for Jamaica to follow up on the technical assistance received from ES/CICAD in the various areas described in the Article on the Commitments of ES/CICAD.
- Treatment services: The Executive Committee shall use as a reference guide the standards for quality of care applied in each country (if pertinent, refer to the regulations or orders). It will be important, among other points, to define: type of service offered (outpatient, residential, accessibility, availability) professional team, and location.

4.5 Social reintegration issues

- Formation of an interagency task force involving the Ministries of Justice, Health, Labor, Housing, National Security, Education, Youth and Culture, Tourism, and other related agencies, to assure a system and protocol for the social integration of drug-dependent offenders.

4.6 Monitoring and scientific evaluation of the model:

- Cooperate with ES/CICAD in forming an Evaluation Committee, consisting of a professional team that shall include at least: ES/CICAD, NCD, and a university or research center. A university or research center approved by this

Committee will be responsible for conducting an outside scientific evaluation of the project.

- Ensure that a DTC evaluation manual is used in the country. For this purpose, ES/CICAD will provide the NCDA with an evaluation manual that could serve as a reference for use in Jamaica.
- Document the model. Foster a capacity for observing and documenting which methodological approaches are successful or not in implementing the model in Jamaica

4.7 Stages of implementation of the programme(s):

- Updating the action plan. An initial meeting will be held between the Executive Committee and the ES/CICAD project manager to review and finalize the details of the action plan of the DTC model in Jamaica.
- Initial action plan: Expand the programme to at least five locations (three (3) new) before the end of the 2013/2014 fiscal year (April 2014).
- Consolidation and expansion: In 2013 and beyond (see details in the proposed timetable), the model will be consolidated, the work will be evaluated, and other DTCs will be started. Drug Treatment courts for juvenile offenders may be started.

4.8 Participation in training activities and exchange visits promoted by ES/CICAD

- Cooperate with ES/CICAD in organizing training activities in the country in order to maximize resources.
- Selection and participation of suitable qualified representatives in activities for which ES/CICAD invites participation (seminars, workshops, exchange visits).

Article 5. Timetable of Activities

The activities listed below and the order in which they are carried out may be amended by the agreement of the Parties. The initial action plan, which should be set out in detail as a consequence of the signature of the present Memorandum, calls for the following initial timetable:

- Review and signature of the present Memorandum, and of the activities and timetable, by July 30, 2013;
- Formation of teams and committees (as per the activities described in the present Memorandum), to be completed before July 30, 2013;
- Training of other teams, and development of protocols, by the end of 2013/2014 fiscal year;
- Launch at least three (3) new DTCs before the end of 2013/14 fiscal year;
- Ongoing monitoring, mid-term reports every six months;

- Technical assistance during 2013 and 2014;
- Treatment for the first cohort of admissions, before February 2014;
- Training and exchange visits to other countries, during 2013 and 2014;
- Follow-up on cases and admission of successive cohorts, during 2014;
- Evaluation of outcomes, before the end of 2014;
- Graduation of subsequent cohorts, 2014 and onwards;
- Consolidation and official launch of the programme by July 30, 2013; and
- Impact evaluation, 2014-2015.

Article 6. Identification and implementation of programmes, projects, and/or joint activities

6.1. After the signing of this Memorandum, the Parties will develop work programmes in relation to the subject matter of this Agreement.

6.2. Once the Parties have determined what programmes, projects and/or activities are to be implemented and the corresponding authorizations and funds have been obtained, the Parties shall conclude a supplementary agreement, memorandum of understanding or exchange of letters containing the applicable conditions for each programme, project and/or activity. Each such supplementary agreement, memorandum of understanding or exchange of letters shall be signed by the duly authorized representatives of the parties and should specify in detail, the following:

- The agreed-upon programme, project and/or activity;
- The objectives sought;
- The dependencies of each of the Parties that will execute the programme, project and/or activity;
- The work plan: stages, planning and chronology of development;
- The budget and the human and material resources required by the programme, project and/or activity, specifying the financial responsibilities and contributions of each Party (indicating the nature and the amount), the schedule of the contributions and, as required, the property of the material resources that are acquired; and
- A provision relating to the coordination, notification and follow-up of the programme, project and/or activity.

Article 7. Financial Provisions:

Without prejudice to what the Parties may provide in the supplementary agreements, memoranda of understanding and/or exchange of letters entered into pursuant to this Memorandum for the joint implementation of programmes, projects and/or activities, this Memorandum in and of itself does not create obligations of a financial nature for either of the Parties.

Article 8. Coordination and Notifications:

8.1. Within the GS/OAS, the dependency responsible for coordinating GS/OAS activities under this Memorandum is the Inter-American Drug Abuse Control

Commission (CICAD), Secretariat for Multidimensional Security of the Organization of American States (OAS). Notifications and communications should be directed to the Coordinator at the following street address, fax and electronic mail:

General Secretariat of the OAS
Inter-American Drug Abuse Control Commission (CICAD),
Secretariat for Multidimensional Security
1889 F Street, N.W.
Washington, D.C. 20006
United States of America
Tel.: (1-202) 370-4622
Fax: (1-202) 458-3658
Electronic Mail; psimons@oas.org

- 8.2. The Agency responsible within Jamaica for coordinating the activities of Drug Treatment Courts under this Memorandum is The National Council on Drug Abuse. Notifications and communications should be directed to the Coordinator at the following street address, fax and electronic mail:

Executive Director
National Council on Drug Abuse
2 - 6 Melmac Avenue,
Kingston 5. Jamaica, W.I.
Telephone: 876 926-9002-4
Fax: 876 960-1820
Email: mtucker@ncda.org.jm

- 8.3. All communications and notifications under this Memorandum will be validly made only when they are sent by mail, facsimile, or electronic mail addressed to the Coordinators whose names are set out in Articles 8.1 and 8.2, above. When the communications and notifications are transmitted by electronic mail, they shall be valid when they are sent directly from the electronic address of the Coordinator of one of the Parties to the electronic address of the Coordinator of the other.
- 8.4. Either Party may change the responsible Agency, the designated Coordinator, the address, telephone, fax or electronic mail indicated by notifying the other Party in writing.

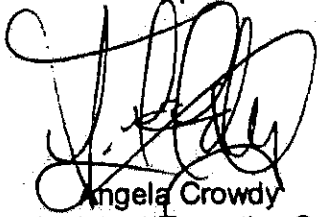
Article 9. Privileges and Immunities

- 9.1. Nothing in this Memorandum constitutes an expressed or implied waiver of the privileges and immunities of the OAS, the GS/OAS, their personnel, and their assets, in accordance with the OAS Charter, relevant agreements, applicable national law, or the general principles and practices of international law.

Article 10. Dispute Resolution and General Provisions

- 10.1. Any dispute or complaint that may arise in conjunction with the application or interpretation of this Memorandum, or supplementary agreements, memoranda of understanding or exchange of letters pursuant to Article 6 , above, shall be settled by direct negotiations between the Parties. If a solution satisfactory to both Parties cannot be reached, then the Parties shall submit their differences to arbitration pursuant to the Arbitration Rules of the United Nations Commission on International Trade Law ("UNCITRAL") or of the Inter-American Commercial Arbitration Commission ("IACAC") currently in effect. The place of arbitration shall be Washington D.C, U.S.A. The language in the proceedings shall be English unless the Parties agree otherwise. The three arbitrators or, as the case may be, the one arbitrator shall decide the dispute as amiable compositeur or *ex aequo et bono*. The arbitrator's decision shall be final, binding and not subject to appeal.
- 10.2 Modifications to this Memorandum may only be made by mutual agreement in writing by the duly authorized representatives of the Parties. The instruments in which the modifications are set out shall be attached as annexes to this Memorandum and shall form part of it.
- 10.3. This Memorandum shall enter into force upon signature by the duly authorized representatives of the Parties and shall remain in force in accordance with article 10.4.
- 10.4 This Memorandum may be terminated by mutual consent or by either of the Parties by written notice from one to the other with not less than thirty days notice. Notwithstanding the termination of this Memorandum, the supplementary agreements, memoranda of understanding and letters referred to in Article 6 that the Parties have signed and that have been duly financed shall be continued to completion unless the Parties mutually decide otherwise. The provisions of the Memorandum shall, however, remain in force beyond the date of such termination to the extent necessary to permit orderly and reasonable completion of activities hereunder.
- 10.5 The Parties agree that all decisions and negotiations shall be carried out on a strictly confidential basis and any statements (either written or oral) to be made in relation to the existence of the negotiations between the Parties shall be subject always to written agreement by the other Party.
- 10.6 The Parties agree not to do any act, engage in any activity or otherwise, to impair the objectives of the Programmes under this Memorandum. Each Party agrees to seek prior written approval of the other Party before entering into any agreement which could create a conflict as described herein.

IN WITNESS WHEREOF, the undersigned, being duly authorized, have signed this Memorandum in duplicate on the date and at the place indicated below:



Angela Crowdy
Acting Assistant Executive Secretary
Inter-American Drug Abuse Control
Commission (CICAD)



Senator the Hon. Mark Golding
Minister
Minister of Justice

Date.....
Location: Washington, D.C.

Date... August 14, 2013.....
Location: Kingston, Jamaica

ANNEX I

ACTIVITIES BEING CARRIED OUT DURING 2010-2012 UNDER THE DRUG TREATMENT COURT PROGRAMME FOR THE AMERICAS IN COOPERATION WITH JAMAICA.

During 2011-2012, prior to the signature of the present Memorandum, ES/CICAD carried out a number of preparatory technical assistance and support activities, among them:

- December 2010: The Government of Jamaica adhered to the DTC programme for the Americas coordinated by ES/CICAD.
- February 2011: The NCDA, in cooperation with ES/CICAD, and the Judiciary, organized a DTC training in Montego Bay, Jamaica. The training was funded by ES/CICAD, in cooperation with the General Secretariat of CARICOM, the NCDA, and other institutions from Jamaica.
- July 2011: The Chief Justice of Jamaica leads a delegation from Jamaica to participate in the NADCP Annual Conference (National Association of Drug Court Professionals), Washington D.C.
- October 2011: ES/CICAD, in cooperation with the National Drug Council of Trinidad and Tobago, and, together with a team of Judges from the Canadian Association of Drug Treatment Court Professionals (CADTCP), and some experts from the US and Jamaica, organized a Training Session in Port of Spain to train more than 50 professionals towards the creation of DTCs in the Caribbean.
- November 2011: The Chief Justice of Jamaica presents the outcomes and importance of DTCs during CICAD 50 Regular Session in Buenos Aires, Argentina.
- January 2012: ES/CICAD financed the participation of Jamaican experts in a workshop on monitoring and evaluation of DTCs.
- March 2012: A complete team: from the health (treatment providers) and judicial fields (judges, prosecutors, defense attorneys), as well as police officers and members from the national drug commission, participated in the Study Visit and Exchange Programme for the Caribbean organized by ES/CICAD, and CADTCP. Toronto, Canada.
- March 2011 - July 2012: Sixteen monthly internal meetings were held in Jamaica to discuss this DTC expansion programme
- September 2012 to April 2013: Several experts and professionals from the DTC system in Jamaica cooperated with CICAD in expanding the model to other OAS member states
- May 2013: Meeting between SE-CICAD with Minister of Justice, Minister of Health, Chief Justice of Jamaica, as well as other Jamaica authorities to discuss final details about this MOU prior to signature. Justice Kofi Barnes from the Ontario Supreme Court of Canada also attended.



17th St. & Constitution Avenue N.W.
Washington, D.C. 20006
United States of America

Organization of American States

P. 202.458.3000
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**DELEGATION OF AUTHORITY FOR SIGNATURE OF A
MEMORANDUM OF UNDERSTANDING BETWEEN THE GENERAL SECRETARIAT
OF THE ORGANIZATION OF AMERICAN STATES, THROUGH THE EXECUTIVE
SECRETARIAT OF THE INTER-AMERICAN DRUG ABUSE CONTROL
COMMISSION (CICAD) OF THE SECRETARIAT FOR MULTIDIMENSIONAL
SECURITY, AND THE GOVERNMENT OF JAMAICA, THROUGH THE MINISTRY
OF NATIONAL SECURITY**

I, Alfonso Quiñonez, Secretary for External Relations of the Organization of American States (OAS), hereby delegate to Angela Crowdy, Acting Assistant Executive Secretary of the Inter-American Drug Abuse Control Commission (CICAD), authority to sign on behalf of the General Secretariat of the OAS, the above-noted Memorandum of Understanding with the Government of Jamaica.

This delegation of authority expires on August 20th, 2013

A handwritten signature in black ink, appearing to read "Alfonso Quiñonez", written over a horizontal line.

Alfonso Quiñonez
Secretary for External Relations
Organization of American States, In charge
of GS-OAS

Washington, DC, August , 2013